

**QUESTIONNAIRE FOR THE NATIONAL REPORT ON THE IMPLEMENTATION
OF THE DIRECTIVE :**

TEMPORARY PROTECTION OF 20 JULY 2001

IN

Slovak Republic

By
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FIRST PART

1. NORMS OF TRANSPOSITION AND JURISPRUDENCE

Q.1.A. Identify the central norm(s) of transposition and indicate its legal nature

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is called a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)
- About legal nature in the table below: *legislative* refers to a norm adopted in principle by the Parliament; *regulation* refers to a norm complementing the law and adopted in principle by the executive power; *circular or instructions* refer to practical rules about implementation of laws and regulations and adopted in principle by the administrative authorities

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

This table is about: <input checked="" type="checkbox"/> a text already adopted <input type="checkbox"/> a text which is still a project to be adopted
TITLE: The Act on Asylum and on Amendments of Some Acts (Asylum Act)
DATE: 20 June 2002
NUMBER: 480/2002

DATE OF ENTRY INTO FORCE: 1 January 2003
PROVISIONS CONCERNED : Articles: 1b, 1c, 1d, 2e, 2i, 2l, 2o, 29, 30, 31, 31a32, 33, 34, 35, 36, 46, 47/1, 2, 48/1c, f, 51 (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: 184/2002, p. 4790
LEGAL NATURE (please tick the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 2

This table is about: <input checked="" type="checkbox"/> a text already adopted <input type="checkbox"/> a text which is still a project to be adopted
TITLE: The Act Amending the Act on Asylum and on Amendments of Some Acts as Amended, and on Amendments of Some Acts (2004 Amendmend of Asylum Act)
DATE: 10 March 2004
NUMBER: 207/2004
DATE OF ENTRY INTO FORCE: 1 May 2004
PROVISIONS CONCERNED : Article I. 15., 16., 17., 18., 19., 20., 21., 22., 23., 29, 31, Annexes 3, 4 . (for example if the norm also pursues other objectives than the transposition of the concerned directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: 91/2004, p. 2146
LEGAL NATURE (please tick the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.1.B.

Please list the others norms of transposition according to their hierarchical position in your legal system_(first laws, to be followed by regulations; and circulars or instructions):

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is termed a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)

When answering this question, please use one or more of the tables below (one norm per table). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

TITLE: The Act on Residence of Foreigners and on Amendments of Some Acts, as amended (Foreigners Act)
DATE: 13 December 2001
NUMBER: 48/2002
DATE OF ENTRY INTO FORCE: 1 April 2002
PROVISIONS CONCERNED : § 1 (3), § 7 (1), § 43 (1) b (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: 23/2002, p. 518
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 2

TITLE: The Act on Employment Services and on amendment of some acts, as amended (Employment Act)
DATE: 4 December 2003
NUMBER: 5/2004
DATE OF ENTRY INTO FORCE: 1 February 2004
PROVISIONS CONCERNED : § 22 (7) f), § 32 (7) (for example if the norm is not devoted only to the transposition of the concerned directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: 4/2004, p. 22
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 3

TITLE: The Act on Social Aid (Social Aid Act)
DATE: 19 May 1998
NUMBER: 195/1998
DATE OF ENTRY INTO FORCE: 1 July 1998
PROVISIONS CONCERNED : § 4b (2) d) (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: 73/1998, p. 1346
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 4

TITLE: The Act on the Material Distress and onamedments of some acts (Material Distress Act)
DATE: 11 November 2003
NUMBER: 599/2003
DATE OF ENTRY INTO FORCE: 1 January 2004
PROVISIONS CONCERNED : § 3 (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: 245/2003, p. 5714
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 5

TITLE: The Act on the Framework of Primary and Secondary Schools as amended (Act on Schools)
DATE: 22 March 1984
NUMBER: 29/1984
DATE OF ENTRY INTO FORCE:
PROVISIONS CONCERNED : (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL:
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.2. This question needs to be answered only for **FEDERAL OR SIMILAR MEMBER STATES LIKE AUSTRIA, BELGIUM, GERMANY, ITALY, SPAIN**

Q.2.A. Explain which level of government is competent to adopt the norms of transposition.

Please include your answer in the tables below

LEGISLATIVE RULES
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

REGULATIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

CIRCULAR OR INSTRUCTIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

Q.2.B. Where appropriate, please explain if the federal structure and the distribution of competences between the different levels creates any problem or difficulty regarding the transposition and/or the implementation of the directive.

Q.3. Explain which authorities are competent for the practical implementation of the norm of transposition by taking the decisions in individual cases.

