



# COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

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**A C T**

Of 21 October 2011,

## **On Residence of Foreigners and Amendment and Supplementation of Certain Acts**

National Council of the Slovak Republic has adopted the following Act:

### **Section I**

#### **PART ONE BASIC PROVISIONS**

##### **Article 1 Subject Matter**

- (1) This Act shall regulate the
- a) scope of the police force activities for the provision of border control) of the Slovak Republic borders (thereinafter referred to as the “border control”) and in the area of the residence of foreigners in the Slovak Republic territory (thereinafter referred to as the “residence”);
  - b) scope of activities of public authorities in the area of visas;
  - c) conditions for the entry of foreigners into the Slovak Republic territory (thereinafter referred to as the “entry”) and conditions for the exit of the Slovak Republic territory (thereinafter referred to as “exit”) which have not been amended in a special regulation or international treaty) which is binding for the Slovak Republic (thereinafter referred to as the “international treaty”);
  - d) conditions of residence;
  - e) issuing documents for foreigners;
  - f) evidence of persons and residence control;
  - g) administrative expulsion and entry ban;
  - h) detention of third country nationals and placement into facilities;
  - i) police transport of third country nationals through the Slovak Republic territory (thereinafter referred to as the “police transport”) and police escort of third country nationals from the Slovak Republic territory (thereinafter referred to as the “police escort”);
  - j) air transit of third country nationals through the Slovak Republic territory thereinafter referred to as the “air transit”);
  - k) rights and duties of persons during border control and during residence;
  - l) offences and other administrative delicts at the department of border and residence control.

(2) This Act also applies for the foreigners who applied for the granting of asylum or for the provision of subsidiary protection in the Slovak Republic territory (thereinafter referred to as the “application for granting asylum”) who were granted asylum in the Slovak Republic territory, who were granted subsidiary protection in the Slovak Republic territory, who applied for the provision of temporary shelter in the Slovak Republic territory or who were granted temporary shelter in the Slovak Republic, unless provided otherwise by a special regulation ).

## **Article 2** **Basic Provisions**

(1) For the purposes of this Act,

- a) assisted voluntary return shall be understood as the return of a third country national into his/her country of origin, recent place of residence or any third country into which the third country national decided to return and which accepts him/her; and which is provided by the International Organisation for Migration or other non-governmental organisation on the basis of an agreement with the Slovak Republic government;
- b) proximity of the external border shall be understood as the Slovak Republic territory within the distance of 5km from the external border;4)
- c) member state shall be understood as the member state of the European Union, apart from the Slovak Republic, other state which is a contract party of the Treaty on the European Economic Area and Swiss Confederation; for the purposes of Art. 30 and Art. 51 to 57 the member state shall be understood only as the member state of the European Union, apart from the Slovak Republic;
- d) host entity shall be understood as the employer, to whom the employee is transferred within the same employer group, regardless of its legal form, having its registered Office in the territory of the Slovak Republic or a member state;
- e) air transit shall be understood as the transit of a third country national, and accompanied, if necessary, through the premises of a public airport in the Slovak Republic territory for the purpose of his/her air transport into the country of destination;
- f) mobility shall be understood as transfer
  - 1/ of a third country national from the territory of a member state to the Slovak Republic territory during a valid residence in the territory of a member state, carrying out the same purpose of residence in the Slovak Republic territory as in the territory of the member state, or
  - 2/ of a third country national from the Slovak Republic territory to a member state territory during a valid residence in the Slovak Republic territory, carrying out the same purpose of residence in the territory of the member state as in the Slovak Republic territory;
- g) national visa shall be understood as the permission granted by the Slovak Republic which authorises for the stay in the Slovak Republic territory;
- h) unauthorised residence shall be understood as a stay of a foreigner in the Slovak Republic territory in violation of an act, a special regulation or an international treaty;2)
- i) unauthorised crossing of an internal border shall be understood as the entry or exit of a person through the internal border during provisional renewal of the border control at the internal border outside the approved border crossing point, through the border crossing point outside defined working hours or while it is closed;
- j) unauthorised crossing of an external border shall be understood as the entry or exit of a person through the external border outside border crossing point; through the border crossing point outside defined working hours or while it is closed; unless such an entry or exit is allowed by an international treaty, this Act or a special regulation; 5)

- k) continuous residence shall be understood as the period of residence on the basis of an issued residence permit which starts to elapse on the date of entry; whereas the continuous residence shall not include the term of any imprisonment and continuous stay of the foreigner abroad for the period of more than 180 days, unless provided otherwise herein;
- l) threat to state security shall be understood as the action of a person who threatens democratic order, sovereignty, territorial cohesion or inviolability of state borders; or the action of a person who violates the fundamental rights and freedoms which protect the lives and health of persons, property and environment;
- m) threat to public order shall be understood as the violation or threat to the interest protected by law regarding fundamental human rights and freedoms, protection of minors and other vulnerable persons or repeated violation of an interest protected by law regarding due exercise of public administration, environment, public order or citizen coexistence;
- n) valid travel document shall be understood as a passport or other public document, if acknowledged as a travel document by the Slovak Republic, valid, enabling unambiguous identification of its holder, with untouched integrity and undamaged so that the included records are illegible;
- o) border transport shall be understood as the transport of persons via international bus line which operates within the area up to 50 kilometres from the external land border;
- p) border area of the external border shall be understood as the Slovak Republic territory up to the distance of 50 kilometres from the external border;
- q) Schengen visa shall be understood as the uniform visa, visa with limited territorial validity and airport transit visa; 6)
- r) marriage of convenience shall be understood as the marriage concluded exclusively with the purpose of a third country national to obtain residence or marriage concluded exclusively in order to apply the rights for residence of a family member of the Union national;
- s) intra-corporate transfer shall be understood as temporary secondment, for more than 90 days, for occupational or training purposes, of a third country national who at the time of submitting the application for the award of temporary residence stays outside the territory of the Slovak Republic and the member states, by an employer with its registered Office outside the territory of the Slovak Republic and the member states, to which the third- country national is bound by a work contract prior to and during the transfer, to the same employer or to an employer within the same group of employers with its registered Office in the Slovak Republic;
- t) facility shall be understood as the place where a third country national is placed on the basis of a detention decision as defined herein.

(2) A foreigner shall be understood as everybody who is not the state citizen of the Slovak Republic. 7)

(3) A Union citizen is understood as everybody who is not the state citizen of the Slovak Republic and who is the citizen of another member state.

(4) A third country national is everybody who is neither the state citizen of the Slovak Republic nor the Union citizen; a third country national is also understood as a person without any citizenship.

(5) A family member of the Union citizen is understood as the third country national who is

- a) his/her spouse;
- b) his/her child younger than 21 years of age, his/her dependent child and dependent children of his/her spouse;
- c) his/her dependent direct relative in descending or ascending line and such a person of his/her spouse;

- d) any other family member to whom par. (a) to (c) do not apply and he/she is a dependent person in the country of his/her origin;
- e) any other family member to whom par. (a) to (c) do not apply and he/she is the member of his/her household;
- f) any other family member to whom par. (a) to (c) do not apply and he/she depends on his/her care due to serious health reasons;
- g) his/her partner with whom the Union citizen is in a permanent, duly certified relationship;
- h) a third country national with the right of residence in the same member state in which the Union citizen has the right of residence, and the Union citizen is a Slovak Republic national with whom the third country national returns or whom he/she joins to reside with back in the Slovak Republic territory and fulfils some of the conditions specified in (a) to (g) in connection with the Slovak Republic national;

(6) A third country national who is not required to have visa shall be the third country national who is not subject to visa duty according to a special regulation<sup>8)</sup> whose stay in the Slovak Republic territory is authorised on the basis of a valid document on residence issued according to this Act or on the basis of residence permit<sup>9)</sup> or if provided by an international treaty.

(7) A vulnerable person is especially a minor, a disabled person, a victim of trafficking in human beings a person older than 65 years, a pregnant woman, a single parent with an under-age child and a person subjected to torture, rape or other serious forms of psychical, physical or sexual violence; in justified cases even a person younger than 65 years may be considered to be an “older person”.

(8) A persona non grata is a foreigner who was imposed an entry ban, who was expelled, <sup>10)</sup> who was given a notification for the purpose of entry refusal <sup>11)</sup> or if provided by a special regulation. <sup>12)</sup>

(9) An accommodation provider is a legal entity or natural person – entrepreneur who provides accommodation on the basis of a contract on accommodation.

## **PART TWO**

### **BORDER CONTROL, ENTRY AND EXIT THROUGH EXTERNAL BORDER**

#### **TITLE ONE EXTERNAL BORDER**

##### **Article 3**

##### **External Border Control**

Border control at the external border shall be provided by the police force department (thereinafter referred to as the “police department”) on the basis of an act, a special regulation <sup>13)</sup> or an international treaty <sup>14)</sup> at the border crossing point, close to the external border and close to the external border area.

##### **Article 4**

##### **Border Crossing Point**

- (1) A border crossing point at the external border shall be the
- a) place specified by an international treaty for the entry and exit, for the transit of transportation means and for the transport of goods through the external border;
  - b) public airport which was granted a permission for the operation of flights into third countries or

flights from third countries according to a special regulation<sup>15</sup>) (hereinafter referred to as the “international airport”).

(2) A third country according to par. 1(b) shall be understood as the state which does not apply the provisions of a special regulation on the abolition of control of internal borders.<sup>16</sup>)

#### **Article 5**

##### **Conditions of Crossing External Border**

(1) The conditions of crossing external border which have not been defined herein are specified in a special regulation<sup>17</sup>) or international treaty.<sup>18</sup>)

(2) An external border may be crossed outside a border crossing point, only if defined by an international treaty<sup>18</sup>) or on the basis of a permission issued by the Ministry of Interior of the Slovak Republic (hereinafter referred to as the “Ministry of Interior”) according to a special regulation,<sup>19</sup>) if the permission for the crossing of persons and goods through the customs border outside customs crossing point is not subject to the competent customs body according to special regulation.<sup>5</sup>)

#### **Article 6**

(1) A third country national younger than 16 years of age who is not the holder of a travel document may only cross an external border accompanied by a person in whose travel document he/she is entered; if such a person is subject to visa obligation, a third country national younger than 16 years of age must have a separate visa granted in such a travel document.

(2) A third country national, when crossing an external border at the border crossing point, shall be obliged to demonstrate financial resources<sup>20</sup>) necessary to cover the costs related to his/her residence in the Slovak Republic territory.

(3) The Ministry of Interior shall, in accordance with a special regulation,<sup>21</sup>) issue a general statute in order to define the amount of financial resources necessary to cover the costs related to the residence of a third country national in the Slovak Republic territory.

(4) The Ministry of Interior is competent to permit entry to a third country national who does not fulfil one or several conditions for the entry in accordance with a special regulation,<sup>21a</sup>).

#### **Article 7**

##### **Special Conditions of Entry of Union Citizens and Family Members of Union Citizens**

(1) A family member of a Union citizen may enter the Slovak Republic territory, if he/she is accompanied by the Union citizen or if he/she travels in order to join the Union citizen; this shall not apply, if the family member of the Union citizen has the right of residence as the family member of the Union citizen in some of the members states.

(2) The right of entry shall be demonstrated by a Union citizen by means of submitting a document or in another trustworthy way in which he/she duly demonstrates his/her identity and citizenship in a member state. The family member of the Union citizen shall demonstrate the right of entry by submitting a document or in another trustworthy way in which he/she duly demonstrates his/her identity and family relationship with the Union citizen. A person who declares that he/she is a Union citizen or a family member of a Union citizen is allowed by the police department to demonstrate these facts in a trustworthy way within due period of time.

(3) A family member of a Union citizen who is subject to visa obligation<sup>22</sup>) shall submit a valid visa at the entry; this shall not apply, if he/she submits a valid document of residence of a family member

of a Union citizen or a document of residence according to special regulation.<sup>9)</sup>

(4) A police department shall grant visa at the border crossing point to a family member of a Union citizen who is subject to visa obligation who does not have required visa at the entry through the external border, if he/she has demonstrated in a trustworthy way that the right according to par. 1 applies to him/her. The visa at the border crossing point shall be immediately granted by the police department.

(5) If a family member of a Union citizen who is subject to visa obligation does not have any passport at the entry, the police department shall grant him/her visa on a separate sheet of paper.

(6) A Union citizen may exit the Slovak Republic territory through the external border only with a valid identity card or valid travel document. A family member of a Union citizen may exit the Slovak Republic territory through the external border only with a valid travel document.

### **Article 8**

#### **Border Check**

(1) Border check<sup>23)</sup> shall be performed by a member of police force (thereinafter referred to as the “police officer”).

(2) If the police officer discovers during border check that a foreigner has submitted a false or counterfeit travel document, other false or counterfeit documents allowing crossing of the external border or a false or counterfeit residence permit, the police officer shall be allowed to withhold such a document. The police officer may also withhold a travel document, another document allowing crossing of the external border or a residence permit issued for another person and presented by the foreigner as their own, or if it was declared by the public authority that issued it as invalid or stolen. The police officer shall issue a confirmation about withheld document for such a foreigner.

(3) A police department is allowed to additionally enter data about time and place of entry through the external border into a travel document of a third country national, if such a third country national has refuted the assumption about the failure to fulfil the conditions of residence length due to a missing stamp in the travel document at the entry through the external border according to special regulation.<sup>24)</sup>

### **Article 9**

#### **Border Surveillance**

When performing border surveillance,<sup>25)</sup> a police officer is allowed, apart from the privileges according to a special regulation,<sup>26)</sup> within the necessary scope, to

- a) enter and drive into the land parcels close to the external border;
- b) forbid a person entry to a specific place situated close to the external border;
- c) enter and drive into the land parcels close to the external border area, when performing investigation of persons suspicious of committing a crime or an offence related to border control.

### **Article 10**

#### **Technical Devices**

(1) A police department is allowed, when performing border control in the area close to the external border, to place and use technical devices and equipment intended for border control, which identify and document unauthorised external border crossing or prevent unauthorised external border crossing (thereinafter referred to as the “technical device”).

(2) A police department shall, prior to the placing of a technical device, notify this fact in writing to the owner, administrator or user of the land parcel (hereinafter referred to as the “land owner”); whereas the written notification shall at the same time include an instruction about his/her rights and duties due to the placing of the technical device.

(3) A police department is allowed, if necessary for the fulfilment of tasks related to the performance of border control and if the placement of a technical device cannot be delayed, to place the technical device even without prior notification of this fact to the land owner; following to the placement of such a technical device the police department shall proceed according to par. 2 without any delay.

(4) A police department shall take care of the rights of the land owner during the placement of the technical device.

(5) A technical device, if its nature allows this, shall be labelled: “State property, destruction, damage or unauthorised removal to be punished by law”.

(6) When placing a technical device close to the external border area, there is no requirement for the labelling of such a monitored area according to a special regulation.<sup>27)</sup>

### **Article 11**

#### **Entry and Exit Refusal for Union Citizen and Family Member of Union Citizen**

(1) A police department at a border crossing point may refuse entry through an external border for a Union citizen or a family member of a Union citizen only in such a case, if there is a justified suspicion that he/she would threaten the state security/public order in a serious way, or if it is necessary for the protection of public health.

(2) A decision on the refusal of entry for a Union citizen or a family member of a Union citizen due to the threat to the state security or public order must be based exclusively on personal behaviour of such a person, whereas such personal behaviour must represent an immediate and sufficiently serious threat to the state security or public order. Criminal offences committed in the past by a Union citizen or by a family member of a Union citizen are not, without any connection with a justified suspicion of a serious threat to state security or public order, a reason for entry refusal.

(3) When deciding about the entry refusal for Union citizen or family member of Union citizen, the police department shall consider every case individually. The reasons for entry refusal specified in par. 1 must not be used for economic purposes. Evaluation of the threat to the state security or public order in entry refusal for Union citizen or family member of Union citizen must not be based on general prevention.

(4) Prior to the issue of a decision on the refusal of entry due to a threat to the state security or public order, a police officer is allowed to take fingerprints from a Union citizen or family member of Union citizen and make a record.

(5) An appeal against the decision on the refusal of entry according to par. 1 does not have any suspensive effect.

(6) A police department shall refuse the exit through the external border to a Union citizen unless he/she identifies himself/herself by a valid identity card or valid travel document, or to a family member of a Union citizen, unless he/she identifies himself/herself by a valid travel document.

(7) A police department shall refuse the exit through the external border to a Union citizen or a family member of a Union citizen if there is a reasonable suspicion that he/she would attend a combat or other activity abroad in favour of an organised armed group or if it is necessary to protect the rights and freedoms of others.

**Article 12**  
**Entry Refusal for Third Country National**

(1) A police department at the border crossing point shall be entitled to refuse entry for a third country national according to a special regulation.<sup>28)</sup>

(2) Entry cannot be refused to a third country national if

- a) he/she has residence granted in the Slovak Republic territory;
- b) he/she applied for the granting of asylum during the border check;
- c) he/she has asylum granted in the Slovak Republic territory or has subsidiary protection granted in the Slovak Republic territory;
- d) he/she applied for the granting of temporary shelter in the Slovak Republic territory;
- e) he/she was granted temporary shelter in the Slovak Republic territory;
- f) he/she was granted temporary residence according to Art. 23 par. 5, Art.24 par. 1 (b) or Art. 26 and applied mobility in the territory of the member state which had asked the Ministry of Interior for its acceptance in the Slovak Republic territory,
- g) he/she is a family member of a third country national according to (f), who was granted temporary residence according to Art. 27 and applied the right for family reunification in the territory of a member state which had asked the Ministry of Interior for its acceptance in the Slovak Republic territory, or
- h) he/she was issued a foreigner's travel document according to a special regulation.<sup>30)</sup>

**TITLE TWO**  
**INTERNAL BORDERS**

**Article 13**  
**Internal Border Control**

(1) The Slovak Republic government may, in accordance with a special regulation,<sup>31)</sup> statutory order, determine that the border control at the internal borders is temporarily renewed, to such an extent and in such a way which corresponds with the respective situation.

(2) During temporary renewal of border control at the internal borders the provisions of this Act which define border control at the external border shall be appropriately applied.

**TITLE THREE**  
**VISA**

**Article 14**  
**Schengen Visa**

(1) The characteristic of Schengen visa and conditions of their granting which have not been defined herein are included in a special regulation.<sup>32)</sup>

(2) A family member of a Union citizen shall be granted Schengen visa.

**Article 15**  
**National Visa**

(1) A third country national may be granted a national visa, if



- a) it is necessary in relation with the granting a residence permit in the Slovak Republic;
- b) he/she is older than 15 years and is accepted for language education at a language school<sup>32a)</sup> in the extent of minimum 25 lessons per week,
- c) it is necessary in order to fulfil the obligations of the Slovak Republic following from international treaties or
- d) it is in the interest of the Slovak Republic.

(2) A family member of a foreigner who was granted asylum or subsidiary protection as stated in a special regulation,<sup>33)</sup> shall be granted a national visa, if he/she does not threaten the state security or public order.

(3) A national visa shall be granted for residence longer than three months, maximum one year. National visa may be granted

- a) for 90 days and if a national visa is to be granted according to par. 1 (a),
- b) for the duration of the language education at a language school, maximum until 31. July of the relevant school term,
- a) for the time necessary if a national visa is to be granted according to par. 2.

## **Article 16**

### **Proceedings on Granting of Schengen Visa**

(1) The granting of Schengen visa may be conditioned by an invitation certified by a police department.

(2) A diplomatic mission or consular office <sup>34)</sup> of the Slovak Republic abroad (hereinafter referred to as the „consulates”) may grant Schengen visa only after a prior consentient statement of the Ministry of Interior; the Ministry of Interior and the Ministry of Foreign and European Affairs of the Slovak Republic (hereinafter referred to as the “Ministry of Foreign Affairs”) may agree in which cases the consulate may issue Schengen visa without a statement of the Ministry of Interior. The Ministry of Interior shall provide its statement to issuing a Schengen visa also to a diplomatic mission or a consular office of another state as part of consultations according to a special regulation.<sup>35)</sup> If an application for issuing a Schengen visa is approved, the decision shall not be issued; a visa sticker shall be issued instead.

(3) The third country national applying for issuing a Schengen visa for the purpose of seasonal work, <sup>35a)</sup> shall submit

- a) written commitment of the employer for the acceptance of the third country national into employment, containing the details of the work contract or the work contract as a document proving the purpose of the travel,
- b) employment permit,
- c) document proving health insurance,
- d) document proving accommodation.

(4) Based on the documents according to par. 3, a consulate shall assess whether or not the third country national applying for the granting of Schengen visa for the purpose of seasonal work, will be dependent on the system of assistance in material need during his/her stay in the territory of the Slovak Republic.

(5) A consulate shall be entitled to determine the border crossing point for an entry of a third country national which is to be entered in Schengen visa.

(6) A consulate shall reject an application for the granting of Schengen visa for the purpose of seasonal

employment also if

- a) the third country national fails to submit the documents according to par. 3;
- b) it is found that the document submitted with the application was obtained by fraud or was counterfeit, or
- c) it is found, based on assessment according to par. 4 that the third country national, during his/her stay in the territory of the Slovak Republic, would be depending on the system of assistance in material need.

(7) The decision by which an application for the granting of Schengen visa was refused or the decision by which granted Schengen visa was cancelled or revoked shall be issued in the state language; if requested by a third country national, it shall be also issued in the language as specified by a representing body or police department.

(8) A consulate may refuse an application for the granting of Schengen visa from a family member of a Union citizen only then if

- a) he/she fails to identify him/herself and family relationship to the Union citizen on the basis of submitted documents or in another trustworthy way; or
- b) he/she represents a serious threat to the state security, public order or public health.

(9) A consulate or police department may, according to a special regulation,<sup>36)</sup> cancel or revoke Schengen visa. Schengen visa of a family member of a Union citizen may be only cancelled or revoked for the reason according to par. 8(b).

(10) A third country national may appeal against the decision on the refusal of the application for the granting of the Schengen visa, on cancelling or revoking granted Schengen visa. The appeal is filed by the third country national at the administration body which has issued the decision within the period of 15 days from the date of decision receipt and in the case of a family member of a Union citizen, within the period of 30 days from the date of decision receipt. If the decision on the refusal of the application for the granting of Schengen visa could not have been delivered to the third country national, the period for the filing of an appeal starts to elapse on the date which follows after 90 days from the date of filing of the visa application. If the decision on cancelling or revoking granted Schengen visa could not have been delivered to the third country national within 90 days, it shall be delivered by means of a public notice for the period of 15 days on the official board of the administration body which has issued the decision.

(11) An appeal against the decision by which the application for the granting of Schengen visa was refused or against the decision by which the granted Schengen visa was cancelled or revoked shall not have any suspensive effect. The appeal must contain the data about the person who has filed it, why he/she considers the decision as wrong and in conflict with legal regulations. The appeal and written documentation regarding the appeal shall be submitted by the applicant in the state language.

(12) A consulate may decide on the appeal, if it fully approves the appeal. If the consulate fails to decide about the appeal, it shall be sent within five days from its delivery to the Ministry of Foreign Affairs which shall decide about the appeal. The Ministry of Foreign Affairs shall review the correspondence between the reasons of the decision of the representing body with the reasons defined in this Act or in a special regulation.<sup>32)</sup> If the reason of the decision by which the application for the granting of Schengen visa was refused, or decision by which granted Schengen visa was cancelled or revoked, was a different statement of the Ministry of Interior, the Ministry of Foreign Affairs may request again the statement of the Ministry of Interior as a part of a new evaluation of reasons.

(13) A written decision on the appeal shall be delivered to the applicant within 60 days from the date of the filing of the appeal. The decision shall be prepared in the state language and delivered to the applicant via a consulate. The decision which will not be deliverable to a third country national within 90 days shall be delivered by means of a public notice for the period of 15 days on the official board of the consulate.

(14) A general regulation on administrative procedure<sup>37)</sup> shall not apply to the proceeding on the appeal against the decision which was issued by the consulate; this shall not apply, if it concerns a family member of the Union citizen.

(15) An evaluation of the decision on the appeal by the court shall be excluded; this does not apply, if this is a decision on the application of a family member of a Union citizen.

(16) The Ministry of Interior may extend the validity of Schengen visa due to the reasons according to a special regulation.<sup>38)</sup>

(17) The granting of Schengen visa representing another state and the granting of Schengen visa represented by another state is regulated in a special regulation.<sup>39)</sup>

(18) A family member of a Union citizen shall be obliged to submit, together with an application for Schengen visa, a valid travel document, a document which proves his/her family relationship with a Union citizen and a document about dependency, if required. A consulate shall decide about the application within 10 days at the latest.

### **Article 17**

#### **Proceedings on Granting of National Visa**

(1) A third country national shall file an application for the granting of national visa using the official form at a consulate. The third country national may also file an application for the granting of national visa at the Ministry of Interior, if they are staying in the Slovak Republic territory legitimately and the national visa shall be granted in the interest of the Slovak Republic.

(2) A third country national shall submit, together with an application for the granting of national visa, a valid travel document, a colour photograph of size 3 x 3.5 cm showing his/her current appearance, a document which proves the purpose of residence and a document of health insurance. The consulate or Ministry of Interior may require additional documents from the third country national only if the documents submitted according to the previous sentence are not sufficient to decide about the application for the granting of national visa. The third country national shall be obliged to appear in person for an interview, if required.

(3) A family member of a foreigner who was granted asylum or subsidiary protection shall be obliged to submit, together with an application for the granting of national visa, a valid travel document, a document which proves his/her family relationship with a Union citizen and a document about dependency, if required; if he/she fails to submit all the documents, the application will not be accepted.

(4) A consulate shall decide about an application for the granting of national visa within 30 days from its receipt; within the same period, the Ministry of Interior shall decide as well, if the application was submitted according to par. 1 of the second sentence.

(5) A consulate may grant national visa only after prior statement of the Ministry of Interior; the Ministry of Interior and the Ministry of Foreign Affairs may agree the cases in which the consulate may grant national visa even without the statement of the Ministry of Interior. The consulate or the Ministry of Interior shall not grant the national visa if

- a) the third country national fails to submit all the documents according to par. 2;
- b) the third country national fails to fulfil the conditions for the granting of national visa, or
- c) the third country national provides incorrect or misleading data or submits false or counterfeit documents or a document of another person.

(6) A national visa is issued to a travel document in the form of a sticker; if a third country national presents a travel document referred to in par. 10, a national visa in the form of a sticker shall be issued on a special form. The validity of the national visa generally ends at least 90 days prior to the end of

validity of the travel document.

(7) A consulate shall be entitled to determine the border crossing point for an entry of a third country national which is to be entered in the national visa.

(8) A consulate or police department shall be entitled to cancel national visa, if they discover the facts which would justify the non-granting of national visa, if the third country national has been administratively expelled or if he/she was imposed the sentence of expulsion.

(9) Neither a special regulation,<sup>32)</sup> nor a general regulation on administrative procedure<sup>37)</sup> apply to the procedures on the granting of national visa and on the withdrawal of national visa; the general regulation on administrative procedure applies to the proceedings on the granting of national visa to a third country national according to Art. 15 par 2.

(10) For the purposes of the procedure for issuing a national visa to a third country national pursuant to Article 15 par. 2 a valid travel document shall mean a passport or other public document that is valid, allowing an unambiguous identification of its holder, having uncompromised integrity and not damaged beyond the point of the records contain therein being illegible.

### **Article 18**

A police department at the border crossing point may grant Schengen visa to a third country national according to a special regulation.<sup>40)</sup> The provisions of Article.16 par. 2, 7 to 9 and 15 appropriately apply to the proceedings on the granting of Schengen visa at the border crossing point.

### **Article 19** **Invitation**

(1) An invitation is a supporting document that the consulate uses for decision making in the Schengen visa issuing procedure. The invitation may be substituted by an agreement on hosting according to a special regulation.<sup>41)</sup>

(2) A verification of invitation may be requested by

- a) a Slovak citizen or a foreigner legally residing in the territory of the Slovak Republic; this does not apply to the third-country nationals staying in the Slovak Republic territory according to a special regulation,<sup>2)</sup>
- b) a legal entity residing in the territory of the Slovak Republic.

(3) The inviting person shall submit their request on an official form in person or may be represented by an authorized person according to a special regulation.<sup>37)</sup> Their request for verification of invitation shall include:

- a) information about the inviting person pursuant to Article 129 par. 1 (d) or (e),
- b) the name, surname, date and place of birth, nationality, permanent address and the address of stay in the Slovak Republic of the invited third country national, including the names, surnames and dates of birth of his/her children, if they are travelling with the invited third country national,
- c) the purpose for which the third country national is invited to the territory of the Slovak Republic,
- d) the commitment of the inviting person to cover all expenses related to the stay and travelling of the invited third country national.

(4) Together with their request for verification of invitation, the inviting person shall submit a proof of identity along with all the particulars stipulated herein, otherwise the police department shall not accept the request for verification of invitation. The police department shall issue to the inviting person a confirmation of receipt of the request for verification of invitation.

(5) Along with their request for verification of invitation, the inviting person shall submit documents not older than 90 days which confirm

- a) the invitation purpose; an official Registry document proving the purpose of the invitation may be older than 90 days,
- b) the ability of the inviting person to cover all expenses related to the stay and travelling of the invited third country national.
- c) provision of accommodation for the invited person.

The inviting person shall prove the purpose of the invitation by submitting a document proving e.g.

- a) the relationship with the invited third-country national;
- b) a business license of the inviting person;
- c) business or other working relations with the invited third country national;
- d) organising of a cultural, scientific or sporting event;
- e) study or other form of education;
- f) provision of health care; or
- g) the invitation purpose by some other credible manner.

(7) The inviting person shall prove their ability to cover all expenses related to the stay and travelling of the invited third country national by presenting an account balance confirmation for and account registered to their name in a bank, branch of a foreign bank or in a foreign bank (hereinafter referred to as the "bank").

(8) The inviting person shall prove the accommodation by confirmation from the accommodation facility on the provision of accommodation, solemn declaration of the property owner on the provision of accommodation or solemn declaration of the user of property on the provision of accommodation, if he/she is authorised thereto.

(9) In total the bank account balance pursuant to par. 7 must reach twelve times the subsistence minimum and funds for each day of the stay of the invited third country national listed in the generally binding legal regulation issued pursuant to Article 6 par. 3.

(10) The invitation shall be verified by the relevant police department for the place of residence of the person referred to in par. 2 (a) or for the domicile of the entity referred to in par. 2 (b) after having received an approval of the Ministry of Interior, within 15 days of receiving the request. The Ministry of Interior shall determine the duration of the residence in a verified invitation, minimum for the period needed to fulfil the purpose of the stay. The invitation shall be issued for the planned stay in the duration specified in the invitation, maximum for 90 days. The verified invitation shall be valid for 90 days of its issue.

(11) The Ministry of Interior shall not grant a permission to verify the invitation, if

- a) the invited third country national is a persona non grata;
- b) it is reasonably suspected that the purpose of stay of a third country national as stated in the invitation does not correspond with the actual purpose of their trip;
- c) it is reasonably suspected that the invited third country national may threaten the state security, public order, public health or rights and freedoms of other persons and, in certain specific areas, nature during their stay;
- d) in their invitation confirmation request the inviting person has provided false, incomplete or misleading information or presented false, counterfeit or someone else's documents;
- e) it is reasonably suspected that the invited third country national intends to enter into a marriage of convenience;
- f) it is reasonably suspected that the invitation might be misused;

- g) it is found that the documents accompanying the request for verification of invitation do not meet the conditions laid down by the law;
- h) it is found that the accommodation provided in the Slovak Republic territory fails to fulfil the minimum standards according to a special regulation;<sup>61)</sup>
- i) it is found that any of the conditions stipulated in a special regulation<sup>41a)</sup> is not complied with.
- j) it is found that the invited third country national has a valid visa granted for the period of expected residence listed in the request for verification of invitation, authorising him/her to enter the Slovak Republic territory.

(12) If the inviting person declares that the verified invitation for the invited third country national has been lost, stolen or has expired and requests a verification of a new invitation for that third country national, the police department shall notify the Ministry of Interior, which makes the issued invitation invalid.

(13) A general regulation on administrative procedure<sup>37)</sup> shall not apply to deciding on the verification of invitation.

### **PART THREE RESIDENCE OF FOREIGNERS**

#### **TITLE ONE RESIDENCE OF THIRD COUNTRY NATIONAL**

##### **Section One Temporary residence**

##### **Article 20 General Provisions**

(1) Temporary residence shall enable a third country national to stay, exit and re-enter the Slovak Republic territory during the period of time as specified by a police department.

(2) Temporary residence shall be bound with one purpose. If a third country national wants to perform other activities than those for which the temporary residence was granted, he/she has to file a new application for the granting of temporary residence, unless provided otherwise herein.

(3) A third country national who was granted temporary residence may study during temporary residence.

##### **Article 21 Purposes of temporary residence**

(1) Temporary residence may be granted by a police department to a third country national

- a) for the purpose of business;
- b) for the purpose of employment;
- c) for the purpose of study;
- d) for the purpose of special activity;
- e) for the purpose of research and development;
- f) for the purpose of family reunification;
- g) for the purpose of performing service obligations by civil units of armed forces; <sup>42)</sup>

- h) who has the status of a Slovak living abroad;<sup>43)</sup>
- i) who has the status of a person with long term residence in another member state.

(2) Temporary residence is also the residence on the basis of a Blue Card of the European Union (thereinafter referred to as the “Blue Card”) issued in accordance with this Act.

(3) The purpose of temporary residence shall be performed by the third country national in the territory of the Slovak Republic.

## **Article 22**

### **Temporary Residence for the Purpose of Business**

(1) Temporary residence for the purpose of business shall be granted by a police department, if there are no reasons for the refusal of the application according to Art.33 par. 6, third country national who

- a) is conducting business or will be conducting business in the Slovak Republic territory as a natural person; or
- b) is acting or will be acting on behalf of a trading company or cooperative and he/she is not in an employment relationship.

(2) A police department shall grant temporary residence for the purpose of business for the assumed time period of business, however, maximum for three years.

## **Article 23**

### **Temporary Residence for the Purpose of Employment**

(1) Temporary residence for the purpose of employment shall be granted to a third country national by a police department, if there are no reasons for the refusal of the application in accordance with Article 33 par. 6, based on a confirmation of the possibility to fill a vacancy.<sup>44)</sup>

(2) Temporary residence for the purpose of employment shall be granted by a police department, if there are no reasons for the refusal of the application according to Art. 33 par. 6, to a third country national based on an employment permit<sup>44a)</sup> or to a third country national who is not required to have an employment permit<sup>45)</sup> nor a confirmation of the possibility to fill a vacancy.<sup>44)</sup>

(3) A police department shall grant temporary residence for the purpose of employment for the assumed duration of employment, however, maximum for five years.

(4) Temporary residence for the purpose of seasonal work may be granted by a police department for a third country national following to the fulfilment of the conditions according to par. 1 maximum for 180 days during 12 consecutive months. If the validity of the travel document is less than 180 days, the police department shall grant temporary residence maximum for the duration of validity of the travel document. The total period for which the police department may grant temporary residence for the purpose of seasonal work shall also include the period of maximum 90 days, during which the third country national will have carried out seasonal work according to par. 6 (g).

(5) Temporary residence for the purpose of employment, in the event of intra-corporate transfer, may be granted by the police department to a third country national according to par. 1 maximum for three years, in the case of a managing employee or specialist, <sup>45a)</sup> and maximum for one year, in the case of an employee - grantee.<sup>45b)</sup>

(6) Temporary residence for the purpose of employment is not required up to 90 days from the beginning of the residence in the Slovak Republic territory, if a third country national fulfils the conditions for residence according to a special regulation,<sup>46)</sup> if he/she has fulfilled the obligation according to Art.111 par. 2(a) and

- a) works for an important foreign investor<sup>47)</sup> in the Slovak Republic;

- b) has been sent by his/her employer based in a member state to the Slovak Republic territory within the services provided by this employer;48)
- c) is employed in international mass transport, if he/she was sent by his/her foreign employer to work in the territory of the Slovak Republic;49)
- d) is employed for the particular period for the purpose of his/her training, in the case of performing occupation with lack of workforce and has a request submitted for the granting of temporary residence for the purpose of employment for the same job;50)
- e) based on a commercial contract delivers goods or services or in relation to goods delivery performs installation works, warranty and repair works, production facility system set ups, programming works, or vocational training for said goods or in relation to goods delivery, if the duration of the employment relationship or the secondment to perform work does not exceed the total of 90 days a year,
- f) based on a commercial contract delivers goods or services and performs installation works, warranty and repair works, production facility system set ups, programming works or provides vocational training for said goods to a trading company that has been provided with an investment assistance according to a special regulation50a) in the period for which the investment assistance approval was issued.
- g) performs seasonal work, or
- h) who provides professional trainings for a corporate services centre50b), if the duration of his/her employment relationship with the strategic services centre does not exceed total of 90 days in a calendar year.

#### **Article 24**

##### **Temporary Residence for the Purpose of Study**

(1) Temporary residence for the purpose of study shall be granted by a police department, if there are no reasons for the refusal of the application according to Art.33 par. 6, third country national who

- a) is a student of full-time study secondary school51) and as of the day of filing the application for the granting of temporary residence is younger than 20 years; in the case of a follow-up studies,51a) qualification studies,51b) specialised studies51c) or higher vocational studies52) as of the day of filing the application for the granting of temporary residence is younger than 23 years,
- b) is a student of a university; or
- c) is attending language or professional training for the study at university which is organised by a university in the Slovak Republic.

(2) A police department shall grant temporary residence for the purpose of study for the assumed duration of study,53) however maximum for six years.

(3) A third country national who was granted temporary residence for the purpose of study by a police department may conduct business activities during temporary residence.

(4) Temporary residence for the purpose of study is not required up to 90 days from the beginning of the residence in the Slovak Republic territory, if a third country national fulfils the conditions for residence according to a special regulation,46) if he/she has fulfilled the obligation according to Art.111 par. 2(a).

#### **Article 25**

##### **Temporary Residence for the Special Activity**

(1) Temporary residence for the purpose of special activity shall be granted by a police department, if there are no reasons for the refusal of the application according to Art.33 par. 6, third country national who is not an entrepreneur,54) for

- a) lecturing activity;
- (b) artistic activity;
- c) sporting activity;
- d) traineeship as a part of study outside the Slovak Republic territory or up to two years following the completion of



university studies outside the Slovak Republic territory,

- e) activities which follow from the programmes of the Slovak Republic government or from the programmes of the European Union;
- f) fulfilment of an obligation of the Slovak Republic which follows from an international treaty;
- g) provision of health care or for the escort of a third country national who is provided health care, if necessary,
- h) volunteering activities or
- i) activities of a journalist accredited in the Slovak Republic.

