

SLOVAK REPUBLIC

The Slovak Republic is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First and Second Optional Protocols. In 2000, 1,556 asylum seekers applied for asylum, and 400 applications were awaiting decision at the end of the year.¹ 8,151 asylum applications were lodged in 2001.² In the first quarter of 2002, there were 1,958 applications filed.³ During the first nine months of 2000, approximately 1,700 migrants (not all asylum seekers) were detained at the Slovak-Ukrainian border.⁴

A new Aliens Law, which became effective in April 2002, allows for a “tolerated stay” for certain asylum seekers and suspends deportation for those appealing their expulsion.⁵ In June of 2002, the Parliament approved a new law expanding the scope of people who may obtain asylum.⁶ This law is scheduled to become effective January 1, 2003.⁷

¹ U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2001 at 254, *available at* <http://preview.refuges.org/world/worldmain.htm> (Immigration and Refugee Services of America 2001) [hereinafter USCR WORLD REFUGEE SURVEY 2001].

² U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 197, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

³ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, ASYLUM TRENDS IN 28 INDUSTRIAL COUNTRIES: JANUARY TO MARCH 2001—JANUARY TO MARCH 2002, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+2wwBmelFXx8wwwwwwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqF+8afDm15BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf> (June 13, 2002) (last accessed Aug. 29, 2002) [hereinafter *Asylum Trends in 28 Industrialized Countries*].

⁴ USCR WORLD REFUGEE SURVEY 2001, *supra* note **Error! Bookmark not defined.**, at 255.

⁵ USCR WORLD REFUGEE SURVEY 2002, *supra* note 2, at 198.

⁶ *Slovak Parliament Passes New Asylum Law*, BBC Monitoring International Report, June 20, 2002, available at LEXIS, NEXIS Library, News Group File, All.

⁷ E-mail from Martin Skamla, Slovak Helsinki Committee Correspondence, to Emily O'Connor (Aug. 14, 2002) (on file with Debevoise & Plimpton).

Police may detain only aliens entering or remaining illegally and those awaiting administrative expulsion.⁸

Asylum applicants, regardless of the legality of their entry into the country, are interviewed at the border, issued a 24-hour pass to a reception center and permitted to file their application for asylum with the aliens police at the border.⁹

After their applications have been sent to the Migration Office, asylum seekers are generally placed in a closed reception center, where they are subject to a 1-month quarantine, although enforcement of the quarantine is reportedly not always strict.¹⁰ After quarantine, those who cannot provide for their own accommodation are then transferred to a refugee residential center, where they are provided meals, basic medical care and financial assistance. Leaves of more than 24 hours must be approved in advance by the Migration Office.¹¹

Is there independent review of the detention decision? Yes. Detained aliens may file an appeal within 15 days with the Regional Court.¹² This review is not automatic – the detainees must initiate the process.¹³ The court considers whether the alien was detained in accordance with law, and whether all procedural rules were followed.¹⁴

⁸ E-mail from Martin Skamla, Slovak Helsinki Committee, to Eileen Suh, Debevoise & Plimpton (Sept. 16, 2002) (on file with Debevoise & Plimpton) [hereinafter Slovak Helsinki Committee Correspondence (Sept. 16, 2002)].

⁹ DANISH REFUGEE COUNCIL, LEGAL AND SOCIAL CONDITIONS FOR ASYLUM SEEKERS AND REFUGEES IN CENTRAL AND EASTERN EUROPEAN COUNTRIES, *available at* <http://www.english.drc.dk/publications/> (Apr. 1999) [hereinafter DRC E. EUR. REPORT 1999], *Slovakia*.

¹⁰ E-mail from Martin Skamla, Slovak Helsinki Committee Correspondence, to Emily O'Connor (Nov. 19, 2001) (on file with Debevoise & Plimpton); E-mail from Martin Skamla, Slovak Helsinki Committee, to Mateo Taussig-Rubbo, Debevoise & Plimpton (Mar. 1, 2002) (on file with Debevoise & Plimpton) [hereinafter Slovak Helsinki Committee Correspondence (Mar. 1, 2002)] (The “closed” reception centers are not really closed – asylum seekers’ movements are not restricted.).

¹¹ DRC E. EUR. REPORT 1999, *supra* note 9, *Slovakia*.

¹² E-mail from Martin Skamla, Slovak Helsinki Committee, to Emily O'Connor, Debevoise & Plimpton (Feb. 5, 2002) (on file with Debevoise & Plimpton) [hereinafter Slovak Helsinki Committee Correspondence (Feb. 5, 2002)]; Slovak Helsinki Committee Correspondence (Mar. 1, 2002), *supra* note 10.

¹³ Slovak Helsinki Committee Correspondence (Mar. 1, 2002), *supra* note 10.

¹⁴ Slovak Helsinki Committee Correspondence (Sept. 16, 2002), *supra* note 8.

Are there limits on the period of detention? Yes.

According to the new Aliens Law, illegal aliens and aliens awaiting expulsion can be detained for 180 days.¹⁵ Those applying for asylum are not detained.¹⁶

Rejected asylum seekers may not be held for longer than 30 days. Once the 30 days have expired, the asylum seeker is released, still subject to the removal order. If it can be shown that removal to the country of origin is impossible, the asylum seeker may be eligible to apply for a long-term residence permit.¹⁷ The 30 day limit is enforced by the Police, the Department of Aliens and the Border Police.¹⁸

*Is there periodic review of detention? No.*¹⁹

Is there access to government-funded legal aid? No.

There is no right to government-funded legal aid. Asylum seekers must rely on services from NGOs and UNHCR.²⁰

Vulnerable groups: Unaccompanied minors are to be housed in a residential center, and the Migration Office must appoint them a guardian to act as representative during the asylum procedure.²¹

¹⁵ Slovak Helsinki Committee Correspondence (Feb. 5, 2002), *supra* note 12.

¹⁶ Slovak Helsinki Committee Correspondence (Sept. 16, 2002), *supra* note 8.

¹⁷ DRC E. EUR. REPORT 1999, *supra* note 9, *Slovakia*.

¹⁸ Slovak Helsinki Committee Correspondence (Feb. 5, 2002), *supra* note 12.

¹⁹ *Id.*

²⁰ DRC E. EUR. REPORT 1999, *supra* note 9, *Slovakia*.

²¹ *Id.*