

FREQUENTLY ASKED QUESTIONS

Content

1.	Application for international protection / asylum	4
1.1.	How to apply for asylum/ international protection?	4
1.2.	Which police authority is the “specific asylum authority” to receive your application for asylum/ international protection?	4
1.3.	What happens at the police when you apply for asylum?	4
1.4.	What kind of activities will police conduct for purpose of identification?	5
1.5.	How do I apply for asylum on behalf of my family?	5
1.6.	How do I apply for asylum if I am under the age of 18?	5
2.	What is international protection? What is the difference between asylum and subsidiary protection?	5
2.1.	Who can be granted asylum?	6
2.1.1.	What is persecution?	6
2.1.2.	Who can be an agent of persecution?	6
2.1.3.	What do “particularly despicable reasons of persecution” mean?	6
2.2.	Who can receive subsidiary protection?	7
2.2.1.	What is serious harm?	7
2.2.2.	Who can be agents of serious harm?	7
2.3.	Who can be granted asylum for humanitarian reasons?	7
2.4.	What conditions need to be fulfilled in order to be granted asylum for purpose of family reunification?	7
2.4.1.	Which family members can be granted asylum for purpose of family reunification?	8
2.4.2.	What does “asylum for purpose of family reunification” mean?	8
3.	What rights do beneficiaries of international protection have?	8
3.1.	What documents are issued to persons granted asylum?	8
3.2.	How is healthcare ensured to persons granted asylum?	9
3.3.	What documents are issued to beneficiaries of subsidiary protection?	9
3.4.	How is healthcare ensured for beneficiaries of subsidiary protection?	9
4.	Identity documents and travel documents	9

4.1.	Why did police confiscate my documents at the beginning of proceedings? Where are my documents? When will police return it back?	9
4.2.	What document should I present myself during the asylum procedure?	10
5.	Authorised stay in the Slovak Republic, freedom of movement and traveling	10
5.1.	Can I legally travel around Slovakia?	10
5.2.	Since when and until what time is my stay as an asylum seeker authorised in the Slovak Republic?	10
5.3.	Can I travel abroad during the asylum proceedings?	10
5.4.	What happens if I leave Slovakia before the end of asylum procedure?	11
5.5.	How long will I be in the camp in Humenné? Where will I go afterwards? How long does “the closed regime” apply to me?	11
5.6.	Stay outside of the camp	11
5.6.1.	How can I move outside of the camp?	11
5.6.2.	Can I live outside of the asylum camp?	12
5.6.3.	What obligations are associated with the stay outside of the camp?	12
6.	Health	12
6.1.	How is healthcare ensured for asylum seekers?	12
6.2.	What does medical check-up consist of?	13
7.	Working, studying, doing business	13
7.1.	Work	13
7.1.1.	Can I work as an asylum seeker?	13
7.1.2.	What should I do to start working?	13
7.1.3.	What duties do I have as an employed asylum seeker?	14
7.2.	Can I engage in business as an asylum seeker?	14
7.3.	Can I study as an asylum seeker?	14
8.	Other types of residence	14
8.1.	Can I apply for residence permit (permanent, temporary, tolerated) as an asylum seeker?	14
8.2.	Can I apply for asylum if I already have the residence in the Slovak Republic (permanent, temporary, tolerated)?	14
8.3.	What is so-called “authorisation to remain”?	15
9.	Rights and obligations of an asylum seeker	15
9.1.	What are my obligations as an asylum seeker?	15
9.2.	What rights does an asylum seeker have?	16
9.3.	What obligations does an asylum seeker have in the procedure?	16

10. What is the course of the procedure on application for asylum?	16
10.1	16
10.2	16
10.3.	16
10.4.	16
10.5.	17
10.6.	17
11. Evidence	17
11.1. What evidence I can submit in the asylum proceedings?	17
11.2. How and when can I get acquainted with the evidence?	17
12. Decision	18
12.1. How will I learn about the result of my asylum proceedings?	18
12.2. Why is the day of delivery of the decision important?	18
12.3. What types of decision can the Migration Office take on my asylum application?	18
13. Lawsuit at the court	19
13.1. What if I disagree with the result of the asylum proceedings?	19
13.2. What can be the result of the court proceedings?	19
14. Complaint at the Supreme Court	20
14.1. What if I disagree with the decision of the court?	20
14.2. Is Migration Office authorised to submit the complaint to the Supreme court?	20
14.3. How can the Supreme Court decide?	20
15. What if I have filed repeated asylum application?	20
16. What are the proceedings on administrative expulsion and why is it import to know if it had been already initiated against me or not?	21
17. The most common mistakes of asylum seekers in the proceedings and recommendation how to proceed	21

1. Application for international protection / asylum

1.1. How to apply for asylum/ international protection?

According to the Universal Declaration of Human Rights and Constitution of the Slovak Republic, everyone can seek and enjoy asylum from persecution in other countries.

If you cannot return to your country of origin because you are at risk of persecution or your life or liberty is in danger, you can submit an application for asylum/international protection in Slovakia. You have to submit this application **immediately** when entering the territory of the Slovak Republic, or **as soon as possible** after entering the territory of the Slovak Republic or after you have learnt about the reasons for which you cannot return.

You may apply for asylum by declaring at the police that you are applying for asylum or international protection in the Slovak Republic. Especially if you are in Slovakia without authorisation for stay (beyond the permitted time of stay within vis-free regime, without visa or residence permit or other authorisation to stay), make sure that declaration of your will to apply for asylum is clear and undisputable from your conduct and communication from the first moment. Later, you will be provided with an interpreter. The procedure in which your asylum application will be examined will start only if your asylum application is presented at the “specific asylum police authority”. Other police departments will provide you with information which police authority is the “specific asylum authority” in your case or will escort you there.