When answering this question, please use one or more of the tables below (one table per competence concerned). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

COMPETENCE CONCERNED:	Procedure on granting the temporary protection
CENTRAL MINISTRY OF:	Ministry of Interior
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	Migration Office of the Ministry of Interior
OTHER LEVEL OF ADMINISTRATION:	
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	

Table 2

COMPETENCE CONCERNED:	Procedure on granting the tolerated residence permit
CENTRAL MINISTRY OF:	Ministry of Interior
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	Police Corps – Bureau of Border and Foreigners Police of the Police Corps
OTHER LEVEL OF ADMINISTRATION:	

IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	
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Table 3

COMPETENCE CONCERNED:	The social aid and material distress benefit
CENTRAL MINISTRY OF:	Ministry of Labour, Social Affairs and Family
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	Headquarters for Labour, social affairs and family
OTHER LEVEL OF ADMINISTRATION:	Local offices for labour, social affairs and family Legal entities and persons empowered by the Headquarters on providing the aid on finding the employment opportunities under the charge
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	

Q.4.A. Has the central regulation foreseen by the central norm of transposition already been adopted?

YES

NO

Q.4.B. If the central norm(s) of transposition foresee(s) the adoption of one or several regulations, indicate if they have all been adopted:

YES

NO

If NO, please indicate the missing text(s) in the table below. Where necessary, please add further explanations (specify in particular if the missing texts are at least under preparation or foreseen in the very near future):

When answering this question, please use one or more of the tables below (one table per missing text). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

MISSING TEXTS
<i>INDICATE HERE THE MISSING TEXTS</i>

SECOND PART

Duration and implementation of temporary protection

Q.5. According to article 5(1) in the Directive the existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council. According to article 5(3) the Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions in the Directive.

Do the national norms of transposition in your Member State mandate the Council to decide about the existence of a mass influx of displaced person, with the effect of introducing temporary protection for the displaced persons to which it refers in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation (if the answer is “no”, how is a Council decision transposed ad hoc into national law?)

§ 29/2 of the Act No. 480/2002 on Asylum: The Government in accordance with the decision of the European Union Council shall determine the commencement, conditions and termination of temporary shelter and shall earmark funds to cover the costs related to granting temporary protection.

Q.6. According to article 6 in the Directive, temporary protection shall come to an end when the maximum duration has been reached or at any time by Council Decision on a proposal from the Commission. *See article 6 (1-2).*

Do the national norms of transposition mandate the Council to decide when temporary protection in your Member State shall come to an end?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is ‘no’, how is a Council decision transposed ad hoc into national law?)

§ 29/2 of the Asylum Act: The Government in accordance with the decision of the European Union Council shall determine the commencement, conditions and termination of temporary shelter and shall earmark funds to cover the costs related to granting temporary protection.

Q.7. According to article 7, a Member States may extend temporary protection, as provided for in the Directive, to additional categories of displaced persons over and above those to whom a Council decision applies, where they are displaced for the same reasons and from the same country or region of origin. *See optional provision in article 7 (1-2).*

Do the national norms of transposition allow your Member State to extend temporary protection to additional categories of displaced persons?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is "yes", if any, what are the criteria for extending protection to additional categories of displaced persons)?

There is no provision in the Act on Asylum on extension of temporary protection to additional categories of displaced persons.

Obligations of the Member States towards persons enjoying temporary protection

Q.8. Questions regarding obligations of the Member States towards persons enjoying temporary protection. *See article 8(1-3):*

Q.8.A. Does your Member State provide persons enjoying temporary protection with a residence permit? *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', what are the practical Consequences for the individual?)

§ 36/2 of the Asylum Act: During the provision of temporary protection the de facto refugee shall be entitled to tolerated residence permit on the territory of the Slovak Republic under the Foreigners Act.

Q.8.B. Answer this question if the answer on Q.8.A is 'yes': Is the residence permit valid for the entire period of temporary protection? *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', what are the practical Consequences for the individual?)

Q.8.C. Will documents or other equivalent evidence for the residence permit be issued? See mandatory provision in article 8(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

§ 31/1 of the Asylum Act: After arrival at the reception centre the alien is obliged to provide the competent employee of the Ministry information on personal data for the purpose of granting temporary protection. The alien shall be issued a document on permission of tolerated residence permit on the territory of the Slovak Republic and marked "DE FACTO REFUGEE", if

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

Q.8.D. Will your Member State provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection, and which are relevant to them, is clearly set out? See mandatory provision in article 9.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

§ 36/3 of the Asylum Act: The Ministry shall provide the de facto refugee instruction in writing, in the language likely to be understood by him/her, on his/her rights and obligations relating to granting of temporary protection.

Q.8.E. Will the personal data of the persons enjoying temporary protection (name, nationality, date and place of birth, marital status, and family relationship) be registered? See mandatory provision in article 10.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

§ 31/1 of the Asylum Act: After arrival at the reception centre the alien is obliged to provide the competent employee of the Ministry information on personal data in the extent defined in the Annex No. 3 of the Asylum Act of the for the purpose of granting temporary protection.

Q.8.F. Will your Member State provide facilities for obtaining the necessary visas, including transit visas, to persons which will be admitted to the territory for the purposes of temporary protection? See mandatory provision in article 8(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Q.8.G. According to the national law of your Member State: Will the visas referred to in Q.8.F, be free of charge? See mandatory provision in article 8(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (if the answer is “no”, please indicate the amount charged and indicate amounts charged for other types of visas)

Item 37 of the Act on Fees: Aliens who come to the Slovak Republic based on the invitation or with the consent of the National Council of the Slovak republic, president of the Slovak republic or the government of the Slovak republic are free of charge.

