

Information on procedural elements and rights of applicants subject to a Dublin transfer to Slovakia

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About this document

The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

How long do these steps normally take?

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

A third country national who is not an applicant, but is transferred to the territory of the Slovak Republic for the reason that the Slovak Republic is responsible for examining his/her application for international protection, is considered an applicant, except for a third country national whose application on the territory of the Slovak Republic has already been rejected in the past as inadmissible or as manifestly unfounded, or one who was not granted asylum; The asylum procedure shall begin once the third country national enters the territory of the Slovak Republic.

From this moment, the applicant has automatically access to accommodation and other material conditions according to Act on Asylum No 480/2002 (hereinafter referred to as “Act on Asylum”).

The applicant is provided with information about his rights and obligations, which also include information about access and entitlement to material conditions as soon as possible after arriving at the reception facility, but no later than 15 days after the start of the procedure.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

During applicant’s stay in the facility the following is provided for free:

- Accommodation,
- Boarding or food allowance. The applicant is provided with food three times a day of which lunch and dinner are hot meals. In addition, minors receive a meal package every day.
- Basic hygiene products and other things that they necessarily need for survival. Upon arrival at the facility, applicants receive a hygiene package, designed separately for men and women; for children these packages differ according to the age of the child. These packages are replenished as needed at monthly intervals.

If it is necessary, applicants can get clothes, which are provided either from the facility’s storage capacity or through non-governmental organizations.

The applicant is also provided 1 Euro/day as pocket money (allowance) from the first day of stay in the facility.

The applicant has access to psychological and social help or other help and a cultural orientation course based on his/her individual needs during the stay in the facility.

The applicant can attend a Slovak language course during the stay at the facility.

The applicant has also access to health care (for more details see point 1.5.).

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

By law, applicants are automatically entitled to full access to the material reception conditions after their procedure had started and after their arrival to the facility.

The asylum facilities are managed by the Migration Office of the Ministry of Interior of the Slovak Republic, while some activities are carried out in cooperation with NGOs. Only those applicants who are able to take care of themselves and request the possibility to live outside the facility are accommodated outside the facility. This means that the material reception conditions are provided only in case of stay in the asylum facility.

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

Yes.

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

The Slovak Republic does apply the policy in accordance with the Article 20 (1) (c) of Directive 2013/33/EÚ only by the withdrawal of pocket money in case where:

- There is repeated application for the granting of international protection, when previous asylum procedure was terminated according to Article 19 (1) letters a), c), f), g), i) of the Act on Asylum, only in cases where final decision in the merits was made.

1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

Applicants are provided free emergency health care during the asylum procedure.

Emergency health care is health care that is provided to a person in the event of a sudden change in his/her health condition, which immediately threatens his/her life or one of his/her basic vital functions, without prompt provision of health care, it can seriously endanger his/her health, causes him/her sudden and unbearable pain, the immediate non-treatment of which could lead to a threat to his/her life or health, or causes sudden

changes in behaviour and actions, under the influence of which the person immediately endangers himself/herself or his/her surroundings. Emergency health care is also such health care that is provided during childbirth and during the examination, diagnosis and treatment of a rapidly spreading and life-threatening infection, if there is reasonable suspicion that a person may be the source of such a rapidly spreading and life-threatening infection.

Emergency care includes the immediate transportation of a person to a medical facility, if the person's health condition requires the provision of emergency care during transportation to or between medical facilities, the immediate transportation of a human organ donor or recipient of a human organ, if their health condition requires the provision of emergency care during transportation, urgent transportation of health care workers who perform activities related to the collection of a human organ, if delaying their transportation could endanger the life or health of the recipient of the human organ or could lead to irreversible damage to the human organ intended for transplantation, and urgent transportation of the human organ intended for transplantation, if delaying the transport of this human organ could endanger the life or health of the recipient of the human organ or could lead to irreversible damage to this human organ.

According to the paragraph 9h of the Act on Health Insurance a third country national who is not publicly insured under this Act, is not insured in another Member State and who is also an applicant for international protection is entitled to payment of emergency health care which is covered by the health insurance company with the largest number of insured persons. The costs of this health care are reimbursed by the Ministry of Health.

The Ministry of Health can determine the range of medical services reimbursed beyond the scope of emergency health care by publishing this range on its website.

