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4 Legislative Setting and Strategic Grounding of Migrant Integration Policies in Slovakia

(Zuzana Bargerová)

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4. Legislative Setting and Strategic Grounding of Migrant Integration Policies in Slovakia

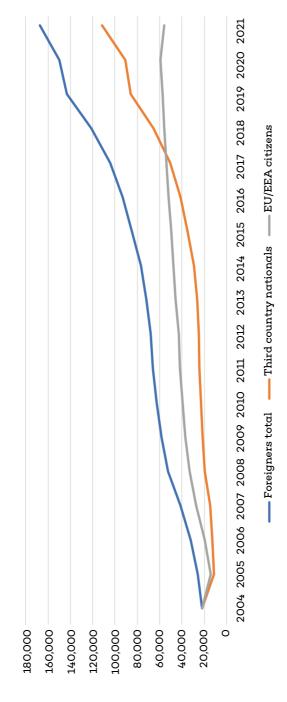
Zuzana Bargerová

4.1 Statistical data

After the Velvet Revolution in 1989, the transformation of the social system immensely impacted the development of international migration in Czechoslovakia. The "fall of the Iron Curtain", the opening of borders and the accompanying political and economic changes had marked consequences for migration processes in Central Europe, as did the subsequent split of Czechoslovakia and the formation of the Slovak Republic on 1 January 1993 (Divinský 2007; Drbohlav 2010).

Over the 28 years that have passed since the establishment of the Slovak Republic, the number of foreigners in Slovakia has risen steadily. Other trends are also evident: immigration legislation has tightened up, the state administration has professionalized its implementation of migration policy and the country has made its first attempts at strategic approaches to migration regulation and the integration of foreigners. Chart 3 shows the gradual increase in the number of resident foreigners since Slovakia's accession to the EU in 2004.

While the share of foreigners with legal residence in Slovakia did not exceed 1% of the total population of the Slovak Republic between 2002 and 2008, this share exceeded 2% for the first time after 2018 and at the time of writing this monograph it exceeds 3% (Table 2). With such low numbers of foreigners, Slovakia has long had one of the lowest shares of migration among the EU member states (Eurostat 2021). Numbers of "forced" migrants – asylum seekers or refugees granted asylum or subsidiary protection – have been lower than numbers of "voluntary migrants" in Slovakia for more than 10 years, as Chart 4 shows. It may also be striking that the number of asylum seekers in Slovakia fell to record



Source: Bureau of Border and Foreign Police of the Presidium of the Police Force (hereinafter Bureau of Border and Foreign Police) (2021), data as of 31.12. 2021 Chart 3 Increase in voluntary immigration to Slovakia (including EEA citizens) between 2004 and 2021

Table 2 Development of the number and share of foreign residents (including EEA citizens) in Slovakia between 2010 and 2020

	Pop. in mil.	Total no. of foreigners including EEA	Share of foreigners in %
2010	5.435	62,584	1.15
2011	5.404	66,191	1.22
2012	5.404	67,877	1.25
2013	5,411	71,649	1.32
2014	5.416	76,715	1.41
2015	5.421	84,787	1.56
2016	5.426	93,247	1.71
2017	5.435	104,451	1.92
2018	5.443	121,264	2,22
2019	5.450	143,075	2.62
2020	5,464	150,012	2,74
2021	5.449	167,519	3.00

Source: The Statistical Office of the Slovak Republic, Bureau of Border and Foreign Police (2021) and the author's calculations

lows at the time of the migration crisis around 2015 and has remained at that low level to this day.

As for the countries of origin of foreigners living in the Slovak Republic, this distribution has also changed during the last 20 years. In 2017, the number of legally resident third-country nationals was equal to the number of EU / EEA citizens registered in the country (hereinafter collectively referred to as "EU citizens"), and in 2018 third-country nationals outnumbered residents from other EU/EEA countries for the first time in Slovak history. However, as studies from the Czech Republic suggest, the number of EU citizens resident in Slovakia is likely higher than official statistics suggest, as many people in this category fail to officially register as Slovak residents.

Before arriving in Slovakia, third-country nationals are required to undergo an entry procedure, as is also the case for other EU countries. The length and difficulty of that procedure depends on the purpose of their stay in Slovakia and the presence or absence of a residence sponsor (a family member with whom they intend to reunite). The conditions upon which they may be granted legal residence in Slovakia are deter-

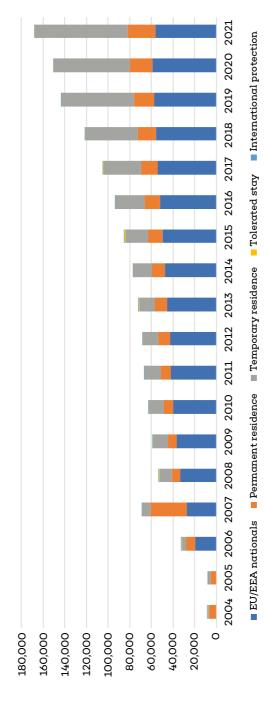


Chart 4 Development of the number of foreign residents (including refugees) in the Slovak Republic between 2004 and 2021 Source: Bureau of Border and Foreign Police, Migration Office of the Ministry of Interior of the Slovak Republic (2021)

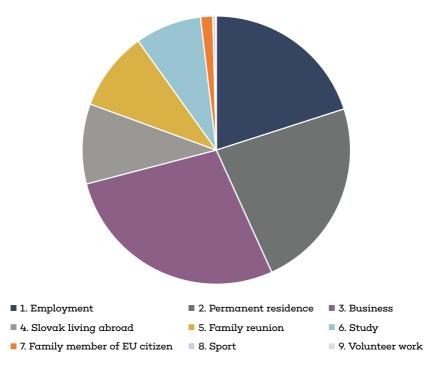


Chart 5 The most frequent purposes for temporary residence among third country nationals in the Slovak Republic as of 31. 12. 2021

Source: Bureau of Border and Foreign Police (2021)

mined by the Act on Residence of Foreigners (No. 404/2011 Coll.). This law defines a foreigner as "anybody who is not a citizen of the Slovak Republic". Nevertheless, there is a big difference between foreigners from other EU member states and third country nationals. The law distinguishes between some 30 categories of foreigners with varying legal status – different types of residence, rights and obligations. Newly arrived foreigners from third countries usually apply for temporary residence for one of the purposes specified by law. Established foreigners who have lived in Slovakia for more than 5 years or are married to Slovak citizens may be granted permanent residence. The number of new permanent residence permits granted is consistently low, as can be seen in Chart No. 2, even though the number of foreigners resident in Slovakia is increasing.

As Chart 5 illustrates, about one third of all "newcomers" come to Slovakia for work and about a quarter intend to do business in the country.