Q.9. According to national law of transposition, is your Member State responsible to take back a person enjoying temporary protection on its territory if that person seeks to enter onto or remains on the territory of another Member State without authorisation during the period of temporary protection? See mandatory provision in article 11.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Incomplete transposition of the relevant provision into the Slovak legislation, to that extend that entry of such persons must not be denied during their temporary protection on the territory of the Slovak Republic.

§ 7/1 of the Foreigners Act: Entry must not be denied to an alien who requested, at a border control, for asylum or provision of subsidiary protection on the territory of the Slovak Republic, who was provided with subsidiary protection on the territory of the Slovak Republic, who requested, for provision of a temporary shelter on the territory of the Slovak Republic, who was provided with a temporary shelter on the territory of the Slovak Republic or who was issued an alien travel document.

Q.10. Has your Member State concluded bilateral agreements with other Member States regulating the responsibility for persons enjoying temporary protection under the Directive? See optional provision in article 11, final sentence.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (If the answer is “yes”, please specify with which country)

Until 16 of May 2007, there is no any reference.

Q.11. Questions regarding work and other activities during temporary protection: *See mandatory provision in article 12.*

Q.11.A. Are the persons enjoying temporary protection allowed to engage in:

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Employed activities?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Self-employed activities?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Educational opportunities for adults?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vocational training?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Practical workplace experience?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Explanation:

According to the provision of 22/7f of the Employment Act: The work permit is not required in the case of an alien who was granted a temporary protection.

According to the provision 43/5 of the Foreigners act: In the course of validity of the tolerated stay permit, an alien must not undertake business under and enter employment relations or similar labour relations; the ban to enter employment relations or similar labour relations shall not apply to aliens under Paragraph 1 Subparagraph b) (persons granted temporary protection).

According to the provision 39/3 of the Asylum Act: 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.

Q.11.B. According to optional provision in article 12, Member States may, for reasons of labour market policies, give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit.

Do the national norms of transposition in your Member State give priority, or allow giving priority, to:

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

EU citizens?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Citizens of the European Economic Area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Legally resident third-country nationals who receives unemployment benefits? Yes No

Explanation:

According to the provision 21/1 of the Act on Services of Employment Equal legal status as enjoy citizens of the Slovak Republic have as well aliens who may enter work relations according to the Act on Asylum (asylum applicants after one year being on the territory of the Slovak Republic, persons granted asylum, temporary protection applicants and de facto refugees)

Question to be answered only if persons enjoying temporary protection are allowed to work:

Q.11.C. According to article 12, final sentence, the general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply if persons enjoying temporary protection are allowed to work.

If persons enjoying temporary protection are allowed to work: Will your country's general laws be applicable regarding:

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Remuneration? Yes No

Access to social security systems relating to employed or self-employed activities and other conditions of employment? Yes No

Explanation:

They have same rights in work relations as the citizens of the Slovak Republic

Q.12. Questions regarding the Member States obligation towards the temporary protected regarding accommodation, subsidies, medical care etc. *See article 13(1-4).*

Q.12.A. **Is your Member State obliged under national law to provide the persons enjoying temporary protection with suitable accommodation or means in order to obtain housing?** *See mandatory provision in article 13(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation :

§ 36/1 of the Asylum Act: The Ministry shall place the de facto refugee into a humanitarian centre after the stay in the reception centre ended. If it is not possible to place the de facto refugee into the humanitarian centre, he/she shall be granted financial sources to find accommodation on quality of humanitarian centre.

Q.12.B. Will your Member State, according to national law, be obliged to provide the persons enjoying temporary protection with economic assistance such as social welfare and means of subsistence? See mandatory provision in article 13(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

According to the § 4b/2/d of the Social Aid Act: The social services, under the conditions stated by this act, are provided as well to the alien who was granted the temporary protection.

According to the § 3 of the Act No. 599/2003 Coll. on Aid in Material Distress, the person granted a temporary protection is considered as a citizen of the Slovak Republic; therefore he/she has a right for a benefit from the state.

§ 22/5 of the Asylum Act: The Ministry shall pay for an urgent health care on behalf of an applicant, who does not have a public insurance; if based on individual examination of the applicant's health condition there are determined special needs for provision of health care, the Ministry shall also cover the costs of such health care in the cases worth special attention. The Ministry shall ensure adequate health care to minor asylum seekers, who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and degrading treatment, or who have suffered from consequences of an armed conflict. For the purposes of provision of health care, the Ministry shall provide the applicant with a document confirming authorisation to provision of health care.

Q.12.C. Do the persons enjoying temporary protection have access to emergency medical care and essential treatment of illness? See mandatory provision in article 13 (2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is "yes", please provide details whether persons enjoying temporary protection have access to *general medical care* or if it is restricted to *emergency care and essential treatment of illness*?)