According to paragraph 23 (3) (b) of the Act on Asylum - the applicant shall be obliged to undergo a medical examination provided by the Ministry without undue delay after his/her arrival to the reception centre; (c) to stay in the reception centre until announcement of the result of the medical examination.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Applicants have access to emergency health care right after the start of the asylum procedure – after arrival to the asylum facility. Applicants have access to the health care directly in asylum facilities. In case special medical examination, examination by paediatrician are needed, or doctor is not available, the applicants are examined in the same health care centres/doctor's offices/hospitals as Slovak citizens.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

According to § 39 of the Act on Asylum the Ministry creates conditions for the accommodation and care of applicants in asylum facilities, while also taking into account the special needs of vulnerable persons determined on the basis of an individual assessment of their condition; suitable conditions also mean taking adequate measures to prevent attacks and violence, as well as providing protection to victims of human trafficking. Vulnerable persons for the purposes of this provision are mainly minors, disabled persons, elderly, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

When placing an applicant in an asylum facility, the Ministry takes into account his age, state of health, family relationships and religious, ethnic or national characteristics. Men and women are placed separately, taking into account family relationships. Families are placed together as well as single parents or other relatives with minor children.

Unaccompanied minors are accommodated in Centres for children and families of the Ministry of Labour, Social Affairs and Family of the Slovak Republic which provide care for minors focused on their special needs and the best interest of the child - health care, psychological support, education and activities.

Care of the unaccompanied minors is provided in accordance with the Act No. 305/2005 on the social protection of children and on the social guardianship.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

As mentioned above (1.6) applicants with special reception needs are provided with full access to the reception conditions right after the start of the asylum procedure/after arrival to the asylum facility. In case of unaccompanied minors special reception conditions are provided by the Centres for children and families of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

An applicant can ask for legal help and any kind of assistance from representative of The Centre for Legal Aid or non-governmental organizations.

An applicant can make a formal complaint at the asylum facility any time. Formal complaint does not include legal challenge.

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

A third country national who is not an applicant in the Slovak Republic and who is returned to the territory of the Slovak Republic from another Member State due to the fact that the Slovak Republic is responsible for examining his/her application for international protection shall be considered an applicant; except for a third country national whose asylum application had been rejected in the past as inadmissible or manifestly unfounded or who had not been granted asylum. The asylum procedure shall begin once the third country national enters the territory of the Slovak Republic.

Where an asylum application has previously been rejected as inadmissible or manifestly unfounded, or where asylum has not been granted, the asylum procedure shall begin by the third country national's application at the Police Asylum Department unless otherwise stipulated by the Act on Asylum. The application on behalf of a minor third country national shall be submitted by his/her legal representative or guardian appointed by the court.

How long do these steps normally take?

The asylum procedure starts upon arrival to the Slovak territory.

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

The person shall submit new application for international protection at the Police Asylum Department in Humenné.

How long do these steps normally take?

Immediately after the arrival of the third country national to the territory of the Slovak Republic.

Where can the applicant find this information, or be provided with this information?

General information about the asylum procedure is published on the website of the Ministry of Interior of the Slovak Republic: <http://www.minv.sk> in the section "Asylum and Migration" as well as in the Asylum Act No 480/2022 Coll. on Amendments and Additions to Certain Acts (available on the website www.slov-lex.sk in Slovak language).

The applicant is also provided with the comprehensive Information Provision document - *The Instruction of the Asylum Seeker on Rights and Obligations* by the responsible employee of the Ministry where he/she can find all the necessary information about the asylum procedure.

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

The subsequent asylum application can be rejected as inadmissible if there has already been final decision in the asylum procedure rejecting the application as manifestly unfounded, not granting asylum, withdrawing asylum, not extending subsidiary protection or withdrawing subsidiary protection, and there has been no substantial change in the factual situation since the decision became final.

The subsequent asylum application can also be rejected as manifestly unfounded if it cannot be rejected as inadmissible (as in the previous point) for the reason that the factual situation has changed substantially and the applicant does not meet the conditions for international protection.

The applicant is not authorized to stay on the territory of the Slovak Republic in the cases stated above as well as when the Ministry rejected the application for asylum as inadmissible and decided that the application for asylum was submitted exclusively with the aim to avert the imminent execution of expulsion from the Slovak Republic.