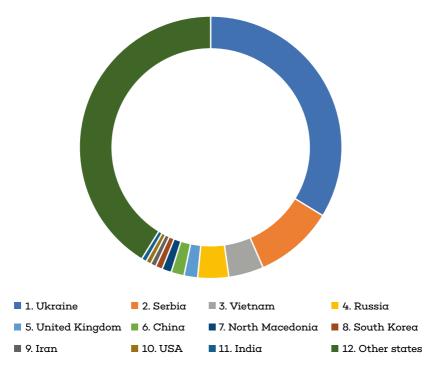


Chart 6 The most common countries of origin of third country nationals resident in the Slovak Republic in 2021

Source: Bureau of Border and Foreign Police (2021)

Another substantial group consists of "ethnic Slovaks" who had Slovak ancestors, which enables them to obtain temporary residence rights more easily. Family reunification with a foreigner or a citizen of the Slovak Republic is the most common reason for migration for permanent residence, and the chart below shows that it is also an important driver of temporary residence requests.

In 2021, the largest groups of foreigners resident in Slovakia, including EU citizens, are Ukrainians, Serbs, Czechs, Hungarians and Romanians. The most numerous third-country nationals, as shown in Chart 6, are Ukrainians, Serbs, Vietnamese, Russians, British, Chinese and Macedonians.

Ukrainians, of whom there were 56,480 in Slovakia at the end of 2021, are a more diverse group than the second-largest group of Serbs (BBFP 2022). Many of them are settled in Slovakia long-term, with permanent

residence, while the remainder largely reside on the basis of temporary residence. Almost 10% of them study, while others largely work in low, medium and high skilled occupations or carry out business activities. Statistics do not specify whether these entrepreneurs are self-employed or business executives, but in total they represent approximately a quarter of all Ukrainians with legal residence. Many of them work officially as self-employed contractors but are in reality in dependent relationships, working as cleaners, builders, farm hands, etc. At the end of 2021, 13,556 Ukrainians had work permits and 5,897 were employed without the need for a work permit, but it is difficult to deduce how many of these were only circular seasonal migrants, posted workers, family members of foreigners, etc. (COLSAF 2022) The most common professions among these immigrants in 2020 were fitters and operators of machinery and equipment (> 8,000).

As for the second largest group of foreigners, of the 16,331 Serbs living in Slovakia at the end of 2021 about half (8,163) held a special temporary residence for ethnic Slovaks (BBFP 2022). Since they benefit from this "more advantageous" permit, it is more difficult to determine what their real purpose for residing in the Slovak Republic was. A smaller share of Serbs in Slovakia (3,749) were granted temporary residence for the purpose of employment or seasonal work (COLSAF 2022). Only about three dozen Serbs in Slovakia hold temporary residence for the purpose of study and about 1,100 are in business. Serbian workers in Slovakia mainly work as operators of machines and equipment (>3,500).

Czechs, who represent the third largest and most traditional immigrant group in Slovakia, make up 8% of the total number of foreigners. As discussed with regard to Slovaks in the chapter on the Czech Republic, Czech citizens enjoy an exceptional near-domestic status in Slovakia, given the countries' common history and the "general intelligibility of the Czech language" even in official Slovak contexts.

The final report of the 3-year KapaCITY project, which focused on foreigners' integration at the local level, mentions that the number of third country nationals from Vietnam, Russia and China has been growing much more slowly than the number of Ukrainian and Serbian nationals. At the same time, among these communities there is a small difference between the number of temporary and permanent residence holders (KapaCITY 2020). From a long-term perspective, Vietnamese, Russians and Chinese are traditional migrant communities and many of them have acquired Slovak citizenship in the past. Unnaturalized Vietnamese immigrants, of whom there were 6,798 at the end of last year and

who thus form the third largest community of third country nationals in Slovakia, mainly do business – almost half the temporary residence permits granted to Vietnamese nationals are for business purposes. The Vietnamese are most often employed in services, in trade and as fitters and operators of machinery and equipment.

According to data from the Central Office of Labour, Social Affairs and Family, at the end of 2020 there were 29,937 citizens from other EU countries and 39,075 third-country nationals working in the Slovak Republic (24,169 with work permits and 14,906 with information cards¹). At the end of 2020, a total of 69,012 foreigners were employed in Slovakia; most of them came from Ukraine (COLSAF 2022).

Migration legislation has gradually and continuously tightened in Slovakia since 2001, including the conditions for granting citizenship (between 2007 and 2010). Hand in hand with this trend, the state institutions have taken a generally more negative attitude towards foreigners. After 2007, this resulted in a 15-year decline in the annual numbers of Slovak citizenships granted, reaching an absolute minimum (Chart 7). This points to the existence of a targeted policy on the part of the Ministry of Interior of the Slovak Republic, which has resulted in a much lower rate of naturalization than before 2008/2009.

Like the Czech Republic, Slovakia does not count naturalized persons as foreigners, considering them – from an integration point of view and in relation to the definition of the term "foreigner" – already fully integrated. Given the significant increase in the number of foreigners living in Slovakia over the last 10 years and the dramatic decline in the number of citizenships granted in the same period, it seems that the Slovak Republic does not consider formal completion of any integration process necessary. Citizenship of the Slovak Republic is perceived as a privilege to be granted only to those who fulfil the exhaustive conditions of the Citizenship Act, pass language, history, geography and Slovak facts tests and in whose applications the Ministry of Interior finds no inconsistencies.

¹ The employer is obliged to inform the competent Labour, social affairs and family office about the creation and termination of the employment relationship or the beginning and end of the secondment to perform work on a predetermined form. A sample of the "Information card" form is available for download, e.g.: https://www.eures.sk/clanok_detail.php?id=1221.

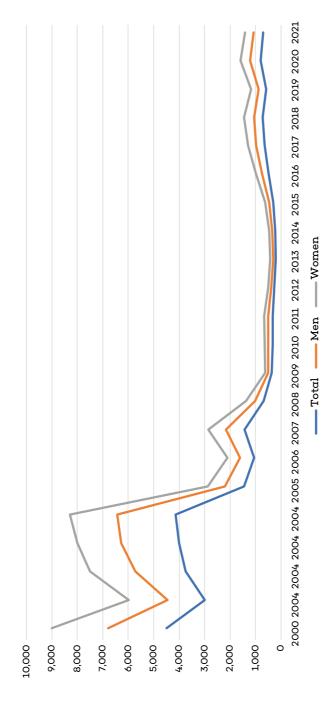


Chart 7 Numbers of citizenships of the Slovak Republic granted between 2000 and 2021 Source: Ministry of Interior of the Slovak Republic (2021)

Gender perspective

There are no available statistics on the number of migrant women. The Slovak Migration Office's statistics only record female asylum seekers, recognised refugees and subsidiary protection holders, which represent a partial share of all women migrants. The statistics of the Bureau of Border and Foreign Police do not differentiate between men and women in relation to types of residence or purposes of stay. It is clear from Eurostat statistics that male immigration outweighs female immigration in Slovakia, (Eurostat 2018). Despite the fact that equality, prevention of discrimination and the protection of vulnerable groups of foreigners, including women, are all principles found in the *Integration Policy of the Slovak Republic*, relatively little attention is currently paid to migrant women in Slovakia (MLSAF 2014).

