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ACT

of 13 December 2001

On Stay of Aliens and on Amendments and Modifications  
to Some Other Acts

Amendment: 408/2002 Coll.  
Amendment: 480/2002 Coll.  
Amendment: 606/2003 Coll.  
Amendment: 69/2005 Coll.  
Amendment: 474/2005 Coll.  
Amendment: 558/2005 Coll.  
Amendment: 693/2006 Coll.  
Amendment: 342/2007 Coll.  
Amendment: 330/2007 Coll., 643/2007 Coll.  
Amendment: 693/2006 Coll., 342/2007 Coll.

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

Article I

PART ONE

BASIC PROVISIONS

Section 1

(1) The subject-matter of this Act is to stipulate

- a) the terms of aliens' entry to the territory of the Slovak Republic (hereinafter "the entry") and departure of aliens from the territory of the Slovak Republic (hereinafter "the departure") that are not stipulated by a separate Act,<sup>1a)</sup><sup>1</sup>
- b) the terms of aliens' stay on the territory of the Slovak Republic (hereinafter "the stay"),
- c) the terms of issuance of documents for aliens,
- d) the obligations of aliens, other natural persons and legal entities related to the entry and stay,
- e) the procedure of reporting of stay, registration of aliens and control of stay,
- f) the terms and procedure of an administrative expulsion from the territory of the Slovak Republic (hereinafter "the administrative expulsion"),
- g) the terms of an alien's arrest and placement in a facility for aliens (hereinafter "the facility"),
- h) the terms of an alien's transportation by the police through the territory of the Slovak Republic (hereinafter "the transportation by the police"),
- i) the terms of an alien's air transit through the territory of the Slovak Republic, and
- j) misdemeanours and other administrative offences related to entry and stay.

(2) Everyone who is not a citizen of the Slovak Republic shall be deemed an alien.

(3) This Act shall apply to the aliens who requested for asylum or for provision of subsidiary protection on the territory of the Slovak Republic, who were granted asylum on the territory of the Slovak Republic, who were provided with subsidiary protection on the territory of the Slovak Republic, who requested for a temporary shelter on the territory of the Slovak Republic or who were provided with a temporary shelter on the territory of the Slovak Republic, unless otherwise stipulated by a separate Act 1).

(4) Repealed as of 15 December 2005

## Section 2

For the purposes of this Act

- a) a travel document shall mean a passport or other public document, provided that it was recognized as a travel document by the Slovak Republic, it is valid as regards its expiry period, its integrity was not impaired and it is not damaged to such an extent that its records are illegible,
- b) continuous stay shall mean the time period of stay based on a residence permit, which starts to pass on the day of entry; the continuous stay shall not include the time period of execution of imprisonment and an uninterrupted stay of alien abroad for more than 180 days, unless otherwise stipulated by this Act,

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<sup>1</sup> 1a) Regulation 2006/562/EC of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the Rules governing movement of persons across borders (Schengen Borders Code), (EC Official Journal, L 105, 13 April 2006)

- c) a border checkpoint shall mean a place determined by an international treaty for entry and departure; a public airport or harbour determined for entry and departure shall also be deemed a border checkpoint,
- d) undesirable person shall mean an alien who was administratively expelled or on which a punishment of administrative expulsion was imposed, 2)
- e) provider of accommodation shall mean a legal entity or natural person operating an accommodation facility,
- f) transporter shall mean a legal entity or natural person authorised for transportation of persons,
- g) facility shall mean a place, at which aliens are obliged to stay based on a decision on arrest under this Act,
- h) border transportation shall mean transportation of persons by an international bus line within 20 kilometres from the State border,2a)
- i) air transit shall mean an alien's crossing through the premises of a public airport on the territory of the Slovak Republic for the purposes of his/her air transport to a determined country,
- j) voluntary return shall mean return to the country of origin or former residence of an alien who requested for the return.

## PART TWO

### ENTRY

#### CHAPTER ONE

#### TERMS OF ENTRY

##### Section 3

(1) Entry of an alien younger than 16 years, who does not hold a travel document shall not be permitted unless he/she is accompanied by a person in whose travel document he/she is registered; should the latter be subject to a visa obligation, the alien younger than 16 years must also be registered in the visa.

(2) At his/her entry, a family member of a citizen of a member State of the European Union, of other Contracting States to the Agreement on the European Economic Area and of Swiss Confederation (hereinafter the "European Economic Area") shall be exempted from the visa obligation, provided that he/she submits a valid certificate of residence, which states that he/she is a family member of a citizen of the European Economic Area.

##### Section 4

The Ministry of Interior of the Slovak Republic (hereinafter the „Ministry of Interior“) shall determine, pursuant to a separate Act<sup>1a)</sup>, the amount of money for covering the costs related to the stay

of an alien on the territory of the Slovak Republic, if the alien is not a citizen of the European Economic Area or his/her family member.

#### Section 5

(1) A member of the Police Corps (hereinafter the „policeman“) shall be entitled to execute a border control pursuant to a separate Act.<sup>1a)</sup>

(2) Should a policeman determine, at a border control, that the alien submitted a forged or modified travel document, he/she shall be entitled to seize such document. He/she may also seize a travel document which was issued to a different person, if the alien submits it as his/her own document, or if it was declared invalid or stolen by an authority of the State which had issued it.

#### Section 6

##### Denial of Entry to a Citizen of the European Economic Area

(1) A policeman may deny entry to a citizen of the European Economic Area or his/her family member only provided that

- a) he/she is an undesirable person,
- b) there is a reasonable suspicion that he/she would endanger security of the State, the public policy, or provided that it is necessary for protection of public health, or
- c) provided that he/she cannot submit a travel document or does not have a visa when required.

(2) Before taking a decision on denial of entry, a policeman shall allow a citizen of the European Economic Area and his/her family member, who cannot submit a travel document,

- a) to obtain or secure a travel document within a reasonable time period, or
- b) to prove in other reliable manner that he/she has the right to a free movement and stay.

#### Section 7

##### Exclusion of Denial of Entry

(1) 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 under Section 48.

(2) Entry must not be denied to an alien who was granted a residence permit in the Slovak Republic.

## CHAPTER TWO

### VISA

#### Section 8

## Visa Types

(1) An alien may be granted

- a) an airport transit visa,
- b) a transit visa,
- c) a short-term visa,
- d) a long-term visa.
- e) a long-term visa valid at the same time as a short-time visa

(2) A transit visa and short-term visa may also be granted as a group visa or as a visa with limited territorial validity.

(3) Characteristic of all types of visas and conditions of their dispensation, which is not stipulated by this act, are stipulated by separate legal act.

## Section 12 Long-Term Visa

A long-term visa may be granted, provided that it is necessary for fulfilment of obligations of the Slovak Republic arising from international treaties or if it is in the interest of the Slovak Republic.

## Section 14

(1) An alien shall be obliged to submit, together with an application for a visa, a travel document and attach a current photograph of the size 3 x 3.5 cm portraying a three-quarter profile of his/her face.

(2) Granting of a visa may be conditioned by an invitation verified by a Police Corps department (hereinafter "a police department")

(3) A Diplomatic mission or a Consular office of the Slovak Republic abroad (hereinafter "the Representation") may grant a visa only upon consent of the Ministry of Interior, which is binding on the Representation; the Ministry of Interior and the Ministry of Foreign Affairs of the Slovak Republic (hereinafter "the Ministry of Foreign Affairs") may agree upon determining in which cases the Representation is entitled to grant a visa also without consent of the Ministry of Interior. The Ministry of Interior grants its consents with conferment of a visa also for a diplomatic mission or a consular office of other member state of European Union according to consultation of separate decree. 4)

(4) A Representation shall be entitled to determine through which border checkpoint the alien have to enter the State and to record it into a visa.

(5) A Representation shall decide on an application for a visa within 30 days from its receipt.

(6) There is no legal title for granting a visa and an alien shall not be notified of the reason for denial of a visa; this is not applicable in case of a granting a visa to a family member of a citizen of European Economic Area or a visa with limited territorial validity to an alien who is a family member of a person granted asylum under separate legal Act. 5a)

(7) A police department shall be entitled to revoke a visa, or to abbreviate its validity in the case it determines any facts justifying a refusal to grant a visa or in the case that the alien is administratively expelled.

(8) On decision-making procedure of granting a visa or to cancel a visa a general regulation on administrative proceedings shall not apply 6); this is not applicable in case of alien governed by paragraph 6. If a request of an alien governed by paragraph 6 is accepted a decision is not delivered.

(9) Granting visas by other European Union member state in representation or granting visas in behalf of other European Union member state is governed by separate act 4).

#### Section 14a

A police department at a border checkpoint may grant a visa to an alien pursuant to a separate Act.<sup>6a)2</sup>.

#### Section 15 Invitation

(1) An invitation shall be submitted on an official form, which includes data on the inviting person, on the invited alien, the purpose for which the alien is invited to the territory of the Slovak Republic and the commitment of the inviting person that he/she would cover all expenses related to the stay and departure of the invited alien. The inviting person shall be obliged to prove that he/she is capable of covering all expenses related to the stay and departure of the invited person.

(2) A citizen of the Slovak Republic with permanent residence on the territory of the Slovak Republic, an alien with a temporary stay permit or an alien with a permanent residence permit may invite his/her parent, child, grandparent, grandchild, sibling, spouse, son-in-law or daughter-in-law to the territory of the Slovak Republic; he/she may invite a different person only upon consent of the Ministry of Interior that shall be required by the police department which verifies the invitation.

(3) A legal entity or natural person entitled to undertake business may invite an alien performing a similar activity to the territory of the Slovak Republic.

(4) The invitation shall be verified by a police department competent according to the place of residence of the inviting natural person or according to the registered office of the inviting legal entity.

(5) A police department shall not verify the invitation, when  
a) the invited person is an undesirable person,

b) the invitation lacks the essentials under Paragraph 1,

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2 6a) Regulation 2003/415/EC of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (EC Official Journal, L 064, 7 March 2003).

c) there is a reasonable suspicion that the purpose of the alien's stay stated in the invitation does not correspond with real purpose of the invitation,

d) there is a reasonable suspicion that during his/her stay, the invited alien can endanger security of the State, the public policy, health or the rights and freedoms of others and, on the determined territories, also the nature, or

e) it is not given consent of the Ministry of Interior under Paragraph 2 in the cases when it is required.

(6) A police department shall issue a confirmation on receipt of the application for verification of an invitation and decide on verification within 15 days from the receipt of an application for verification of an invitation.

(7) The general regulation on administrative proceedings shall not apply to decision-making on verification of an invitation.6)

## Section 16 Special Provisions on Aliens Using Diplomatic Privileges and Immunities

The Ministry of Foreign Affairs shall grant a long term visa in a travel document, provided that its granting is requested by way of a diplomatic note of another State or by an international organization in behalf of an alien who

a) is registered within a diplomatic protocol of the Ministry of Foreign Affairs and to his/her family members maintaining a common household at the place of his/her official appointment who are registered in a diplomatic protocol of the Ministry of Foreign Affairs, or

b) is employed by of foreign mass media registered with the Ministry of Foreign Affairs.

### PART THREE

### STAY

### CHAPTER ONE

### TEMPORARY STAY

#### Section 17 General Provisions

(1) A temporary stay permit shall authorise an alien for staying on the territory of the Slovak Republic and for travels abroad and back to the territory of the Slovak Republic within the time period for which the temporary stay permit was granted to him/her by a police department.

(2) A temporary stay permit shall not be required in the case of an alien who was granted the statute of a Slovak living abroad.8)

(3) Upon an alien's request, a police department may grant a temporary stay permit for the time necessary for achieving the purpose of stay, however maximally for two years, unless otherwise stipulated by this Act. In the case of an alien with a residence in the European Economic Area to whom the stay

under Section 38 Paragraph 1 Subparagraph b) applies (hereinafter “the long-term stay“, upon his/her request, the police department shall grant a temporary stay permit for the time necessary for achieving the purpose of stay, however maximally for five years, provided that the requirements under this Act have been fulfilled.

(4) A temporary stay permit shall be issued for one purpose only. Should the alien wish to perform an activity other than the one for which the temporary stay permit was granted, he/she must file a new application for a temporary stay permit, unless otherwise stipulated by this Act.

(5) An alien who has been granted temporary residence permit under Section 18 (a), (b), (d) – (f) may study during the temporary stay.

#### Section 18 Purpose of Temporary Stay

A police department may grant a temporary stay permit to an alien for the purpose of

- a) undertaking business,
- b) employment,
- c) studying,
- d) special activities,
- e) maintaining family unity, or
- f) fulfilment of official duties by civil units of Armed Forces. 8a)

#### Section 19 Undertaking Business

A police department may grant to an alien a temporary stay permit for the purpose of undertaking business only upon a business licence issued under a separate regulation. 9)

#### Section 20 Employment

(1) A police department may grant to an alien a temporary stay permit for the purpose of employment only upon a work permit; 10a) this shall not apply if the work permit is not required 10b) or if so stipulated by an international treaty.

(2) A police department may grant to an alien a temporary stay permit for the purpose of seasonal employment only upon fulfilment of the requirement under Paragraph 1 and for the maximum of 180 days per calendar year.

#### Section 21 Studying

(1) A police department shall grant a temporary stay permit for the purpose of studying after fulfilment of the conditions stipulated by this Act to an alien who is a pupil or who studies at a school in the Slovak Republic.

(2) An alien who was granted a temporary stay permit for the purpose of studying by a police department may undertake business; he/she may enter employment relations or similar labour relations only under conditions stipulated by a separate Act.<sup>10c)</sup>

(3) A temporary stay permit for the purpose of studying shall not be required if the alien's stay on the territory of the Slovak Republic does not exceed 90 days in six months.

## Section 22 Special Activities

(1) A police department may grant a temporary stay permit for the purpose of special activities to an alien who does not undertake business, who did not enter employment relation or similar labour relation for

- a) lecturing activities,
- b) artistic activities,
- c) sport activities,
- d) short-term attachment within studies outside the territory of the Slovak Republic,
- e) activities resulting from programmes of the Government of the Slovak Republic or from programmes of the European Economic Area, or for
- f) fulfilment of an obligation of the Slovak Republic resulting from an international treaty.

(2) A police department shall grant a temporary stay permit for the purpose of special activities after fulfilment of the conditions stipulated by this Act to an alien who does not undertake business, did not enter any employment relation or similar labour relation and works in research or development.<sup>10d)</sup>

(3) A temporary stay permit under Paragraphs 1 and 2 shall not be required if the alien's stay on the territory of the Slovak Republic does not exceed 90 days in six months.“.