According to the § 22/5 of the Asylum Act: The Ministry shall pay for an urgent health care on behalf of an applicant, who does not have a public insurance; if based on individual examination of the applicant's health condition there are determined special needs for provision of health care, the Ministry shall also cover the costs of such health care in the cases worth special attention. The Ministry shall ensure adequate health care to minor asylum seekers, who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and degrading treatment, or who have suffered from consequences of an armed conflict. For the purposes of provision of health care under this Paragraph, the Ministry shall provide the applicant with a document confirming authorisation to provision of health care.

Q.12.D. Will your Member State, according to national law, be obligated to provide for necessary medical or other assistance to persons enjoying temporary protection who have special needs such as unaccompanied minors, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence? See mandatory provision in article 13(4).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please provide details about the assistance given to different groups of persons with special needs, for example psychological help for persons who have undergone torture).

According to the § 22/5 of the Asylum Act: The Ministry shall pay for an urgent health care on behalf of an applicant, who does not have a public insurance; if based on individual examination of the applicant’s health condition there are determined special needs for provision of health care, the Ministry shall also cover the costs of such health care in the cases worth special attention. The Ministry shall ensure adequate health care to minor asylum seekers, who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and degrading treatment, or who have suffered from consequences of an armed conflict. For the purposes of provision of health care under this Paragraph, the Ministry shall provide the applicant with a document confirming authorisation to provision of health care.

Q.13. Questions regarding access to education. *See article 14 (1-2):*

Q.13.A. Do persons who are under 18 years of age and enjoying temporary protection have access to the education system under the same conditions as nationals of your Member State? *See mandatory provision in article 14(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

According to the § 34a/1/b of the School Act, the children of persons granted the temporary protection have the same access to education as the children of Slovak nationality.

Q.13.B. If the answer on Q.13.A is ‘yes’: Is access to education confined to the state education system or does it cover all kinds of educational institutions?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

State education system.

Q.13.C. Do adults enjoying temporary protection have access to the general education system? *See optional provision in article 14(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Q.14. Questions regarding right to family reunification. *See article 15:*

Q.14.A. Do the national norms of transposition in your Member State allow separated family members, which enjoy temporary protection in different Member States, to reunite? *See mandatory provision in article 15(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

§ 31a/a,b,c of Asylum Act: The Ministry shall grant the temporary protection for the purpose of the family reunification

- a) to the spouse of the de facto refugee, if their marriage continues, and continued, also at the time when alien left the country of origin, and if the de facto refugee gives a prior written consent to the reunification
- b) to the unmarried children of the de facto refugee and the unmarried children of the de facto refugee's spouse who are not 18 years of age
- c) to other close relatives than defined in letters a) and b), if they lived in common household with the de facto refugee and were totally or partially dependent on the de facto refugee.

Q.14.B. Do the national norms of transposition in your Member State allow family members who are not yet in a Member State to reunite with a person enjoying temporary protection in your Member State? *See mandatory provision in article 15(3).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

§ 31a/a,b,c The Ministry shall grant the temporary shelter for the purpose of the family reunification

- a) to the spouse of the de facto refugee, if their marriage continues, and continued, also at the time when alien left the country of origin, and if the de facto refugee gives a prior written consent to the reunification
- b) to the unmarried children of the de facto refugee and the unmarried children of the de facto refugee's spouse who are not 18 years of age
- c) to other close relatives than defined in letters a) and b), if they lived in common household with the de facto refugee and were totally or partially dependent on the de facto refugee.

Q.14.C. For the application of the rules regarding family reunification: Whom does your Member State consider a “family member”? *See article 15(1)(a)(b).*

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

- The spouse of the person enjoying temporary protection.**
- The unmarried partner in a stable relationship to the person enjoying temporary protection.**
- The minor unmarried children of the person enjoying temporary protection or of his/her spouse, without distinction as to whether they were born in or out of wedlock or adopted.**
- Other close relatives who lived as part of the family unit with the person enjoying temporary protection at the time of the events leading to the mass influx, and who were wholly or mainly dependent on him/her at the time.**

Explanation:

§ 31a/1/a,b,c The Ministry shall grant the temporary shelter for the purpose of the family reunification

- a) to the spouse of the de facto refugee, if their marriage continues, and continued, also at the time when alien left the country of origin, and if the de facto refugee gives a prior written consent to the reunification
- b) to the unmarried children of the de facto refugee and the unmarried children of the de facto refugee’s spouse who are not 18 years of age
- c) to other close relatives than defined in letters a) and b), if they lived in common household with the de facto refugee and were totally or partially dependent on the de facto refugee.

Q.14.D. What means of proof is needed in your Member State to verify family membership, is for example documentary evidence needed?

marriage certificate, birth certificate

Q.14.E. Explain which measures have been taken in your Member State to ensure that ‘the best interest of the child’ is accounted for when applying the provisions on family reunification in the national norms of transposition? *See mandatory provision in article 15(4).*

No explicit transposition of such provision in the national legislation.

Q.14.F. According to article 15(5), Member States shall decide in which Member State the reunification shall take place. Please indicate which authority possesses the competency to take such decisions?