(2) A police department shall grant temporary residence for the purpose of special activities according to par. 1 for the time period necessary in order to achieve the purpose, however, maximum for two years.

(3) Temporary residence for the purpose of special activity not required up to 90 days from the beginning of the residence in the Slovak Republic territory, if a third country national fulfils the conditions for residence according to a special regulation,<sup>46</sup> if he/she has fulfilled the obligation according to Art.111 par. 2(a).

#### **Article 26**

##### **Temporary Residence for the Purpose of Research and Development**

(1) Temporary residence for the purpose of research and development shall be granted by a police department, if there are no reasons for the refusal of the application in accordance with Art. 33 par. 6, for a third country national who performs research and development on the basis of a hosting agreement<sup>41</sup> for the validity of the agreement, however, maximum for two years. A third country national who was granted temporary residence for the purpose of research and development by a police department may conduct business activities.

(2) Temporary residence for the purpose of research and development shall not be required up to 90 days from the beginning of the residence in the Slovak Republic territory, if a third country national fulfils the conditions for residence according to a special regulation,<sup>46</sup> if he/she has fulfilled the obligation according to Art.111 par. 2(a).

#### **Article 27**

##### **Temporary Residence for the Purpose of Family Reunification**

(1) Temporary residence for the purpose of family reunification shall be granted by a police department, if there are no reasons for the refusal of the application according to Art.33 par. 6, third country national who is

- a) family member if the third country national with temporary residence or with permanent residence;
- b) relative in a direct ascending line of a person granted asylum younger than 18 years of age; or
- (c) dependent person in accordance with an international treaty.<sup>55</sup>)

(2) The following is considered as a family member of a third country national according to par. 1(a)

- a) a spouse, if the married couple is at least 18 years old;
- b) a single child younger than 18 years of age of a third country national and his/her spouse;
- c) his/her single child younger than 18 years of age;

- d) a single child of his/her spouse younger than 18 years of age;
- e) his/her unattended single child older than 18 years of age or dependent single child older than 18 years of age of his/her spouse<sup>56</sup>) who cannot take care of him/herself due to long term unfavourable health condition;
- f) his/her parent or a parent of his/her spouse who is dependent on his/her care and lacks appropriate family support in the country of origin.

(3) The provision of par. 1(a) shall not apply to a family member according to par. 2(f) of a third country national with temporary residence for the purpose of study.

(4) Temporary residence for the purpose of family reunification shall be granted to a third country national stated in par. 2 (c) and (d) only then, if such a reunification is approved by the parent to whom this child was not entrusted into personal care and who has the right to meet this child.

(5) Temporary residence for the purpose of family reunification shall be granted until the end of the validity of residence of a third country national for which the third country national as stated in par. 1 applies the right for family reunification, however, maximum for five years.

(6) A third country national who was granted temporary residence for the purpose of family reunification may conduct business activities; this shall not apply in the case of a family member according to par. 2(e) or (f) who cannot conduct business activities.

#### **Article 28**

##### **Temporary Residence for the Purpose Performing Service Obligations by Civil Units of Armed Forces**

Temporary residence for the purpose of performing service obligations by civil units of armed forces shall be granted by a police department to a third country national who is a member of the civil units of the issuing state and who is in service of such armed forced, maximum for five years.

#### **Article 29**

##### **Temporary Residence of Third Country National Who Has the Status of a Slovak Living Abroad**

(1) Temporary residence for a third country national who has a certificate of a Slovak living abroad according to a special regulation<sup>43</sup>) shall be granted by a police department, if there are no reasons for the refusal of the application according to Art.33 par. 7.

(2) Temporary residence permit shall be granted by the police department according to par. 1 for five years.

(3) A third country national who was granted temporary residence permit according to par. 1 may conduct business activities.

#### **Article 30**

##### **Temporary Residence of Third Country National Who Has the Status of a Person with Long Term Residence in Another Member State**

(1) Temporary residence for a third country national who has the status of a person with long term residence in another member state shall be granted by a police department, if there are no reasons for the refusal of the application according to Art. 33 par. 6 and if he/she is

- a) conducting business activities in the Slovak Republic territory;
- b) employed in the Slovak Republic territory;
- c) studying at a school in the Slovak Republic;

- d) performing activities as stated in Art. 25 or Art. 26; or
- e) a family member according to Art.27 par. 2 of a third country national according to (a) to (d) and the family existed in another member state which has acknowledged the status of a person with long term residence to a third country national.

(2) Temporary residence shall be granted by a police department according to par. 1 for the time period necessary in order to achieve the purpose, however, maximum for five years.

(3) A third country national according to par. 1 may simultaneously perform even several activities included in par. 1.

(4) Temporary residence according to par. 1 is not required up to 90 days from the beginning of the residence in the Slovak Republic territory, if a third country national fulfils the conditions for residence according to a special regulation,<sup>46</sup> if he/she has fulfilled the obligation according to Art.111 par. 2(a).

### **Application for the Granting of Temporary Residence**

#### **Article 31**

(1) An application for the granting of temporary residence permit shall be filed by a third country national in person abroad at a consulate accredited for the state which has issued a travel document for him/her or at a consulate accredited for the state in which he/she has permanent residence; unless provided otherwise herein; if there is no such an embassy or in exceptional circumstances the Ministry of Foreign Affairs shall determine, following to the agreement with the Ministry of Interior, another consulate where the third country national files the application for the granting of temporary residence permit. The consulate which has received the application shall issue a confirmation of receipt to the applicant on the date of its receipt.

(2) A consulate which has received the application shall interview the temporary residence permit applicant to make a preliminary check of the application. The interview shall be conducted in the state language or in another language understood by both parties. The consulate shall produce a written record about the interview which is to be attached to the application for granting a temporary residence permit. The record shall be executed in the language of the interview and signed by the applicant; if the interview was not conducted in the state language, the consulate shall produce a translation into the state language and attest it with their attestation clause. If the applicant does not speak the state language he/she may arrange an interpreter, at his/her own cost, who shall be obliged to sign the record. Together with the record and the translation thereof the consulate shall send to the police department its position on granting the temporary residence permit, in which they shall recommend to grant or not to grant the temporary residence permit and the specific reasons for such position.

(3) The temporary residence permit application may also be filed by the third country national in person at the police department, if he/she is staying in the Slovak Republic territory based on a valid residence permit according to a special regulation,<sup>9</sup> granted tolerated residence according to Art. 58 par. 1 (a) to (c) or par. 2, granted national visa according to Art. 15, in the case of a third country national for whom no visa is required or in the case of a holder of a certificate of a Slovak living abroad; this shall not apply in the case of a third country national who applies for the granting of temporary residence according to Art. 23 par: 5. Submitting an application does not authorize a third country national to stay in the territory of the Slovak Republic beyond the conditions stipulated by a special regulations.<sup>57</sup> A third country national shall be authorized to stay in the territory of the Slovak Republic before this application if

- a) was granted a certificate of a Slovak living abroad<sup>43</sup> and applied for the granting of temporary residence according to Art. 29 or
- b) applied for the granting of temporary residence according to Art. 23 par. 4 and at the time of filing an application was

Performing seasonal work according to Art 23 par. 6 (g).

(4) A police department shall issue a confirmation of receipt to the applicant on the date of the filing of an application for the granting of temporary residence permit according to par. 3.

(5) A third country national with whom the family reunification is requested may file an application for the granting of temporary residence instead of the third country national who cannot file an application due to helplessness according to Art. 27.

(6) A third country national who has been granted temporary residence according to Art. 23 par. 4 or Art. 24 par. 1 (c) cannot file an application for the change of purpose at a police department.

(7) If a third country national who has been granted temporary residence according to Art. 27 or Art. 30 par. 1(e) and whose marriage was terminated and whose continuous temporary residence lasts at least three years or who achieved full age files an application for the change of the purpose of residence at a police department within 30 days from the issuance of a death certificate, of coming into effect of the decision on the divorce of marriage or achievement of full age, by the time of deciding on such an application his/her residence shall be considered as authorised.

(8) A third country national who applies for the granting of temporary residence according to Art. 27 par. 1(a) as the family member of a Blue Card holder with residence permission in another member state where their common family existed shall be obliged to file an application at a police department within 30 days from the entry into the Slovak Republic territory. On behalf of such third country national, the application for the granting of temporary residence according to Art. 27 par. 1(A) may be also submitted by the Blue Card holder, with whom he/she is applying for family reunification. If the validity of residence permission in a member state has expired during the proceedings for the granting of temporary residence, his/her residence shall be considered as authorised by the time of deciding about such an application.

### Article 32

(1) An application for granting a temporary residence permit shall be filed by a third country national on an official form. When filing an application for granting a temporary residence permit, the third country national shall be obliged to submit a valid travel document and all the particulars of the application for granting a temporary residence permit as defined herein; otherwise the consulate or police department shall not accept the application for granting a temporary residence permit. If the consulate or the police department do not accept the application for granting a temporary residence permit, they shall notify the third country national in writing on what documents must be presented with the application for granting a temporary residence for it to be accepted. However, the application for granting a temporary residence permit according to Art. 23 par. 1 shall be rejected by the consulate or the police department only if the third country national fails to submit a valid travel document. The consulate would not accept the application for granting a temporary residence permit according to Art. 23 par. 5, if on submission of such application, it finds out that the third country national will be staying in the member state territory for a period longer than in the Slovak Republic territory.

(2) A third country national shall submit, together with an application for the granting of temporary residence, two coloured photographs of size 3 x 3.5 cm showing his/her current appearance and documents not older than 90 days which confirm

- a) the purpose of residence; this does not apply for a third country national according to Art. 22 who is registered in the business register, trades register or other similar register as a person authorised to act on behalf of a business company or cooperative;
- b) integrity, unless provided otherwise in par. 3;
- c) financial resources for residence; this shall not apply in the case of a third country national according to Art. 28 and 29;
- d) financial resources for conducting business activities in the case of a third country national

according to Art. 22; this shall not apply in the case of a third country national who is or will be acting on behalf of an important foreign investor;

- e) provided accommodation; this shall not apply in the case of
  - 1/ a third country national who regularly commutes to work or school through the state border from the neighbouring state;
  - 2/ a third country national applying for granting a temporary residence permit according to Art. 24, Article 25 par. 1 (e) and (f) or Article 30 and studying at a university, teaching or doing research;
  - 3/ a third country national applying for granting a temporary residence permit according to Art. 25 par. 1(D) or Article 25 par. 1(H) and performs volunteering service in the European Volunteering Service, or
  - 4/ a third country national applying for granting a temporary residence permit according to Art. 26 or Article 29;
- f) approval according to Art. 27 par. 4.
- g) the fact that this is an intra-corporate transfer in the case of a third country national who applies for the granting of temporary residence according to Art. 23 par. 5,
- h) the obligation of the receiving organisation to cover the costs connected with the administrative expulsion of a third country national, in the case of a third country national who applies for the granting of temporary residence according to Art. 25 par. 1 (d),
- g) obtaining university education or ongoing university studies in the case of a third country national who applies for the granting of temporary residence according to Art. 25 par. 1, (d)
- j) feasibility and sustainability of the business activity in the case of a third country national according to Art. 22, who proves the purpose of residence by submitting the business plan.

(3) The obligation to present a document attesting to their integrity shall not apply to third country nationals according to Art. 24 par. 1 (a) and Articles 28 and 30 and third country nationals younger than 14 years; this document also does not need to be submitted with applications for changing the purpose of residence, if documents attesting to their integrity had been submitted with their previous application for granting a residence permit. A document attesting to his/her integrity does not have to be attached to the application of a third country national according to Art. 29 submitting an application for granting a temporary residence permit according to Art. 29 within 60 days from being issued a certificate of a Slovak living abroad according to a special regulation.<sup>43</sup>).

(4) A document on the provision of accommodation of a third country national, who is representing or working for an important foreign investor in the Slovak Republic, document confirming his/her business authorisation, work contract according to par. 5(e), an international agreement according to par. 5(l), a document according to par. 5(b), (c), (q), (s) and (t) and documents according to par. 15(b) to (d) all may be older than 90 days. The provision of previous sentence in relation to the document on the provision of accommodation shall also apply to the spouse and child of a third country national who represents or works for an important foreign investor in the Slovak Republic.

(5) The purpose of residence according to par. 2(a) shall be demonstrated by a third country national via

- a) submitting a business plan in the form according to a special regulation,<sup>58</sup> a business plan for the implementation of an innovative project or a document confirming that the person is authorised to do business, in the case of a third country national according to Art. 22;
- b) a written binding offer of an employer to employ the third country national, or a work contract and a decision to recognize a document attesting the academic qualification of the third country national according to a special regulation <sup>62</sup>) or a document attesting the highest achieved education, in the case of a third country national who applies for temporary residence as

per Article 23 par. 1.

- c) employment permission or employer's confirmation that the third country national is to perform such an activity for which an employment permission is not required; or an international contract in the case of a third country national who applies for temporary residence according to Art. 23 para 2;
- d) a written commitment of the employer to recruit the third country national, containing the particulars of the work contract or in the case of a third country national who applies for temporary residence according to Art. 23 par. 4, the work contract,
- e) work contract, employer's confirmation on the duration of the intra-corporate transfer and the location of the host entity with its registered office in the Slovak Republic territory, stating that the third country national takes up the office of a managing employee, expert or employee - trainee in the host entity with registered office in the Slovak Republic territory, on the amount of remuneration as well as other employment conditions applicable during the intra-corporate transfer and about the fact that after termination of the intra-corporate transfer, the third country national will be able to return back to the entity belonging to the same employer or the same employer group, if such data is not contained in the work contract, and a document proving that the host entity with registered office in the Slovak Republic territory where he/she will be employed belongs to the same employer or the same employer group, from where he/she has been delegated to the Slovak Republic territory, in the case of a third country national applying for the granting of temporary residence according to Art. 23 par. 5,
- f) a confirmation from a state administration body, or a school of acceptance of a third country national for studies or a confirmation from an organisation that is in charge of administration of programs approved by the government of the Slovak Republic or programmes of the European Union based on an agreement signed with the competent state administration body, if it is a third country national applying for temporary residence permit according to Art. 24;
- g) confirmation from a school or other educational institution about the performance of lecturing activities in the case of a third country national who applies for temporary residence according to Art. 25 par. 1(a);
- h) confirmation from a government body or artistic agency in the case of a third country national who applies for temporary residence according to Art. 25 par. 1(b);
- i) confirmation from a sports organisation or competent state administration body in the case of a third country national who applies for temporary residence according to Art. 25 par. 1(c);
- j) confirmation about traineeship containing the description of the program of professional training, including the educational goal, duration of the traineeship, conditions of the placement and supervision within the traineeship, working hours and legal relations between the trainee and the receiving organisation in the case of a third country national who applies for temporary residence according to Art. 25 par. 1(d);
- k) confirmation from a state administration body the scope of activities of which also includes the performance of activities according to the programmes approved by the Slovak Republic government or programmes of the European Union or confirmation of the organisation which provides for such a programme on the basis of a contract with the competent state administration body in the case of a third country national who applies for temporary residence according to Art. 25 par. 1 (e);
- l) an international agreement, a confirmation from a state administration body the scope of activities of which includes also the performance of activities of the programmes approved by the government of the Slovak Republic or programmes of the European Union or a confirmation from the organisation which runs such a programme based on an agreement signed with the competent state administration body, if it is a third country national applying for temporary residence permit according to Art. 25 par. 1 (f);
- m) confirmation from a health institution on the provision of health care or document on the need of escort in the case of a third country national who applies for temporary residence

according to Art. 25 par. 1(g);

- n) agreement with the receiving organisation responsible for the volunteer program, containing the description of the volunteer program, duration, conditions of placement and supervision within the volunteering service, time dedicated to volunteering, confirmation from the statutory body of the receiving organisation about the material provision during the volunteering service and if necessary, the scope of trainings attended by the third country national, in the case of a third country national who applies for temporary residence according to Art. 25 par. 1(h),
- o) confirmation from a competent state administration body on the performance of the activities of a journalist accredited in the Slovak Republic or document on the accreditation of a journalist active in the Slovak Republic in the case of a third country national who applies for temporary residence according to Art. 25 par. 1(i);
- p) an agreement on guest activity according to a special regulation,<sup>41)</sup> if it is a third country national applying for temporary residence permit according to Art. 26;
- q) certificate of civil status in the case of a third country national who applies for temporary residence according to Art. 27; in the case of a single child younger than 18 years of age, a child younger than 18 years of age entrusted into personal care of a third country national, unattended child of a parent dependent on the care of a third country national or a dependent person according to an international treaty also a document confirming this fact;
- r) individual or collective instruction for the transport of armed forces in the case of a third country national who applies for temporary residence according to Art.28;
- s) certificate of a Slovak living abroad in the case of a third country national who applies for temporary residence according to Art. 29;
- t) document of long term residence issued according to a special regulation<sup>59)</sup> by a member state and a work contract, a written promise of an employer to hire a third country national, a confirmation from a state administration body, school or another accredited facility accepting the third country national for study or vocational education or another document according to (a) or (e) to (n), in the case of a third country national who applies for temporary residence according to Art. 30.

(6) Means of subsistence for residence according to par. 2 (c) shall be proven by a third country national by means of

- a) in case of a third country national who applies for temporary residence according to Art. 22 or Art. 30, confirmation of the balance on the bank account kept in a bank in the name of the third country national, in the case of a personal account kept in a foreign bank, statement of the personal account for the last three months,
- b) a note from an employer confirming the agreed salary or a bank account balance statement for an account registered to the name of the third country national, if it is a third country national applying for temporary residence permit according to Art. 23 or 30;
- c) bank account balance statement for an account registered to the name of the third country national, confirmation of a granted scholarship, confirmation of a statutory body of a legal entity about the provision of means of subsistence during residence or a statutory declaration of a person that he/she would provide means of subsistence for the third country national during his/her residence supported by a personal bank account statement, a bank account balance statement, if it is a third country national applying for temporary residence permit according to Art. 24 or 30;
- d) bank account balance statement for an account registered to the name of the third country national or a confirmation of a statutory body of a legal entity on financial and material means of subsistence of the third country national during his/her residence, if it is a third country national applying for temporary residence permit according to Art. 25, 26 or 30;

- e) a confirmation according to par. 5 (i) or (j), if it also includes means of subsistence for the residence, if it is a third country national who applies for temporary residence permit according to Art. 25 (e) or (f) or Article 30;
- f) an agreement on guest activity according to a special regulation, 41) in the case of a third country national who applies for temporary residence according to Sec. 26;
- g) a statutory declaration of a third country national who has been granted or is applying for permanent residence or temporary residence permit according to this act with whom he/she is requesting a family reunification, that he/she will provide financial and material support during third country national's stay in the territory of the Slovak Republic, together with the work contract, an employer's confirmation of the amount of paid salary or a confirmation of the bank account balance of an account registered to the name of the third country national who has been granted or is applying for a permanent residence permit or temporary residence permit according to this Act and whom he/she is requesting family reunification with;
- h) a confirmation of a foster home about the placement of a third country national.

(7) The third country national shall prove the financial resources for the business activities according to par. 2 (d) by submitting a confirmation of the balance on the bank account kept in a bank opened for business purposes, which must be different from the account referred to in par. 6, and in the case of an account in a foreign bank, the third country national shall prove the financial resources for the business activities by an account statement for the last three months. The third country national shall prove the financial resources for the business activity according to the first sentence in amount of

- a) twenty times the subsistence minimum, 60) if it is a third country national according to Art. 22 par. 1 (a);
- b) one hundred times the subsistence minimum, if it is a third country national according to Art. 22 par. 1 (b).
- c) forty times the subsistence minimum, if it is a third country national according to Art. 22 par.

1 (b) who submitted a business plan for the implementation of an innovative project.

(8) A document on the provision of accommodation must demonstrate that the third country national has accommodation provided for at least six months of temporary residence; if he/she applies for temporary residence for a shorter period of time, he/she must demonstrate accommodation during the whole temporary residence. A third country national according to Art. 27 and Art. 30 par. 1(e) must demonstrate the provision of accommodation in common with the third country national with whom he/she applies for family reunification.

(9) A third country national according to Art. 22, 25, 26, 27 and 30 shall be obliged to submit a document confirming health insurance to the police department within 30 days from the receipt of the document of residence.

(10) A third country national who has been granted a temporary residence permit shall be obliged to submit a medical report confirming that he/she does not suffer from any disease which could threaten public health to the police department within 30 days from the receipt of the residence permit; this shall not apply if it concerns a third country national according to Art. 28, 29 or 30 and if it concerns changing of the type or purpose of residence. The medical report confirming that he/she does not suffer from any disease which could threaten public health may not be older than 30 days. On request of the third country national, a police department may extend the period for submission of the medical report confirming that he/she does not suffer from any disease which could threaten public health by 60 days.

(11) Instead of the third country national applying for granting a temporary residence permit according to Art. 27, the fulfilment of conditions according to par. 2(c), (e) and (f) shall be demonstrated by the third country national with whom the family reunification is requested.

(12) A consulate or police department may request from a third country national



according to Art. 30 a document not older than 90 days which confirms integrity

- a) from the member state which has acknowledged him/her as a person with long term residence; or
- (b) from the member state which has granted him/her residence.

(13) If a third country national files an application for the granting of temporary residence for the purpose of family reunification with the person granted asylum within three months from the granting of asylum, the application shall include only a valid travel document and a document which proves affinity or another evidence which proves the existence of such a relationship.

(14) Financial resources shall be demonstrated by a third country national in the amount of subsistence minimum<sup>60</sup> for each month of residence; if the residence length exceeds one year, financial resources must be demonstrated in the amount of twelvefold subsistence minimum. A minor third country national shall demonstrate a half of the financial resources for residence according to first sentence.

(15) The third country national shall prove the fact that this is an intra-corporate transfer according to par. 2 (g), by the document that

- a) immediately before the date of the intra-corporate transfer, he/she was employed with the same employer or within the same employer group for at least six months in the case of a managing employee or expert and for at least three months in the case of an employee – trainee,
- b) he/she has professional qualifications and experience needed to perform the employment in the case of a managing employee or expert,
- c) he/she has the university education required to perform the employment and the agreement on professional training for the purposes of professional growth or obtaining of knowledge in the case of business management in the case of an employee - trainee,
- d) he/she meets the conditions for the performance of regulated profession in the case of regulated profession.

(16) The document confirming the obtaining of university education according to par. 2 (i) shall mean the university diploma, at the time of filing the application for the granting of temporary residence not older than two years, along with the decision on the acknowledgement of the education of a third country national according to special regulation<sup>62</sup>

(17) The document confirming the ongoing university studies according to par. 2 (i) shall mean a confirmation of the university of an ongoing university studies of a third country national.

(18) The document confirming feasibility and sustainability of the business activity according to par. 2 (j) shall mean the document increasing the credibility of the business plan according to Art. 33 par. 2 (a).

### **Article 33**

#### **Deciding about Application for Granting of Temporary Residence**

(1) A police department, when deciding about the application for the granting of temporary residence, takes into account the

- a) public interest, especially the security aspect, economic interests of the Slovak Republic, especially the contribution of business activities of a third country national to the Slovak Republic economy and to the protection of public health;
- b) interests of a minor child of a third country national, personal and family conditions of a third country national, his/her financial situation and length of residence up to now and assumed residence;
- c) statement of a consulate on the granting of temporary residence.

(2) A police department, when evaluating business plan which was submitted according to Art. 32 par. 5(a) shall request a statement from the Ministry of Economy of the Slovak Republic whether the business activities of a third country national is

- a) a contribution to the economic interests of the Slovak Republic, or
- b) a contribution to the economic interests of the Slovak Republic and the business plan submitted will serve to implement an innovative project.

(3) A police department when granting a residence permit according to Art. 23 par. 1 shall request the competent Office of Labour, Social Affairs and Family to provide a written confirmation of the possibility to fill a vacancy.<sup>44)</sup> The police department shall attach to the application according to the preceding sentence a copy of the part of the application bearing applicant's personal data, copies of documents indicating the purpose of residence and a copy of the position of the consulate according to Art. 31 par. 2, if the application was submitted at a consulate. In the case of a temporary residence according to Art.23 par. 5, a police department shall also enclose the copies of documents according to Art. 32 par. 15 to the application for the issue of confirmation according to the first sentence.

(4) The time period for which the third country national has provided accommodation during temporary residence shall not affect the time period for which the temporary residence is granted.

(5) A police department may suspend the proceedings on granting of temporary residence according to Art. 27, if the third country national applied for it before a decision was made on the application for permanent residence or temporary residence hereunder of a third country national with whom he/she applies for family reunification.

(6) A police department shall refuse an application for the granting of temporary residence, if

- a) a third country national is a persona non grata;
- b) there is a justified suspicion that a third country national would threaten the state security, public order or public health during his/her residence;
- c) a third country national fails to fulfil the conditions for the granting of temporary residence;
- d) a third country national has closed the marriage of convenience;
- e) the third country national provides incorrect or misleading data or submits false or counterfeit documents or a document of another person.
- f) the data in a travel document do not correspond with the reality;
- g) the granting of temporary residence is not in public interest;
- h) it is apparent that the accommodation provided in the Slovak Republic territory fails to fulfil the minimum standards according to a special regulation;<sup>61)</sup>
- i) the Office of Labour, Social Affairs and Family issues a confirmation according to par. 3 stating a disapproval of filling a vacancy,
- j) he/she is a third country national who applies for the granting of temporary residence according to Art. 23 par. 4 and the validity of his/her travel document is under 90 days,
- k) he/she is a third country national who applies for the granting of temporary residence according to Art. 23 par. 4 and there is justified suspicion that he/she will not leave the Slovak Republic territory after expiration of the temporary residence,
- l) he/she is a third country national applying for granting a temporary residence permit according to Art. 23 par. 5 and
  1. The employer, where to the intra-corporate transfer shall be carried out, was established with the main purpose to facilitate entry to the employees transferred within the employer or the same group of employers, or

2/ Has used up the maximum residence duration according to Art. 23 par. 5,

- m) he/she is a third country national who applies for the granting of temporary residence according to Art. 25 par. 1 (d), and the focus of the traineeship does not match the completed university education or the ongoing university studies,
- n) he/she is a third country national who applies for the granting of temporary residence according to Art. 25 par. 1 (h) and at the time of filing the application is younger than 15 years, or
- o) the statement according to Art. 125 par. 6 contains refusal of the temporary residence.

(7) A police department may refuse an application for the granting of temporary residence by a third country national who has the status of a Slovak living abroad only for reasons stated in par.6(a), (b), (d) to (f) and (h).

(8) A police department shall decide about the application for the granting of temporary residence within 90 days. A police department shall decide within 30 days from the receipt of an application with all the necessities according to Art. 32 in the case of

- a) a third country national according to Art. 23 par. 4 if in the previous five years he/she performed seasonal work according to Art. 23 par. 6 (g) or had temporary residence granted according to Art. 23 par. 4.
- a) a third country national according to Art. 24 to 26 and Art. 29;
- c) a third country national who represents or works for a foreign investor in the Slovak Republic and at the same time is the citizen of the member state of the Organisation for Economic Cooperation and Development;
- d) a third country national who represents or works for an important foreign investor<sup>47)</sup> in the Slovak Republic;
- e) a third country national who represents a corporate services centre or works for a corporate services centre,<sup>50b)</sup>
- f) a spouse of a third country national as stated according to (c) or (d) (e) or a child younger than 18 years of age of a third country national as stated according to (c),(d) or (e), or
- g) a third country national who applies for temporary residence according to Art. 22 par. 1 (b) based on a business plan for an innovative project implementation, who filed an application for the granting of this temporary residence at a consulate or police department based on national visa granted according to Art. 15 par. 1.

(9) If an application for granting a temporary residence permit is accepted, the police department shall not issue a written decision, but notify the third country national in writing that he/she was granted a temporary residence permit and indicate in the notification the date of granting and the date of expiry of the temporary residence permit. The police department shall send a written or electronic notification of granting the temporary residence permit to the third country national, to the competent consulate based on the place of permanent residence of the third country national, as well as to the self-governing region and municipality of the place of temporary residence. The police department shall send a written notification of granting the temporary residence according to Art. 23 or written notification of refusing the application for temporary residence according to Art. 23 to the employer specified in the document according to Art. 32 par. 5 (b) or (c).

(10) The police department shall decide to grant temporary residence as of a later start date if it is discovered from the document by which the third-country demonstrates his/her purpose of residence that the purpose of residence starts to be conducted later than at the date of the decision on the application; this shall not apply if the time between the decision of the police department to grant temporary residence and the start of conducting the purpose of residence is less than 30 days. Granted residence must always start 30 days before the date on which the third country national starts conducting the purpose of his/her residence.

(11) A police department shall inform the member state in which a third country national has acknowledged status of a person with long term residence about the granting of temporary residence.

(12) If a third country national has requested the change of the type or purpose of residence, his/her residence in the Slovak Republic territory shall be considered as authorised by the time of deciding about such an application.

(13) A police department shall inform in writing the third country national, who was granted temporary residence according to Art. 23 par. 4, on his/her rights and duties related to seasonal work.

**Article 34**  
**Renewal of Temporary Residence**

(1) A police department may renew temporary residence

- a) maximum for the period which along with the previously granted temporary residence and the residence according to Art. 23 par. 6 (g) does not exceed the total of 180 days during 12 consecutive months and further residence is necessary in order to complete the seasonal work;
- b) for nine months in the case of a third country national according to Art. 24 par. 1 (b), or Art. 26, who wants to stay in the Slovak Republic territory after completion of the studies or research activity in order to seek employment or start business,
- c) maximum for three years, if the assumed residence of a third country national shall last at least three years;
- d) maximum for five years in the case of a third country national according to Art. 23, 24 or Art. 27, if the assumed residence of a third country national shall last at least five years; or
- e) maximum for five years in the case of a third country national according to Art. 29 or Art. 30.

(2) An application for the renewal of temporary residence shall be filed by a third country national in person in an official form at a police department at the latest on the last day of temporary residence validity. An application for the renewal of temporary residence according to Art. 23 par. 4 shall be filed by a third country national in person in an official form at a police department at the latest 30 days before termination of the granted temporary residence validity. A third country national with whom the family reunification is requested may file an application for the renewal of temporary residence instead of the third country national who cannot file an application due to helplessness according to Art. 27. The third country national shall be obliged to submit a valid travel document together with the application for the renewal of temporary residence; otherwise it will be not accepted by the police department. The police department shall issue a confirmation of receipt to the applicant on the date of the filing of an application.

(3) A third country national shall submit, together with an application for the renewal of temporary residence, a photograph of size 3 x 3.5 cm showing his/her current appearance and documents which are not older than 90 days which confirm the

- a) purpose of residence; this shall not apply if the facts proved by the document according to Art. 32 par. 5 remained unchanged;
- b) means of subsistence for the residence; this shall not apply to third country nationals according to Art. 22, par. 1 (a), Article 28 or Article 29;
- c) health insurance during residence in the Slovak Republic territory; this shall not apply in the case of a third country national according to Art. 23, Art. 24 or Art. 30 par. 1(b) and (c),
- d) provided accommodation; this shall not apply in the case of

- 1. a third country national who regularly commutes to work or school through the state border from the neighbouring state;
- 2. a third country national who was granted temporary residence according to Art. 24 and studies at a university;
- 3. a third country national who was granted temporary residence according to Art. 26 or 29.
- 4. a third country national who represents an important foreign investor<sup>47)</sup> in the Slovak Republic, his/her spouse and child, or
- 5. a third country national who was granted a temporary residence according to Art. 25 par. 1(d) or Article 25 par. 1(h) and performs volunteering service in the European Volunteering Service;

- e) feasibility and sustainability of the business activity in the case of a third country national who was granted a temporary residence according to Art. 22 and the business company or cooperative, on behalf of which he/she is acting, did not achieve profit after taxes in the previous fiscal period according to par. 7.

(4) A police department when renewing a residence permit according to Art. 23 par. 1 shall send a written request to the competent Office of Labour, Social Affairs and Family to issue a confirmation of the possibility to fill a vacancy.<sup>44)</sup>

The police department shall attach to the application according to the preceding sentence a copy of the part of the application for residency renewal bearing applicant's personal data and copies of documents indicating the purpose of residence.

(5) A third country national who was granted temporary residence for the purpose of conducting business shall be obliged to submit together with the application for the renewal of temporary residence for the purpose of conducting business, a confirmation about settled tax and custom obligations, health insurance and pension saving contributions related to the business activities and to all the other trading companies on behalf of which he/she is acting. If a third country national is not a tax payer or is not obliged to pay social insurance contributions, he/she shall attach a document which proves this fact.

(6) A third country national shall be obliged, when applying for temporary residence permit renewal according to Art. 22 par. 1 (a), to demonstrate taxable income from such business activities for the previous fiscal period at least in the amount of twenty times the subsistence minimum; if the person had not conducted business activities for the whole previous fiscal period, he/she shall be obliged to demonstrate taxable income in the amount of double the subsistence minimum for each month of residence in the previous fiscal period. If the third country national was not yet licensed to do business in the previous fiscal period, he/she shall be obliged, when applying for temporary residence permit renewal according to Art. 22 par. 1 (a), to demonstrate taxable income from business activities amounting to ten times the subsistence minimum by presenting a bank account balance statement according to Art. 32 par. 7.

(7) A third country national shall be obliged, when applying for temporary residence permit renewal according to Art. 22 par. 1(b), to demonstrate income after tax of the trading company or the cooperative on whose behalf he/she acts for the previous fiscal period at least in the amount of sixty times the subsistence minimum; in the case of a third country national whose business plan was assessed by the Ministry of Economy of the Slovak Republic as an innovative project, minimum in the amount of twenty times the subsistence minimum; if the person had not conducted business activities for the whole previous fiscal period, he/she shall be obliged to demonstrate income after tax in the amount of five times the subsistence minimum for each month of residence in the previous fiscal period. If the third country national acts on behalf of several business companies or cooperatives, the condition of the income after taxes has to be met by at least one business company or cooperative, on behalf of which he/she is acting. If the third country national was not yet licensed to act on behalf of the business company or cooperative in the previous fiscal period, he/she shall be obliged, when applying for temporary residence permit renewal according to Art. 22 par. 1 (b), to demonstrate taxable income from business activities amounting to thirty times the subsistence minimum by presenting a bank account balance statement according to Art. 32 par.7.

(8) The purpose of residence shall be demonstrated by a third country national according to Art. 32 par. 5; this shall not apply in the case of a third country national who has been granted temporary residence for the purpose of conducting business and for the purpose of family reunification or who applies for the renewal of the temporary residence according to par. 1 (b). A third country national who has been granted temporary residence for the purpose of conducting business shall demonstrate the purpose of residence by means of a document which confirms the business licence. A third country national who applies for the renewal of temporary residence for the purpose of family reunification shall be obliged to submit a solemn declaration that the reasons for the granting of temporary residence according to Art. 27 further persist. A third country national who applies for the renewal of temporary residence according to par. 1 (b), shall prove the purpose of the residence by submitting a university diploma obtained during the temporary residence granted according to Art. 24 par. 1 (b), by confirmation of graduation or by submitting a confirmation of a research organisation on the completion of research activity.

(9) Means of subsistence for residence shall be demonstrated by a third country national in the manner according to Art. 32 par. 6 and in the amount according to Art. 32 par. 14; if it is a temporary residence permit renewal pursuant to Article 27, a third country national who is doing business or who is in an employment relationship shall be allowed to demonstrate meeting of the conditions by means as referred to in Article 32 par. 6 (a) or (b)". Article 32 par. 8 shall apply similarly to the proof of accommodation. The third-country national may prove the provision of accommodation also by submitting a statutory declaration of the real estate tenant that the lease agreement continues to be valid, if in the temporary residence granting procedure the third country national has shown that he/she has accommodation provided for according to Art. 122 par. (b) and the lease agreement is valid for at least another six months.

(10) When deciding about an application for temporary residence permit renewal the police department shall proceed as referred to in Article 33 par. 1 and 5. If the trading company or a cooperative on whose behalf the third country national acts pursuant to Article 22 par. 1 (b) has not reached in the previous fiscal period the profit after tax as referred to in

par. 7, the police department shall request a statement from the Ministry of Economy of the Slovak Republic whether the business activities of the trading company or cooperative are an added value for the economic interests of the Slovak Republic. Along with the application according to the previous sentence, the police department shall also send the documents according to par. 3 (e) to the Ministry of Economy.

(11) If a third country national also acted in the previous fiscal year on behalf of trading companies or cooperatives other than those referred to in par. 5, the police department shall request a confirmation pursuant to par. 5 from the relevant finance authority, relevant Social Insurance branch and from health insurance companies.

(12) The police department shall refuse an application for the renewal of temporary residence according to Art. 33 par. 6; however, the police department shall not refuse an application for the renewal of temporary residence according to

a) Art. 33 par. 6 (b) in the case of threat to public health if this is a temporary residence according to Art. 27, (b) Art. 33 par. 6 (d) and (h), if this is a temporary residence according to Art. 23 par. 5.

(13) The police department shall refuse an application for temporary residence permit renewal of a third country national who has been granted temporary residence permit according to Art. 23 par. 5, even if they find out the facts according to Art. 36 par. 1 (h).

(14) The police department shall refuse an application for temporary residence permit renewal of a third country national who has been granted temporary residence permit for the purpose of family reunification, apart from reasons as stated in Article 33 par. 6, even if the married couple does not live together as a family.

(15) The police department may renew the temporary residence for the purpose of business according to Art. 22 par. 1 (b) even if the trading company or a cooperative on whose behalf the third country national acts pursuant to Article 22 par. 1 (b) has not reached in the previous fiscal period the profit after tax as referred to in par. 7, however, according to the statement of the Ministry of Economy of the Slovak Republic the business activities of the trading company or cooperative are an added value for the economic interests of the Slovak Republic.

(16) The police department shall decide about an application for temporary residence permit renewal within the time periods as stated in Article 33 par. 8.

