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# SLOVAK IMMIGRATION LAW:

## CURRENT STATUS AND CHALLENGES FOR 2023

### LEGISLATIVE CHANGES - INTRODUCED IN CONNECTION WITH THE COVID-19 AND THE UKRAINE SITUATION

**COVID-19 situation - Law No. 73/2020 Coll. (effective from 9 April 2020)**

The government declared an extraordinary situation in connection with the pandemic in March 2020, which is still in place. It had a significant impact on the procedures and deadlines that fall under the scope of the Immigration Law.

The most significant change brought about by this legislation concerns the validity of permits that expire during the extraordinary situation or within one month after the situation is revoked - the permit remains valid for two months after the situation is revoked.

Important deadlines that have been extended during the extraordinary situation are those after which temporary residence would usually be cancelled - 60 days after employment is terminated or 30 days after final exams are completed. Also, normally, a foreign national who has already been granted a permit has 180 days to enter Slovakia before the permit is cancelled. This limit is not in place during the extraordinary situation.

Important changes were introduced for foreign nationals who enter Slovakia legally under a visa or a visa-free regime - they are authorized to stay in the country until one month after the

extraordinary situation is revoked.

**Ukraine situation - Law No. 92/2022 Coll. (effective from 30 March 2022)**

One of the most important measures included in the legislative package relates to employment. It allows persons who have been granted temporary shelter to enter the labor market immediately after registration. This means employers are allowed to employ such persons without needing to undergo the otherwise standard process of obtaining residence permit for third country nationals.



**When it finally seemed that the pandemic was coming to an end, the war in Ukraine broke out posing even more new challenges to the legislation.**

Significant changes also apply to the legal deadlines set for the foreign police decision making process - the majority of deadlines do not run during the extraordinary situation, e.g. a maximum of 90 days

(or shortened 30 days) for the permit to be granted (renewed).

Under the EU Temporary Protection Directive, temporary protection will be provided until 4 March 2023, with the possibility of further extension for up to one year.

**National visa for highly qualified third country nationals - Governmental Decrees No. 520/2021 Coll. and 521/2021 Coll. (effective from 1 April 2022) and Governmental Decree No. 269/2022 Coll. (effective from 23 July 2022)**

The end of 2021 saw some good news: the government adopted two decrees in response to the lack of qualified personnel on the Slovak labor market, especially in the IT and healthcare sectors. Employment of specific categories of third country nationals will be easier and quicker, and there will be no need to undergo the standard process of obtaining a residence permit (which can take 6 - 12 months depending on the country of citizenship).

The first measure concerns third country nationals from nine nearby countries who work as bus or truck drivers whose visa can be granted for a maximum of one year.

The second measure is designed for third country nationals who have graduated from one of 500 world universities or equivalent institutions in Slovakia or Czech Republic or are highly skilled professionals in specific industries with high

importance for the Slovak economy. A visa can be granted for either 90 days (job searchers) or one year (employment with specific employer).



**Let's hope the national visa system will start working effectively soon, bringing new qualified people to Slovakia through a streamlined process.**

The third measure adopted in July 2022 is aimed at managerial staff and highly skilled experts who are to be relocated to Slovakia as part of an intra-company transfer together with their family members. A visa can be granted for one year with the possibility of further extension.

### LEGISLATIVE PROPOSALS - AMENDMENT TO THE LAW ON THE RESIDENCE OF FOREIGNERS

On 24 August 2022, the Slovak government approved legislative material proposing several changes to be made to the Law on the Residence of Foreigners.

The measure responds to the 2019 Schengen Evaluation Committee's outcome suggesting Slovakia make changes to its border controls concerning the return of third country nationals from Slovakia. Besides the border control rules, the legislative material also suggests several measures and improvements to be made to the existing process of granting residence permits. Regarding the COVID-19 extraordinary situation, the government suggests amending the interim clause in amendment No. 73/2020 Coll. (as above) to make most of the measures valid until 31 January 2023 only.

Nevertheless, the legislative process was completed with parliament refusing to approve the amendment during its 8 November 2022 hearing. The future of this or similar legislative material is uncertain.

### CONCLUSION

To make the Slovak labor market more accessible to third country nationals, significant changes to the process of granting residence permits are required. Due to the remaining challenges posed by the pandemic, the war and the new wave of migration, it is likely that the short-term legislative focus will be to adjust the legislation to deal with the new situations only. However, for now, let's hope the national visa system will start working effectively soon, bringing new qualified people to Slovakia through a streamlined process.

The past two and half years have been quite a challenge to the Immigration Law. Changes in legislation were needed to respond to the COVID-19 pandemic and its impact on the functioning of state authorities, including foreign police offices and Slovak embassies across the world. When it finally seemed that the pandemic was coming to an end, the war in Ukraine broke out posing even more new challenges to the legislation.