



The policy of labor migration in Slovakia - lights in the darkness

Zuzana Številová

Abstract:

Slovakia is well known for its strict migration policy and lack of effective integration policies. For the small number of non-EU residents living here, life is hard, legislation discouraging and racism ever present. However, the article aims to present some examples for optimism and hope that could encourage further changes.

Slovaks like to present themselves as hospitable and open nation. However, this is just the illusion and the reality is far less flattering, especially when it comes to minorities, or migrants. Some time ago, our Prime Minister Robert Fico held the public speech, when celebrating the 150 years anniversary of *Matica Slovenská*, where he proclaimed that independent Slovak state has been established for Slovaks in the first place, not for minorities.¹

Eventhough that later he declared that the meaning of his speech had been misunderstood, it shows better than anything else, what is the real perception of minorities (including migrants) among the major society in Slovakia. They have to face racism and intolerance that is widespread including the State authorities (and including those responsible to deal with migration and integration)², strict immigration legislation, securitization of migration and dysfunctional integration policies as well as the language barrier. These factors make the life of immigrant in Slovakia very difficult, sometimes even hostile.

Knowing this, one cannot be surprised that when it comes to labor migration, public sector lacks elaborated, tailored and effective labor migration policy. The existing documents³ are too general and proclaim the will to attract highly skilled migrants. But even this proclamation seems to be just formal and official numbers show that since the introduction of the Blue Card mechanism in 2011, only 9 Blue Cards were granted out of 30 applicants.

¹ Look at article in: <http://www.webnoviny.sk/slovensko/media-podla-premiera-fica-triafaju/636138-clanok.html>

² See the IOM research: „Skúsenosti migrantov a migrantiek na Slovensku s násilím.“(2013), Available at: <http://www.vyskum.iom.sk/>

³ „Migračná politika Slovenskej republiky s výhľadom do roku 2020“

Accessible at: <http://www.minv.sk/?zamer-migracnej-politiky-slovenskej-republiky>; Akčný plán migračnej politiky v podmienkach Ministerstva práce, sociálnych vecí a rodiny Slovenskej republiky na roky 2012 – 2013 www.employment.gov.sk/ap_migracnej_politiky.pdf

The factors that might contribute to the limited use of Blue Cards may be that the employers in general are discouraged by the bureaucracy that accompanies procedure on granting the temporary residence permit, long waiting periods since initial contact with the possible employee until the residence is granted; and limited awareness about the Blue Card mechanism among employers. Also, the requirement of average monthly salary of the applicant to be at least 1.5 multiple of the average monthly income in the respected profession⁴ might be difficult to achieve. When we look into the statistics, the average income in Slovakia in 2012 has been relatively high (805 € in average)⁵ and in January and February 2013 varied between 368 € (restaurants) and 1660 € (IT and communications)⁶. In the situation where the average monthly salary in the respected profession is determined by very high incomes of few top employees, and on the other hand majority of employees in Slovakia earn significantly lower incomes in general, it is questionable whether the Blue Card can be reasonably expected to be an effective tool to attract immigration of high-skilled migrants to Slovakia.

Another factor to point out is the coming change in legislation that will enter into force in May 2013 and influence scientific and university sector. When transposing the Blue Card mechanism, Slovakia has adopted the voluntary article 5 (5) of the Directive 2009/50/ES and apply the average monthly threshold for selected high qualified professions in 1.2 multiple of average monthly salary.⁷ In 2012, the Ministry of Interior prepared the first amendment to the Act on the Residence of Foreigners⁸, in which the Ministry of Labor, Social Affairs and Family suggested to opt out and not to apply these advantageous provisions anymore. The reasoning behind has been that the numbers of job applicants among scientific workers and absolvents of higher education, university education and scientific education has increased in 2009 – 2012⁹ and therefore the scientific and education institution would be able to fill the tasks in official policy *Minerva 2.0* from job applicants registered by labor offices already.¹⁰

⁴ According to Article 38 (5) (a) of the Act no. 404/2011 Coll. on Residence of the Foreigners and Amendments to other Acts, (hereinafter referred to as „Act on the Residence of Foreigners”), the applicant has to prove that the salary would be at least 1.5 multiple of average monthly income in the respected profession in Slovakia in the year preceding the year when the application was lodged.

⁵ Statistic Office of the Slovak republic, last actualization 06/03/2013, available at: <http://portal.statistics.sk/showdoc.do?docid=48053>

⁶ Statistic Office of the Slovak republic, last actualization 12/03/2013, available at: <http://portal.statistics.sk/showdoc.do?docid=63070>

⁷ Article 38 (13) – (16) of the Act on the Residence of Foreigners

⁸ Act no. 75/2013 Coll. Amending the Act on the Residence of Foreigners and other Acts, entry into force: 01/05/2013

⁹ The number of job applicants among scientific workers registered by the labor offices increased by 24% (1 395 applicants more) and number of absolvents of higher education increased by 16.4% (776 applicants more) in 2009-2012.

