

ACT

as of June 20, 2002

on Asylum and Amendment of Some Acts

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

Article I

PART ONE
GENERAL PROVISIONS

Section 1

Scope of the Act

This Act shall

- a) regulate asylum procedure,
- b) stipulate the procedure for granting temporary shelter,
- c) provide for the rights and obligations of asylum seekers (hereinafter only „applicant“), persons granted asylum, aliens¹⁾ seeking temporary shelter and de facto refugees,
- d) stipulate the powers of public bodies in the area of asylum and temporary shelter,
- e) regulate the integration of persons granted asylum in the society,
- f) regulate the stay in asylum facilities.

Section 2

Definition of Terms

For the purpose of the present Act

- a) asylum shall mean protection from persecution on grounds stipulated in an international treaty²⁾ or separate regulation,³⁾
- b) asylum procedure shall mean procedure granting asylum and procedure withdrawing asylum,
- c) the applicant shall mean an alien who declares that he/she seeks asylum on the territory of the Slovak Republic before a Police Force department⁴⁾ (hereinafter only “police department”) pursuant to Section 3 par. 2,
- d) the person granted asylum is an alien who has been granted asylum,
- e) the de facto refugee shall mean an alien who has been granted temporary shelter by the Ministry of Interior of the Slovak Republic (hereinafter only the „Ministry“) on the basis of a decision by the Government of the Slovak Republic (hereinafter only the „Government“),
- f) safe country of origin shall mean a stable country with the rule of law and democratic order the alien is a national of or, in case of a stateless person, it shall mean the country of his/her residence,

¹⁾ Section 1 paragraph 2 of Act No. 48/2002 Coll. on the stay of aliens and on the amendment of some acts.

²⁾ Convention relating to the Status of Refugees (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 319/1996 Coll.

³⁾ Article 53 of the Constitution of the Slovak Republic.

⁴⁾ Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force as amended.

1. in which the country power protects human rights and fundamental freedoms⁵⁾ and ensures their observance,
 2. which is, in general, not left by its citizens or stateless persons having residence in it on grounds given in Section 8,
 3. which ratified and complies with international treaties on human rights and fundamental freedoms and
 4. which allows activities by legal entities overseeing observance of human rights in the country,
- g) a safe third country shall mean a stable country with the rule of law and democratic order different from the country of alien's nationality or, in case of a stateless person, it shall mean a country different from the country of his/her residence,
1. if the alien was there and had the opportunity to seek protection under an international treaty prior to his/her arrival to the territory of the Slovak Republic,⁶⁾
 2. where the alien may be returned to and may apply for protection⁶⁾ without being exposed to persecution, torture, cruel, inhuman or humiliating treatment or punishment and
 3. if it is not a country to which the ban of expulsion or refoulement under Section 47 applies,
 4. if this country ensures protection under Section 47,
- h) asylum facility shall mean a reception centre, accommodation centre, transit centre and humanitarian centre,
- i) a reception centre shall mean a facility under the Ministry, in which the applicants stay during quarantine measures prior to their placement at an accommodation centre and also the facility, in which aliens seeking temporary shelter or de facto refugees stay prior to their placement at a humanitarian centre,
- j) an accommodation centre shall mean a facility under the Ministry, in which the applicants are given stay,
- k) a transit centre shall mean a place in the transit area of an international airport where the applicant is placed under Section 3 par. 2 subparagraph c),
- l) a humanitarian centre shall mean a facility under the Ministry, in which aliens seeking temporary shelter or de facto refugees are staying,
- m) an integration centre shall mean a facility under the Ministry, in which persons granted asylum are given temporary stay,
- n) integration shall mean the inclusion process of persons granted asylum into the society,
- o) quarantine measures shall mean temporary isolation of applicants, aliens seeking temporary shelter or de facto refugees in a reception centre for the time necessary to carry out basic health care measures,
- p) persecution shall mean serious or repeated acts causing a threat to life or freedom or other acts causing mental pressure on a person, when performed, supported or tolerated by country authorities in the country of alien's nationality or in the country where the alien had his/her residence, when the person concerned is a stateless person, or when this country is not capable of ensuring appropriate ensure protection from such acts,

⁵⁾ For Instance the Convention for the Protection of Human Rights and Fundamental Freedoms (Notification of the Federal Ministry of Foreign affairs No. 209/1992 Coll.).

⁶⁾ Convention on Legal Status of Refugees (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 319/1996 Coll.)

For Instance the Convention for the Protection of Human Rights and Fundamental Freedoms (Notification of the Federal Ministry of Foreign affairs No. 209/1992 Coll.).

⁷⁾ Section 16 par. 1 Act No. 71/1967 Coll. on administrative procedure (Code of Administrative Procedure)

⁸⁾ Section 8 par. 2 Civil Code

- q) the residence of a stateless alien shall mean the country in which he/she was staying on long-term basis prior to entering the territory of the Slovak Republic and to which he/she has certain personal relations,
- r) the authorised employee of the Ministry shall mean an employee who performs tasks of the Ministry under this Act.