Regional distribution of foreigners in Slovakia

Most foreigners in the Slovak Republic live in the Bratislava region (Chart 8); relatively large numbers have also settled in the Trnava, Košice and Nitra regions. This regional distribution can be explained by the development of the automotive industry in the cities of Nitra, Bratislava and Trnava and the resulting high demand for manpower by a large number of subcontracting companies.

According to data from the Bureau of Border and Foreign Police, equal numbers of Ukrainians, (the most numerous third-country nationality among Slovak residents) live in western Slovakia as in eastern Slovakia, close to the Ukrainian border. The second largest group of third-country nationals consists of Serbs. Most Serbian migrant workers live in western Slovakia, especially in the Bratislava region, where they largely work in the automotive industry and for related companies (MLSAF 2014).

As of 31 December 2020, a total of 51,000 foreigners lived in the Bratislava Region, of which 33,497 were third-country nationals. The number of third-country nationals has quadrupled over the last 10 years (COLSAF 2022; MI SR 2010).

The situation in the Slovak capital Bratislava is, for obvious reasons (geographical location, employment opportunities), significantly different from the rest of Slovakia. At the end of 2020, 40,237 foreigners

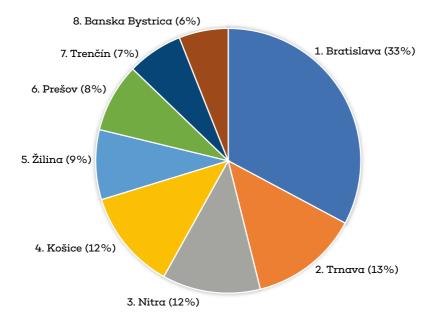


Chart 8 Distribution of foreigners across Slovak regions in 2021

Source: Bureau of Border and Foreign Police (2021)

lived in the city of Bratislava.² A year later, on 31. 12. 2021, there were already 41,952 foreigners in total registered with valid residence permits, of whom 20,829 held temporary residence (third country nationals) and 21,121 permanent residence (EU and third country nationals).

At that time there were just over 167,000 foreigners legally resident in Slovakia, which means that those living in Bratislava accounted for about 26% of all foreigners in the Slovak Republic and about 7% of the total population in Bratislava. Many of these foreigners live in Bratislava I (Old Town) district, where they comprise close to 18% of the total population, or in Bratislava III district, where foreigners make up some 12% of the population. In terms of the absolute number, the district with the largest number of resident foreigners (8,376) is Bratislava II³. To illustrate, in Tables 3 and 4 we present overviews of the numbers of third country nationals and EU citizens whose Slovak resident permits are registered within the city of Bratislava.

² The Bureau of Border and Foreign Police provided data on the number of foreigners.

³ The data on the population of Bratislava as of 31. 12. 2021 and 31. 12. 2021 were provided by the Bureau of Border and Foreign Police.

Table 3 Overview of numbers of valid Slovak residence permits held by third country nationals within the city of Bratislava on 31. 12. 2021 by type of residence permit and city district

Bratislava city district	Temporary residence	Permanent residence	Tolerated stay	Total
Bratislava II.	5,248	2 014	0	7,262
Bratislava III.	5,021	2 155	0	7,176
Bratislava IV.	4,254	1 462	0	5,716
Bratislava I.	3,031	1 658	0	4,689
Bratislava V.	3,275	1 074	2	4,351
Total	20,829	8,363	2	29,194

Source: Statistics from the Bureau of Border and Foreign Police

Table 4 Overview of numbers of valid Slovak permanent residence permits held by EU nationals within the city of Bratislava on 31. 12. 2021 by city district

Bratislava city district	EU nationals residence		
Bratislava I.	3,249		
Bratislava II.	3,128		
Bratislava IV.	2,307		
Bratislava III.	2,155		
Bratislava V.	1,919		
Total	12,758		

Source: Statistics from the Bureau of Border and Foreign Police

4.2 Migrant integration strategies at national, regional and local levels

In this section, we offer an overview of existing strategic documents and their historical development.

National integration framework

The term "integration of foreigners" has been used by the Slovak state authorities in official documents as well as by non-governmental organizations approximately since the Slovak Republic's accession to the EU in 2004. At that time, European Social Fund resources were used to finance the first projects mapping foreign migration in Slovakia and supporting the integration of foreigners. Integration of foreigners was also a common topic of discussion in expert forums. The *Integration Policy of the Slovak Republic*, which is addressed in the next section of this chapter, defines the term "integration" more precisely.

Slovak integration policy is formally composed of both national strategic documents and instruments to support their implementation – national legal norms that overlap with European law and its legal institutes. It also includes other tools, such as measures and documents adopted at the local authority level, but these are as yet relatively few. Below we offer a brief historical excursion into the development of these integration policies in Slovakia.

After the partition of Czechoslovakia, the first national strategic document, which was also the last for many years to regulate basic principles in the field of migration policy, was entitled *Principles of Migration Policy* of the Slovak Republic and adopted in 19934. In the spirit of the time, this document called on foreigners to "submit to the sovereign power of the Slovak Republic" and "respect its legal order", and made no mention of the importance of integration. The need to adopt a more modern strategic document became evident only in 2005, after Slovakia had joined the EU, when the Ministry of Interior of the Slovak Republic (hereinafter the "Ministry of Interior") adopted the first Concept for Migration Policy in the Slovak Republic⁵. This document marginally addressed the integration of foreigners and was the first step towards a separate integration strategy. In 2007, the government instructed the Minister of Labour, the Minister of Interior and the Deputy Prime Minister to adopt "effective measures to safeguard the tasks associated with creating conditions for the integration of migrants into society and, on that basis, to create legal, legislative and financial conditions and to transfer certain competencies from the state administration to local governments and non-governmental organizations".

In 2009 the Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter "Ministry of Labour") adopted a new autonomous document on the integration of foreigners: *The Concept for Foreigner Integration in the Slovak Republic* (MLSAF 2009). A wide range of stakeholders participated in its elaboration: ministries, local government

⁴ These Principles were adopted by Government Decree No. 846/1993 Coll.