## Section 23 Maintaining Family Unity

(1) A police department may grant a temporary stay permit for the purpose of maintaining family unity to an alien who is

- a) a spouse of an alien with a temporary stay permit or with a permanent residence permit, provided that the spouses are at least 18 years old,
- b) a single child younger than 18 years of aliens with a temporary stay permit or of an alien with a temporary stay permit or his/her spouse or of a person granted asylum, 1) or of a spouse of a person granted asylum, who takes care of the child based on law or based on a decision of the competent authority,
- c) an unprovided-for child 1) older than 18 years of an alien with a temporary stay permit or his/her spouse,
- d) a direct relative of a person granted asylum younger than 18 years,

e) a single parent dependent on the care of an alien with a temporary stay permit under Section 19 or Section 20 Paragraph 1 or on the care of an alien with a permanent residence permit, or

f) a dependent person pursuant to an international treaty. 11a)

(2) A police department shall grant a temporary stay permit for the purpose of maintaining family unity to an alien who is a single child younger than 18 years of an alien with a temporary stay permit or his/her spouse, provided that a consent to the maintaining of family unity is given also by the parent to whose custody this child was not placed and who is entitled to meet with this child.

(3) Should an alien apply for a temporary stay permit for the purpose of maintaining family unity with an alien under Section 22 Paragraph 2, a police department shall grant to him/her a permit valid until termination of the permit of the alien under Section 22 Paragraph 2

(4) An alien who was granted a temporary stay permit for the purpose of maintaining family unity with an alien who was granted a temporary stay permit under Section 19 or Section 20 Paragraph 1 or who was granted a permanent residence permit, except for an alien under Paragraph 1 Subparagraph e), and an alien under Paragraph 1 Subparagraph d) may undertake business or enter employment relations or similar labour relations after 12 months of his/her continuous stay.

#### Section 23a

#### Fulfilment of Official Duties by Civil Units of Armed Forces

A temporary stay permit for the purpose of fulfilment of official duties by civil units of Armed Forces shall be granted by a police department to an alien, who is a member of a civil unit of the sending State and who is in the service of these Armed Forces.

#### Application for Temporary Stay Permit

#### Section 24

(1) An alien shall file an application for a temporary stay permit personally abroad, at a foreign mission accredited for the State, which issued his/her travel document or at a foreign mission accredited for the State of his/her residence, unless otherwise stipulated by this Act; if such foreign mission does not exist, or in cases worth special attention, the Ministry of Foreign Affairs shall determine, upon previous agreement with the Ministry of Interior, a foreign mission, at which the alien shall file the application for a temporary stay permit. The authority which admitted the application shall issue to the applicant a confirmation of the application's receipt on the day of its filing.

(2) In the case of an alien who is not required to have a visa, or in the case of an alien's temporary stay for the purpose of employment for which a permit is granted regardless of the situation on the labour market, 11b) or in the case of an alien's stay under Section 22 and Section 23 Paragraph 1 Subparagraph b), d) and f), or in the case of a stay of a spouse of a person granted asylum, 1) or in the case of an alien's stay under Section 23a or in the case of an alien with a long-term stay or if so stipulated by an international treaty, the alien may file an application for a temporary stay permit also at a police department. The police department shall issue to the applicant a confirmation of the application's receipt on the day of its filing.

(3) An application for a temporary stay permit may be filed by an alien's family member with whom an alien under Section 23 requests maintaining of family unity, provided that this alien cannot file the application personally due to being paralyzed.

(4) An alien who was granted a temporary stay permit may file an application for a change of the purpose of his/her stay also at a police department; this shall not apply to an alien with a temporary stay permit

- a) under Section 20 Paragraph 2,
- b) under Section 21, except for an alien who had terminated his/her studies and applied for a temporary stay permit for the purpose of employment in the profession for which he was preparing during his/her studies,
- c) for the purpose of maintaining family unity with an alien, who has or had a temporary stay permit for the purpose of undertaking business or employment.

(5) An alien under Paragraph 4 Subparagraph c) who became a widower/widow or whose marriage was divorced, and whose continuous temporary stay on the territory of the Slovak Republic has lasted for at least three years, or who came of age, may file an application for change of the purpose of his/her stay also at a police department within 30 days from issuance of a certificate of death, from divorce, or from the day when he came of age; Section 29 Paragraph 1 Subparagraph a) shall not apply until issuance of a decision on the above application.“.

(6) An alien who represents, or works for, a foreign investor in the Slovak Republic and is simultaneously a citizen of a Member State of the Organisation for Economic Co-operation and Development, a spouse or child of such alien younger than 18 years may file an application for a temporary stay permit personally, also at a police department in the Slovak Republic.

(7) An alien with a long-term stay shall file an application for a temporary stay permit at a police department within three months from the day of his/her entry.

## Section 25

(1) An alien shall file an application for a temporary stay permit on an official form. When filing an application for a temporary stay permit, an alien shall be obliged to submit his/her travel document. Should the alien not submit his/her travel document, a foreign mission or police department shall not admit the application for a temporary stay permit.

(2) An alien shall be obliged to attach to an application for a temporary stay permit two current photographs of the size 3 x 3.5 cm made of the same negative.

(3) An alien shall attach to an application for a temporary stay permit documents not older than 90 days confirming

- a) the purpose of stay,
- b) his/her integrity; this shall not apply in the case of an alien under Section 22, 23a, in the case of a change of the purpose of stay, in the case of an alien with the long-term stay or in the case of an alien younger than 14 years,
- c) financial coverage of the stay; this shall not apply in the case of an alien under Section 23a,

d) secured accommodation in the course of the temporary stay; this shall not apply in the case of an alien who regularly crosses the State border in order to come to work or school from the neighbouring State, an alien, who was granted a temporary stay permit under Section 21 and studies at a university and an alien, who was granted a temporary stay permit under Section 22 Paragraph 2,

e) the alien's long-term stay,

f) a consent under Section 23 Paragraph 2.

(4) An alien shall prove the purpose of his/her stay by

- a) a document confirming authorisation for undertaking business in the case of an alien who applied for a temporary stay permit under Section 19,
- b) a work permit<sup>10a)</sup> or employer's confirmation that the alien would execute activities for which work permit is not required<sup>10b)</sup> or by an international treaty in the case of an alien who applied for a temporary stay permit under Section 20,
- c) a confirmation issued by the respective State administration authority, school or other educational institution on the alien's admission for studies in the case of an alien who applied for a temporary stay permit under Section 21,
- d) a confirmation issued by a school or other educational institution on execution of lecturing activities in the case of an alien who applied for a temporary stay permit under Section 22 Paragraph 1 Subparagraph a),
- e) a confirmation issued by a State administration authority or arts agency in the case of an alien who applied for a temporary stay permit under Section 22 Paragraph 1 Subparagraph b),
- f) a confirmation issued by a sports organisation or the respective State administration authority in the case of an alien who applied for a temporary stay permit under Section 22 Paragraph 1 Subparagraph c),
- g) a confirmation of short-term attachment in the case of an alien who requested for a temporary stay permit under Section 22 Paragraph 1 Subparagraph d),
- h) a confirmation issued by a State administration authority, which supervises performance of activities according to the programmes of the Government of the Slovak Republic or programmes of the European Economic Area in the case of an alien who applied for a temporary stay permit under Section 22 Paragraph 1 Subparagraph e),
- i) an international treaty in the case of an alien who applied for a temporary stay permit under Section 22 Paragraph 1 Subparagraph f),
- j) an agreement on engagement at a research institute or scientific institute in the case of an alien who applied for a temporary stay permit under Section 22 Paragraph 2,
- k) a document issued by the Birth Registry in the case of an alien who applied for a temporary stay permit under Section 23; in the case of a single child younger than 18 years, a child younger than 18 years placed in custody of an alien, unprovided-for child, a single parent dependent on the care of an alien or a dependant person pursuant to an international treaty also by a document confirming this fact,
- l) an individual order or a collective order for transfer of armed forces in the case of an alien who applied for a temporary stay permit under Section 23a, or
- m) any other reliable document.

(5) In 30 days from his/her entry or from granting of a temporary stay permit, an alien shall submit to a police department a document confirming his/her health insurance for the time period of his/her stay on the territory of the Slovak Republic and a document confirming that he/she does not

suffer from a disease which endangers the public health; this shall not apply in the case of an alien under Section 23a.“.

(6) Fulfilment of the requirements under Paragraph 3 Subparagraphs c), d) and f) must be proven by an alien with whom an alien under Section 23 Paragraph 1 requests maintaining of family unity.

(7) A foreign mission or police department may request an alien to submit a document not older than 30 days confirming that he/she does not suffer from a contagious disease whose spread is punitive 12) and a document confirming that the alien will not constitute a burden to the social security system of the Slovak Republic. A foreign mission or police department may request an alien to submit, under Section 22 and 23a, a document not older than 90 days confirming his/her integrity.

(8) Should an alien file an application for a temporary stay permit for the purpose of maintaining family unity with a person granted asylum 1) within three months from granting of the asylum, 1) he/she shall submit, together with the application, only a travel document and a document confirming their relationship or other proof of existence of such relationship.

(9) An alien shall prove financial coverage of his/her stay in the amount of the minimum wage 3) per each month of stay. An alien, who applies for a temporary stay permit under Section 19, shall prove financial coverage of his/her stay in the amount of at least five times the minimum wage per each month of stay.

## Section 26 Decision-Making on Application for Temporary Stay Permit

(1) In its decision-making on an application for a temporary stay permit, a police department shall take into account

a) the public interest, above all the security viewpoint, economic needs of the Slovak Republic, above all the level of contribution of the alien's business activities to the economy of the Slovak Republic and the public health,

b) interests of the alien's minor child, the alien's personal and family situation, his/her financial situation and the length of his/her previous stay and of the expected stay.

(2) A police department shall dismiss an application for a temporary stay permit when

a) the alien is an undesirable person,

b) there is a reasonable suspicion that during his/her stay the alien would endanger security of the State, the public policy, health or the rights and freedoms of others and, on the determined territories, also the nature,

c) it can be assumed that the alien would constitute a burden to the social security system and to the health care system of the Slovak Republic,

d) there is a reasonable suspicion that the alien entered into marriage with the aim to obtain a temporary stay permit,

e) it concerns another spouse of an alien who was granted a temporary stay permit in the case of a polygamous marriage,

f) the alien deliberately stated false or misleading data or submitted false or modified documents,

g) the alien does not fulfil the requirements for being granted a temporary stay permit,

h) granting of a temporary stay permit is not in the public interest.

(3) A police department shall decide on an application for a temporary stay permit within 90 days; in particularly complicated cases this time limit may be extended by maximally 90 days. In the case of an alien under Sections 21 and 22 a police department shall decide within 30 days, from the application's delivery to the police department.

(4) Should it grant the application for a temporary stay permit, the decision shall not be issued.

(5) A police department shall inform the State of the European Economic Area, in which the alien has a long-term stay, on granting of a temporary stay permit.

(6) No legal title to a temporary stay permit shall accrue to an alien, unless otherwise stipulated by this Act.

#### Section 27 Renewal of Temporary Stay Permit

(1) A police department may renew a temporary stay permit

a) for the maximum of 180 days, when the temporary stay permit for the purpose of a seasonal employment was granted for less than 180 days and termination of the work requires further stay,

b) for the maximum of three years, when the expected stay of the alien will last for at least three years,

c) for the maximum of five years, in the case of an alien with a long-term stay,

d) Repealed as of 15 December 2005

(2) An alien shall file an application for renewal of a temporary stay permit personally, on an official form, at a police department. A police department shall issue to the applicant a confirmation of the application's receipt on the day of its filing. An alien shall be obliged to attach to the application for renewal of a temporary stay permit for the purpose of undertaking business a document proving that he/she has fulfilled his/her tax and customs obligations, paid the health insurance premium, the social insurance premium and contributions to old-age pension savings, this shall not apply to an alien who was granted a long-term stay. Should the alien not be a taxpayer or should he/she not be obliged to pay the health insurance premium or social insurance premium, he/she shall attach a document confirming this fact.

(3) An alien shall file an application under Paragraph 2 at the latest 60 days before expiry of a temporary stay permit. A police department shall decide on the application at the latest seven days before expiry of the temporary stay permit.

(4) Should an alien not file an application in the time limit under Paragraph 3, a police department shall dismiss the application for renewal of the temporary stay permit; this shall not apply if the consequences of the application's dismissal were inadequate to the reason for dismissal of the application for renewal of the temporary stay permit. In assessing the adequacy, the police department shall take into account the possible consequences of the application's dismissal, above all with respect to the alien's private and family life.

(5) A temporary stay permit shall be deemed valid until delivery of a decision on an application for renewal of the temporary stay permit.

(6) Apart from the reasons under Section 26 Paragraph 2, a police department shall also dismiss an application for renewal of a temporary stay permit in the case that the temporary stay permit was granted for the purpose of maintaining family unity and the husband and wife do not lead a common family life.

(7) The provisions of Sections 25 and 26 shall apply by decision-making on an application for renewal of a temporary stay permit accordingly, unless stipulated otherwise. A police department shall renew a temporary stay permit under Section 21 and Section 22 § 2 after fulfilment of the obligations stipulated by this Act.

(8) An alien shall be obliged to prove, when filing an application for renewal of a temporary stay permit for the purpose of undertaking business, that he/she is capable of supporting himself/herself or his/her family from a taxed income from this business;12a)this shall not apply to an alien who was granted a long-term stay.

## Section 28 Termination of Temporary Stay Permit

A temporary stay permit shall terminate when

- a) an alien fails to enter the territory of the Slovak Republic within 180 days from granting of the temporary stay permit,
- b) an alien notifies a police department in writing of termination of his/her stay,
- c) the validity of the alien's temporary stay permit expired,
- d) a punishment of expulsion was imposed on the alien, 2)
- e) the alien was administratively expelled,
- f) a police department disposed of the application under Section 24 Paragraph 5,
- g) the alien was granted a permanent residence permit
- h) the alien was granted the citizenship of the Slovak Republic, or

i) a police department revoked the alien's temporary stay permit.