Name and function of the Authority: Migration office of the Ministry of Interior of the Slovak Republic

Q.14.G. If there is a formal procedure foreseen for such decisions, please describe it briefly:

According to the law, there is not any formal procedure.

Q.14.H. Are reunited family members in your Member State granted residence permits under temporary protection?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

§ 36/2 of the Foreigners Act: During the provision of temporary shelter the de facto refugee shall be entitled to tolerated residence permit on the territory of the Slovak Republic.

Q.14.I. Are documents or other equivalent evidence issued for persons who comes to your Member State and receives temporary protection under the provisions regarding family reunification?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

§ 31/1 of Asylum Act: The alien shall be issued a document on permission of tolerated residence permit on the territory of the Slovak Republic and marked "DE FACTO REFUGEE"

Q.14.J. Does the national norms of transposition in your Member State comply with the provision in article 15(8) stating that a Member State shall at the request of another Member State, provide information on a person receiving temporary protection which is needed to process a matter of family reunification? See mandatory provision in article 15(8).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

§ 49/1a of the Asylum Act: The Ministry shall provide data (Section 48/1e - personal data and information on de facto refugees) to another country.

Q.15. Questions regarding unaccompanied minors: See article 16:

Q.15.A. Explain how the representation of unaccompanied minors enjoying temporary protection in your Member State is arranged according to national law. See mandatory provision in article 16(1).

§ 16/2 of Asylum Act: Legal acts on behalf of an alien who did not attain maturity shall be performed by his/her representative at law. If such an alien stays on the territory of the Slovak Republic without a representative at law, the court shall appoint him/her a guardian.

Q.15.B. Does your Member State provide for unaccompanied minors to be placed with: See mandatory provision in article 16(2).

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

- Adult relatives ?**
- A foster-family ?**
- In reception centres with special provisions for minors, or in other accomodation suitable for minors ?**
- With the person who looked after the child when fleeing ?**

Explanation:

§ 31/1 of the Asylum Act: 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.

§ 31/2 of the Asylum Act: 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. Transfer of aliens from one asylum facility to another asylum facility shall only be executed in the necessary cases.

Q.15.C. Do the national norms of transposition in your Member State meet the requirement that the views of the child shall be taken into account when arranging placement for the minor? See mandatory provision in article 16(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- Yes** **No**

Explanation:

No, it is not stated in the law. There is only stated the opinion of the Ministry - § 31/2 of the Asylum Act: 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. Transfer of aliens from one asylum facility to another asylum facility shall only be executed in the necessary cases.

Access to the asylum procedure in the context of temporary protection

Q.16. Questions regarding access to the asylum procedure. *See article 3 and 17-19:*

According to mandatory provision in article 3(1) temporary protection shall not prejudice recognition of refugee status under the Geneva Convention.

Q.16.A. Does temporary protection in any way prejudice recognition of refugee status under the Geneva Convention in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

The temporary protection does not prejudice recognition of refugee status under the Geneva convention. A person granted the temporary shelter have an access to the asylum procedure with the consequence of termination of the temporary shelter.

Q.16.B. Does your Member State allow persons enjoying temporary protection to apply for asylum at any time during the period of temporary protection? See mandatory provision in article 17(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

The norm of transposition is incomplete, as the provision indicates only the case of submitting the asylum application with the consequence of termination of temporary protection, but does not saying anything about the period when it might occur.

§ 32/1c of Asylum Act: Provision of temporary protection shall terminate application for asylum or subsidiary protection by the de facto refugee or by being granted temporary residence or permanent residence on the territory of the Slovak Republic.

Q.16.C. Does your Member State allow persons enjoying temporary protection to stay in the Member State during the examination of their asylum claim, even though the period of temporary protection has ended? See mandatory provision in article 17(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

§ 22/1 of Asylum Act: The applicant has the right to stay on the territory of the Slovak Republic during the asylum procedure.

Q.16.D. What criteria are provided by the norms of transposition in your Member State to determine the responsibility amongst Member States for examining an asylum application submitted by a person enjoying temporary protection in another Member State? See mandatory provision in article 18.

The Council Regulation (EC) 343/2003

Q.16.E. Has your Member State decided that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration? See optional provision in article 19.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: If the answer is “yes”, please provide details concerning differences between the reception conditions for asylum seekers and persons enjoying temporary protection in your Member State which might lead to withdrawal or reduction of rights for a temporary protected who lodges an application for asylum.

§ 32/1/c of the Asylum Act: Provision of temporary protection shall cease application for asylum or subsidiary protection by the de facto refugee or by being granted temporary stay or permanent residence on the territory of the Slovak Republic,

Q.16.F. If refugee status or, where applicable, other kind of protection is not granted to a person who is eligible for or already enjoys temporary protection is that person allowed to enjoy or continue to enjoy temporary protection in your Member State? See mandatory provision in article 19(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

If a person who is eligible for or already enjoyed temporary protection is not granted asylum and wish to enjoy a temporary protection again, then according to the law has to make a new statement at the respective police department once again.

