

MIGRATION POLICY IN CONTEXT OF MEMBERSHIP OF THE SLOVAK REPUBLIC IN EUROPEAN UNION

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Abstract

The article outlines the approach of the EU to migration and its activities in the area of migration also with reference to the solution to migration crisis. It deals with the changes and measures adopted in the legislative and institutional framework in the process of the formation of efficient, humanitarian and safe European migration policy, and, following the aforementioned, it provides a view of the migration policy of the Slovak Republic in the context of its membership in the European Union. The objective of the article was to present the development and present state of foreign migration in Slovakia, to describe the selected aspects of legal and illegal migration at the territory of the Slovak Republic in the context of the EU policies and legislation, and to outline national priorities and measures reflecting the present situation in migration flows in the European area. In terms of methodology, the article is based on a secondary research. The research is based on the secondary analysis of source materials and data. The main source of obtained information and findings were European and national strategic documents, research works, publications, legislative standards, annual reports, yearbooks and databases of statistical data – especially of the Ministry of Interior of the Slovak Republic and the Statistical Office of the Slovak Republic.

Keywords

Legal Migration, Illegal Migration, Asylum, Migration Policy

I. Introduction

Migration is a phenomenon directly affecting the contemporary society. It has been increasing in Europe, and has become a topical and frequently discussed issue at the European level as well as in individual Member States. It is among the manifestations of the globalisation processes and key challenges of the 21st century. The activities of the EU concerning migration have been especially intensified in response to rising migratory pressure. Compared to the previous years, the EU is facing the deteriorating conditions of forced and illegal (irregular) migration, and the settlement of the present situation from political, economic and social perspective, as well from the perspective of the security of the EU countries. The article outlines the approach of the EU to migration and its activities in the area of migration also with reference to the solution to migration crisis. In this respect, the article also deals with the changes and measures adopted in the legislative and institutional framework in the process of the formation of efficient, humanitarian and safe European migration policy, and, following the aforementioned, it provides a view of the migration policy of the Slovak Republic in the context of its membership in the European Union. The objective of the article is to present the development and present state of foreign migration in Slovakia, to describe the selected aspects of legal and illegal migration at the territory of the Slovak Republic in the context of the EU policies and legislation, and to outline national priorities and measures reflecting the present situation in migration flows in the European area. In terms of methodology, the article is based on a secondary research. Our research was based on the secondary analysis of source materials and data. The main source of obtained information and findings were European and national strategic documents, research works, publications, legislative standards, annual reports,

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yearbooks and databases of statistical data – especially of the Ministry of Interior of the Slovak Republic and the Statistical Office of the Slovak Republic.

II. Migration, Asylum and Security in EU

The institutional coverage of migration policy includes two levels – international and national. From the international perspective, it includes UN bodies and organisations and other international organisations, especially the EU structures (the Parliament, the Council, the Commission, committees, EASO – the European Asylum Support Office, Frontex, Europol, etc.). From the national perspective, it includes the bodies and institutions that come into contact with migration. The International Organisation for Migration defines migration as a movement of persons or groups of persons within a geographic and social area related to a temporary or permanent change of the place of residence. It distinguishes different types of migration, such as foreign and internal; voluntary and forced; legal (crossing the borders of a country with a valid travel document or valid visas and permits, if required) and illegal (unauthorised crossing of the borders of a country without valid travel documents, visas, residence permit, or unauthorised staying at the territory of a country after the expiry date of documents, visas or residence permit); long-term (lasting at least a year) and short-term (lasting more than three months and less than a year)².

It is important in this relation to clarify differences in the perception of terms refugee and migrant. **According to the UN³ refugees** are persons fleeing armed conflict or persecution. Their situation is frequently so dangerous and unbearable that they cross national borders to seek safety in surrounding countries, and thus become internationally recognised as refugees with access to assistance from states, the UN High Commissioner for Refugees (UNHCR) and other organisations. The reason why they are so recognised is the fact that it is too dangerous for them to return home, and they need sanctuary elsewhere. Therefore, the denial of asylum has potentially deadly consequences for such people. Refugees are defined and protected in international law. The fundamental pillar is the Convention relating to the Status of Refugees of 1951⁴ and its Protocol of 1967, as well as other legal documents. Refugee protection includes a number of aspects – assurance that they will not be returned to the danger they have fled; access to fair and efficient asylum procedures; and measures ensuring that their fundamental human rights are respected, enabling them living in dignity and safety, and that a long-term solution is found. The aforementioned 1951 Convention applied that if the right to engage in wage-earning employment is concerned, the contracting state provides the refugees lawfully staying in their territory as favourable treatment as possible, as is provided to aliens in the same circumstances. Restrictive measures in this area applicable for aliens or for the employment of aliens with reference to the protection of the domestic labour market will under no circumstances apply to the refugee fulfilling one of the following three conditions – the refugee who has completed three years of residency in the state, who is the spouse of a citizen of the state they reside in (this does not apply in the case if they have left their spouse), and who has one or more children who are citizens of the state they reside in. On the contrary, **migrants, according to the UN**, did not decide to move because of a direct threat of persecution or death, but mainly to improve their lives, find a job, or in some cases for education, family reunion, or for other reasons. Unlike refugees, who are not enabled a safe

²The International Organisation for Migration of the Slovak Republic. Retrieved June 14, 2017, from <http://www.iom.sk/sk/pre-media/pojmy-o-migracii>.