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

Yes, the Ministry shall reject an application for granting asylum as inadmissible under Article 33(2) points a) to d) Directive 2013/32/EU if

- a) the applicant was granted asylum by the state which is not a Member State of the European Union, and the applicant can effectively use the protection provided by this state; this shall not apply if it is not possible to effectively return the applicant to this state,
- b) the applicant comes from a safe third country; this shall not apply if in the case of an applicant this country cannot be considered a safe third country or if it is not possible to effectively return the applicant to a safe third country or if the minor is unaccompanied and it is not in the minor's best interests,
- c) the applicant was granted international protection by a Member State of the European Union,
- d) the application for international protection is a subsequent application, there has already been final decision in the asylum procedure rejecting the application as manifestly unfounded, not granting asylum, withdrawing asylum, not extending subsidiary protection or withdrawing subsidiary protection, and there has been no substantial change in the factual situation since the decision became final.

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

No.

An asylum applicant can only be detained for legal reasons listed in paragraph 88a of Act No 404/2011 Coll. on the residence of foreigners and on the amendment and supplementation of certain acts as amended.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

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3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

The plaintiff (the applicant) can request by an administrative action the annulment of the decision on detention, the decision of the extension of the detention, or decision of the extension of the detention period. The administrative action shall be submitted within seven days from the notification of the decision on detention, the decision of the extension of the detention, or decision of the extension of the detention period to the defendant. That is, to the competent state authority that issued this decision. Submission of the administrative action does not have a suspensive effect and the administrative court cannot grant the administrative action a suspensive effect at the request of the plaintiff (the applicant).

The defendant is obliged to submit an appeal within five working days of its submission to the administrative court.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

An asylum seeker may be detained for the time reasonably necessary, as long as the reasons for the detention last. The total time of detention shall not exceed 6 months. The total time of detention of an asylum seeker in the event of a threat to national security or public order shall not exceed 18 months. The detention period cannot be extended in the case of a family with children or a vulnerable person. A third country national is detained on the date of issuing the decision on detention.

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

The administrative court shall decide on the administrative action at the hearing within seven working days from its submission. This deadline does not apply if the plaintiff (the applicant) has been released from detention.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

As an alternative to detention the police department acting in the matter of detention may impose a duty on the third - country national to report the place of his/her residence; or pay financial guarantee. The police department is taking into account the person of the third-country national, his/her background and the level of risk to the purpose of the detention. However, the duty cannot be imposed in case of proceedings relating to administrative expulsion for reasons he/she represents a serious threat to the national security or public order or he/she threatens the national security, public order or public health. The police department may impose mentioned obligation only if the third country national will prove the securing of accommodation during the duration of this obligation and financial security of the stay; this does not apply in the case of an asylum seeker.

If the grounds for detention of the asylum applicant are not met, the applicant shall not be detained, he/she shall be placed into asylum accommodation facilities. If the police department decides to impose one of the detention alternatives on the applicant instead of detaining him (reporting his stay or submitting a financial guarantee), he does not have to prove the securing of accommodation and financial security because the asylum applicant has secured accommodation and all the necessities provided in the asylum facility.

3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

The specialised detention facility shall correspond to the purpose for which it was established, it shall meet hygienic standards and be equipped to prevent life threatening or health injuring situations.

The facility consists of rooms for accommodation including social, cultural and visit rooms with other area where third-country nationals may move freely during specified times, except for third-country nationals placed in premises of the facility with a separate regime of detention.

The accommodation room is equipped with electric lighting, table, chairs, beds and cabinets for personal belongings, the number of which corresponds to the number of the third-country nationals accommodated.

The facility is operated by the Police Force. The facility has internal rules adjusting the details on the rights and duties of the third-country nationals placed in the facility.

The placement of the third-country nationals is based on the age, health condition, kinship and family relations and religious, ethnic or national peculiarities. Men, women and persons younger than 18 shall be placed separately. This may be except third-country nationals in kinship relation. Families shall be placed together in the facility. If the facility decides to separate a family, it shall always make sure that the consequences of this separation are adequate to the reasons.

A third-country national shall be obliged to undergo a medical examination as specified by a doctor including necessary diagnostic and laboratory examination, vaccination and precautionary measures defined by the health protection authority; special attention shall be paid to vulnerable persons. If the health condition of the third-country national requires health care which the facility is unable to provide, it shall be arranged by the facility at a health care facility outside the facility.