(17) If an application for renewal of temporary residence permit is accepted, the police department shall not issue a written decision, but notify the third country national in writing that he/she was renewed a temporary residence permit and indicate in the notification the date of renewal and the date of expiry of the temporary residence permit. The police department shall send a written notification of renewal of the temporary residence permit to the third country national, to the competent consulate based on the place of permanent residence of the third country national, as well as to the self-governing region and municipality of the place of temporary residence.

(18) After the expiry of its validity the temporary residence permit for the territory of the Slovak Republic shall be considered as authorised until a decision is made about the application for temporary residence permit renewal.

### Article 35

#### Expiry of Temporary Residence

Temporary residence shall expire, if

- a) a third country national does not enter the Slovak Republic territory within 180 days from the granting of the temporary residence permit;
- b) a third country national notifies a police department in writing about the end of his/her residence;
- c) the temporary residence permit of a third country national has expired;
- d) a third country national was imposed the punishment of expulsion;
- e) a third country national was administratively expelled;
- f) the third country national has been granted a different type of residence according to this Act from what he/she had before, or the third country national has been granted an asylum or subsidiary protection;
- g) a third country national has obtained the Slovak Republic citizenship;
- h) the temporary residence of a third country national was cancelled by a police department; or
- i) a third country national has died or was declared dead.

**Article 36**  
**Withdrawal of Temporary Residence**

(1) A police department shall cancel temporary residence, if

- a) the purpose for which a third country national was granted temporary residence has ceased;
- b) they discover the facts which represent the reason for the refusal of an application for the granting of temporary residence according to Art. 33 par. 6 or par. 7;
- c) a third country national has not submitted a document according to Art. 32 par. 10,
- d) a third country national has violated the obligation according to Art. 111 par. 1 (u); this shall not apply in the case of a third country national according to Art. 29 or Art. 30 or if in the particular calendar year, there are less than 90 days between the granting of residence and the end of the year;
- e) a third country national has seriously or repeatedly violated an obligation as specified by this Act, or
- f) the Office of Labour, Social Affairs and Family revokes its confirmation of the possibility to fill a vacancy<sup>61aa</sup>.
- g) a third country national who has been granted residence according to Art. 22 has concluded an employment relationship, or
- h) a third country national performs a different activity than the one for which the temporary residence was granted, unless Art. 20 par. 3, Art. 24 par. 3, Art. 26 par. 1, Art. 27 par. 6, Art. 29 par. 3, Art. 30 par. 3, Art. 126 par. 1 or par. 2 provide otherwise.

(2) The provision of par. 1 shall not apply, if the consequences of the withdrawal of temporary residence would be inappropriate, especially with regard to personal and family life of a third country national.

(3) Provision of par. 1. (a) shall not apply

- a) within 60 days from the termination of employment, if it concerns temporary residence according to Art. 23 or Article 30 par. 1 (b);
- b) within 30 days from a final examination, secondary school graduation, post-secondary school final graduation or post-secondary final examination, <sup>61a</sup> if it concerns temporary residence according to Art. 24 or Article 30 par. 1 (c),
- c) within 30 days from successful completion of the university studies <sup>61b</sup>, if it concerns temporary residence according to Art. 24, 25 par. 1 (e) or Art.30 par. 1 (c).
- d) until expiration of the temporary residence according to Art. 27, if it concerns family member according to Art. 27 par. 2 (b) to (d), who achieved full age.

(4) About the withdrawal of the temporary residence, a police department shall inform

- a) the member state in which a third country national has an acknowledged status of a person with long term residence, or
- b) according to Art. 23 par. 5, Art. 24 par. 1 (b) or Art. 26 the member state where the third country national applies for mobility.

(5) A police department shall send the decision on withdrawal of the temporary residence according to Art. 23 par. 5 also to the host entity with registered office in the Slovak Republic territory, where the third country national carries out the intra-corporate transfer.

**Special Provisions on the Mobility of Third Country Nationals.**

**Article 36a**  
**Mobility of an Employee transferred within a Company**

- (1) Temporary residence for the purpose of employment is not required if the third country national is a holder of

valid residence permit issued by some of the Member States for the purpose of intra-corporate transfer, with the "ICT" stated as the "Type of Residence" and

- a) the host entity with registered office in a Member State territory informed the Ministry of Interior about the intention of the third country national to apply mobility prior to his/her arrival to the Slovak Republic territory;
- b) mobility will be carried out with the same employer or within the same employer group in which he/she has an intra-corporate transfer in the Member State approved;
- c) the Ministry of Interior did not raise an objection according to par. 3 and
- d) he/she does not represent a threat to the state security, public order or public health.

(2) Along with the notification according to par. 1 (a), the host entity with registered office in a Member State territory shall send

- a) a document proving that the host entity with registered office in a Member State territory and an employer in a third country belong to the same employer or the same employer group,
- b) a document that the third country national meets the conditions for the performance of regulated profession, if he/she is going to perform regulated profession within mobility,
- c) a valid travel document, and
- d) information about the start and end date of mobility.

(3) Within the period of 20 days of delivery of the notification according to par. 1 (a), the Ministry of Interior may raise an objection against the application of mobility of a third country national, if it finds that

- a) the third country national is not a holder of valid residence permit according to par. 1,
- b) the condition according to par. 1 (a) or (d) has not been met;
- c) the host entity with registered office in a Member State territory and an employer in a third country do not belong to the same employer or the same employer group,
- d) the third country national does not meet the conditions for the performance of regulated profession, if he/she is going to perform regulated profession within mobility,
- e) the documents according to par. 2 are false, counterfeit or obtained in a fraudulent way, (f) the third country national does not have a valid travel document, or
- g) the third country national used up the maximum duration of intra-corporate transfer according to Art. 23 par. 5.

(4) The Ministry of Interior shall send the host entity with registered office in the Member State territory according to par. 1 (a) and the Member State which approved the intra-corporate transfer an objection according to par. 3 without undue delay.

### **Article 36b** **Mobility of a University Student**

(1) Temporary residence for the purpose of study according to Art. 24 par. 1 (b) is not required up to 360 days from the start of the residence in the Slovak Republic territory, if

- a) a third country national who is a holder of valid residence permit issued by a Member State for the purpose of university study,
- b) a university in the Slovak Republic, where he/she will carry out mobility, informed the Ministry of Interior about the intention of the third country national to apply mobility prior to his/her arrival in the Slovak Republic territory;
- c) the Ministry of Interior did not raise an objection according to par. 3;
- d) a third country national does not represent a threat to the state security, public order or public health, and
- e) the period according to par. 3 has expired.

(2) Along with the notification according to par. 1 (b), the university in the Slovak Republic shall send

- a) a document confirming that the third country national attends a part of the study in the Slovak Republic territory



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within a European Union program, Slovak Republic government program or

Multilateral program involving measures in terms of mobility or an agreement between two or several university education institutions;

- b) a document confirming the acceptance of a third country national to study,
- c) a valid residence permit issued by a Member State for the purpose of university study,
- d) valid travel document;
- e) information about the start and end date of mobility and
- f) a document confirming the financial resources for the residence, study cost and cost of travel back to the Member State, in total amount of subsistence minimum for each month of residence or confirmation from a university in the Slovak Republic territory about providing the third country national, during his/her stay in the Slovak Republic territory, sufficient resources to cover the living, study cost and cost of travel back to the Member State.

(3) Within the period of 30 days of the delivery of the notification according to par. 1 (b) containing any particulars according to par. 2, the Ministry of Interior may raise an objection against the application of mobility of a third country national, if it finds that

- a) the condition according to par. 1 (a), (b) or (d) has not been met,
- b) a third country national will not attend a part of the study in the Slovak Republic territory within a European Union program, Slovak Republic government program or multilateral program involving measures in terms of mobility or an agreement between two or several university education institutions;
- c) a third country national does not have sufficient financial resources according to par. 2 (f);
- d) does not have a valid travel document;
- e) the documents according to par. 2 were obtained in a fraudulent way or are false or counterfeit, or
- f) in the sum of durations of all previous residences according to par. 1, the third country national has used up 360 days.

(4) The Ministry of Interior shall send an objection according to par. 3 to the university in the Slovak Republic territory according to par. 1 (b) and to the Member State which has granted the third country citizen the residence for the purpose of university study without undue delay.

#### **Article 36c** **Mobility of a Researcher**

(1) Temporary residence according to Art. 26 par. 1 is not required up to 1 year from the start of the residence in the Slovak Republic territory, if

- a) a third country national who is a holder of valid residence permit issued by a Member State for the purpose of research activity,
- b) a research organisation in the Slovak Republic, where he/she will carry out mobility, informed the Ministry of Interior about the intention of the third country national to apply mobility prior to his/her arrival in the Slovak Republic territory;
- c) the Ministry of Interior did not raise an objection according to par. 3 and
- d) a third country national does not represent a threat to the state security, public order or public health.

(2) Along with the notification according to par. 1 (b), the research organisation in the Slovak Republic shall send

- a) document confirming that the third country national carries out a part of the research activity in the Slovak Republic territory;
- b) agreement on guest activity with a third country national from the Member State which has granted the residence,
- c) a valid residence permit issued by a Member State for the purpose of research activity,
- (d) valid travel document;
- e) information about the start and end date of mobility and
- f) a document confirming the financial resources for the residence, cost of travel back to the Member State, in total amount of subsistence minimum for each month of residence or confirmation from a research organisation in the Slovak Republic territory about providing the third country national, during his/her stay in the Slovak Republic territory, sufficient resources to cover the living, cost of travel back to the Member State.

(3) Within the period of 30 days of the delivery of the notification according to par. 1(b) containing any particulars according to par. 2, the Ministry of Interior may raise an objection against the application of mobility of a third country national, if it finds that

- a) the condition according to par. 1 (a), (b) or (d) has not been met,
- b) a third country national does not have sufficient financial resources according to par. 2 (f); (c) has no travel document or valid residence permit issued by a Member State for the purpose of research activity,
- d) the documents according to par. 2 were obtained in a fraudulent way or are false or counterfeit, or
- e) the third country national used up the maximum duration of residence according to par. 1

(4) The Ministry of Interior shall send an objection according to par. 3 to the research organisation in the Slovak Republic territory according to par. 1 (b) and to the Member State which has granted the third country citizen the residence for the purpose of research activity without undue delay.

#### **Article 36d** **Mobility of a Family Member**

(1) Temporary residence according to Art. 27 par. 1 (a) is not required for a third country national according to Art. 27 par. 2 during the period when the third country national according to Art. 36a or Art. 36c, he/she is a family member of, applies mobility in the Slovak Republic territory, if

- a) he/she is a holder of valid residence permit issued by one of the Member States in standard format according to special regulation<sup>59)</sup>
- b) the host entity with registered office in the territory of a Member State, from which the third country national according to Art. 36 is going to carry out mobility or a research organisation in the Slovak Republic, in which a third country national according to Art. 36c will carry out mobility, informed the Ministry of Interior about the intention of the third country national to apply mobility prior to his/her arrival in the Slovak Republic territory;
- c) the Ministry of Interior did not raise an objection according to par. 4 and
- d) a third country national does not represent a threat to the state security, public order or public health.

(2) Along with the notification according to par. 1 (b), the host entity with registered office in a Member State territory shall send

- a) a document proving the family relationship of a third country national according to par. 1 to the third country national according to Art. 36a;
- b) a valid residence permit issued by a Member State for the purpose of family reunification,
- c) valid travel document;
- d) information about the start and end date of mobility.

(3) Along with the notification according to par. 1 (b), the research organisation in the Slovak Republic shall send

- a) a document proving the family relationship to a third country national according to Art. 36c;

- b) a valid residence permit issued by a Member State for the purpose of family reunification;
- c) a valid travel document;
- d) information about the start and end date of mobility and
- e) a document confirming the financial resources for the residence, return travel costs to the Member State, in total amount of subsistence minimum for each month of residence or confirmation from a research organisation in the Slovak Republic territory about providing the third country national, during his/her stay in the Slovak Republic territory, sufficient resources to cover the living, cost of travel back to the Member State.

(4) Within the period of 30 days of the delivery of the notification according to par. 1 (b) containing any particulars according to par. 2 or par. 3, the Ministry of Interior may raise an objection against the application of mobility of a third country national, if it finds that

- a) the condition according to par. 1 (a), (b) or (d) has not been met,
- b) a third country national does not have sufficient financial resources according to par. 3 (e);
- c) has no travel document or valid residence permit issued by a Member State for the purpose of family reunification;
- d) the documents according to par. 2 were obtained in a fraudulent way or are false or counterfeit, or
- e) the third country national according to Art. 36c has already used up the maximum duration of residence according to Art. 36c par. 1.

(5) The Ministry of Interior shall send an objection according to par. 4 to the research organisation in the Slovak Republic territory according to par. 1 (b) and to the Member State which has granted the third country citizen the residence for the purpose of family reunification without undue delay.

### **Special Provisions on Blue Card Temporary Residence**

#### **Article 37**

#### **Blue Card**

(1) A Blue Card enables a third country national to enter, stay and work in the Slovak Republic territory, to exit the Slovak Republic territory and re-enter the Slovak Republic territory during the time period for which it was issued by a police department.

(2) A Blue Card for the purpose of highly qualified employment shall be issued by a police department, if there are no reasons for the refusal of an application according to Art. 39 par. 1 to a third country national for four years or if the duration of employment is shorter than four years, a Blue Card shall be issued by a police department for the duration of employment period extended by 90 days.

(3) Highly qualified employment according to par. 2 is the employment for the performance of which higher professional qualification is required. Higher professional qualification means a qualification attested by evidence of higher education qualification.

(4) par. 2 shall not apply to a third country national who

- a) is an asylum seeker;
- b) is a person granted asylum;
- c) has been provided subsidiary protection;
- d) has requested the provision of a temporary shelter;
- (e) is a displaced person;
- f) has been granted temporary residence for the purpose of seasonal work according to Art. 23 par.4 or for the purpose of research and development according to Art. 26;
- g) has been acknowledged the status of a person with long term residence in a member state and applies for the granting of the residence permit in order to conduct economic activities as an employee or as a self-employed person;

- h) has been granted the right of residence or the right of permanent residence as the family member of a Union citizen;
- i) has been granted tolerated residence in the Slovak Republic territory according to Art. 58;
- j) enters the Slovak Republic territory on the basis of obligations which follow from an international treaty or
- k) fulfils the conditions according to Art. 23 par. 6.

### **Article 38** **Application for Blue Card**

(1) An application for issue of the Blue Card shall be filed by a third country national in person at a consulate. A third country national whose stay in the Slovak Republic territory is authorised may file an application for the Blue Card application at a police department as well.

(2) A third country national who is the holder of a Blue Card issued by a member state may file an application for the Blue Card application in the Slovak Republic territory at a police department within 30 days from the entry into the Slovak Republic territory.

(3) The body which has received an application shall issue a confirmation of receipt to the applicant on the date of the filing of a Blue Card application.

(4) A Blue Card application shall be filed by a third country national on an official form.

(5) A third country national shall submit his/her Blue Card application together with a valid travel document, two colour photographs of the size of 3 x 3.5 cm showing his/her current appearance and

a) a work contract for the performance of employment corresponding to highly qualified employment, if the employment under such contract should last at least one year from the date of granting of the Blue Card and the monthly salary is agreed to be at least 1.5 times the average monthly salary of an employee in the respective industry of the Slovak Republic's economy published by the Statistical Office of the Slovak Republic for the calendar year preceding the calendar year in which the Blue Card application is filed, or a written commitment of the employer to hire the third country national for an employment corresponding to highly qualified employment;

b) a decision on recognizing the document attesting the qualification of a third country national according to a special regulation; 62)

c) documents not older than 90 days attesting:

1/ integrity; third country nationals does not have to provide integrity proving documents if they are changing type or purpose of their residence and they had attached a document proving their integrity in their prior application for granting of a residence;

2/ provision of accommodation during their residence in the territory of the Slovak Republic.

(6) A written promise of the employer according to par. 5(a) shall contain the commitment of an employer to

a) conclude a work contract for the performance of highly qualified employment;

b) agree the duration of employment for the period of at least one year from the date of Blue Card granting;

c) agree the monthly salary in the amount of at least 1.5-times the average monthly salary of an employee in the Slovak Republic economy in the respective area published by the Statistical Office of the Slovak Republic for the calendar year which precedes the calendar year in which the Blue Card application is filed.

(7) If the Statistical Office of the Slovak Republic has not published any data about the average monthly salary of an employee in the Slovak Republic economy for the previous calendar year, the average monthly salary of an employee in the Slovak Republic economy for the previous calendar year shall be considered as the average monthly salary of an employee in the Slovak Republic economy in the respective area published by the Statistical Office of the Slovak Republic for the first to third quarter of the calendar year which precedes the calendar year in which the Blue Card application is filed.

(8) A third country national shall submit a medical report confirming that he/she does not suffer from any disease which threatens public health to the police department within 30 days from the receipt of the document of residence. A

third country national who applies for the Blue Card issuance at a police department shall submit a medical report confirming that he/she does not suffer from any disease which threatens public health within 30 days from the filing of the application. The medical report confirming that he/she does not suffer from any disease which threatens public health may not be older than 30 days.

(9) If a third country national has submitted a written promise of an employer according to par. 6, he/she shall be obliged to submit a work contract which contains the necessities as specified in par. 5(a) within 30 days from the receipt of the document of residence.

(10) When granting a Blue Card the police department shall request the Central Labour Office to provide a written confirmation of the possibility to fill a vacancy corresponding to highly qualified employment. The police department shall attach to the application pursuant to the preceding sentence a copy of the part of the Blue Card application bearing applicant's personal data and copies of documents according to par. 5a) to 5c).

(11) A police department shall issue a written decision about the Blue Card application within 30 days from the filing of the application together with all the necessities as specified in par. 5.

(12) If a police department issues a Blue Card to a third country national who is the holder of a Blue Card issued by a member state, they shall inform in writing the member state which has recently issued a Blue Card to the third country national prior to the issuance of the Blue Card in the Slovak Republic about the Blue Card issuance.

(13) A third country national who is the holder of a Blue Card issued by the member state the validity of which has expired during the proceedings for the Blue Card application has authorised residence in the Slovak Republic territory by the time, when the decision about the Blue Card application comes into force and effect.

### **Article 39**

#### **Refusal of Application for Blue Card Issue**

(1) A police department shall refuse the application for the issue of a Blue Card, if

- a) a third country national does not fulfil the conditions for the Blue Card application according to Art. 38 par. 5;
- b) a third country national submits documents gained by fraudulent action, falsified or counterfeited documents;
- c) it is a third country national who is a threat for the state security, public order or public health;
- d) an employer who should employ the third country national has violated in the past five years the ban on illegal employment according to a special regulation;64) or
- e) it is a third country national who is the holder of a Blue Card issued by a member state for less than 18 months.
- f) the Central Labour Office issues a confirmation according to Art. 38 par. 10 stating their disapproval to fill a vacancy corresponding to highly qualified employment.

(2) A police department shall inform the member state which has recently issued a Blue Card to the third country about the refusal of the Blue Card issue.

### **Article 40**

#### **Renewal of Blue Card**

(1) A Blue Card for the purpose of highly qualified employment shall be renewed by a police department upon the application of a third country national for the purpose of highly qualified employment for three years or if the duration of employment is shorter than three years, a Blue Card shall be renewed by a police department for the duration of employment period extended by 90 days.

(2) An application for the renewal of a Blue Card shall be filed by a third country national in person at a police department at the latest on the last day of the Blue Card validity.

(3) A police department shall issue a confirmation of receipt on the date of the filing of an application for the renewal of the Blue Card.

(4) An application for the renewal of a Blue Card shall be filed by a third country national in an official form.

- (5) A third country national shall submit his/her Blue Card renewal application together with a valid travel document, two colour photographs of the size of 3 x 3.5 cm showing his/her current appearance and
- a) a work contract for the performance of employment corresponding to highly qualified employment, if the employment under such contract should last at least one year from the date of granting of the Blue Card and the monthly salary is agreed to be at least 1.5 times the average monthly salary of an employee in the respective industry of the Slovak Republic's economy published by the Statistical Office of the Slovak Republic for the calendar year preceding the calendar year in which the Blue Card renewal application is filed, or a written commitment of the employer to hire the third country national for an employment corresponding to highly qualified employment;
  - b) a decision on recognizing the document attesting the qualification of a third country national according to a special regulation, 62) this shall not apply if this document was enclosed to the Blue Card application, and
  - c) a document confirming the provision of accommodation during his/her residence within the territory of the Slovak Republic.

(6) When renewing a Blue Card the police department shall request the Central Labour Office to provide a written confirmation of the possibility to fill a vacancy corresponding to highly qualified employment. The police department shall attach to the application pursuant to the preceding sentence a copy of the part of the Blue Card renewal application bearing applicant's personal data and a copy of the document according to par. 5a) to 5c).

(7) A police department shall issue a written decision about the Blue Card renewal within 30 days from the filing of the application together with all the necessities as specified in par. 5.

(8) A Blue Card the validity of which has expired shall be considered as valid in the Slovak Republic territory by the time of valid decision about the application for the Blue Card renewal.

(9) If a Blue Card holder has requested the change of the type or purpose of residence, his/her residence in the Slovak Republic territory shall be considered as authorised by the time of deciding about such an application.

#### **Article 41**

##### **Refusal of Application for Blue Card Renewal, Blue Card Withdrawal or Blue Card Expiry**

(1) A police department shall refuse an application for the Blue Card renewal or remove the Blue Card from a Blue Card holder, if

- a) he/she has acquired the Blue Card by fraudulent action, if he/she has falsified or counterfeited the Blue Card;
- b) he/she does not fulfil the conditions for the Blue Card application anymore;
- c) he/she performs other activity than highly qualified employment in the Slovak Republic territory;
- d) he/she is a threat for the state security, public order or public health;
- e) he/she has not notified the change of employer to a police department within five working days;
- f) he/she has not notified the unemployment period beginning to a police department within five working days;
- (g) he/she was unemployed longer than three consecutive months;
- h) he/she was unemployed more than once during the Blue Card validity; or
- i) he/she has submitted an application for the provision of a benefit in material need according to a special regulation.65)

(2) The provision of par. 1(e) and (f) shall not apply, if the Blue Card holder demonstrates that the notification has not been delivered to a police department without his/her fault.

(3) If the Blue Card holder during his/her period of unemployment, which must not exceed three months, finds a new job corresponding to highly qualified employment, he/she shall inform the Central Labour Office thereof within the said time period. The police department shall request the Central Labour Office to provide a written confirmation of the possibility to fill a vacancy corresponding to highly qualified employment. The police department shall proceed in accordance with par. 1g) only if the Central Labour Office issues a statement according to par. 3 expressing disapproval to fill a vacancy.

(4) A police department shall instruct the Blue Card holder about the fact that the filing of an application for the provision of a benefit in material need shall not be the reason to refuse an application for the Blue Card withdrawal or for the withdrawal of the Blue Card; if they fail to do so, par. 1(i) shall not be applied.

(5) A granted Blue Card shall expire, if

- a) a Blue Card holder hands over an issued Blue Card to a police department together with a written notification about the end of residence in the Slovak Republic territory;
- b) a Blue Card holder was imposed the punishment of expulsion;
- c) a Blue Card holder was administratively expelled;
- d) a Blue Card holder has obtained the Slovak Republic citizenship;
- e) a Blue Card holder has obtained a Blue Card in a member state;
- f) a police department has removed the Blue Card from its holder;
- g) a Blue Card holder has obtained another residence according to this Act than those which he/she has had;
- h) a Blue Card holder has died, was declared dead; or
- i) the Blue Card validity has expired.

## **Section Two Permanent residence**

### **Article 42**

(1) Permanent residence enables a third country national to stay, exit and re-enter the Slovak Republic territory during the time period as specified by a police department, unless provided otherwise herein.

(2) Permanent residence shall be

- a) permanent residence for five years;
- b) permanent residence of unlimited duration;
- c) residence of a third country national with acknowledged status of a person with long term residence in the European Union (hereinafter referred to as the "long term residence").

### **Article 43 Permanent residence for five years**

(1) A police department shall grant permanent residence for five years, if there are no reasons for the refusal of an application according to Art. 48 par. 2, to a third country national

- a) who is a spouse of the Slovak Republic citizen with permanent residence in the Slovak Republic territory or dependent relative in direct line of the Slovak Republic citizen with permanent residence in the Slovak Republic territory;
- b) who is a single child younger than 18 years of age entrusted into personal care of a third country national who is a spouse of the Slovak Republic citizen with permanent residence in the Slovak Republic territory;
- c) who is a single child younger than 18 years of age of a third country national with permanent residence for five years or child younger than 18 years of age entrusted into personal care of a third country national with permanent residence for five years,
- d) who is a dependent child younger than 18 years of age who cannot take care of himself/herself due to long term unfavourable health condition, third country national with permanent residence; or
- e) if this is in the interest of the Slovak Republic.

(2) Permanent residence for five years for a third country national who is a single child younger than 18 years of age entrusted into personal care of a third country national who is a spouse of the Slovak Republic citizen with permanent residence in the Slovak Republic territory or a single child younger than 18 years of age entrusted into personal care of a



third country national with permanent residence may be granted only then, if the reunification is also agreed by the parent whom this child was not entrusted into personal care and who has the right to meet this child.

### **Application for Permanent Residence for Five Years**

#### **Article 44**

(1) An application for granting a permanent residence permit for five years shall be filed by a third country national in person at a consulate or in person at the police department. A third country national according to Art. 43 par. 1(e) does not have to file an application for granting a permanent residence permit for five years in person. An application on behalf of a third country national who cannot file an application for granting a permanent residence permit for five years in person due to helplessness according to Art. 43 (a) and (d) may be submitted by a relative of the third country national with whom the family reunification is requested. The authority which has received the application shall issue a confirmation of its receipt on the application filing date. (1) An application for granting a permanent residence for five years may be filed by a third country national at the police department, if

- a) he/she is staying in the Slovak Republic territory based on a valid residence permit according to special regulation,<sup>9)</sup>
- b) he/she is staying in the Slovak Republic territory based on the granted tolerated residence according to Art. 58 par. 1 (a) to (c) or par. 2;
- c) he/she is staying in the Slovak Republic territory based on the granted national visa per Art. 15;
- d) he/she is staying in the Slovak Republic territory based on the Schengen visa granted by another Member state based on an agreement on representation in the procedure of Schengen visa granting between the Slovak Republic and other Member State;
- e) in the case of a third country national for whom no visa is required; or
- f) in the case of a holder of the certificate of a Slovak living abroad.

(2) A consulate which has received the application shall interview the applicant for permanent residence permit for five years to make a preliminary check of the application. The interview shall be conducted in the state language or in another language understood by both parties. The consulate shall produce a written record about the interview which is to be attached to the application for granting a permanent residence permit for five years. The record shall be executed in the language of the interview and signed by the applicant; if the interview was not conducted in the state language, the consulate shall produce a translation into the state language and attest it with their attestation clause. If the applicant does not speak the state language he/she may arrange an interpreter, at his/her own cost, who shall be obliged to sign the record. Together with the record the consulate shall send to the police department its position on granting the permanent residence permit for five years, in which they shall recommend to grant or not to grant the permanent residence permit for five years and the specific reasons for such position.

#### **Article 45**

(1) A third country national shall file an application for the granting of permanent residence for five years using the official form.

When filing an application for granting a permanent residence permit for five years, the third country national shall be obliged to submit a valid travel document and all the particulars of the application for granting a permanent residence permit for five years as defined herein; otherwise the consulate or police department shall not accept the application for granting a permanent residence permit. If the consulate or the police department do not accept the application for granting a permanent residence permit for five years, they shall notify the third country national in writing on what documents must be presented with the application for granting a permanent residence for five years for it to be accepted.

(3) A third country national shall submit together with an application for the granting of permanent residence for five years two coloured photographs of size 3 x 3.5 cm showing his/her current appearance and documents not older than 90 days which confirm

- a) the facts as stated in Art. 43,
- b) integrity; this shall not apply to third country nationals under 14 years of age or if it concerns a change of type of

residence where a proof of integrity was attached to the prior application for a residence permit;

- c) financial resources for the residence;
- d) consent according to Art. 43 par. 2, if necessary; and
- e) provision of accommodation during the permanent residence for five years.

(4) A third country national shall submit a medical report confirming that he/she does not suffer from any disease which threatens public health to the police department within 30 days from the receipt of the document of residence; this shall not apply to a change of type of residence. The medical report confirming that he/she does not suffer from any disease which could threaten public health may not be older than 30 days. On request of the third country national, a police department may extend the period for submission of the medical report confirming that he/she does not suffer from any disease which could threaten public health by 60 days.

(5) A third country national shall demonstrate the facts referred to in Article 43 par. 1 (a) to (d) by official registry documents which may be more than 90 days old; in case of a dependent direct line relative, an unmarried child under 18 years of age, a child under 18 years of age entrusted to personal care or a dependent child over 18 years of age, also by a document that proves this fact. A third country national shall demonstrate the fact according to Art. 43 par. 1 (e) by a confirmation issued by a central public administration authority. The condition of permanent residence according to Art. 43 par. 1 (a) to (d) shall be demonstrated by presenting an identity card, a municipality confirmation or a residence permit.

(6) Means of subsistence for residence according to par. 3 (c) shall be proven by a third country national by means of

- a) a balance statement of a bank account registered to the name of the third country national;
- b) a confirmation of an employer about the amount of the agreed salary;
- c) a work contract, confirmation of an employer about the amount of the paid salary, bank account balance statement or document about a pension received by a spouse, parent or a Slovak Republic citizen who is a direct line relative of the third country national, together with a statutory declaration that he/she would provide financial and material means of subsistence to the third country national during his/her residence in the Slovak Republic territory.

(7) Financial resources during residence shall be demonstrated by a third country national in the amount of a twelve-times the subsistence minimum.<sup>60</sup> A minor third country national shall demonstrate the financial resources during residence in half of the amount as stated in the first sentence.

(8) Provided accommodation has to be common with the accommodation with the Slovak Republic state citizen or a third country national with permanent residence for five years according to Art. 43 par. 1(a) to (d).

(9) The police department shall decide about an application for granting a permanent residence permit for five years within 90 days of receipt of the application by the police department. If it concerns granting a permanent residence permit according to Art. 43 par. 1 (e) to a third country national who represents or works for an important foreign investor in the Slovak Republic or his/her child according to Art. 43 par. 1 (b) to (d), the police department shall decide within 30 days of receipt of the application and all the particulars.

#### Article 45a

#### Special Provisions on the Permanent Residence for Five Years

(1) The Ministry of Interior may grant permanent residence for five years even without meeting the conditions set out herein, even repeatedly

- a) to a person without any citizenship;
- b) for reasons worth special consideration;
- c) to an adult who has been granted a tolerated residence according to Art. 58 par. 1(a) or granted subsidiary protection as an unaccompanied minor for at least three years of study at a school in the Slovak Republic territory.
- d) if necessary for the provision of protection and assistance to a witness according to a special regulation;<sup>66</sup>  
or
- e) upon a proposal of the Slovak Information Service or Military Intelligence due to security interests of the Slovak

Republic.

(2) A person without any citizenship is the person which is not considered as a citizen of any state according to their laws. In order to demonstrate this fact, it is sufficient, if he/she demonstrates that he/she does not have any citizenship in the state

- a) in which he/she was born;
- b) in which he/she has had previous residence or stay; and
- c) the citizenship of which his/her parents and siblings have.

(3) A general regulation on administrative procedure<sup>37)</sup> shall not apply to the granting of permanent residence according to par. 1. The Ministry of Interior shall send the third country national a written notification about accepting or refusing his/her application according to par. 1. In the case of permanent residence granting according to par. 1 (e), the Ministry of Interior shall send a written notification according to the previous sentence also to the Slovak Information Service or Military Intelligence.

(4) The police department shall revoke a permanent residence permit according to par. 1 (b), (d) or (e) at the request of the national authority that requested the permanent residence permit to be granted; such a decision cannot be appealed. A police department shall cancel permanent residence according to

- a) par. 1 (a), if the police department finds out that this is not a person without any citizenship,
- b) par. 1 (b) or (c) for the reasons according to Art.50 par. 1 (c).

### **Permanent Residence of Unlimited Duration**

#### **Article 46**

(1) A police shall grant permanent residence of unlimited duration, upon the application of a third country national, unless there are reasons for the refusal of the application according to Art. 48 par. 2, to a third country national who

- a) has had permanent residence for at least four years according to Art. 43; or
- b) who is a child younger than 18 years of age of a third country national with permanent residence for unlimited duration or child younger than 18 years of age entrusted into personal care of a third country national with permanent residence for unlimited duration,

(2) The Ministry of Interior may grant permanent residence of unlimited duration even without fulfilling the conditions as specified herein, on the proposal of the Slovak Information Service or Military Intelligence due to security interests of the Slovak Republic.

#### **Article 47**

(1) An application for the granting of permanent residence of unlimited duration shall be filed by a third country national in person in an official form at a police department; a family member may file an application instead of a third country national who cannot file an application in person due to helplessness. The police department shall issue a confirmation of receipt to the applicant on the date of the filing of an application.

(2) A third country national shall submit, together with an application for the granting of permanent residence of unlimited duration, a valid travel document. If the third country national fails to submit a valid travel document, the police department shall not accept the application for the granting of permanent residence of unlimited duration.

(3) A third country national shall submit, together with an application for the granting of permanent residence for unlimited duration, two coloured photographs of size 3 x 3.5 cm showing his/her current appearance and documents not older than 90 days which confirm

- a) financial means of subsistence for residence in the manner referred to in Article 45 par. 6 and in the amount referred to in Article 45 par. 7;
- b) health insurance;
- c) integrity in the case of a third country national according to Art. 46 par. 1(b) older than 14 years of age.

d) a consent as referred to in Article 43 par. 2, if it is a third country national according to Art. 46 par. 1 (b); (e) the fact specified in Art.46 par. 1 (b).

(4) A police department may request from a third country national

a) a document which is not older than 90 days and which confirms provided

accommodation;

b) a statutory declaration that the reasons for granting a permanent residence permit according to Art. 43 par. 1 (a), (d) or (e) continue to exist.

(5) A third country national according to Art. 46 par. 1(b) shall be obliged to attach to an application a medical report as well which confirms that he/she does not suffer of any disease which would threaten public health, within 30 days from the filing of a request. The medical report confirming that he/she does not suffer from any disease which could threaten public health may not be older than 30 days.

(6) The police department shall decide about an application for granting a permanent residence permit for unlimited duration within 90 days of receipt of the application by the police department. If it concerns a third country national who represents or works for an important foreign investor in the Slovak Republic, his/her spouse or his/her child according to Art. 43 par. 1 (b) to (d), the police department shall decide within 30 days of receipt of the application and all the particulars.

(7) Permanent residence according to Art. 43 shall be considered as valid in the Slovak Republic territory up to the time of deciding about the application for the granting of permanent residence of unlimited duration.

#### **Common Provisions on Permanent Residence for Five Years and on Permanent Residence of Unlimited Duration**

##### **Article 48**

##### **Deciding about Application for Granting of Permanent Residence**

(1) A police department, when deciding about the application for the granting of permanent residence, takes into account the

- a) public interest, level of threat to state security, public order or public health by a third country national;
- b) interests of a minor child of a third country national, personal and family relations of a third country national, his/her financial situation and length of previous residence;
- c) level of integration of a third country national into the society;
- d) a statement of a consulate on the granting of permanent residence.

(2) A police department shall refuse an application for the granting of permanent residence, if

- a) a third country national is a persona non grata;
- b) there is a justified suspicion that a third country national would threaten the state security, public order or public health during his/her residence;
- c) a third country national fails to fulfil the conditions for the granting of permanent residence;
- d) a third country national has closed the marriage of convenience;
- e) the marriage was not closed according to a special regulation,<sup>67)</sup> in the case of an application for the granting of permanent residence according to Art. 43 par. 1(a) or Art. 46 par. 1(a);
- f) the third country national provides incorrect or misleading data or submits false or counterfeit documents or a document of another person.
- g) data in travel document do not correspond with the reality.
- h) the statement according to Art. 125 par. 6 contains refusal of the permanent residence.

(3) If the application for granting a permanent residence permit is approved, the police department shall not issue any

written decision but notify the third country national in writing that he/she was granted a permanent residence permit in the territory of the Slovak Republic, stating the date of granting the permanent residence permit, and if it is a permanent residence permit for five years, including the date of expiry of the permanent residence permit. The police department shall send a written or electronic notification of granting the permanent residence permit to the third country national, to the competent consulate based on the place of permanent residence of the third country national, as well as to the self-governing region and municipality of the place of permanent residence.

(4) If a third country national has requested the change of the type or purpose of residence, his/her residence in the Slovak Republic territory shall be considered as authorised by the time of deciding about such an application.

#### **Article 49**

##### **Expiry of Permanent Residence**

Permanent residence shall expire, if

- a) a third country national does not enter the Slovak Republic territory within 180 days from the granting of the permanent residence permit;
- b) a third country national notifies a police department in writing about the end of residence;
- c) the validity of permanent residence granted to a third country national has finished according to Art. 43 and he/she has not applied for permanent residence according to Art. 46,
- d) a third country national was imposed the punishment of expulsion;
- e) a third country national was administratively expelled;
- f) a third country national has obtained the Slovak Republic citizenship;
- g) a police department has cancelled permanent residence of a third country national;
- h) the third country national has been granted a different type of residence according to this Act from what he/she had before, or the third country national has been granted an asylum or
- i) a third country national has died or was declared dead.

#### **Article 50**

##### **Withdrawal of Permanent Residence**

(1) A police department shall cancel permanent residence, if

- a) they discover the facts which are the reason for the refusal of the application for permanent residence;
- (b) a third country national failed to submit the document according to Art. 45 par. 4 or in Art. 47 par. 5;
- c) a third country national continuously stays abroad more than 180 days without a written notification to a police department;
- d) the married couple does not live together as a family in the case of permanent residence according to Art. 43 par. 1(a),
- e) a third country national was granted permanent residence according to Art. 43 par. 1(a) or Art. 46 par. 1(a) and his/her marriage has been terminated within five years from the time of granting permanent residence for five years, or
- f) a third country national has filed an application for a benefit in material need.