1.2. Which police authority is the “specific asylum authority” to receive your application for asylum/ international protection?

Slovak law specifies which police station is the “**specific asylum police authority**” in your case. You can apply for asylum only there, elsewhere you cannot apply for asylum.

In case when you are entering the territory of the Slovak Republic through the official border crossing, your “specific asylum authority” is the border police department **at the border crossing**.

If you arrived by air, your “specific asylum authority” is the police station **at the transit area of an airport** (Košice, Bratislava, Poprad).

If you are already on the territory of the Slovak Republic, you can apply for asylum exclusively at **the Asylum Department of the Police Force in Humenné**.

If you are accommodated in a closed centre, so-called **Police Detention Centre for Foreigners** (Sečovce and Medveďov), or if you are in custody pending criminal trial or in prison serving sentence of imprisonment, or if you hospitalized, or if you in a childcare facility, your “specific asylum authority” is **the nearest alien police department**.

1.3. What happens at the police when you apply for asylum?

After you declare at the police that you want to apply for asylum/international protection in the Slovak Republic, the police will provide you with an interpreter into language that you understand. You should inform the police which language you understand clearly from the beginning. Police will record your statements in writing including your personal data, information about your journey and about reasons for your asylum application. It is

important that you speak the truth; this record of your statements may be used also in your later proceedings. For the purpose of verification of your identity, police shall photograph you, scan your fingerprints and confiscate your travel document (passport) or other identity document (for example identity card, driving license or birth certificate). Written record of your asylum application and statements will be sent to the Migration Office which will further deal with your application.

1.4. What kind of activities will police conduct for purpose of identification?

After you have submitted the asylum application, you are obliged to undergo photographing and scanning of your fingerprints in order to verify your identity in police databases and in EURODAC European Database. Fingerprints are collected from asylum seekers older than 14 years. If authorities have doubts about your age as a minor, you are obliged to undergo the medical examination which is performed by X-ray examination of your bones in order to determine your age.

1.5. How do I apply for asylum on behalf of my family?

The application for asylum/international protection is submitted and examined separately for each adult family member. The applications of unmarried children under the age of 18 are examined together with one of the parents who shall submit the asylum application also on behalf of a child. Naturally, authorities strive to preserve family unity. The application for asylum can be submitted only on behalf of your minor children who are present in Slovakia with you.

1.6. How do I apply for asylum if I am under the age of 18?

If you are in Slovakia accompanied by parents or other adult relatives who could be your guardians, they will apply for asylum on your behalf.

If you are in Slovakia unaccompanied by a parent or any other adult relative, the court will appoint you a guardian. This adult person will talk to you about your situation, evaluate what is in your best interest, and if it is the asylum application, he/she will submit it on your behalf.

2. What is international protection? What is the difference between asylum and subsidiary protection?

International protection is granted to those foreigners who have lost protection of their own country. Due to risk of persecution or serious harm, they cannot or do not want to return there. We recognise two types of international protection in Slovakia; asylum granted for an indefinite period and temporary subsidiary protection, which is for the first time granted for one year. If reasons for providing subsidiary protection persists, it can be prolonged.

2.1. Who can be granted asylum?

You can be granted asylum if you **have a well-founded fear of persecution** in your country of origin and due to this fear you cannot or do not want to return to your country of origin. Not all the threats or inconveniences you face in the country of origin will be recognised as reasons for granting asylum. The asylum protects only those who have been harmed in country of their origin for particularly despicable reasons, for racial, ethnic, religious reasons, for reasons of particular political opinion or for membership in particular social group. It may also be an act specifically targeting persons of certain gender or targeting children for their vulnerability.

Asylum can also be granted specifically to close family members of a person who had already been granted asylum in Slovakia. The Slovak Republic can also grant asylum for humanitarian reasons.

2.1.1. What is persecution?

The persecution is understood as a serious or repeated violation of your human rights. The one who had faced physical, mental or sexual violence, various types of discrimination, inadequate or discriminatory criminal prosecution or punishment or who was at risk of being subjected to these acts in his/her home country in the past, fears persecution. A person can have a well-founded fear from persecution also because there is convincing evidence that he/she will be subjected to such acts provided that he/she returned to the country of origin.

2.1.2. Who can be an agent of persecution?

The state, state authorities or actors which control the state can be the **agents of persecution**. However, the agents of persecution may also be **non-state actors**, for example various non-state armed or military groups, warring tribes or organized criminal groups, but also for example private persons or family members. The country of your origin is primarily responsible for your protection as its citizen, by means of army, police, courts and other authorities which provide protection to citizens. **Your fear of persecution may only be well founded, if the state cannot or does not want to provide you with this protection.**

2.1.3. What do "particularly despicable reasons of persecution" mean?

Asylum protects only those persons who are threatened with persecution for the following despicable reasons: their race, nationality, ethnic origin, religious or political opinions, for their belonging to a particular social group. Children or people of a certain gender may be particularly at risk. Most often, these reasons represent features of a person which one cannot change or should not be asked to change or renounce, because they are one of the basic manifestations of a human being – for example political opinions or religion or sexual orientation.