PART TWO
ASYLUM PROCEDURE

CHAPTER ONE
ASYLUM GRANTING PROCEDURE

INSTITUTING THE PROCEDURE
Section 3

- (1) The asylum granting procedure shall start upon applicant's statement.
- (2) The competent entity to receive this statement shall be
 - a) when entering the territory of the Slovak Republic the police department at the place of border check point,
 - b) after entering the territory of the Slovak Republic the police department competent for the location the alien is staying,
 - c) when the alien concerned arrived to the territory of the Slovak Republic by plane and he/she fails to satisfy requirements for entering the territory of the Slovak Republic the police department in the transit area of an international airport.
- (3) The police department shall record the statement under par. 1 on an official form, the specimen of which is in Annex 1 and it shall send it to the Ministry without delay.
- (4) After taking statement under par. 1 the police department shall take away the travel document or another document of identity from the applicant and it shall issue a receipt confirmation on it to the applicant. The police department shall send the documents taken away to the Ministry without delay. The police department shall also arrange taking alien's fingerprints.
- (5) Upon suspicion that the applicant is hiding his/her travel document or another document needed for reliable determination of facts in the case or he/she is hiding an item presenting threat to life and/or health of persons the police officer of the Police Force⁴) (hereinafter only "police officer") shall be authorised to search the applicant and his/her personal things. A person of the same sex shall search the applicant.
- (6) The applicant identified in par. 2 subparagraph c) is obliged arrive at the reception centre within 24 hours from making the statement under par. 1, unless prevented in doing so by serious reasons. The police department shall issue an identity document to the applicant that is valid 24 hours.
- (7) The applicant may be transferred to the reception centre in the company of a police officer.

Section 4

- (1) After making the statement under Section 3 par. 1 the applicant has the obligation to provide the authorised employee of the Ministry with all true and full information required to decide the application for asylum and this information shall be recorded on an official form

(hereinafter only the “questionnaire”). The specimen of the questionnaire is enclosed in Annex 2.

(2) Prior to filling in the questionnaire the authorised employee of the Ministry shall instruct the applicant of his/her rights and obligations during the asylum procedure and of the possibility of being represented under this Act.

(3) The Ministry shall transfer the applicant from the transit centre to the reception centre under Section 3 par. 2 subparagraph c) when

a) his/her application is not decided within seven days from filling in the questionnaire or

b) the court has not decided within 30 days from lodging a remedy under Section 21 par. 5.

(4) A child born to an applicant or person granted asylum on the territory of the Slovak Republic shall be considered an applicant.

(5) The representative at law of the child under par. 4 is obliged to provide the authorised employee of the Ministry with all true and full information required to decide the application for asylum within 60 days from the birth of the child and this information will be recorded in a questionnaire; if he/she fails to do so then the Ministry shall proceed pursuant to Section 19 par. 1 subparagraph b).

Section 5 Applicant’s Documents

(1) After arrival at the reception centre the Ministry shall issue an alien over 15 years of age an applicant’s card that will be his/her identity document during the period of the asylum procedure; in the card the Ministry shall also give data about applicant’s children under 15 years of age if they are also applicants.

(2) The Ministry shall issue an alien under 15 years of age a card under par. 1 when he/she is unaccompanied by his/her representative at law on the territory of the Slovak Republic.

Section 6 Interview

(1) In order to establish the merits of the case in a reliable way the authorised employee of the Ministry shall interview the applicant who has the obligation to appear in the place and at the time as determined by the Ministry; the interview shall be taken in minutes. The interview may be repeated in justified cases.

(2) Prior to the interview the authorised employee of the Ministry shall instruct the applicant of his/her rights and obligations during the asylum procedure.

(3) The applicant has the obligation to report truly and fully all facts related to his/her application for asylum.

(4) When there are grounds worth special consideration the Ministry shall, taking into account its possibilities, arrange the interview and its interpreting by a person of the same sex as the applicant.

(5) When interviewing a minor the authorised employee of the Ministry shall take into account minor’s age and degree of mental and will maturity.

(6) Interview of a person given in paragraph 5 can only be conducted in the presence of his/her representative at law or of his/her legal guardian.

Section 7 Delivery of Documents

When the applicant cannot repeatedly be delivered the documents personally the Ministry shall deposit it with the asylum facility, in which the applicant is placed; notification of depositing documents that were not delivered shall be displayed on the information board in the asylum facility. When the applicant fails to collect the documents within seven days from their depositing the last day of this time limit shall be considered the day of delivery even though the addressee failed to learn of the deposition of the documents.

Section 8 Granting Asylum

(1) The Ministry shall grant asylum to an applicant who has well-founded fear of being persecuted on grounds of race, ethnic origin or religion, for reasons of holding certain political opinions or belonging to a certain social group in the country of his/her nationality or, in case of a stateless person, in the country of his/her residence and in view of this fear he/she cannot or does not want to return to that country.

(2) The Ministry shall grant asylum to an applicant who is persecuted for exercising political rights and freedoms in the country of his/her nationality or, in case of a stateless person, in the country he/she has a residence.

Section 9 Granting Asylum on Humanitarian Grounds

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

Section 10 Granting Asylum for the Purpose of Family Reunification

(1) The Ministry shall grant asylum for the purpose of family reunification to

- a) the spouse of the person granted asylum if their marriage is continuing to exist in the country the person granted asylum left for reasons under Section 8, and the person granted asylum gave his/her prior written consent,
- b) unmarried children of the person granted asylum younger than 18 years of age or
- c) parents of an unmarried person granted asylum younger than 18 years of age, if the person granted asylum agrees with this in advance; the legal acts shall be done by the guardian to be appointed by the Ministry^{x)}, on behalf of the person granted asylum;⁷⁾ provisions of § 16 par. 2 shall not be applied.

(2) The applicants mentioned in paragraph 1 have to stay on the territory of the Slovak Republic during the asylum granting procedure.

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

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

Section 11
Rejection of Application as Inadmissible

- (1) The Ministry shall reject an application as inadmissible when
- a) another country is competent to act under an international treaty binding the Slovak Republic or
 - b) the applicant comes from a country considered by the Slovak Republic a safe third country; this shall not be applicable when in his/her case this country cannot be considered such country or when the applicant cannot be effectively returned to a safe third country.

(2) In the terms of its decision under par. 1 subparagraph a) the Ministry shall also state the country competent to act in the asylum procedure.

(3) The Ministry shall decide under par. 1 subparagraph b) within 30 days from commencing the procedure; after the lapse of this time limit no application can be rejected as inadmissible.