Section 29  
Revocation of Temporary Stay Permit

(1) A police department shall revoke a temporary stay permit when

- a) the purpose for which the temporary stay permit was granted to an alien ceased to exist,
- b) it determines the facts which constitute a reason for dismissal of an application for a temporary stay permit,
- c) the alien failed to submit a document under Section 25 Paragraph 5
- d) an alien stays abroad for over 180 consecutive days without a written notification submitted to a police department,
- e) it determines that the alien entered into marriage with the aim to obtain a temporary stay permit, or
- f) the alien grossly or repeatedly breached an obligation imposed by this Act.

(2) The provision of Paragraph 1 shall not apply if the consequences of revocation of the temporary stay permit were inadequate to the reason of the revocation of the temporary stay permit, above all with respect to the alien's private and family life.

(3) A police department shall inform the State of the European Economic Area, in which the alien has a long-term stay, on the temporary stay permit's revocation.

(4) In a decision on a temporary stay permit's revocation, a police department shall simultaneously determine a reasonable time limit for the alien's departure, maximally 30 days from the day of the decision's finality.

Title repealed on the day of effectiveness of the Treaty of Accession of the Slovak Republic to the European Union.

Section 30

Repealed on the day of effectiveness of the Treaty of Accession of the Slovak Republic to the European Union.

Section 31

Repealed on the day of effectiveness of the Treaty of Accession of the Slovak Republic to the European Union.

#### Section 32

Repealed on the day of effectiveness of the Treaty of Accession of the Slovak Republic to the European Union.

#### Section 33

Repealed on the day of effectiveness of the Treaty of Accession of the Slovak Republic to the European Union.

### CHAPTER TWO

#### PERMANENT RESIDENCE

#### Section 34

(1) A permanent residence permit shall authorise an alien for staying on the territory of the Slovak Republic and for travels abroad and back to the territory of the Slovak Republic within the time period for which the permanent residence permit was granted to him/her by a police department, unless otherwise stipulated by this Act.

(2) Upon request, a police department may first grant a permanent residence permit for five years (hereinafter "the first permit"). After the lapse of five years, a police department may grant, upon another request, a permanent residence permit for an unlimited period of time (hereinafter "the subsequent permit").

#### Section 35

##### First Permit

(1) A police department may grant the first permanent residence permit to an alien,

a) who is a spouse of a citizen of the Slovak Republic with permanent residence on the territory of the Slovak Republic or a dependent direct relative of a citizen of the Slovak Republic with permanent residence on the territory of the Slovak Republic,

b) who is a child younger than 18 years placed in custody of an alien, who is a spouse of a citizen of the Slovak Republic with permanent residence on the territory of the Slovak Republic,

c) who is a single child younger than 18 years of an alien with a permanent residence permit or who is a child younger than 18 years placed in custody of an alien with a permanent residence permit,

d) who is an unprovided-for child 1) older than 18 years of an alien with a permanent residence permit, or

e) when it is in the interest of the Slovak Republic.

(2) A police department shall grant the first permit to an alien who is a single child younger than 18 years placed in custody of an alien who is a spouse of a citizen of the Slovak Republic with permanent residence on the territory of the Slovak Republic, or who is a single child younger than 18 years placed in

custody of an alien with a permanent residence permit, provided that a consent to the maintaining of family unity is given also by the parent to whose custody this child was not placed and who is entitled to meet with this child.

### Application for First Permit

#### Section 36

An alien shall file an application for the first permit personally at a foreign mission or at police department. An alien under Section 35 Paragraph 1 Subparagraph e) is not obliged to file his application in person. An application for the first permit may be filed by the alien's family member with whom an alien under Section 35 Paragraph 1 Subparagraph a) requests maintaining of family unity, provided that this alien cannot file the application personally due to being paralyzed. The authority which admitted the application shall issue to the applicant a confirmation of the application's receipt on the day of its filing.

#### Section 37

(1) An alien shall file an application for the first permit on an official form.

(2) An alien shall be obliged to submit, together with an application for the first permit, his/her travel document and attach photographs under Section 25 Paragraph 2. Should an alien not submit his/her travel document, a foreign mission or a police department shall not admit his/her application for a permanent residence permit.

(3) An alien shall attach to an application for the first permit documents not older than 90 days confirming

- a) facts referred to in Section 35,
- b) his/her integrity; this shall not apply in the case of an alien younger than 14 years old or in the case of an alien who was granted temporary stay permit,
- c) financial coverage of the stay,
- d) consent under Section 35 Paragraph 2, if needed, and
- e) secured accommodation in the course of the permanent residence.

(4) In 30 days from his/her entry or from granting of a permanent residence permit, an alien shall submit to a police department a document proving his/her health insurance for the time-period of his/her stay on the territory of the Slovak Republic and a document confirming that he/she does not suffer from a disease which endangers the public health.

(5) A foreign mission or a police department may request for a document not older than 30 days, confirming that the alien will not constitute a burden to the social security system of the Slovak Republic.

(6) An alien shall prove financial coverage of his/her stay in the amount of the minimum wage 3) per each month of stay, for the period of at least one year; an alien younger than 16 years shall prove it in the half of the above amount.

(7) A police department shall decide on an application for the first permit within 90 days from delivery of the application to the police department; if the case is complicated, this period may be extended for maximally 90 days.

### Section 38 Subsequent Permit

(1) Upon request a police department shall grant a subsequent permit to an alien,

a) who was granted the first permit,

b) who

1. was granted a temporary stay permit for the purpose of employment, provided that his/her previous continuous temporary stay immediately before the application's filing has lasted for at least five years,
2. was granted a temporary stay permit for the purpose of undertaking business, provided that his/her previous continuous temporary stay immediately before the application's filing has lasted for at least five years,
3. is a family member in the extent determined in Section 23 Paragraph 1 Subparagraphs b) - e) of an alien with a temporary stay permit under Section 19 or Section 20 Paragraph 1 and who was granted a temporary stay permit for at least five years immediately before the application's filing,
4. is a spouse of an alien with a permanent residence permit and who was granted a temporary stay permit for at least five years immediately before the application's filing, or who
5. is a single parent dependent on the care of an alien with a permanent residence permit and was granted a temporary stay permit for at least five years immediately before the application's filing.

c) whose subsequent permit terminated for a reason under Section 41 Subparagraph g) or was revoked under Section 42 Paragraph 1 Subparagraph f).

d) who is a child younger than 18 years of an alien with a subsequent permit

(2) The time period of a continuous stay under Paragraph 1 Subparagraph b) shall include

a) the time period of a continuous employment under Section 20 Paragraph 1 or the time period of undertaking business, or the time period of a temporary stay of a family member under Section 23 Paragraph 1 Subparagraph a) - e); however there shall not be included the time period of securing delivery of goods or services or the time period of delivery of such goods or execution of an assembly based on a trade agreement or execution of guarantee and repair works,

b) a half of the time period of studies or special activities which directly preceded the employment or undertaking business, or

c) the time period of maximally six consecutive months and maximally ten months in total, in the case that the alien stayed outside the territory of the Slovak Republic after notification of the police.

(3) Should a police department decide on granting of a subsequent permit to an alien with a long-term stay, it shall notify the concerned State of the European Economic Area of such decision.

### Section 38a

(1) An alien shall file an application for a subsequent permit personally, on an official form, at a police department; an application of an alien who cannot file the application personally due to being paralyzed may be filed, on his/her behalf, by his/her family member. The police department shall issue to the applicant a confirmation of the application's receipt on the day of its filing.

(2) An application under Section 38 Paragraph 1 Subparagraphs a) and b) may be filed by an alien at the latest 60 days before expiry of a residence permit's validity.

(3) An alien shall be obliged to submit, together with an application for a subsequent permit, a travel document and photographs under Section 25 Paragraph 2. Should an alien not submit the travel document, the police department shall not admit the application for a subsequent permit.

(4) An alien shall attach, to an application for a subsequent permit, documents not older than 90 days confirming

a) financial coverage of his/her stay in the amount under Section 37 Paragraph 6,

b) health insurance on the territory of the Slovak Republic.

(5) A police department may request an alien for a document not older than 30 days confirming secured accommodation and a document confirming completion of a Slovak language course.

(6) A police department shall decide on an application for a subsequent permit within 90 days from the application's delivery to the police department.

(7) A first permit or a temporary stay permit shall be deemed valid until delivery of a decision on the application for a subsequent permit.

### Section 39

#### Decision-Making on Application for Permanent Residence Permit

(1) In its decision-making on an application for a permanent residence permit, a police department shall take into account

a) the public interest, above all the security viewpoint, economic needs of the Slovak Republic, above all the level of contribution of the alien's business activities to the economy of the Slovak Republic and the public health,

b) interests of the alien's minor child, the alien's personal and family situation, his/her financial situation and the length of his/her previous stay,

c) the level of the alien's integration in the society.

(2) A police department shall dismiss an application for permanent residence permit when

- a) the alien is an undesirable person,
- b) the alien does not fulfil the requirements for granting of a permanent residence permit,
- c) there is a reasonable suspicion that the alien would endanger security of the State, public policy, health or the rights and freedoms of others and, on the determined territories, also the nature,
- d) there is a reasonable suspicion that the alien entered into marriage with the aim to obtain a permanent residence permit, or
- e) the husband and wife do not lead a common family life or did not enter into marriage under a separate regulation 16) if the purpose of the application for permanent residence permit is maintaining family unity.

(3) Repealed as of 15 December 2005

(4) Repealed as of 15 December 2005

#### Section 40

The Ministry of Interior may grant a permanent residence permit also when the essentials stipulated by this Act are not fulfilled, provided that it is necessary for provision of protection and assistance to a witness under a separate regulation 17) or upon proposal of the Slovak Intelligence Service due to security interests of the Slovak Republic.

#### Section 41

##### Termination of Permanent Residence Permit

- A permanent residence permit shall terminate when
- a) an alien fails to enter the territory of the Slovak Republic within 180 days from granting of the permanent residence permit,
  - b) an alien notifies a police department in writing of termination of his/her stay,
  - c) the validity of the alien's first permit expired and he/she did not apply for a subsequent permit,
  - d) a punishment of expulsion was imposed on the alien, 2)
  - e) the alien was administratively expelled,
  - f) the alien was granted the citizenship of the Slovak Republic,
  - g) it is a subsequent permit under Section 38 Paragraph 1 Subparagraphs b) and c) and the alien was granted a long-term stay permit or when he/she has stayed outside the territory of the Slovak Republic for six years, or

h) a police department revoked the alien's permanent residence permit.

#### Section 42 Revocation of Permanent Residence Permit

- (1) A police department shall revoke a permanent residence permit when
- a) it determines the facts which constitute a reason for dismissal of an application for permanent residence permit,
  - b) the alien failed to submit a document under Section 37 Subparagraph 4,
  - c) an alien stays abroad for over 180 consecutive days without written notification submitted to a police department,
  - d) it determines that the alien entered into marriage with the aim to obtain a permanent residence permit,
  - e) the alien was granted a permanent residence permit for the purpose of maintaining family unity with his/her spouse and his/her marriage terminated within five years from granting of the first permit, or
  - f) the alien under Section 38 Paragraph 1 Subparagraphs b) and c) has continuously stayed outside the territory of the European Economic Area for 12 consecutive months, or
  - g) the alien deliberately stated false or misleading data, submitted false or modified documents.

(2) The provision of Paragraph 1 shall not apply if the consequences of revocation of a permanent residence permit were inadequate to the reason of the permanent residence permit's revocation, above all with respect to the alien's private and family life.

(3) In a decision on revocation of a permanent residence permit, a police department shall simultaneously determine a reasonable time limit for the alien's departure, maximally 30 days from finality of the decision.

### CHAPTER THREE

#### TOLERATED STAY

##### Section 43

- (1) A police department shall grant a tolerated stay permit to an alien,
- a) when there exist an impediment to his/her administrative expulsion under Section 58,
  - b) who was provided with a temporary shelter, 1)
  - c) when his/her departure is not possible and his/her arrest is not purposeful,
  - d) who is a minor found on the territory of the Slovak Republic, or

- e) who is a victim of a criminal offence related to trafficking in human beings, provided that he/she is at least 18 years old; a law enforcement agency or a person authorised by the Ministry of Interior shall inform the alien about the possibility, and conditions, of granting of the tolerated stay for this reason and about the rights and obligations resulting from it, or
- f) provided that it is required in order to respect his/her private and family life.<sup>17aa)</sup>.

(2) A tolerated stay shall be deemed the time period of execution of custody or execution of imprisonment; this shall not apply if the alien stays on the territory of the Slovak Republic legitimately. A tolerated stay shall also be deemed the time period of maximally 90 days from filing of the alien's written application for voluntary return until his/her departure or withdrawal of such application; this shall not apply if the alien was arrested or if he/she is entitled to stay on the territory of the Slovak Republic pursuant to a separate Act.<sup>1)</sup>.

(3) Upon an alien's request, a police department shall grant a tolerated stay permit for the maximum of 180 days according to the determined facts which constitute the reason for its granting; unless otherwise stipulated by this Act. The police department shall issue to the applicant a confirmation of the application's receipt on the day of its filing.

(4) A police department may repeatedly extend a tolerated stay; at that it shall be obliged to examine whether the reasons for which it was granted still exist. For this purpose, it shall be entitled to request the alien to prove that the impediment to his/her departure still exists.

(5) In the course of validity of the tolerated stay permit, an alien must not undertake business under a separate regulation 9) and enter employment relations or similar labour relations under a separate regulation; 10) the ban to enter employment relations or similar labour relations shall not apply to aliens under Paragraph 1 Subparagraph b) and Subparagraph f) and Paragraph 7.

(6) A police department shall grant a tolerated stay permit under Paragraph 1 Subparagraph e) for the maximum of 40 days.

(7) A police department shall extend a tolerated stay permit under Paragraph 1 Subparagraph e) for at least 180 days, even repeatedly, provided that the reason for which the permit had been granted still exists and the alien's stay on the territory of the Slovak Republic is necessary for the purpose of criminal proceedings; however the police department shall not extend the tolerated stay permit if it is proven that the applicant did not interrupt, or deliberately renewed, contacts with persons suspicious of commitment of a criminal offence related to trafficking in human beings.

(8) The Ministry of Interior shall secure adequate accommodation to an alien who was granted a tolerated stay permit under Paragraph 1 Subparagraph e), provided that he/she is unable to secure it himself/herself.

(9) A law enforcement agency or a person authorised by the Ministry of Interior shall inform an alien who was granted a tolerated stay permit under Paragraph 1 Subparagraph e) about possible programmes or projects, whose aim is to enable his/her integration in the society during the tolerated stay.