⁵ This Concept was adopted by Government Resolution No. 11/2005 Coll.

representatives, academics, the International Organization for Migration (IOM), non-governmental organizations working with migrants and representatives of migrant communities in Slovakia. Like the Czech Concept for the Integration of Foreigners from 2005, the Slovak Concept referred to the Common Basic Principles for Immigrant Integration Policy in the European Union of 2005 and called for support for integration policies and measures, especially at the local level, and for immigrants to participate in the democratic process.

After the parliamentary elections in June 2010, the representation in the National Council of the Slovak Republic changed as the new government was formed by right-wing parties. This contributed to a relatively radical shift in the national approach to foreign migration in the Slovak Republic. Section 4.2 *Internal Order and Security* of the *Programme Statement of the Government of the Slovak Republic 2010–2014* states that the government of the Slovak Republic will improve mechanisms of migration and integration management, emphasizing the harmonization of procedures and policies in these areas. The government's programme statement sounded very beneficial and progressive as far as migrants are concerned (SBA 2014).

The second version of the country's integration strategy, the *Integration Policy of the Slovak Republic* (hereinafter referred to as the "Integration Policy"), has been in force in Slovakia since 2014⁶. This document from the Ministry of Labour was/is a modern strategic document that was meant to implement measures needed to ensure foreigners integrated into Slovak society through concrete and detailed action plans (MLSAF 2017). The *Integration policy* emphasized, among other things, the integration of foreigners at the regional and local levels, the employment of foreigners, their participation in the health and social security system, equal access to education, language proficiency and support for obtaining adequate housing (HRL 2020). It called for the involvement of higher territorial units (regions) as managers of the implementation of individual measures and reiterated that the integration of foreigners should take place via a bottom-up approach at the local level.

It is not easy to assess whether the goals of the *Integration Policy* are being met – at least internally – after seven years of its existence, as there has been no evaluation of its achievements and the last monitoring of its implementation took place in 2017. Government Resolution No. 405/2018 of 5 September 2018 abolished the requirement for individual

⁶ This Concept was adopted by Government Decree No. 45/2014 Coll.

ministers to submit reports to the Ministry of Labour on the implementation of specific objectives and measures resulting from the Slovak Integration Policy for the relevant calendar year. It also abolished the requirement for the Minister of Labour to submit a summary report on the implementation of the *Integration Policy* to the government. This means that the implementation of the goals and measures of the *Integration Policy of the Slovak Republic* has not been monitored since 2018 (MLSAF 2018) and, in turn, that this implementation is in fact not taking place.

As the Slovak branch of the IOM stated in its Annual Report on Migration and Asylum for 2018, regular evaluation of the quality of annual monitoring and current (2021) challenges and problems in the Slovak labour market have indicated that the Integration Policy of the Slovak Republic is in need of a comprehensive update. The IOM also stated that there was (author's note: *in the past*) some cooperation between the state, local authorities and associations working in the field of integration of foreigners at meetings organised by the Ministry of Labour and by the Expert Interdepartmental Commission on Labour Migration and Integration of Foreigners (hereinafter referred to as the "Commission on Labour migration")7. Representatives of all local authorities, the Association of Towns and Communities of Slovakia and the Union of Towns and Cities of Slovakia8 were invited to the meetings of the Commission on Labour Migration. In January 2018, the Ministry of Labour called on local governments to increase their involvement and initiatives in the field of integration (EMN 2020). The last mapped activity of the Ministry of Labour in this area took place in 2019, when - to encourage better integration of foreigners - the ministry began work on updating the Integration policy, though it only focused on one area, namely labour market integration.

The only positive signal at the level of local authorities is the *Strategy for Labour Mobility of Foreigners in the Slovak Republic* (hereinafter referred to as the "Labour Mobility Strategy") from 2018, which introduced some new measures to support foreigners specifically in labour market integration. The *Labour Mobility Strategy*, like the *Integration Policy*, emphasizes the involvement of authorities and organizations at the regional and local levels. Its main measures include:

Developing local integration strategies as an important tool for maintaining social cohesion and preventing conflicts, segregation, and

⁷ In Slovak: Medzirezortná expertná komisia pre oblasť pracovnej migrácie a integrácie cudzincov (MEKOMIC).

⁸ http://www.unia-miest.eu/EN/index.asp

- ghettoization, within the framework of the update of the Slovak *Integration Policy*.
- Creating conditions for the implementation of the *Integration Policy* at regional and local levels.
- Supporting cooperation between non-profit organisations and public administration.
- Making more effective use of existing financial instruments to support
 the development of rental housing. The strategy directly addresses
 municipalities and cities and encourages them to make more effective
 use of contributions from the State Housing Development Fund.
- Creating a local platform for regional social dialogue at the municipal level, which would facilitate information exchange between various institutions, especially between town halls, foreign police departments, labour offices, regional branches of the social and health insurance companies, district offices, tax offices, larger employers, personnel agencies, educational institutions, etc.

At the same time, the Ministry of Labour adopted the Action Plan for Migration Policies within the Ministry of Labour, Social Affairs and Family of the Slovak Republic for 2018–2020. Its content was very brief and addressed the integration of foreigners in section 2.3. It called for integration mainstreaming (taking into account the specifics of the legal status of women, minors, people with disabilities, foreigners granted international protection and senior migrants) to be applied when preparing and drafting legislation and policies, taking into account the impact such measures have on migrant integration (MLSAF 2017).

The Action Plan further states in its introduction that:

"Because the Ministry of Labour, Social Affairs and Family of the Slovak Republic is working on two broad activities, which are: a) the 'Strategy for Labour Mobility of Foreigners in the Slovak Republic'; b) updating the 'Integration Policy of the Slovak Republic', it does not state other measures in the submitted draft *Action Plan for Migration Policies within the Ministry of Labour, Social Affairs and Family of the Slovak Republic for 2018–2020.* All key measures from the point of view of the Ministry of Labour's substantive competences are already, or will be, covered in the two aforementioned materials."

As mentioned above, the Ministry of Labour stopped implementing any integration policy activities in approximately 2018. It is not clear who is responsible for its inaction in this respect and for its failure to carry out the tasks to which it had previously committed. The change of the Minister of Labour after the 2020 elections has not led to any change or

progress in this area, on the contrary it seems that the topic of foreigner integration is no longer considered important (Meššová 2021).

In Slovakia, the process of recognizing and formulating policies related to growing numbers of incoming migrants has previously taken place at the national level and is partly already taking place at the local level. Nevertheless, there is currently (2021) no systematic support for the integration of foreigners in practice. The integration of foreigners into society takes place uncontrollably, individually, as a result of various objective and subjective factors. Integration takes place through legal instruments regulating its sub-areas (e.g. social security laws, residence laws, laws governing access to education or health care, etc.), at the will of foreigners and their surroundings, ad hoc through integration activities organised by various intergovernmental and non-governmental entities, or through the activities of certain foreign communities.