2.2. Who can receive subsidiary protection?

Despite you do not fulfil conditions for being granting asylum, if you cannot return to your country of origin because you are in danger of serious harm, you shall be granted temporary **subsidiary protection**. Subsidiary protection is **for the first time** granted for one year. Subsidiary protection, in principle, shall protect civilians who fled generalised violence associated with the armed conflict. It may also be granted to those who fear execution, torture or other inhumane treatment in the country of origin and have not shown particularly despicable reason, which is required for granting asylum.

2.2.1. What is serious harm?

The serious harm is similar to persecution. It is also a serious or repeated violation of your human rights. However, subsidiary protection protects exclusively from the threat of harm in the form of death penalty or execution, in the form of torture or cruel, inhuman or degrading treatment or punishment. In addition, subsidiary protection specifically protects from real risk of serious and individual threat to life caused by indiscriminate violence caused by an armed conflict.

2.2.2. Who can be agents of serious harm?

The state and its state authorities may be agents of serious harm. If non-state actors are agents of serious harm, first of all, as a citizen you have to apply for protection to the state authorities of your country (army, police, courts). Your need for subsidiary protection will only be recognised if you can prove that the state authorities are unable or unwilling to protect you from serious harm, and that even moving to another safe part of your country of origin would not ensure you with the effective protection from this harm.

2.3. Who can be granted asylum for humanitarian reasons?

Asylum for humanitarian reasons may be granted by the Slovak Republic to a person who failed to fulfil conditions for granting asylum, but from human point of view it is necessary to provide him/her with protection, because return to the country of origin could expose him/her to an unbearable situation, to serious physical or mental suffering or even to death. This form of protection is granted to vulnerable persons, particularly to those who are seriously ill, traumatized or elderly. There is no entitlement for being granting asylum for these reasons. Its granting depends exclusively on the will of the Migration Office.

2.4. What conditions need to be fulfilled in order to be granted asylum for purpose of family reunification?

Family members of a person who had already been granted asylum, may be granted asylum for the purpose of family reunification. They must be actually present in Slovakia, they have to submit application for asylum and a person who had already been granted asylum agrees with family reunification. The conditions for granting asylum for purpose of family reunification are examined if family members applying for asylum do not have other

separate reasons for granting asylum. Not all family members can be granted asylum for purpose of family reunification. Asylum for purpose of family reunification applies only to a very narrow scope of family members of the person granted asylum. Furthermore, this option does not apply to the family members of the person granted asylum for humanitarian reasons.

2.4.1. Which family members can be granted asylum for purpose of family reunification?

Asylum for purpose of family reunification may be granted to a spouse of the person granted asylum, provided that the marriage has already existed at the time when he/she left the country of origin. Family reunification concerns also unmarried minor children of the person granted asylum or his/her spouse. If a person granted asylum is under the age of 18, the family reunification may also concern his/her parents or persons who have been entrusted with his/her personal care.

2.4.2. What does “asylum for purpose of family reunification” mean?

Asylum for purpose of family reunification is granted for three years. After their lapse, asylum is granted for an indefinite period of time, provided that the conditions are met (see answer to question no. 15), and there are no legal reasons for rejecting it.

3. What rights do beneficiaries of international protection have?

Persons granted asylum or subsidiary protection have

- the right to live in the territory of the Slovak Republic,
- the right to leave the territory of the Slovak Republic and to return back (except of traveling to the country of origin);
- the right to obtain a residence document,
- the right to obtain travel documents if they do not possess one,
- the right to seek employment in the territory of the Slovak Republic without the need of work permit,
- the right to free healthcare,
- the right to integration assistance.

3.1. What documents are issued to persons granted asylum?

Police will issue a residence permit for 10 years to the person granted asylum. Persons granted asylum for purpose of family reunification are issued the document which is valid first time for only three (3) years.

Additionally, upon request of the person granted asylum he/she may be issued the **travel document** according to the Convention of 28th July 1951 which is valid for **two (2) years** and can be subsequently prolonged. This travel document is recognized by most of the states in the world.

3.2. How is healthcare ensured to persons granted asylum?

Persons granted asylum participate in state health insurance under any circumstances. If you work or engage in business, you or your employer shall pay your health insurance. If you do not work or do not do business, the health insurance for you is paid by the state. Participation in the system of public health insurance means that you are entitled to health care in the Slovak Republic as well as in other member states of the European Union on the basis of the insurance card.

3.3. What documents are issued to beneficiaries of subsidiary protection?

The Alien Police will issue a residence permit with validity of 1 year to the beneficiary of subsidiary protection. After its expiration, police will issue a new residence permit with validity of 2 years, if a foreigner has applied for prolongation of subsidiary protection. Police can also issue him/her **an alien passport**, but only if he/she does not have his/her own travel document. The validity of alien passport is **one (1) year** with the possibility of its prolongation.

3.4. How is healthcare ensured for beneficiaries of subsidiary protection?

Beneficiary of subsidiary protection participates in system of public health insurance only if he/she is employed or does business and the health insurance is paid by himself/herself or by his/her employer. The health insurance means that you have right to healthcare within the Slovak Republic, as well as within other member states of European Union on the basis of the insurance card.

If you are neither employed nor you do business, you do not participate in the system of public health insurance, but you still have the right to healthcare in the same extent as those who participate in the system. In this case costs of the healthcare are covered by the Migration Office based on the "pink card". This is valid only on the territory of the Slovak Republic.

4. Identity documents and travel documents

4.1. Why did police confiscate my documents at the beginning of proceedings? Where are my documents? When will police return it back?