(2) The provision of par. 1 shall not apply, if

- a) the consequences of the withdrawal of permanent residence would be inappropriate with regard to the reason of permanent residence withdrawal, especially with regard to the personal and family life of a third country national;
- b) in the case of a third country national who was granted residence according to Art. 45 and 46 par. 2; or
- c) in the case of a third country national according to Art. 43 par. 1(a) to (d) who was granted permanent residence for at least three years and the person he/she was joining for permanent residence has died;
- d) it concerns a third country national according to Art. 43 par. 1 (b) or (c), over 18 years of age who  
1/ is conducting business activities in the Slovak Republic territory;

2/ is employed in the Slovak Republic territory;

3/ is studying at a school in the Slovak Republic; or

4/ is performing activities as stated in Art. 25 or Art. 26.

(3) The police department shall revoke a permanent residence permit according to Art. 46 par. 2 (a), (c) or (d) at the request of the national authority that requested the permanent residence permit to be granted; such a decision cannot be appealed.

### **Special Provisions on Long Term Residence**

#### **Article 51**

##### **Long Term Residence**

Long term residence shall be granted for unlimited duration.

#### **Article 52**

(1) A police department shall grant long-term residence, unless there are reasons for the refusal of an application according to Art. 54 par. 2, to a third country national

- a) whose stay in the Slovak Republic territory is authorised and continuous during the period of five years immediately prior to the filing of an application;
- b) whose long term residence has expired according to Art. 55(e) or Art. 56(b), (c) or(d); or
- c) who has had a five-year authorised continuous residence in the territory of member states as a Blue Card holder and has been staying in the Slovak Republic territory as a Blue Card holder for at least two years immediately prior to the filing of an application.

(2) par. 1 shall not apply to a third country national who

- a) is an asylum seeker;
- b) whose residence is tolerated according to Art. 58 par. 1 or par. 3,
- c) has requested the provision of a temporary shelter;
- (d) is a displaced person;
- e) has been granted temporary residence permit for the purpose of study;
- f) has been granted a temporary residence permit for the purpose of special activities according to Art. 25 par. 1(d) to (f);
- g) has been granted a temporary residence permit for the purpose of seasonal work;
- h) stays in the Slovak Republic territory according to Art. 23 par. 5(b), (c) or (d); or
- i) enjoys diplomatic privileges and immunities in the Slovak Republic territory according to the international law.<sup>68)</sup>

(3) The time period of continuous residence according to par. 1(a) shall not include the time period of residence of a third country national according to par. 2(g), (h) or (i).

(4) The time period of continuous residence according to par. 1(a) shall include

- a) the time period of temporary residence for the purpose of study or the time period of temporary residence according to Art. 25 par. 1(d) to (f) in the Slovak Republic territory, half of its length;
- b) the period of maximum six consecutive months and maximum ten months during which a third country national has stayed outside the Slovak Republic territory after notifying the police department;
- c) the time from submitting the application for granting asylum until a decision on granting an asylum or subsidiary protection is made.

(5) The time period of continuous residence according to par. 1(c) includes the period of maximum 12 months which

follow after each other and maximum 18 months during which a third country national stayed outside the territory of member states.

### Article 53

#### Application for Granting of Long Term Residence

(1) An application for the granting of long term residence shall be filed by a third country national in person in an official form at a police department; a family member may file an application instead of a third country national who cannot file an application in person due to helplessness. The police department shall issue a confirmation of receipt to the applicant on the date of the filing of an application.

(2) A third country national shall submit, together with an application for the granting of long term residence, a valid travel document. If the third country national fails to submit a valid travel document, the police department shall not accept the application for the granting of long term residence.

(3) A third country national shall submit, together with an application for the granting of long term residence, two coloured photographs of size 3 x 3.5 cm showing his/her current appearance and documents not older than 90 days which confirm

- a) stable and regular income for him/herself and for his/her family members so that he/she would not become a burden for the social aid system of the Slovak Republic;
- b) provision of accommodation in the case of an application for the granting of long term residence according to Art. 52 par. 1(b);
- c) health insurance.

(4) Stable and regular income may be demonstrated by a third country national especially by means of a work contract, confirmation of an employer about paid salary, balance statement of a bank account registered to the name of the third country national, a certificate of receiving a pension.

(5) A third country national who has been granted a temporary residence permit for the purpose of family reunification prior to filing an application for granting a long-term residence or a family member according to Art. 27 par.2 of an asylum seeker or a foreigner who has been granted subsidiary protection may prove stable and regular income by a statutory declaration of a spouse, parent or person into who's care he/she was entrusted in order to confirm that he/she would provide financial and material means of subsistence to the third country national during his/her residence in the Slovak Republic, together with a document according to par. 4.

(6) The police department shall decide about an application for granting a long term residence permit within 90 days of receipt of the application by the police department.

(7) The residence granted according to this Act shall be considered as valid in the Slovak Republic territory after the end of its validity by the time of delivering the decision on the application for the granting of long term residence.

### Article 54

#### Deciding about Application for Granting of Long Term Residence

(1) If a police department grants long term residence to a third country national who has the status of a person with long term residence in a member state, this shall be notified to the member state.

(2) A police department shall refuse an application for the granting of long term residence, if

- a) the third country national fails to fulfil the conditions for the granting of long term residence, or
- b) there is a justified suspicion that a third country national would threaten the state security or public order;
- c) the third country national's asylum has been revoked on grounds pursuant to a special regulation, 68a) or  
or
- d) the third country national's subsidiary protection has not been extended or has been cancelled on the grounds pursuant

to a special regulation. 68b)

(3) A police department which proceeds according to par. 2(b) shall evaluate the level of the threat to the state security or public order which follows from a criminal offence committed by a third country national and its severity or which follows from the danger which threatens from a third country national and take into account the length of residence and the extent of relations with the country of origin.

(4) The decision by which long term residence was granted cannot be appealed.

#### **Article 55** **Expiry of Long Term Residence**

Long term residence shall expire,  
if

- a) a third country national gives up long term residence in writing;
- b) a third country national was imposed the punishment of expulsion;
- c) a third country national was administratively expelled;
- d) a third country national has obtained the Slovak Republic citizenship;
- e) a third country national was granted long term residence in another member state;
- f) a police department has cancelled long term residence of a third country national; or
- g) a third country national died or was declared dead.

#### **Article 56** **Withdrawal of Long Term Residence**

A police department shall cancel long term residence, if

- a) they discover that a third country national has obtained long term residence in a fraudulent way;
- b) a third country national stays outside the Slovak Republic territory for more than six years;
- c) a third country national according to Art. 52 par. 1(a) and (b) has continuously stayed outside the territory of member states during 12 consecutive months;
- d) a third country national according to Art. 52 par. 1(c) has continuously stayed outside the territory of member states during 24 consecutive months;
- e) the third country national's asylum has been revoked on grounds pursuant to a special regulation, 68a) if he/she had been granted long term residence permit based on the granted asylum, or
- f) the third country national's subsidiary protection has not been extended or has been cancelled on grounds pursuant to a special regulation, 68b) if he/she had been granted long term residence permit based on the granted subsidiary protection.

#### **Article 57**

If a police department refuses an application for long-term residence, cancels long term residence or if his/her long term residence expires and if these facts do not result in administrative expulsion or exercise of the punishment of expulsion, the third country national shall be authorised to stay in the Slovak Republic territory, if he/she fulfils the conditions for residence according to this Act or a special regulation.46)

### **Section Three** **Tolerated Residence**

#### **Article 58**

(1) A police department shall grant tolerated residence to a third country national, if there is no reason for the refusal of a request according to Art. 59 par. 12;

- a) who is a minor person found in the Slovak Republic territory;
- b) if required due to the respect for his/her personal and family life and not threatening the state security or public order; a third country national according to Art. 27 par. 1 and Art. 43 par.



l(a) to (d) such a residence may be granted only then, if he/she is not a holder of a valid travel document and demonstrates his/her identity in another trustworthy way;

- c) who is the victim of human trafficking,<sup>69</sup> if he/she is at least 18 years old; a police department or a person authorised by the Ministry of Interior shall inform the third country national about the possibility and conditions for the granting of tolerated residence for this reason and about the rights and duties which follow therefrom.
- d) if it results from the international obligations of the Slovak Republic.

(2) A police department may, upon the request of a prosecuting authority, grant the tolerated residence to a third country national who was illegally employed under particularly exploitative working conditions or to an illegally employed minor person, if the presence of this third country national in the Slovak Republic territory is necessary for the purpose of criminal proceedings. Tolerated residence shall be granted by a police department for 180 days. A police department may extend tolerated residence by 180 days, repeatedly as well, up to the time of valid completion of criminal proceedings or by the time of the payment of the due amount of remuneration for performed work to a third country national. A prosecuting authority or a person authorised by the Ministry of Interior shall inform a third country national about the possibility and conditions of the granting of tolerated residence for this reason and about the rights and duties which follow therefrom.

(3) A tolerated residence shall mean a residence for maximum of 90 days, during which the third country national, who has been the victim of human trafficking and at least 18 years old, decides whether he/she would cooperate with prosecuting authorities, when resolving criminal acts related to human trafficking; however, this period may be extended by 30 days upon the request of the person authorised by the Ministry of Interior.

#### Article 59

(1) The police department shall, based on an application of a third country national, grant or extend tolerated residence for the period of duration of the grounds for its granting, but for no more than 180 days, unless the third sentence of this par., par. 6 or Article 58 par. 3 provide otherwise. An application for granting and extension of a tolerated residence shall be filed by a third country national in person in an official form at the police department. An application for granting a tolerated residence according to Art. 58 par. 1(c) and par. 2 shall be filed by a prosecuting authority instead of the third country national. A third country national shall be obliged, when filing an application for granting a tolerated residence according to Art. 58 par. 1(b) to submit documents proving the facts which would justify granting of tolerated residence. An application for granting a tolerated residence on behalf of the third country national who cannot file the application in person due to helplessness may be filed by a family member of such third country national or a person authorised by him/her, if there is no family member of the third country national residing in the Slovak Republic territory. On behalf of an unaccompanied minor placed in social child protection facility and social care and has no guardian appointed, the application may be filed by the authority responsible for social and legal protection of children and social guardianship.

(2) A police department shall not accept an application for the granting of tolerated residence, if a third country national is in the proceeding of granting of asylum according to a special regulation.<sup>3</sup>

(3) A third country national who applied for granting a tolerated residence according to Art. 58 par. 1 (b) shall attach to his/her application a document demonstrating his/her need to respect for private and family life and a document attesting his/her integrity not older than 90 days; the Ministry of Interior may in justified cases desist from requesting the integrity attesting document.

(4) A police department may repeatedly extend tolerated residence; whereas they shall be obliged to investigate, whether the reasons, for which tolerated residence was granted to the third country national, further persist. For this reason the third country national may be required by the police department to demonstrate the persistence of the reason for which he/she was granted tolerated residence.

(5) A third country national cannot conduct business activities during the validity of tolerated residence.

(6) A police department shall grant tolerated residence according to Art. 58 par. 1(c) for at least 180 days, even repeatedly, if the presence of a third country national in the Slovak Republic territory is necessary for the purpose of criminal proceedings; however, a police department shall not grant any tolerated residence, if demonstrated, that the applicant has not abandoned or has restored, out of his/her own will, contacts with persons suspicious of committing a crime related to human trafficking.

(7) A police department shall decide on the application for the granting of tolerated residence or about an application for the extension of tolerated residence within 15 days from the filing of the application at the police department.

(8) If an application for the granting of tolerated residence or an application for the extension of tolerated residence is accepted by a police department, the police department shall issue a confirmation, instead of a decision, that he/she was granted tolerated residence or that tolerated residence in the Slovak Republic was extended which contains the date of granting or extending tolerated residence.

(9) If the reason for which tolerated residence was granted expires, a third country national shall be obliged to notify the police department about this fact at the latest within 15 days from the day when he/she discovered this fact.

(10) The Ministry of Interior shall provide for a third country national, who has tolerated residence according to Art. 58 par. 1(c) or par. 2, appropriate accommodation, if he/she cannot provide for it on his/her own.

(11) A law enforcement body or a person authorised by the Ministry of Interior shall inform the third country national who was granted tolerated residence according to par. 6 about any potential programmes or projects the aim of which is to enable his/her integration into the society during tolerated residence.

(12) A police department shall refuse an application for the granting of tolerated residence or an application for the extension of tolerated residence, if

- a) the third country national provides incorrect or misleading data or submits false or counterfeit documents or a document of another person.
- b) does not fulfil the conditions for the granting of tolerated residence;
- c) a third country national is a persona non grata;
- d) he/she has not attached any document according to par. 3.

(13) The provisions of par. 12(a) and (c) shall not apply for tolerated residence according to Art. 58 par. 1(a) and (c).

(14) A third country national who has requested granting or extension of his/her tolerated residence shall be authorised to stay in the Slovak Republic territory until the time of deciding about such an application.

#### **Article 60**

##### **Expiry of Tolerated Residence**

Tolerated residence shall expire, if

- a) a third country national notifies a police department in writing about the end of residence;
- b) the period for which tolerated residence was granted to the third country national expired and he/she has not applied for its extension;
- c) a third country national filed an application for granting asylum;
- d) a third country national obtained another residence according to this Act than the one which he/she has had;
- e) a third country national travelled out of the Slovak Republic territory;
- f) a third country national died or was declared dead; or
- g) a third country national was administratively expelled.

#### **Article 61**

##### **Withdrawal of Tolerated Residence**

(1) A police department shall cancel tolerated residence, if

- a) they discover that the reason for which tolerated residence was granted has expired;
- b) the third country national according to Art. 58 par. 1(b), (c) or par. 2 threatens the state security or public order;
- c) they discover the facts which represent the reason for the refusal of an application according to Art. 59 par. 12; or

d) in the case of a foreign national according to Art. 58 par. 1(c), who has restored, out of his/her own will, contacts with persons suspicious of committing a crime related to human trafficking, who pretends cooperation with prosecuting authorities or who stopped cooperating with prosecuting authorities.

(2) The provision of par. 1 (c) shall not apply in the case of a third country national who has a tolerated residence granted according to Art. 58 par. 1(c);

#### **Article 61a**

##### **Remaining of a Third Country National in the Slovak Republic territory**

(1) A third country national who is staying in the Slovak Republic territory without authorisation, may remain in the Slovak Republic territory for the

- a) duration of obstacles to administrative expulsion according to Art. 81,
- b) provision of institutional care related to urgent health care,
- c) duration of quarantine measures,
- d) prison sentence execution or period of imprisonment,
- e) period to exit the country according to Art. 83 par. 1,
- f) duration due to the reasons according to Art. 84 par. 4.
- g) detention according to Art. 88 or Art.88a, or obligation imposed according to Art. 89; this does not apply if the asylum seeker is entitled to stay in the territory of the Slovak Republic according to special regulation 78a) or
- h) preparation and execution of administrative expulsion or return according to a special regulation,<sup>85)</sup> unless this is a third country national according to (g).

(2) Remaining in the Slovak Republic territory shall not be considered as residence according to this Act. For the purposes of Art. 19, 31, 38, 44 and 52, remaining in the territory shall not be considered as authorised stay in the Slovak Republic territory.

(3) Provision of par. 1 (b) and (c) only applies if a third country national was granted institutional care or quarantine measure during the authorised residence in the Slovak Republic territory.

(4) A third country national according to par. 1 (b) or (c) shall be obliged to leave the Slovak Republic territory within seven days of expiration of the reasons for which he/she could remain in the Slovak Republic territory. In justified cases, a police department may decide to reduce the period according to the previous sentence.

(5) A police department, in the territorial competence of which the third country national according to par. 1 (a), (e), (f) or (h) is located, may impose obligation on such third country national according to Art. 89 par. 1 (a).

(6) A police department, in the territorial competence of which the third country national according to par. 1 is located, shall issue a written confirmation to such third country national about the possibility to remain in the Slovak Republic territory; this shall not apply if the third country national according to par. 1 is prison sentence execution, period of imprisonment or detained according to Art. 88 or 88a.

(7) A third country national according to par. 1 cannot conduct business activities.

#### **Section Four**

##### **Birth of Third Country National in Slovak Republic Territory or Member State**

#### **Article 62**

(1) If a third country national is born in the territory of the Slovak Republic or member state to a parent who was granted residence according to this Act, the parent of a third country national born in the territory of the Slovak Republic or member state may apply for the granting of residence at the police department. The police department shall grant to this child

- a) temporary residence according to Art. 27, if his/her parents were granted temporary residence according to this Act;

- b) temporary residence according to Art. 27, if his/her parent was granted long term residence according to Art. 52;
- c) permanent residence according to Art. 43, if his/her parent was granted permanent residence according to Art. 43;
- d) permanent residence according to Art. 46, if his/her parent has been granted a permanent residence permit according to Art. 46.

(2) The application of the parent according to par. 1 shall include

- a) a valid travel document of a child or his/her own valid travel document in which the child is recorded;
- b) a birth certificate of the child;
- c) two photographs of a child with the dimensions of 3 x 3.5 cm which show his/her current appearance;
- d) a document about the provision of financial resources for the residence of a child;
- e) a document about the provision of accommodation for a child.

(3) If the parent of a third country national who was born in the territory of the Slovak Republic or of the member state fails to apply for the granting of residence according to this Act, he/she shall be obliged to provide for the exit of the country within 90 days from his/her birth, unless there are serious reason which prevent this.

(4) A police department shall decide about the application according to par. 1 within 30 days from the delivery of the application to the police department. The residence of a third country national born in the territory of the Slovak Republic or of the member state shall be considered as authorised up to the time of valid decision about the application according to par. 1.

(5) If the application according to par. 1 is accepted, the police department shall not issue any written decision, but notify the parent of the child in writhing that the child has been granted a residence permit for the Slovak Republic territory containing the date of granting the residence permit.

(6) A police department shall refuse an application according to par. 1, if

- a) the parent submits false or counterfeit documents or gives false or misleading data;
- b) the data in the travel document do not correspond with the reality;
- c) the parent failed to submit the documents according to par. 2.

(7) In the case of expiry and withdrawal of granted residence on the basis of an application according to par. 1 the provisions of this Act shall apply according to the type of granted residence.

## **TITLE TWO**

### **RESIDENCE OF UNION CITIZEN AND FAMILY MEMBER OF UNION CITIZEN**

#### **Article 63**

(1) This title shall define the right of residence for the Union citizen and his/her family member who accompanies or joins him/her.

(2) The residence of the Union citizen and the residence of the family member of the Union citizen shall be permanent residence.

#### **Section One**

#### **Right of Residence of Union Citizen**

#### **Article 64**

(1) A Union citizen who is the holder of a valid identity card or travel document shall be entitled, without any further conditions or formalities, to stay in the Slovak Republic territory for three months from the entry to the Slovak Republic

territory. A Union citizen may submit, instead of a valid identity card or travel document, any other document by which he/she demonstrates his/her identity and citizenship of a member state in a trustworthy way.

(2) The beginning of residence in the Slovak Republic territory shall be notified by a Union citizen at a police department within ten working days from the date of entry into the Slovak Republic territory.

(3) The right for residence according to par. 1 shall remain untouched, unless the Union citizen specified in Art. 65 par.

1 (c) or (d) becomes a person in material need.

(4) If a police department discovers during the control of the facts specified in par. 3, that the Union citizen became an inappropriate burden for the social aid system, they inform him/her that he/she has lost the right of residence according to par. 1 and shall be obliged to leave the Slovak Republic territory.

### Article 65

(1) A Union citizen has the right of residence in the Slovak Republic territory during the period of more than three months, if

- a) he/she is employed in the Slovak Republic territory;
- b) he/she is a self-employed person in the Slovak Republic territory;<sup>71)</sup>
- c) he/she has sufficient resources for him/herself and for his/her family members so that they would not become a burden for the social aid system of the Slovak Republic during the period of their residence and health insurance in the Slovak Republic territory;
- d) he/she studies at a primary school, secondary school or university in the Slovak Republic;
- e) there is an assumption that he/she would find employment; or
- f) he/she is a family member of a Union citizen whom he/she accompanies or joins and who fulfils the conditions for residence according to (a) to (e).

(2) The right of residence of a Union citizen shall remain untouched, if he/she fulfils the conditions as stated in par. 1.

(3) The right of residence of a Union citizen according to par. 1(a) and (b) remains untouched even then, if he/she is neither employed, nor self-employed, unless

- a) he/she is on temporary sick leave due to sickness or injury;
- b) he/she is registered as a job applicant at the respective Office of Labour, Social Affairs and Family following to the period of employment for at least one year;
- c) he/she is registered as a job applicant at the respective Office of Labour, Social Affairs and Family following to the end of employment for a fixed period of time closed for the maximum of one year or if he/she is registered as a job applicant at the respective Office of Labour, Social Affairs and Family following to the period of employment for less than one year; or
- d) he/she has commenced a professional training; if he/she is not registered as a job applicant at the respective Office of Labour, Social Affairs and Family, it must be professional training related to the previous employment.

(4) The right of residence of a Union citizen according to par. 1(f) remains untouched even then, if

- a) the Union citizen whom he/she accompanies or joins died; or if his/her right of residence in the Slovak Republic territory expired, if he/she fulfils the conditions as stated in par. 1;
- b) the Union citizen whom he/she accompanies or joins died; or if his/her right of residence in the Slovak Republic territory expired, in the case of his/her child who studies in the Slovak Republic territory or parent whom this child was entrusted into personal care; this right remains untouched until the completion of studies in the Slovak Republic;
- c) he/she has divorced the Union citizen whom he/she accompanies or joins or if their marriage was declared invalid, if he/she fulfils the conditions as stated in par. 1, or
- d) the permanent, duly certified relationship to the Union citizen whom he/she was accompanying or whom he/she joined, ceased to exist, if he/she meets the conditions according to par. 1.

(5) If there is a justified doubt whether the Union citizen fulfils the conditions as stated in par. 1 or par. 3, the police department may verify their fulfilment.

### Article 66

(1) A Union citizen who stays in the Slovak Republic territory for more than three months shall be obliged to apply for the registration of residence in the Slovak Republic territory. The application for the registration of residence shall be filed in an official form in person at a police department within 30 days from the elapse of three months from the entry into the Slovak Republic territory.

(2) A Union citizen who applies for the registration of residence according to Art. 65 par. 1 (a) shall be obliged to submit a valid identity card or a valid travel document and a promise of an employer or a work contract.

(3) A Union citizen who applies for the registration of residence according to Art. 65 par. 1 (b) shall be obliged to submit a valid identity card or a valid travel document and a document which confirms that he/she is a self-employed person.

(4) A Union citizen who applies for the registration of residence according to Art. 65 par. 1 (c) shall be obliged to submit a valid identity card or a valid travel document and a document which confirms that he/she has sufficient resources for him/herself and his/her family members so that he/she would not become a person in material need during his/her residence period and a document of health insurance.

(5) A Union citizen who applies for the registration of residence according to Art. 65 par. 1 (d) shall be obliged to submit a valid identity card or a valid travel document, a document which confirms that he/she studies at a primary school, secondary school or university in the Slovak Republic and a solemn declaration that he/she has sufficient resources for him/herself and his/her family members so that he/she would not become a person in material need during his/her residence period in the Slovak Republic.

(6) A Union citizen who applies for residence registration according to Art. 65 par. 1 (e) shall be obliged to submit with the application a valid identity card or a valid travel document, a statutory declaration that he/she is continuously looking for work in the Slovak Republic territory.

(7) A Union citizen who applies for the registration of residence according to Art. 65 par. 1 (f) shall be obliged to submit a valid identity card or a valid travel document together with the application, a document which confirms the existence of a family relationship or a document which confirms that he/she has a permanent, duly certified relationship with the Union citizen whom he/she accompanies or joins.

(8) A police department shall be obliged, when investigating, whether the Union citizen has sufficient resources for him/herself and his/her family members so that he/she would not become a person in material need during the period of their residence in the Slovak Republic, to take into account the personal situation of the particular person. A Union citizen may demonstrate sufficient resources by submitting cash, travellers' cheques, credit cards, account statements, documents of ownership of a real estate, document of drawing of pension or another trustworthy document. A police department shall not require an amount which the Union citizen shall demonstrate at the time of registering residence, higher than the amount of living subsistence in the Slovak Republic.<sup>60)</sup>

(9) A police department shall individually evaluate submitted documents according to par. 2 to 7, whereas they investigate the facts which are demonstrated by the Union citizen by means of them. The police department shall, following to examining the documents, decide, whether the submitted documents according to par. 2 to 7 are sufficient or not. If the submitted documents are not sufficient in order to demonstrate in a trustworthy way the facts according to par. 2 to 7, the particular person shall not be registered by the police department. Such a person shall be at the same time informed in writing which documents are to be submitted in order to demonstrate the facts according to par. 2 to 7 in a trustworthy way so that the person would be registered.

(10) A police department shall issue a confirmation to a Union citizen on the date of the filing of a complete application for the registration of the Union citizen residence which contains the name, surname, address of a registered person and registration date. If the Union citizen fails to submit a document according to Art. 122, the police department shall state as the address in the confirmation the municipality in which the Union citizen will stay.

(10) A Union citizen according to Art. 65 par. 1 who has been registered to have the right of residence by the police department may request the police department to issue a residence permit entitled the "Residence Card of EU Citizen"

with a five year period of validity. The police department shall issue the residence permit to the Union citizen within 30 days. If requesting the issue of a residence permit, the Union citizen shall submit a proof of accommodation according to Art. 122 and two 3 x 3.5 cm sized photographs showing his/her current appearance, otherwise the police department shall not issue the residence permit; the accommodation must comply with minimum requirements according to a special regulation. 61)

(12) A general regulation on administrative procedure<sup>37)</sup> shall not apply to the issuance of a confirmation of registration.

### Article 67

#### Right of Permanent Residence of Union Citizen

(1) A Union citizen has the right of permanent residence, if his/her stay in the Slovak Republic territory was authorised continuously during the period of five years.

(2) A Union citizen has the right of permanent residence also if his/her stay in the Slovak Republic territory was authorised continuously during the period of less than five years and

- a) he/she is an employee or a self-employed person who, at the time, when he/she stopped working, achieved the age necessary for the existence of pension entitlement according to the law;<sup>72)</sup>
- b) he/she is an employee who left paid employment in order to draw early retirement pension, if he/she was employed in the Slovak Republic territory at least during the previous twelve months and his/her stay in the Slovak Republic territory was continuous for more than three years;
- c) he/she is an employee or a self-employed person with continuous stay in the Slovak Republic territory for more than two years who stopped working due to permanent incapacity to work; the condition of continuous residence in the Slovak Republic territory for more than two years shall not apply to the employee or self-employment person who has permanently lost the capacity to work due to occupational disease or accident at work;
- d) he/she is an employee or a self-employed person who, after three years of continuous residence according to Art. 65 par. 1(a) or (b), works as an employee or self-employed person in a member state and returns to the Slovak Republic territory at least once a week;
- e) he/she is a family member of a Union citizen with whom he/she stays in the Slovak Republic territory and who has obtained the right of permanent residence according to (a) to (d); or
- f) he/she is a family member of a Union citizen with whom he/she stays in the Slovak Republic territory and who died before he/she has obtained the right of permanent residence according to (a) to (d), and who, however, at the time of death, was staying continuously in the Slovak Republic territory for at least two years or who died due to occupational disease or accident at work; or in the case of a survived spouse, who gave up the Slovak Republic citizenship after entering into marriage with him/her.

(3) The following is also considered as continuous residence

- a) temporary absence in the Slovak Republic territory which does not exceed altogether six months per year;
- b) absence in the Slovak Republic territory during the performance of compulsory military service;
- c) absence in the Slovak Republic territory during maximum twelve months which follow after each other due to pregnancy and birth, serious illness, study, professional education, secondment abroad or other serious reasons.

(4) The period of continuous residence in the Slovak Republic territory according to par. 2 (b) and (c) also includes the period of work performance in a member state.

(5) The period of employment according to par. 2 (a) to (d) also includes the period of involuntary unemployment of a Union citizen who was duly registered at a competent Office of Labour, Social Affairs and Family, the period of unemployment for reasons independent on the will of a Union citizen or the period of incapacity to work due to disease or accident.

(6) The condition of the length of residence in the Slovak Republic territory and length of employment in the Slovak Republic territory according to par. 2(b) or (c) shall not apply to the Union citizen who is a spouse of the Slovak Republic citizen or who is the spouse of the person who gave up the Slovak Republic citizenship after entering into marriage with him/her.

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(7) The police department shall issue a document of residence titled the “Residence Card of EU Citizen” with a 10 year period of validity to a Union citizen on the basis of his/her application, if he/she fulfils the conditions according to par. 1 or par. 2.

(8) Together with their request for issuing the residence permit a Union citizen shall submit two 3 x 3.5 cm sized photographs showing his/her current appearance and a document confirming the fulfilment of conditions according to par. 1 or par. 2. If the Union citizen fails to submit a document according to Art. 122 when changing his/her address of residence, the police department shall state as the address in the document the municipality in which the Union citizen will be staying.

### **Article 68**

#### **Termination of Right of Residence of Union Citizen**

(1) The right of residence of a Union citizen or the right of permanent residence of a Union citizen shall expire, if the Union citizen

- a) notifies in writing the end of residence to a police department;



- b) was administratively expelled;
- c) was withdrawn his/her right of residence or his/her right of permanent residence;
- d) died or was declared dead; or
- e) obtained the Slovak Republic citizenship.

(2) A police department, may, on the basis of a decision, withdraw the right of residence from a Union citizen, if

- a) he/she submits a false or counterfeit document of residence which shows the fulfilment of conditions according to Art. 66 or Art. 67, when registering residence or when issuing a document of residence; or if he/she gives false data regarding the fulfilment of conditions on which the right of residence depends;
- b) they discover the facts during residence, that the Union citizen has obtained the right of residence on the basis of submitting false or counterfeit document showing the fulfilment of the conditions according to Art. 66 or Art. 67, or has given false data regarding the fulfilment of conditions which relate to the right of residence;
- c) he/she has the right of residence according to Art. 65 par. 1(c) or (d) and has become a person in material need, or
- d) he/she has entered into marriage of convenience.

(3) A police department shall be obliged, if proceeding according to par. 2, to verify the facts which justify the withdrawal of the right of residence from a Union citizen. If the police department discovers that the consequences of the withdrawal of the right of residence from the Union citizen would be inappropriate with regard to his/her age, health condition, family situation, length of previous residence, level of his/her integration into the society or scope of relationships with the country of origin, they shall not withdraw the right of residence from the Union citizen.

(4) A police department shall be obliged, after discovering of the facts which constitute the procedure according to par. 2(c), to allow the Union citizen to demonstrate in a trustworthy way within appropriate period of time that he/she is not a person in material need. If the Union citizen demonstrates this fact in a trustworthy way, the police department shall not withdraw the right of residence.

(5) A police department shall determine, in the decision about the withdrawal of the right of residence, a duty of a Union citizen to leave the Slovak Republic territory within 30 days from the date when the decision comes into force and effect.

(6) A police department may, on the basis of a decision, withdraw the right of permanent residence from a Union citizen, if

- a) he/she stays outside the Slovak Republic territory longer than two consecutive years; or
- b) they discover that he/she has obtained the right of permanent residence in a fraudulent way.

(7) A police department shall determine, in the decision about the withdrawal of the right of permanent residence, a duty of a Union citizen to leave the Slovak Republic territory within 30 days from the date when the decision comes into force and effect.

(8) If a Union citizen fails to leave the Slovak Republic territory within the period as specified in the decision about the withdrawal of the right of residence according to par. 2 or par. 7, the police department shall provide for the performance of the decision about the withdrawal of the right of residence.

## **Section Two**

### **Right of Residence of Family Member of Union Citizen**

#### **Article 69**

(1) A family member of the Union citizen who is the holder of a valid travel document shall be entitled to stay in the Slovak Republic territory during three months from the date of entry into

the Slovak Republic territory, if he/she accompanies or joins the Union citizen whose family member he/she is. A family member of the Union citizen may submit any document instead of a valid travel document by means of which he/she demonstrates his/her identity and a family relationship with the Union citizen to the police department in a trustworthy way.

(2) The beginning of residence in the Slovak Republic territory shall be announced by the family member of the Union citizen at a police department within ten working days from the date of entry into the Slovak Republic territory.

(3) The right of residence of the family member of a Union citizen according to par. 1 shall remain untouched, unless he/she becomes a person in material need.

(4) If a police department discovers, when checking the family member of the Union citizen, that he/she has lost the right of residence in the Slovak Republic territory as stated in par. 1, they inform him/her that he/she shall be obliged to leave the Slovak Republic territory.

### Article 70

(1) A family member of the Union citizen has the right of residence in the Slovak Republic territory during the period longer than three months, if the sponsor fulfils the conditions according to Art. 65 par. 1(a) to (e) or Art. 67.

(2) The sponsor shall be understood as the Union citizen with the right of residence or with the right of permanent residence in the Slovak Republic territory who is accompanied or joined by his/her family member.

(3) The right of residence of the family member of the Union citizen shall remain untouched even in the case of death of the sponsor with whom he/she stayed in the Slovak Republic territory at least one year prior to his/her death, if he/she fulfils the conditions according to Art. 65 par. 1(a) to (e) or he/she is the family member of the person who fulfils these conditions and the family was established in the Slovak Republic territory.

(4) The right of residence of the family member of the Union citizen shall remain untouched even then, if the sponsor died or his/her right of residence in the Slovak Republic territory expired and his/her child who studies in the Slovak Republic territory is concerned; or a parent whom this child was entrusted into personal care. This right shall remain untouched until the completion of studies in the Slovak Republic.

(5) The right of residence of the family member of the Union citizen shall remain untouched even then, if his/her marriage with the sponsor ended in divorce or was declared invalid, if he/she fulfils the conditions according to Art. 65 par. 1 (a) to (e) or if he/she is a family member of the person who fulfils these conditions and the family was established in the Slovak Republic territory and

- a) his/her marriage with the sponsor lasted at least three years, out of which at least one year in the Slovak Republic territory;
- b) he/she has a child of the sponsor entrusted into personal care;
- c) his/her marriage was terminated due to domestic violence, sponsor's dependence on alcohol, narcotic drugs, psychotropic substances, hazardous games or other serious reasons; or
- d) he/she has the right to meet a minor child in the Slovak Republic territory on the basis of mutual agreement of both parents of the child or he/she has this right acknowledged by the court during the time period as necessary.

(6) Par. 5 shall adequately apply also to the family member of the Union citizen according to Art. 2 par. 5 (g).

(7) If there is a justified doubt that the family member of the Union citizen fulfils the conditions according to par. 1 and 3 to 5, the police department may verify their fulfilment.

(8) The family member of the Union citizen shall demonstrate the right of residence in the Slovak Republic territory by means of a valid document of residence entitled the “Residence Card of EU Citizen Family Member” or he/she may demonstrate this right in any other trustworthy way.

(9) The family member of the Union citizen shall be obliged to submit an application for the issuance of a document of residence at a police department within 30 days from the elapse of three months from the date of entry into the Slovak Republic territory.

(10) A police department shall issue a confirmation about the filing of an application for the document of residence to the family member of the Union citizen on the date of the filing of the application for the document of residence to the family member of the Union citizen which contains the name, surname, address of the family member of the Union citizen and the date of filing the application. If the family member of the Union citizen fails to submit a document according to Art. 122 or if accommodation does not comply with the minimum requirements according to a special regulation,<sup>61)</sup> the police department shall state as the address in the confirmation about the filing of the application the municipality in which the family member of the Union citizen will be staying.

(11) A police department shall issue the document of residence entitled the “Residence Card of EU Citizen Family Member” on the basis of an application to the family member of the Union citizen within 30 days with the validity of five years or for the period of the assumed residence of the sponsor, if such a period is less than five years. The family member of the Union citizen shall submit, together with the application for the issuance of the document of residence, the following

- a) a valid travel document;
- b) two photographs with the size of 3 x 3.5 cm which show his/her current appearance;
- c) a document which confirms the existence of a family relationship with the sponsor;
- d) a confirmation about the registration of the residence of the sponsor;
- e) in the case of the family member of the Union citizen according to Art. 2 par. 5(b) or (c) documents which prove this fact;
- f) in the case of the family member of the Union citizen according to Art. 2 par. 5(d) a trustworthy document which confirms that he/she is a person dependent on the sponsor;
- g) in the case of the family member of the Union citizen according to Art. 2 par. 5(e) a trustworthy document which confirms that he/she is the member of the household of the sponsor;
- h) in the case of the family member of the Union citizen according to Art. 2 par. 5(f) a trustworthy document which confirms that he/she is dependent on the sponsor’s care due to health reasons;
- i) in the case of the family member of the Union citizen according to Art. 2 par. 5(g) a trustworthy document which confirms the existence of a permanent, duly certified relationship with the sponsor;
- j) in the case of the family member of the Union citizen according to Art. 2 par. 5(h) a residence permit of the family member of the Union citizen issued with his/her name by a member state.

(12) A police department shall individually evaluate submitted documents and documents according to par. 11, whereas they shall investigate the facts which are demonstrated by the citizen by means of these facts. The police department shall, following to examination of the documents, decide, whether the submitted documents according to par. 11 are sufficient. If the submitted documents are not sufficient in order to demonstrate in a trustworthy way the facts according to par. 11, the particular person shall not receive the document of residence from the police department. Such a person shall be at the same time informed in writing which documents are to be submitted in order to demonstrate the facts according to par. 11 in a trustworthy way so that the person would receive the document of residence from the police department.

(13) A statutory declaration of the sponsor that he/she would support the family member of the Union citizen according to Art. 2 par. 5(d) shall not be sufficient for the demonstration of the existence of dependency and the police department shall not accept any solemn declaration without further documents as another trustworthy document according to par. 10(f).

(14) If the family member of the Union citizen according to Art. 2 par. 5(d) has submitted a document according to par. 10(f), the police department shall be obliged to evaluate whether the family member of the Union citizen has material support from the sponsor and whether he/she needs material support with regard to the financial and social conditions in the country of origin or in the country from which he/she comes.

(15) A document of residence of the family member of the Union citizen shall not lose validity, if

- a) his/her temporary absence in the Slovak Republic territory does not exceed altogether six months per year;
- b) he/she does not stay in the Slovak Republic territory during compulsory military service;
- c) his/her absence in the Slovak Republic territory lasts maximum twelve months which follow after each other due to pregnancy and birth, serious illness, study, professional education, secondment abroad or other serious reasons.

(16) A general regulation on administrative procedure shall not apply to the issuance of the document of residence of the family member of the Union citizen.<sup>37)</sup>

### **Article 71**

#### **Right of Permanent Residence of Family Member of Union Citizen**

(1) The family member of the Union citizen shall have the right of permanent residence, if his/her authorised stay in the Slovak Republic territory with the sponsor lasted continuously for the period of five years.