³UNHCR viewpoint: “Refugee” or “migrant” – Which is right? Retrieved June 14, 2017, from <http://www.osn.cz/stanovisko-unhcr-utecenec-alebo-migrant-co-je-spravne/>.

⁴319/1996 Coll. Notification of the Ministry of Foreign Affairs of the Slovak Republic. Retrieved June 29, 2017, from <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1996/319/>.

return home, migrants have no such obstructions preventing them from returning home. If they decide to return home they will be provided the protection of their government.⁵

The legal basis for the regulation of asylum policy and immigration is the Treaty Establishing the European Community, particularly Title IV – Visas, asylum, immigration and other policies related to free movement of persons. The freedom of movement is enshrined in Title III of the Treaty Establishing the European Community – Free movement of persons, services and capital, which guarantees the free movement of workers within the Community. Pursuant to the present Treaty on the Functioning of the European Union, Title V Area of Freedom, Security and Justice, the Union frames a common policy in the areas of asylum, immigration and external border control, which is based on solidarity between the Member States. Pursuant to the 1951 Convention, the Union frames a common policy in the areas of asylum, subsidiary protection and temporary protection, aimed at providing an adequate legal status to every third-country national who needs international protection, and ensuring compliance with the rule of non-refoulement.

The EU has adopted several strategic documents in relation to immigration and asylum, such as the Tampere Programme (1999), the Hague Programme (2004), the Global Approach to Migration (2005), the Policy Plan on Legal Migration (2005), the European Pact on Immigration and Asylum (2008), the Stockholm Programme (2009), the Global Approach to Migration and Mobility GAMB (2011), and the European Agenda on Migration (2015). In relation to immigration, the Treaty Establishing the European Community created conditions for the introduction of the rules of entry and stay of third-country nationals, and standards on procedures for the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunion. At the same time, it laid the foundations for the fight against illegal immigration and illegal residence, including repatriation of illegal residents. The citizens of the EU Member States are guaranteed the freedom of travel and the freedom of movement within the EU's internal borders. According to the Eurostat data, 33.3 million migrants (6.6 % of the overall EU population) lived in the EU in 2011. More than a third of them (12.8 million) were the nationals of another EU country, and the remaining 20.5 million were non-EU nationals. The greatest number of migrants lived in Germany (7.2 million), Spain (5.7 million), Italy (4.6 million), Great Britain (4.5 million), and France (3.8 million).⁶

Organising legal immigration aims at creating a framework for legal migration, fully reflecting the significance of integration into the host societies. The EU measures related to legal immigration include the rules of entry and residence for specific categories of aliens, such as highly qualified workforce – EU Blue Card holders, students and researchers. Family reunification rules and rules for third-country nationals with a long-term residence have been established.⁷

In relation to non-EU nationals, the EU migration policies are increasingly addressing the issue of how to attract migrants with a particular profile, frequently in an effort to reduce the lack of particular skills. The selection can be made on the basis of language proficiency, work experience, education and age. The selection can also be made by employers to ensure that migrants have a job already after their arrival. The most important legal texts adopted in legal immigration include:⁸

- Directive 2003/86/EC on the right to family reunification;

⁵ UNHCR viewpoint: "Refugee" or "migrant" – Which is right? Retrieved June 14, 2017, from <http://www.osn.cz/stanovisko-unhcr-utecenec-alebo-migrant-co-je-spravne/>.

⁶ Vasileva, K. (2012).

⁷ European Commission. Legal migration and Integration. Retrieved June 14, 2017, from https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration_en.

⁸ Eurostat. Statistics explained. Retrieved June 14, 2017, from http://ec.europa.eu/eurostat/statisticsexplained/index.php/Migration_and_migrant_population_statistics/sk.

- Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents`,
- Directive 2004/114/EC on the conditions of admissions of students;
- Directive 2005/71/EC concerning the facilitation of admission of researchers into the EU,
- Directive 2009/50/EC concerning the admission of highly qualified migrants (EU Blue Card).