The third-country national shall be entitled to a continuous eight-hour period of sleeping and two walks per day in the specified area, each lasting at least one hour; a third-country national younger than 18 years of age shall be entitled to three walks per day, one in the morning and two in the afternoon. A third-country national younger than 18 years of age shall be entitled to have access to education within three months after the detention; leisure-time activities including games and recreational activities are appropriate to his/her age. Vulnerable persons and families with children shall have access to psychological and social services and counselling and crisis intervention.

Food for the detained third-country national shall be arranged depending on local conditions and at the appropriate time in accordance with healthy nutrition principles and taking into account the age, health condition and religion of the third-country national concerned. The first food shall be provided to the third-country national after the time of detention exceeds six hours; this shall not apply if the health condition and age of the third-country national or other serious circumstance the police officer is aware of need to be taken into account. Food for minors is provided five-times a day, usually so as to provide first food after the time of detention exceeds three hours. Food expenses in the case of an asylum seeker shall be borne by the state.

The third-country national can send documents at his own expense. In order to exercise his/her rights, the third country national can submit requests and complaints to the state authorities of the Slovak Republic, which the police department will immediately send.

The third-country national can order books, daily newspaper and magazines, including foreign ones, at his own expense, if they are distributed in the Slovak Republic.

The third-country national can receive a shipment of personal items weighing up to five kilograms once every two weeks. The restriction does not apply to a shipment of clothing.

An asylum seeker shall be entitled to communication with representatives of the United Nations High Commissioner for Refugees, family members and persons providing legal assistance to the asylum seeker; visits of representatives of the United Nations High Commissioner for Refugees, family members and persons providing legal assistance to the asylum seeker in conditions that respect privacy. The access of family members of the asylum seeker and of persons providing legal assistance to the asylum seeker may be limited on grounds of threat to state security and public order, or based on a decision of the facility director, where it does not considerably limit or prevent access of these persons to the asylum seeker.

The third-country national shall be entitled to admit visits of not more than two persons once in two weeks for the period of 30 minutes. In justified cases, an exception may be allowed. The third-country national shall be allowed to admit without limitation the persons who provide legal protection to him/her.

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

The applicant may apply for free legal aid in the event that the Ministry has issued a decision not to grant asylum, to withdraw asylum, not to extend subsidiary protection, or to revoke subsidiary protection, by which the application for the granting of asylum was rejected as manifestly unfounded, by which the application for the granting of asylum was rejected as inadmissible or in the event of the transfer to another Member State.

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

After the transfer to the territory of the Slovak Republic, the applicant has the right to free legal aid if he/she requests legal aid, if he/she does not have a legal representative for proceedings and he/she is in a state of material need. Another condition for the provision of free legal aid, which must be met, is the fact that the Ministry of Interior of the Slovak Republic issued a decision not to grant asylum, to revoke asylum, not to extend subsidiary protection, or to cancel subsidiary protection, by which the application for granting asylum was rejected as clearly unfounded, by which the asylum application was rejected as inadmissible or the decision to transfer to another Member State. This means that free legal aid is provided by the Centre for Legal Aid in the Slovak Republic only in the second stage, in the appeal proceedings. The provision of free legal aid continues even after the annulment of the decision in question.

The Centre for Legal Aid examines the condition of a state of material need only if the applicant had permission to reside on the territory of the Slovak Republic immediately before the issuance of a decision not to grant asylum, to withdraw asylum, not to extend subsidiary protection, or to revoke subsidiary protection, by which the application for the granting of asylum was rejected as manifestly unfounded, by which it was an application for the granting of international protection rejected as inadmissible or in the event of the transfer to another Member State.

Material need is a state when the income of household members according to Act No 417/2013 Coll. on Aid in Material Need and on Amendments to Certain Acts as amended (hereinafter referred to as the "Act on Aid in Material Need") does not reach the subsistence minimum amount established by a specific statute and the members of the household cannot or are unable to ensure income or increase income by means of work, exercising of property rights or other rights to property and by making claims. One hot meal a day, necessary clothing and shelter are considered basic living conditions for the purposes of the Act on Aid in Material Need.