In conclusion, it can be stated that the integration of foreigners has not been a key priority for the Slovak governments of the last 10 years. Although some progress was made between 2009 and 2014, this was followed by a slowdown and a subsequent decline in the initiatives implemented by the Ministry of Labour. However, with the recognition of the need to transfer certain key processes to local authorities, a new era of bottom-up integration began five years ago and we describe this positive turn in greater detail in the next subchapter.

Local strategies

Slovak legislation does not explicitly regulate the competences or obligations of higher territorial administrative units or municipalities relating to the integration of foreigners. Despite this and despite the relatively low numbers of foreigners living in Slovakia (compared to other countries in the SMIR project), some legal instruments supporting the integration of foreigners are already available. Municipalities that have recognized their foreign communities (in the legal definition of their inhabitants) can decide whether and how they will facilitate their integration. This situation mirrors the fact that even at the national level, no strategic vision is currently (2021) being implemented and there are no mechanisms to support such implementation.

The turning point in the bottom-up approach to integration came with a project initiated in 2014 by the Association of Towns and Com-

munities of Slovakia⁹ entitled "Capacity building at the local government level in the field of integration policy" (hereinafter referred to as the "BUK Project").¹⁰ The BUK project opened up discussions at the municipality level on how to improve the quality of life and integration of third-country nationals, who are often long-term residents of cities and municipalities, through the creation of independent public policies. However, the city of Bratislava, which has the highest share of foreigners of all cities in Slovakia, has not yet been involved in this process and has no strategy so far.

The BUK project trained elected representatives and employees from 28 municipalities¹¹ and involved seven cities: Banská Bystrica, Prievidza, Svidník, Michalovce, Dolný Kubín, Snina and Senec in an intensive pilot scheme to develop local inclusion strategies for third-country nationals. Seven original strategies were developed within the project and more than five (planned) measures were proposed, adopted, incorporated, and put into practice. Some of these measures were implemented during the project: initial meetings between city representatives and representatives of third-country national communities to map their needs and the potential contributions of the project, building up a multicultural environment, intercultural education and informal language learning with the support of third-country nationals.

Despite a very negative discourse on the topic of refugees, which was consciously and purposefully used as an argument against the BUK Project ("the pilot cities are future gateways for refugees in Slovakia") and which resulted in two cities failing to adopt their integration strategies, the elaborated public policies were successfully implemented in the five other cities.

In the cities of Banská Bystrica, Prievidza, Svidník, Michalovce and Dolný Kubín, local strategies for the integration of third-country nationals were adopted or the city councils noted that the proposed measures had come into force. In Svidník, one of the points of the Action Plan was to incorporate the issue of integration into the city's future *Programme of Economic and Social Development* (hereinafter "PESD"). In Dolný Kubín,

⁹ In Slovak: Združenie miest a obcí Slovenska (ZMOS)

¹⁰ More information on the BUK project is available at: http://cvek.sk/buk-budovanie-kapacit-na-urovni-miestnej-samospravy-v-oblasti-integracnej-politiky-2/.

¹¹ The towns involved were: Svidník, Michalovce, Košice, Prešov, Humenné, Senec, Poprad, Vranov Nad Topľou, Hanušovce Nad Topľou, Žilina, Zvolen, Žiar Nad Hronom, Dolný Kubín, Snina, Prievidza, Ružomberok, Liptovský Mikuláš, Banská Bystrica, Považská Bystrica, Trnava, Trenčín, Leopoldov, Hlohovec, Sereď, Modrý Kameň, Brezno, Handlová, Bánovce nad Bebravou.

the strategy was extended to all foreigners, with third-country nationals forming a separate target group.

Some local authorities have recently become more actively involved in integration thanks to the implementation of the three-year project KapaC-ITY – Supporting the integration of foreigners at the local level, implemented by four NGOs (the Human Rights League (HRL), the Centre for the Research of Ethnicity and Culture (CVEK), the Milan Šimečka Foundation and Marginal) (EMN 2020). This project focused on the cities of Banská Bystrica, Trnava and Bratislava as well as the Košice Self-Governing Region. Banská Bystrica built on its 2015 Strategy for Capacity Building at the Local Government Level in the area of integration policy and the Košice region relied on the Roadmap for Managed Migration, which is part of the PESD 2016–2022 (PEDS 2015).

The city of Košice developed its integration activities and created a *Concept for the integration of foreigners in the city of Košice*¹² in May 2018, in cooperation with the NGO ETP Slovakia as part of a project entitled INTEGRA – Integration of third-country nationals through urban partnerships.¹³

Further opportunities

According to Act No. 448/2008 Coll. on Social Services (hereinafter referred to as the "Social Services Act"), municipalities develop community social services plans and higher territorial self-governing units develop concepts of development of social services. Municipalities develop and approve their community social services plans based on the national priorities for the development of social services while taking into account the local specifics and the needs of individuals in the municipality's territory, determine their social services needs and determine what personnel, financial, operational and organizational conditions are required to provide for those needs. Higher territorial self-governing units develop and approve concepts for the development of social services based on the national priorities for the development of social services and on the community social services plans drawn up by the municipalities in its territorial district.

¹² The Concept for the integration of foreigners in the city of Košice is available in Slovak at: http://etp.sk/wp-content/uploads/2019/02/Kosice-City-Integration-Agenda_SK.pdf.

¹³ More information on the project INTEGRA is available in English at: INTEGRA – Integration of Third Country Nationals through Urban Partnerships – ETP Slovensko.

The Programme of Economic and Social Development ("PESD")¹⁴ is a key basic document in the management of local government in self-governing regions and municipalities. Local governments formulate the PESD based on their knowledge of the situation and specific needs of the inhabitants, entrepreneurs, interest groups and other subjects in their territory. Although Act No. 538/2009 Coll. on Support for Regional Development does not use terms such as migration, integration or inclusion of foreigners, it nevertheless implicitly relates to these topics. According to Section 3(2) of the cited Act, support for regional development focuses, among other topics, on preventing social exclusion and mitigating its negative consequences, promoting equality of opportunities on the labour market, supporting disadvantaged communities, and developing a multicultural society in the region, including multicultural dialogue, cooperation and tolerance in regions and settlements.

The provisions of Section 11 of Act No. 5/2004 Coll. on Employment Services and on Amendments and Additions to Certain Acts (hereinafter "Employment Services Act") in turn allows municipalities, town associations, civic associations and self-governing regions to enter into partnerships in order to implement projects or programmes to support the employment of job seekers.

Therefore, although most municipalities do not have their own specific strategic documents focused on the integration of foreigners, they do have the prerequisites for including this topic in their activities even without adopting their own integration policies. Many municipalities implement such measures on the basis of existing valid documents such as:

- The Programme of Economic and Social Development,
- Employment Action Plans,
- Community Plans.