#### Section 44

(1) When the reason for which a tolerated stay permit was granted ceases to exist, an alien shall be obliged to notify a police department of this fact within 15 days from the day of learning about it.

(2) A police department shall revoke the tolerated stay permit and simultaneously determine a reasonable time limit for the alien's departure of maximally 30 days from the decision's finality, when it determines that the reason for which the tolerated stay permit had been granted ceased to exist; in the case of an alien under Section 43 Paragraph 1 Subparagraph f) it shall do so also when the alien endangers the State's security or the public policy.

(3) A police department shall also revoke the tolerated stay permit under Section 43 Paragraph 1 Subparagraph e)

- a) when the alien deliberately voluntarily renewed contacts with persons suspicious of commitment of a criminal offence related to trafficking in human beings,
- b) when the alien's co-operation with law enforcement agencies is pretended,
- c) when the alien stops to co-operate with the law enforcement agencies,
- d) due to endangering of the State's security or public policy.

(4) Tolerated stay permit under Section 43 Paragraph 1 Subparagraph a), c), d) and f) is dissolved when an alien has applied for asylum or for subsidiary protection or he/she has been granted by temporary residence permit or permanent residence permit on the territory of Slovak Republic. Tolerated stay permit under Section 43 Paragraph 1 subparagraph b) is dissolved by demise of temporary protection.

## CHAPTER FOUR

### ALIEN'S BIRTH ON THE TERRITORY OF THE SLOVAK REPUBLIC OR OTHER STATE OF THE EUROPEAN ECONOMIC AREA

#### Section 45

(1) Should an alien, whose parent was granted a residence permit, be born on the territory of the Slovak Republic or other State of the European Economic Area, the parent of the alien born on the territory of the Slovak Republic or other State of the European Economic Area may apply at a police department for the same type of permit within 90 days from the child's birth.

(2) The parent shall submit, together with an application under Paragraph 1

- a) the child's travel document or his/her own travel document, in which the child is registered,
- b) the child's birth certificate,
- c) photographs of the child under Section 25 Paragraph 2,
- d) a document confirming the health insurance and a document confirming financial coverage of the child's stay,
- e) document confirming secured accommodation.

(3) Should a parent of an alien born on the territory of the Slovak Republic or other State of the European Economic Area not apply for a residence permit, he/she shall secure his/her departure in a time limit under Paragraph 1.

(4) The stay of an alien born on the territory of the Slovak Republic or other State of the European Economic Area shall be deemed permitted until delivery of a decision on an application under Paragraph 1.

## CHAPTER FIVE

### SPECIAL PROVISIONS APPLYING TO A CITIZEN OF THE EUROPEAN ECONOMIC AREA AND TO A MEMBER OF HIS/HER FAMILY

#### Section 45a

(1) A stay of a citizen of the European Economic Area who intends to stay on the territory of the Slovak Republic for more than three months shall be deemed a stay based on the first permit, provided that he/she

- a) is employed,
- b) undertakes business,
- c) studies at a school in the Slovak Republic and has financial means for covering the costs of the stay and health insurance on the territory of the Slovak Republic,
- d) has financial means for covering the costs of the stay and health insurance on the territory of the Slovak Republic, or
- e) is likely to get employed. 10)

(2) A citizen of the European Economic Area may request for registration of the first permit. An application for registration of the first permit shall be filed personally, on an official form, at a police department. A citizen of the European Economic Area shall be obliged to submit, together with an application for registration of the first permit, a travel document. Should he/she not submit the travel document together with the application, or should he/she be an undesirable person, the police department shall not admit the application for registration of the first permit.

(3) On the day of filing an application for registration of the first permit, a police department shall issue a confirmation of the first permit's registration, in which it shall state the name, surname and permanent residence of the registered person and the date of the registration.

(4) A stay of a citizen of the European Economic Area based on the first permit shall terminate when

- a) he/she notifies a police department in writing on termination of the stay,
- b) he/she was administratively expelled, or
- c) he/she acquired citizenship of the Slovak Republic.

(5) A stay of a citizen of the European Economic Area based on the first permit shall also continue when

- a) the reason for termination of his/her labour relation was an occupational disease or occupational injury, or if due to an injury or disease he/she temporarily cannot undertake business,
- b) he/she is involuntarily unemployed and
  - 1. was employed for over one year and has registered himself/herself as a job applicant,
  - 2. his/her employment for a definite period of time shorter than one year has terminated, or his employment during the first 12 months terminated and he/she registered himself/herself as a job applicant, or
  - 3. he/she commenced vocational education,
- c) he/she is voluntarily unemployed and commenced vocational education related to the previous job.

(6) The general regulation on administrative proceedings shall not apply to issuance of a confirmation of the first permit's registration.

#### Section 45b

(1) A police department shall grant the first permit to an alien who is not a citizen of the European Economic Area and intends to stay on the territory of the Slovak Republic for over three months, provided that

- a) he/she is a family member of a citizen of the European Economic Area under Section 45a Paragraph 1 (hereinafter "the advantaged alien") and
- b) he/she does not constitute a burden to the health care system and social security system of the Slovak Republic.

(2) The following persons shall be deemed family members of a citizen of the European Economic Area

- a) a spouse and his/her child younger than 21 years and his/her unprovided-for child, 11)
- b) a child younger than 21 years or an unprovided-for child, 11)
- c) a direct relative dependent on him/her,
- d) the spouse's direct relative dependent on him/her,
- e) other family member dependent on him/her or a member of his/her family.

(3) An advantaged alien shall submit the application for the first permit personally at a foreign mission or personally at a police department. An advantaged alien is obliged to submit a travel document together with the application for the first permit; if he/she does not submit a travel document, a police department shall not accept the application for the first permit. An advantaged alien shall attach the following to the application

- a) photographs under Section 25 Paragraph 2,

- b) a document confirming that he/she is a family member of a citizen of the European Economic Area who was granted a residence permit on the territory of the Slovak Republic,
- c) a document or affidavit with a justification confirming that he/she is a dependent relative or member of the household; this shall not apply in the case of family members under Paragraph 2 Subparagraphs a) and b),
- d) an affidavit confirming that he/she will not constitute a burden to the health care system and social security system of the Slovak Republic.

(4) The authority which accepted the application for the first permit shall issue to the applicant a confirmation of its receipt on the day of its filing. A police department shall decide on the application within 90 days from the application's delivery to the police department.

(5) A police department shall dismiss an application for the first permit filed by an advantaged alien provided that

- a) the requirements under Paragraph 1 are not fulfilled,
- b) there is a reasonable suspicion that during his/her stay he/she would endanger security of the State or that he/she would seriously endanger the public policy or public health, or
- c) the applicant is an undesirable person, or there is a reasonable suspicion that the advantaged alien entered into marriage with the aim to obtain a residence permit.

(6) The right of an advantaged alien to the first permit shall also be retained if he/she is employed or undertakes business or has financial means for covering the stay in order to avoid becoming a burden to the social security system, and he/she has a health insurance, and provided that

- a) his/her stay lasted for at least one year before death of a citizen of the European Economic Area,
- b) his/her marriage terminated,
  - 1. and it lasted at least three years and his/her stay lasted at least one year,
  - 2. and an unprovided-for child born in this marriage was placed in his/her custody based on a decision of a competent authority,
  - 3. for the reasons worth special consideration, or
  - 4. and an advantaged alien is entitled, based on a decision of a competent authority, to meet on the territory of the Slovak Republic with an unprovided-for child for the time period determined by such authority, or
- c) he/she studies and a citizen of the European Economic Area, who is his/her parent, has died or terminated his/her stay on the territory of the Slovak Republic; the right to the first permit shall also be retained to the student's parent who takes care of the child, while this right shall be retained until termination of the studies.

(7) The first permit shall terminate, to an advantaged alien, for the reason set out in Section 45a Paragraph 4 or if a police department revoked his/her first permit.

(8) A police department shall revoke the first permit to an advantaged alien provided that

- a) the stay of a citizen of the European Economic Area under Section 45a Paragraph 4 Subparagraphs a) and b), of whose family the advantaged alien is a family member, terminates,

b) it determines the facts which constitute a reason for dismissal of an application for the first permit; this shall not apply in the case of endangering the public health, or

c) it determines that he/she entered into marriage with the aim to obtain the first permit.

(9) The provision of Paragraph 7 shall not apply if the consequences of the first permit's dismissal were inadequate to the reason of the first permit's dismissal, above all with regard to the alien's private and family life.

(10) Should an application for the first permit be granted, the decision shall not be issued in writing.

#### Section 45c

(1) A stay of a citizen of the European Economic Area shall be deemed a stay based on a subsequent permit, provided that the citizen of the European Economic Area

a) has had a continuous stay for at least five years,

b) has had a continuous stay, which is deemed a stay based on the first permit, for at least three years, and during this stay he/she was employed or undertook business for at least 12 months and fulfilled the requirements for claiming a retirement pension 17a) or premature retirement pension; 17b) fulfilment of the requirement of a continuous stay shall not be required in the case of a citizen of the European Economic Area who is a spouse of a citizen of the Slovak Republic or a spouse of an alien who forfeited the citizenship of the Slovak Republic due to entering into marriage with such alien,

c) has had a continuous stay, which is deemed a stay based on the first permit, for over two years and the reason for termination of his employment or business was a permanent inability to work or undertake business; fulfilment of the requirement of a continuous stay shall not be required if during his/her stay a claim to a disability pension accrued to a citizen of the European Economic Area due to an occupational injury or occupational disease or in the case of a citizen of the European Economic Area who is a spouse of a citizen of the Slovak Republic or a spouse of an alien who forfeited the citizenship of the Slovak Republic due to entering into marriage with such alien,

d) is employed or undertakes business on the territory of another State of the European Economic Area and returns to the territory of the Slovak Republic at least once a week, while in the past he/she continuously stayed on the territory of the Slovak Republic and simultaneously was employed for at least three years,

e) is a family member of a citizen of the European Economic Area with whom he/she stayed on the territory of the Slovak Republic and who acquired the right to a permanent residence under Paragraph 1 Subparagraphs b) - d), or

f) is a survivor of a citizen of the European Economic Area with whom he/she stayed on the territory of the Slovak Republic and who was employed or undertook business on the territory of the Slovak Republic

1. for at least two continuous years before dying,

2. while this citizen died due to an occupational injury or occupational disease, or

3. forfeited the citizenship of the Slovak Republic due to entering into marriage with such alien.

(2) A citizen of the European Economic Area may apply for registration of a subsequent permit. An application for registration of the subsequent permit shall be filed personally, on an official form, at a police department. A citizen of the European Economic Area shall submit, together with an application for registration of the subsequent permit, a travel document and he/she shall also attach a document confirming fulfilment of the requirements under Paragraph 1 and three photographs under Section 25 Paragraph 2. The police department shall issue to the applicant a confirmation of the application's receipt on the day of its filing.

(3) Should the application for registration of a subsequent permit be granted, only a certificate of residence under Section 46 Paragraph 5 shall be issued to the applicant.

(4) A stay based on a subsequent permit of a citizen of the European Economic Area shall terminate for the reason under Section 45a Paragraph 4 or if he/she does not stay on the territory of the Slovak Republic for two consecutive years.

#### Section 45d

(1) A police department shall grant a subsequent permit to an advantaged alien, provided that his/her previous continuous stay has lasted for at least five years or provided that he/she has stayed on the territory of the Slovak Republic as a family member of a citizen of the European Economic Area under Section 45c Paragraph 1 Subparagraphs b) - f).

(2) An advantaged alien may apply for a subsequent permit by filing an official application at the latest 60 days before expiry of the first permit's validity. He/she shall submit, together with an application for a subsequent permit, a travel document and attach a document confirming the time period of his/her stay under Paragraph 1 and three photographs under Section 25 Paragraph 2. A police department shall issue to the applicant a confirmation of the application's receipt on the day of its filing.

(3) A police department shall decide on an application for a subsequent permit within 90 days from the application's filing.

(4) Should an application for a subsequent permit be granted, the decision shall not be issued in writing.

(5) A subsequent permit of an advantaged alien shall terminate for the reason set out in Section 45c Paragraph 4.

#### Section 45e

The time period of a continuous stay under Section 45c and 45d shall include the time period of a stay of a citizen of the European Economic Area or an advantaged alien in a foreign country for serious reasons, which lasted for 6 months in one year or 12 consecutive months and the serving of a military service.

### PART FOUR

#### DOCUMENTS FOR ALIENS

Section 46  
Certificate of Residence

(1) A police department shall issue to an alien a certificate of residence within 60 days from having made a decision on granting a residence permit or from reporting of residence under Section 49 Paragraph 2 Subparagraph b), or from filing of an application. A police department shall issue to an applicant a confirmation of the application's receipt on the day of its filing.

(2) A police department shall issue a certificate of residence according to the time period of the permitted stay, but maximally for five years, to an alien who was granted a temporary stay permit. However, the validity of the certificate of residence must expire at least 90 days before expiry of the validity of the alien's travel document. A police department shall write the words „research worker“ in the document of an alien who was granted a temporary stay permit under Section 22 Paragraph 2.

(3) A police department shall issue a certificate of residence for maximally five years to an alien who was granted the first residence permit. However, the validity of the certificate of residence must expire at least 90 days before expiry of the validity of the alien's travel document. In the case of a subsequent permit, the police department shall issue a certificate of residence for ten years. In the alien's certificate of residence under Section 38 Paragraph 1 Subparagraphs b) and c), the police department shall state the title "person with long-term stay - EC".

(4) A police department shall issue a certificate of residence to an alien, who was granted asylum, in which the term "Refugee" shall be stipulated; a validity of certificate of residence permit shall not exceed five years. After validity expiration of a certificate of residence or in the case of issuance of asylum on indeterminate time period, a police department shall issue a new certificate of residence which validity shall not exceed five years. To an alien, to whom a subsidiary protection was granted, a police department shall issue a certificate of residence, in which the term "subsidiary protection" shall be stipulated. A validity of certificate of residence shall not exceed one year. After expiry of validity of certificate of residence or in the case of extension of subsidiary protection a police department shall issue to alien, to whom a subsidiary protection was granted new certificate of residence which validity shall not exceed one year.

(5) A police department shall issue a certificate of residence for maximally five years to a citizen of the European Economic Area upon his/her submittal of an official form, provided that he/she registered with the police department. In the case of a subsequent residence, the police department shall issue a certificate of residence for ten years.

(6) A police department shall issue a certificate of residence with validity under Paragraph 5 to an advantaged alien who was granted a residence permit, in which it shall state the title "family member of a citizen of the European Economic Area".