When applying for asylum/ international protection, the police department shall confiscate your travel document (passport) or other identity document (e.g. identity card, driving license, birth certificate) for the duration of the asylum procedure. Police shall issue a written certificate confirming confiscation of the document. After verification of the authenticity of the document, the document shall be placed in the archives of the Police Detention Centre for Aliens in Medveďov for the duration of the asylum procedure. After the end of the asylum procedure, you can request in writing for returning document/s and pick it/them up directly at this detention centre or at the police authority which collected it.

4.2. What document should I present myself during the asylum procedure?

For the purpose of your travelling to the asylum camp, police will issue a temporary identity document for you. In the Asylum Camp in Humenné authorities will later give you so-called asylum seeker's ID (white paper carton with photo). It is important that you carry this ID throughout the whole procedure with you and protect it from loss or damage. Also **check out its validity period, which is usually six (6) months. Before it expires, it is necessary to apply for prolongation of validity period of the asylum seeker's ID.**

If the travel document or other identity document has been confiscated from you or if you had had residence in the past in the territory of the Slovak Republic, the asylum seeker's ID is understood as an identity document, what is specifically stated on the ID.

5. Authorised stay in the Slovak Republic, freedom of movement and traveling

5.1. Can I legally travel around Slovakia?

During asylum procedure, you are authorised to stay in the territory of the Slovak Republic, with the exception of some cases of repeated applications for asylum. In case of repeated application for asylum, you should better consult with the lawyer whether this is not the case in which, despite the application for asylum, your stay in Slovakia is not authorised and you may be facing expulsion.

As an asylum seeker you can legally travel around the whole territory of the Slovak Republic. However, you must carry a valid short or long-term pass from the camp and a valid asylum seeker's ID. If you have not managed to prolong your pass, you must return to the camp on the last day of the validity of the pass. **If will you stay for more than 7 days outside of the camp without pass, the Migration Office will terminate your asylum procedure.**

5.2. Since when and until what time is my stay as an asylum seeker authorised in the Slovak Republic?

Asylum seekers are authorised to stay in Slovakia since the moment of submission of their asylum application at the "specific asylum police" department. The authorisation to stay lasts usually until the time limit for bringing a lawsuit to the court against decision of Migration office expires without filing a lawsuit. Submission of lawsuit would postpone the effects of termination of the asylum procedure, so that the applicant's stay remains authorised until the end of judicial procedure. If the lawsuit had no suspensive effect, the further authorisation of stay of an asylum seeker after delivery of the decision of the Migration Office shall be determined by the court upon your proposal. In case of repeated applications for asylum, there may be situations when even the court can no longer extend the authorisation of asylum seeker's stay. For more information about authorization to stay in the territory of the Slovak Republic due to temporary obstacles see point 8.3 thereof.

5.3. Can I travel abroad during the asylum proceedings?

The application for asylum does not entitle you to enter another member state of the European Union or Schengen area. During the asylum proceedings you are obliged to stay in the territory of the Slovak Republic. **If the Migration Office learns that you have left the territory of the Slovak Republic or that you have been outside without a pass from the camp for more than 7 days, your asylum procedure will be terminated! However, the Slovak Republic remains the country responsible for examination and determination of your application for asylum according to the Dublin Regulation.**

If you decide to leave Slovakia during the asylum procedure, after your return to the Slovak Republic, police can assess that your previous behaviour indicates the risk of your repeated leaving from Slovakia and may decide that during the asylum procedure you will be accommodated in a **closed facility** without the possibility of leaving it by means of pass.

5.4. What happens if I leave Slovakia before the end of asylum procedure?

If you want to be granted international protection in the Slovak Republic, we strongly recommend that you do not travel outside of the Slovak Republic before the end of the asylum procedure. Such behaviour is understood as the lack of interest in the asylum procedure and generally leads to the termination of the asylum procedure. If you stay outside of the asylum camp for more than 7 days without the pass and without serious reasons, the Migration Office will decide on termination of the procedure. If you want to continue in this procedure later, in principle it may be necessary to submit an asylum application at the “specific asylum police” authority again. If you have already submitted the lawsuit to the court, the situation will be little different. Your absence cannot result in dismissal of your lawsuit by the court, but your absence from the Slovak Republic may be equally deemed by the court as a proof of lack of your interest in succeeding in asylum procedure in Slovakia.

5.5. How long will I be in the camp in Humenné? Where will I go afterwards? How long does “the closed regime” apply to me?

The asylum camp in Humenné is a closed facility. In this camp, the necessary medical examinations will be carried out in order to make sure you are not suffering from a disease endangering public health. In Humenné, the asylum seekers generally also undergo an entry interview to justify their asylum application. After the entry interview and after a smooth medical check-up, you should no longer stay in closed regime and you can apply for short-term permission to stay out of the camp. Later on, you will be moved to the one of open camps; Opatovská Nová Ves or Rohovce. Asylum seekers usually stay in the camp in Humenné for about 21 days. As a rule, families with children and vulnerable persons are placed in the camp in Opatovská Nová Ves and adult individuals in the camp in Rohovce.

5.6. Stay outside of the camp

5.6.1. How can I move outside of the camp?

An asylum seeker is entitled to be accommodated in the accommodation camp with the open regime for the whole duration of the asylum procedure. Despite its open regime, an

asylum seeker may leave the camp only on the basis of the short-term pass, with the duration up to 7 days. Asylum seekers must request pass to stay outside of the camp at least one day in advance. During his/her stay outside of the camp, asylum seeker shall cover his/her costs for food and accommodation himself/herself. The healthcare is limited to the services of a doctor in the camp.

