



Input by civil society organisations to the Asylum Report 2023

Dear Colleagues,

The production of the *Asylum Report 2023* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2022 (and early 2023) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2022 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2023 by **Friday, 3 February 2023**.*





Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- ✓ New developments and improvements in 2022 and new or remaining challenges; and
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2022.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Changes in policies or practices, transposition of legislation or institutional changes during 2022:

- The hierarchy of protection statuses granted to foreigners in the Slovak Republic was adjusted - it mainly concerns the prioritization of the assessment and provision of additional protection **due to serious injustice** before granting of asylum **for the purpose of family reunification**, but also before the granting of asylum **for humanitarian reasons**. (incorporation of European Parliament and Council directives 2011/95/EU)
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/124/20220601.html>
- Access to asylum procedure: before filling out the questionnaire, but no later than 15 days after the start of the procedure, the authorized employee of the Ministry will instruct the applicant about the procedure for granting asylum, in particular about his rights and obligations, the possible consequences of non-fulfilment or violation of his obligations or non-cooperation according to this Act on Asylum, the consequences of explicit or implicit application withdrawal, deadlines according to this Act on Asylum, the possibility of representation in proceedings according to this Act on Asylum and access to legal aid. The Ministry will also provide the applicant with information about non-governmental organizations that deal with the care of applicants, asylum seekers and foreigners who have been granted supplementary protection. (new text for § 4





part 2, Asylum Law) <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/124/20220601.html>

- The ministry can grant asylum on humanitarian grounds. When assessing the application for the granting of asylum, extensive jurisprudence of the courts of the Slovak Republic is also taken into account. It should be noted that granting asylum for humanitarian reasons is an expression of the sovereign right of the Slovak Republic, while the granting of this type of protection is not in line with either international conventions or European law. https://www.ulclegal.com/sk/5671-novela-zakona-o-azyle?year_issue=%2F
- In connection with the military conflict in Ukraine:
 - a) New temporary protection directive was launched in line with the decision of the EU Council. Slovak Republic defined the beginning, conditions and end date of the temporary protection, but it reserved the right to provide temporary protection status without the decision from the EU. The procedure for granting temporary protection begins with the foreigner's declaration at the police station (only on condition that the Slovak republic government declared the beginning of granting of temporary protection status). Asylum procedure takes a long time, and so, with the influx of large numbers of people fleeing the war, the status of temporary refuge was considered by the government to be more appropriate for the citizens of Ukraine. Access to asylum was possible at the police stations and also at the Reception Camp Humenné.
 - b) All children of born on the territory of the Slovak republic are considered foreigners and can apply for temporary protection status as well. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/55/20220226.html>
- 1. Access to information and legal assistance (including counselling and representation)

New developments during 2022:

Most of changes in the Slovak republic concerned temporary protection (refuge) status; access to information was improved for Ukrainian nationals only with several web-sites appeared, emergency call centers and numbers established in Ukrainian and Russian languages, for example:

<https://ktopomozeukrajine.sk/>
<https://pomocpreukrajinu.sk/sk>
<https://ua.gov.sk/en.html>

- 2. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)







3. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)
4. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)
5. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

New developments and improvements in 2022 and new or remaining challenges

- There was major change in reception after 24.2.2023 after a huge influx of asylum seekers at the Reception facility Humenné (RFH), where information was provided by Slovak Humanitarian council's workers for those seeking asylum;
- Most of asylum seekers and people with temporary protection were brought at the RFH either by the police unit from the place where the asylum seekers were detected or from the Police Detention Unit for Foreigners (Medvedov or Secovce). Some asylum seekers were already informed in advance about procedure that awaited them while applying for asylum. They obtain information through Slovak Humanitarian lawyer, if he/she represented them, or from other asylum seekers in the Reception facility.
- Afterwards asylum seekers were transferred to Residential camp in Opatovská Nova Ves (RC ONV), where SHC offers social services. People with temporary protection also came to RC ONV facility, but mostly through NGOs, civic organisations, not-for-profit organisations and their knowledge and information awareness was lower than of those who went through Reception facility at Humenné;
- Material reception conditions: the change occurred after the outbreak of the war in Ukraine, with camps/facilities receiving a lot of material aid in spring 2022 - mostly clothes, shoes, food, toys, diapers, hygiene items(RC ONV). No other major change in material improvement of the Residential camps was observed, moreover at the Reception camp Humenne (RCH) material state deteriorated as some furniture was broken or worn out;
- Residence and freedom of movement change: introducing of the period for which the applicant is allowed to stay outside the residential camp (from 1.6.2022 on that period is restricted to 3 month period with a possibility of extension);





6. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

New developments during 2022:

- Detention capacity: there was a major increase.
In 2022, 1,329 people were detained in the Detention center ÚPZC Medveďov. (For comparison - in 2021, there were 689 detained, and in 2020 there were 191 detained).
In 2022, 526 people were detained in the Detention center ÚPZC Sečovce. (For comparison - in 2021, there were 522 detained, and in 2020, there were 349).
- Changes in practices: the change was observed mainly in foreigners who come from Syria and Afghanistan, who were not insured. These people were detained only if they were to be returned to another country within the framework of the Dublin Regulation, or if they had some type of residence in another EU member state. Also, due to the non-communication of the embassies of countries such as Morocco, Tunis, Egypt and Algeria, foreigners were often dismissed because they could not be returned to their home country, as the embassies did not communicate at all, or they did not issue order travel document.
- Grounds for detention: the most common reasons why people found themselves in detention were an administrative expulsion issued by the police for unauthorized stay in Slovakia, the return of a foreigner based on the Dublin Regulation to another EU member state, and last but not least, the decision of the courts that ordered deportation.

A few detained foreigners were returned from another EU member state to Slovakia as part of the Dublin procedure.

- Time limit for detention: 2-3 months. People stayed in detention for around 2 months while in Dublin procedure (people could stay up to 6 weeks in detention after relevant EU country took the responsibility for their asylum procedure; In the case of asylum proceedings in Slovakia, a maximum of 6 months from the receipt of asylum application). If the foreigner had a passport, he would stay in Medvedovo for approximately 2 weeks, as it was only necessary to secure plane tickets and escort permits. The same applies to the penalty of expulsion. Cooperation between representative offices is individual, e.g. Serbia, Georgia, Turkey, Vietnam embassy issue ncd very fast, just waiting. For other countries, it takes longer, or embassies from Africa or Asia do not cooperate very much.

7. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)





8. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)
9. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)
10. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

New developments during 2022

Special reception facilities: at the Reception facility Humenné, where the Slovak Humanitarian Council provides social services, the approach to these persons has not changed much, among new facilities there was a barrier-free platform for immobile clients installed (in the adjacent building). Immobile asylum seekers received help from personal assistants, who are asylum seekers as well with a certain amount of remuneration from our funds.

11. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

Changes in policies or practices, transposition of legislation or institutional changes during 2022:

On the 1st of June 2022 an Amendment to Act No. 480/2002 on asylum took effect (Asylum Law). This act systemically regulated the initial integration of asylum seekers and foreigners who have been granted subsidiary protection. These modifications arose the need to harmonize the legal order of the Slovak Republic with the law of the European Union.

As part of the initial integration, a one-time allowance in the amount of 1.5 times the living minimum for one adult is to be provided to a foreigner who has been granted subsidiary protection;





The provision of a so called “Integration allowance” for asylum seekers and foreigners who have been granted subsidiary protection, namely the integration allowance, is also being introduced. It is to be provided in the amount of 1.75 times the amount of the subsistence minimum, with the fact that family members living in the same household are to be assessed together. The allowance is provided for six months.

Social and psychological counselling and a cultural orientation course are also provided for asylum applicants based on their individual needs;

The deadline for asylum seekers to access the labour market is shortened from 9 to 6 months, which will support their integration process.

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/124/20220601.html>

For temporary protection conditions on housing: people with temporary protection whose stay ended in the reception center are transferred to the humanitarian center or other asylum center. If such stay is not possible, the person is provided with the means to obtain accommodation at the humanitarian center level.

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/92/20220330.html>

12. Return of former applicants for international protection

There were 13 cases of return of former applicants for international protection

<https://www.minv.sk/?rok-2022-2>

13. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

14. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

15. National jurisprudence on international protection in 2022 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

Case: Asylum applicant (woman) from Afghanistan for imputed political reasons. In the asylum procedure of this applicant, in addition to imputed political reasons based on family relations with a former employee of the army, we also applied for





asylum due to belonging to a social group defined as the so-called "post-Taliban women". This group of women is perceived by the Taliban as different from other women because of their emancipation, education, unwillingness to submit to the rules established by the Taliban, which oppose any expression of free will or women's thinking. In this asylum case, the court admitted the possibility of persecution of the applicant for imputed political reasons, but did not recognize the reason as belonging to a social group (in contrast to the decision of the Regional Court in Bratislava, Slovak republic, which recognized the social group by the decision from 2021 <https://www.nsud.sk/data/att/c2c/501882.d97ed3.pdf>).

This case is from December 2022 and is not published yet. Case is attached in pdf format and will be published here:

https://www.nssud.sk/sk/rozhodovacia-cinnost/rozhodovacia-cinnost-vo-veciach-spravnych/?rok=2022&nazov_rozhodnutia=&popis_plnenia_rozhodnutia=azy

16. Other important developments in 2022

References and sources

17. Please provide links to references and sources or upload any related material in PDF format

18. Feedback or suggestions about the process or format for submissions to the Asylum Report

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