(7) A police department shall issue a certificate of residence for maximally five years to an alien who has legal claim to a stay based on an international treaty 8a) upon his/her submittal of an official form.

(8) The certificate of residence shall include the name, surname, birth identification number, address of the alien's residence on the territory of the Slovak Republic, place and date of issuance of the certificate of residence, expiration date of the certificate of residence, type of stay, picture of face and data legible by machines, while these data shall be selected data expressed in numbers placed in an area legible by machines. The certificate of residence can also include the place and date of birth, citizenship, sex and

signature of its holder. The certificate of residence shall not include the signature if its holder is not capable of signing.

(9) An alien who was granted a subsequent permit and an alien under Paragraph 3 and 6 shall apply for issuance of a new certificate at the latest 60 days before expiry of the validity of his/her certificate of residence.

(10) If a document of the Registry Office of the Slovak Republic was issued to an alien, a police department shall state, in the certificate of residence, the first name and surname in the form used in this document, otherwise the alien's first name and surname and other first names and surnames shall be stated according to the form written by Latin alphabet in his/her travel document.

(11) Should a residence permit of an alien or a citizen of the European Economic Area terminate, a police department shall take measures for preventing misuse of a certificate of a residence, and, if possible, it shall invalidate the certificate.

#### Section 47 Alien Passport

(1) An alien passport is a document authorising an alien for departure. In the case of an alien under Paragraph 2 Subparagraph d), an alien passport also constitutes a document which authorises the alien for departure from the Slovak Republic and return to the Slovak Republic

(2) A police department shall issue an alien passport to an alien who does not hold his/her own travel document, and if such travel document cannot be provided even through a foreign mission of the State of his/her citizenship, and

a) who was granted a tolerated stay permit,

b) in respect of which there was delivered a decision that he/she would be administratively expelled or on whom a punishment of expulsion was imposed,

c) who was born on the territory of the Slovak Republic or

d) who was provided with subsidiary protection.

(3) A police department shall determine the validity of an alien passport for the necessary time, maximally for one year. A police department may repeatedly extend the validity of an alien passport.

(4) A police department shall determine the territorial validity of an alien passport according to the purpose for which it was issued.

(5) A police department shall withdraw the issued alien passport when the reasons for its issuance cease to exist.

(6) The general regulation on administrative proceedings 6) shall not apply to the procedure of issuance or withdrawal of an alien passport.

Section 48  
Alien Travel Document

An alien travel document issued to a stateless person which was granted a permanent residence permit on the territory of the Slovak Republic and to a person granted asylum on the territory of the Slovak Republic shall be regulated by a separate regulation. 18)

PART FIVE

OBLIGATIONS OF ALIENS AND OTHER NATURAL PERSONS AND LEGAL ENTITIES,  
CONTROL OF STAY AND REGISTRATION OF ALIENS

CHAPTER ONE

OBLIGATIONS OF ALIENS

Section 49

- (1) An alien shall be obliged to
- a) notify a police department in writing that he/she would stay outside the territory of the Slovak Republic for more than 180 days continuously, provided that he/she was granted a residence permit,
  - b) state truthfully and fully all required data in the extent stipulated by this Act,
  - c) prove, upon request of a policeman, his/her identity and authorisation for his/her stay by submitting a travel document, a residence permit or an identification document issued by the Ministry of Foreign Affairs to person enjoying diplomatic privileges and immunities according to the international law,
  - d) submit, at a control of stay, a certificate of health insurance,
  - e) prove, at a control of stay, financial coverage of his/her stay,
  - f) report to a police department a change of his/her name and surname, marital status, citizenship, data in his/her travel document within three working days from the day of the change, and replacement of his/her travel document,
  - g) protect documents issued under this Act against their loss, stealing, damage or abuse,
  - h) report a loss, stealing or damage of a travel document or documents issued under this Act to a police department within three days from the day of learning about it,
  - i) appear, upon request, at a police department in connection with a procedure under this Act,
  - j) leave the territory of the Slovak Republic after interruption of studies, giving up studies, exclusion from studies or termination of studies, in the case of an alien who was granted a temporary stay permit for the purpose of studying under Section 21,
  - k) submit, upon request of a provider of accommodation, a travel document,

l) fill in an official form to report his/her stay, in which he/she provides name and surname, date and place of birth, nationality, permanent address in a state which he/she is a citizen, aim of the stay, supposed duration of the stay, number of travel document, visa, name and address of accommodation facility and accompanied children.

m) provide the data necessary for statistical surveys on the stay, and

n) notify a police department of the fact that the purpose for which the stay was permitted ceased to exist,

o) undergo, upon request of a police department or foreign mission, a taking of biometric data for the purpose of a procedure under this Act,

p) depart at the latest on the last day of the permitted stay, if he/she did not request for renewal of a temporary stay permit or for a subsequent permit, provided that he/she needs a visa,

q) request, within three working days, for issuance of a new certificate of residence, provided that the data of his/her certificate of residence do not correspond with the reality, or provided that the circumstances under Subparagraph h) occur.

(2) An alien shall be obliged to report to a police department, within three working days from his/her entry, and a citizen of the European Economic Area or an advantaged alien shall be obliged to report to a police department within ten working days from his/her entry, the following

a) the commencement, place and the expected length of the stay, provided that he/she was granted a short-term visa or a long-term visa or provided that he/she is not subject to a visa obligation during his/her entry, unless the provider of accommodation has such obligation [Section 50 Subparagraph c)]; upon the alien's request, the police department shall issue a confirmation of his/her stay,

b) the commencement of the stay, provided that he/she was granted a residence permit.

(3) An alien with a residence permit shall be obliged to report to a police department a change of the place of his/her temporary stay or permanent residence within three working days from the day of change.

(4) The provision of Paragraph 1 Subparagraphs a), e) and n) shall not apply to a citizen of the European Economic Area.

## CHAPTER TWO

### OBLIGATIONS OF OTHER NATURAL PERSONS AND LEGAL ENTITIES

#### Section 50

#### Obligations of Provider of Accommodation

A provider of accommodation shall be obliged to

a) verify the alien's identity,

- b) keep an accommodation book and record in it the commencement and termination of accommodation, name and surname, date of birth, citizenship, permanent residence, purpose of stay, number of the travel document and visa, date of entry, the expected length of stay and address of the accommodation facility,
- c) secure filling in of an official form for reporting the alien's stay and deliver it to a police department within five days from the commencement of the alien's accommodation,
- d) in the case of death of the accommodated alien, notify a police department immediately of this fact,
- e) secure that the records in the accommodation book are legible and written in the time sequence,
- f) store the accommodation book for five years from making the last record,
- g) submit the accommodation book to a police department within five days from termination of the accommodation facility's operation,
- h) submit the accommodation book to a police department for a control,
- i) allow a police department to enter all premises of the accommodation facility for the purpose of control of fulfilment of the obligations stipulated by this Act,
- j) dispose of the personal data written in the accommodation book only in the manner determined by a separate regulation. 19)

#### Section 51 Obligations of Forwarding Agent

(1) A Forwarding Agent which executes transportation of persons by air or water to the territory of the Slovak Republic must not transport to a border checkpoint an alien who does not have a valid travel document including a visa, if required. This obligation also applies to a Forwarding Agent which transports persons on regular international bus lines, except for border transportation.

(2) A Forwarding Agent which transported an alien to a border checkpoint shall be obliged to immediately transport him/her back to the State from which he/she was transported or to the State which issued the travel document with which he/she arrived or to any other State, where his/her reception is secured, when

- a) the entry to the territory of the Slovak Republic was denied to the alien,
- b) the alien executed transit through the territory of the Slovak Republic and authorities of other State denied his/her entry to their territory and returned him/her to the territory of the Slovak Republic, or
- c) the Forwarding Agent which was supposed to transport the alien to another State, refused to transport him/her.

(3) Should a Forwarding Agent not be able to fulfil the obligation under Paragraph 2, it shall be obliged to immediately secure a substitute transportation of the alien and bear its costs, or, when immediate substitute transportation is not possible, assume the responsibility for the costs of the alien's stay and return.

(4) Upon request of a police department at a border checkpoint, an air Forwarding Agent shall be obliged to provide data on passengers whom it transports to the territory of the Slovak Republic through the outside State border.19a) The air Forwarding Agent shall be obliged to send these data in an electronic form at the latest at the termination of the passengers' registration before departure. In case of a breakdown of an electronic communication, it shall be obliged to send these data in other appropriate manner.

(5) Data under Paragraph 4 shall include:

- a) number and type of travel document,
- b) citizenship,
- c) full first name and full surname,
- d) date of birth,
- e) border checkpoint through which an entry shall be made,
- f) flight number,
- g) airplane's departure time and arrival time,
- h) total number of passengers,
- i) first departure airport.

(6) An air Forwarding Agent shall be obliged to inform a passenger on provision of his/her data under Paragraph 4. It shall destroy the provided data within 24 hours after arrival.

(7) A citizen of the European Economic Area shall not be deemed an alien under Paragraphs 1 – 3.

## Section 52 Obligations of the Prison and Court Guards Corps

A prison, a remand prison, a prison for minors and a hospital for accused and convicted shall be obliged to immediately inform a police department competent according to the seat of the prison or hospital, about remanding an alien in custody and releasing an alien from custody, and about commencement and termination of execution of an alien's imprisonment.

## Section 53 Obligations of Some Legal Entities and Natural Persons

(1) The Office of Work, Social Affairs and Family shall be obliged to immediately notify a police department in writing of granting a work permit to an alien or its withdrawal from an alien.

(2) The Trade Office shall be obliged to immediately notify a police department in writing of issuance of a trade licence, suspension of a trade licence, termination of a trade licence or revocation of a trade licence to an alien.

(3) A school in the Slovak Republic shall be obliged to immediately notify a police department of commencement of studies, interruption of studies, giving up studies, and expulsion from studies or termination of studies of an alien.

(4) A person that finds or otherwise obtains a travel document of an alien or a residence permit, shall be obliged to immediately submit it to the nearest police department.

(5) A person inviting an alien to the territory of the Slovak Republic shall be obliged to compensate a damage of property sustained by the State as a result of a failure to fulfil an obligation stated in an authenticated invitation.

(6) Provisions of Paragraphs 1 – 3 shall not apply to a citizen of the European Economic Area.

## CHAPTER THREE

### CONTROL OF STAY

#### Section 54

(1) A police department shall be entitled to execute a control of

a) authorisation for stay, fulfilment of obligations of the stay and observance of an alien's obligations under this Act,

b) observance of obligations by other natural persons and legal entities in connection with a stay under this Act.

(2) In execution of a control under Paragraph 1, a policeman shall be entitled to

a) enter premises determined for undertaking business, employment or studies and the premises of accommodation facilities; this shall not apply if inviolability of the premises is guaranteed by a separate regulation, 20)

b) request for proving identity and for explanation of facts which constitute the subject of the control.

(3) Should a police department determine, at a control of stay, that an alien proved his/her identity with a forged or modified document, it shall be entitled to seize such document. It may also seize a document which was not issued on the name of the controlled alien and by which the alien proved his/her identity as by his/her own document, or when it was declared invalid or stolen by an authority of the State which issued it.

(4) Should there be a reasonable fear that a citizen of the European Economic Area does not fulfil the requirements under Section 45a Paragraphs 1 and 5, a police department may verify their fulfilment.

## CHAPTER FOUR

### REGISTRATION OF ALIENS

#### Section 55

(1) In execution of the State administration under this Act, a police department shall keep registers in information systems containing data on

- a) the entry, stay and departure of aliens,
- b) applicants for visa, on the granted and denied visa,
- c) applicants for a residence permit, on aliens with a residence permit and on dismissed applications for a residence permit,
- d) applicants for an alien passport and alien travel document and on extension of validity of these documents,
- e) aliens for whom a police department verified an invitation and on persons which invite aliens,
- f) undesirable persons,
- g) the lost, stolen travel documents and on the travel documents which were declared invalid or stolen by an authority of the State which issued them.

(2) A police department shall save the data on passengers sent by an air transporter under Section 51 Paragraph 4 in a temporary file. The police department shall be obliged to destroy these data within 24 hours from their receipt after the passengers' entry; this shall not apply if these data are necessary for fulfilment of the tasks under a separate regulation. 5)

(3) A police department shall be entitled to keep other registers and operate other information systems, provided that it is necessary for fulfilment of tasks under this Act.

(4) The registers in information systems kept under this Act shall contain data on aliens and other persons obtained in a procedure under this Act.

(5) Central registers shall be kept by the Ministry of Interior.

(6) The Ministry of Foreign Affairs shall keep registers in information systems containing data on applicants for visa and on granted or denied visa, which are interconnected with the registers of the Ministry of Interior.

## PART SIX

# ADMINISTRATIVE EXPULSION, ARREST, POLICE TRANSPORTATION AND AIR TRANSIT

## CHAPTER ONE

### ADMINISTRATIVE EXPULSION

#### Section 56 General Provision

An administrative expulsion shall mean a decision of a police department on termination of an alien's stay with determination of a time limit for his/her departure and a time period of a ban on his/her entry, unless otherwise stipulated by this Act. A collective expulsion of aliens based on one decision shall be inadmissible.

#### Section 57 Reasons for Administrative Expulsion

- (1) A police department shall administratively expel an alien and determine a ban on entry
- a) up to ten years, but minimally for five years when
    1. he/she endangers security of the State, the public policy, health or the rights and freedoms of others and, on the determined territories, also the nature, or
    2. he/she was sentenced by a final decision for a deliberate crime and a punishment of expulsion was not imposed on him/her, 2)
  - b) for five years when
    1. he/she breaches regulations on narcotics and psychotropic substances, 21)
    2. at a control under this Act, he/she submitted a forged or modified document or a document of another person,
    3. an alien performs an activity other than the one for which a temporary stay permit or visa was granted to him/her, or
    4. he/she entered into marriage with the aim to obtain a residence permit,
  - c) up to five years, but minimally for one year when
    1. he/she enters the territory of the Slovak Republic without authorisation or stays on the territory of the Slovak Republic without authorisation,
    2. he/she refuses to prove his/her identity in a credible manner,
    3. he/she stays on the territory of the Slovak Republic based on an international treaty or a decision of the Government of the Slovak Republic and acts contrary to such international treaty or decision of the Government of the Slovak Republic,
    4. in the procedure of granting a residence permit, he/she wilfully states false or incomplete data,
    5. it determines that the purpose for which a temporary stay permit was granted to an alien ceased to exist and that the alien failed to notify a police department of this fact,
    6. he/she frustrates enforcement of a decision of a State authority, or
    7. he/she otherwise grossly or repeatedly breaches generally binding legal regulations.