5.6.2. Can I live outside of the asylum camp?

If you want to stay outside the camp for more than 7 days or live outside the camp, **you can apply at the Migration Office for a pass to stay outside the camp (so-called long-term pass)**. The application is filed in writing to the employee of the Migration Office who **examines** your asylum application. During his/her stay outside of the camp, asylum seeker shall cover his/her costs for food and accommodation by himself/herself. The healthcare is limited to the services of a doctor in the camp. Therefore, the condition for granting the long-term pass is to demonstrate entitlement to live at the specific address, and your declaration that you have enough financial resources to cover your costs. If you are not able to pay these expenses alone, you can submit a declaration of a Slovak citizen or of an alien with the residence in the Slovak Republic claiming that he/she will provide you with accommodation and will cover all costs of your life outside the camp.

5.6.3. What obligations are associated with the stay outside of the camp?

You are obliged to follow up on validity of your pass, as well as the validity of your asylum seeker's ID. Please, regularly apply for prolongation of the validity of the asylum seeker's ID in the accommodation camp. You can prolong the validity of the long-term pass by submitting request with the employee of the Migration Office responsible for your case, even repeatedly. After the pass has been issued or prolonged, you are obliged to register yourself at the alien police department closest to your address outside the camp within three (3) working days (working days in the Slovak Republic are: from Monday to Friday). If you decide to change the address/place of your residence, you have to inform the Migration Office and to apply for a new long-term pass. Moreover, you have to inform also about the change of contact data including your telephone number, in order to ensure you can be reached, if necessary.

6. Health

6.1. How is healthcare ensured for asylum seekers?

During the asylum proceedings, you are entitled to an **emergency health care**. The emergency healthcare is provided in life-threatening situations and in situation of serious deterioration of the applicant's disease. In special cases, if your health requires it, you may also be provided with health care beyond the emergency health care. Your doctor in the camp or specialist will evaluate the need to provide it based on your health state.

As an asylum seeker, you do not have the right for free choice of a doctor or a medical facility. The healthcare to asylum seekers is provided by a general physician or a nurse in

the camp. If you need assistance of a doctor specialist, the medical staff in the camp will arrange for your specialised medical examination. If you are actually staying outside of the camp, you are also entitled to healthcare, but you have to travel to the camp for this purpose. The Migration Office issues a document about entitlement to health care (yellow card) to asylum seekers. You are obliged to keep it with you and protect it from loss and damage. You should also have access to psychological counselling in the camp during the asylum procedure.

6.2. What does medical check-up consist of?

After submission of an asylum application, you are required to undergo the medical check-up in order to find out that you are not suffering from a disease endangering others.¹ Medical check-up includes blood tests, urine and stool examination, X-ray examination, and other examinations as needed. The content of the medical check-up also depends on the countries you have crossed on your way from your country of origin to Slovakia. Before the medical check-up is over, you shall stay at the camp in Humenné. As long as the doctor does not approve the results of your medical check-ups, you cannot get a pass to leave the camp for a walk.

7. Working, studying, doing business

7.1. Work

7.1.1. Can I work as an asylum seeker?

If you applied for asylum, you can continue working as an asylum seeker only if you continue to have the residence permit which explicitly authorises you to work.

Otherwise, only after nine (9) months from beginning of the asylum procedure, you can start working as an asylum seeker. However, this is only temporary right enabling you to do something useful during long waiting for the result of asylum procedure. There is no direct link between obtaining the temporary authorisation for work and increase in your chances of success in the asylum procedure. If you stop being an asylum seeker, this temporary authorisation to work is also finished.

If at the time of expiration of 9 months from the start of your asylum procedure, the lawsuit has already been brought to the Regional court or Supreme Court, you can start working only if according to the law the lawsuit has a suspensive effect. Otherwise, you can start working only if the court grants the suspensive effect to the lawsuit. If you started working before you brought the lawsuit to the court, you can remain in your employment while court will be deciding on suspensive effect.

7.1.2. What should I do to start working?

¹ e.g. infectious diseases such as intestinal parasitosis, viral hepatitis, especially type A and B, meningococcal meningitis, skin scabies and scarring, respiratory diseases, especially pneumonia and tuberculosis, sexually transmitted diseases including HIV / AIDS.

If you want to work as an asylum seeker and you comply with the conditions set above, you will request the Legal Department of the Migration Office to issue you a certificate about your authorisation to enter the labour market. On the basis of this certificate, any employer can give you job immediately without the need of work permit. Your employer is only obliged to notify the Labour Office of your employment.

7.1.3. What duties do I have as an employed asylum seeker?

You are obliged to notify the Migration Office on start of employment, on its change or termination. If you get employed, you will be enrolled in the system of general health insurance paid for by the employer. You will get insurance card from your insurance company. Therefore, you are required to return the yellow card (a document certifying entitlement to health care as an asylum seeker) to the Migration Office which paid for your health care before when you were not working. Migration Office may decide that the asylum seeker is obliged to contribute for costs of his/her stay in the asylum facility or for provided health care, provided that his/her financial circumstances allows him/her so.

7.2. Can I engage in business as an asylum seeker?

As an asylum seeker you are not authorised to engage in business in the Slovak Republic. This does not apply if you applied for asylum but you still continue to have a residence permit allowing you to do business.

7.3. Can I study as an asylum seeker?

As an asylum seeker you can study. Up to 16 years of age you are obliged to go to school, respectively your parents or persons who are responsible for you, must ensure your school attendance.