(2) The family member of the Union citizen shall have the right of permanent residence also then, if his/her authorised stay in the Slovak Republic territory with the sponsor lasted continuously less than five years, if the sponsor has the right of permanent residence according to Art. 67 par. 2.

(3) The family member of the Union citizen shall have the right of permanent residence also then, if his/her authorised stay in the Slovak Republic territory lasted continuously for the period of five years and his/her right of residence according to Art. 70 par. 3 or par. 5 has remained untouched.

(4) The family member of the Union citizen shall have the right of permanent residence, if the sponsor according to Art. 65 par. 1(a) and (b) with whom he/she was staying in the Slovak Republic territory has died before he/she obtained the right of permanent residence according to Art. 67, however,

- a) at the time of his/her death the sponsor was continuously staying in the Slovak Republic territory for at least two years;
- b) has died as a result of a working accident or occupational disease; or
- c) it is the case of a surviving spouse who gave up the Slovak Republic citizenship after entering into marriage with him/her.

(5) The period of continuous residence shall also include the period as stated in Art. 67 par. 3.

(6) The period of continuous residence in the Slovak Republic territory according to par. 3 shall also include the period of work performance in a member state.

(7) The police department, shall, on the basis of an application, issue a document of residence entitled the "Residence Card of Family Member of EU Citizen" with a ten year period of validity to the family member of the Union citizen within 30 days, if he/she fulfils the conditions according to par. 1, 2, 3 or par. 4; the police department shall issue a new document of residence following to the end of the validity period.

(8) The family member of the Union citizen shall be obliged to apply for the issuance of the document of residence according to par. 7 at the latest on the last day of the validity of his/her document of residence issued according to Art. 70 par.10.

(9) The family member of the Union citizen shall submit two photographs

with the size of 3 x 3.5 cm which show his/her current appearance and a document which confirms the length of continuous residence according to par. 1, 2, 3 or par. 4; this shall not apply in the case of issuance of the document after the end of validity, then he/she shall be obliged to submit the photographs only.

(10) The document of residence of the family member of the Union citizen shall lose validity, if he/she has stayed outside the Slovak Republic territory for more than two consecutive years.

## Article 72

### Expiry of Right of Permanent Residence of Family Member of Union Citizen

(1) The right of residence of the family member of the Union citizen or the right of permanent residence of the family member of the Union citizen shall expire, if

- a) he/she notifies the end of residence to the police department in writing;
- b) he/she was administratively expelled;
- c) was ablated his/her right of residence or his/her right of permanent residence;
- d) died or was declared dead; or
- e) obtained the Slovak Republic citizenship.

(2) The police department, may, on the basis of a decision, withdraw the right of residence from the family member of the Union citizen; if

- a) he/she has submitted a falsified or counterfeited document which shows the fulfilment of the conditions according to Art. 70 par. 10, when applying for the issuance of the document of residence; or if he/she has given false data regarding the fulfilment of the conditions which relate to his/her right of residence;
- b) they discover the facts during residence, that the family member of the Union citizen has obtained the right of residence on the basis of submitting false or counterfeit document showing the fulfilment of the conditions according to Art. 70 par. 10, or has given false data regarding the fulfilment of conditions which relate to his/her right of residence;
- c) he/she has the right of residence according to Art. 70 and has become a person in material need and is a family member of a Union citizen according to Art. 65 par. 1 (c) or (d).
- d) they discover that this is a marriage of convenience.

(3) A police department shall be obliged, if proceeding according to par. 2, to investigate the facts which justify the withdrawal of the right of residence from the family member of the Union citizen. If the police department discovers that the consequences of the withdrawal of the right of residence from the family member of the Union citizen would be inappropriate with regard to his/her age, health condition, family situation, length of previous residence, level of his/her integration into the society or scope of relationships with the country of origin, they shall not withdraw the right of residence from the family member of the Union citizen.

(4) A police department shall be obliged, after discovering of the facts which constitute the procedure according to par. 2(c), to allow the family member of the Union citizen to demonstrate in a trustworthy way within appropriate period of time that he/she is not a person in material need. If the family member of the Union citizen demonstrates this fact in a trustworthy way, the police department shall not withdraw the right of residence.

(5) A police department shall determine, in the decision about the withdrawal of the right of residence, a duty of the family member of the Union citizen to leave the Slovak Republic territory within 30 days from the date when the decision comes into force and effect.

(6) The police department, may, on the basis of a decision, withdraw the right of permanent residence from the family member of the Union citizen; if

- a) he/she stays outside the Slovak Republic territory for longer than two consecutive years;

- b) they discover that the marriage with the sponsor is a marriage of convenience;
- c) they discover that he/she has obtained the right of permanent residence in a fraudulent way.

(7) A police department shall determine, in the decision about the withdrawal of the right of permanent residence, a duty of the family member of the Union citizen to leave the Slovak Republic territory within 30 days from the date when the decision comes into forces and effect.

(8) If the family member of the Union citizen fails to leave the Slovak Republic territory within the period as specified in the decision about the withdrawal of the right of residence, the police department shall provide for the performance of the decision about the withdrawal of the right of residence.

### **TITLE THREE DOCUMENTS FOR FOREIGNERS**

#### **Article 73 Residence permit**

(1) The police department shall issue a residence permit to a third country national within 30 days from (a) granting a residence permit, if he/she filed an application for granting a residence permit at the police department,

- b) meeting the requirements according to Art. 111 par. 2 (b), if he/she filed an application for granting a residence permit at the consulate;
- c) filing a request for issuing a residence permit,
- d) temporary residence permit renewal or permanent residence permit granting pursuant to Article 46 par. 1.

(2) In the case of a third country national according to Art. 52 par. 1 (a) who has been granted a long-term residence permit after having had the status of a long-term resident in another Member State based on granted international protection in this state, the police department shall issue a residence permit immediately after receipt of a written information from the Member State which granted international protection to the third country national. The police department shall issue the third country national with a confirmation of receipt of the application on the date of its filing.

(3) A residence permit shall contain data about the third country national as stated in a special regulation.<sup>59</sup>and, if it is a temporary residence permit according to Art. 24 to 27, 29 or 30, the phrase “permitted to work”. The residence permit shall be fitted with an electronic chip.

(4) A third country national who has been granted a temporary residence permit shall be issued with a residence permit by the police department valid for to the time period for which the temporary residence permit was granted; if he/she has accommodation provided for a period of time shorter than the granted period of temporary residence, the police department shall issue a residence permit for the period for which the accommodation is provided. The residence permit must expire no later than 90 days prior to the expiration date of the travel document of the third country national. In the residence permit the police department shall enter the specific purpose of the temporary residence of the third country national under the heading “Remarks”. If a third country national was granted temporary residence according to Art. 23 par. 5., the police department shall issue s residence permit with validity corresponding to the time for which the temporary residence was granted.

(5) The police department shall issue to a third country national according to Art. 23 par. 5 a residence permit in which they state under the item “Type of Residence” “ICT” and under the heading “Remarks” “Temporary Residence”.

(6) The police department shall issue to a third country national according to Art. 37 par. 2 a residence permit in which they state under the item "Type of Residence" "EU Blue Card" and under the heading "Remarks" a specific expertise which the third country national has higher professional qualification in.

(7) The police department shall issue a third country national according to Art. 52 par. 1 with a residence permit in which they state "Person with Long Term Residence – EU" under the item "Type of Residence". In the case of a third country national according to Art.52 par. 1 (c), the police department shall state "former holder of EU Blue Card" under the heading "Remarks".

(8) In the case of a third country national according to Art. 52 par. 1 (a) who has been granted a long-term residence permit based on asylum granted on the grounds of persecution or based on subsidiary protection granted on the grounds of serious harm, the police department shall indicate under "Remarks" the words "International protection granted in the Slovak Republic" and the date of granted asylum or subsidiary protection within the Slovak Republic.

(9) In the case of a third country national according to Art. 52 par. 1 (a) who has been granted a long-term residence permit after having had the status of a long-term resident in another Member State based on granted international protection in this state, the police department shall put under "Remarks" the same text that appears in the remark of the residence permit of a long-term resident issued in that Member State, in an official language; 99), this is unless the international protection was finally withdrawn. Before issuing a residence permit pursuant to the preceding sentence, the police department shall inquire the Member State that provided international protection to the third country national as to whether or not the international protection persists.

(10) The police department shall issue a new residence permit to a third country national who has been granted a permanent residence permit pursuant to Article 52 par. 1 (a) and (b) within the period according to par. 1 (c), if a Member State informs that the third country national has been provided with international protection and under "Remarks" they put the text "International protection provided in" followed by the Member State which provided the international protection, and the date of providing of such international protection.

(11) A third country national who has been granted a permanent residence permit according to Art. 43 shall be issued with a residence permit valid for no more than five years by the police department; if he/she has accommodation provided for a period of time shorter than five years, the police department shall issue a residence permit for the time period for which the accommodation is provided. A third country national who has been granted a permanent residence permit according to Art. 46 or 52 shall be issued with a residence permit with the validity of up to ten years. The residence permit must expire no later than 90 days prior to the expiration date of the travel document of the third country national. The police department shall indicate in the residence permit, if it is a permanent residence permit according to Art. 43 or 46, in the "Remarks" section the phrase "permitted to work".

(12) A foreigner who has been granted asylum shall be issued with a residence permit by the police department containing the text "Person granted asylum". The residence permit shall be valid for ten years; in the case of persons granted asylum who have been granted asylum for three years, the validity of the residence permit shall be three years. The police department shall issue to a foreigner, who has been provided subsidiary protection, a residence permit within 15 days providing the designation "Subsidiary protection"; the validity of the residence permit shall be one year. After the expiry of the residence permit the police department shall issue for a foreigner who has been granted subsidiary protection a new residence permit valid for two years. The validity of a document issued pursuant to this par. shall end even prior to the expiry of the residence permit, if the asylum or subsidiary protection provided to the foreigner has expired.

(13) A third country national who is legally entitled to residence under an international agreement, 42) shall be issued by the police department, at his/her request, a residence permit valid for up to five years.

(14) A third country national who has been issued with a residence permit in accordance with par. 4 or 11 valid for a time shorter than the granted residence permit and a third country national who has been granted a permanent residence permit according to Art. 46 or 52 shall apply for a new residence permit no later than 30 days before the

expiry of their residence permit.

(15) The police department shall include in the residence permit the name, surname and other names and surnames of the foreigner in Roman characters as stated in their travel document or in the decision on asylum granting, or in the decision on the provision of subsidiary protection. Should the third country national fail to submit a document proving the provision of accommodation according to Art. 122, the police department shall provide the municipality where the third country national will stay during the residence as the address in the residence permit.

(16) The par. 3, 14 and 15 shall also apply to the issue of a residence permit pursuant to Article 66 par. 11, Article 67 par. 7, Article 70 par. 10 and Article 71 par. 7.

(17) A foreigner may hold only one residence permit.

(18) A police department shall issue to a third country national according to Art. 23 par. 1, together with a residence permit also a document titled "Additional employment data", in which they shall indicate the name, address and identification number of the employer, place of work, type of work and the period of employment. The police department shall issue a new residence permit pursuant to the preceding sentence, if

- a) the third country national has met his/her obligation according to Art. 111 par. 1(t), presented a new work contract and the relevant Office of Labour, Social Affairs and Family issued a confirmation according to Art. 33 par. 3 containing an approval to fill a vacancy, and
- b) it concerns a third country national according to Art. 23 par. 1.

#### **Article 73a** **Electronic chip**

(1) An electronic chip shall contain data that are or may be entered into the residence permit pursuant to Article 73 par. 3. The electronic chip may also carry other data to the extent and under the conditions laid down by a special regulation; 72a) if it is not possible to write all data on the electronic chip due to lack of space, the foreigner shall determine which data to write.

(2) The holder may verify the data that is entered into the electronic chip at the police department that issued the document.

(3) The residence permit shall be accompanied by a personal security code that is used to confirm the identity of the holder in an electronic communication with information systems of the public administration or other natural or legal persons.

(4) The personal security code shall be a combination of six to ten digits, chosen by the foreigner when filing an application for a residence permit or later at the police department; for foreigners deprived of legal capacity the personal security code shall be selected by their guardian.

(5) The residence permit holder shall be allowed to change the personal security code during the validity of the document. Changing of the personal security code shall be done at the police department or at another location published by the Ministry of Interior, or by means of application software published for this purpose by the Ministry of Interior.

(6) If the holder of a residence permit enters a wrong personal security code in an electronic communication for five consecutive times, his/her ability to communicate electronically shall be blocked; Unblocking shall be done at the request of the residence permit holder by the police department.

#### **Article 74** **Foreigner's** **Passport**

- (1) A foreigner's passport is a document which enables a third country national to leave and return to the Slovak



Republic, issued by a police department to

- a) a foreigner who was granted subsidiary protection and does not have his/her own travel document;
- b) a third country national who was granted long term residence according to Art. 52 par. 1 (a) based on the provided subsidiary protection and has no own valid travel document, or
- c) a third country national who was granted permanent residence according to Art. 45a par. 1(b) to (e) or Art. 46 par. 2 and has no own valid travel document.

(2) A foreigner's passport entitling a third country national to leave the country shall be issued by a police department to a third country national who does not have his/her own valid travel document and which cannot be provided by the consulate of the state of which he/she is the citizen; and

- a) who was granted tolerated residence or who remains in the Slovak Republic territory according to Art. 61A par. 1 (a) to (c),
- b) about whom it was decided that he/she would be administratively expelled or who was given the punishment of expulsion; or
- c) who was born in the Slovak Republic territory.

A third country national shall be obliged to file an application for the issuance of a foreigner's passport in person at the police department; this shall not apply if the third country national is kept in a facility based on a detention decision according to this Act.

(4) A police department shall issue a foreigner's passport within 30 days from the filing of an application for the issuance of foreigner's passport.

(5) The validity of a foreigner's passport shall be determined by a police department for the necessary time period, however, maximum one year. The validity of a foreigner's passport may be repeatedly extended by the police department.

(6) The territorial validity of a foreigner's passport shall be determined by a police department according to the purpose for which it was issued.

(7) A police department shall withdraw an issued foreigner's passport, if the reasons for its issuance have expired.

(8) A general regulation on administrative procedure<sup>37)</sup> shall not apply to the proceeding on the issue or withdrawal of a foreigner's passport.

#### **TITLE FOUR CONTROL OF RESIDENCE AND EVIDENCE OF PERSONS**

##### **Section One**

##### **Control of Residence**

##### **Article 75**

(1) A police department shall be entitled to perform the control of the

- a) justification of residence, fulfilment of conditions of residence and fulfilment of foreigner's duties according to this Act;
- b) fulfilment of duties by other natural persons and legal entities in relation to the residence according to this Act.

(2) When performing the control according to par. 1, a police officer shall be entitled to

- a) enter the places designed for business, employment or study and accommodation facilities; this shall not apply, if the particular place cannot be touched on the basis of a special regulation;<sup>73)</sup>
- b) request the demonstration of identity and request explanation of the facts which are the subject of control.

(3) If a police department discovers that a foreigner has provided a false or counterfeit proof of his/her identity, they shall be entitled to withhold such a document. They may also withhold a document which was not issued with the name of the controlled foreigner and which is provided by the foreigner as his/her own; or if the document was declared invalid or stolen by the issuing state body.

## **Section Two** **Evidence of persons**

### **Article** **76**

(1) When fulfilling tasks, a police department shall keep the registers about the following in the information systems of the police force kept according to a special regulation on<sup>74)</sup>

- a) foreigners' entry, residence and exit of the country;
- b) visa applicants, granted or non-granted visa;
- c) applicants for residence, third country nationals with granted residence and refused applications for the granting of residence;
- d) applications for the registration of Union citizens and Union citizens registered for residence;
- e) applications for the issuance of documents of residence of the family members of Union citizens and about issued documents of residence of family members of Union citizens;
- f) applicants for the issuance of foreigner's passports and foreigner's travel documents and about the extension of validity of these documents;
- g) third country nationals with invitation letters verified by the police department and about persons inviting third country nationals;
- h) lost and stolen travel documents and travel documents and travel documents declared invalid or stolen by issuing state bodies;
- i) personas non-grata;
- j) foreigners, obtained during the provision of border control;
- k) foreigners with unauthorised residence.

(2) Lists of personal data about foreigners and further persons processed in registers according to par. 1 are specified in Art.128 and 129.

(3) The Ministry of Interior and police department shall provide information and personal data from registers kept according to par. 1 to the following

- a) prosecution office, Slovak Information Service, Military Defence Service, Military Police, Court Guard and Prison Warden Corps, Customs Administration, Ministry of Justice of the Slovak Republic, Ministry of Foreign Affairs, National Security Authority and local police within the scope of their competence according to a special regulation;<sup>75)</sup>
- b) state bodies other than those as stated according to (a) and municipalities, if necessary for the fulfilment of their tasks;
- c) other legal entities which fulfil the tasks of the state or provide for health insurance, medical insurance, pension

insurance; or fulfil the tasks at the department of employment within the scope of their competence according to a special regulation.<sup>76)</sup>

(4) The Ministry of Interior and the police department shall provide, on the basis of a written application of a legal entity, a notification about the place of foreigner's residence, apart from persons granted asylum and foreigners provided subsidiary protection. The application must contain

- a) applicant's identification details;
- b) foreigner's name and surname, date of birth or birth registration number; (c) justification of the application.

(5) The Ministry of Interior shall process the data for the purpose of statistics within the scope according to a special regulation.<sup>77)</sup>

(6) The Slovak Information Service shall be entitled, for the purpose of fulfilling the tasks according to this Act, to process personal data according to par. 1; whereas the access into information systems according to par. 1 shall be enabled for the Slovak Information Service for this purpose.

(7) The Ministry of Foreign Affairs shall keep registers in its information systems which contain the data according to Art. 129 on visa applicants and on granted or non-granted visa.

(8) A police department and the Ministry of Foreign Affairs shall be entitled to process the copies of travel documents, identity documents and other documents submitted by foreigners during proceedings according to this Act.

## **PART FOUR**

### **ADMINISTRATIVE EXPULSION, DETENTION AND PLACEMENT OF THIRD-COUNTRY NATIONAL INTO FACILITY, POLICE TRANSPORT, POLICE ESCORT, AIR TRANSIT**

#### **TITLE ONE**

#### **ADMINISTRATIVE EXPULSION**

##### **Section One**

##### **General Provisions**

##### **Article 77**

(1) Administrative expulsion is a decision of the police department that a foreigner does not have or has lost the entitlement to stay in the Slovak Republic territory and is obliged to leave the Slovak Republic territory with the option of determining the time by when he/she has to depart back to his/her country of origin, country of transit,<sup>78)</sup> or any third country, which the third-country national voluntarily decides to return to and which would accept him/her or to the territory of a Member State in which he/she has been granted the right of residence or provided with international protection. A decision on administrative expulsion shall also contain the country into which the foreigner was expelled if such a country may be defined. In their decision on administrative expulsion the police department may place an entry ban into the Slovak Republic territory or into the territory of all Member States. In their decision on administrative expulsion the police department shall place an entry ban into the Slovak Republic territory or into the territory of all Member States if the period for exit according to Art. 83 par. 2 is not specified in the decision on administrative expulsion.

(2) Mass expulsion of foreigners on the basis of a single decision shall not be permitted.

(3) A police department shall not act on administrative expulsion during

- a) remaining in the Slovak Republic territory according to Art. 61a par. 1 (b), (c) or (d),
- b) period for exit according to Art. 61a par. 4.

(4) A police department shall provide, upon the application of a foreigner, a written translation of the reason for administrative expulsion, the reason for forbidden entry, duty to leave the country, period of forbidden entry and instruction about the possibility of appeal in the language which he/she understands or in the language about which we may reasonably assume that he/she understands.

(5) If a foreigner against whom the proceedings on administrative expulsion or proceedings on the entry ban according to this Act is exercised files an application for granting asylum, a police department shall issue a decision on the suspension of proceedings on administrative expulsion by the time of deciding about his/her application on the granting of asylum and further proceeds under a special regulation;3) proceedings on forbidden entry shall be stopped by the police department upon the decision. If a foreigner is neither granted asylum, nor provided subsidiary protection, the police department which has suspended proceedings on administrative expulsion shall continue with proceedings on administrative expulsion; the police department shall continue with proceedings on administrative expulsion also if the foreigner is not authorised to stay in the territory of the Slovak Republic under a special regulation.78a)

(6) The police department shall issue a decision on suspension of the proceedings on administrative expulsion if the foreigner has been granted asylum or subsidiary protection. If the proceedings according to paragraph 5 are suspended for more than two years, the police department shall terminate the proceedings.

(7) (1) If a foreigner files an application for granting asylum when the decision on his/her administrative expulsion or forbidden entry enters into force and effect, the police department shall not execute the decision up to the time of deciding about his/her application for granting asylum; this shall not apply if the foreigner is not authorised to stay in the territory of the Slovak Republic under a special regulation.78a) If the decision on administrative expulsion determined the period to exit the country, this period shall start to run again when the decision about his/her application for granting asylum enters into effect or when the fact under a special regulation occurs.78a)

(8) A foreigner against whom proceedings on administrative expulsion is exercised may be represented by an attorney or other representative that he/she chooses; the representative may be only a natural person with full competence for legal action, unless provided otherwise in paragraph 9. The person mentioned in the first sentence may only have one chosen representative for the same case.

(9) A third-country national shall be entitled to obtain legal representation within the extent and under the conditions laid down in a special regulation.79)

(10) A police department shall instruct a foreigner against whom the proceeding on administrative expulsion is exercised about his/her rights and duties, especially about the rights according to paragraphs 8 and 9.

#### **Article 78**

(1) The police officer shall be entitled, during proceedings on administrative expulsion, detention proceedings and proceedings on entry ban of a foreigner, to perform a body search and search of his/her personal belongings in order to find out if he/she is carrying any items that could compromise the safety of persons or property, items that could assist in an escape, drugs or items which, due to their quantity or nature, could threaten or damage health.

(2) A foreigner shall be obliged to undergo the search. The body search shall be conducted by a person of the same sex.

(3) The police officer shall be entitled to withhold a travel document, funds, objects and substances stipulated in paragraph 1 found during the search according to paragraph 1.

(4) The police officer shall prepare a record on the performance of a search according to paragraph 1 and a list of retained objects according to paragraph 3, whereas one copy of the list shall be submitted to the foreigner.

(5) If a foreigner is not detained by the police department, immediately after the issuance of a decision on administrative expulsion he/she shall be returned the withheld funds, apart from the funds used according to Art. 80 par. 2, and withheld travel document, objects and substances, apart from those the keeping of which is in conflict with the Slovak Republic law.

#### **Article 79**

(1) The police officer shall be authorised to bring a foreigner to the police department in connection with proceedings on administrative expulsion, proceeding on the prohibition of entry, execution of the decision on administrative expulsion, proceedings under a special regulation,<sup>85</sup>) detention proceedings or execution of the order for expulsion.

(2) After bringing the foreigner to the police department the police officer shall write an official record about it.

(3) If, after having produced the report, the police department takes no further steps in the matter of administrative expulsion, refusal of entry, prohibition of entry, return under a special regulation,<sup>85</sup>) detention or if it finds out that there are no reasons for handing the foreigner over to law enforcement bodies, other competent authority or competent facility, the foreigner shall be immediately released.

### **Article 80**

#### **Payment of Costs Related to Administrative Expulsion**

(1) The costs related to administrative expulsion consist of the costs for accommodation, meals and transport of a foreigner, the costs related to the detention of a third-country national and all the other necessary financial costs related to a foreigner.

(2) The costs related to administrative expulsion shall be paid by a foreigner at his/her own cost; this shall not apply in the case of a third-country national who was illegally employed or who had been granted temporary residence according to Art. 25 par. 1 (d) or Art. 26.

(3) If the costs related to administrative expulsion cannot be paid according to paragraph 2, they shall be paid by

- a) the person who made a commitment in the verified letter of invitation; or
- b) the carrier who did not fulfil his/her obligation according to Art. 108.

(4) The costs related to administrative expulsion of a third-country national who was illegally employed shall be paid by

- a) the person who illegally employed the third-country national;
- b) the person who has mediated illegal employment for the third-country national;
- c) the one for whom the person who illegally employed the third-country national supplies labour or goods or provides services on the basis of a contract;
- d) the one who, on the basis of a contract on the supply of labour, goods or provision of service, participates through an intermediary on the supply of labour, goods or provision of service according to (c).

(5) The responsibility for the payment of costs related to administrative expulsion shall apply in the order as stated in paragraph 4.

(6) The costs associated with administrative expulsion of a third-country national with temporary residence granted according to Art. 25 par. 1 (d) or Art. 26 shall be reimbursed by the receiving organisation which undertook in writing to do so. The receiving organisation is obliged to reimburse the costs according to this paragraph which incur within six months after the expiry of the hosting agreement or the training agreement.

(7) The provision of paragraph 4 (c) and (d) may apply only if the violation of the ban on illegal employment was known to the person who closed the contract on behalf of the person according to paragraph 4(c) or (d).

(8) The reimbursement of costs associated with administrative expulsion shall be decided upon by the police department. If the costs related to administrative expulsion cannot be paid according to paragraphs 2 to 7, they shall be paid by the state via the Ministry of Interior.

### **Article 81**

#### **Obstacles to Administrative Expulsion**

(1) A foreigner cannot be administratively expelled to a state in which his/her life would be threatened for the reasons of his/her race, nationality, religion, membership in a particular social group or for his/her political conviction, or in which he/she would be threatened by torture, cruel, inhuman or degrading treatment or punishment. Similarly, a

foreigner cannot be administratively expelled to a state in which he/she was imposed the death penalty or it may be assumed that he/she may be imposed such a penalty in the ongoing criminal proceedings.

(2) A foreigner cannot be administratively expelled to a state in which his/her freedom would be threatened for the reasons of his/her race, nationality, religion, membership in a particular social group or for his/her political conviction; this shall not apply if a foreigner threatens the state security by his/her actions or if he/she was sentenced for crime and represents a threat for the Slovak Republic.

(3) A person without any citizenship may be administratively expelled only if he/she threatens the state security or public order by his/her actions and the obstacles to administrative expulsion according to paragraphs 1 and 2 do not apply to him/her.

(4) A foreigner cannot be administratively expelled to any state where there is a threat for him/her to be forced to return to the state under paragraph 1 or 2.

(5) The police department shall not evaluate the obstacles to administrative expulsion according to paragraphs 1 to 4 in proceedings on administrative expulsion if another public authority made a final decision on the reasons according to paragraphs 1 to 4 in other proceedings and the individual situation of the foreigner concerned did not change.

## **Section Two**

### **Administrative Expulsion of Third-Country National**

#### **Article 82**

#### **Reasons of Administrative Expulsion and Entry Ban**

(1) The police department shall administratively expel a third-country national if

- a) he/she has illegally crossed the external border or intentionally avoids or refuses to undergo a border check when crossing the external border;
- b) his/her residence in the territory of the Slovak Republic is illegal.

(2) The police department may administratively expel a third-country national if

- a) he/she represents a serious threat to the national security or public order;
- b) he/she threatens the national security, public order or public health;
- c) he/she was lawfully sentenced for a pre-mediated criminal act and was not imposed the order for expulsion;
- d) he/she violated the regulations on narcotic drugs and psychotropic substances;80)
- e) he/she presented a falsified or counterfeited document or a document of another person when checked according to this Act;
- f) he/she entered into a marriage of convenience;
- g) he/she interferes with a decision of a public authority;
- h) he/she has his/her visa annulled or revoked by the police department;36)
- i) he/she provided false, incomplete or misleading data or presented falsified or counterfeited documents or a document of another person during the proceedings according to this Act;
- j) he/she performs activities other than those for which the temporary residence or visa was granted to him/her;
- k) he/she stays within the territory of the Slovak Republic on the grounds of an international treaty or a decision of the government of the Slovak Republic and acts in conflict with such an international treaty or decision of the government of the Slovak Republic;
- l) he/she refuses to prove his/her identity in a trustworthy way;
- m) it is discovered that the purpose for which a third-country national was granted temporary residence has expired and that the third-country national failed to report this fact to the police department;
- n) he/she failed to depart according to Article 111 paragraph 1 p);
- o) he/she has otherwise seriously or repeatedly violated general statutes; or

p) he/she has performed illegal work in the previous two years.

(3) A police department may impose an entry ban in the decision on administrative expulsion

- a) according to paragraph 2 (a) for ten years;
- b) according to paragraph 1 and paragraph 2 (b) to (i) for one year to five years;
- c) according to paragraph 2 (j), (k), o) and p) for one year to three years;
- d) according to paragraph 2 (l) to (n) for one year.

(4) When imposing administrative expulsion and entry ban, a police department shall take into particular account that there was already more than one decision on administrative expulsion related to the third-country national or the third-country national has entered the Slovak Republic territory during his/her entry ban.

(5) A police department shall decide on the entry ban for the time period according to paragraph 3 if the third-country national did not depart within the time period determined in the decision on administrative expulsion; this shall not apply if he/she was imposed an entry ban in the decision on administrative expulsion already.

(6) A police department may decide on the entry ban for three to five years for a third-country national who has presented a false, counterfeited or forged document or a document of another person upon his/her entry during border check.

(7) If there are several reasons for administrative expulsion according to paragraph 1 and 2 and also an entry ban was imposed by the police department in the decision on administrative expulsion, the time period for the entry ban shall be imposed according to the strictest provision.

(8) The police department shall issue a decision on administrative expulsion under paragraph 1 (b) without the imposition of an entry ban if the third-country national voluntarily comes to the police department, asks for a return to his/her home country by means of assisted voluntary return and the Ministry of Interior agrees with the implementation of the assisted voluntary return.

(9) The period of entry ban shall start to run

- a) on the date of administrative expulsion execution;
- b) on the date of exit through a point of crossing of the external border under Article 4;
- c) on the date of exiting the country within assisted voluntary return; or
- d) after the elapse of the period for the exit determined in the decision on administrative expulsion, unless it is a case according to (a) or (b).

(10) If the police department finds that the person failed to leave the territory of the Slovak Republic or Member States after the period of the entry ban recorded in the register of undesirable persons started to lapse, such period shall start running afresh from the date of execution of the administrative expulsion.

(11) The entry ban period shall expire at the end of the day bearing the same name as the day when the event determining the start of the period took place. If there is no such a day in the month, the period shall end by the last day of the month.

(12) The police department in its decision on administrative expulsion of a third-country national who has been granted the status of a long-term resident in another Member State based on international protection provided in that Member State shall designate that Member State as the country to which the person should be expelled; this shall not apply to administrative expulsion under paragraph 2 (a) or (b).

### **Article 83**

#### **Deciding on Administrative Expulsion**

(1) A third-country national who has been issued with a decision on administrative expulsion shall be obliged to leave the country within the period specified in the decision. Upon request of the third-country national, the police department shall determine a period to exit the country of no less than 7 days and no more than 30 days from the date of

enforceability of the decision; this period of time may be reasonably extended taking into consideration the previous length of residence, personal and family relations or health condition of the third-country national. In the proceedings on administrative expulsion, the police department shall be obliged to advise the third-country national in writing of the possibility of requesting a period to exit the country to be determined. The police department shall set the deadline to exit the country of maximum 90 days from the date of enforcement of the decision pursuant to Article 82 paragraph 9; in justified cases in connection with the implementation of assisted voluntary return, this period may be repeatedly extended.

(2) A police department shall not determine the period to exit the country in the decision on administrative expulsion if

- a) it may be assumed that the third-country national would escape or would otherwise obstruct or hinder the execution of the decision on administrative expulsion, especially if he/she cannot be identified;
- b) the third-country national may be detained according to Art. 88; or
- c) the third-country national threatens the state security, public order, public health or rights and freedoms of others.

(3) A police department shall record the data about the third-country national, time period of entry ban and about the reasons for the decision in the register of undesirable persons, and if there are reasons, they may also create a record in the Schengen information system.<sup>11)</sup> A third-country national with a record in the Schengen information system shall be informed about the consequences of such a measure by the police department. The Ministry of Interior shall remove the third-country national from the register of undesirable persons after

- a) the granting of the Slovak Republic citizenship;
- b) the granting of permanent residence according to Art. 45a or Art. 46 par. 2;
- c) the elapse of the time period of entry ban;
- d) the cancellation of entry ban;
- e) the elapse of the order for expulsion;
- f) the waiver of the order for expulsion on the basis of granting pardon by the President of the Slovak Republic;
- g) reaching 80 years of age; or
- h) his/her death or being declared dead.

(4) A police department may shorten the time period of entry ban according to Art. 82 par. 3 or not administratively expel a third-country national who is a vulnerable person or who has been granted residence if the consequences of the procedure according to Art. 82 par. 1 and 2 would be inappropriate with regard to the personal and family life of the third-country national, length of his/her residence, health condition, age of the third-country national or relationships with the country of origin.

(5) A police department may administratively expel a third-country national who has permanent residence of unlimited duration, a third-country national who has been extended tolerated residence according to Art. 58 par. 1 or a third-country national who was granted tolerated residence according to Art. 59 par. 6 only if he/she seriously threatens the state security or public order.

(6) A police department may administratively expel a third-country national who has been granted long-term residence only if he/she seriously threatens the state security or public order. A police department may impose an entry ban for five years for such a third-country national in the decision on administrative expulsion.

(7) Before making the decision on administrative expulsion of a third-country national who was granted long-term residence after having been granted the status of a long-term resident in another Member State based on international protection provided in that Member State, the police department shall inquire the authorities of that Member State as to whether or not the international protection persists. If the international protection provided in the Member State persists, the police department shall determine that Member State as the country to which the person should be expelled in its decision on administrative expulsion; it shall not apply to administrative expulsion pursuant to Article 82 par. 2 (a) or (b). The police department shall issue a decision on administrative expulsion immediately upon receipt of written information from that Member State.



(8) A police department cannot administratively expel

- a) a child younger than 18 years of age; this shall not apply if the expulsion of such a child is in his/her interest;<sup>81)</sup>
- b) a third-country national who falls ill with a disease which threatens public health after the granting of residence; this shall not apply if he/she falls ill with a disease which threatens public health within three months from the entry of the third-country national into the Slovak Republic territory; or
- c) a third-country national according to Art. 58 par. 1 (c) during the period according to Art. 58 par. 3.

(9) If a police department administratively expels a third-country national who has the status of a person with long-term residence in another Member State and who has been granted residence in the Slovak Republic territory, they shall be obliged to inform the Member State which has granted him/her long-term residence; in the case of administrative expulsion of such a third-country national for especially serious reason outside the territory of Member States, the police department shall consult the decision with the state who has granted him/her long-term residence.

#### Article 84

##### Execution of Decision on Administrative Expulsion

(1) A police department shall provide for the execution of the decision on administrative expulsion if

- a) the period to exit the country has not been specified by the police department in the decision on administrative expulsion;
- b) the third-country national has not left the country within the time period as specified in the decision on administrative expulsion;
- c) the third-country national should be returned to the territory of the contractual state according to an international treaty<sup>78)</sup>;
- d) the third-country national cannot leave the country because he/she does not have any valid travel document or resources to exit the country; or
- e) the third-country national failed to leave the country under the assisted voluntary return within the period specified in the decision on administrative expulsion pursuant to Article 82 par. 8 or upon notification of the organisation that runs the assisted voluntary return programme, that the third-country national intentionally avoided the implementation of the assisted voluntary return.

(2) A third-country national who has been administratively expelled into a neighbouring state shall be transported by the police department to the border crossing point.

(3) If a police department performs administrative expulsion or order for expulsion by air or through the territory of a third country on the basis of an international treaty, the third-country national may be transported to the territory of the state in which his/her acceptance is provided. A special regulation<sup>82)</sup> applies to expulsion by air.

(4) A police department shall not execute the decision on administrative expulsion if

- a) it is impossible to provide for a travel document for a third-country national who does not have his/her own valid travel document even via the consulate of the state of which he/she is citizen, the detention period has elapsed and it is impossible to provide to exit the country by the third-country national by means of a foreigner's passport; or
- b) before the execution of the decision on administrative expulsion, the third-country national asked for assisted voluntary return; this shall not apply if the events referred to in paragraph 1 (e) took place.

(5) A police department shall suspend the execution of the decision on administrative expulsion if

- a) there are obstacles to expulsion according to Art. 81; the decision on administrative expulsion shall be executed after the removal of these obstacles; or
- b) the police department has extended the time period to exit the country according to Art. 83 par. 1.

(6) The police department shall give a written confirmation about the suspension of the execution of the decision on administrative expulsion to the third-country national, containing the reason and the time period for which the execution of the decision is suspended.

(7) A decision on administrative expulsion shall expire

- a) by the decision on the granting of asylum or provision of subsidiary protection;
- b) by the granting of permanent residence according to Art. 45a or Art. 46 par. 2; or
- c) by the granting of tolerated residence according to Article 58 par. 1 (b).

(8) The Ministry of Interior shall examine the execution of the decision on administrative expulsion and the execution of the order for expulsion in cooperation with non-governmental organisations or the Office of the United Nations High Commissioner for Refugees.

(9) Examination of the execution of the decision on administrative expulsion and the execution of the order for expulsion (hereinafter referred to as “the removal”) shall mainly include the examination

- a) of respecting the rights and duties of third-country nationals placed in the facility;
- b) of the police department’s and facility’s compliance with obligations in connection with the detention of a third-country national;
- c) during preparation and during removal;
- d) after the transfer in the country to which the person was removed.

### **Article 85**

#### **Execution of Decision on Expulsion of the Issuing State**

(1) A police department shall provide for the execution of the decision on expulsion issued by a Member State (thereafter referred to as the “issuing state”) if

- a) the third-country national was sentenced in this state for at least one year of imprisonment;
- b) there is justified suspicion that the third-country national has committed, has attempted to commit or has prepared for the commitment of a crime<sup>83</sup>) in this state; or
- c) the third-country national has violated this state’s regulations governing the entry and residence of third-country nationals.

(2) Prior to the execution of the decision according to paragraph 1, the police department shall be obliged to request a statement from the issuing state in which the third-country national has a residence permit.

(3) Prior to the execution of the decision according to paragraph 1, the police department shall examine whether the execution of the decision according to paragraph 1 complies with international treaties and this Act.

(4) A police department shall announce the execution of a decision on expulsion according to paragraph 1 to the issuing state.