In addition to the EU policies to support the admission of workforce, the immigration policies are frequently focused on two areas – preventing unauthorised migration, the illegal employment of migrants who do not have a work permit, and the support of the integration of immigrants into society. Fight against smuggling is a part of the EU policy aimed at irregular migration. In 2002, the EU adopted a legal framework against smuggling, comprising Directive (2002/90/EC), which defines the facilitation of unauthorised entry, transit and residence, and Framework Decision of the Council (2002/946/SVV), which strengthens the penal system to prevent such offences. In order to prevent the exploitation of migrants by criminal networks and to reduce the incentives for illegal migration, the European agenda on migration and the European agenda on security identify the fight against smuggling of persons as one of the priorities. In May 2015, the Commission adopted the Action plan against smuggling. The EU regulations ensure an access to assistance to the victims of human trafficking, including the possibility of temporary residence in the EU, when they cooperate with law enforcement authorities. The European Union also monitors the application of Directive (2009/52/EC), which determines minimum sanctions and measures against the employers of third-country nationals illegally staying at the territory of the Member States. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), which was established in 2005, is an independent and highly specialised EU institution with a primary objective to coordinate operations between the Member States in securing the external borders of the Union. The European Border Surveillance System, so called EUROSUR, has been a part of the policy of the management and protection of the EU external borders since 2013. Humane return and readmission policy complying with the Charter of Fundamental Rights is based on the principle of preference for voluntary returns. It is necessary for comprehensive and sustainable migration policies. The EU seeks to harmonise and support the efforts of individual states to better manage returns and facilitate reintegration by the Returns Directive (2008/115/EC), which sets common standards and procedures for the return of third-country nationals illegally staying at the EU territory, as well as the Asylum, Migration and Integration Fund. Effective cooperation with non-EU countries is grounded on the agreement on readmission.⁹

The grounds of the Common European Asylum System were formed by adopting the Council Regulation (EC) No. 343/2003, laying down the criteria and mechanisms determining the Member State responsible for examining applications for asylum submitted by a third-country national at the territory of a Member State, and further subsequent directives. They primarily include Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; Council Directive 2004/83/EC on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; and Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status.

⁹ European Commission. Irregular Migration & Return. Retrieved June 14, 2017, from https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy_en.

Directive 2011/95/EU of the European Parliament and of the Council¹⁰ establishes minimum standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, and defines a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted. Refugee status means the recognition by a Member State of a third-country national or a stateless person as a refugee. Subsidiary protection means the recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection. International protection includes protection against refoulement or return, access to information, maintaining family unity, residence permit, travel document, access to employment, access to education, access to qualification recognition procedures, social assistance (within social security), health care, provision of representation and care to unaccompanied minors, access to housing, access to the programmes and means of inclusion as well as the freedom of movement within a Member State, and assistance upon repatriation.

The Member States reflect the specific situation of vulnerable persons, such as minors, unaccompanied minors, persons with disabilities, elderly people, pregnant women, single parents with minor children, the victims of human trafficking, persons with mental disorders, and persons who suffered torture, rape or other major types of psychological, physical or sexual violence.

The asylum law of the European Union falls within the international law. With regard to the fact that every EU Member State sets out the conditions of asylum provision by a specific law, this area falls within the national administrative law of individual Member States.

As a result of greater instability in the southern neighbourhood of the EU, the number of people seeking entry into the EU has recently increased. It generated pressure for increased efforts to frame an effective, humanitarian and safe European migration policy. These activities have been intensified since 2015, when the Council and the European Council responded to migratory pressures in several areas. In 2016, the external borders of the EU continued to be under great pressure in the context of the migratory and refugee crisis. Despite the number of arrivals reported by Member States being significantly lower than the previous year (more than one million migrants in 2015), over 511,000 illegal border crossings were reported at EU external borders, of which 75 % are related to new arrivals from Africa, the Middle East and Asia.¹¹ The Council Presidency also negotiated integrated political crisis response arrangements. They lay down the instruments to intensify support for the Council's response in case of crisis at both political and working levels, in cooperation with the Commission, European External Action Service and relevant agencies. The EU migration policy includes elements such as cooperation with the countries of origin and transit, strengthening of the external borders of the EU, the management of migration flows and the fight against migrant smuggling, the reform of the Common European Asylum System, provision of legal migration possibilities, support for the integration of third-country nationals. In the area of cooperation with the countries of origin and transit, the Global Approach to Migration and Mobility is a common framework managing the relationships of the EU with other countries. Several dialogues on migration have been developing within the Global Approach, and cooperation frameworks have been established with relevant third countries. In 2015, the leading EU representatives met in Valletta to agree on an action plan responding to the influx of migrants into the EU, especially coming from African countries. In 2016, the European Council approved the creation of a new framework for partnership in the area of migration, aimed at deepening cooperation with the main countries of origin. In 2016, the EU and Turkey adopted a statement focused on the solution of irregular migration flows into the EU through Turkey. Moreover, the EU has adopted measures related to the urgent humanitarian needs of Syrian refugees

¹⁰ Directive 2011/95/EU of the European Parliament and the Council. Retrieved June 29, 2017, from: <http://eur-lex.europa.eu/legal-content/SK/TXT/HTML/?uri=CELEX:32011L0095&from=SK>.