In addition to the Centre for Legal Aid, legal assistance to applicants for international protection can also be provided by non-governmental organizations. Currently there is ongoing cooperation between the Ministry of the Interior of the Slovak Republic and the civil society association Slovak Humanitarian Council on the basis of an agreement, which

also includes free legal aid to applicants for international protection, to which, however, there is no legal entitlement (this legal aid is not regulated by law, as in the case of legal aid provided by the Centre for Legal Aid).

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

Administrative action against a decision rejecting an application for asylum as inadmissible or as manifestly unfounded, against a decision to transfer to another Member State or against a decision to terminate the asylum procedure shall be submitted within 20 days from the notification of the decision.

In other cases in international protection proceedings, the administrative action must be submitted within 30 days from the notification of the decision or measure. The cassation appeal must be submitted within one month from the notification of the County Court's decision to the authorized entity.

Non-compliance with the aforementioned time limits leads to a loss of rights and cannot be remedied by providing justification.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

It is possible to request a judicial review of decisions or measures in matters of international protection issued by public administration bodies by submitting an administrative action.

General requirements of the administrative action are as follows:

- to which Administrative Court it is addressed,
- who is making it,
- to which matter it relates,
- what is the aim of it,
- signature.

In addition to the general requirements, it is necessary to state

- specification of the type of the action
- identification of the defendant, other participants and persons participating in the proceedings
- specification of the appealed decision or measure and the date of its issuance
- the date of notification of the appealed decision or measure to the plaintiff
- the grounds of the lawsuit
- specifying the evidence
- a statement as to whether the plaintiff requests a hearing
- proposal of the statement of the decision.

It is necessary to attach a document authorizing the representation of the plaintiff and one copy of the appealed decision.

Decision of the County court can be appealed against with a cassation appeal.

General requirements of a cassation appeal are as follows:

- to which administrative court it is addressed,
- who is making it,
- to which matter it relates,
- what is the aim of it and
- signature.
- In addition to the general requirements, it is necessary to state
- specification of the appealed decision
- information on when the appealed decision was notified to the complainant
- description of decisive facts
- proposal of the statement of the decision

In the cassation appeal, new facts and evidence cannot be claimed, except the facts and evidence in order to demonstrate the admissibility and timeliness of the filed cassation appeal.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

Yes, the Slovak Republic has the possibility to make an exception from the right to remain on its territory until the application is examined in the case of a request to extradite the applicant to a third country. In such cases, however, it must be a person who has repeatedly applied for international protection in the Slovak Republic and whose application for international protection has already been legally decided.

It should be noted that extradition is decided by the courts of the Slovak Republic and subsequently by the Minister of Justice, who despite the fact that the court has declared that the extradition of a person to a foreign country is admissible, can in legal cases decide that the extradition of a requested person to a foreign country shall not be permitted.

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

The provision of the Article 41(1) APD is transposed into the legal order of the Slovak Republic with regard to the specifics of national legislation. The applicant is not entitled to stay on the territory of the Slovak Republic if it is a repeated application for the granting of international protection and the Ministry has previously rejected the application for the granting of asylum as inadmissible according to paragraph 11 (1)(f) Act on Asylum or as manifestly unfounded according to paragraph 12 (2)(g) of the Act on Asylum (in these cases it will practically be the third submitted application) and even if the Ministry rejected the application for granting asylum as inadmissible according to paragraph 11 (1)(f) of the Act on Asylum and decided that the application for the granting of asylum was submitted solely with the aim of averting the imminent execution of expulsion from the Slovak Republic (in this case, it will be the second application submitted).

The submission of an administrative action against the aforementioned decisions does not have a suspensive effect, but the administrative court may grant a suspensive effect to the administrative action by resolution at the request of the plaintiff and after the defendant's statement, precisely for the reason if the immediate execution or other legal consequences of the appealed decision of the public administration body or measures of the public administration body would pose a threat of serious harm, significant economic damage or financial damage, serious damage to the environment, or other serious irreparable consequences, and the granting of a suspensive effect is not contrary to the public interest.

It should be noted that the decision in the asylum procedure is not a decision on expulsion. The decision on expulsion is issued in a separate procedure by another authority, different from the authority that issued the decision in the asylum procedure. If it is established in the expulsion proceedings that the return of a person to a third country may lead to direct or indirect expulsion in violation of international requirements, the return of such a person shall not take place.

The provision of the Article 41 (2) APD was not transposed into the legal order of the Slovak Republic.