(5) If a police department executes a decision on expulsion of an issuing state, the Ministry of Interior shall request payment of the costs incurred from the issuing state.

(6) Art. 84 par. 2 to 4 shall apply to the execution of the decision on expulsion according to paragraph 1.

(7) If another Member State executes a decision on expulsion, the police department shall provide, upon the request of such a state, for information and documents about the third-country national to whom the decision was issued. If another Member State starts executing the decision on expulsion, such a decision cannot be amended or cancelled.

(8) If the decision on expulsion is executed by another Member State, the Ministry of Interior shall pay the costs incurred to this state.

### **Article 86**

(1) The Ministry of Interior may cancel the entry ban for such a third-country national who was administratively expelled if

- a) he/she demonstrates that he/she has left the country within the time period as specified by the police department in the decision;
- b) he/she has left the country within assisted voluntary returns; or
- c) the police department in charge of the external border has not determined the time period to exit the country according to Art. 83 par. 1 because he/she did not apply for it.

(2) A third-country national who was imposed an entry ban in the decision on administrative expulsion or in the decision on entry ban may be allowed entry by the Ministry of Interior if

- a) the purpose of residence are humanitarian reasons, in particular death or visit of a seriously ill person who is a close person of the third-country national<sup>84</sup>); or
- b) his/her residence is in the interest of the Slovak Republic and the issue cannot be dealt with abroad.

(3) A general regulation on administrative procedure<sup>37</sup>) shall not apply to cancellation of the entry ban according to par. 1 and to the entry permit per par. 2; the Ministry of Interior shall send a written notification to the third-country national whether or not they have complied with his/her request according to par. 1 or par. 2.

### **Section Three** **Administrative Expulsion of Union Citizen and Family Member of Union Citizen**

#### **Article 87**

(1) A police department may administratively expel a Union citizen who has the right of residence according to Art. 64 or Art.65 or the family member of the Union who has the right of residence according to Art.69 or Art. 70 and impose an entry ban up to five years if he/she threatens (a) state security;

- b) public order; or
- c) public health; this shall not apply in the case of a disease which threatens public health after three months from the entry of the Union citizen or of the family member of the Union citizen into the Slovak Republic territory.

(2) A police department may administratively expel a Union citizen who has the right of permanent residence according to Art. 67 or the family member of the Union citizen who has the right of permanent residence according to Art. 71 if he/she represents a serious threat for the state security or public order. The police department may impose an entry ban in the decision on his/her administrative expulsion up to ten years.

(3) A police department shall record the data about the Union citizen or a family member of the Union citizen, the period of the entry ban and reasons for the decision in the register of undesirable persons. The Ministry of Interior shall remove a Union citizen or a family member of the Union citizen from the register of undesirable persons after

- a) granting the citizenship of the Slovak Republic;
- b) the elapse of the time period of entry ban;
- c) the cancellation of entry ban;
- d) the elapse of the order for expulsion;
- e) the waiver of the order for expulsion on the basis of granting pardon by the President of the Slovak Republic;
- f) reaching 80 years of age; or
- g) his/her death or being declared dead.

(4) A police department shall not administratively expel a Union citizen who

- a) has had an authorised stay in the Slovak Republic territory for at least ten years; this shall not apply if he/she represents a particularly serious threat for the state security; or
- b) is a child younger than 18 years of age; this shall not apply if the expulsion of such a child is in his/her interest.<sup>81</sup>)

(5) A police department shall, when deciding about administrative expulsion of a Union citizen or family member of a Union citizen

- a) evaluate each case individually, whereas the reasons of expulsion cannot be misused for economic purposes and cannot be based on the aspects of general prevention;
- b) take into account the appropriateness of administrative expulsion with regard to personal and family conditions of a Union citizen of the family member of the Union citizen, his/her age, health condition, family and financial situation, duration of residence so far, level of his/her integration into the society as well as the scope of relationships with his/her country of origin.

(6) A crime which was committed by a Union citizen or family member of the Union citizen in the past as such does not represent any reason for administrative expulsion. The personal behaviour of the Union citizen or family member of the Union citizen must represent an actual, existing and sufficiently serious threat for the state security, public order or public health.

(7) A police department may request police records about a Union citizen or family member of the Union citizen who represents a threat to the state security or public order from Member States when issuing a registration confirmation or when issuing a document of residence.

(8) A Union citizen or family member of a Union citizen shall be issued a written decision on administrative expulsion by a police department in which they specify the time period to exit the Slovak Republic territory at least 30 days from the date when the decision enters into force. This time period may be shortened by the police department only for serious reasons which shall be specified in the decision. In their decision, the police department shall also state the reasons for expulsion, instruction about remedy and time period for appeal. The police department shall provide for the translation of the content and reasons of the decision on administrative expulsion into the language which the Union citizen of family member of the Union citizen understands. The police department may not exclude the suspensive effect of an appeal against the decision on administrative expulsion of the Union citizen or family member of the Union citizen.

(9) A Union citizen or family member of the Union citizen may request cancellation of the time period of the entry ban as specified in the decision on administrative expulsion on the basis of evidence which confirm a substantial change of circumstances for which he/she was administratively expelled and imposed the time period of the entry ban. The Ministry of Interior shall decide about his/her request within 180 days of its receipt.

(10) If a Union citizen or family member of the Union citizen fails to leave the Slovak Republic territory within the time period as specified in the decision of administrative expulsion, the police department shall provide for the execution of the decision on administrative expulsion.

(11) If the police department provides for the execution of a decision on administrative expulsion more than two years after its issuance, they shall verify the duration of the threat for the state security or public order by the Union citizen or family member of the Union citizen and evaluate whether there was a substantial change in the circumstances for which he/she was administratively expelled. If the police department discovers the facts for which the Union citizen or family member of the Union citizen is not a threat to the state security or public order, they shall not execute the decision on administrative expulsion.

## **TITLE TWO**

### **DETENTION**

#### **Article 88**

(1) A police officer shall be entitled to detain the third-country national

- a) subject to administrative expulsion proceedings in order to ensure his/her departure to the country pursuant to Art. 77 par. 1 if
  1. there is a risk he/she would escape; or
  2. the third-country national avoids or prevents the preparation process of his/her administrative expulsion to be executed;
- b) for the purpose of execution of the administrative expulsion or of the order for expulsion;
- c) for the purposes of his/her transfer or preparation thereof under a special regulation<sup>85</sup>) if there is a significant risk of him/her escaping; or

d) for the purpose of his/her return under an international treaty<sup>78)</sup> if he/she has illegally crossed the external border or is residing illegally in the territory of the Slovak Republic.

(2) The risk of escape of a third-country national shall mean the condition when there is a justified reason to believe or a direct threat that the third-country national will escape or hide, especially if it is impossible to identify him/her immediately, if he/she has not been granted a residence permit pursuant to this Act or if it is imminent that he/she would be banned entry for a period of more than three years.

(3) Lodging the application for granting asylum or the request of the third-country national for assisted voluntary return shall not be the reason to release the detained third-country national. The proceedings under a special regulation<sup>3)</sup> shall not be affected by the detention of the third-country national.

(4) The third-country national may be detained for the time as reasonably necessary, but for not more than six months. The police department is authorised to repeatedly extend the detention of a third-country national during this period, with the total time of detention not exceeding six months. If it may be anticipated that in spite of the necessary steps taken to execute the administrative expulsion or the order for expulsion of the third-country national, the execution will be prolonged due to poor cooperation of the third-country national or due to a failure of the consulate to issue an emergency travel document within the period of time under the first sentence, the police department may decide, even repeatedly, to extend the period of detention, where the total period of extension may not exceed 12 months. The period of detention may not be extended in the case of a family with children or vulnerable people. A third-country national is detained as of the date of issue of the detention decision.

(5) The police department shall issue a detention decision forthwith to the third-country national and they shall place him/her in the facility. If the third-country national cannot be identified immediately, the police department shall attach the evidence to the decision on his/her detention in order to prevent substitution of this person with another one.

(6) The detained third-country national who is subject to the commenced proceedings on surrendering to a territory of a neighbouring state pursuant to an international treaty may be, contrary to what is stipulated in paragraph 5, temporarily kept at the police department. Of the total period of the detention stipulated by the police department in the detention decision under paragraph 4, the third-country national may be temporarily kept at the police department for no more than seven days from the moment of detention. If the third-country national is not surrendered within seven days of his/her detention, he/she must be placed at a facility.

(7) Against the detention decision, against the decision on extending the detention and against the decision on extending the detention period cannot be lodged any appeal.

(8) The provision of paragraph 1 shall not apply to minors with no statutory representative. Other vulnerable persons may be detained only in unavoidable cases and for as short period of time as possible.

(9) The detention decision shall expire upon the inclusion of the person in the programme of support and protection of victims against trafficking in human beings of the Ministry of Interior.

(10) If a third-country national is detained under paragraph 1 letter (a) and the police department fails to issue a decision on administrative expulsion within 48 hours of the detention, the police department shall immediately release the third-country national; this shall not apply if the police department does not issue a decision on administrative expulsion due to suspension of the administrative expulsion proceedings pursuant to Article 77 par. 5 or requesting information pursuant to Article 83 par. 7.

(11) According to par. 1, an asylum seeker who is not authorised to stay in the territory of the Slovak Republic may be detained, too.<sup>78a)</sup>

(12) If there is a reason for releasing the third-country national pursuant to Article 90 par. 2 (b) first or second point and there is another reason for his/her detention under par. 1, the detention decision may be issued, based on a justified written application of the police department which has decided on his/her previous detention, also by the police department at the facility where the third-country national is placed.

**Article 88a**  
**Asylum Seeker Detention**

1. A police officer is entitled to detain an asylum seeker if the purpose of detention cannot be achieved by any less severe means
  - a) in order to check or verify his/her identity or nationality;
  - b) in order to ascertain the facts that constitute the basis of his/her application for granting asylum, which could not be obtained without detention, especially if there is a risk of absconding;
  - c) in the case of a third-country national detained under Article 88 par. 1 (a) or 1 (b) who applied for asylum if there is reasonable suspicion that he/she applied for asylum in order to delay or frustrate his/her administrative expulsion;
  - d) if it is necessary due to a threat to national security or public order; or
  - e) for the reason stipulated in Article 88 par. 1 (c).
- (2) An asylum seeker may be detained for the time strictly necessary as long as the reasons referred to in paragraph 1 exist. The total time of detention of an asylum seeker under paragraphs 1 (a), 1 (b), 1 (c) or 1 (e) shall not exceed six months. The total time of detention of an asylum seeker under par. 1 (d) shall not exceed the time of detention according to Article 88 par. 4.
- (3) Provisions of Article 88 par. 4, 5, 7, 8 and 12 shall apply mutatis mutandis to asylum seeker detention proceedings.
- (4) An asylum seeker shall be entitled to obtain legal representation within the extent and under the conditions laid down in a special regulation.<sup>79)</sup>
- (5) Provisions of Articles from 89 to 100 shall apply mutatis mutandis to the asylum seeker.

#### **Article 89**

- (1) Instead of his/her detention, the police department acting in the matter of detention may impose a duty on the third-country national
  - a) to report the place of residence; or
  - b) pay warranty deposit.
- (2) The kind and method of the duty imposition under paragraph 1 shall be decided by the police department, taking into account the person of the third-country national, his/her background and the level of risk for the purpose of the detention. However, the duty under paragraph 1 cannot be imposed in case of proceedings relating to administrative expulsion for reasons pursuant to Article 82 par. 2 (a) or (b).
- (3) The police department may impose the duty under the paragraph 1 only if the third-country national provides proof of accommodation for the duration of this duty and financial means for the stay in the amount according to Art. 6. The decision on the imposition of the duty according to paragraph 1 (b) may be made by the police department also during the detention of the third-country national. No appeal may be lodged against the decision on the imposition of the duty according to par. 1; this shall not apply in the case of an asylum seeker.
- (4) The third-country national who was imposed the duty according to paragraph 1 (a) shall be obliged to stay at the address specified and report regularly in person to the police department within the defined period.
- (5) The third-country national who was imposed the duty according to paragraph 1 (b) shall be obliged to pay security in the amount and within the period specified by the police department, to the account of the Police Force, to stay in the place he/she specified and report any changes in the place of residence. Instead of the third-country national, security may also be paid by his/her close person. The person who pays the security is obliged to inform the police department of the bank account number where the security should be returned to, or the address where he/she will be staying for the purposes of returning the security.
- (6) If the third-country national breaches the obligation to report his/her residence or avoids the execution of the administrative expulsion, the police department shall decide on his/her detention and at the same time on the forfeiture of the security, if paid.

(7) The police department shall return the security to the person who paid it, immediately after the execution of the administrative expulsion of the third-country national, after his/her departure within assisted voluntary returns or if he/she was granted a residence permit, asylum or provided subsidiary protection. The costs of returning the security shall be borne by the person who paid it. If the person fails to collect the security that he/she paid within one year after the date when the decision on returning the security became final, the security shall be forfeited to the state.

#### Article 90

(1) The police department shall be obliged

- a) to ensure the third-country national is advised, immediately after his/her detention and in the language he/she understands, of
  1. the reasons for detention;
  2. the possibility of notifying the consulate of the country of his/her nationality about his/her detention;
  3. the possibility of notifying any of his/her close persons and his/her legal representative about his/her detention; and
  4. the possibility of examining the legality of the detention decision;
- b) to notify the consulate forthwith if the third-country national requests to notify of his/her detention the consulate of the country he/she is the national of; if the consulate of such a country has no registered office in the territory of the Slovak Republic, the Ministry of Foreign Affairs shall be notified of the detention of the third-country national by the police department;
- c) to allow the third-country national forthwith, upon his/her request, to inform any of his/her close persons and his/her legal representative of his/her detention;
- d) to examine throughout the detention of the third-country national whether the reason of detention exists;
- e) to advise the third-country national in the language he/she understands or in the language which may be reasonably anticipated as the language he/she understands of the possibility of requesting an assisted voluntary return and of the possibility of contacting non-governmental organisations, and if the third-country national applied for asylum or expressed his/her intention to file such an application, the possibility of contacting the United Nations High Commissioner for Refugees.

(2) The facility shall be obliged

- a) to carry out forthwith the actions and acts necessary to expel or identify the third-country national;
- b) to release the detained third-country national forthwith;
  1. if the purpose of detention expired;
  2. on the basis of a court decision;
  3. if the detention period expired;
  4. if the detention decision expired according to Art. 88 par. 9;
  5. if, based on the decision of the police department, he/she paid security to the account of the Police Force or if the police department decided on the imposition of the duty under Art. 89 par. 1 (a);
  6. if the police department which decided on the detention issues an order for release;
- c) to allow, during detention of the third-country national, access to the facility for employees of the International Organisation for Migration, other non-governmental or intergovernmental organisations with the consent of the facility director;
- d) to examine throughout the detention of the third-country national whether the reason of detention exists;
- e) to advise the third-country national in the language he/she understands or in the language which may be reasonably anticipated as the language he/she understands of the possibility of requesting an assisted voluntary return and of the possibility of contacting non-governmental organisations, and if the third-country national applied for asylum or expressed his/her intention to file such an application, the possibility of contacting the United Nations High Commissioner for Refugees;

- f) to advise the third-country national, immediately after his/her placement, in the language he/she understands or in the language which may be reasonably anticipated as the language he/she understands, of where he/she is, of the rights and duties resulting from his/her placement at the facility as well as of the internal rules; during the period of detention, the advising shall be repeated regularly;
  - g) to act in accordance with par. 1 (b) and (c), provided the third-country national did not ask so at the police department;
  - h) to issue a travel document for the third-country national upon his/her release from detention and hand over the things taken over pursuant to Art. 100 except for funds used pursuant to Art. 80 par. 2 and things the holding of which is contrary to jurisdiction of the Slovak Republic.
- (3) Obligations according to par. 1 and 2 shall also apply to extension of detention and extension of the detention period.

#### **Article 91**

##### **Food for Detained Third-Country Nationals**

1. Food for the detained third-country national shall be arranged depending on local conditions and at the appropriate time in accordance with healthy nutrition principles and taking into account the age, health condition and religion of the third-country national concerned. The first food shall be provided to the third-country national after the time of detention exceeds six hours; this shall not apply if the health condition and age of the third-country national or other serious circumstance the police officer is aware of need to be taken into account. Food for minors is provided five-times a day, usually so as to provide first food after the time of detention exceeds three hours.

2. If the detained third-country national refuses the food provided, the police officer shall make an official record of the same, specifying the reason for refusal of food, and advise the detained third-country national of this record forthwith in the language he/she understands and submit the official record in the presence of another police officer to the third-country national who refused the food for signing. If the third-country national refuses to sign the official record on refusing the food, the fact shall be recorded by the police officers in the official record to be provided to their superior.

3. Food expenses shall be paid by third-country national who was provided the food; if his/her current situation prevents the same or in the case of an asylum seeker, food expenses shall be borne by the state. If the third-country national was detained in order to execute his/her administrative expulsion, the payment of food expenses shall be governed by Art. 80.

4. The maximum amount of food expenses including the material used to be borne by the state and other details on food including the method of food provision shall be specified by a generally binding legal regulation issued by the Ministry of Interior.

#### **Article 92**

##### **Facility**

(1) The facility shall correspond to the purpose for which it was established, it shall meet hygienic standards and be equipped to prevent life threatening or health injuring situations.

(2) The facility consists of rooms for accommodation including social, cultural and visit rooms with other area where third-country nationals may move freely during specified times, except for third-country nationals placed in premises of the facility with a separate regime of detention pursuant to Art. 93.

(3) The accommodation room is equipped with electric lighting, table, chairs, beds and cases for personal belongings, the number of which corresponds to the number of the third-country nationals accommodated.

(4) There are designated premises in the facility with a separate regime of detention.

(5) The facility is operated by the Police Force. The director of the facility shall issue internal rules adjusting the details on the rights and duties of the third-country nationals placed in the facility.

#### **Article 93**

##### **Separate Detention Regime**



- (1) The facility shall place the third-country national in the premises with separate detention regime
- a) if there is a justified concern that he/she will threaten the purpose of detention;
  - b) if he/she is aggressive or requires increased supervision for other reason or in order to protect health, rights and freedoms of other third-country nationals;
  - c) if he/she breaches internal rules of the facility;
  - d) during the period of quarantine due to infectious illness or other health-related reason.
- (2) The premises with separate detention regime consist of the accommodation room which may be locked only from outside and it is equipped with a separate sanitary facility and signalling device.
- (3) The premises of the facility for separate detention regime include the space for walking.
- (4) The facility shall immediately notify the prosecutor about placement of a detained third-country national in the premises with separate detention regime.

#### **Article 94**

##### **Placement of Detained Third-Country Nationals**

- (1) The placement of the third-country nationals is based on the age, health condition, kinship and family relations and religious, ethnic or national peculiarities.
- (2) Men, women and persons younger than 18 shall be placed separately. This may be except third-country nationals in kinship relation.
- (3) Families shall be placed together in the facility. If the facility decides to separate a family, it shall always make sure that the consequences of this separation are adequate to the reasons.

#### **Article 95**

##### **Health Care for Detained Third-Country Nationals**

- (1) A third-country national shall be obliged to undergo a medical examination as specified by a doctor including necessary diagnostic and laboratory examination, vaccination and precautionary measures defined by the health protection authority; special attention shall be paid to vulnerable persons.
- (2) If the health condition of the third-country national requires health care which the facility is unable to provide, it shall be arranged by the facility at a health care facility outside the facility.
- (3) If the third-country national causes intentional injury to his/her health, he/she shall be obliged to pay the costs of the health care provided and the actual costs incurred for supervision and transport to the health care facility.

#### **Rights and Duties of Third-Country Nationals Placed in the Facility**

#### **Article 96**

- (1) The third-country national shall be entitled to a continuous eight-hour period of sleeping and two walks per day in the specified area, each lasting at least one hour; a third-country national younger than 18 years of age shall be entitled to three walks per day, one in the morning and two in the afternoon.
- (2) A third-country national younger than 18 years of age shall be entitled to have access to
- a) education within three months after the detention;
  - b) leisure-time activities including games and recreational activities are appropriate to his/her age.
- (3) Vulnerable persons and families with children shall have access to psychological and social services and counselling and crisis intervention.

(4) The third-country national shall be obliged to observe the internal rules of the facility and follow the orders and instructions of the police officer.

#### **Article 97**

(1) The third-country national shall be allowed to send documents at his/her own expense.

(2) In order to exercise his/her rights, the third-country national may lodge requests and complaints with public authorities of the Slovak Republic, which shall be sent by the police department immediately.

(3) The third-country national shall be allowed to order, at his/her own expense, books, daily press and magazines including foreign ones if they are distributed in the Slovak Republic.

#### **Article 98**

(1) The third-country national shall be entitled to admit visits of not more than two persons once in two weeks for the period of 30 minutes. In justified cases, the director of the facility may allow an exception.

(2) The third-country national shall be allowed to admit without limitation the persons who provide legal protection to him/her.

(3) An asylum seeker shall be entitled to

- a) communication with representatives of the United Nations High Commissioner for Refugees, family members and persons providing legal assistance to the asylum seeker;
- b) visits of representatives of the United Nations High Commissioner for Refugees, family members and persons providing legal assistance to the asylum seeker in conditions that respect privacy;

(4) The access of family members of the asylum seeker and of persons providing legal assistance to the asylum seeker may be limited on grounds of threat to state security and public order, or based on a decision of the facility director, where it does not considerably limit or prevent access of these persons to the asylum seeker.

#### **Article 99**

(1) The third-country national may receive a delivery once in two weeks, containing items up to five kilograms for his/her personal use. This limitation shall not apply to delivery containing clothes.

(2) The facility will check the content of the delivery. Items and substances mentioned in Art. 78 par. 1 shall not be handed over to the third-country national but sent back to the sender at his expense.

(3) The third-country national shall be allowed to receive money without limitation. The facility shall arrange the money is deposited.

#### **Article 100**

##### **Examination of Detained Third-Country Nationals**

(1) Prior to the placement of the detained third-country national into a facility, the police officer shall be entitled to perform a body search and search of his/her personal belongings in order to find out if he/she is carrying any items that could compromise the safety of persons or property, items that could assist in an escape, drugs or items which, due to their quantity or nature, could threaten the internal rules of the facility or damage health. The police officer shall be entitled to perform a body search and search of personal belongings of a detained third-country national also during detention if it is suspected that he/she is carrying items or substances under the preceding sentence.

(2) The detained third-country national shall be obliged to undergo the search. The body search shall be conducted by a person of the same sex.

(3) The police officer shall be entitled to withhold a travel document and objects stipulated in paragraph 1 found during the search according to paragraph 1.

(4) The police officer shall prepare a record on the performance of a search according to paragraph 1 and a list of retained objects and substances according to paragraph 3, whereas one copy of the list shall be submitted to the detained third-country national.

**TITLE THREE**  
**POLICE TRANSPORT, POLICE ESCORT AND AIR TRANSIT**

**Section One**  
**Police Transport and Police Escort**

**Article 101**  
**Police Transport**

(1) The police transport shall be performed by the police department in accordance with the international treaty if the party to the treaty requests transport of the third-country national through the territory of the Slovak Republic to the border of the neighbouring state.

(2) The police department shall implement appropriate measures to protect life and health of the transported third-country national and, if necessary, emergency health care shall be arranged for him/her.

(3) During the police transport, the police officer shall be entitled to restrict personal freedom of the transported third-country national.

(4) The transported third-country national shall be obliged to undergo an examination carried out by a person of the same sex.

(5) The police department shall provide food to the transported third-country national usually every six hours after his/her takeover for the police transport.

(6) Police transport costs shall be borne by the party who requested the police transport.

**Article 102**  
**Police Escort**

(1) The police escort shall be carried out by the police department upon the request of the carrier performing the air transport of persons if there are serious reasons for the carrier to believe that the third-country national to be transported pursuant to Art. 108 par. 2 may threaten the safety of the plane, persons or property in the plane or the order and discipline on board the plane.

(2) The number of police officers necessary to provide for the escort shall be decided by the police department on the basis of the escort-related risk evaluation.

(3) The police department shall arrange the police escort usually within 24 hours after the request was lodged by the carrier but not later than by the expiration of the period laid down by Article 108 par. 2.

(4) The carrier shall be obliged to pay all police escort related costs including the refund of expenses and travel costs incurred by the police officers carrying out the police escort.<sup>86)</sup>

**Section Two**  
**Air Transit**

**Article 103**

(1) The Ministry of Interior shall

a) receive and decide on the written request of a Member State for the air transit (hereinafter referred to as "Air Transit Request");

- b) lodge a written request with the Member State for the air transit to be performed if it is impossible to use a direct flight from the territory of the Slovak Republic to the country of destination or if the flight may not be performed for serious reasons;
- c) immediately receive the third-country national back if
  - 1. the permission for air transit was rejected or withdrawn;
  - 2. during the air transit, the third-country national left the transit area of the public airport without permission;
  - 3. the air transit to other transit state or country of destination or boarding the connecting flight was unsuccessful;or
  - 4. the air transit is impossible for other reasons;
- d) pay costs for food and emergency health care provided to the third-country national pursuant to (c) by the Member State if these costs are real and quantifiable, and costs related to the return of the third-country national;
- e) claim costs related to the return of the third-country national pursuant to Art. 105 par. 2;
- f) determine the contact places for transit airports.

(2) The Ministry of Interior shall deliver the request under paragraph 1 (b) not later than 48 hours prior to the air transit; in exceptionally urgent and justified cases, the Ministry of Interior may ask for remission of this period. The sample request under paragraph 1 letters (a) and (b) is contained in Annex 1; the request may also be sent in a different language.

(3) If the requested country fails to respond to the request of the Ministry of Interior under paragraph 1 (b) within 48 hours, the Ministry of Interior may commence the air transit; the requested country shall be notified of the commencement of the air transit.

#### Article 104

1. The Ministry of Interior shall decide on the request for air transit within the period of 48 hours following its receipt and it shall inform the requesting Member State (hereinafter referred to as "Requesting State") forthwith; in reasonable cases, the period for making a decision may be extended by up to 48 hours more.

2. If the Ministry of Interior fails to communicate its decision within the period under paragraph 1, the Requesting State may commence the air transit; the commencement of the air transit shall be communicated to the Ministry of Interior.

3. The air transit shall be performed within the period of 24 hours following the decision under paragraph 1 or the notification under paragraph 2.

4. The Air Transit Request may be turned down by the Ministry of Interior if

- a) the accusation was brought against the third-country national of if the third-country national is wanted because he/she is avoiding the execution of a lawfully imposed punishment;
- b) it is impossible to carry out the air transit via other countries or the acceptance may not be performed by the country of destination;
- c) the action taken for the transport of the third-country national requires change in the public airport;
- d) the assistance requested is not available at the moment for justified reasons;
- e) the third-country national could threaten the state security, public order, public health or international relations of the Slovak Republic; or
- f) the Requesting State delivers this request less than 48 hours prior to the air transit.

(5) The Ministry of Interior may withdraw the decision on the air transit already issued if the facts under paragraph 4 are discovered subsequently.

(6) The Ministry of Interior shall inform the Requesting State forthwith on the decision

- a) to cancel the air transit and on the reason behind the cancellation;

b) on turning down the air transit under paragraph 4, on the reason of turning it down and in case of turning it down under paragraph 4 (d) also on the date of the next possible air transit.

(7) The Ministry of Interior shall immediately hand over the third-country national back if

- a) the permission for air transit was rejected or withdrawn;
- b) during the air transit, the third-country national left the transit area of the public airport without permission;
- c) the air transit to other transit state or country of destination or boarding the connecting flight was unsuccessful; or
- d) the air transit is impossible for other reasons.

#### **Article 105**

(1) If the Ministry of Interior authorises air transit based on a request for air transit, the police department shall provide the required assistance, in particular they shall provide for

- a) meeting the third-country national at the aircraft and escorting him/her on the premises of the transit airport, in particular to his/her connecting flight;
- b) provision of the emergency health care to the third-country national and to his/her escort if needed;
- c) provision of food to the third-country national and to his/her escort if needed;
- d) receiving, keeping and sending travel documents, especially in the case of air transit without escort;
- e) notification of the Requesting State of the place and time of third-country national departure from the territory of the Slovak Republic in the case of air transit without escort;
- f) notification of the Requesting State of all serious incidents occurring during the air transit.

(2) The Ministry of Interior shall claim reimbursement of costs of food and emergency health care provided from the Requesting State if the costs incurred are actual and quantifiable.

(3) The police department shall provide cooperation in the case of the third-country national return pursuant to Art. 104 par. 7.

(4) The Ministry of Interior shall inform the Requesting State on important facts occurring during the air transit and it shall claim reimbursement of costs related to the provision of assistance.

#### **Article 106**

(1) If the air transit is with escort, the escort shall be obliged to observe legal regulations of the Slovak Republic, prove their identity upon request, and provide the permission of air transport or notification pursuant to Art. 104 par. 2.

(2) The escort shall be any person from the Requesting State who is responsible for accompanying the third-country national including persons responsible for health care and interpreters.

(3) The escort of the third-country national shall wear civil clothes and no arms.

(4) The escort shall be entitled to use coercive measures for necessary security or in cases of utmost need; the escort shall be entitled to use coercive measures in order to prevent the escape of the third-country national or to protect the property only if there are no police officers present or as a support.

### **PART FIVE**

## **DUTIES OF FOREIGNERS, NATURAL PERSONS, LEGAL ENTITIES AND PUBLIC AUTHORITIES OF THE SLOVAK REPUBLIC, OFFENCES AND OTHER ADMINISTRATIVE DELICTS**

### **TITLE ONE**

#### **DUTIES**

#### **Section One**

#### **Duties in the Field of Border Control**

**Article 107****Duties of Natural Persons in the Field of Border Control**

(1) Everyone shall be obliged to avoid from behaviour which may damage, destroy or otherwise impair technical means or make their use more difficult.

(2) Everyone intending to place technical means for recording sound or images on a land in the vicinity of external border shall be obliged to report this fact in writing and beforehand to the police department in charge of the external border. In the notification, he/she shall be obliged to specify the exact location and expected time of placement thereof. The reporting obligation shall not arise if the technical means for recording sound or images is placed on a land being built-up areas and courtyards.<sup>86a)</sup>

**Article 108****Duties of the Carrier**

(1) A carrier<sup>87)</sup> transporting persons to the territory of the Slovak Republic crossing the external air or water border and a carrier transporting persons within regular international bus line services excluding the transport near borders, must not transport to the border crossing a third-country national without a valid travel document including visa if required. The visa may be replaced with a residence permit under a special regulation.<sup>9)</sup>

(2) Not later than 24 hours after the arrival or within the period as specified upon the agreement with the police department at the border crossing, the carrier<sup>87)</sup> who transports the third-country national to the border crossing shall be obliged to transport him/her back to the country he/she was transported from, to the country which issued the travel document he/she travelled with or to any other country where his/her admission is arranged if

- a) the entry of the third-country national to the Slovak Republic was refused;
- b) the third-country national transited the territory of the Slovak Republic and authorities of other country refused his/her entry to their territory and returned him/her to the territory of the Slovak Republic; or
- c) other carrier that should have transported the third-country national to other country refused the transport.

(3) If the carrier is unable to fulfil the duty specified in paragraph 2, it shall be obliged to immediately provide for alternative transport of the third-country national and bear the costs of the transport or, if immediate alternative transport is impossible, the carrier shall be obliged to provide for payment of costs of the third-country national's residence and return.

**Article 109****Duties of Airport Operator**

(1) An international airport operator shall be obliged

- a) to notify the police department performing the border check of the plane arrival from the third country and departure of the plane to the third country;
- b) not to allow the crew and passengers to board a plane departing to a third country without the border check of the crew and passengers performed by the police department;
- c) to take actions to prevent the crew and passengers from leaving the airport for other than border check premises after the arrival of the plane from the third country.

(2) The operator of the international airport where no police department is established shall be obliged to notify the arrival of the plane from the third country and the departure of the plane to the third country not later than 24 hours prior to arrival or departure; if the plane arrives or departs on Saturday, Sunday or bank holiday, the air carrier shall notify the fact not later than on the last working day. If the international airport operator learns about a departure or arrival later than 24 hours prior to departure or arrival, the operator shall be obliged to inform the police department forthwith of this fact. The notification of the arrival or departure shall contain the anticipated list of passengers with their name, surname, date of birth and nationality.

(3) If the plane arriving from the third country lands at the airport which is not international for a reason specified in a special regulation<sup>88)</sup>, its operator or, if the operator is not present at the airport, the authority permitting the plane to

land shall be obliged to immediately notify the relevant police department of the fact. If the airport operator is present at the airport, he/she shall be obliged to prevent the passengers from leaving the plane or airport premises except for providing emergency health care. The plane may continue its flight from this airport only with the consent of the competent police department.

(4) The third country under paragraphs 1 to 3 shall mean the state not exercising the provisions of the special regulation on the abolition of border control at internal borders.<sup>16)</sup>

### **Article 110** **Duties of Landowner**

(1) Within the scope necessary for the Police Force to fulfil their assignments of the border surveillance, the landowner shall be obliged to allow the police officer and means of transport to enter the land near the external border and the entry of the police officer and means of transport to the land in areas near external border during the search for persons suspected of having committed crime or offence related to border control.

(2) The landowner shall be obliged to accept the placement of technical means in the area near the external border for reasonable compensation; this shall be without prejudice to the provisions of special regulations on the compensation of damage.

(3) The decision on reasonable compensation for restriction of land-related rights under paragraphs 1 and 2 shall be made by the Ministry of Interior, unless an agreement is reached by and between the owner and the Police Force.

### **Section Two** **Duties in the Field of Residence**

#### **Article 111** **Duties of Third-Country Nationals**

(1) A third-country national shall be obliged to

- a) notify the police department in writing that he/she will stay out of the territory of the Slovak Republic continuously for more than 180 days if he/she has a residence permit granted;
- b) provide all required data in a true and complete manner within the scope set out by this Act;
- c) prove identity and rightfulness of the residence upon the request of the police officer by presenting a valid travel document and residence permit or identity card issued by the Ministry of Foreign Affairs to persons enjoying diplomatic privileges and immunity pursuant to international law;
- d) conclude health insurance policy not later than three working days following the date of takeover of the residence permit and prove health insurance in the territory of the Slovak Republic at the residence check;
- e) prove, at the residence check, funds for the granted residence amounting to at least the subsistence minimum for every remaining month of the residence, but for no more than one year ahead; in the case of a minor third-country national, it shall be a half of the subsistence minimum for every remaining month of the residence, but for no more than one year ahead;
- f) prove, at the residence check, funds necessary to cover the costs related to the residence of the third-country national in the territory of the Slovak Republic under Article 6 per every day of the remaining residence if Schengen visa was approved for the third-country national;
- g) report to the police department the change in his/her the name, surname, family status, nationality and data in the travel document within five working days following the date the change occurred; and travel document change;
- h) protect documents issued pursuant to this Act against loss, theft, damage or misuse;
- i) report the loss, theft or damage of the travel document or documents issued pursuant to this Act to the police department within the period of five working days following the date he/she became aware of the same;
- j) appear at the police department upon their request in connection with proceedings pursuant to this Act;
- k) present a travel document upon request of the accommodation provider;

- l) sign a completed official form on reporting the residence which contains his/her name and surname, date and place of birth, nationality, permanent residence, purpose of the residence, number of the travel document, visa number and validity, place of issuance or number of the residence permit issued by the Slovak Republic or Member State and its validity, address of the residence in the Slovak Republic, name of the accommodation provider and names and surnames of co-travelling children;
  - m) provide data necessary for statistical information about the residence;
  - n) notify the police department within three working days of the fact that the purpose for which the residence permit was granted ceased to exist;
  - o) if requested by the police department or consulate, undergo biometric data enrolment for the purposes of proceedings pursuant to this Act or special regulation;<sup>89)</sup>
  - p) leave not later than on the last day of the legal residence; if the application for temporary residence permit of the third-country national was rejected due to a change in the purpose or kind of residence, the application for temporary residence permit renewal was rejected, the temporary residence permit was withdrawn, the application for permanent residence permit for unlimited period of time was rejected, permanent residence permit was withdrawn, the application for tolerated residence was rejected, the application for extension of the tolerated residence was rejected or the tolerated residence withdrawn, the third-country national shall be obliged to leave the country within 30 days of the date of enforceability of the decision, unless he/she is authorised to stay in the territory of the Slovak Republic on other grounds;
  - q) apply within five working days for a new residence permit to be issued if the data recorded in this document fail to correspond with reality or if circumstances under h) occur;
  - r) hand over the invalid residence permit or invalid document issued pursuant to this Act, or the found document of other foreigner to the police department;
  - s) notify the police department that he/she will stay out of the place of the residence granted within the territory of the Slovak Republic for more than 30 continuous days;
  - t) notify a change in his/her document according to Article 73 par. 18 first sentence to the police department within five working days;
  - u) stay in the territory of the Slovak Republic more than half of the time of the temporary residence granted in the calendar year; this shall not apply if the third-country national applies mobility in another Member State.
- (2) The third-country national shall be obliged to report the following to the police department within three working days of the date of entry
- a) the beginning, place and anticipated length of the residence if he/she was granted a Schengen visa or a national visa, or if no visa is required from him/her, unless the accommodation provider is obliged to do so; the police department shall issue the confirmation of the residence of the third-country national upon his/her request;
  - b) the commencement of the residence if he/she was granted a residence permit.
- (3) The third-country national with legal residence shall be obliged to report change of the place of residence to the police department within the period of five working days following the date of the change.
- (4) The holder of a Blue Card issued pursuant to this Act shall be obliged to
- a) notify the commencement and termination of his/her unemployment period to the police department within five working days;
  - b) report change of his/her employer to the police department not later than five working days prior to commencement of new job; when reporting change of his/her employer, the Blue Card holder shall be obliged to present documents under Art 38 par. 5 (a) and (b).
- (5) The provision of paragraph 1 (e) shall not apply to a Blue Card holder during the period of his/her unemployment reported to the police department under paragraph 4 (a).
- (6) The third-country national who proclaims to be an unaccompanied minor shall be obliged to undergo medical examination to specify his/her age where there is suspicion that he/she is an adult.



(7) A third-country national under Art. 36a to 36d shall be obliged to immediately leave the territory of the Slovak Republic if he/she does not comply with the conditions under Art. 36a par. 1, Art. 36b par. 1, Art. 36c par. 1 or Art. 36d par. 1.