Section 12
Rejection of Application as Manifestly Unfounded

(1) The Ministry shall reject an application for asylum as manifestly unfounded when asylum is sought by an applicant who

- a) based his/her application on grounds other than those mentioned under Section 8 or 10, in particular on grounds like seeking a job or better living conditions,
- b) without due explanation

1. bases his/her application on false identity or forged documents he/she claimed to be genuine even during the interview,
2. who intentionally provides false information after presenting application for asylum,
3. intentionally damages, destroys or in any other way disposes of his/her travel document or another document important for the asylum granting procedure with the intention to create false identity or to make application determination more difficult,
4. intentionally fails to report that he/she already submitted an application for asylum in one country or several countries in the past, in particular when using false identity,
5. submits his/her application for asylum with the intention to avert an immediately pending expulsion after not submitting such an application in the past or
6. fails to comply with his/her obligation to co-operate with the Ministry under this Act, in particular when he/she repeatedly and without serious grounds refuses to appear for the interview or

- c) comes from a country considered by the Slovak Republic a safe country of origin; this shall not be applicable when in his/her case this country cannot be considered such country.

(2) The Ministry shall also reject the application for asylum as manifestly unfounded when it is a repeated application and the applicant states the same facts as in the previous procedure; this shall not apply when the asylum granting procedure was terminated under Section 19 par. 1 subparagraphs a) to c), f) and g).

(3) The Ministry shall decide under par. 1 and 2 within 30 days from commencing the procedure; after the lapse of this time limit no application can be rejected as manifestly unfounded.

(4) The Ministry shall not reject an application as manifestly unfounded when asylum is sought by an alien mentioned in Section 16 par. 2 who is not accompanied by his/her representative at law on the territory of the Slovak Republic.

Section 13
Exclusion of Asylum

(1) The Ministry shall not grant asylum when there is grounded suspicion that the applicant

- a) has committed crime against peace, war crime or crime against humanity under international instruments containing provisions on these crimes²),
- b) has committed serious non-political crime outside the territory of the Slovak Republic prior to applying for asylum ²) or
- c) is guilty of acts, which are in contradiction to the objectives and principles of the United Nations²).

(2) The Ministry shall not grant asylum to an applicant who is a national of several countries and who refuses the protection of the country of his/her nationality, while this is not a country under Section 8.

CHAPTER TWO
TERMINATION OF ASYLUM

Section 14
Grounds for Termination of Asylum

(1) Asylum shall terminate by

- a) granting the nationality of the Slovak Republic to the person granted asylum,
- b) person's granted asylum written waiver of asylum,
- c) person's granted asylum death or
- d) its withdrawal.

(2) Asylum shall terminate by person's granted asylum written waiver of asylum on the date when this waiver was delivered on the Ministry.

Section 15
Cessation of Asylum

(1) Asylum withdrawal procedure shall commence at the instance of the Ministry.

(2) The Ministry shall withdraw asylum when

- a) the person granted asylum has voluntarily availed himself/herself of the protection granted to him/her by the country of his/her nationality,
- b) the person granted asylum voluntarily re-acquired his/her original nationality after its previous loss,
- c) the person granted asylum acquired nationality and accepted the protection of the new country of his/her nationality,
- d) the person granted asylum rejects without any grounds to avail himself/herself of the protection granted by the country of his/her nationality despite the fact that circumstances, for which he/she was granted asylum ceased to exist; this shall not apply when the person granted asylum proves his/her serious reasons based on previous persecution on grounds of which he/she refuses the protection of the country of his/her nationality,
- e) the person granted asylum is capable to return to the country of his residence because the circumstances, under which asylum was granted ceased to exist; this shall not apply when the person granted asylum proves reasons of previous persecution on grounds of which he/she refuses to return to the country of his/her residence,

- f) the person granted asylum is again voluntarily staying in the country he/she left for fear of persecution or
- g) there is well-founded suspicion that the person granted asylum committed an act under Section 13 par. 1.

(3) When asylum granted under Section 8 was withdrawn or terminated under Section 14 par. 1 subparagraph b) the Ministry shall withdraw asylum also from a person granted asylum who was granted asylum on grounds of family reunification when there is no ground to grant asylum under Section 8.

- (4) The Ministry may withdraw asylum, if
- a) it was granted on humanitarian grounds and these grounds ceased to exist or the alien can return to his/her country,
 - b) it was granted on the basis of false information or forged documents or the person granted asylum has withhold facts essential for establishing the merits of the case in a reliable way.

CHAPTER THREE COMMON PROVISIONS ON ASYLUM PROCEDURE

Party to the Procedure Section 16

- (1) Party to the procedure
- a) in the asylum procedure is the applicant,
 - b) in asylum withdrawal procedure is the person granted asylum with whom the asylum withdrawal procedure was commenced.

(2) Legal acts on behalf of an alien who did not attain maturity⁸⁾ shall be performed by his/her representative at law. If such an alien is staying on the territory of the Slovak Republic without a representative at law, the Ministry shall appoint him/her a guardian⁷⁾; a relative of the minor, who is staying on the territory of the Slovak Republic, shall usually be appointed the guardian.

Section 17

(1) A party to the procedure shall have the right to be in contact with the Office of United Nations High Commissioner for Refugees (hereinafter „UNHCR“) and non-governmental organisations involved in care for applicants and persons granted asylum on the territory of the Slovak Republic during the procedure.

(2) Looking into the files in course of the asylum procedure shall be conditional upon a prior consent by the party to the procedure; this shall not apply to the representative or guardian of the party to the procedure and the authorised UNHCR representative. The Ministry shall not make looking into files possible even if there is party's consent when there is well-grounded suspicion that information in it could be misused in another asylum procedure.

Section 18

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

(2) The party to the procedure may call in another interpreter of his/her own choice at his/her own costs to the procedure.