(2) Should there be several reasons for an administrative expulsion under Paragraph 1, a police department shall determine the time period of ban on entry according to the most severe provision.

(3) An appeal against a decision on the administrative expulsion shall not have a suspensive effect; this shall not apply in the case of an alien whose asylum procedure was not terminated by granting of an asylum or provision of subsidiary protection.<sup>1</sup>

(4) An alien to whom a decision on administrative expulsion was issued shall be obliged to depart in a time limit determined in the decision; this time limit must not exceed 30 days from issuance of the decision. A police department shall determine a time limit for departure of maximally 30 days from finality of a decision on the administrative expulsion to an alien whose asylum procedure did not terminate by granting of an asylum or provision of subsidiary protection.<sup>1</sup> An arrested alien who was released from a facility shall be obliged to depart within 30 days from his/her release.

(5) When a decision on expulsion becomes enforceable, a police department shall record data on the alien, on the time period of the ban on entry and on the reasons for such decision in the register of undesirable persons. The Ministry of Interior shall exclude the alien from the register of undesirable persons after granting of the citizenship of the Slovak Republic to him/her, granting of a permanent residence permit under Section 40 to him/her, a lapse of the time period of the ban on entry, a lapse of the punishment of expulsion, pardoning the punishment of expulsion based on a pardon granted by the President of the Slovak Republic, after he/she completes 80 years of age or after his/her death.

(6) A police department may shorten the time period of a ban on stay under Paragraph 1 or not administratively expel an alien who was granted a permanent residence permit if the consequences of the procedure under Paragraph 1 were inadequate with regard to the alien's private and family life and the length of his/her stay, the age of an alien and his/her relation to a country of origin; about an alien, who is not citizen of European economic area, can be made record in Schengen information system. An alien, about who a record was made in Schengen information system, shall be informed by police department about consequences of this proceeding.

(7) A police department may administratively expel a citizen of the European Economic Area or an advantaged alien, provided that he/she endangers the security of the State, public policy or public health; this shall not apply if he/she falls ill of a disease which endangers the public health after three months from the entry of the citizen of the European Economic Area or the advantaged alien.

(8) A police department may administratively expel a citizen of the European Economic Area, an advantaged alien or alien, who were granted a subsequent permit or an alien whose tolerated stay permit was extended under Section 43 Paragraph 7 only for serious reasons of endangering the security of the State or public policy.

(9) A police department may administratively expel a citizen of the European Economic Area without determining the time limit of a ban on stay, provided that he/she does not fulfil the requirements under Section 45a Paragraph 1 Subparagraph d), and an advantaged alien, provided that he/she does not fulfil the requirements under Section 45b Paragraph 1 Subparagraph b); this shall not apply in the case of a subsequent permit.

(10) A police department must not administratively expel

a) a citizen of the European Economic Area, provided that he/she has legitimately stayed on the territory of the Slovak Republic for at least ten years; this shall not apply if he/she constitutes a danger to the security of the State,

b) a child younger than 18 years; this shall not apply if expulsion of this child is in the child's interest, 21a)

c) an alien who falls ill of a disease which endangers the public health after being granted a residence permit

d) an alien who was granted a tolerated stay permit under Section 43 Paragraph 6.

(11) Should a police department administratively expel an alien with a long-term stay who was granted a residence permit on the territory of the Slovak Republic, it shall be obliged to notify of it the State of the European Economic Area which granted the long-term stay to the alien. In case of an administrative expulsion of an alien with a long-term stay to a territory outside the European Economic Area for a particularly serious reason the police department shall be obliged to consult its decision with the State which granted the long-term stay to the alien.

(12) The provision under Paragraph 6 shall apply accordingly also to a citizen of the European Economic Area and to an advantaged alien.

#### Section 58

##### Impediments to Administrative Expulsion

(1) An alien must not be administratively expelled to a country, in which his/her life would be endangered due to his/her race, nationality, religion, belonging to a certain social group, or due to his/her political conviction, or in which he/she would be in danger of torture, cruel, inhuman or humiliating treatment or punishment. It is not possible either to administratively expel an alien to a country, in which a death penalty was imposed on him/her, or if it is expected that such penalty could be imposed on him/her in the pending proceedings.

(2) An alien must not be administratively expelled to a country, in which his/her freedom would be endangered due to his/her race, nationality, religion, belonging to a certain social group, or due to his/her political conviction; this shall not apply if by his/her conduct the alien endangers security of the State or if he/she was sentenced for a particularly serious crime 21) and constitutes a danger for the Slovak Republic.

(3) A stateless person, which was granted a permanent residence permit, may be administratively expelled only when he/she endangers security of the State or the public policy by his/her conduct and the impediments to the administrative expulsion under Paragraph 1 and 2 do not apply to him/her.

#### Section 59

##### Enforcement of Decision on Administrative Expulsion

(1) A police department shall secure enforcement of a decision on administrative expulsion when

a) the alien did not depart in the time limit determined in the decision on administrative expulsion,

b) it can be assumed that the alien would frustrate enforcement of the decision on administrative expulsion or make it more difficult,

c) the alien should be returned to the territory of a Contracting State according to an international treaty, or

d) the alien cannot depart because he/she does not have a valid travel document or financial means for departure.

(2) A police department shall transport an alien, who is administratively expelled to a neighbouring State, to a border checkpoint.

(3) Should a police department execute administrative expulsion by air or through the territory of a third State based on an international treaty, it may transport the alien to the territory of the State, in which his/her reception is secured.

(4) A police department shall not enforce a decision on the administrative expulsion in the case that

- a) a travel document cannot be provided to an alien who does not have his/her own travel document, not even through a foreign mission of the State of his/her citizenship, while the time limit for his/her arrest has expired and it is not possible to secure the alien's departure with an alien passport either,
- b) before enforcement of the decision on the administrative expulsion the alien applied for a voluntary return; this shall not apply if the voluntary return is not executed within 90 days.

#### Section 59a

##### Enforcement of Decision on Expulsion by executing state

(1) A police department shall secure enforcement of a decision on expulsion issued by member state of European economic area (hereinafter the "decision on expulsion"), if:

- a) an alien was sentenced by an imprisonment at least for one year
- bl there is a well founded suspicion, that an alien on the state territory of the member state of European economic area committed or tried to commit a crime or
- c)an alien violated regulations of the member state of European economic area, governing entrance and stay of aliens on the state territory

(2) Paragraph 1 shall not be applied on preferred alien

(3) Before enforcement of decision under paragraph 1, a police department is obliged asking executing state and member state of European economic area on which territory an alien has a residence permit, for its opinion.

(4) Before enforcement of decision under paragraph 1, a police department shall examine weather the enforcement of decision under paragraph 1 is in accordance with international treaties and with this act.

(5) A police department shall inform executing state about an enforcement of decision on expulsion under paragraph 1.

(6) If a police department enforced a decision on expulsion, the Ministry of interior shall require from executing state to reimburse costs incurred by expulsion.

(7) On enforcement of decision on expulsion under paragraph 1 is to be applying section 59 paragraphs 2 till 4.

(8) If the another member state of European economic area enforces a decision on expulsion a police department shall on its request provide it with information and documents about an alien, to whom a expulsion decision was issued. If another state of European economic area starts executing a decision on expulsion, such decision can not be changed nor abolished.

(9) If another member state of European economic area enforces a decision on expulsion, the costs incurred shall be reimbursed by Ministry of interior.

#### Section 60 Reimbursement of Costs Incurred by Administrative Expulsion

(1) The costs incurred by administrative expulsion shall be deemed the costs of accommodation, boarding and transportation of an alien, the costs incurred by the alien's arrest and all other necessary costs connected with the alien.

(2) An alien shall reimburse the costs incurred by administrative expulsion from

- a) his/her own financial means, or
- b) from the sum deposited at a foreign mission.

(3) Should it not be possible to reimburse the costs of administrative expulsion under Paragraph 2, they shall be reimbursed by

- a) the person which employed the alien without authorisation,
- b) the person which mediated an unauthorised employment to the alien,
- c) the person which undertook to do so in an authenticated invitation, or
- d) a transporter which failed to fulfil its obligation under Section 51.

(4) Should it not be possible to reimburse the costs of administrative expulsion under Section 2 or 3, they shall be reimbursed by the State through the Ministry of Interior.

#### Section 61

(1) The Ministry of Interior may allow an entry of an alien who was administratively expelled when

a) the purpose of the stay is a humane reason, above all death or visit of a seriously ill person which is the alien's close person, 23) or

b) his/her stay is in the interest of the Slovak Republic and the matter cannot be solved abroad.

(2) A citizen of the European Economic Area and an advantaged alien may request for quashing of a decision on the administrative expulsion based on evidence confirming that the circumstances due to which he/she was administratively expelled and due to which a ban on entry was imposed on him/her substantially changed. The Ministry of Interior shall decide on his/her request within 180 days from its receipt.

(3) The general regulation on administrative proceedings 6) shall not apply to decision-making on permission of an entry under Paragraph 1 and 2.

## CHAPTER TWO

### DETENTION

#### Section 62

(1) A policeman shall be entitled to detain an alien for the purpose of

- a) execution of his/her administrative expulsion or enforcement of the punishment of expulsion,
- b) execution of his/her transportation pursuant to a separate Act<sup>23a)</sup> or
- c) his/her return pursuant to a separate Act<sup>23b)</sup>, provided that he/she entered the territory of the Slovak Republic without authorisation or stays on the territory of the Slovak Republic without authorisation.

(2) Making of a statement under a separate Act 1) or an alien's application for a voluntary return shall not constitute a reason for releasing an detained alien. The alien's detention shall not affect the proceedings under a separate Act 1).

(3) An alien may be detaining only for the necessary time, however maximally for 180 days.

(4) A police department shall immediately issue to an alien a decision on the detention and it shall place the alien in a facility. Should it not be possible to immediately determine the identity of the detained alien, the police department shall attach, to the decision on his/her detention, such evidence which will prevent mistaking this person for another person.

(5) A detained alien, whose handover to the authorities of the neighbouring State was started to be dealt with in the proceedings under a separate treaty 23b), may be placed at a police department for a maximum of 7 days from his/her detention.

(6) A detained alien may file a remedy against the decision on the arrest with a court 24) within 15 days from the delivery of the decision on the detention; court decides about remedy against decision immediately. Filing of the remedy shall not have a suspensive effect

(7) Provision of Paragraph 1 does not apply to a minor alien who does not have a legal representative.

#### Section 63

A police department shall be obliged to

a) secure, immediately after an alien's detention, his/her instruction in a language which he/she understands, on the reasons for the detention and on the possibility to examine the lawfulness of the decision on the detention,

b) immediately notify of the alien's detention a foreign mission of the State of the alien's citizenship; should the foreign mission of this State not have a seat on the territory of the Slovak Republic, the police department shall notify the Ministry of Foreign Affairs of the alien's detention,

c) immediately enable the detained arrested alien to notify a close person 23) and his/her lawyer of the arrest,

d) immediately take the necessary measures and action for execution of an expulsion or determination of the alien's identity,

e) examine, in the course of the entire time period of the alien's detention, whether the reasons for the detention still exist,

f) release an detained alien without undue delay

1. if the purpose for detention ceased to exist,
2. based on a court's decision, or
3. if the time limit of 180 days lapsed.

#### Section 63a Boarding of Detained Alien

(1) Boarding of a detained alien shall be secured according to the local conditions and at the respective time in accordance with the principles of healthy alimentation and with regard to the age, health condition and religion of such alien; the alien shall be provided the boarding for the first time when his/her arrest exceeds six hours. Should the arrest not last for more than six hours, the boarding shall not be secured, except for the case when the health condition and age of such alien or other serious circumstance known to the policeman must be taken into account.

(2) Should the detained alien refuse the provided food, a policeman shall make an official record of it, in which he/she shall state the reason for refusal of the food, while he/she shall immediately notify the detained alien of it in a language understood by the alien, and he/she shall submit the official record for its signing to the alien who refused the food in the presence of another policeman. Should such alien also refuse to sign the official record of the food's refusal, the policemen shall make a note about this fact in the official record and submit it to their superior.

(3) The costs of boarding shall be reimbursed by the alien to whom the food was provided; should his/her current situation not enables him/her to reimburse them, the costs of boarding shall be borne by the State. Should the alien be detained for the needs of execution of his/her administrative expulsion, Section 60 shall apply to reimbursement of the costs of his/her boarding.

(4) The upper limit of the costs of boarding, including the used material, borne by the State and other details on the boarding, including the manner of securing of the boarding, shall be stipulated by a generally binding legal regulation issued by the Ministry of Interior.

Section 64  
Facility

(1) A facility must be adequate to the purpose for which it was established, it must not be hygienically unsound and it must be adapted in order to prevent endangering of life or damaging of health.

(2) A facility shall include housing rooms, including sanitary facilities, cultural and reception room and another area, in which aliens can freely move in a determined time, except for the aliens placed in the facility's premises with an independent regime of arrest under Section 65.

(3) The housing room shall be provided with an electronic light, desk, chairs, beds and drawers for personal belongings in the number corresponding to the number of accommodated aliens.

(4) A facility shall have premises with an independent regime of arrest.

(5) A facility shall be operated by a police department.

Section 65  
Separated Regime of Detention

(1) A police department shall place a detained alien in the facility's premises with an separated regime of detention,

a) when there is a reasonable fear that he/she would endanger the purpose of arrest,

b) when he/she is aggressive or requires heightened supervision for other reason or in the interest of protection of health or the rights and freedoms of other aliens,

c) when he/she breaches the internal policy of the facility,

d) in the course of a quarantine due to an infectious disease or for other medical reason.

(2) The premises with an separated regime of detention shall include a housing room which can be locked only from outside and is provided with a separated sanitary facility and a signalling device.

(3) An area for outing shall also constitute a part of the facility's premises with an separated regime of detention.

Section 66  
Search of Detained Alien

(1) A policeman shall be entitled to execute a body search and a search of personal belongings before placing a detained alien in a facility with a view to determining whether he/she has any items which could endanger security of persons and property and, items which could be used for an escape and addictive substances or items which could disturb, by their amount or nature, the internal policy of the facility or damage health.