¹¹ EMN (2017).

in Turkey, Jordan and Lebanon.¹² Within the strengthening of the external borders of the EU. The relocation of migrants, as a measure for solving the migration crisis, involved special challenges in the EU. In May 2015, the European Commission introduced the first package of measures focused on solving the migration crisis, also including a proposal of emergency relocation of 40,000 persons from Italy and Greece who are in need of international protection to other Member States, and a recommendation in which the Member States call for a relocation of 20,000 persons who are in need of international protection from non-EU countries. Subsequently, in June, an outcome of the Summit of Leaders of 28 EU countries was an agreement on admitting these persons in the coming two years on a voluntary basis. In September 2015, the Justice and Home Affairs Council adopted a decision on the implementation of temporary measures in relation to international protection¹³ for the benefit of Italy and Greece. This decision established a temporary and special mechanism of the relocation of persons over two years, on the basis of which 120,000 people were to be relocated. The EU will provide EUR 780,000,000 in support of this relocation scheme. The beneficiary state will receive EUR 6,000 for a refugee, while 50 % will be provided as an advance payment to enable as quick action by the Member States as possible. Italy and Greece will receive a contribution in the amount of EUR 500 for a migrant to cover the costs of transport. At the Summit of June 2017,¹⁴ an agreement was made on the enforcement of a comprehensive approach of the Union to migration, on effective control of the external borders for the purpose of stopping illegal migration flows and their prevention, on the reform of the Common European Asylum System, on the achievement of actual advancement in the return and readmission policy, as well as on the implementation of the EU-Turkey statement in all its aspects and in relation to all Member States. The issue of quotas was not included in the Summit conclusions.

III. Migration Policy – Present State and Challenges

With reference to the membership of the Slovak Republic in the EU, its migration policy is implemented on the basis of an active cooperation with the EU as a single policy on asylum provision and on seeking solutions to the present problems and challenges in cooperation with international and non-governmental organisations. Cooperation of state administration authorities (with the authority responsible for the migration policy of the Slovak Republic – the Ministry of Interior of the Slovak Republic – MV SR), local state administration and local and regional self-governments and non-governmental organisations is necessary. The competent authorities responsible for the activities related to a solution with regard to the eligibility of residence at the territory of Slovakia, migrant admission, and subsequent integration of migrants in Slovakia in the form of their education, employment, and health care provision. Substantial strategic documents on migration which have been recently adopted by the Slovak Republic include the Migration Policy of the Slovak Republic for 2020 (2011), the Integration Policy of the Slovak Republic (2014), or the National Strategy for the Protection and Promotion of Human Rights in the Slovak Republic (2015).

Slovakia is not among the traditional destinations of migrants. Compared to the countries of Western Europe, the Slovak Republic is traditionally a culturally homogeneous country from the perspective of the number of migrant communities, which was not affected by the dramatically increased migration in the 20th century, and which was almost exclusively a country of the origin of

¹²European Commission. The Council of the EU. Retrieved June 14, 2017, from: <http://www.consilium.europa.eu/sk/policies/migratory-pressures/>.

¹³All the countries voted for the decision of the Justice and Home Affairs Council of September 2015, except Slovakia, Czech Republic, Hungary and Romania. This decision was challenged before the EU Court of Justice by Slovakia and Hungary. Proceedings concerning the Slovak and Hungarian complaint about the way of migration quotas enforcement was determined by the EU Court of Justice on 10th May 2017, while the resolution was to be taken later.

¹⁴Conclusions of the European Council, Retrieved 22nd–23rd June 2017, from <http://www.consilium.europa.eu/sk/press/press-releases/2017/06/23-euco-conclusions/>.