§ 30/1/a,b of the Asylum Act: The alien applying for temporary protection 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.

Return and measures after temporary protection has ended

Q.17. Questions regarding the voluntary return of persons enjoying temporary protection:

Q.17.A. According to mandatory provision in article 21(1) the Member States *shall* ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity. How is that reflected in the national norms of transposition in your Member State?

No explicit transposition of such provision in the national legislation.

Q.17.B. Please explain how your Member State ensures that a decision of persons enjoying temporary protection, or whose temporary protection has ended, to return voluntarily is taken in full knowledge of the facts. *See mandatory provision in article 21(1).*

There does not exist such a provision.

Q.17.C. Is it possible for the temporary protected in your Member State to make exploratory visits to the home country? *See optional provision in article 21(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

This provision was not transposed in to the Slovak national legislation.

Q.17.D. Please explain if and how your Member State has transposed article 21(2) stating that Member States shall, for such time as the temporary protection has not ended and on the basis of the circumstances prevailing in the country of origin, give favourable consideration to requests for return to the host Member State from persons who have enjoyed temporary protection and exercised their right to a voluntary return?

The norm of transposition is ambiguous, because transposition norm does not stipulate anything concerning the favourable consideration to requests for return to Slovakia from persons who have enjoyed temporary protection and exercised their right to a voluntary return. Just stipulates a possibility to make a statement at the respective police department.

§ 30/ 1 The alien applying for temporary protection 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,

Q.17.E. Is it possible, under the national norms of transposition in your Member State, for persons enjoying temporary protection to continue receive their benefits as temporary protected after the period of temporary protection has ended, if they benefit from a voluntary return programme? See optional provision in article 21.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation: (If the answer is “yes”, for how long is that possible).

This optional norm was not transposed into the national legislation. There is not such a reference in it.

Q.18. Questions concerning enforced return of persons who have enjoyed temporary protection. *See articles 22:*

Q.18.A. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(1), obliging Member States to ensure that the enforced return of persons whose temporary protection has ended and who are not eligible for admission shall be conducted with due respect for human dignity.

No explicit transposition of such provision in the national legislation.

Q.18.B. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(2) obliging Member States to consider any compelling humanitarian reasons which may make return impossible or unreasonable in specific cases.

§ 58

(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 there is reason 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 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 crime.

(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.“

Section 43/1/c A police department shall grant a tolerated stay permit to an alien, when his/her departure is not possible and his/her arrest is not purposeful.

Q.18.C. In the national law of your Member State, are there any other grounds (except for the one referred to in Q.18.B) for allowing persons who have enjoyed temporary protection to stay in your Member State?

§ 43/1/c of the Foreigners Act: A police department shall grant a tolerated residence permit to an alien, when his/her departure is not possible and his/her arrest is not purposeful,

Q.19. Questions concerning forcible return of persons who have enjoyed temporary protection. *See article 23:*

Q.19.A. Does the national law and practice of your Member State comply with the mandatory provision in article 23, providing that persons who have enjoyed temporary protection and who cannot, in view of their state of health reasonably be expected to travel, are not expelled as long as that situation continues? The provision exemplifies with persons who would suffer serious negative effects if their treatment was interrupted.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

According to the § 43/1/c A police department shall grant a tolerated residence permit to an alien, when his/her departure is not possible and his/her arrest is not purposeful.

Q.19.B. Does your Member State allow families whose children attend school in a Member State, to benefit from residence conditions allowing the children concerned to complete the current school period before return? *See optional provision in article 23.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Solidarity

Q.20. Please describe how your Member State ensures that persons eligible for temporary protection defined in a Council Decision under article 5 and who have not arrived in the Community have expressed their will to be received on their territory? *See mandatory provision in article 25(2).*

There is no such a provision within the Slovak legislation.

Q.21. Questions concerning the transferral between Member States of persons enjoying temporary protection. *See article 26:*

Q.21.A. According to mandatory provision in article 26(1) the Member States shall cooperate with each other with regard to transferral of the residence of persons enjoying temporary protection from one Member State

to another, subject to the *consent* of the persons concerned to such transferral.

Does the national law of your Member State comply with article 26(1) regarding the *consent* of the person who are about to be transferred?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

There is no any reference concerning the consent of the person who are about to be transferred.

Q.21.B. Do the national norms of transposition in your Member State comply with article 26(2) stating that a Member State shall communicate requests for transfers to the other Member States and notify the Commission and UNHCR?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

For providing the complex information, the Slovak Republic has not transposed the exact text of this provision into the national norm, as it is not stated exactly that a Member State shall communicate requests for transfers to the other Member States and notify the Commission and UNHCR.

According to the § 48/1 on Asylum Act: The Ministry shall keep in its information system

- d) personal data and information on aliens applying for temporary protection,
- e) personal data and information on de facto refugees.

According to the § 49/1 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.