(2) A detained alien shall be obliged to undergo a search. A body search of a detained alien shall be executed by a person of the same sex.

(3) A policeman shall be entitled to seize and deposit a travel document, items and objects under Paragraph 1 and addictive substances found at a body search of a detained alien or at the search of his/her personal belongings.

#### Section 67 Placement of Aliens

(1) At a placement of an alien in a facility, a police department shall take into account his/her age, health condition, family relations and religious, ethnical or national peculiarities.

(2) A police department which operates a facility shall secure, immediately after an alien's placement in the facility, his/her instruction, in a language understood by him/her, on where he/she was placed and on his/her obligations and rights related to his/her arrest and on the internal policy of the facility.

(3) Men, women and aliens younger than 18 years shall be placed separately from older aliens. An exception may be granted to aliens who are in a family relation.

(4) A family may be placed in a facility together. Should a police department decide to separate the family, it must always take into account that the consequences of such separation are adequate to its reasons.

#### Section 68 Care of Health

(1) An alien shall be obliged to undergo a medical examination in the extent determined by a physician, including the necessary diagnostic and laboratory examination, vaccination and preventive measures determined by an authority for protection of health. 25)

(2) Should the alien's health condition require a health care which cannot be secured in a facility, a police department shall secure such health care in a medical establishment outside the facility.

(3) Should an alien cause damage to his/her health deliberately, he/she shall be obliged to reimburse the costs of the treatment and the actually incurred costs of supervision and transportation to a medical establishment.

#### Section 69 Obligations of Alien Placed in Facility

An alien shall be obliged to observe the internal policy of the facility, discharge orders and instructions of a policeman.

## Rights of Alien Placed in Facility

### Section 70

An alien shall be entitled to a continuous 8-hours sleep and to daily walks in a determined area of at least one hour.

### Section 71

- (1) An alien may send written notices at his/her own expense.
- (2) In order to exercise his/her rights, an alien may file requests and complaints with state authorities of the Slovak Republic which shall be immediately sent by a police department.
- (3) An alien may order, at his/her own expense, books, daily press and magazines including international , provided that they are distributed in the Slovak Republic.

### Section 72

- (1) An alien shall be entitled to accept a visit of maximally two persons once in three weeks in duration of 30 minutes. The facility's director may grant an exception in justified cases.
- (2) An alien shall be entitled to receive without limitations the persons which provide him/her with legal protection.

### Section 73

- (1) Once in two weeks, an alien may receive a parcel with items of personal use of up to five kilograms. The limitation shall not apply to a parcel with clothes.
- (2) A police department shall control the contents of a parcel. It shall not give the items, substances and objects under Section 66 Paragraph 1 to an alien and it shall send them back to the sender at his/her expense.
- (3) An alien may receive financial means without limitations. A police department shall secure their depositing.

### Section 74 Termination of Detention

After termination of a stay in a detention facility, a police department shall release the deposited financial means to an alien, except for the financial means used under Section 60 Paragraph 2

Subparagraph a), and a deposited travel document, items, objects and addictive substances, except for those whose possession is contrary to the laws of the Slovak Republic.

## CHAPTER THREE

### POLICE TRANSPORTATION

#### Section 75

(1) Police transportation shall be executed by a police department based on an international treaty when a Contracting State requests for transportation of an alien through the territory of the Slovak Republic to a border checkpoint of a neighbouring State.

(2) A police department shall take the necessary measures for protection of life and health of a transported alien and if needed it shall secure provision of the necessary health care.

(3) A policeman shall be entitled to limit personal liberty of a transported alien in the course of the police transportation.

(4) A transported alien shall be obliged to undergo a search which shall be executed by a person of the same sex.

(5) A police department shall provide a transported alien with the boarding, usually every six hours from the alien's takeover for the police transportation.

(6) The costs related to the police transportation shall be borne by the person who requested for the police transportation.

## CHAPTER FOUR

### AIR TRANSIT

#### Section 75a

(1) The Ministry of Interior

a) shall receive written applications of other States of the European Economic Area for execution of an air transit (hereinafter "the application for air transit") and decide on them,

b) shall file written applications with other States of the European Economic Area for execution of an air transit, provided that it is not possible to use a direct flight from the territory of the Slovak Republic to a determined country or provided that it cannot execute such flight for serious reasons,

c) shall immediately accept a returned alien, provided that

1. a permit for an air transit was denied or revoked,
2. in the course of an air transit, the alien left the transit area of a public airport without permission, or
3. it is not possible to execute an air transit for other reasons,

d) shall cover the costs of the provided meals and urgent health care provided to the alien under Subparagraph c) by another State of the European Economic Area, provided that these costs are actual and expressible in numbers, and it shall cover the costs incurred by his/her return,

e) shall request for the costs incurred by the alien's return under Section 75c Paragraph 3,

f) shall determine contact places of transit airports.

(2) The applicant State of the European Economic Area (hereinafter "the applicant State") shall deliver a written application for an air transit at the latest two days before the air transit; this time limit can be waived in particularly urgent and justified cases. A sample application for execution of an air transit is included in the Annex no. 1.

#### Section 75b

(1) The Ministry of Interior shall decide on an application for an air transit within two days from its receipt and it shall immediately notify the applicant State; in justified cases the time limit for a decision may be prolonged by a maximum of 48 hours.

(2) Should the Ministry of Interior not notify of its decision in a time limit under Paragraph 1, the applicant State may commence execution of an air transit; it shall notify the Ministry of Interior of commencement of the air transit's execution.

(3) An air transit shall be executed within 24 hours from a decision under Paragraph 1 or from a notification under Paragraph 2.

(4) The Ministry of Interior may dismiss a written application for an air transit when

a) the applicant State can execute a direct flight to the determined country, except for the justified cases,

b) the alien was accused under a separate Act 25a) or he/she is searched-for due to avoiding execution of a punishment imposed by a final decision, 25b)

c) it is not possible to execute an air transit through other States or it is not possible to secure the alien's reception by the determined country,

d) the alien's transportation requires changing of a public airport,

e) provision of the requested assistance is not possible at the respective time for justified reasons,  
or

f) the alien could endanger the public policy, security of the State, public health or international relations.

(5) The Ministry of Interior may quash a decision on air transit which has already been issued, provided that occurrence of the circumstances under Paragraph 4 is subsequently determined.

(6) The Ministry of Interior shall immediately notify the applicant State of its decision

- a) on cancellation of the air transit and the reason for its cancellation,
- b) on denial of the air transit under Paragraph 4, on the reason for its denial and in the case of a denial under Paragraph 4 Subparagraph e) also on the time of the next possible air transit.

(7) The Ministry of Interior shall immediately return the alien, provided that

- a) a permit for an air transit was denied or revoked,
- b) in the course of the air transit, the alien left the transit area of a public airport without permission, or
- c) it is not possible to execute an air transit for other reasons.

#### Section 75c

(1) Should the Ministry of Interior permit an air transit based on an application under Section 75a Paragraph 1 Subparagraph a), a police department shall provide the necessary assistance, above all it shall accompany the alien on the premises of a transit public airport, provide to the alien an urgent health care, meals and, if needed, it shall also provide it to his/her company.

(2) The Ministry of Interior shall request the applicant State for covering the costs of the provided meals and urgent health care, provided that these costs are actual and expressible in numbers.

(3) A police department shall also cooperate in the course of an alien's return under Section 75b Paragraph 7.

(4) The Ministry of Interior shall notify the applicant State of serious circumstances which occurred in the course of an air transit and of the costs incurred by provision of assistance.

#### Section 75d

(1) Should an alien's air transit be executed with a company, the company shall be obliged to observe legal regulations of the Slovak Republic and prove, upon request, his/her identity, a permit for an air transit or a notification under Section 75b Paragraph 2.

(2) The alien's company must wear civilian clothes and must not carry weapons.

### PART SEVEN

#### MISDEMEANOURS AND OTHER ADMINISTRATIVE OFFENCES

##### Section 76 Misdemeanours

- (1) A person commits a misdemeanour, if
- a) enters the territory of the Slovak Republic without authorisation, stays on the territory of the Slovak Republic without authorisation or departs from the territory of the Slovak Republic without authorisation,
  - b) misuses a travel document of another person with a view to passing a border checkpoint of the Slovak Republic,
  - c) makes or requests for making unauthorised changes in documents authorising for an entry or in a residence permit,
  - d) fails to observe the conditions of transit
  - e) breaches an obligation under Section 23 Paragraph 4, Section 38a Paragraph 2, Section 43 Paragraph 5, Section 44 Paragraph 1, Section 45 Paragraph 3, Section 45d Paragraph 2, Section 46 Paragraph 9, Section 49 Paragraph 1 – 3 or Section 69.

(2) A fine up to SKK 50,000 may be imposed for a misdemeanour under Paragraph 1.

(3) Fines for misdemeanours under this Act of up to SKK 5,000 may be imposed and collected by police departments based on receipts.

(4) Misdemeanours under Paragraph 1 shall be heard by police departments. Proceeds from fines shall constitute an income of the state budget of the Slovak Republic.

(5) A separate regulation 26) shall apply to misdemeanours and their hearing, unless otherwise stipulated by this Act.

#### Section 77 Administrative Offences

- (1) Administrative offence related to the stay of aliens is committed, if
- a) a transporter which breached an obligation under Section 51 Paragraph 1,
  - b) a provider of accommodation which breached an obligation under Section 50,
  - c) a school, which failed to fulfil an obligation under Section 53 Paragraph 3,
  - d) an air transporter which failed to provide the data under Section 51 Paragraph 4 or which provided incomplete or incorrect data.

(2) A police department shall impose a fine in the amount of SKK 120,000 – 150,000 per each transported alien for an administrative offence under Paragraph 1 Subparagraph a).

(3) A police department shall impose a fine in the amount up to SKK 100,000 for an administrative offence under Paragraph 1 Subparagraph b) or c).

(4) A police department shall impose a fine in the amount of SKK 120,000 – 200,000 for an administrative offence under Paragraph 1 Subparagraph d) per each executed flight.

(5) A fine under Paragraph 1 Subparagraphs a) - c) may be imposed within one year from the day when the police department learned about the breach of the obligation, but not later than within three years from the day when the obligation was breached. At determination of the amount of the fine, the following shall be taken into account: the gravity, duration and consequences of the unlawful conduct, whether the obligation was breached repeatedly, or whether several obligations were breached.

(6) A fine shall be collected by a police department. Proceeds from fines shall constitute an income of the State budget of the Slovak Republic.

(7) A fine shall be payable within 30 days from the day of finality of the decision on its imposition.

## PART EIGHT

### COMMON, INTERIM AND FINAL PROVISIONS

#### Section 78

##### Relation to Administrative Procedure Code

A general regulation on administrative proceedings 6) shall apply to procedures under this Act or a separate Act<sup>1a)</sup>, unless otherwise stipulated by this Act.

#### Section 79

##### Integrity

(1) An alien shall prove his/her integrity by an extract from the Criminal Register under a separate regulation 27) and by an extract from the Criminal Register of the State of his/her citizenship or of the State in which the alien had, in the last three years, his/her residence; should such extract not usually be issued in this State, it may be replaced by an equivalent document issued by a competent judicial authority or administrative authority of the country of his/her origin or it may be replaced by an affidavit which shall be made by the alien before a competent judicial authority or administrative authority or possibly a notary of the country of his/her origin or former residence.

(2) In decision-making on an application for a residence permit, a police department shall be entitled to require a copy of the Criminal Register.

#### Section 80

(1) A police department shall proceed, in the matters related to a stay under this Act, according to the place of stay or the expected stay, unless otherwise stipulated by this Act or a separate Act. In the case of an alien who regularly comes to work from a neighbouring State across a border checkpoint, a police department shall proceed according to the workplace and in the case of an alien who regularly comes to school from a neighbouring country across a border checkpoint; a police department shall proceed according to the school's seat.

(2) The Ministry of Interior shall determine contact places for receipt and delivery of information under Section 26 Paragraph 5, Section 29 Paragraph 3, Section 38 Paragraph 3 and Section 57 Paragraph 11.

(3) An alien shall be obliged to submit the applications and documents necessary in a procedure under this Act issued in a foreign language, in a sworn translation 28) into the official language. 29)

(4) Administrative fees under a separate regulation 30) shall be collected for actions under this Act.

(5) Documents which are necessary in a procedure under this Act and were issued by authorities of other States must include a clause of legalization, unless otherwise stipulated by an international treaty. 30a)

(6) A minor child younger than 18 years shall be represented, in the matters related to a stay, by a legal representative.

(7) A minor child who does not have a legal representative shall be represented, in the matters related to a stay, by an appointed guardian. 30b)

(8) Official forms used under this Act shall be issued by the Ministry of Interior.

(9) Should there be a reasonable fear that the security of the State or the public policy would be endangered by a citizen of the European Economic Area or advantaged alien, who reports his/her stay, applies for issuance of a confirmation of registration or for granting of a residence permit, a police department may request the authorities of other State of the European Economic Area for provision of information concerning the previous police records about such citizen or advantaged alien. The police department may request for information concerning a citizen of the European Economic Area within three months from his/her entry to the territory of the Slovak Republic or from the reporting of his/her stay at the police department

(10) A police department can request authorities of another State of the European Economic Area for information about an alien's previous stay when deciding on his/her application for residence permit. It shall provide information about stay of aliens on the territory of the Slovak Republic upon request of authorities of another State of the European Economic Area.

(11) Within examination of applications for the temporary stay permit and first permit, a police department shall request for comments of the Slovak Intelligence Service, which shall send its comments to the police department within 10 days from the request's delivery; the Slovak Intelligence Service shall be entitled to process personal data stated in request of the police department only for the purpose of its comments.

#### Section 80a

A police department shall report finding of and shall immediately hand over a minor alien on the territory of the Slovak Republic to the Office of Work, Social Affairs and Family competent according to the district in which the minor alien was found.

#### Section 80b

A list of diseases endangering the public health shall be set out in a generally binding legal regulation issued by the Ministry of Health of the Slovak Republic.

## Section 80c

(1) For the purposes of this Act a police department and a foreign mission shall be entitled to process, in a procedure concerning visa, the following personal data and other data:

- a) name, surname, maiden name, previous surnames, date of birth, sex, place and State of birth, citizenship, marital status, data on travel document, biometric data,
- b) occupation, father's name and surname, mother's name, surname and maiden name, spouse's name, surname and maiden name, spouse's date and place of birth, child's name, surname and date of birth, previous stays in the Slovak Republic,
- c) previous citizenship, data on permanent residence, data on employer, target country, type of visa, requested number of entries, time period of stay, data on the granted visa of the Slovak Republic, purpose of visit, arrival date, departure date, type of the means of transport, place of first entry, data on contact person in the Slovak Republic, manner of financial coverage in the Slovak Republic,
- d) name, surname, date of birth, number of a travel document and family relation with a citizen of the Slovak Republic on whom an alien is dependent or who invited the alien.