migrants until recently.¹⁵ Major changes in the development of migration were recorded after the Slovak Republic joined the EU in 2004 and the Schengen area. Especially illegal and asylum-related migration has decreased, and legal migration has increased fourfold since 2004. The number of aliens legally living in the Slovak Republic has increased more than fourfold.¹⁶ Compared to the previous years, the issue of migration has recently become a subject of a number of discussions and negotiations of the Parliament, Government and Security Council of the Slovak Republic as a result of the deteriorating situation in forced and irregular migration in the Mediterranean. They predominantly dealt with the issue of obligatory quota, temporary housing for asylum seekers in Austria and Slovakia, humanitarian admission of Iraqi refugees in Slovakia and EU measures related to the ongoing influx of migrants into Europe. In 2015, new Act on Development Cooperation, amended Asylum Act, and Act on Residence of Aliens were adopted. Concerning international protection, the period after which the Slovak Republic grants free access to its labour market to asylum seekers has been shortened from a year to nine months without the need to obtain a work permit. The amendment to the Asylum Act introduced a procedure to identify the personal needs of vulnerable persons (so called social profile). In this year, the first national Integration Programme for persons who have been granted international protection started being developed, and asylum seekers in Austria were provided temporary housing facilities in Gabčíkovo. The Slovak Republic continued making humanitarian transfers through its territory in the form of the relocation of refugees and persons under UNHCR protection to the countries of permanent relocation, while the capacity of the transit centre was increased from 150 to 250 persons. The Slovak Republic also admitted 149 persons from Northern Iraq. Concerning illegal (irregular) migration, a new National Plan of Border Control Management of SR for 2015–2018 and Schengen Action Plan of SR were adopted in 2015. With reference to the situation concerning migration into the EU, the Slovak Republic did not start temporary border controls and did not record any pressure on the external border of the Slovak Republic. In September 2015, Slovakia only adopted temporary measures on the Slovakia-Austria and Slovakia-Hungary border crossing points, which were a response to the temporary introduction of border controls by Germany on its borders with Austria.¹⁷

The following part of the article presents the development and present state of foreign migration in Slovakia. Selected aspects of legal and illegal migration at the territory of the Slovak Republic are concerned.

Legal Migration

Although the growth of foreign population in Slovakia was the second highest of all EU Member States in 2004–2008, the share of foreigners in population remains quite low compared to other EU Member States.¹⁸ In 2016, there were 93,247 legally living aliens with a residence permit in Slovakia (52,015 of them were EU citizens, and 41,232 of them were third-country nationals).¹⁹ Out of their overall number, aliens from EU Member States prevailed, most of them coming from the Czech Republic (20%), Hungary (15%), and Romania (13%). The biggest shares of third-country nationals were from Ukraine (32%) and Serbia (18%).

The year-on-year comparison shows that the number of aliens with a residence permit increased by 8,460, i.e. by 10%. However, their share in the overall number of inhabitants (the Slovak Republic had **5,435,089** inhabitants as of **31st March 2017**) only represented 1.7%.²⁰ Compared to other EU

¹⁵ Orišková, L. – Milla, M. (2013).

¹⁶ Migration in Slovakia. Retrieved June 14, 2017, from <http://www.iom.sk/sk/migracia/migracia-na-slovensku>.

¹⁷ Bachtíková, I. – Oboňová, S. (2016).

¹⁸ Migration in Slovakia. Retrieved June 14, 2017, from <http://www.iom.sk/sk/migracia/migracia-na-slovensku>.

¹⁹ The Border and Alien Police Office of the Police Force Presidium (BAPOFPF). The statistical overview of legal and illegal migration in the Slovak Republic for 2016. Retrieved June 25, 2017, from <https://www.minv.sk/?rocnky>.

²⁰ own calculations based on the data of The Border and Alien Police Office of the Police Force Presidium (BAPOFPF). The

Member States, it represents the sixth lowest share of aliens. Lower shares of aliens were recorded in Bulgaria (0.91%), Croatia (0.87%), Latvia (0.77%), Romania (0.45%), and Poland (0.28%).²¹

According to the data of the Statistical Office of the Slovak Republic²², the most frequent reason for the entry of non-nationals, provided by both men and women, was following a family member. Almost 48% of the aliens who entered Slovakia in 2016 provided this reason. Following other, unspecified, reasons, the most frequent reasons for their entry were work-related reasons (change of employment, living closer to workplace).

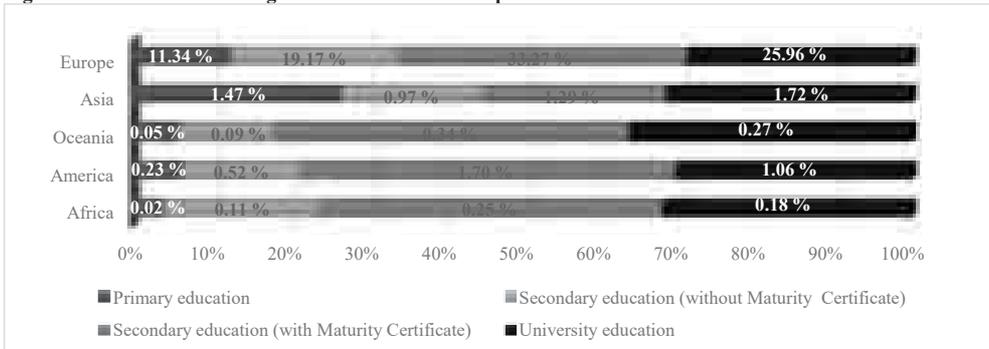
Figure 1 The most frequent reasons for the entry of aliens into Slovakia in 2016



Source: own calculations based on the data of the Statistical Office of the Slovak Republic; Original work – Migration, 2016.