Section 19 Cessation of the Procedure

- (1) The Ministry shall cease the asylum procedure if
- a) the applicant mentioned in Section 3 par. 2 subparagraph a) and b) fails to appear in the reception centre without any serious grounds within three days from making the statement,
 - b) the representative at law failed to comply with his/her obligations under Section 4 par. 5,
 - c) the applicant withdrew his/her application for asylum,
 - d) the grounds, on which the Ministry initiated the procedure ceased to exist,
 - e) the party to the procedure died,
 - f) the applicant is staying out of the asylum facility longer than 30 days or
 - g) the applicant voluntarily left the territory of the Slovak Republic.

(2) In cases under par. 1 subparagraph e) to g) no decision shall be issued; the grounds for cessation of the procedure shall be recorded in the file.

Section 20 Decision

(1) In an asylum procedure the Ministry shall decide within 90 days from commencing the procedure. The Ministry makes its decision mainly on the basis of results from the interview and the information on the applicants country of origin. In justified cases the decision-making time limit may be extended by the superior of the employee⁷⁾ acting in the case. The Ministry shall inform the applicant on extension of the time limit for decision on the application for asylum in writing.

(2) The decision on granting asylum shall be issued for an indefinite period of time.

(3) In case the Ministry rejects an application as manifestly unfounded or it decides not to grant asylum or to withdraw asylum, it shall state in the terms of the decision whether the ban on expulsion or refoulement under Section 47 applies.

(4) The decision in asylum procedure shall be delivered to the party in a place and at a time determined by the Ministry in a written call for acceptance of the decision; when receiving the decision the party to the procedure must be informed on the decision in a language he/she understands.

(5) The decision in asylum procedure shall also be delivered to the representative of the party to the procedure or his/her guardian; the asylum facility, in which the applicant is placed, UNHCR and the police department competent for location of the asylum facility, in which the applicant is placed, or competent for the location of the permanent residence of the person granted asylum shall be notified of the decision.

Section 21 Decision Review

(1) A remedy against the decision of the Ministry not to grant asylum or to withdraw asylum can be filed with a court¹⁰⁾ within 30 days from its delivery. Filing of remedy shall have suspensive effect.

(2) A remedy against a decision rejecting an application for asylum as inadmissible under Section 11 par. 1 subparagraph a) can be filed with a court¹⁰⁾ within seven days from its

9) Section 9 of Act No. 312/2001 Coll. on civil service and on the amendment of some acts.

delivery; filing of remedy shall have no suspensive effect, unless otherwise decided by a court⁸).

(3) A remedy against a decision rejecting an application for asylum as inadmissible under Section 11 par. 1 subparagraph b) can be filed with a court¹⁰) within seven days from its delivery; filing of remedy shall have suspensive effect. A court shall decide on the remedy within 30 days from the delivery of the remedy.

(4) A remedy against a decision rejecting an application for asylum as manifestly unfounded can be filed with a court¹⁰) within seven days from its delivery. Filing of remedy shall have suspensive effect; the court shall decide on the remedy without delay.

(5) A remedy against a decision of the Ministry in asylum procedure during the time when the applicant is placed in a reception centre in the transit area of an international airport can be filed with a court¹⁰) within seven days from its delivery. Filing of remedy shall have suspensive effect.

(6) Regional court shall be competent to decide on the remedy under Sections 1 to 5.

PART THREE RIGHTS AND OBLIGATIONS OF APPLICANTS AND PERSONS GRANTED ASYLUM

CHAPTER ONE RIGHTS AND OBLIGATIONS OF APPLICANTS

Section 22

(1) The applicant has the right to stay on the territory of the Slovak Republic during the asylum procedure, unless otherwise provided by this Act.

(2) The applicant shall be given accommodation, catering or payment for board and basic health care free of charge during his/her stay in a reception centre, accommodation centre and a transit centre in the transit area of an international airport. The applicant shall also be given pocket money.

(3) The Ministry may, based upon a written request, allow the applicant to stay outside the accommodation centre only when a national of the Slovak Republic having a permanent residence on the territory of the Slovak Republic or an alien with a permanent residence permit on the territory of the Slovak Republic submits an affidavit stating that he/she shall provide for the accommodation of the applicant and for the payment of all expenditures related to applicant's stay on the territory of the Slovak Republic. In such case the Ministry shall only cover the expenditures for applicant's basic health care.

(4) The Ministry may, based upon a written request, allow the applicant to stay outside the accommodation centre upon also when the applicant is capable of covering all his/her expenses related to the stay out of his/her own funds with the exception of the basic health care that shall be covered by the Ministry.

(5) The applicant may attend a Slovak language course during his/her stay in an accommodation centre; the expenses related to it shall be covered by the Ministry.

Section 23

(1) After arrival in the reception centre the applicant is obliged to let a photograph be made and in case of an applicant under Section 3 par. 2 subparagraph c) after making statement.

¹⁰) Section 250l of the Code of Civil Procedure.

11) Section 250n of the Code of Civil Procedure

- (2) Unless the Ministry decides otherwise, the applicant is obliged
- a) to dwell in the transit centre in case of an applicant under Section 3 par. 2 subparagraph c),
 - b) after arrival in the reception centre
 - 1. to undergo medical examination and quarantine measure,
 - 2. to dwell in the reception centre,
 - c) to dwell in the accommodation centre until the decision on granting asylum becomes final after quarantine measures terminated,
 - d) to attend Slovak language course in case of an applicant subject to obligatory school attendance.

- (3) The applicant shall also be obliged
- a) to report to the police department competent according to the place of stay within three working days when accommodated outside the accommodation centre,
 - b) to observe internal rules during the stay in a reception centre or an accommodation centre,
 - c) to inform the Ministry of the birth of her/his child on the territory of the Slovak Republic within 20 days,
 - d) to prove his/her identity with applicant's card upon a request by competent bodies,
 - e) to protect applicant's card or health care certificate from loss, theft, damage, destruction or abuse,
 - f) to report applicant's card or health care certificate loss, theft, damage, destruction or abuse to the Ministry without delay,
 - g) to return the documents under letter e) to the Ministry.