(2) For the purposes of this Act a police department and a foreign mission shall be entitled to process, in a procedure concerning stay, the personal data and other data under Paragraph 1 Subparagraphs a) and b) and

- a) title, nationality, purpose of stay, highest completed education, data on employment before arrival and after arrival to the Slovak Republic, place and State of permanent residence, address of the last residence, place of residence in the Slovak Republic, name of provider of accommodation,
- b) previous surnames of spouse, State of spouse's birth, spouse's citizenship, spouse's permanent residence, spouse's place of residence in the Slovak Republic,
- c) father/mother's date of birth, father's/mother's citizenship, child's place of birth, child's citizenship, child's permanent residence, child's place of residence in the Slovak Republic, names and surnames of brothers and sisters, date and place of birth of brothers and sisters, citizenship of brothers and sisters, permanent residence of brothers and sisters.

(3) For the purposes of this Act a police department shall be entitled to process, in a procedure concerning stay of a citizen of the European Economic Area, personal data and other data under Paragraph 1 Subparagraph a) and data on the highest completed education, place of permanent residence abroad, place of residence in the Slovak Republic and data on provider of accommodation.

(4) For the purposes of this Act a police department shall be entitled to process, in a procedure concerning administrative expulsion and arrest, personal data and other data under Paragraph 1 Subparagraph a) and data on permanent residence.

## Section 81 Interim Provisions

(1) Proceedings initiated before 1 April 2002 shall be terminated under this Act.

(2) A visa granted before 1 April 2002 shall be considered a visa granted under this Act, except for the visa granted under Paragraph 3.

(3) The validity of a visa granted in connection with a long-term stay and permanent residence shall expire on 31 March 2003, unless it has already expired.

(4) A permanent residence permit granted under the previous regulations shall be deemed the first permit for permanent residence under this Act.

(5) A permit for a long-term stay granted under the previous regulations shall be deemed a temporary stay permit under this Act.

(6) Where the term "long-term stay on the territory of the Slovak Republic" is used in generally binding legal regulations, it shall be deemed a temporary stay under this Act.

(7) "Card – permit for alien's stay" issued under the previous regulations shall be deemed a certificate of a residence permit under this Act with the validity denoted in it; however its validity shall expire the latest on 30 June 2004.

(8) The validity of a decision on a ban on stay on the territory of the Slovak Republic and a decision on denial of entry to the territory of the Slovak Republic imposed under previous regulations shall not be affected.

#### Section 81a

Interim Provision on Regulations Valid as of the Day of Effectiveness of the Treaty of Accession of the Slovak Republic to the European Union.

A temporary stay of an EU citizen granted before effectiveness of this provision shall be deemed, from the day of its effectiveness, a permanent residence under Section 45a; a police department shall issue a certificate of permanent residence under Section 46 Paragraph 5 to such person.

#### Section 81b

Interim provision on amendments effective as of 15 December 2005

(1) Upon request of an alien who was granted a subsequent permit under the previous legal regulations and who has been employed or undertook business for at least five years or upon request of his/her family member, a police department shall issue a new certificate of residence titled "person with long-term stay - EC"; this shall not apply in the case of a family member of a citizen of the Slovak Republic.

(2) Permanent residence of a citizen of the European Economic Area and an advantaged alien shall be deemed a stay based on a subsequent permit.

(3) Proceedings concerning stay which were initiated before 15 December 2005 shall be terminated under this Act; they shall be terminated under the Act effective before 15 December 2005 only if it is more favourable for the applicant.

(4) Proceedings concerning administrative offences initiated before 15 December 2005 shall be terminated under the previous regulations.

„§ 81c

Interim Provision on Amendments Effective as of 1 January 2007

A temporary stay permit for the purpose of activities under special programmes granted under the previous regulations shall be deemed a temporary stay permit for the purpose of special activities.

Section 82

Repealing Provisions

The following shall be repealed:

1. Act of the National Council of the Slovak Republic No. 73/1995 Coll. on Stay of Aliens on the Territory of the Slovak Republic, as amended by Article IV Act No. 70/1997 Coll. and Act No. 69/2000 Coll.,

2. Decree of the Ministry of Interior of the Slovak Republic No. 226/1996 Coll. determining the amount of money, possession of which must be proved by an alien at his/her entry to the territory of the Slovak Republic.

Section 82a

This Act shall implement legal regulations of the European Communities and European Union referred to in the Annex no. 2.

Article II

Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Corps, as amended by the Act of the National Council of the Slovak Republic No. 251/1994 Coll., of the Act of the National Council of the Slovak Republic No. 233/1995 Coll., of the Act of the National Council of the Slovak Republic No. 315/1996 Coll., Act No. 353/1997 Coll., Act No. 12/1998 Coll., Act No. 73/1998 Coll., Act No. 256/1998 Coll., Act No. 116/2000 Coll., Act No. 323/2000 Coll., Act No. 367/2000 Coll. and Act No. 490/2001 Coll. shall be amended as follows:

1. Section 20 shall be repealed.

2. In Section 42 Paragraph 1, the words "or Section 20" shall be omitted.

Article III

Act No. 381/1997 Coll. on Travel Documents, as amended by the Act No. 441/2001 Coll. shall be amended and modified as follows:

1. In Section 1, the words "stateless persons with permanent residence on the territory of the Slovak Republic" shall be replaced by the words "other persons".

2. In Section 5 Paragraph 1 Subparagraph e), Section 15 Paragraph 2 and Section 16 Paragraph 2 Subparagraph e) the words "travel identification document" shall be replaced by the words "alien travel document".

3. Section 10, including the title, shall read:

"Section 10  
Alien Travel Document

An alien travel document shall be issued by a competent department of the Police Corps with a two-year's validity to

a) a stateless person 2a) which was granted a permanent residence permit on the territory of the Slovak Republic and

b) which was granted a status of refugee on the territory of the Slovak Republic. 2b)".

Footnotes 2a and 2b shall read:

"2a) Art. 27 of the Convention on Legal Status of Stateless Persons (Notification No. 206/2001 Coll.).

2b) Art. 28 of the Convention on Legal Status of Aliens (Notification No. 319/1996 Coll.).".

4. In Section 29, the following words shall be added at the end: "and the persons who were granted a refugee status on the territory of the Slovak Republic".

5. Section 30b with the following wording shall be added after Section 30a:

"Section 30b

As of 1 April 2002, a travel identity document issued before 31 March 2002 shall be deemed an alien travel document until expiry of its validity.".

Article IV

Act No. 311/1999 Coll. on Criminal Register shall be amended as follows:

In Section 7, a new Paragraph 2 with the following wording shall be added after Paragraph 1:

"(2) A copy of the Criminal register shall be issued for a department of the Police Corps upon its request at decision-making on an alien's application for a residence permit on the territory of the Slovak Republic under a separate regulation. 10a)".

The present Paragraphs 2 - 8 shall be marked as Paragraphs 3 - 9.

Footnote 10a shall read:

"10a) Act No. 48/2002 Coll. on Stay of Aliens and on Amendments and Modifications to Some Other Acts.".

## Article V

### Effectiveness

This Act shall become effective on 1 April 2002.

Act No. 408/2002 Coll. became effective on 25 July 2002.

Act No. 480/2002 Coll. became effective on 1 January 2003.

Act No. 606/2003 Coll. became effective on 1 January 2004, except for Article I Items 6, 8, 30, 42, 43, 46, Section 57 Paragraph 8 Item 50 and Item 62, which became effective on the day of effectiveness of a Treaty of Accession of the Slovak Republic to the European Union.

Act No. 69/2005 Coll. became effective on 1 May 2005.

Act No. 558/2005 Coll. became effective on 15 December 2005.

Act No. 474/2005 Coll. became effective on 1 January 2006.

Rudolf Schuster by his own hand

Jozef Migaš by his own hand

Mikuláš Dzurinda by his own hand

## ANNEX

### LIST OF IMPLEMENTED LEGAL REGULATIONS

(1) This Act implements the following legal regulations:

1. Council Directive 64/221/EEC of 25 February 1964 on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health, EC Official Journal, L 056, published on 4 April 1964, p. 0850 - 0857.

2. Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families, EC Official Journal, L 257, published on 19 October 1968, p. 0013 - 0016.

3. Council Directive 72/194/EEC of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and

residence of foreign nationals which are justified on grounds of public policy, public security or public health, EC Official Journal, L 121, published on 26 May 1972, p. 0032 - 0032.

4. Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services, EC Official Journal, L 172, published on 28 June 1973, p. 0014 - 0016.

5. Council Directive 75/34/EEC of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity, EC Official Journal, L 014, published on 20 January 1975, p. 0010 - 0013.

6. Council Directive 75/35/EEC of 17 December 1974 extending the scope of Directive No 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health to include nationals of a Member State who exercise the right to remain in the territory of another Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity, EC Official Journal, L 014, published on 20 January 1975, p. 0014 - 0014.

7. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (EC Official Journal, L 261, 6 August 2004, EC Official Journal, Special Issue, 19/vol. 7).

8. Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (EC Official Journal L 289, 3 November 2005).

9. Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (EC Official Journal, L 375, 23 December 2004)

10. Council Directive 90/364/EEC of 28 June 1990 on the right of residence, EC Official Journal, L 180, published on 13 July 1990, p. 0026 - 0027.

11. Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity, EC Official Journal, L 180, published on 13 July 1990, p. 0028 - 0029.

12. Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students, EC Official Journal, L 317, published on 18 December 1993, p. 0059 - 0060.

13. Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June, EC Official Journal, L 187, published 10 July 2001, p. 0045 - 0046.

(2) Translations of the above legal regulations are at disposal at the Central Translation Unit of the Institute for Approximation of Law, Section of the Governmental Office of the Slovak Republic.

- 1) Act No. 480/2002 Coll. on Asylum and on Amendments and Modifications to Some Other Acts.
- 1) Act No. 480/2002 Coll. on Asylum and on Amendments and Modifications to Some Other Acts.
- 2) Section 57 of Criminal Code, as amended.
- 3) Act of the National Council of the Slovak Republic No. 90/1996 Coll. on Minimum Wage, as amended.
- 4) Section 69 of the Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Corps, as amended.
- 5) Act of the National Council of the Slovak Republic No. 171/1993 Coll., as amended.
- 5a) Section 10 of the Act No. 480/2002 Coll. on Asylum and on Amendments and Modifications to Some Other Acts.
- 6) Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code).
- 7) Decree of the Ministry of Foreign Affairs No. 157/1964 Coll. on Vienna Convention on Diplomatic Relations. Decree of the Minister of Foreign Affairs No. 32/1969 Coll. on Vienna Convention on Consular Relations. Decree of the Minister of Foreign Affairs No. 40/1987 Coll. on Convention on Special Missions.
- 8) Act No. 474/2005 Coll. on Slovaks Living Abroad and on Amendments and Modifications to Some Other Acts.
- 8a) Act concluded among the contracting parties to the North-Atlantic Treaty and other States participating in the Partnership for Peace relating to the statute of their Armed Forces (Notification No. 324/1997 Coll.).
- 9) E.g. Commercial Code.
- 10) E.g. the Labour Code.
- 10c) Section 22 Paragraph 7 Subparagraph c) of the Act No. 5/2004 Coll., as amended.
- 10d) Section 2 of the Act No. 172/2005 Coll. on Organisation of State Support of Research and Development and Amending of Act No. 575/2001 Coll. on Organisation of Government's Activities and Organisation of Central State Administration, as amended
- 11) Act of the National Council of the Slovak Republic No. 387/1996 Coll. on Employment, as amended.
- 11a) For example treaties among states, which are parties to the North-Atlantic Treaty and among other States participating in the Partnership for Peace relating to the statute of their Armed Forces (Notification No. 324/1997 Coll.).
- 12) Decree of the Ministry of Justice of the Slovak Republic No. 105/1987 Coll. determining diseases which are deemed contagious under the Criminal Code.
- 12a) Act No. 595/2003 Coll. on Income Tax.

16) Act No. 94/1963 Coll. on Family, as amended.

17) Act No. 256/1998 Coll. on Protection of Witness and on Amendments and Modifications to Some Other Acts.

17aa) Article 8 of the Convention on Protection of Human Rights and Fundamental Freedoms (notification of the Federal Ministry of Foreign Affairs no. 209/1992 Coll.)

18) Act No. 381/1997 Coll. on Travel Documents, as amended.

19) Act No. 52/1998 Coll. on Protection of Personal Data in Information Systems, as amended by the Act No. 241/2001 Coll.

20) Section 2 of the Act No. 172/1990 Coll. on Universities, as amended by the Act of the National Council of the Slovak Republic No. 324/1996 Coll.

21) Act No. 139/1998 Coll. on Narcotics, Psychotropic Substances and Agents, as amended by the Act No. 260/1999 Coll.

23) Section 116 of the Civil Code.

23b) E.g. the Agreement concluded between the Government of the Slovak Republic and the Government of Ukraine on Surrender and Takeover of Persons Across Common State Borders (notification no. 116/1994 Coll.).

24) Section 250l of the Civil Procedure Code, as amended by the Act No. 519/1991 Coll.

25) Section 18 of the Act of the National Council of the Slovak Republic No. 272/1994 Coll. on Protection of Health of People, as amended by the Act of the National Council of the Slovak Republic No. 222/1996 Coll.

26) Act of the National Council of the Slovak Republic No. 372/1990 Coll. on Misdemeanours, as amended.

27) Act No. 311/1999 Coll. on Criminal Register, as amended by the Act No. 48/2002 Coll.

28) Act of the National Council of the Slovak Republic No. 323/1992 Coll. on Notaries and Notarial Activities (Notarial Order), as amended. Act of the National Council of the Slovak Republic No. 15/1993 Coll. on Authentication of Documents and Signatures on Documents by District Offices.

29) Act of the National Council of the Slovak Republic No. 270/1995 Coll. on National Language of the Slovak Republic, as amended.

30) Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees, as amended.

30a) Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Notification No. 213/2002 Coll.).

30b) Act No. 94/1963 Coll. on Family, as amended.