¹⁰ Source: Ministerstvo vnútra Slovenskej republiky. Dôvodová správa. Osobitná časť. K bodu 57. Available at: <https://lt.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=44&matEID=5557&langEID=1>

The suggested provision has been criticized by SAIA¹¹ and AmCham¹² but the position of the Ministry of Labor, Social Affairs and Family remained the same. As of 1 May 2013 the benefits of article 5 (5) of the Directive 2009/50/ES will no longer apply in Slovakia.¹³

Furthermore, the situation on labor market in relation to labor and high-skilled migration lacks educated and qualified analysis and research. The prevailing attitude of authorities to this topic points on low number of immigrants compared to major population and marginal nature of the topic. Even politicians and political parties show little interest in the topic. In searching for public opinion, majority of people will express their fear of migrants “stealing the jobs from nationals” in time of economic crisis.

Yet, there are some surprising lights in the darkness. Contrary to the popular opinion, the official statistics show that Slovakia has slowly changed to a country of destination of non-EU migrants.¹⁴

Thanks to the activity of the non-governmental Centre of Research of Ethnicity and Culture (CVEK), there is the first municipality in Slovakia (Martin) that has accepted its own strategy on integration of foreigners.¹⁵ The indications are that other town, Zvolen, is working on the similar strategy as well. These examples shall be followed by other cities, especially by the capital Bratislava and Košice, where the largest groups of migrants live.

The amendment to the Act on the Residence of Foreigners, entering into force on 1st May 2013, brings new hope to the lives of small but growing population of subsidiary protection holders, allowing them to apply for long-term residence if legally residing in Slovakia for 5 years.¹⁶ This will be the first opportunity for durable solution for those few in possession of valid passport of country of origin, what is one of the major conditions to become eligible for long term residence.

¹¹ Slovak Academic Information Agency argued that is necessary for science and research to be continuously influenced with foreign. Comments available at: <https://lt.justice.gov.sk/Material/MaterialWorkflow.aspx?instEID=44&matEID=5557&langEID=1>

¹² American Chamber of Commerce in Slovakia expressed the opinion that cancellation of these provisions will be another obstacle against the use of Blue cards. Comments available at: <https://lt.justice.gov.sk/Material/MaterialWorkflow.aspx?instEID=44&matEID=5557&langEID=1>

¹³ Act no. 75/2013, point 50, entry into force: 01/05/2013

¹⁴ The total number of valid residence permits granted to third country nationals at the end of 2012 has been 25 019, compared to the end of 2011, when the total number was 24 333 of valid residence permits and 22 932 valid residence permits at the end of 2010. Source: Bureau of the Alien and Border Police. “*Statistical overview of legal and illegal migration in the Slovak Republic 2012.*“ http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2012/2012-rocenka-UHCP-EN.pdf

¹⁵ See article „Town Martin has approved first Integration Strategy for Migrants living in the town Martin“, published on 23/10/2012, available at: <http://www.integration.sk/?p=700>. The integration strategy is available here: http://www.martin.sk/update/projekty/ramcova_strategia_integracie_cudzincov.pdf.

¹⁶ Act no. 75/2013 Coll. Amending the Act on the Residence of Foreigners, also, look at the article in SME, dated 14 March 2013: <http://www.sme.sk/c/6732707/dlhodoby-pobyt-budu-moct-ziskat-aj-cudzinci-s-azylom.html>

Another amendment, with potential to lighten the life of marginalized groups of migrants in Slovakia, is currently in the final stage of legislative procedure.¹⁷ The amended law will allow the subsidiary protection holders to work freely, without being obliged to apply for the work permit. The work permit requirement constitutes major barrier that prevents subsidiary protection holders from accessing the labor market, find suitable job and gain independence from State or service providers. After 5 years of advocating for this change, work permit requirement for subsidiary protection holders will become the memory, symbolically, on 1st May 2013.

The same legal act will provide for free access to labor market for three (3) groups of **tolerated stay holders** – those granted tolerated stay to respect their private and family life, those who were trafficked and those who suffered from labor exploitation. But, other groups of tolerated non-EU migrants will remain uncovered by this change and forced to continue the life in shadow economy, although many of them already live in Slovakia for long years or even decades.

Some promises are also in the process of creation of new Integration Policy of the Slovak Republic that is currently under preparation at the Centre for Coordination of Integration of Foreigners of the Ministry of Labor, Social Affairs and Family.¹⁸ Ministry invited group of experts from different NGOs to prepare the draft of the Policy – situation that is more than unique in the circumstances of Slovakia.

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¹⁷ Governmental Proposal of the Amendment to the Act no. 5/2004 Coll. on Services of Employment and Amendments to Other Acts („Vládny návrh zákona, ktorým sa mení a dopĺňa zákon č. 5/2004 o službách zamestnanosti a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony“), <http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=4306>

¹⁸ Ministry of Labor, Social Affairs and Family: National Project „Preparation and mainstreaming of new integration policy of Slovakia“. <http://www.employment.gov.sk/narodny-projekt-the-national-project.html>