For example, the local governments involved in the KapaCITY project decided to treat foreigners as a specific target group within their existing or emerging municipal or regional strategies, including the *Community Social Services Plans* in Banská Bystrica¹⁵ and Trnava and the *Concept for Social Inclusion in the Bratislava Self-Governing Region for 2020–2030*¹⁶. The *Participatory Planning Manual of the Metropolitan Institute of Bratislava* (MIB 2021) deals with foreigners as one of the communities that need

¹⁴ On the basis of Act No. 538/2009 Coll. on Support for Regional Development.

¹⁵ The Community Plan is available in Slovak at: https://cdn.banskabystrica.sk/2020/11 /Komunitný-plán-mesta-Banská-Bystrica-na-roky-2021-2027.pdf.

¹⁶ The Concept is available in Slovak at: https://bratislavskykraj.sk/mdocs-posts/06-koncepcia-socialnej-inkluzie-2020-2030_koncepcia/.

to be addressed and heard when developing policies and implementing measures. At its inception, the *Community Social Services Plan for the City of Bratislava, 2019–2021* also analysed the specific situation of foreigners in the city and involved NGOs providing services to foreigners in its development. Foreigners are also taken into account in the PESD for 2023–2030 and in the entry report for the preparation of the *Regional Integrated Territorial Strategy of the Košice Self-Governing Region* (PEDS 2015).

4.3 Legislative conditions and integration goals

In this section, we briefly discuss the basic legal norms regulating the competences of municipalities and self-governing regions in relation to activities supporting the inclusion of foreigners or residents of foreign origin. Of the many laws that guide foreigners through the process of integration into society, we have selected those that are most relevant to this monograph.

From the following description of selected provisions within the Act on Residence of Foreigners and the Act on Citizenship of the Slovak Republic, it will probably be obvious to the reader that Slovakia has not yet implemented an official integration strategy and that Slovak legislation does not yet work with a fixed definition of integration or of degrees of integration. Nevertheless, some elements of a definition of integration are already serving the authorities as criteria for granting residence or Slovak citizenship.

The Act on Municipal Establishment

The Act on Municipal Establishment (No. 369/1990 Coll.) regulates municipalities' obligations to take care of the all-round development of their territories and of the needs of their inhabitants, particularly with respect to housing, health protection and development, transport and communications, information sharing, education and training, overall cultural development, and the protection of public order. A full-fledged municipal resident is any person who has permanent residence in the municipality, i.e. a citizen of the Slovak Republic with registered permanent residence in the municipality or a foreigner who has been granted permanent or long-term residence in the Slovak Republic and whose registered place of residence is in the municipality. Foreigners who hold

temporary residence and whose registered residence is in the municipality also have the right to participate in local government, but with certain limitations on their political rights, including their active and passive voting rights and their right to vote on important issues relating to the life and development of the municipality in referenda.

According to the wording this Act, municipalities are responsible for creating and protecting a healthy environment and healthy living and working conditions for their inhabitants, protecting the environment and creating suitable conditions for access to health care, education, culture, educational activities, leisure activities, physical education and sport. However, local governments frequently face the problem that those who actually live and work in a given city are frequently not considered official inhabitants of that municipality. As explained above, a municipality's official inhabitants are only citizens whose registered long-term residence is in the given municipality and foreigners with permanent or long-term residence whose registered place of residence is in the given municipality. It may be assumed that this legal regulation will change over time at the initiative of the local governments.

The Act on Self-Governing Higher Territorial Units

According to the Act on Self-Governing Higher Territorial Units (Act No. 302/2001 Coll.), a resident of a self-governing region, and thus also the target group of any integration measures, is defined as any person whose registered permanent residence is in a municipality within the given region. Foreign holders of long-term residence permits may also participate in the self-government, with certain exceptions specified in the law. In the exercise of self-government, the region takes care of the all-round development of its territory and the needs of its inhabitants. We consider it problematic that the cited law's definition of long-term residence still refers to a long-invalid former law on residence, which was repealed in 2011 and replaced by its more modern "successor".

The Act on Residence of Foreigners

Unlike the Czech Republic, Slovakia has not introduced any mandatory integration measures. Slovak laws do not impose any specific integration conditions on foreigners before they may be granted residence or have

residence rights renewed, such as proving certain language skills or taking orientation or adaptation-integration courses. Nor do they specify what constitutes integration or how an individual's degree of integration is to be assessed if their residence permit is cancelled. This is unfortunate from the point of view of the foreigners' legal certainty as participants in these proceedings. The Act on Residence of Foreigners (No. 404/2011 Coll.) is cautious when it comes to elements that touch on integration measures or the notion of 'degrees of integration'.

However, the Bureau of Border and Foreign Police takes an individual's degree of integration into account, for example when granting permanent residence to a third-country national for 5 years or for an unlimited period of time, or when withdrawing a foreigner's residence rights. However, it is not known whether that degree of integration refers to social ties, integration in the labour market or a complex set of different aspects. From the application practice it appears that the Bureau of Border and Foreign Police primarily takes into account the given foreigner's family ties in Slovakia. The Migration Integration Policy Index (MIPEX) for 2014–2019 criticizes this approach because it means that non-EU migrants seeking a more stable legal status in Slovakia must go through a procedure that is heavily influenced by the discretion of officials (MIPEX 2020).

Other provisions of the law no longer refer to degrees of integration. Nevertheless, some provisions implicitly refer, for example, to the existence of a foreigner's ties and relationships in Slovakia. For example, in certain cases specified by law, the Bureau of Border and Foreign Police has the discretion not to cancel a foreigner's temporary residence permit if the consequences of such cancellation of his/her stay would be disproportionate to the reason for the cancellation, especially with regard to private and family life.

Other acts

The Social Services Act is another legal instrument that can be used to support the integration of foreigners at the local level. Under this law, municipalities can adopt their own social integration instruments as part of their social policy. In paragraphs 4 and 83, the Act also stipulates that if an analysis identifies a need to promote the integration of a certain group of foreigners through community work, it is possible to carry out activities to that effect. In theory, possible synergies to promote minority

cultures are also possible. These possibilities constitute piecemeal components of a strategic approach at the local level.

As we have already stated above, both the Czech and Slovak Republics consider the moment of granting citizenship as a kind of formal and legal completion of the process of integrating a foreigner into society. Based on the Act on State Citizenship of the Slovak Republic (No. 40/1993 Coll.), a foreigner may apply for Slovak citizenship primarily (unless the Act provides otherwise) if he or she has held permanent residence in Slovakia for at least eight years. The strict conditions for granting citizenship, which consist of proven knowledge of the Slovak language and factual knowledge relating to social and cultural life in Slovakia, could also be considered an indication of deep economic, linguistic, and social integration. One key challenge for legislators in the future will be to specify and methodologically define the legal requirements regarding knowledge of the Slovak language or factual knowledge about the Slovak Republic. These are currently (2021) only vaguely defined and no study literature is available to guide foreigners in preparing for the citizenship tests.