(4) The applicant must not enter any employment relation or similar labour relation⁹⁾ or do business¹⁰⁾ until the decision on granting asylum comes into effect.

CHAPTER TWO RIGHTS AND OBLIGATIONS OF PERSONS GRANTED ASYLUM

Section 24

Stay of Person Granted Asylum on the Territory of the Slovak Republic

(1) Person granted asylum has the right to permanent residence on the territory of the Slovak Republic.

(2) A police department shall issue the person granted asylum a document proving permission for permanent stay¹¹⁾ on the territory of the Slovak Republic, with data as to person's identity and identification of the purpose of the stay as „PERSON GRANTED ASYLUM“. The permanent residence permit document is valid for not more than five years. The validity of this document shall repeatedly be extended by not more than five years.

Section 25

Travel Document of the Person Granted Asylum

A separate regulation¹⁵⁾ stipulates the conditions for issuing a travel document to a person granted asylum.

12) For instance the Labour Code.

13) Section 2 Commercial Code.

14) Act No. 48/2002 Coll.

Section 26
Obligations of the Person Granted Asylum

The person granted asylum is obliged

- a) to ensure that the data mentioned in the permanent residence permission document, if he/she is the holder of such, to be truthful and comply with reality,
- b) to protect permanent residence permission document, alien's travel document or health insurance policy holder certificate from loss, theft, damage, destruction or abuse,
- c) to report permanent residence permission document, alien's travel document or health insurance policy holder certificate loss, theft, damage, destruction or abuse to the police department according to the place of stay without delay,
- d) to report change of forename, surname, nationality and address of permanent residence, and this within three days from the appearance of such change, to the police department; the police department shall report the respective change to the Ministry,
- e) to inform the Ministry of the birth of her/his child on the territory of the Slovak Republic within 20 days,
- f) to apply for the prolongation of the validity of the permanent residence permit document,
- g) to inform the police department of a stay outside the territory of the Slovak Republic that will be longer than 180 days,
- h) to co-operate with the Ministry and competent bodies in his/her integration into society,
- i) to inform the Ministry of nationality granted,
- j) to return the documents under letter a) to the Ministry, if the asylum ceases under Section 14 subparagraph a), b) and d).

Section 27

(1) A separate regulation shall apply to the employment of persons granted asylum on the territory of the Slovak Republic.¹⁶⁾

(2) A separate regulation shall apply to the obligatory school attendance of persons granted asylum.¹⁷⁾

(3) A separate regulation shall apply to granting of social assistance benefits to persons granted asylum during their stay on the territory of the Slovak Republic.¹⁸⁾

PART FOUR
INTEGRATION

Section 28

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

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

(3) After termination of the stay in the integration centre the Ministry shall make the person granted asylum a one-time offer for accommodation; this shall also apply with respect to a person granted asylum who was not placed in an integration centre.

(4) The Ministry shall grant the municipality that will provide for the accommodation of the person granted asylum a contribution to procure accommodation or a contribution to the development of municipality infrastructure under conditions stipulated in the

comprehensive integration programme, to be adopted by the Government upon a proposal of the Ministry.

(5) In order to facilitate integration into society the Ministry shall enable the person granted asylum to attend a Slovak language course in the integration centre.

PART FIVE TEMPORARY SHELTER

Section 29

(1) Temporary shelter shall be granted for the purpose of protecting aliens from war conflicts, impacts of a humanitarian disaster or permanent or mass violation of human rights in the country of alien's nationality or, in case of a stateless person, in the country of his/her residence.

(2) The Government shall determine the commencement, conditions and termination of temporary shelter and shall earmark funds to cover the costs related to granting temporary shelter.

Section 30

(1) The alien applying for temporary shelter shall make a statement on it

- a) when entering the territory of the Slovak Republic at the competent police department at the place of border check-point,
- b) after entering the territory of the Slovak Republic at the police department competent for the location where the alien is staying,

(2) The police department shall record statement under par. 1 on an official form, the specimen of which is in Annex 1 and shall send it to the Ministry without delay.

(3) After taking statement under par. 1 the police department shall withdraw the travel document or any other identity document from the alien and it shall issue a receipt confirmation to the alien. The documents collected shall be sent by the police department to the Ministry without delay. The police department shall also arrange taking alien's fingerprints.

(4) The alien identified in par. 1 has the obligation to arrive at the reception centre within 24 hours from making the statement, unless prevented from doing so by serious reasons; the police department shall issue an identity document to the alien, which is valid 24 hours.

(5) Section 3 par. 5 and 7 shall apply to search the alien under par. 1 accordingly.

Section 31 Decision on Granting Temporary Shelter

(1) After arrival at the reception centre the alien shall be issued a document of tolerated stay on the territory of the Slovak Republic¹⁴) marked „DE FACTO REFUGEE“ in case the arrival of the alien to the territory of the Slovak Republic was arranged by the UNHCR or another international organisation; Section 5 shall apply accordingly.

(2) If the person is not an alien under par. 1, the Ministry shall interview the alien applying for temporary shelter in order to determine his/her identity.

(3) After arrival at the reception centre the alien under par. 2 shall be issued a card of the alien applying for temporary shelter as his/her identity document until the Ministry decides on granting temporary shelter; Section 5 shall apply accordingly.

(4) The Ministry shall decide on granting temporary shelter to an alien under section 2 not later than 15 days from filing the application.

(5) The Ministry shall cease the temporary shelter granting procedure concerning an alien under par. 2 when the alien

- a) withdrew his application,
- b) voluntarily left the territory of the Slovak Republic,
- c) died in the course of the procedure,
- d) applied for asylum or was granted temporary stay¹⁴⁾ or permanent residence¹⁴⁾ on the territory of the Slovak Republic.