8. Other types of residence

8.1. Can I apply for residence permit (permanent, temporary, tolerated) as an asylum seeker?

During the asylum procedure, you cannot apply for temporary, permanent or tolerated residence. However, after the delivery of the decision in asylum procedure, as an asylum seeker you may apply for the tolerated residence.

8.2. Can I apply for asylum if I already have the residence in the Slovak Republic (permanent, temporary, tolerated)?

Submission of an asylum application does not affect the validity or duration of the temporary or permanent residence. If you have the permanent or temporary residence, the police will not confiscate your travel document or other proof of identity after you applied for asylum. At the same time, you are not required to undergo a medical check-up and you are not obliged to stay in the camp if you still have permanent or temporary residence in

Slovakia. You are obliged to move to the asylum camp within three (3) days after the end of validity of your permanent or temporary residence.

If you have had tolerated residence in the Slovak Republic, according to the law submission of your asylum application means the end of your tolerated residence.

8.3. What is so-called “authorisation to remain”?

If you no longer have authorisation to stay in the Slovak Republic (e.g. after the termination of the asylum proceedings see 5.2, or after the expiration of visa, residence permit, expiration of time of visa waiver) there are several circumstances that could cause that you still would be “authorised to remain” in Slovakia.

First of all, you would be “authorised to remain” during the existence of obstacles to expulsion endangering your life, integrity or freedom or obstacles related to your status as a stateless person.

A foreigner who is being provided with urgent institutional care, to whom quarantine is applied, a foreigner in the custody pending criminal trial or serving the sentence of imprisonment, are “authorised to remain”. The “authorisation to remain” in the Slovak Republic also applies to the time period for departure determined in the expulsion decision, during the time necessary for arranging formalities within the program of assisted voluntary returns, during detention or during the use of alternative measures replacing detention and during the preparation of expulsion and of the Dublin transfer.

The “authorisation to remain” also applies to foreigners who are impossible to expel, who do not have a passport, obtaining of a new passport is impossible even in cooperation with their embassy, their departure from Slovakia is not possible even with an alien passport, and the maximum detention period has been exhausted.

If a foreigner is not detained the police will issue him/her a written confirmation of his/her “authorization to remain” in the Slovak Republic. However, this authorisation is not the same as the residence permit; it only means tolerance of the presence of a person who temporarily has no other solution of his/her actual situation. If the reasons cease to exist, he/she is obliged to depart from Slovakia within seven (7) days. In order to maintain control over presence of a person with “authorisation to remain” in Slovakia, the police may decide to impose on him/her the obligation to report regularly to the police.

9. Rights and obligations of an asylum seeker

9.1. What are my obligations as an asylum seeker?

First of all, you are obliged to stay in the territory of the Slovak Republic. If you do not have permanent or temporary residence, you also have an obligation to stay in the asylum camp. You can move outside of the camp after completing the medical check-up and entry interview, but you have to request for the pass from the camp. You are obliged to undergo the medical check-up and the examination of your personal and financial circumstances. You are obliged to cooperate with the Migration Office, to comply with the laws valid on the territory of the Slovak Republic and the residence rules of the asylum camp. You are obliged

to notify the Migration Office about changes in your personal circumstances, such as marriage or divorce, death of your spouse or childbirth etc.

9.2. What rights does an asylum seeker have?

In the procedure, you have the right for information about the status of your procedure and information about rights and obligations. You have the right to get acquainted with all the evidence in the procedure in your case and right to comment on them or to suggest further evidence. You have the right for interpretation in the language you understand, as well as the right for free legal assistance.

The specific needs of vulnerable asylum seekers are taken into account in the asylum procedure. The goal of this provision is to ensure that they are not disadvantaged in comparison with others due to their special needs. Their vulnerability is in particular taken into account when assessing their credibility and their fulfilment of the conditions for granting asylum or subsidiary protection.

9.3. What obligations does an asylum seeker have in the procedure?

In the procedure, you have the obligation to cooperate, to state all the facts which are important for the full and correct assessment of your asylum application. You are obliged to tell the truth and to submit all the available evidence. You cannot submit fake or altered statements or documents in the procedure.

10. What is the course of the procedure on application for asylum?

- 10.1** The first step in the asylum procedure is **the submission of an asylum application** at the “specific asylum police department” (more in answer to question no.1).
- 10.2** The preliminary question that needs to be resolved in the asylum procedure at the beginning of the procedure is determination of the country which is responsible for assessment of your asylum application under the rules of the Dublin Regulation. For more information, please see our **Dublin Proceedings Information Leaflet**. If the Slovak Republic is determined responsible, the Slovak Migration Office will deal in detail with reasons for your asylum application.
- 10.3.** In order to establish detailed information about you and reasons for your asylum application, the entry interview with an employee of the Migration Office will be conducted with you in the camp in Humenné. For more information about the interview, please view our Information Document – **Interview Preparation**.
- 10.4.** After the entry interview, the Migration Office is searching for evidence in your case. You should inform the Migration Office or your lawyer about all available evidence in your case. For more information **about the evidence** see the answer to question **no. 11**.

- 10.5.** When the Migration Office gathers all necessary information and considers them sufficient for arriving to the decision, you will be given the opportunity to get acquainted with them. If you have the lawyer, he/she can get acquainted with them instead of you. Prior to making a decision, you and your lawyer have the opportunity to comment on all gathered evidence, to add more evidence or to suggest that the Migration Office should collect further evidence.
- 10.6.** The result of proceedings is the issuance of the decision. If you have the lawyer, your decision will be delivered to him/her and he/she will notify you on its content. If you do not have the lawyer, your decision will be delivered to you and interpreted by an employee of the Migration Office. For more information about various **types of decisions** see the answer to question **no. 44**.