Q.21.C. According to the national norms of transposition, is your Member State obliged to, at the request of another Member State, provide information as set out in Annex II of the Directive, on a person enjoying temporary protection, which is needed to process a matter of transferral? (See mandatory provision in article 26(3)).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

According to the § 48/1 of the Asylum Act: The Ministry shall keep in its information system

- d) personal data and information on aliens applying for temporary protection,
- e) personal data and information on de facto refugees.

The Ministry shall keep personal data under section 1 in the extent according to Annexes Nos. 1 to 3.

According to the § 49/1: 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.

Q.21.D. According to the national law in your Member State, will the residence permit of a person who is transferred, from your Member State to another Member State, expire? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

According to the § 32/1/f of the Asylum Act: Provision of temporary protection shall terminate when another country granted the de facto refugee temporary protection.

Q.21.E. When a person, who has been enjoying temporary protection in your Member State is transferred to another Member State, will the obligations relating to temporary protection in your Member State come to an end upon the transferral? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

According to the § 32/1/f of the Asylum Act: Provision of temporary protection shall terminate when another country granted the de facto refugee temporary protection.

Q.21.F. If a person, who previously has enjoyed temporary protection in another Member State, is transferred to your Member State, will your Member State grant temporary protection to that person? See mandatory provision in article 26(4), last sentence.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

§ 31/1/b After arrival at the reception centre the alien defined in the Section 30 paragraph 1 is obliged to provide the competent employee of the Ministry information on personal data in the extent defined in the Annex No. 3 for the purpose of granting temporary shelter. The alien shall be issued a document on permission of tolerated stay on the territory of the Slovak Republic and marked “DE FACTO REFUGEE”, if it concerns the resettlement of an alien who was granted a temporary shelter by another state.

Q.21.G. Will the ‘model pass’ set out in annex I of the Directive be used in a foreseen transferral procedure?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

This specimen of identification card for the purpose of resettlement is a part of the Act on Asylum in its Annex 4.

Q.22. What authority in your Member State is appointed as national contact point according to the mandatory provision in article 27?

The name and function of the authority is: Migration office of the Ministry of Interior of the Slovak Republic. It is a central authority of state's administration responsible for creation and realization of the migration politics on the territory of the Slovak Republic.

Q.23. Questions regarding exclusion from temporary protection:

Q.23.A. Are there any criteria for exclusion from temporary protection in your Member State? *See optional provision in article 28.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If yes, specify the criteria).

According to the § 33 of the Act on Asylum The Ministry shall revoke granting of temporary shelter when

- a) there are well-grounded suspicion that the de facto refugee committed an act under § 13 par. 2,
 - has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments,
 - has committed a serious non-political crime outside the territory of the Slovak Republic prior to applying for asylum or subsidiary protection, or
 - has been guilty of acts contrary to the purposes and principles of the United Nations Organisation.
- b) the de facto refugee was granted temporary protection only 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
- d) de facto refugee was convicted of a particularly serious crime and constitutes a danger to the society.

Q.23.B. If the answer to A. is “yes”, please indicate whether they in any way exceed the exhaustive list of criteria in article 28(1)(a) and (b).

Yes No

Explanation:

According to the § 33 b) of the Act on Asylum: The Ministry shall revoke granting of temporary protection when the de facto refugee was granted temporary protection only on the basis of false or forged facts on his/her identity. It exceeds the exhaustive list of criteria.

Q.23.C. Do the national norms of transposition in your Member State meet the terms in article 28(2) stating that the grounds for exclusion shall be based solely on the personal conduct of the person concerned?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

See the answer for Q.23.A

Q.23.D. Do the national norms of transposition in your Member State meet the terms of article 28(2) stating that exclusion decisions or measures shall be based on the principle of proportionality?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

See. Q.23

Q.24. Questions concerning the right to legal challenge:

Q.24.A. Do the laws of your Member State allow a person to mount a legal challenge if he/she has been: *See mandatory provision in article 29.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

excluded from the benefit of temporary protection Yes No

denied family reunification

Yes

No

Explanation:

According to the § 34/1 and of the Act on Asylum: A remedy against the decision of the Ministry of Interior to reject the application for temporary protection or against a decision to cessation of granting of temporary protection can be filed with a Regional court 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.

The legal challenge is possible against any exclusion decision.

Q.24.B. If the answer on any of the questions in Q.24.A is “yes”, please describe the applicable legal procedures for challenging the decision, in your Member State.

According to the §34/1 of the Act on Asylum: A remedy against the decision of the Migration office of the Ministry of Interior to reject the application for temporary protection or against a decision to cessation of granting of temporary protection can be filed with a Regional court 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. The Regional court (in Bratislava or Košice) may affirm or cancel the decision of the Migration office of the Ministry of Interior. In case of affirming, the applicant may submit an appeal to the Supreme Court of the Slovak Republic. In case of cancellation of the decision, the decision is returned back to the Migration office of the Ministry of Interior for next examination. The Migration office is bound by the legal opinion of the Regional or Supreme Court.

Q.25. Questions regarding penalties applicable to infringements of the national provisions.