From the perspective of education structure, aliens from Europe with university education represented the highest share (26%).

Figure 2 The number of immigrants based on their completed level of education in 2016



Source: own calculations based on the data of the Statistical Office of the Slovak Republic; Original work – Migration, 2016.

Legal Managed Economic Migration

The current challenge in legal migration is managed economic migration. The current demographic trend shows that the Slovak labour market, as well as its social security system, may be dependent

statistical overview of legal and illegal migration in the Slovak Republic for 2016. Retrieved June 25, 2017, from <https://www.minv.sk/?rocniky>.

²¹ Migration in Slovakia. Retrieved June 14, 2017, from <http://www.iom.sk/sk/migracia/migracia-na-slovensku>.

²² The data on foreign migration are obtained from the processing of statistical declarations of file OBYV 1–5/12 based on the Programme of National Statistical Surveys.

on the inflow of human capital from abroad to an extent in the coming years. For this reason, economic migration needs to be focused on active and flexible management of alien admission. Therefore, the Slovak Republic will adopt policies to actively support the admission of economic migrants and employment of third-country nationals²³ in accordance with the needs of national economy and labour market, with emphasis on the admission and employment of highly qualified employees, scientists and other qualified migrants according to the current needs.²⁴ The key principle of economic migration management in Slovakia is the examination of the situation on the labour market. Only labour market testing is used to control the inflow of foreign workforce into the Slovak Republic. Third-country nationals who are interested in working in Slovakia have to undergo a labour market test, which verifies whether the given position can be occupied by a registered job seeker, while the situation on the labour market and expected development on the labour market are considered. It also applies to the categories of highly qualified migrants or seasonal workers.²⁵

In addition to the support of managed legal immigration of highly qualified workforce from third countries, current challenges include the identification and subsequent coverage of skills gaps on the labour market. Nowadays, the emphasis in Slovakia is put on the analyses and prognoses of shortage occupations, on the basis of which a shortage occupations list is compiled (i.e. the professions that cannot be occupied by domestic workforce in the long term)²⁶. A forecast of shortage occupations for 2019 has been prepared within national project Forecasts of Developments in the Labour Market, implemented by the Central Office of Labour, Social Affairs and Family. The data indicate that the Slovak Republic will especially need to occupy highly qualified and qualified occupations by 2019. From among the highly qualified positions, the Slovak Republic will mainly lack professionals in accounting, teachers, specialists in accounting and financial control, as well as in nursing, managing employees in different areas and activities, sales representatives, technicians and doctors. From among the qualified positions, lorry and truck drivers, object managers, setters and operators of metalworking machines and mechanics, repairers of agricultural, mining and industrial machines and equipment will be necessary. There will be a shortage of cleaners as a low-qualified position.²⁷

Illegal (Irregular) Migration

No significant increase has been recorded for illegal migration in recent years. It can be stated that low levels of illegal migration have been recorded in the long term. From the entry of Slovakia into the European Union to 2014, illegal migration in the Slovak Republic decreased eightfold from 10,946 illegal migrants in 2004 to 1,304 migrants in 2014.²⁸

²³ Third-country national is every person that is not a Slovak citizen or an EU citizen (third-country national also means a stateless person).

²⁴ The Migration Policy of the Slovak Republic for 2020. Resolution of the Government of the Slovak Republic No. 574 as of 31st August 2011. Retrieved June 14, 2017, from: <http://www.minv.sk/?zamer-migracnej-politiky-slovenskej-republiky>.

²⁵ Frkáňová, A. (2015).

²⁶ Bachtíková, I. – Oboňová, S. (2016).

²⁷ Frkáňová, A. (2015).

²⁸ Migration in Slovakia. Retrieved June 14, 2017, from <http://www.iom.sk/sk/migracia/migracia-na-slovensku>.

Figure 3 Development of illegal migration in 2004–2016

Source: own elaboration on the basis of the Statistical overview of legal and illegal migration in the Slovak Republic for 2004–2016

2,170 aliens crossed the boundaries of the Slovak Republic, or stayed illegally at its territory in 2016. Out of the overall number of illegal migration cases, most of them concerned Ukrainian citizens (1,234). More than 100 cases concerned Iraqi nationals (145), Serbian nationals (123), and Afghani nationals (114).