(6) In cases under par. 5 subparagraphs b) to d) no decision shall be issued; the grounds for cessation of the procedure shall be recorded in the file.

(7) When alien's application for temporary shelter is approved, a decision shall not be issued and the alien shall only be issued a document of permitting tolerated stay on the territory of the Slovak Republic marked „DE FACTO REFUGEE“.

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

(9) Provisions concerning asylum procedure shall apply to the temporary shelter granting procedure accordingly, unless otherwise provided.

Section 32

Cessation of Temporary Shelter

(1) Provision of temporary shelter shall cease

- a) by lapse of the time determined by the Government decision,
- b) de facto refugee's death,
- c) application for asylum by the de facto refugee or by being granted temporary stay¹⁴⁾ or permanent residence¹⁴⁾ on the territory of the Slovak Republic,
- d) by de facto refugee's written waiver of temporary shelter,
- e) when another country granted the de facto refugee temporary shelter, or
- f) by annulment.

(2) Granting temporary shelter shall cease by de facto refugee's written waiver of temporary shelter on the date of delivery of such waiver to the Ministry.

Section 33

Annulment of Temporary Shelter

The Ministry shall annul granting of temporary shelter when

- a) there are well-grounded suspicion that the de facto refugee committed an act under Section 13 par. 1,
- b) the de facto refugee was granted temporary shelter on the basis of false or forged facts on his/her identity or
- c) the de facto refugee can be reasonably considered risk to the security of the Slovak Republic or when he/she presents a risk to the society after being convicted by a final judgement of a particularly serious crime¹⁹⁾.

Section 34
Review of Decisions

(1) A remedy against the decision of the Ministry to reject the application for temporary shelter or against a decision to cessation of granting of temporary shelter can be filed with a court¹⁰⁾ within seven days from the delivery of the decision. Filing of remedy shall have suspensive effect. The court shall decide on the remedy against such decision without delay.

(2) Regional court shall be competent to decide on the remedy under Section 1.

Section 35
The Rights and Obligations of Aliens Applying for Temporary Shelter

Sections 22 and 23 shall apply to aliens applying for temporary shelter accordingly while the Ministry shall place the alien into a humanitarian centre after quarantine measures ended.

Section 36
The Rights and Obligations of De Facto Refugees

(1) Sections 22 and 23 par. 1 to 3 shall apply to de facto refugee accordingly, while the Ministry shall place the de facto refugee into a humanitarian centre after quarantine measures ended.

(2) During the provision of temporary shelter the de facto refugee shall be entitled to tolerated stay on the territory of the Slovak Republic under a separate regulation¹⁴⁾.

(3) A separate regulation¹⁶⁾ shall apply to the employment of de facto refugees on the territory of the Slovak Republic.

(4) When the de facto refugee has an employment relation or a similar labour relation he/she shall be obliged to appropriately cover the costs related to his/her stay in the humanitarian centre.

PART SIX
ASYLUM FACILITIES

Section 37

(1) For the sake of compliance with international commitments of the Slovak Republic²⁾, the Ministry is creating conditions for establishing asylum facilities; municipalities shall co-operate with the Ministry in their facility.

(2) The Ministry shall grant the municipality a contribution to cover partially the expenses the municipality will make with respect to establishing and operating an asylum facility on its territory.

Section 38

Upon request by the Ministry a police department shall arrange search of the alien and search of his/her personal things prior to entering the reception centre or at any time during his/her stay in the asylum facility on grounds stated in Section 3 par. 5. A person of the same sex as the alien shall perform the search.

Section 39

(1) The Ministry shall create appropriate conditions for the accommodation of minors unaccompanied by their representative at law on the territory of the Slovak Republic, for families with children and persons requiring special care in asylum facilities.

(2) When placing an alien in an asylum facility the Ministry shall consider his/her age, health, and relatives, religious, ethnic and national specific features. Men shall be placed separately from women, minors from adults while taking into account family ties.

(3) During the stay in the asylum facility the Ministry shall create for aliens conditions for cultural and sports activities and for acquiring skills and knowledge supporting their future position in the society.

Section 40

(1) A stranger may enter the asylum facility only with a permission of the Ministry. The Ministry shall not permit stranger to enter a reception centre due to quarantine measures with exception of the authorised UNHCR representative, lawyer or another representative of the applicant on the bases of authorisation or a guardian. The general regulation concerning administrative procedure shall not apply to permitting entry of an asylum facility.¹²⁾

(2) It is possible to move in the asylum facility only in the presence of an employee of this facility. An alien shall have the right to talk with authorised UNHCR representative, his/her representative or guardian in the absence of third persons. The Ministry shall make appropriate area available in the asylum facility for this purpose.

Section 41

(1) The Ministry shall regulate the details concerning the conditions of aliens' stay in the asylum facility in internal rule.

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

- a) time table for food delivery,
- b) the way and extent of health care provision,
- c) time table for disbursement of pocket money,
- d) time table for delivery and distribution of documents,
- e) conditions, under which the asylum facility may be left.

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

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

15) Act No. 381/1997 Coll. on travel documents as amended in Act No. 48/2002 Coll.

16) Act of the National Council of the Slovak Republic No. 387/1996 Coll. on employment as amended.

17) Sections 34 to 37 Act No. 29/1984 Coll. on the system of basic and secondary schools (School Act) as amended. Decree of the Ministry of Education of the Slovak Socialistic Republic No. 143/1984 Coll. on basic school as amended.

18) Act No. 195/1998 Coll. on social assistance as amended.

19) Section 41 par. 2 Criminal Code

20) Act No. 71/1967 Coll. as amended in Act No. 215/2002 Coll.