4.4 Institutional framework and competences of key stakeholders, including municipalities

This section provides a brief overview of all state and local stakeholders working in the field of integration of foreigners in Slovakia.

Since 2007, the Ministry of Labour, Social Affairs and Family of the Slovak Republic has been the main stakeholder in and coordinator of foreigners' integration at the national level.¹⁷ It coordinates matters related to labour migration and integration as well as the implementation of other integration measures proposed by central government bodies, municipalities, and social partners. Work on this agenda is also entrusted to the Expert Interdepartmental Commission on Labour Migration and Integration of Foreigners, an advisory body to the Minister of Labour, Social Affairs and Family for the implementation of tasks relating to migration and integration policy.

Certain legal and administrative areas fall within the competence of the Ministry of Interior of the Slovak Republic, in particular the

¹⁷ For more information in English see: www.employment.gov.sk/en/information-foreigners /living-conditions-foreigners/.

Migration Office of the Ministry of Interior of the Slovak Republic, the Steering Committee for Migration and Integration (an advisory body to the Minister of Interior), the Bureau of Border and Foreign Police of the Presidium of the Police Force and the Department of Citizenship.

The Migration Office of the Ministry of Interior of the Slovak Republic is a specialised department of the Ministry of Interior for matters relating to asylum and the integration of asylum seekers and foreigners who have been granted subsidiary protection. It is primarily involved in the development of asylum policy, but also contributes to the development of integration and migration policy.

The Bureau of Border and Foreign Police of the Presidium of the Police Force is tasked with border control and matters relating to foreigners' residence rights in the Slovak Republic. It is also involved in the creation of strategic documents, including the Act on Residence of Foreigners and all its amendments. The Foreign Police Department and the Directorate of Border and Foreigner Police, which are subordinated to the Bureau of Border and Foreign Police, make decisions related to applications for residence, the revocation of residence permits and related appeals. In practice, in their proceedings they often assess the degree to which individual foreigners are integrated or the social ties foreigners have established.

The Department of Citizenship, within the Internal Administration Section of the Ministry of Interior, is affiliated to the Department of Administration, Citizenship and Registry. It oversees, assesses and decides on applications for Slovak citizenship and thus, in a sense assesses the extent to which individual foreigners are integrated into society to inform their decision as to whether to grant them citizenship. Since the Act on Residence of Foreigners does not use the term "integration" or "inclusion", in legal terms this department is concerned with assessing the given foreigner's independence, economic benefit and contribution to Slovakia.

Until 2018, other central state authorities, such as the Ministry of Education, Science, Research and Sport of the Slovak Republic, the Statistical Office of the Slovak Republic, the Ministry of Foreign and European Affairs of the Slovak Republic or the Ministry of Economy of the Slovak Republic (in charge of industry) also had duties related to integration policy. In 2018, however, Government Resolution No. 405/2018 abolished the requirement for individual ministers to submit reports to the Ministry of Labour on the implementation of specific objectives and measures resulting from the Slovak *Integration Policy* for the

relevant calendar year. It also abolished the requirement for the Minister of Labour to submit a summary report on the implementation of the *Integration Policy* to the government. At the time of writing this chapter, we were unable to obtain any new information on the anticipated update to the Slovak *Integration Policy*. It seems that although a new Minister of Labour took office after the 2020 elections, foreigners' integration in the Slovak Republic has still not become a priority for the Ministry of Labour or other ministries.

Higher territorial units or self-governing regions are the highest self-governing territorial units in Slovakia. There are eight such self-governing regions in Slovakia. In 2014, the self-governing regions were directly invited to develop the national *Integration Policy* into regional action plans suited to their regional conditions. Nevertheless, this task was left out of the 2017 document (MLSAF 2017).

Non-governmental organisations are special key players not only in the field of integration of foreigners, but also in the process of creating integration policy. For many years, some of the state's tasks in the field of integration of foreigners have been entrusted to them. In addition to "field work", they engage in advocacy (commenting on laws relating to foreigners' integration). The best-known NGOs involved in integration in Slovakia are the Human Rights League, the Centre for the Research of Ethnicity and Culture, Marginal, the Slovak Humanitarian Council, Mareena and the Milan Šimečka Foundation.

The International Organization for Migration is a separate agency of the United Nations in Slovakia. On the basis of an agreement with the Government of Slovakia, it deals with various areas of migration: from securing voluntary returns to organizing various integration initiatives and operating the IOM Migration Information Centre. For years, IOM has been involved in organising expert meetings and commenting on strategic documents and laws relating to integration. It is also a member of the Expert Interdepartmental Commission on Labour Migration and Integration of Foreigners and the Steering Committee on Migration and Integration (whereas NGOs were excluded from both platforms after 2015).

Municipalities can, within the framework of their competences and strategic documents, assist the process of integration of foreigners living in their territories (for more information on municipalities' specific tools see subsection 4.2 Migrant integration strategies at national, regional and

¹⁸ For more, see Act No. 302/2001 Coll. on self-governing higher territorial units.

local levels). Despite the fact that some municipalities have seen sharp increases in the number of labour migrants (Mikušovič 2017) and that there is a need to address their integration (not to mention their specific needs), it seems that integration has been addressed more in municipalities that have received training, assistance or advice from NGOs (or interest groups).

4.5 Funding mechanisms and grants schemes

From the point of view of Slovak local governments, a need for separate grant schemes is newly emerging. As the recommendations provided in the KapaCITY project handbook "How to integrate in a municipality" (KapaCITY 2020), in order for local governments to address the integration of foreigners, they need public funds to build their capacity or to take into account the needs that will arise from the provision of services to residents.

National level finances and funding for local government integration activities

Measures to support the integration of third-country nationals financed from the AMIF are largely implemented at the national level. However, according to the wording of the AMIF national program, 2014 marked a turning point: the BUK pilot project shifted integration substantially to the regional and local level, with a significant knock-on effect requiring further financial support (MI SR 2020). The opportunity to finance a local integration project from AMIF has not yet been taken up by local governments, probably due to a lack of professional capacity for project implementation.

Based on the experience gained through the KapaCITY project, the KapaCITY consortium of NGOs is currently (2021) calling for local governments to be supported in implementing local integration measures through funding for integration policy measures from the state budget, as well as on a project basis from the AMIF and European Social Fund plus (ESF+) national programmes for 2021–2027. The KapaCITY recommendations also advocate maintaining the current European Regional Development Fund (ERDF) and AMIF set-up, in which the Ministry of Interior of the Slovak Republic co-finances the necessary 25% from its own budget.