Specific features of illegal migration include the efforts of illegal migrants to only transit through the territory of Slovakia, or to misuse their entry into an asylum procedure for the purpose of legalising their stay at the Slovak territory and subsequent preparation for their illegal crossing into a different state.²⁹

International Protection of Aliens

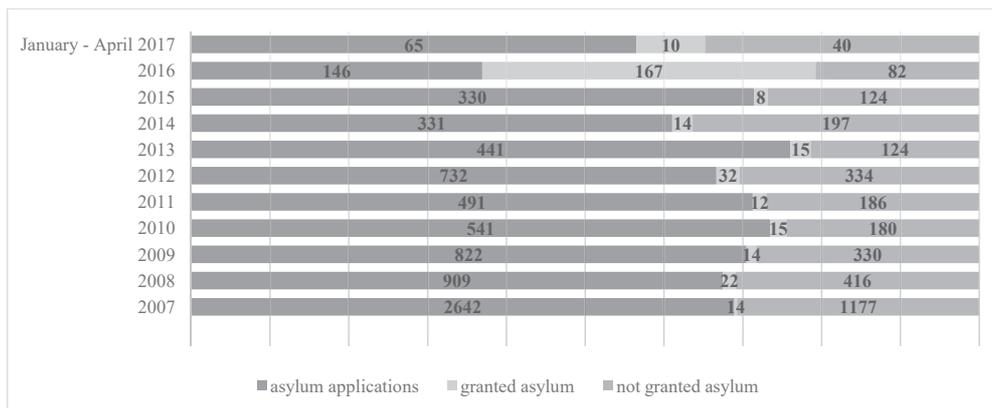
The international protection of aliens in the competence of the Migration Service of the Ministry of Interior of the Slovak Republic is granted in two forms – asylum provision and subsidiary protection provision, while migration policy also includes return and reintegration policies, which are an important instrument especially in the fight against illegal migration. Assisted voluntary returns are preferred to forced returns within the return policies.

The number of asylum applications in Slovakia has been low in the long term. Since the entry of Slovakia into the Schengen area at the end of 2007, the number of asylum applications has not exceeded a thousand and has had a decreasing trend.³⁰ The following Figure 4 shows how many seekers out of their overall number in the monitored period were provided asylum.

²⁹ The Border and Alien Police Office of the Police Force Presidium (BAPOPPF) – the statistical overview of legal and illegal migration in the Slovak Republic for 2005.

³⁰ Bachtíková, I. – Oboňová, S. (2016).

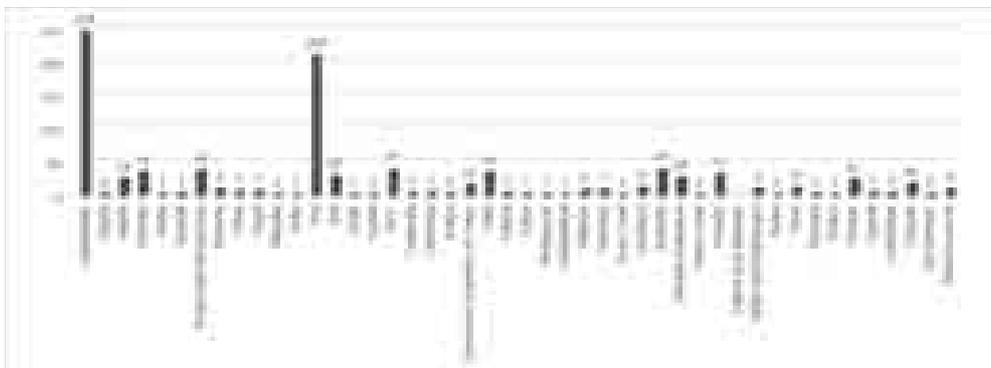
Figure 4 Overview of the number of asylum applications, the number granted and not granted asylums



Source: own elaboration based on information obtained from the Ministry of Interior of the Slovak Republic – statistics: Statistical report – April 2017

The statistics of the Ministry of Interior of the Slovak Republic indicate that most of asylums at the territory of Slovakia were granted in 2016. The Slovak Republic granted asylum to 167 persons, 159 of which were due to humanitarian reasons³¹. Compared to the data for other years, it represents a record number, as in 2016, asylum was also granted to 149 Assyrian Christians from Iraq, the first group of refugees admitted by the Slovak Republic. However, only 128 of them continue in their integration, as the remaining 21 refugees decided to return to Iraq despite imminent danger.

Figure 5 The number of asylums granted at the territory of the Slovak Republic



Source: own elaboration based on information obtained from the Ministry of Interior of the Slovak Republic - statistics: Statistical report - April 2017

Figure 5 provides information on the number of asylums granted at the territory of the Slovak Republic from 1st January 1992 to 30th April 2017. The overview shows that most of the asylums were granted to seekers from Afghanistan and Iraq in the monitored period. 904 asylums were granted overall, of which 241 asylum seekers were granted citizenship. This fact also remains valid in the latest overview of asylum seekers for January – April 2017, which can be deduced from started procedures with asylum seekers. They show that seekers from Afghanistan (13 applications) and Iraq (9 applications) prevail. They are followed by 7 asylum seekers from Syria.