11. Evidence

11.1. What evidence I can submit in the asylum proceedings?

The evidence is your testimony, witness testimony, your identity documents, and other written documents, health records, photographs, videos, court or police reports from the country of origin, media articles, various reports on the political and security situation in your country. Particularly important are documents that relate to you personally and which show what happened to you or what you were threatened with. However, also the evidence which points to what happened in the country of origin to people in the same or similar situation to yours may be important.

After the entry interview, the Migration Office is searching for information about your country in order to verify your statements. Gathering this information takes several weeks and it is necessary to translate it into Slovak language. Please draw attention of the Migration Office to the publicly available information about your country that may support your statements in the asylum proceedings. If you know about any further evidence (documents, photos, videos, witnesses) which may support your statements, please, submit them to the Migration Office as soon as possible with explanation why you are submitting them.

11.2. How and when can I get acquainted with the evidence?

All evidence in your proceedings is gathered in written form at the Migration Office in your case file. You may submit the evidence by yourself, as well as through your lawyer, but it will be also ensured by the Migration Office. You can get acquainted with the evidence in your case file at any time. Before the decision is issued, the Migration Office will ask you to get acquainted with all the content of the case file, because it is already considered sufficient by the Migration Office enabling them to decide your case. You are entitled to comment on each piece of evidence, to add more evidence, to propose collecting further evidence. If you have the lawyer, he/she applies these rights on your behalf.

12. Decision

12.1. How will I learn about the result of my asylum proceedings?

The result of the asylum proceedings is written decision on your asylum application. If you have the lawyer, the decision is delivered directly to the lawyer who acquaints you with its content (with use of interpreter if necessary). Therefore, it is important for you to stay in contact with your lawyer.

If you do not have the lawyer, the Migration Office will notify you on the place and time of the delivery of the decision, which in principle will be in the asylum camp or at the Migration Office in Bratislava. You are expected to be there at the appointed time. Therefore, it is important for you to stay in contact with the Migration Office and to provide always the correct contact data (phone number). **If the Migration Office is unable to contact you, your decision will be displayed on the notice board at the camp and it will be deemed as delivered, even if you never learnt about it.**

The Migration Office will hand you over the decision in written form in Slovak language. The interpreter will verbally translate its content into language you understand. The translation of the decision into foreign language in writing is not provided.

12.2. Why is the day of delivery of the decision important?

If you have the lawyer, he/she will notify you on the day of delivery, because it is the day when the decision was delivered to the lawyer. If you do not have the lawyer, the day of delivery is the day when the decision was handed over to you together with the interpreter at the camp or at the Migration Office. If you were not reachable and the Migration Office displayed your decision on the notification board at the camp, the day of delivery is the third day after putting in on display, even though you have not learnt about it.

The day of delivery is important, because since that day you have 20 or 30 days to bring the lawsuit to the court, if you disagree with the result of your proceedings. Missing this deadline cannot be forgiven. Other consequences may be associated with the delivery of the decision, including the fact that you are no longer authorised to stay in the Slovak Republic from the following day, and you may be expelled and detained for that purpose. This depends on the type of the decision.

12.3. What types of decision can the Migration Office take on my asylum application?

If an asylum seeker does not cooperate, is hiding or his/her stay is unknown, the Migration Office shall suspend or cease the asylum proceedings. If another State under the Dublin Regulation is responsible for the assessment of your asylum application, the result of the proceedings is rejection of application as inadmissible. These decisions do not concern the substance of an asylum application.

The positive result of asylum proceedings means granting of the international protection. This may be in a form of the decision on granting the asylum or in a form of decision on not granting the asylum and granting the subsidiary protection.

Other decisions mean rejection of an asylum application. There are more types of rejection, some of them have less serious legal consequences and some of them have more serious

legal consequences. The least restrictive consequences are associated with a decision on not granting the asylum neither the subsidiary protection. It is possible to bring the lawsuit against it and while court is examining it, the applicant is still authorised to stay in the Slovak Republic. If the application is rejected as manifestly unfounded or inadmissible, the authorisation to stay on the territory of the Slovak Republic while waiting for the result of the court procedure may only be granted by the court upon proposal. Asylum seeker is thus authorised to stay until the court decides not to grant such entitlement or until the decision of the court is delivered to him/her.

The most negative legal consequences are associated with decisions over repeated asylum applications where the date of delivery of the decision of Migration office may mean the termination of authorisation of asylum seeker to stay in Slovakia. This may consequently lead to continuation of expulsion procedure.

13. Lawsuit at the court

13.1. What if I disagree with the result of the asylum proceedings?

If you disagree with the decision, you can bring the lawsuit against it to the court. The court will review its compliance with the law, sufficiency of its justification and the correctness of the proceedings. The time limit for submitting the lawsuit to the court runs from the date of delivery of the decision and it is 20 or 30 days depending on the type of decision. You can find the information about this time limit in the last paragraph of your decision, the so-called instruction about the possibility of submitting the lawsuit. After the lapse of this time limit, it is no longer possible to submit the lawsuit to the court and the decision is final.

If the last paragraph of the decision states that the lawsuit does not have suspensive effect, it means that submission of the lawsuit does not extend your authorised stay in Slovakia as an asylum seeker. In that case it is essential that together with submission of the lawsuit you will request the court to extend your authorised stay in Slovakia. The court should decide about your authorisation to stay within 15 days from filing of the proposal.