21) For instance Section 58 Act No. 48/2002 Coll., Section 379 to 383 Code of Criminal Procedure

PART SEVEN
CO-OPERATION WITH OFFICE OF UN HIGH COMMISSIONER, INTERNATIONAL
ORGANISATION FOR MIGRATION AND NON-GOVERNMENTAL ORGANISATIONS

Co-operation with UN High Commissioner

Section 42

(1) The Ministry shall co-operate with Office of the UN High Commissioner in the course of the asylum procedure.

(2) The authorised representative of the Office of the UN High Commissioner can

- a) participate in the asylum procedure at any stage,
- b) establish contact with a party to the procedure,
- c) look into the file of a party to the procedure.

(3) The authorised representative of the Office of the UN High Commissioner has the right to use facts learned when looking into the file and/or when orally communicating only for the needs of meeting tasks under an international treaty²).

Section 43

The Ministry shall give the Office of the UN High Commissioner

- a) information concerning decisions issued in asylum procedure,
- b) statistical data on applicants.

Section 44

Co-operation with the International Organisation for Migration

The Ministry shall co-operate with the International Organisation for Migration in arranging the movement of aliens who want to return voluntarily to their country of origin or to a third country.

Section 45

Co-operation with Non-governmental Organisations

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

Section 46

Co-operation in Granting Temporary Shelter

Provisions of Sections 42 to 45 shall also apply to co-operation in matters concerning granting temporary shelter accordingly.

PART EIGHT
COMMON, INTERIM AND FINAL PROVISIONS

Section 47
Prohibition of Expulsion or Refoulement

(1) No applicant, person granted asylum, alien applying for temporary shelter or de facto refugee can be expelled in any way or returned to the borders of the territory of the country²¹⁾ where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion; the benefit of this provision shall, however, not apply to a person that can reasonably be regarded as a danger to the security of the Slovak Republic or who having been convicted by a final judgement of a particularly serious crime¹⁹⁾ constitutes a danger to the society.

(2) No applicant, person granted asylum, alien applying for temporary shelter or de facto refugee can be expelled in any way or returned to the borders of the territory of the country²¹⁾ where he/she would be tortured or exposed to cruel, inhuman or degrading treatment or punishment.

Section 48
Records

(1) The Ministry shall keep in its information system

- a) personal data and information on applicants,
- a) personal data and information on persons granted asylum,
- c) personal data and information on aliens applying for temporary shelter,
- a) personal data and information on de facto refugees,
- e) images and recordings of persons mentioned under letters a) to d),
- f) register of fingerprints of applicants and aliens applying for temporary shelter.

(2) The Ministry shall keep personal data under section 1 in the extent according to Annexes 1 and 2.

(3) A separate regulation shall apply to the personal data protection.¹³⁾

Section 49
Exchange of Data

(1) The Ministry shall

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

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

(3) In the course of the asylum procedure the Ministry must not give information under Section 48 to a country under Section 8.

Section 50
Coverage of Costs of the Procedure and of Other Expenses

(1) The Ministry shall cover

- a) expenses related to transport of the alien to the reception centre,

22) Act No. 428/2002 Coll. on personal data protection.

- b) expenses related to the stay of the alien in an asylum facility,
- c) costs of the procedure and interpreter's fees in the procedure under this Act,
- d) other expenses, if provided so in this Act.

Section 51

The Ministry may withdraw away pocket money from the applicant, the alien applying for temporary shelter or a de facto refugee for violating obligations under this Act.

Section 52

The general regulation concerning administrative procedure²⁰⁾ shall apply to procedure under this Act, unless otherwise provided by this Act.

Section 53

The Government shall issue a List of Countries considered safe third country and safe countries of origin.

Section 54

Interim provisions

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

(2) Alien granted refugee status under previous legislation shall be understood to mean the person granted asylum under this Act.

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

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

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

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

Section 55

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

Article II

Act No. 99/1963 Coll. Code of Civil Procedure as amended by Act No. 36/1967 Coll., Act No. 158/1969 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll., Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992 Coll., Act of National Council of the Slovak Republic No. 5/1993 Coll., Act of National Council of the Slovak Republic No. 46/1994 Coll., Act of National Council of the Slovak Republic No. 190/1995 Coll., Act of the National Council of the Slovak Republic No.

232/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 22/1996 Coll., Act of the National Council of the Slovak Republic No. 58/1996 Coll., Finding of the Constitutional Court of the Slovak Republic No. 281/1996 Coll., Act No. 211/1997 Coll., Finding of the Constitutional Court of the Slovak Republic No. 359/1997 Coll., Act No. 144/1998 Coll., Act No. 169/1998 Coll., Act No. 187/1998 Coll., Act No. 225/1998 Coll., Act No. 233/1998 Coll. Act No. 235/1998 Coll., Finding of the Constitutional Court of the Slovak Republic No. 318/1998 Coll., Act No. 331/1998 Coll., Finding of the Constitutional Court of the Slovak Republic No. 66/1999 Coll., Finding of the Constitutional Court of the Slovak Republic No. 166/1999 Coll., Finding of the Constitutional Court of the Slovak Republic No. 185/1999 Coll., Act No. 223/1999 Coll., Act No. 303/2001 Coll., Act No. 501/2001 Coll., Act No. 232/2002 Coll. and Act No. 424/2002 Coll. shall be amended as follows:

At the end of Section 246 par. 2 subparagraph a) the following words shall be added: „unless otherwise provided by a separate act“.

Article III

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

In the Annex to Act of the National Council of the Slovak Republic No. 145/1995 Coll. on administrative charges as amended, part Administrative Charges Tariff, item 20, after the words “the nationals ... SKK 500“ the following text is inserted:

„Exemption

Aliens granted asylum shall be exempted from charges under this item^{16a}).“.

The footnote to reference 16a reads:

„^{16a}) Act No. .../2002 Coll. on asylum and on the amendment of some acts.“.

Article IV.