Q.25.A. Are there penalties applicable to infringements of the national provisions in your Member State? See mandatory provision in article 30.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation: (If yes, specify the penalties).

According to the § 51 of the Act on Asylum: The migration office of the Ministry of Interior may withdraw away pocket money from the applicant, the alien applying for temporary protection or a de facto refugee for violating obligations under the Act on Asylum. An appeal against the decision on the withdrawal of the pocket money does not have a suspensive effect.

Q.25.B. Explain if the penalties, according to your opinion, comply with the Directive concerning them being effective, proportionate and dissuasive? See mandatory provision in article 30.

In the respective provision it is stated that the Migration office may withdraw away the pocket money. It is not clear under which infringements can be done so, as it is e.g. in the case of asylum seekers.

Final questions

Q.26. Can you refer us to any study, report or research by any source on the practice of granting temporary protection in the event of a mass influx in your Member State?

There is none available.

Q.27. Has there been a political or public debate on the implementation of the Directive? If so, please summarize the main issues of the debate

There has not been any debate on such issue.

Q.28. Are there any problems of legislation or practice in your Member State which relate to temporary protection and have not been covered in preceding questions?

No.

THIRD PART

IMPACT OF THE DIRECTIVE ON NATIONAL LAW

Q.29 Question regarding the evolution of national law: **Did the transposition of the Directive make the rules related to the protection of third country nationals in cases of a mass influx become, from the point of view of the third-country national concerned, more favourable or less favourable. Please make also a comparison with the standard of the directive in the last column of the table below**

OBJECTIVE <i>To enhance the protection of displaced persons in cases of a mass influx</i>		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation <u>before</u> transposition</p> <p>Before the transposition of the Directive (Act No. 207/2004 of 10 March 2004), the situation was comparable, because in the process of preparation of the Act on Asylum of 20 June 2002, the Slovak Republic, not a member state of EU that time, took into account the majority of the provisions of the Directive.</p>	<p>Explain the situation <u>after</u> transposition</p> <p>Since the time when the Act on Asylum came into effect, the Slovak Republic, did not grant any temporary protection; therefore the evaluation could be made only from the theoretical point of view. basically, the most relevant provisions were transposed into the national legislation.</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input checked="" type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input checked="" type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Q. 30. **From your point of view, did the transposition of the directive imply other interesting changes for the third country national concerned regarding other elements than the ones mentioned in the previous question? Please make also a comparison with the standard of the directive in the last column of the table below**

When answering this question, please use one or more of the tables below. If the 3 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE (to be indicated by the national rapporteur)		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
Explain the situation before transposition	Explain the situation after transposition	<input type="checkbox"/> <i>Less favourable than previous national rules</i> <input type="checkbox"/> <i>Status quo</i> <input type="checkbox"/> <i>More favourable than previous national rules</i>	<input type="checkbox"/> <i>Less favourable than the Directive</i> <input type="checkbox"/> <i>In line with the directive</i> <input type="checkbox"/> <i>More favourable than the directive</i>

Q.31. A. Question regarding the method of transposition: **Did your Member State copy the provisions of the directive into national legislation without any redrafting or adaptation to national circumstances.**

YES NO

Q.31.B. **If yes, did this method of transposition create any problems (for example difficulties of implementation, risk that a provision remain unapplied).**

YES NO

Q.31.C. **If yes, give some of examples:**

Q.31.D. **If only some provisions of the directive have been copied and if this may create any problem, please quote them and explain the problem.**

Q.32. Quote interesting decisions of jurisprudence related to the directive, its transposition or implementation (this question concerns in principle decisions after the national norms of transposition entered into force, but decisions prior to that may be quoted if relevant). Quote in particular decisions of supreme Courts; limit yourself to the appeal Courts and ignore the first resort if there are too many decisions at this level, unless there is a certain jurisprudence made of a group of decisions.

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

DECISION OF SUPREME COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION OF APPEAL COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION(S) IN FIRST RESORT	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>

ANY SUPPLEMENTARY COMMENT ABOUT THE TREND OF THE JURISPRUDENCE:

Q.33. Are there any problems with the translation of the text of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated.

There are no problems with the translation of the directive.

There are some problems with the translation of the directive.

Explanation: (If there are such problems, please specify the most problematic provisions in the Directive when it comes to translation).

Explain the difficulties that this could create:

ANY OTHER INTERESTING ELEMENT

Q.34. Following your personal point of view, mention from the point of view of third country nationals and/or from the Member State any interesting or innovative practice in your Member State

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE OF THE PRACTICE	EXPLANATION
No existence of circular or instruction on temporary protection.	The Migration office of the Ministry of Interior has not prepared any circular or instruction in case of mass influx.

Table 2

OBJECTIVE OF THE PRACTICE	EXPLANATION
In 90', the Slovak Republic was dealing with temporary protection in case of the aliens from Bosnia and Herzegovina or Kosovo.	At the moment, there are not any persons in the temporary protection procedure. The Migration office is not dealing with this institute right now.

Q.35. Please add here any other interesting element in your Member State which you did not have the opportunity to mention in your previous answers.