You can bring the lawsuit to the court also by yourself, but you have the right for free legal assistance. You can appeal with the request for legal assistance to the Human Rights League or the Centre for Legal Aid.

13.2. What can be the result of the court proceedings?

If the court finds your lawsuit unjustified, it will reject the lawsuit. In that case, the decision of the Migration Office shall be confirmed.

If the court considers your objections in the lawsuit justified, the decision of the Migration Office will be cancelled and the case will be returned back to the Migration office for re-assessment. In its judgment the court shall provide the Migration Office with binding instructions on how to proceed in the new proceedings to repair the previous mistakes. The court may also express its legal opinion which is binding for the Migration Office in the further proceedings under the threat of financial sanction.

14. Complaint at the Supreme Court

14.1. What if I disagree with the decision of the court?

If the court rejected your lawsuit and confirmed the decision of the Migration Office, you may bring the complaint to the Supreme Court. The time limit for bringing the complaint to the Supreme Court is 30 days from the delivery of the judgment of the court. It is always necessary to request the Supreme Court together with submission of the complaint for granting it a suspensive effect, which would extend your authorisation to stay in Slovakia while waiting for Supreme Court judgment. If the Supreme Court decided not grant the suspensive effect or it has not decided on it, you are no longer legally present in the Slovak Republic and there is no obstacle preventing the police from taking steps towards your expulsion.

14.2. Is Migration Office authorised to submit the complaint to the Supreme court?

You and the Migration Office have equal rights and position in the judicial proceedings. Therefore, also if you were successful at the court with your lawsuit, the Migration Office can also complaint to the Supreme court.

14.3. How can the Supreme Court decide?

If the Supreme Court finds your complaint unjustified, it will reject it. In that case, the previous judgment of the court is thus confirmed. If the Supreme Court considers your objections in the complaint well-founded, it shall cancel the judgement of the court and return it for re-assessment with binding instructions and legal opinion.

However, the Supreme Court may also decide to change the judgement of the court and to cancel the decision of the Migration Office. In this case, the Supreme Court shall return the case to the Migration Office for new proceedings. The Supreme Court shall determine via binding instructions how to proceed in the new proceedings in order to repair the previous mistakes. The Supreme Court may also express its legal opinion which is binding for the Migration Office in further proceedings under the threat of financial sanction.

15. What if I have filed repeated asylum application?

If your asylum application was previously rejected on the merits, any further asylum application is understood as repeated asylum application.

If the facts of the repeated asylum application are the same as in the previous proceedings, the Migration Office may reject it as inadmissible. The further authorisation of the asylum seeker stay in Slovakia during the court trial is then decided by the court upon proposal. However, if the Migration Office rejects repeated asylum application as inadmissible it may at the same time declare that it was submitted solely in order to avoid the enforcement of already existing decision on expulsion. In such case the immigration police must no longer

wait for the decision of the court and may continue taking steps leading to expulsion immediately after the delivery of the decision of the Migration Office.

Not every repeated asylum application is, of course, unjustified. A personal situation of an asylum seeker can change substantially, as well as the overall situation in the country of origin. If the facts of case have changed significantly in comparison with the facts of the case in the previous decision, the Migration Office has to re-assess the substance of asylum application properly, regardless of the fact whether you fulfil conditions for granting asylum or for provision of subsidiary protection. If you fulfil the conditions, your application will be granted and international protection provided.

If the conditions are not fulfilled, your application will be rejected as manifestly unfounded, which means that the court shall decide on further authorisation of your stay in Slovakia during proceedings upon your proposal.

16. What are the proceedings on administrative expulsion and why is it important to know if it had been already initiated against me or not?

The expulsion procedure involves evaluation of a foreigner's authorisation to stay in the territory of the Slovak Republic. Its result may be the decision on expulsion imposing an obligation to leave the territory of the Slovak Republic. Voluntary fulfilment of this obligation is preferred. If you have already failed to do so in the past, or if there are other reasons for fearing you would not comply voluntarily, the police may decide to use official force in order to make you fulfil this obligation. If the expulsion proceedings against you were initiated prior to the submission of an asylum application, the asylum application always results in suspension of the expulsion proceedings. The expulsion procedure is suspended until the asylum claim is determined, consequently it may continue.

If the expulsion decision had already been issued at the time of submission of a repeated asylum application, and the Migration office stated in its newest decision that asylum application was submitted solely for the purpose of obstruction of execution of the expulsion, the police may carry out the expulsion immediately after the delivery of the decision of the Migration Office.

17. The most common mistakes of asylum seekers in the proceedings and recommendation how to proceed

Your important obligation in the proceedings is to cooperate with the Migration Office. Please ensure that the communication with the Migration Office is maintained and report every change in your contact details to the Migration Office. If you are in a bad situation, cooperation with the state authorities cannot harm you.

Any document which you are asked to sign and is not in the language that you understand, you should ask for it to be translated before signing it. If you do not agree with the content of the document, please, point out your objections and request the change. If you do not agree with the content of the document, your refusal to sign or to receive the document as a sign of your disapproval may not be sufficient. You can use the

opportunity when document is given to you for signature to write down your disapproval by hand immediately, for example in your own language, but in readable way. If it is possible, please also write down the reason why you do not agree with document.

You can ask for the lawyer in any proceedings. If you have the lawyer, you have the right to contact him/her any time. If you don't have the lawyer, you can request for one any time during the proceedings.

Please request for copy of any document you signed. Later, you can show it to your lawyer in order to get a quick look at your legal situation.