**Article 112**  
**Duties of Union Citizen and Family Member of Union Citizen**

(1) A Union citizen shall be obliged to

- a) provide all required data in a true and complete manner within the scope set out by this Act;
- b) present the evidence proving the fact on the basis of which he/she acquired or maintains the right of residence if the police department proceeds pursuant to Art. 65 par. 5;
- c) report to the police department the change in his/her the name, surname, family status, nationality and data in the travel document or identity card within ten working days following the date the change occurred; and travel document or identity card change;
- d) protect the residence permit issued pursuant to this Act against loss, theft, damage or misuse;
- e) report the loss, theft or damage of the travel document or residence permit issued pursuant to this Act to the police department within the period of ten working days following the date he/she became aware of the same;
- f) appear at the police department upon their request in connection with proceedings pursuant to this Act;
- g) undergo biometric data enrolment upon the request of the police department for residence permit to be issued;
- h) provide data necessary for statistical information about the residence;
- i) present a travel document upon request of the accommodation provider;
- j) sign a completed official form on reporting the residence, containing his/her name and surname, date of birth, nationality, travel document or identity card number;
- k) apply within ten working days for a new residence permit called "Residence Card of an EU Citizen" to be issued if the data recorded in this document fail to correspond with reality or if circumstances under (e) occur;
- l) depart from the territory of the Slovak Republic if the third-country national has lost his entitlement to the right of residence pursuant to Art. 64 par. 3 or if his/her right of residence was terminated pursuant to Art. 68;
- m) hand over the residence permit if it has expired, provided he/she was issued a new residence permit under (c) or his/her right of residence was terminated pursuant to Art. 68;
- n) notify the voluntary termination of the right of residence pursuant to Art. 65 or the right of permanent residence pursuant to Art. 67 and the country of departure.

(2) A family member of the Union citizen shall be obliged to

- a) appear at the police department for the new residence permit to be issued not later than on the last day of validity of the "Residence Card of a Family Member of an EU Citizen" document;
- b) provide all required data in a true and complete manner within the scope set out by this Act;
- c) present the evidence proving the fact on the basis of which he/she acquired or maintains the right of residence if the police department proceeds pursuant to Art. 70 par. 7;
- d) report to the police department the change in his/her the name, surname, family status, nationality and data in the travel document or identity card within ten working days following the date the change occurred; and travel document or identity card change;
- e) protect the residence permit issued pursuant to this Act against loss, theft, damage or misuse;
- f) report the loss, theft or damage of the travel document or residence permit issued pursuant to this Act to the police department within the period of ten working days following the date he/she became aware of the same;
- g) appear at the police department upon their request in connection with proceedings pursuant to this Act;
- h) undergo biometric data enrolment upon the request of the police department for residence permit to be issued;
- i) provide data necessary for statistical information about the residence;

- j) present a travel document upon request of the accommodation provider;
- k) sign a completed official form on reporting the residence, containing his/her name and surname, date of birth, nationality, travel document or identity card number;
- l) apply within ten working days for a new residence permit called "Residence Card of a Family Member of an EU Citizen" to be issued if the data recorded in this document fail to correspond with reality or if circumstances under (f) occur;
- m) depart from the territory of the Slovak Republic if the third-country national has lost his entitlement to the right of residence pursuant to Art. 69 par. 3 or if his/her right of residence was terminated pursuant to Art. 72;
- n) hand over the residence permit if it has expired, provided he/she was issued a new residence permit under (d) or his/her right of residence was terminated pursuant to Art. 72;
- o) notify the voluntary termination of the right of residence pursuant to Art. 70 or the right of permanent residence pursuant to Art. 71 and the country of departure.

### **Article 113**

#### **Duties of Accommodation Provider**

The accommodation provider shall be obliged to

- a) verify the identity of the foreigner when providing accommodation;
- b) specify the nationality and date of birth of a foreigner in the book of accommodated guests<sup>90</sup>);
- c) ensure the official form to report residence of a foreigner is filled in and deliver the form to the police department within five days following the date of accommodation; the delivery may also be made using electronic service established to this end;
- d) allow the police department to enter all premises of the accommodation facility in order to control fulfilment of the duties set out by this Act.

### **Article 114**

#### **Duties of Corps of the Prison and Court Guard**

Remand Prison, Correctional Institution, Correctional Institution for Juvenile and the Hospital for Inmates shall be obliged to inform the competent police department depending on the seat of the prison and institution or hospital forthwith on taking the foreigner in and releasing him/her from custody and on the commencement and termination of the sentence of imprisonment of the foreigner.

### **Article 115**

#### **Duties of Some Legal Entities and Natural Persons**

(1) The Central Labour Office shall inform the police department within three working days, in writing or electronically, of revoking its confirmation of the possibility of filling a vacancy corresponding to a highly qualified employment. The Office of Labour, Social Affairs and Family shall notify the police department within three working days, in writing or electronically, of

- a) granting and revoking an employment permit;
- b) revoking its confirmation of the possibility of filling a vacancy.

(2) The Office of Labour, Social Affairs and Family shall be obliged to send to the police department on quarterly basis the name, surname, date of birth, nationality and the residence permit number of all foreigners who applied for benefits in material need.

(3) Trade Licensing Office shall be obliged to send changes made to the list to the Ministry of Interior in writing every six months pursuant to Article 130.

(4) The school where the third-country national goes as a pupil, undergraduate or student shall be obliged to notify in writing the police department within three working days of the commencement, stop-out, giving up, exclusion from or completion of studies of the third-country national with a temporary residence permit for the purposes of study. The

language school where the third-country national who was granted national visa under Art. 15 par. 1 (b) goes as a pupil shall be obliged to notify in writing the Ministry of Interior within three working days of the facts under the preceding sentence.

(5) The employer shall be obliged to notify the police department in writing within three working days of

- a) the failure to commence employment of the third-country national under Art. 23, provided he/she issued a written promise to work; and
- b) the termination of employment of the third-country national.

(6) The person who finds or otherwise acquires a travel document from a foreigner or a residence permit or a document issued pursuant to this Act shall be obliged to hand it over to the nearest police department forthwith.

(7) The person inviting the third-country national to the territory of the Slovak Republic shall be obliged to pay for the financial damage incurred by the state if the obligation specified in the verified invitation fails to be met.

(8) The Tax Office shall, within three working days, notify the police department in writing of any supplementary or amended tax returns<sup>90a</sup> submitted by a third-country national.

(9) The Tax Office, Social Insurance Agency and health insurance companies shall be obliged, if requested by the police department, to issue a confirmation pursuant to Article 34 par. 11.

(10) Trading companies or cooperatives shall be obliged to notify the police department, in writing or electronically and within three working days, that a third-country national which has been granted temporary residence permit for business purposes according to Article 22 par. 1 (b) no longer acts on behalf of the trading company or cooperative.

(11) The Ministry of Economy of the Slovak Republic shall be obliged to send changes made to the list to the Ministry of Interior in writing every six months pursuant to Article 131d par. 2.

(12) The host entity seated in the territory of the Slovak Republic is obliged to inform the notify the police department of the following in writing within three working days

- a) intention of a third-country national to apply mobility, provided he/she is a third-country national with temporary residence granted according to Art. 23 par. 5;
- b) changes affecting the application of mobility in the territory of the Slovak Republic, in particular changes referred to in Art. 36a or 36d.

(13) A university shall be obliged to notify the police department in writing within three working days of

- a) intention of a third-country national to apply mobility, provided he/she is a third-country national with temporary residence granted according to Art. 24 par. 1 (b);
- b) all changes affecting the application of mobility in the territory of the Slovak Republic, in particular changes referred to in Art. 36b.

(14) A research organisation shall be obliged to notify the police department in writing within three working days of

- a) intention of a third-country national to apply mobility, provided he/she is a third-country national with temporary residence granted according to Art. 26 or his/her family member with temporary residence granted according to Art. 27;
- b) all changes affecting the application of mobility in the territory of the Slovak Republic, in particular changes referred to in Art. 36c or 36d.

(15) The time limit for fulfilment of the duty under par. 13 and 14 shall start to run on the date when the university or research organisation became aware of the fact under par. 13 or par. 14.

## **TITLE TWO OFFENCES AND OTHER ADMINISTRATIVE DELICTS**

### **Section One Offences and Other Administrative Delicts in the Field of Border Control**

**Article 116**  
**Offences**

(1) A third-country national commits an offence in the field of border control if

- a) he/she crosses the external border in an unauthorised manner;
- b) he/she intentionally avoids or refuses to undergo a border check when crossing the external border;
- c) he/she provides another person's travel document or other document entitling to cross the external border or a visa as his/her own at the border check.

(2) A Union citizen of the family member of the Union citizen commits an offence in the field of border control if

- a) he/she crosses the external border in an unauthorised manner;
- b) he/she intentionally avoids or refuses to undergo a border check when crossing the external border;
- c) he/she provides another person's travel document or other document entitling to cross the external border as his/her own at the border check.

(3) A person commits an offence in the field of border control if he/she

- a) fails to allow a police officer or means of transport to enter the land in vicinity of the external border;
- b) fails to allow a police officer or means of transport to enter the land in the area near the external border during searching for persons suspected of having committed a crime or an offence related to the border control;
- c) fails to allow the technical means to be placed and used in the area near the external border;
- d) deliberately damages, destroys or deteriorates technical means or makes the use of the technical means more difficult;
- e) violates the prohibition under Article 9 (b);
- f) breaches the duty under Article 107 par. 2.

(4) A person commits an offence in the field of border control if he/she commits the following during temporary reintroduction of internal border control

- a) he/she crosses the internal border in an unauthorised manner;
- b) he/she intentionally avoids or refuses to undergo a border check when crossing the internal border;
- c) he/she provides another person's travel document or other document entitling to cross the internal border or a visa as his/her own at the border check.

(5) Par. 1 and 2 shall not apply to foreigners who filed an application for granting asylum immediately after their entry to the territory of the Slovak Republic and to victims of trafficking in human beings.

(6) For an offence under

- a) paragraph 1 (a) and (b), a fine of up to EUR 800 may be imposed;
- b) paragraph 1 (c), a fine of up to EUR 1,600 may be imposed;
- c) paragraph 2, a fine of up to EUR 300 may be imposed;
- d) paragraph 3 (a) to (d), a fine of up to EUR 1,600 may be imposed;
- e) paragraph 3 (e), a fine of up to EUR 800 may be imposed;
- f) paragraph 4, a fine of up to EUR 300 may be imposed.

(7) For offences under paragraphs 1 to 4, a fine of up to EUR 165 may be imposed within the fine proceedings.

(8) Offences under paragraphs 1 to 4 shall be dealt with by the police department.

(9) General rule on offences<sup>91</sup>) shall apply to offences and their dealing, unless otherwise stipulated in paragraphs 5 to 8.

### **Article 117** **Administrative Delicts**

(1) An administrative delict in the field of border control is committed by

- a) a carrier in breach of the duty under Art. 108 par. 1 or par. 2;
- b) a legal entity or natural person – entrepreneur that failed to meet the duty under Art. 109;
- c) a legal entity or natural person – entrepreneur if they fail to allow the entry or access of means of transport in the land in vicinity of the external border;
- d) a legal entity or natural person – entrepreneur if they fail to allow means of transport to enter the land in the area near the external border during searching for persons suspected of having committed a crime or an offence related to the border control;
- e) a legal entity or natural person – entrepreneur if they fail to allow the placement or use of technical means in the area near the external border;
- f) a legal entity or natural person – entrepreneur if they damage, destroy or deteriorate technical means in any other way or make its use more difficult;
- g) a legal entity or natural person – entrepreneur if they are in breach of a duty under Art. 107 par. 2.

(2) The police department shall impose a fine between EUR 3,000 and EUR 5,000 per each transported third-country national for an administrative delict under paragraph 1 (a).

(3) The police department shall impose a fine between EUR 3,000 and EUR 5,000 per each flight made for an administrative delict under paragraph 1 (b).

(4) The police department shall impose a fine of up to EUR 3,300 for an administrative delict under paragraph 1 (c) to (g).

(5) The fine under paragraphs 2 to 4 may be imposed within one year after the date the police department becomes aware of the breach of duty, but not later than three years after the date the breach of duty occurred. In determination of the fine amount, materiality, time of duration and consequences of illegal action shall be taken into account with the potential recurring breach of duty or if more than one duty was breached.

(6) The fine shall be due within the period of 30 days after the date on which the decision to impose the duty became final.

(7) Proceeds from fines shall represent income of the national budget of the Slovak Republic.

### **Section Two** **Offences and Other Administrative Delicts in the Field of Residence**

#### **Article 118** **Offences**

(1) A third-country national commits an offence in the field of residence if

- a) his/her residence in the territory of the Slovak Republic is illegal;
- b) he/she is in breach of a duty under Art. 27 par. 6, Art. 32 par. 9 or par. 10, Art. 38 par. 8 or par. 9, Art. 59 par. 5 or par. 9, Art. 62 par. 3, Art. 73 par. 14, Art. 96 par. 4, Art. 111 par. 1 (b) to (f), h), (j) to (l), o) to r) or par. 7;
- c) he/she is in breach of a duty under Art. 111 par. 1 (a), (g), (i), (m), (n) or (s) or par. 2, 3 or par. 4.

(2) A Union citizen shall commit an offence in the field of residence if he/she is in breach of a duty under Art. 64 par. 2, Art. 66 par. 1 or Art. 112 par. 1 (a) to (e) or (l).

(3) A family member of a Union citizen shall commit an offence in the field of residence if he/she is in breach of a duty under Art. 69 par. 2, Art. 70 par. 9, Art. 71 par. 8 or Art. 112 par. 2 (a) to (f), h), (l) or (m).

(4) A person commits an offence in the field of residence if he/she

- a) breaches the duty under Article 115 par. 6;
- b) provides false, incomplete or misleading data when submitting a request for verification of invitation or presents falsified or counterfeited documents or a document of another person.

(5) Paragraph 1 shall not apply to foreigners who applied for asylum after having immediately registered at the police department and demonstrating a sufficient reason for their illegal residence and to foreigners who applied for assisted voluntary return to their country of origin.

(6) For an offence under

- a) paragraph 1 (a) and (b) and paragraph 4 (b), a fine of up to EUR 1,600 may be imposed;
- b) paragraph 1 (c), paragraphs 2 and 3, a fine of up to EUR 300 may be imposed;
- c) paragraph 4 (a), a fine of up to EUR 33 may be imposed.

(7) For offences under paragraphs 1 to 3 and par. 4 (b), a fine of up to EUR 165 may be imposed within the fine proceedings.

(8) Offences under this provision shall be dealt with by the police department.

(9) General rule on offences<sup>91)</sup> shall apply to offences and their dealing, unless otherwise stipulated in paragraphs 6 to 8.

#### **Article 119 Administrative Delicts**

(1) An administrative delict in the field of residence is committed by

- a) an accommodation provider if he/she breaches the duty under Art. 113;
- b) a school in breach of the duty under Art. 115 par. 4 or par. 13;
- c) an employer in breach of the duty under Art. 115 par. 5 or par. 12;
- d) a legal entity or natural person – entrepreneur who failed to allow immediate access for a police officer to exercise his/her authorisation under Art. 75;
- e) a legal entity or natural person – entrepreneur who provides false, incomplete or misleading data when submitting a request for verification of invitation or presents falsified or counterfeited documents or a document of another person;
- f) a trading company or cooperative which have failed to fulfil the duty under Article 115 par. 10;
- g) a research organisation which has failed to fulfil the duty under Article 115 par. 14.

(2) The police department shall impose a fine of up to EUR 3,300 for an administrative delict under paragraph 1.

(3) The fine under paragraph 2 may be imposed within one year after the date the police department becomes aware of the breach of duty, but not later than three years after the date the breach of duty occurred. In determination of the fine amount, materiality, time of duration and consequences of illegal action shall be taken into account with the potential recurring breach of duty or if more than one duty was breached.

(4) The fine shall be due within the period of 30 days after the date on which the decision to impose the duty became final.

(5) Proceeds from fines shall represent income of the national budget of the Slovak Republic.

#### **PART SIX COMMON, TRANSITIONAL AND FINAL PROVISIONS**

**Article 120****Relation to the Code of Administrative Procedure**

(1) Unless otherwise stipulated in this Act or special regulation<sup>13</sup>), a general regulation on administrative procedure shall apply to proceedings hereunder.<sup>37</sup>) Legal acts carried out by a public authority, natural person and legal person in proceedings hereunder shall be carried out solely in paper form,<sup>91a</sup>) unless otherwise stipulated in Art. 33 par. 9, Art. 48 par. 3, Art. 113 (c), Art. 115 par. 1 and 10 and Art. 125 par. 10.

(2) In a justification of its decision, the police department shall provide only the fact that this is in the interest of security of the Slovak Republic if following decisions are concerned

- a) a decision to reject the application for a temporary residence permit under Art. 33 par. 6 (b) if there is a reason to believe that the third-country national will threaten the state security during the time of his/her residence;
- b) a decision to withdraw the temporary residence under Art. 36 par. 1 (b) if there is a reason to believe that the third-country national will threaten the state security during the time of his/her residence;
- c) a decision to reject the application for a Blue Card application under Art. 39 par. 1 (c) if the third-country national poses a threat to the state security;
- d) a decision to reject the application for a Blue Card renewal or withdrawal under Art. 41 par. 1 (d) if the Blue Card Holder poses a threat to the state security;
- e) a decision to reject the application for a permanent residence permit under Art. 48 par. 2 (b) if there is a reason to believe that the third-country national will threaten the state security during the time of his/her residence;
- f) a decision to withdraw the permanent residence under Art. 50 par. 1 (a) if there is a reason to believe that the third-country national will threaten the state security during the time of his/her residence;
- g) a decision to reject the application for long-term residence under Art. 54 par. 2 (b) if there is a reason to believe that the third-country national will threaten the state security;
- h) a decision to withdraw the tolerated residence under Art. 61 par. 1 (b) if the third-country national threatens the state security;
- i) a decision on the administrative expulsion under Art. 82 par. 2 (a) if the third-country national poses a serious threat to the state security or Art. 82 par. 2 (b) if the third-country national threatens the state security.

(3) Proceedings under this Act shall be suspended on the date of the decision to suspend the proceedings. The deadline for the third-country national stipulated in the decision on suspending the proceedings shall begin to run from the date of receiving the decision.

(4) If, in the proceedings hereunder, a natural person or legal entity specifies an address abroad as the address for service, the decision of the police department shall be served to such an address abroad through a consulate. If the consulate services decisions of the police department by means of public notices, the decision shall be posted on the official notice board of the consulate for 15 days. The last day of this period shall be the date of delivery.

(5) The decision on granting a temporary residence permit, renewal of temporary residence, granting permanent residence for five years, permanent residence for an unlimited time and the decision on granting residence to a third-country national born in the territory of the Slovak Republic or a Member State cannot be appealed against.

(6) In the proceedings hereunder, a foreigner may only have one appointed representative. In the proceedings hereunder, an appointed representative may only be a person of irreproachable reputation. A person of irreproachable reputation shall not mean a person who has been convicted of any crime of corruption, crime of smuggling, trafficking in human beings, misuse of office by a public office-holder, frustration of task by a public office-holder, violent crossing of State borders or crime of unauthorised crossing of the State border. A person of irreproachable reputation shall also not mean a person whose prosecution for crimes referred to in the preceding sentence has been discontinued conditionally with no final decision as to the accused has proved himself/herself or it is not understood that he/she has proved himself/herself. To this end, the police department is entitled to request an extract from the Criminal Register.

(7) Prior to making a decision on administrative expulsion or detention decision, the police department shall allow the foreigner and his/her appointed representative, if present, to comment on its grounds and on the method of its

determination or to suggest its amendment; to this end, the police department shall inform the appointed representative of such a possibility.

### **Article 121**

#### **Integrity**

(1) The third-country national shall prove his/her integrity by providing an extract from the Criminal Register of the country he/she is a national to and the country where the third-country national has stayed during last three years for the period longer than 90 days within six consecutive months. The third-country national who applies for temporary residence according to Art. 26 shall prove his/her integrity by providing an extract from the Criminal Register of the country where he/she resided the longest in the last ten years. If no such extract from the Criminal Register is issued in the given state under the first or second sentence, it may be substituted with an equivalent document issued by the competent judicial authority or administrative authority of the country of origin; or it may be substituted with a statutory declaration to be made by the third-country national before the competent judicial authority or administrative authority or the notary of the country from which he/she demonstrates his/her integrity. The document on integrity shall prove the integrity in the whole territory of the country issuing the document; otherwise the police department shall not accept such document; in justified cases, the police department may, upon prior consent of the Ministry of Interior, accept a document on integrity not demonstrating integrity in the whole territory of the country.

(2) An asylum seeker and foreigner with the subsidiary protection provided shall not need to prove his/her integrity by the extract from the Criminal Register of the country he/she escaped from in order to avoid persecution or serious injustice;<sup>92)</sup> instead, he/she shall be obliged to provide a statutory declaration proving his/her integrity in that country.

(3) When deciding on an application for a residence permit, the police department shall be obliged to request an extract from the Criminal Register.<sup>94)</sup>

(4) For the purposes hereof, a person of irreproachable reputation shall not mean a person who committed actions qualified in the Slovak Republic as deliberate crime, who has been convicted of such actions and the period required for withdrawal of the conviction in the Slovak Republic after his/her sentence has not lapsed.<sup>95)</sup>

(5) In justified cases, the police department may accept, for the purposes of the application for a residence permit, a document on integrity older than 90 days, provided the period from the issuance of the document on integrity of a third-country national and his/her arrival to the territory of the Slovak Republic is no longer than 90 days.

### **Article 122**

#### **Provision of Accommodation**

(1) The document confirming the provision of accommodation shall be

- a) a statutory declaration of the foreigner on ownership of the real estate;
- b) a lease contract concluded with a real estate owner or user and a document proving the entitlement to use the real estate in the case of lease contract with a real estate user;
- c) a confirmation of the accommodation facility on the provision of accommodation; or
- d) a statutory declaration of the natural person or legal entity on provision of accommodation to the foreigner in the territory of the Slovak Republic and a document proving the entitlement to use the real estate in the case of statutory declaration of a real estate user.

(2) The police department shall not accept the document on provision of accommodation according to par. 1 (c) if the number of persons who have been granted residence reported in the accommodation facility exceeds its capacity.

### **Article 123**

#### **Health Insurance**

The document confirming the health insurance shall be the confirmation issued in the name of the foreigner on health insurance in the territory of the Slovak Republic or on insured medical expense in the territory of the Slovak Republic.

### **Article 124**



### Public Health

- (1) Medical report that the third-country national does not suffer from any disease which could impose a risk to the public health shall be issued by a doctor specialising in infectology.
- (2) Details on the issuance of a medical report under paragraph 1 and the list of diseases posing a risk to public health shall be specified by a generally binding legal regulation to be issued by the Ministry of Health of the Slovak Republic.

### Article 125

(1) The police department shall act in the matters related to the residence hereunder depending on the location of the residence or anticipated residence, unless stipulated otherwise by this Act or special regulation. In case of a third-country national regularly commuting to work crossing the state border from the neighbouring state, the police department shall act depending on the location of the place of employment; and in case of a third-country national regularly commuting to school crossing the state border from the neighbouring state, the police department shall act depending on the seat of the school. In justified cases, the Ministry of Interior may designate a police department other than that in the first sentence to be the competent police department for the purposes of receipt of the application for a residence permit or for the purposes of proceedings on granting residence permit in the case of a third-country national under Article 33 par. 8 (d).

(2) The matter of administrative expulsion of a foreigner or a return of a foreigner under a special regulation<sup>85)</sup> the police department that found reasons for his/her administrative expulsion or return under a special regulation<sup>85)</sup> shall act; the police department which granted the residence permit to the third-country national, registered his/her residence or issued the residence permit for the family member of the Union citizen shall inform him/her of the decision on administrative expulsion. Matters pursuant to Article 82 par. 5, Article 84 par. 1 (b), Articles 88 and 88a shall be acted upon by the police department that discovered reasons for these proceedings.

(3) For the purposes of proceedings under this Act, a passport issued by a state not recognised by the Slovak Republic shall also be considered a valid travel document if it meets specifications of the International Civil Aviation Organisation on machine readable travel documents.<sup>96)</sup>

(4) The police department which assesses the threat to public order in accordance with the procedure under Art. 15 par. 2, Art. 16 par. 8 (b), Art. 16 par. 9 second sentence, Art. 33 par. 6 (b), par. 5, Art. 34 par. 12, Art. 36 par. 1 (b), Art. 39 par. 1 (c), Art. 41 par. 1 (d), Art. 48 par. 2 (b), Art. 50 par. 1 (a), Art. 58 par. 1 (b), Art. 59 par. 12 (b), Art. 61 par. 1 (b), Art. 81 par. 3, Art. 82 par. 2 (a) and (b), Art. 83 par. 2 (c), par. 5, 6 or Art. 104 par. 4 (e) shall assess the level of threat to the public order resulting from the acting of the third-country national and its materiality or resulting from the danger the third-country national could pose; and if consequences of procedures under these provisions were clearly disproportionate to reasons of the threat to the public order, the police department shall not use those provisions.

(5) When issuing the decision pursuant to Art. 34 par. 12 to 14, Art. 36 par. 1, Art. 41 par. 1, Art. 48 par. 2, Art. 50 par. 1 or par. 3, Art. 54 par. 2, Art. 56 (a), Art. 59 par. 12, Art. 61 par. 1, Art. 72 par. 7 or the decision on administrative expulsion, the police department shall be obliged to advise the foreigner on the possibility of using assisted voluntary return.

(6) In order to consider an application for a temporary residence permit of a third-country national and an application for a permanent residence permit of a third-country national over 14 years of age, the police department shall request an opinion of the Slovak Intelligence Service and Military Intelligence and they shall send their opinion, specifying their consent or refusal with the granting of residence, to the police department within fifteen days after the date of receipt of the request for opinion. In their opinion under the preceding sentence, the Slovak Intelligence Service and Military Intelligence shall take into account the interest of the state in the scope of their competence.

(7) When deciding on the application for a residence permit, the police department may request information from the Member State concerning the preceding residence of the third-country national. Upon request of the Member State authorities, they shall provide information about the residence of the third-country national in the territory of the Slovak Republic.

(8) If there is a reasonable concern the state security or public order could be threatened by the Union citizen or the family member of the Union citizen who reports his/her residence, applies for registration or issuance of the document on the residence of the family member of the Union citizen, the police department may request Member State authorities

for provision of information related to previous police records on the given person. The police department may request information on the Union citizen or family member of the Union citizen within three months after his/her entry in the territory of the Slovak Republic or after reporting his/her residence at the police department.

(9) Upon request of a Member State, within 30 days of receipt of such request, the Ministry of Interior shall inform the Member State that granted the third-country national the status of a long-term resident whether or not he/she has been granted asylum or provided with subsidiary protection.

(10) The police department shall notify, within three working days, in writing or electronically

a) the Central Labour Office of

1. refusal of a Blue Card application;
2. refusal of a Blue Card renewal application;
3. Blue Card termination;

b) the Office of Labour, Social Affairs and Family of

1. rejection of an application for a temporary residence permit for the purpose of employment;
2. rejection of an application for a temporary residence permit of a third-country national who has the status of a person with long-term residence in another Member State;
3. termination of the temporary residence for the purpose of employment;
4. termination of the temporary residence for the purpose of family reunification;
5. termination of the temporary residence of a third-country national who has the status of a person with long-term residence in another Member State;

c) the employer of

1. Blue Card termination;
2. termination of the temporary residence for the purpose of employment;
3. termination of the temporary residence for the purpose of family reunification;
4. termination of the temporary residence of a third-country national who has the status of a person with long-term residence in another Member State.

(11) The Ministry of Interior shall designate contact points for receiving and delivering information pursuant to Art. 33 par. 11, Art. 36 par. 4, Art. 36a to 36d, Art. 38 par. 12, Art. 39 par. 2, Art. 54 par. 1, Art. 73 par. 2, 8 and 9, Art. 83 par. 7 and 9 and pursuant to par. 9. The contact points under the preceding sentence shall inform the relevant contact points of Member States about the rights and duties under Art. 36a to Art. 36d.

(12) In particularly complex cases, deadlines under Art. 33 par. 8, Art. 34 par. 16, Art. 38 par. 11, Art. 40 par. 7, Art. 45 par. 9, Art. 47 par. 6, Art. 53 par. 6 and Art. 59 par. 7 may be extended by the appeal authority by up to 30 days. Deadline under Art. 33 par. 8 shall not run during assessment of the submitted business plan under Art. 33 par. 2. Deadline under Art. 34 par. 16 shall not run during assessment whether the business activities of a trading company or cooperative represent a contribution to economic interest of the Slovak Republic pursuant to Art. 34 par. 10.

### Article 126

(1) A foreigner may enter into an employment relationship within the scope and under conditions stipulated by a special regulation.<sup>97)</sup>

(2) A foreigner pursuant to Art. 22, Art. 24 par. 3, Art. 26 par. 1, Art. 27 par. 6, Art. 29 par. 3, Art. 30 par. 1 (a) and Art. 65 par. 1 (b) may conduct business under conditions stipulated by a special regulation.<sup>97a)</sup>

(3) Residence during the time period to exit the country according to Art. 111 par. 1 p) shall be considered an authorised residence.

(4) Applications and documents required in the proceedings hereunder issued in foreign language must be presented by the foreigner in official translations<sup>98)</sup> into national language<sup>99)</sup> as an original or certified copy;<sup>100)</sup>

he/she may also present documents issued or certified by the respective authorities of the Czech Republic in Czech language. A foreigner may submit applications and documents issued in foreign language also officially translated into Czech language. As regards translations done abroad, the foreigner shall submit the consulate's confirmation that the translation has been done by an authorised person. A consulate may refuse to issue the confirmation if they cannot credibly verify the authorisation of the person who has done the translation within the consulate's territorial scope of competence.

(5) Signatures of statutory declarations, powers of attorney and lease contracts submitted in the proceedings hereunder shall be certified; this shall not apply if the power of attorney is declared in the records before an administrative authority or if it concerns a statutory declaration or a power of attorney in the proceedings on administrative expulsion or proceedings on detention.

(6) Documents required in the proceedings hereunder and issued by authorities of foreign states must bear a legalisation clause, unless otherwise provided by an international treaty<sup>101)</sup> or special regulation<sup>101a)</sup>. In justified cases, the Ministry of Interior may waive the requirement of legalisation for the document on integrity.

(7) Official forms necessary in the proceedings hereunder shall be issued by the Ministry of Interior; these forms shall be issued in bilingual versions.

(8) The Ministry of Interior and the Ministry of Foreign Affairs publish the basic information on rights and duties of foreigners hereunder on their web sites with sample applications necessary for the proceedings hereunder; in addition to the state language, the information is published in English language as well. On its website, the Ministry of Economy of the Slovak Republic publishes the content requirements of the business plan for implementation of an innovation project.

(9) Where there are indications that a foreigner wants to submit an application for asylum, the police department at the crossing point and the facility shall provide such a foreigner with information concerning the possibility of submitting an application for asylum. The police department at the crossing point and the facility shall provide for interpreting to the extent required in order to facilitate access to the asylum proceedings.

#### **Article 127**

(1) If a third-country national refuses to undergo a medical examination pursuant to Article 111 par. 6, he/she shall be considered an adult for the purposes of proceedings hereunder; if he/she undergoes a medical examination, he/she shall be considered an adult until a result of the medical examination to determine his/her age is available. The result of the medical examination to determine his/her age shall be presented by the doctor in the form of an expert opinion. If, based on the medical examination, it is not possible to determine whether he/she is an adult or minor, he/she shall be considered a minor for the purposes of the proceedings hereunder. The police department shall be obliged to advise the third-country national of the entitlement to order the medical examination to determine his/her age, method to be used and consequences of the examination for the proceedings hereunder and the consequences of refusal to undergo such an examination.

(2) Statutory representative shall act in matters related to the residence on behalf of a minor. A minor aged more than 15 shall be able to act on his/her own in matters related to the residence for the purposes of his/her study or special activity; however, the application for a temporary residence permit to be granted for these purposes shall be signed by the statutory representative of the minor and the signature of the statutory representative shall be certified.

(3) An appointed guardian shall act on behalf of the minor without a statutory representative in matters related to the residence.

(4) The police department shall be obliged to notify the authority responsible for social and legal protection of children and social guardianship forthwith if a minor third-country national is found in the territory of the Slovak Republic in order to arrange the procedure under a special regulation.<sup>102)</sup>

#### **Article 128**

##### **Personal and Other Data Processing in Border Control**

The police department shall be authorised to process the following personal and other data in order to ensure the border control:

- a) name, surname, surname at birth, previous surnames, date of birth, sex, place and country of birth, citizenship, nationality, family status, data on travel document, other document authorising to cross the external border, data on visas, biometric data, country of destination;
- b) names, surnames, previous surnames of family members, date and place of birth of family members, their citizenship, domicile of family members, previous permanent residences of family members;
- c) data on the place and time of entry and exit through the external border, means of transport, co-passengers in one means of transport, period of time and the purpose of residence;
- d) data on unauthorised crossing of the state border, prohibition on entry, rejection of entry and denial of entry.

### **Article 129**

#### **Personal and Other Data Processing in Case of Visas and Residence**

(1) For the purposes of visa proceedings, the police department, consulate and the Ministry of Foreign Affairs shall be entitled to process the following personal data:

- a) name and surname of the visa applicant, his/her surname at birth, previous surnames, date of birth, sex, place and country of birth, citizenship, family status, data on travel documents, biometric data,
- b) occupation of the visa applicant; name and surname of his/her father; name, surname and maiden name of his mother; name, surname and surname at birth of his/her spouse; date and place of birth of his/her spouse, name, surname and date of birth of his/her child, previous residence of the visa applicant in the Slovak Republic,
- c) previous citizenship of the visa applicant, data on his/her domicile, data on his/her employer, country of destination, visa kind, requested number of entries, period of time of residence, data on visas granted by the Slovak Republic, purpose of the journey, entry date, exit date, type of means of transport, place of the first entry, data on the contact person in the Slovak Republic, method of financial coverage in the Slovak Republic,
- d) the name, surname, date and place of birth, nationality, address of residence in the Slovak Republic, proof of identity, occupation of the inviting person and his/her relationship to the invited third-country national if the inviting person is a natural person,
- e) the name, address, entity identification number, core activity of the inviting entity and its relationship to the invited third-country national if the inviting person is a legal entity, as well as data under letter (d) of the statutory body or a member thereof.

For the purposes of residence proceedings and residence control of foreigners, the police department, consulate and the Ministry of Foreign Affairs shall be authorised to process personal data of the third-country national under par. 1 (a) and (b), and

- a) his/her degree, nationality, purpose of residence, the highest education achieved, data on employment prior to and following the arrival to the Slovak Republic, place and state of the domicile, address of the last domicile, domicile in the Slovak Republic, name of the accommodation provider,
- b) previous surnames, country of birth, citizenship, permanent domicile and domicile in the Slovak Republic of his/her spouse,
- c) date of birth and citizenship of his/her parents, place of birth, citizenship, permanent domicile and domicile of his/her child in the Slovak Republic, names, surnames, date and place of birth, citizenship and permanent domicile of his/her siblings.

(3) For the purposes of registration, the police department shall be authorised to process the personal data of the Union citizen and the family member of the Union citizen under paragraph 1 (a) and data on the highest education achieved, address of permanent domicile abroad, domicile in the Slovak Republic and data on the accommodation provider.

(4) For the purposes of administrative expulsion proceedings and detention proceedings, the police department shall be authorised to process personal data under paragraph 1 (a) and data on the address of the permanent domicile of the foreigner.

### Transitional Provisions

#### Article 130

Within 30 days of the date this Act becomes valid and effective, the Trade Licensing Office shall be obliged to send to the Ministry of Interior the written list of issued, suspended, ceased and cancelled licences to carry on a trade by the third-country nationals with a residence permit in the territory of the Slovak Republic.

#### Article 131

- (1) A visa granted in accordance with present rules shall be deemed the visa granted pursuant to this Act.
- (2) Temporary residence permit granted in accordance with present rules shall be deemed the temporary residence hereunder.
- (3) The first permanent residence permit granted in accordance with present rules shall be deemed the permanent residence hereunder.
- (4) Following permanent residence permit granted pursuant to Art. 38 par. 1 (a) or (d) of Act. No. 48/2002 Coll. on the Residence of Foreigners and on amendment and supplement of some acts as amended shall be deemed a permanent residence for unlimited period of time hereunder.
- (5) Following permanent residence permit granted pursuant to Art. 38 par. 1 (b) or (c) of Act. No. 48/2002 Coll. on the Residence of Foreigners and on amendment and supplement of some acts as amended shall be deemed a long-term residence hereunder.
- (6) Tolerated residence permit granted in accordance with present rules shall be deemed the tolerated residence hereunder.
- (7) The Union citizen who has been staying in the territory of the Slovak Republic for more than three months and who has no first or following permit registered in accordance with present rules, shall be obliged to apply for registration of his/her residence in the territory of the Slovak Republic within 30 days of the date this Act becomes valid and effective,
- (8) The residence permit issued for the Slovak national living abroad in accordance with present rules shall become invalid not later than on 30 June 2012.
- (9) The term of the prohibition on entry in accordance with present rules shall remain valid.
- (10) Proceedings commenced before this Act becomes valid and effective shall be completed in accordance with present rules; the proceedings shall be completed pursuant to this Act only if it is more favourable for the concerned person.
- (11) If, in present rules, the term "temporary residence permit" is used in all forms, "permanent residence permit" in all forms and "tolerated residence permit" in all forms, it shall mean "temporary permit" in the relevant form, "permanent residence" in the relevant form and "tolerated residence" in the relevant form hereunder.

#### Article 131a

##### Transitional provisions for regulations effective as of 1 May 2013

- (1) Proceedings under this Act commenced prior to 1 May 2013 shall be completed in accordance with regulations in force before 30 April 2013; they may be completed under the provisions of this Act effective from 1 May 2013 only if it is more favourable to the person in question.
- (2) A third-country national who has been issued with a certificate of a Slovak living abroad and whose proof of residence expired on 30 June 2012 under Article 131 par. 8, may apply, from 1 May 2014, for a temporary residence permit pursuant to Article 29 in person even at the police department if he/she has not left the territory of the Slovak Republic after the expiry of this document.