³¹ Migration in Slovakia. Retrieved June 14, 2017, from <http://www.iom.sk/sk/migracia/migracia-na-slovensku>.

Migration is a historical and social phenomenon, significantly affecting politics, economy, social aspects, as well as security of states, and changing the population composition of individual countries. The objective of migration policy is, in accordance with the national interests of the Slovak Republic, to create adequate conditions especially for legal migration, with regard to the priorities, needs and abilities concerning migrant admission, including their integration into society; to strengthen the effectiveness of border controls upon the movement of persons, and fight against illegal migration; to contribute to the adoption of the Common European Asylum System; to participate in building the global partnership with the countries of origin and transit in the interest of facilitating cooperation between migration and development, thus contributing to the increased quality of life of Slovak citizens.³² It can be stated that after the country's entry into the EU, Slovakia is changing from a transit country to a destination for the increasing number of migrants at its territory.

IV. Conclusion

The aforementioned analysis of the development and present state of foreign migration indicates that the share of foreigners in population remains at a relatively low level compared to other EU Member States. In recent years, however, Slovakia has become a more and more attractive country for migrants seeking a job, although it is not among the traditional destinations of migrants. Managed economic migration represents the current challenge in legal migration. The current demographic trend shows that the Slovak labour market, as well as its social security system, may be dependent on the inflow of human capital from abroad to an extent in the following years. It is also associated with intentions leading to making the analyses and forecasts of shortage occupations that cannot be occupied by domestic workforce in the long term. However, this requires creation of conditions for legal migration, taking into account the needs and abilities of migrant admission, socio-economic characteristics of migrants and of their integration into society.

In this relation, the issue of examining the effects of migration at the national level is highlighted, however also reflecting its effects at the local level (especially in education, labour market, housing, local infrastructure, etc.). In education, for instance, migrants need greater support, as their integration is associated with higher costs, especially language learning costs. Greater and sudden inflow of migrants can lead to worsening long-term structural problems in local infrastructure, education, and housing, i.e. pressure can be generated on public services.³³ The extent of migration's effects on the labour market is mainly dependent on the skills of migrants, the existing employees and economic characteristics of the admitting country. Immigration can increase competitiveness in the existing jobs, however it can also create new jobs. The extent of effects is conditioned by a fundamental fact – whether and to what extent the skills of migrants complement or substitute the skills of the existing employees, and how migration affects demand for workforce. If the skills of migrants substitute the skills of the existing employees, it is expected that immigration increases competitiveness on the labour market and reduces wages in the short-term. Whether and to what extent the decreasing wages increases unemployment of the existing employees depends on their willingness to accept new, lower wages. If the skills of migrants complement the skills of the existing employees, all employees are more productive, which can lead to wage rises of the existing employees.³⁴ These aspects also affect situation on the Slovak labour market, and need to be taken into account in specifying positive and negative effects of migration. In spite of the currently falling unemployment rate (it reached 7.35 % in May, representing the historical minimum since 1993), there are still 200,391³⁵ registered unemployed who can start working immediately. In this relation,

³² The Migration Policy of the Slovak Republic for 2020. Resolution of the Government of the Slovak Republic No. 574 as of 31st August 2011. Retrieved June 14, 2017, from: <http://www.minv.sk/?zamer-migracnej-politiky-slovenskej-republiky>.

³³ OECD (2016).

³⁴ The Migration Observatory. (2017).

³⁵ Unemployment rate in Slovakia at historical minimum in May Retrieved June 26, 2017, from <https://ec.europa.eu/home->

the key issues relating to the solution of long-term shortage of the existing qualified workforce are highlighted, which are dealt with more and more in the regional context upon eliminating regional differences in the living standards, and unemployment of disadvantaged job seekers (graduates, people older than 50 years of age, long-term unemployed, etc.).

In terms of illegal migration, compared to the previous years, migration has become a subject of a number of discussions and negotiations in Slovakia as a result of the deteriorating state of forced and irregular migration in the Mediterranean (especially in relation to temporary housing in Slovakia for asylum seekers in Austria, admission of Iraqi refugees in Slovakia, and adopted EU measures), as well as a reason for implementing legislative changes. Despite the development in the EU, no significant increase has been recorded for illegal migration in Slovakia in recent years. It has even recorded low levels in the long term.

Acknowledgements

The paper has been supported by research project VEGA No. 1/0266/16 Public Policy as a Way of Fulfilling the Social Dimension of EU.

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