Act No. 48/2002 Coll. on the stay of aliens and on the amendment of some acts shall be amended as follows:

1. In Section 14 a new paragraph 4 is inserted after paragraph 3 and it reads as follows:

„(4) Representation office abroad shall grant visa to a family member of the person granted asylum when he/she meets requirements under a separate regulation^{5a}).“.

The existing paragraphs 4 to 9 shall be marked as paragraphs 5 to 10.

The footnote to reference 5a reads:

„^{5a}) Section 10 of Act No. .../2002 Coll. on asylum and on the amendment of some acts.“.

2. In Section 14 par. 8 the colon at the end is replaced by a semi-colon and the following words are added „this shall not apply to visa under par. 4.“.

3. Section 58 including the title reads:

„Section 58
Obstacles to Administrative Expulsion

(1) An alien cannot be administratively expelled to a country where his/her life would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion or where he/she would be tortured or exposed to cruel, inhuman or degrading treatment or punishment. Equally, an alien cannot be administratively expelled to a country where he would be imposed a death penalty or where it is reasonable to assume that such a penalty could be imposed in pending criminal proceedings.

(2) An alien cannot be expelled to a country where his freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion; this shall not apply when an alien's conduct presents a risk to the security of the country or when he/she presents a risk for the Slovak Republic after being convicted by a final judgement of a particularly serious crime²¹).

(3) A stateless person having a permanent residence permit can be administratively expelled only in case when his/her conduct presents a risk to the security of the country or the public order and the obstacles to administrative expulsion under par. 1 and 2 do not apply to him/her.“.

Article V

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

Rudolf Schuster, with own hand

Jozef Migaš, with own hand

Mikuláš Dzurinda, with own hand

ALIEN'S STATEMENT

1. I(Forename and surname):

.....

2. Born (date, place, and country):

3. Ethnic origin:

.....

4. Nationality:

5. No. of travel document/identity card:

6. I have arrived to the Slovak Republic via the border checkpoint on the day of:

.....

7. I apply for asylum on the territory of the Slovak Republic – granting of temporary shelter*
on the following grounds:

.....
.....
.....
.....
.....

I have been instructed of my rights and obligations, in particular of my obligation to arrive at a reception centre without delay and of the consequences of failing to comply with this obligation. I have also been instructed of my right to chose a legal representative for the procedure, and when necessary to contact the Office of the United Nations High Commissioner for Refugees /UNHCR/ and of my right to contact other organisations working in the area of care for persons granted asylum.

In date

.....
.....
.....
Print of the PF department stamp and signature Alien's signature Interpreter's signature
of the officer accepting the statement

* - delete accordingly

Print of the reception centre stamp

Number:

P H O T O

3. 5 x 4. 5 cm

QUESTIONNAIRE
of the Asylum Seeker

1. Surname:
2. Forename:
3. Previous surnames:
4. Sex (male/female):
5. Date of birth:
6. Place and country of birth:
7. Nationality:
 - a/ original:
 - b/ current (indicate all nationalities):
 - c/ stateless (indicate reasons):
8. Ethnic origin:
9. Language command:
 - a/ mother tongue:
 - b/ other languages and the level of knowledge:
10. Religion:
11. Indicate documents you can use to prove your identity:
 - a/ travel document (passport, number, valid till) :
 - b/ other documents (kind, number, valid till) :
12. The highest level of education achieved:
Certificates of education:
13. Employment:
 - a/ professional prerequisites for occupation performance:
 - b/ current job (longer than 1 year) :
14. Mandatory military service performed (where, when and for what period of time) :
15. Marital status:
16. Forename, surname and date of birth of the spouse (wife's maiden name):

17. Number and names of persons you have maintenance obligation to:
18. Indicate forenames, surnames, and dates of birth and sex of children younger than 18 years of age on behalf of whom you apply for asylum:
19. Indicate forenames, surnames and dates of birth of other family members who are applying for asylum on own behalf together with you:
20. Other members of the family staying on the territory of the Slovak Republic (forename, surname, date of birth and your relationship with these persons):
21. Other members of the family staying outside the territory of the Slovak Republic (place of their stay and other data as in point 22):
22. Indicate relatives or persons you know the assistance of whom you count on (forenames, surnames and addresses of their stay) during your stay in the Slovak Republic:
23. Indicate the place of your last permanent residence in the last five years prior to your arrival in the Slovak Republic (country, city/municipality, street):
- 24.a/ What funds are currently at your disposal (amount and currency):
b/ What movable and immovable assets you own and where:
25. Do you receive financial or material assistance from a natural person or legal entity (what and from whom):
26. When did you leave your country:
27. When and where were you staying in the time from leaving your country until arriving in the Slovak Republic:
28. Describe your journey from the country you left until arriving in the Slovak Republic (countries, length of stay in these countries and means of transport):
29. Did any close persons to you, to whom you have commitments, stay in the country you left:
30. When, where and in what way have you entered the territory of the Slovak Republic:
31. When and in what way have you transported yourself to the reception centre:
32. What is the country of your destination:
33. Indicate whether you have already been to the Slovak Republic, when and for what purpose:
34. Did you establish contact with a diplomatic mission of your country during your stay abroad (when, where and for what reason):
35. Have you already applied for asylum or for another form of protection against persecution before (when, where and with what result):
36. Indicate whether criminal prosecution was held or is pending against you (when, where, on what grounds and with what result):
37. Have you been a member of a political party, movement or another organisation (specify):
38. Indicate all reasons on the basis of which you have decided to apply for asylum in the Slovak Republic:

39. Indicate other facts and present all documents that, in your view, can support your reasons given for your application for asylum:

S T A T E M E N T

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

I declare to have understood the questions in the questionnaire and all facts I have stated to be true.

In date

.....
Applicant's signature Interpreter's signature

.....
Signature of the authorised employee of the
Ministry