Currently (2021), local governments have the opportunity to use financial resources from several mainly foreign sources (such as EEA and Norway Grants, the Active citizens fund and the AMIF). The door is open for municipalities to benefit from these financial resources, but it is difficult for them to map the current situation, their needs and the needs of their resident foreigners.

The document National Priorities for the Development of Social Services for the period 2021-2030, drawn up by the Ministry of Labour, sets out National Priorities ("NP") through which it regulates the development of social services. Although this document does not consider foreigners or other minorities as its target group, it opens up space for their inclusion. This is done mainly through NP1, which focuses on the transition from institutional to community-based care and support with the aim of ensuring the availability of diverse social services of a community character in accordance with the needs of the social services' target groups (MLSAF 2021). According to experts, it is not possible to fulfil NP1 without implementing a national campaign to promote equal opportunities for people at risk of social exclusion (for whatever reason and on whatever basis). As such, NP1 should apply to all social services target groups and their sectors, including the crisis intervention sector, especially for the homeless and marginalized communities and in particular for the development of comprehensive (residential and counselling) crisis intervention services for victims of domestic violence. This gives some scope for considering the possible use of this tool for the target group of foreigners.

Local level funding possibilities for integration initiatives

Targeted integration activities in Slovakia are largely financed from foreign resources, but Slovak municipalities are open to various possibilities. To make municipal funds available for integration projects, local authorities could use Act No. 583/2004 Coll. on budget regulations for territorial self-government. Municipalities' own funding schemes are already open to activities aimed at foreigner integration, but not all municipalities perceive such activities as a priority and the relevant applicants may not be sufficiently institutionalised to be able to apply for these grants in practice. In principle, every municipality could provide financial resources for public benefit activities. If non-profit organizations active in foreigner integration operate in their territory and the local government has not forgotten (or directly excluded) the need to

support the integration of foreigners living in their territory, this possibility could become a reality.¹⁹

The adviser to the Mayor of Bratislava, Bruno Konečný, expressed the view that tools for financing the integration of foreigners already exist at the municipal level. When municipalities are aware of the existence of these tools, they can use them. However, he added that "the state of funding for social services is deplorable, so if by any chance finances are available, they are prioritized elsewhere". ²⁰

Participatory city budgets also allow for funding to be granted for projects supporting foreigners' integration, but in practice this happens rather sporadically. To illustrate this, we present three initiatives implemented in the past.

Multi-kulti Dimitrovka: a project in the Bratislava-Nové Mesto district (2015)²¹

The Bratislava-Nové Mesto district has the largest Asian minority in Slovakia. This project, adopted in 2015 and implemented in 2016, focused on breaking down language barriers. Thanks to the project, Vietnamese children learned Vietnamese, while their parents learned Slovak. The project was initially not selected for participatory budget funding, but thanks to the organisers' persistence, financial support was eventually secured from both the Bratislava self-governing region and the city district.

- Language café: a project in the city of Trnava (2017)²²

The "Language Café" project enabled people of all ages to improve their language skills for free in a pleasant environment with free refreshments. It was aimed at two groups of residents: those who wanted to improve their command of foreign languages (English, Spanish, Japanese) and foreigners living in Trnava who needed to practice their Slovak. The project also included three cultural days (Spanish Fiesta, English Halloween and Slovak Christmas), which introduced the general public to the culture and language of a particular country.

¹⁹ Based on an interview with Barbara Gindlová and Bruno Konečný, the adviser of the Mayor of Bratislava, 26. 3. 2021.

²⁰ Based on an interview with Bruno Konečný, 26. 3. 2021.

²¹ More information on the Multi-kulti Dimitrovka project is available in Slovak at: https://pr.banm.sk/liferay/multi-kulti-dimitrovka.

²² More information on the Language café project in Slovak: https://lurl.cz/fK9bE.

People from Another Land and Travellers' Soirées: projects at the Evanjelické gymnázium Banská Bystrica (2018)²³

These projects did not directly involve foreigners, but they educated and sensitized young people on the topics of migration and diversity. The "People from Another Land" project focused on migration issues. The "Travellers' Soirée" project responded to young people's expressions of hatred and xenophobia towards people from other countries, especially third countries, and to unfounded prejudices against people of different skin colours, countries, or continents, offering presentations on France, China, and Indonesia by experienced travellers. Students had the opportunity to experience a mini street-food festival at which they could taste food from these countries and to take a mini-course in calligraphy.

Proposed solutions for the future

When redistributing public revenues from income tax, the tax revenue of a particular municipality is determined, according to Government Regulation (No.668/2004), by the following factors: the number of inhabitants with permanent residence in the municipality, the altitude of the centre of the municipality, the size of the municipality, the number of pupils (children) at elementary art schools and school facilities run by the municipality and the number of permanent residents in the municipality aged 62 and above. Many municipalities therefore make permanent residence in their territory a condition for access to services (including day nurseries, kindergartens, parking, etc.).

The final publication issued as part of the KapaCITY project identifies potential for change in this regard. It recommends that the legislator consider taking into account in this redistribution calculation both the number of foreigners with permanent residence and the number of foreigners with temporary residence who live in the municipality. This would ensure a better direct link between the taxes paid by foreigners with temporary residence in Slovakia, the revenue for the municipality that provides them with public services, and the resources that the municipality can invest in integration measures.²⁴

²³ Further information about the projects People from Another Land and Travellers' Soirées is available in Slovak at: https://bbonline.sk/studenti-evg-su-proti-rychlej-a-lacnej-mode-podporuju-upcyklaciu-a-swapovanie-oblecenia/.

²⁴ Source: KapaCITY – Ten Recommendations for Central State Migration and Integration Policy (Desatoro odporúčaní pre centrálnu štátnu migračnú a integračnú politiku).

4.6 Conclusion

As we have seen, there is a range of successful local-level activities and projects ongoing in Slovakia, but these are primarily project-based activities. Only a handful of Slovak municipalities pay close attention to the topic of coexistence with migrants, and even in those that do, it is difficult to ensure the required continuity in their integration measures. This situation substantially reflects the approach taken to this topic at national level, where there are several policy documents in place, but the mechanisms for their implementation are extremely weak or do not work. Even in the existing national strategies, only occasional, passing reference is made to the involvement of higher territorial units; in practice, these units do not pay much attention to this topic. The current idea that migrants will integrate into Slovak society in part of their own accord and in part via a bottom up approach driven from the local level, appears not to work. But perhaps this is a phase that we have also seen in many other countries which, after years of partial projects and activities, have gradually developed comprehensive local integration policies. However, these policies progress in Slovakia, the civil sector will remain crucial in developing migrant integration initiatives, both at national and local level.

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