- (3) If a third-country national stays in the territory of the Slovak Republic according to paragraph 2, it shall not be considered an illegal residence.
- (4) Before 31 December 2014 residence permits may be issued with no electronic chip.

#### **Article 131b**

##### **Transitional provisions for regulations effective as of 1 January 2014**

- (1) Proceedings under this Act commenced prior to 1 January 2014 shall be completed in accordance with regulations in force before 31 December 2013.
- (2) A confirmation of the possibility of filling a vacancy corresponding to highly qualified employment issued by the Central Labour Office based on a request filed before 1 January 2014 shall be considered for the purposes of Article 38 paragraph 10, Article 40 paragraph 6 or Article 41 paragraph 3 as a confirmation of the possibility of filling a vacancy corresponding to highly qualified employment stating an approval to fill that vacancy.
- (3) A work permit issued by the Office of Labour, Social Affairs and Family based on a request filed before 1 January 2014 shall be considered for the purposes of Article 33 paragraph 3 or Article 34 paragraph 4 as a confirmation of the possibility of filling a vacancy stating an approval to fill that vacancy.
- (4) Extension of a work permit issued by the Office of Labour, Social Affairs and Family based on a request filed before 1 January 2014 shall be considered for the purposes of Article 34 paragraph 4 as a confirmation of the possibility of filling a vacancy stating an approval to fill that vacancy.

#### **Article 131c**

##### **Transitional provisions for regulations effective as of 20 July 2015**

- (1) Proceedings under this Act commenced prior to 20 July 2015 shall be completed in accordance with regulations in force before 19 July 2015; they may be completed under the provisions of this Act effective from 20 July 2015 only if it is more favourable to the person in question.
- (2) The person who has placed technical means for recording sound or images on a land in the vicinity of external border before 20 July 2015 is obliged, not later than six months after 20 July 2015, to report in writing the location of placement thereof and the estimated period of placement thereof to the police department in charge of the external border; the reporting obligation does not exist in the case of technical means for recording sound or images placed on a land that represents built-up areas and courtyards.<sup>86a)</sup>

#### **Article 131d**

##### **Transitional provisions for regulations effective as of 01 May 2017**

- (1) Proceedings under this Act commenced prior to 1 May 2017 shall be completed in accordance with regulations in force before 30 April 2017; they may be completed under the provisions of this Act effective from 1 May 2013 only if it is more favourable to the person in question.
- (2) Within 30 days of the date this Act becomes valid and effective, the Ministry of Economy of the Slovak Republic is obliged to send the written list of centres of strategic services to the Ministry of Interior.

#### **Article 131e**

##### **Transitional provision for regulations effective as of 1 September 2017**

The conditions for temporary residence for the purposes of study according to Art. 24 which had been granted before 1 September 2017 shall be evaluated under the rules effective until 31 August 2017.

#### **Article 131f**

##### **Transitional provisions for regulations effective as of 01 May 2018**

(1) Proceedings under this Act commenced prior to 1 May 2018 shall be completed in accordance with regulations in force before 30 April 2018; they may be completed under the provisions of this Act effective from 1 May 2013 only if it is more favourable to the person in question.

(2) Permanent residence granted for unlimited duration according to Art. 46 par. 2 in the version in force before 30 April 2018 shall be considered permanent residence of unlimited duration according to Art. 46 par. 1 (a) in the version in force after 1 May 2018.

(3) Tolerated residence granted according to Art. 58 par. 1 in the version in force before 30 April 2018 shall be considered as remaining in the territory of the Slovak Republic according to Art. 61a in the version in force after 1 May 2018.

### **Article 132** **Repealing Provisions**

The following shall be repealed:

1. Act No. 48/2002 Coll. on the Residence of Foreigners and on amendment and supplement of some acts as amended by Art. III of Act No. 408/2002 Coll., Art. IV of Act No. 480/2002 Coll., Art. I of Act No. 606/2003 Coll., Art. III of Act No. 69/2005 Coll., Art. IV of Act No. 474/2005 Coll., Art. I of Act No. 558/2005 Coll., Art. I of Act No. 693/2006 Coll., Art. IV of Act No. 342/2007 Coll., Art. III of Act No. 643/2007 Coll., Art. II of Act No. 233/2008 Coll., Art. XXIII of Act No. 445/2008 Coll., Art. II of Act No. 451/2008 Coll., Art. I of Act No. 594/2009 Coll. and Art. IV of Act No. 223/2011 Coll.,
2. Act No. 477/2003 Coll. on the State Border Protection as amended by Art. VI of Act No. 558/2005 Coll., Art. VI of Act No. 342/2007 Coll. and Art. XXXI of Act No. 445/2008 Coll.,
3. Decree of the Ministry of Health of the Slovak Republic No. 07478/2009-OL of 8 April 2009, laying down details on issuance of the document that the foreigner does not suffer from a disease posing a threat to the public health (Notice No. 146/2009 Coll.).

### **Article 133**

Legally binding acts of the European Union specified in Annex 2 shall be transposed hereby. **Art. II**

Act No. 145/1995 Coll. on Administrative Fees as amended by Act No. 123/1996 Coll., Act No. 224/1996 Coll., Act No. 70/1997 Coll., Act No. 1/1998 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., Act No. 96/2002 Coll., Act No. 118/2002 Coll., Act No. 215/2002 Coll., Act No. 237/2002 Coll., Act No. 418/2002 Coll., Act No. 457/2002 Coll., Act No. 465/2002 Coll., Act No. 477/2002 Coll., Act No. 480/2002 Coll., Act No. 190/2003 Coll., Act No. 217/2003 Coll., Act No. 245/2003 Coll., Act No. 450/2003 Coll., Act No. 469/2003 Coll., Act No. 583/2003 Coll., Act No. 5/2004 Coll., Act No. 199/2004 Coll., Act No. 204/2004 Coll., Act No. 347/2004 Coll., Act No. 382/2004 Coll., Act No. 434/2004 Coll., Act No. 533/2004 Coll., Act No. 541/2004 Coll., Act No. 572/2004 Coll., Act No. 578/2004 Coll., Act No. 581/2004 Coll., Act No. 633/2004 Coll., Act No. 653/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 5/2005 Coll., Act No. 8/2005 Coll., Act No. 15/2005 Coll., Act No. 93/2005 Coll., Act No. 171/2005 Coll., Act No. 308/2005 Coll., Act No. 331/2005 Coll., Act No. 341/2005 Coll., Act No. 342/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 538/2005 Coll., Act No. 558/2005 Coll., Act No. 572/2005 Coll., Act No. 573/2005 Coll., Act No. 610/2005 Coll., Act No. 14/2006 Coll., Act No. 15/2006 Coll., Act No. 24/2006 Coll., Act No. 117/2006 Coll., Act No. 124/2006 Coll., Act No. 126/2006 Coll., Act No. 224/2006 Coll., Act No. 342/2006 Coll., Act No. 672/2006 Coll., Act No. 693/2006 Coll., Act No. 21/2007 Coll., Act No. 43/2007 Coll., Act No. 95/2007 Coll., Act No. 193/2007 Coll., Act No. 220/2007 Coll., Act No. 279/2007 Coll., Act No. 295/2007 Coll., Act No. 309/2007 Coll., Act No. 342/2007 Coll., Act No. 343/2007 Coll., Act No. 344/2007 Coll., Act No. 355/2007 Coll., Act No. 358/2007 Coll., Act No. 359/2007 Coll., Act No. 460/2007 Coll., Act No. 517/2007 Coll., Act No. 537/2007 Coll., Act No. 548/2007 Coll., Act No. 571/2007 Coll., Act No. 577/2007 Coll., Act No. 647/2007 Coll., Act No. 661/2007 Coll., Act No. 92/2008 Coll., Act No. 112/2008 Coll., Act No. 167/2008 Coll., Act No. 214/2008 Coll., Act No. 264/2008 Coll., Act No. 405/2008 Coll., Act No. 408/2008 Coll., Act No. 451/2008 Coll., Act No. 465/2008 Coll., Act No. 495/2008 Coll., Act No. 514/2008 Coll., Act No. 8/2009 Coll., Act No. 45/2009 Coll., Act No. 188/2009 Coll., Act No. 191/2009 Coll.,

Act No. 274/2009 Coll., Act No. 292/2009 Coll., Act No. 304/2009 Coll., Act No. 305/2009 Coll., Act No. 307/2009 Coll., Act No. 465/2009 Coll., Act No. 478/2009 Coll., Act No. 513/2009 Coll., Act No. 568/2009 Coll., Act No. 570/2009 Coll., Act No. 594/2009 Coll., Act No. 67/2010 Coll., Act No. 92/2010 Coll., Act No. 514/2010 Coll., Act No. 556/2010 Coll., Act No. 39/2011 Coll., Act No. 119/2011 Coll., Act No. 200/2011 Coll., Act No. 223/2011 Coll., Act No. 254/2011 Coll., Act No. 256/2011 Coll., Act No. 258/2011 Coll., Act No. 324/2011 Coll., Act No. 342/2011 Coll., Act No. 363/2011 Coll., Act No. 381/2011 Coll. and Act No. 392/2011 Coll. shall be amended and supplemented as follows:

1. The footnote to reference 16a is as follows:

“16a) Art. 25 of Act No. 404/2011 Coll. on the Residence of Foreigners and on amendment and supplement of some acts.”.

2. In the schedule of administrative charges, part II, Internal Administration, the wording of item 24 is as follows:

“Item 24

a) Application for a temporary residence permit to be granted for the purposes of

1. entrepreneurial activity or pursuant to Art. 30 par. 1 (a) of Act No. 404/2011 Coll. on the Residence of Foreigners  
EUR 232

and on amendment and supplement of some acts (hereinafter referred to as “Act No. 404/2011 Coll.”)

- |  |               |
|--|---------------|
| 2. employment or pursuant to Art. 30 par. 1 (b) of Act No. 404/2011 Coll.  | EUR<br>165.50 |
| 3. seasonal work   | EUR 33        |
| 4. special activity or pursuant to Art. 30 par. 1 (d) of Act No. 404/2011 Coll.  | EUR 99.50     |
| 5. family reunification or pursuant to Art. 30 par. 1 (e) of Act No. 404/2011 Coll.  | EUR<br>132.50 |
| 6. service of civil armed forces   | EUR 66        |
| b) Application for European Union Blue Card  | EUR<br>165.50 |
| c) Application for a permanent residence permit to be granted  | EUR<br>165.50 |
| d) Application for renewal of the temporary residence for the purposes of  |               |
| 1. entrepreneurial activity or pursuant to Art. 30 par. 1 (a) of Act No. 404/2011 Coll.  | EUR<br>132.50 |
| 2. employment or pursuant to Art. 30 par. 1 (b) of Act No. 404/2011 Coll.  | EUR 99.50     |
| 3. seasonal work   | EUR 16.50     |
| 4. special activity or pursuant to Art. 30 par. 1 (d) of Act No. 404/2011 Coll.  | EUR 33        |
| 5. family reunification or pursuant to Art. 30 par. 1 (e) of Act No. 404/2011 Coll.  | EUR 66        |
| 6. service of civil armed forces   | EUR 33        |
| e) Application for renewal of the European Union Blue Card   | EUR 99.50     |
| f) Issuance of the residence permit  | EUR 4.50      |
| g) Issuance of the residence permit as a replacement of destroyed, lost, stolen or damaged document  | EUR<br>16.50  |
| h) Issuance of the residence permit as a replacement of the destroyed, lost, stolen or damaged residence permit repeatedly within the period of two consequent years | EUR 33        |
| i) Application for a tolerated residence permit to be granted  | EUR 99.50     |
| j) Application for renewal of tolerated residence  | EUR 33        |
| k) Confirmation of the residence of foreigner in the territory of the Slovak Republic  | EUR 3         |
| l) Issuance of foreigner’s passport for the foreigner  | EUR 33        |
| m) Issuance of foreigner’s passport for the foreigner from 5 to 15 years old   | EUR 13        |



- n) Issuance of foreigner's passport for the foreigner younger than 5 years EUR 8

#### Exemption

1. Persons applying for family reunification with an asylum seeker or foreigner with subsidiary protection provided shall be exempted from charges under (a) and (d) hereof.
2. Persons who are pedagogical employees or university teachers shall be exempted from charges under (a), (b), (d), (e) hereof.
3. Persons younger than 18 shall be exempted from charges under (a), (c), (d), (i) a (j) hereof.
4. Interns who are awarded the scholarship by the Ministry of Education, Science, Research and Sports of the Slovak Republic or the scholarship based on commitments resulting from international treaties; and lecturers in foreign languages coming to schools in the Slovak Republic on the basis of commitments resulting from international treaties shall be exempted from charges under (a) and (d) hereof on the basis of reciprocity.
5. Persons who applied for the permanent residence to be granted under Art. 43 par. 1 (a) of Act No. 404/2011 Coll. shall be exempted from the charge under (c) hereof.
6. Persons applying for the issuance of a new residence permit if data recorded in the document fail to correspond to reality due to a reason beyond the control of the applicant, for example a change of the name of municipality, street or street numbering, shall be exempted from the charge under (f).
7. Persons applying for the tolerated residence to be granted under Art. 58 par. 1 (a) and (b), par. 2 (a) and (c) and par. 3 of Act No. 404/2011 Coll. shall be exempted from charges under (i) and (j) hereof.
8. Persons with the tolerated residence granted under Art. 58 par. 2 (c) and par. 3 of Act No. 404/2011 Coll. shall be exempted from the charge under (l) hereof.
9. The following persons shall be exempted from charges under (l) to (n) hereof
  - a) persons applying for tolerated residence to be granted under Art. 58 par. 1 (a) and (b) and par. 2 (a) of Act No. 404/2011 Coll.,
  - b) persons who are to be issued the foreigner's passport under Art. 74 par. 2 (b) and (c) of Act No. 404/2011 Coll.,
  - c) persons with subsidiary protection provided pursuant to Act No. 480/2002 Coll. on Asylum and on amendment and supplement of some acts as amended.

#### Authorisation

The administration authority may refrain from levying a charge hereunder or they may reduce the amount of the charge for humanitarian or reciprocity reasons.”

3. In the schedule of administrative charges, part II, Internal Administration, in exemption within item 26, two new points 2 and 3 shall be inserted after point 1 having the following wording:

“2. Family members of the Union citizen shall be exempted from the charge hereunder.16c)

3. Family members of the Slovak Republic citizens within the extent of family members of Union citizens under point 2 shall be exempted from the charge hereunder.”.

The footnote to reference 16c is as follows:

“16c) Art.2 par. 5 of Act No. 404/2011 Coll.”.

Present points 2 and 3 shall be marked as points 4 and 5.

4. In the schedule of administrative charges, part XVIII, Consular Charges, item 240 shall be amended with (e) having the following wording:

“e) Lodging an appeal against the decision rejecting the application for Schengen visa to be granted or cancelling or revoking the Schengen visa granted EUR 30”.

5. In the schedule of administrative charges, part XVIII, Consular Charges, the exemption in item 240 shall be supplemented with point 4 having the following wording:

“4. Persons lodging an appeal against the decision of the department of the Police Force and family members of the asylum seeker and foreigner with subsidiary protection provided shall be exempted from the charge under (e).”.

6. In the schedule of administrative charges, part XVIII, Consular Charges, the authorisation in item 240 shall be supplemented with point 5 having the following wording:

“5. The administrative authority shall refund the charge under (e) if the appeal is allowed.”.

7. In the schedule of administrative charges, part XVIII, Consular Charges, the wording of item 242 is as follows: “Item 242

a)	An application for a temporary residence permit to be granted for the purposes of	
	1. entrepreneurial activity or pursuant to Art. 30 par. 1 (a) of Act No. 404/2011 Coll.	EUR 232
	2. employment or pursuant to Art. 30 par. 1 (b) of Act No. 404/2011 Coll.	EUR 165.50
	3. seasonal work	EUR 33
	4. special activity or pursuant to Art. 30 par. 1 (d) of Act No. 404/2011 Coll.	EUR 99.50
	5. family reunification or pursuant to Art. 30 par. 1 (e) of Act No. 404/2011 Coll.	EUR 132.50
	6. service of civil armed forces	EUR 66
b)	Application for European Union Blue Card	EUR 165.50
c)	Application for a permanent residence permit to be granted for five years	EUR 165.50

#### Exemption

1. Persons applying for family reunification with an asylum seeker or foreigner with subsidiary protection provided shall be exempted from the charges under (a) hereof.
2. Persons younger than 18 shall be exempted from charges under (a) and (c) hereof.
3. Interns who are awarded the scholarship by the Ministry of Education of the Slovak Republic or the scholarship based on commitments resulting from international treaties; and lecturers in foreign languages coming to schools in the Slovak Republic on the basis of commitments resulting from international treaties shall be exempted from the charge under (a) hereof on the basis of reciprocity.
4. Persons who applied for the permanent residence to be granted under Art. 43 par. 1 (a) of Act No. 404/2011 Coll. shall be exempted from the charge under (c) hereof.”.

### Art. III

Act No. 143/1998 Coll. on Civil Aviation (Aviation Act) and on amendment and supplement of some acts as amended by Act No. 37/2002 Coll., Act No. 136/2004 Coll., Act No. 544/2004 Coll., Act No. 479/2005 Coll., Act No. 11/2006 Coll., Act No. 278/2009 Coll., Act No. 513/2009 Coll., Act No. 136/2010 Coll. and Act No. 241/2011 Coll. shall be supplemented as follows:

Art. 32a with the following wording shall be inserted instead of Art. 32:

#### “Article 32a

(1) Prior the licence is issued to operate an airport for international flights to the country not invoking the provisions of the special regulation on the abolition of internal border control<sup>8aa</sup>) (hereinafter referred to as “third country”), the Civil Aviation Authority shall be obliged to request the Ministry of Interior for an opinion whether the airport concerned meets the conditions for securing the border control by the department of the Police Force. The Civil Aviation Authority shall not issue the licence to operate the airport if, according to the opinion of the Ministry of Interior, the airport concerned fails to meet the conditions for securing the border control by the department of the Police Force.

(2) The conditions to secure the border control by the department of the Police Force in accordance with paragraph 1 shall include especially the following

- a) infrastructure constructed<sup>8ab</sup>) in form of changes in construction preventing mutual physical contact of persons travelling on internal flights<sup>8ac</sup>) with persons travelling on flights from and to third countries;
- b) constructed and marked corridors under a special regulation<sup>8ad</sup>) and related infrastructure for border check of persons to be<sup>8ae</sup>) performed;

c) secured area not publicly available including transit area in order to prevent the area is left by passengers for premises outside border control.

(3) Conditions under paragraph 2 shall be observed by the airport under paragraph 1 throughout the entire period of operation. The Ministry of Interior shall file a proposal to the Civil Aviation Authority to withdraw the licence for the airport operation if the airport concerned fails to meet any of conditions under paragraph 2. The opinion of the Ministry of Interior shall be binding for the Civil Aviation Office.

(4) Prior to filing the proposal to withdraw the licence for the airport operation under paragraph 3, the Ministry of Interior shall be obliged to request the operator of the airport concerned to ensure forthwith that the conditions specified in paragraph 2 are met. The Ministry of Interior shall be obliged to provide the airport operator with a reasonable period of time for the conditions under paragraph 2 to be met.

(5) The condition under paragraph 2 (a) shall not need to be met by the airport where the low intensity of transport poses no danger of mutual physical contact between persons travelling on internal flights and persons travelling on flights from and to third countries.”.

The footnotes to references 8aa to 8ae are as follows:

“8aa) Title III of Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ EU L 105, 13/ 4/ 2006) as amended.

8ab) Annex VI par. 2.1.1 of Regulation (EC) No. 562/2006.

8ac) Art.2 par. 3 of Regulation (EC) No. 562/2006.

8ad) Art.9 par. 1 of Regulation (EC) No. 562/2006.

8ae) Art. 2 par. 10 of Regulation (EC) No. 562/2006.”.

**Art. IV** This Act shall become valid and effective on 1 January 2012.

**Ivan Gašparovič, in his own hand**

**Pavol Hrušovský, in his own hand**

**Iveta Radičová, in her own hand**

**SAMPLE**

Request for Air Transit of Foreigner

## SAMPLE

## Request for Air Transit of Foreigner

(Requesting unit)  
 Authority:  
 Address:

Place/date:  
 Tel./Fax/e-mail:  
 Name of Officer:  
 Signature

(Requested unit)  
 Authority:  
 Address:

## General Information on the Third-Country National the Request Relates to

Request No.	Surname	Name	M/F	Date of birth	Place of birth	State citizenship	Travel document No./ type/ validity	Number of visa issued by the third country (if requested)
Article 1								
Article 2								

## Flight Data

Flight number	From	Departure date	Hour	To	Arrival date	Hour

## Detailed information

Is the third-country national escorted?	yes	no	Names and functions:
Is the police escort recommended to be present at the airport?	yes	no	
Is medical care necessary?	yes	no	If yes, please specify:
Any identifiable contagious diseases? (*)	yes	no	If yes, please specify:
Any previous failed attempts for removal?	yes	no	If yes, specify reasons:

(\*) The information is provided in accordance with the applicable national or international law.

Other notes


Note: No reasons were known for the request to be rejected under Article 3 par. 3 and 5 of Directive 2003/110/EC at the time of request.

Decision of the Requested Unit

The transit is permitted

The transit is not permitted

Reasons:

Name/signature/date

**Annex 2  
to Act No. 404/2011 Coll.****LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION**

1. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals (Special edition of EU OJ, chap. 19/vol. 4; OJ EC L 149, 2/ 6/ 2011).
2. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (Special edition of EU OJ, chap.19/vol. 4; OJ EC L 187, 10/ 7/ 2001).
3. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (Special edition of EU OJ, chap. 19/vol. 6; OJ EU L 251, 3/ 10/ 2003).
4. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (Special edition of EU OJ, chap. 19/vol. 6; OJ EU L 16, 23/ 1/ 2004).
5. Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (Special edition of EU OJ, chap. 19/vol. 6; OJ EU L 321, 6/ 12/ 2003) as amended by Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 (OJ EU L 141, 27/ 5/ 2011).
6. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and stay freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Special edition of EU OJ, chap. 5/vol. 5; OJ EU L 158, 30/ 4/ 2004) as amended by Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 (OJ EU L, 27/ 5/ 2011).
7. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (Special edition of EU OJ, chap. 19/vol. 7; OJ EU L 261, 6/ 8/ 2004).
8. Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (Special edition of EU OJ, chap. 19/vol. 7; OJ EU L 261, 6/ 8/ 2004).
9. Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ EU L 375, 23/ 12/ 2004).
10. Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ EU L 289, 3/ 11/ 2005).
11. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ EU L 348, 24/ 12/ 2008).
12. Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ EU L 155, 18/ 6/ 2009).
13. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ EU L 168, 30/ 6/ 2009).
14. Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection (OJ EU L 132, 19/ 5/ 2011).
15. Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ EU L 343, 23/ 12/ 2011).
16. 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 persons granted asylum or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ EU L 337, 20/ 12/ 2011).

17. 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 L 180, 29/ 6/ 2013).
18. 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 EU L 180, 29/ 6/ 2013).
19. Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ EU L 94, 28/ 3/ 2014).
20. Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ EU L 157, 27/ 5/ 2014).
21. Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ EU L 132, 21/ 5/ 2016).



- 1) Article 2 par. 10 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification) (OJ EU L 77, 23/ 3/ 2016) as amended. 2) For example, Regulation (EU) 2016/399 as amended, Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ EU L 243, 15/ 9/ 2009), Agreement between the Slovak Republic and Ukraine on Local Border Traffic (Notification No. 441/2008 Coll.).
- 3) Act No. 480/2002 Coll. on Asylum and on amendment and supplement of some acts as amended.
- 4) Art. 2 par. 2 of Regulation (EU) 2016/399 as amended.
- 5) Art. 14 par. 6 and 9 of Act No. 199/2004 Coll., the Customs Act, and on amendment and supplement of some acts.
- 6) Art. 2 par. 3 to 5 of Regulation (EC) No. 810/2009.
- 7) Art. 2 to 8b of Act of the National Council of the Slovak Republic No. 40/1993 Coll. on Nationality of the Slovak Republic as amended.
- 8) Annex 2 to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Special edition of EU OJ, chap. 19/vol. 4) as amended.
- 9) Art. 2 par. 16 of Regulation (EU) 2016/399 as amended.
- 10) Art. 65 of the Criminal Code.
- 11) Art. 96 of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, signed at Schengen on 19 June 1990 (Special edition of EU OJ, chap. 19/vol. 2; OJ EC L 239, 22/ 9/ 2000) as amended.
- 12) Art. 8 par. 1 of Act No. 289/2016 Coll. on the Implementation of International Sanctions and on amendment of Act No. 566/2001 Coll. on Securities and Investment Services and on amendment and supplement of some acts (Securities Act) as amended.
- 13) For example, Regulation (EU) 2016/399 as amended, Regulation (EC) No. 810/2009.
- 14) Agreement between the Slovak Republic and Ukraine on the Regime at Slovak-Ukrainian State Borders, Cooperation and Mutual Help in Border Issues (Notification No. 2/1995 Coll.).
- 15) Art. 32 par. 1 of Act No. 143/1998 Coll. on Civil Aviation (Aviation Act) and on amendment and supplement of some acts.
- 16) Title III of Regulation (EU) 2016/399 as amended. 17) Article 5 and 6 of Regulation (EU) 2016/399 as amended.
- 18) For Art. 5 par. 4 and 7 of the Agreement between the Slovak Republic and Ukraine on the Regime at Slovak-Ukrainian State Borders, Cooperation and Mutual Help in Border Issues (Notification No. 2/1995 Coll.), Art. 7 par. 1 of the Agreement between the Slovak Republic government and Cabinet of Ukrainian Ministers on Cooperation and Mutual Help in Case of Emergency (Notification No. 122/2003 Coll.).
- 19) Art. 5 par. 2 of Regulation (EU) 2016/399 as amended.
- 20) Art. 6 par. 1 (c) of Regulation (EU) 2016/399 as amended.
- 21) Art. 6 par. 4 of Regulation (EU) 2016/399 as amended.
- 21a) Art.6 par. 5 (c) of Regulation (EU) 2016/399 as amended.
- 22) Art. 1 of Regulation (EC) No. 539/2001.
- 23) Art. 2 par. 11 and Art. 8 of Regulation (EU) 2016/399 as amended.
- 24) Art. 12 par. 2 of Regulation (EU) 2016/399 as amended.
- 25) Art. 2 par. 12 and Art. 13 of Regulation (EU) 2016/399 as amended.
- 26) For example, Art. 13 to 34 of Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force as amended, Art. 60 of Act of the Slovak National Council No. 372/1990 Coll. on Offences as amended.
- 27) Art. 15 par. 7 of Act No. 122/2013 Coll. on Personal Data Protection and on amendment and supplement of some acts.
- 28) Art. 14 of Regulation (EU) 2016/399 as amended.

- 30) Art. 13 of Act No. 647/2007 Coll. on Travel Documents and on amendment and supplement of some acts.
- 31) Art. 25 to 35 of Regulation (EU) 2016/399 as amended.
- 32) Regulation (EC) No. 810/2009.
- 32a) Art. 53 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendment and supplement of some acts as amended.
- 33) Art. 10 and 13b of Act No. 480/2002 Coll. as amended.
- 34) Art. 6 to 14 of Act No. 151/2010 Coll. on Foreign Service and on amendment and supplement of some acts as amended by Act No. 403/2010 Coll.
- 35) Art. 21 and 22 of Regulation (EC) No. 810/2009.
- 35a) Art. 21 par. 8 of Act No. 5/2004 Coll. on Employment Services and on amendment and supplement of some acts as amended by Act No. 82/2017 Coll.
- 36) Art. 34 of Regulation (EC) No. 810/2009.
- 37) Act No. 71/1967 Coll. on Administrative procedure (Administrative Procedure Code) as amended.
- 38) Art. 33 of Regulation (EC) No. 810/2009. 39) Article 8 of Regulation (EC) No. 810/2009.
- 40) Art. 35 of Regulation (EC) No. 810/2009.
- 41) Art. 26b of Act No. 172/2005 Coll. on Organisation of State Support for Research and Development and on amending Act No. 575/2001 Coll. on the Organisation of the Activity of the Government and on the Organisation of the Central State Administration as amended as amended by Act No. 233/2008 Coll.
- 41a) Art.5 and Art.24 of Regulation (EC) No. 810/2009.
- 42) Agreement among the State Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace for Peace applying to the Status of their Forces (Notification No. 324/1997 Coll.) as amended by the Additional Protocol to the Agreement (Notification No. 325/1997 Coll.).
- 43) Art. 7 of Act No. 474/2005 Coll. on Slovaks living abroad and on amendment and supplement of some acts.
- 44) Art. 21b of Act No. 5/2004 Coll. as amended by Act No. 495/2013 Coll.
- 44a) Art. 22 of Act No. 5/2004 Coll. as amended.
- 45) Art. 23a of Act No. 5/2004 Coll. as amended.
- 45a) Art.21b par. 6 (c) of Act No. 5/2004 Coll. as amended by Act No. 82/2017 Coll.
- 45b) Art. 21b par. 6 (b) of Act No. 5/2004 Coll. as amended by Act No. 82/2017 Coll.
- 46) Art. 6 of Regulation (EU) 2016/399 as amended.
- 47) Art. 3 of Act No. 175/1999 Coll. on Certain Measures Related to the Preparation of Important Investments and on amendment and supplement of some acts.
- 48) Art. 23a par. 1 w) of Act No. 5/2004 Coll. as amended by Act No. 495/2013 Coll.
- 49) Art. 23a par. 1 z) of Act No. 5/2004 Coll. as amended by Act No. 495/2013 Coll.
- 50) Art. 23a par. 1 u) of Act No. 5/2004 Coll. as amended.
- 50a) Act No. 57/2018 Coll. on Regional Investment Aid and on amendment and supplement of some acts.
- 50b) Art.5 (c) of Act No. 57/2018 Coll.
- 51) Art. 32 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendment and supplement of some acts as amended by Act No. 440/2015 Coll.
- 51a) Art.46 of Act No. 245/2008 Coll.
- 51b) Art. 47 par. 3 (b) of Act No. 245/2008 Coll. as amended by Act No. 61/2015 Coll.
- 51c) Art.47 par. 3 (c) of Act No. 245/2008 Coll.
- 52) Art. 47 par. 3 (d) of Act No. 245/2008 Coll.
- 53) For example, Art. 52 to 54 of Act No. 131/2002 Coll. on Universities and on amendment and supplement of some acts as amended, Art. 41, Art. 42 par. 1 of Act No. 245/2008 Coll.
- 54) Art. 2 par. 2 of the Commercial Code.

- 55) Agreement among the State Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace for Peace applying to the Status of their Forces (Notification No. 324/1997 Coll.).
- 56) Art. 3 of Act No. 600/2003 Coll. on Child Allowance and on amendment and supplement of Act No. 461/2003 Coll. on Social Insurance as amended.
- 57) Art. 19 to 21 of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, signed at Schengen on 19 June 1990 (Special edition of EU OJ, chap. 19/vol. 2; OJ EC L 239, 22/ 9/ 2000) as amended.
- 58) Art. 49 par. 3 of Act No. 5/2004 Coll. as amended.
- 59) Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (Special edition of EU OJ, chap.19/vol. 4; OJ EC L 157, 15/ 6/ 2002) as amended.
- 60) Art. 2 of Act No. 601/2003 Coll. on Subsistence Minimum and on amendment and supplement of some acts as amended.
- 61) Art. 62 (f) of Act No. 355/2007 Coll. on Protection, Support, and Development of Public Health and on amendment and supplement of some acts.  
Art. 8 par. 1 of Decree of the Ministry of Health of the Slovak Republic No. 259/2008 Coll. on Details on Requirements for Interior of Buildings and on Minimum Requirements for Lower Standard Housing and for Accommodation Facilities.
- 61a) Art.72 of Act No. 245/2008 Coll.
- 61aa) Art.21b par. 7 of Act No. 5/2004 Coll. as amended by Act No. 495/2013 Coll.
- 61b) Art. 65 of Act No. 131/2002 Coll. as amended.
- 62) Art. 30 of Act No. 422/2015 Coll. on Recognition of Education Documents and on Recognition of Professional Qualification and on amendment and supplement of some acts.
- 63) Art. 21a of Act No. 5/2004 Coll. as amended by Act No. 223/2011 Coll.
- 64) Art. 3 par. 2 of Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of some acts as amended by Act No. 223/2011 Coll.
- 65) Art. 2 of Act No. 417/2013 Coll. on Assistance in Material Need and on amendment and supplement of some acts.
- 66) Art. 2 of Act No. 256/1998 Coll. on Witness Protection and on amendment and supplement of some acts as amended.
- 67) Act No. 36/2005 Coll. on Family and on amendment and supplement of some acts as amended.
- 68) Decree of the Minister of Foreign Affairs No. 157/1964 Coll. on the Vienna Convention on Diplomatic Relations.
- 68a) Art.15 par. 2 (g) and h) of Act No. 480/2002 Coll. as amended.
- 68b) Art.13 par. 2 and Art.15b par. 1 (c) of Act No. 480/2002 Coll. as amended.
- 69) Art. 4 (a) of the Council of Europe Convention on Action against Trafficking in Human Beings (Notification No. 487/2008 Coll.).
- 70) Art. 32 of Act No. 480/2002 Coll. as amended by Act No. 207/2004 Coll.
- 71) For example, Art. 5 of Act No. 461/2003 Coll. on Social Insurance as amended, Art. 11 par. 4 of Act No. 580/2004 Coll. on Health Insurance and on amendment and supplement of Act No. 95/2002 Coll. on Insurance and on amendment and supplement of some acts as amended.
- 72) Art. 65 par. 2 of Act No. 461/2003 Coll. as amended.
- 72a) For example, Act No. 272/2016 Coll. on Trust Services for Electronic Transactions in the Internal Market and on amendment and supplement of some acts (Act on Trust Services).
- 73) Art. 4 of Act No. 131/2002 Coll. as amended by Act No. 528/2003 Coll.
- 74) Art. 69 to 69f of Act of the National Council of the Slovak Republic No. 171/1993 Coll. as amended.
- 75) For example, Art. 24 of Act of the Slovak National Council No. 564/1991 Coll. on Municipal Police as amended, Art. 76 of Act No. 215/2004 Coll. on the Protection of Classified Information and on amendment and supplement of some acts.

- 76) For example, Art. 75 of Act No. 7/2005 Coll. on Bankruptcy and Restructuring and on amendment and supplement of some acts as amended, Art. 26 of Act No. 563/2009 Coll. on Tax Administration (Tax Procedure Code) and on amendment and supplement of some acts as amended.
- 77) Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ EU L 199, 31/ 7/ 2007).
- 78) For example, Council Decision 2007/341/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on readmission (OJ EU L 129, 17/ 5/ 2007), Council Decision 2007/839/ES of 29 November 2007 concerning the conclusion of the Agreement between the European Community and Ukraine on readmission of persons (OJ EU L 332, 18/ 12/ 2007).
- 78a) Art. 22 par. 1 of Act No. 480/2002 Coll. as amended.
- 79) Art. 3 of Act No. 327/2005 Coll. on the Provision of Legal Aid for People in Material Need and on amendment and supplement of Act No. 586/2003 Coll. on the Legal Profession and on amendment and supplement of Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended as amended by Act No. 8/2005 Coll. as amended.
- 80) Act No. 139/1998 Coll. on Narcotics, Psychotropic Substances and Preparations as amended.
- 81) Convention on the Rights of the Child (Notification No. 104/1991 Coll.).
- 82) Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (Special edition of EU OJ, chap. 19/vol. 7; OJ EU L 261, 6/ 8/ 2004).
- 83) Art. 11, 13 and 14 of the Criminal Code.
- 84) Art. 116 of the Civil Code.
- 85) 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).
- 86) Art. 110 of Act No. 73/1998 Coll. on the State Service of the Members of the Police Force, Slovak Intelligence Service, Corps of the Prison and Court Guard of the Slovak Republic and Railway Police as amended.
- 86a) Article 9 (i) of Act No. 162/1995 on the Real Estate Cadastre and the Entries of Ownership and Other Rights to the Real Estates (The Cadastre Act).
- 87) Art. 2 par. 15 of Regulation (EU) 2016/399 as amended.
- 88) Annex VI par. 2.1.4 of Regulation (EU) 2016/399 as amended.
- 89) For example, Art. 4b of Regulation (EC) No. 1030/2002 as amended, Art. 13 of Regulation (EC) No. 810/2009, Agreement between the Slovak Republic and Ukraine on Local Border Traffic (Notification No. 441/2008 Coll.).
- 90) Art. 24 of Act No. 253/1998 Coll. on Reporting the Residence of Citizens of the Slovak Republic and the Register of Inhabitants of the Slovak Republic as amended by Act No. 216/2008 Coll.
- Act No. 563/2009 Coll. on Tax Administration (Tax. Procedure Code) and on amendment and supplement of some acts as amended.
- 91) Act of the National Council of the Slovak Republic No. 372/1990 Coll. as amended.
- 91a) Art. 17 par. 1 (a) of Act No. 305/2013 Coll. on the Electronic Form of Governance Conducted by Public Authorities and on amendment and supplement of some acts (e-Government Act).
- 92) Art. 8 and 13a of Act No. 480/2002 Coll. as amended.
- 93) Art. 10 of Act No. 330/2007 Coll. on the Criminal Records Register and on amendment and supplement of some acts 94) Art. 12 and Art. 14 par. 2 (a) of Act No. 330/2007 Coll. as amended.
- 95) Art. 92 of the Criminal Code.
- 96) Convention on International Civil Aviation (Notification No. 196/1995 Coll.).
- 97) Art. 21 to 24 of Act No. 5/2004 Coll. as amended.
- 97a) Art. 21 of the Commercial Code as amended, Art. 5 of Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended.

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- 98) Art. 23 of Act No. 382/2004 Coll. on Experts, Interpreters and Translators and on amendment and supplement of some acts.
- 99) Art. 3 of Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the State Language of the Slovak Republic as amended.
- 100) Art. 57 of Act of the Slovak National Council No. 323/1992 Coll. on Public Notaries and Notarial Activities (the Notarial Code) as amended of Act No. 397/2000 Coll.
- 101) Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Notification No. 213/2002 Coll.).
- 101a) Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ EU L 200, 26/ 7/ 2016).
- 102) Art. 27 par. 1 of Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on amendment and supplement of some acts as amended.

