



SK Legal Alert

23 March 2022

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CURRENT RESIDENCE AND EMPLOYMENT CONDITIONS OF UKRAINIAN AND THIRD-COUNTRY CITIZENS IN THE SLOVAK REPUBLIC

By Resolution No. 144 of 28 February 2022, the Government of the Slovak Republic approved the proposal to establish a temporary place of refuge pursuant to Section 29 (2) of Act No. 480/2002 Coll. on Asylum ("**temporary refuge**") for citizens of Ukraine and their family members entering the territory of the Slovak Republic in connection with the armed conflict in Ukraine in order to simplify the processing of their stay, access to work and health care in Slovakia.

The aforementioned resolution was repealed by **Government Resolution No. 185** of 16 March 2022 **with effect from 17 March 2022**. The new resolution brings the changes listed below to the provision of temporary refuge in accordance with the Council Implementing Decision (EU) 2022/382 of 4 March 2022.

On 22 March 2022, the draft act on further additional measures in connection with the situation in Ukraine ("Additional Measures") was also approved at the 3rd reading in the Slovak National Council. The draft was submitted by the Government of the Slovak Republic following the declaration of an emergency situation on 26 February 2022 by Government Resolution No. 142/2022 ("**emergency situation**") in connection with the mass influx of foreigners to the territory of the Slovak Republic caused by the armed conflict in Ukraine. The main changes introduced by the draft act are included in the following text as well.

Conditions for provision of and rights under temporary refuge status

1. Applicant

The original scope of applicants, i.e. citizens of Ukraine and their family members, if the family resided in Ukraine before 24 February 2022; whereas a family member of a citizen of Ukraine is considered to be:

- spouse of a citizen of Ukraine,
- minor children of a citizen of Ukraine or minor children of his/her spouse,
- parents of a minor child who is a citizen of Ukraine,
- other close relatives of a citizen of Ukraine who were living in the same household with him/her at the time of the mass influx of displaced persons and were wholly or partially dependent on him/her - dependent household members,

has been extended, with effect from 17 March 2022, to include aliens who, although not being citizens of Ukraine, were granted in Ukraine before 24 February 2022:

- permanent residence and if they are unable to return to their country/region of origin under stable and safe conditions; or
- asylum or international protection, whereas family members of such aliens may also apply for temporary refuge if they resided in Ukraine before 24 February 2022 - spouse, minor children and dependent household members

(together referred to as "**the applicant**").

2. Excluded applicant

Proceedings for temporary refuge provision shall not be initiated if the applicant has previously applied for



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asylum¹ /supplementary protection²/temporary refuge or has already been granted asylum/supplementary protection/temporary refuge or permanent/temporary residence in the Slovak Republic.

3. Application

The application shall be submitted to the police department:

- at the point of entry to the Slovak Republic (at the border crossing point);
- after entering the Slovak Republic, at the police department competent according to the place where the applicant is staying.

A template application (declaration) can be found at

https://www.slov-lex.sk/pravne-predpisy/prilohy/SK/ZZ/2002/480/20220226_2815031-2.pdf

and can also be completed electronically at https://portal.minv.sk/wps/portal/domov/ecu/ecu_elektronicke_sluzby/ECU-UA

However, the application must be submitted in person due to the withdrawal of dactyloscopic fingerprints.

If the application for temporary refuge is granted, no decision is issued and the applicant is issued only a **document of tolerated stay in the territory of the Slovak Republic** marked as "**TEMPORARY REFUGE**".

4. Period of provision

The initial period of providing temporary refuge until 31 December 2022 has been extended **until 4 March 2023**; this

period shall be automatically extended by 6 months, up to a maximum of one year unless the Council of the European Union decides otherwise.

5. Entitlements arising from the Statute

By being granted temporary refuge, the applicant acquires:

- tolerated residence in the territory of the Slovak Republic,
- the right to work without a work permit and the right to study,
- the right to health care³ - from the moment the applicant's temporary refuge card is issued until the residence document is issued.

Further possibilities of employment of Ukrainian citizens on the territory of the Slovak Republic and related employers information obligations

According to the approved draft Act on Additional Measures, an applicant who is a citizen of Ukraine or a member of his/her family (i.e. a spouse or a parent of a minor child) may, **during the emergency situation, enter into an employment relationship even before the expiry of nine months from the commencement of the asylum procedure** (as opposed to the current regulation allowing an asylum-seeker to enter into an employment relationship after the expiry of nine months from the commencement of the asylum procedure at the earliest).

¹ Protection of an alien from persecution on the grounds set out in the Convention relating to the Status of Refugees or on the grounds of the exercise of political rights and freedoms.

² Protection from serious injustice in the country of origin.

³ According to the approved draft Act on Additional Measures, a natural person who is not publicly insured, who is a Ukrainian resident and who enters the territory of the Slovak Republic due to the armed

conflict in Ukraine, is entitled to reimbursement of urgent care provided until the day on which he/she applies for asylum, subsidiary protection or temporary refuge, but no longer than 30 days from the date of entry to the territory of the Slovak Republic.



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It is also possible to be employed in the Slovak Republic in a standard way, by obtaining a temporary residence permit for the purpose of employment, a confirmation of the possibility of filling a vacancy and an employment permit, which, however, is more administratively a time-consuming process.

Under the Employment Services Act, **an employer who employs a third-country national** (as well as in case of employment of a citizen of an EU Member State or his/her family members) is obliged to provide the competent labour office according to the place of work with data on his/her employment on a prescribed form (the so-called information card) no later than seven working days from the date of commencement of employment and no later than seven working days from the date of termination of employment.

The employer shall attach to the information card a copy of the contract establishing the employment relationship and, in case of employment of a person who has been granted temporary refuge, a copy of the document on tolerated stay in the territory of the Slovak Republic with the notice "TEMPORARY REFUGE".

Draft Act on Additional Measures

The draft of Act on Additional Measures, which effectiveness is scheduled on the day of its promulgation in the Slovak Collection of Laws, introduces further changes in relation to simplifying the situation of refugees from Ukraine in accessing the Slovak labour market, in particular:

- during the emergency situation integrity will be proven by affidavit (instead of a criminal record) and psychological assessment of psychological capacity not older than one year,
- the Government of the Slovak Republic shall be empowered to determine by regulation (without amending the Employment Services Act) the conditions of employment

of third-country nationals and the validity of the certificate on the possibility of filling a vacancy corresponding to a highly-qualified job, the certificate on the possibility of filling a vacancy and the employment permit during an emergency situation, a state of emergency/exception and two months after their termination,

- prolongation of validity of the certificate on the possibility of filling a vacancy corresponding to a highly-qualified job, the certificate on the possibility of filling a vacancy and work permit (with the exception of seasonal work for a maximum of 180 days), as well as of temporary, permanent or tolerated stays that would otherwise expire during the emergency situation until expiry of two months from the date of recall of the emergency situation,
- the creation of legal conditions for the provision of accommodation allowances to refugees in the amount of EUR 500 to EUR 1,250 per month depending on the number of living rooms provided.

Measures related to COVID-19

On 16 February 2022, an amendment to Decree No. 10/2022 Coll., prescribing measures in case of a public health threat to quarantine obligations of persons upon their entry to the territory of the Slovak Republic, came into force. On the basis of this amendment, persons entering the territory of the Slovak Republic from a neighbouring country:

- where they were exposed to a threat during a national or international armed conflict immediately prior to their arrival,
- from fear of a national or international armed conflict for less than 72 hours and further transiting to a country in which they have been granted residence or of which they are citizens

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are not obliged to register in the eHranica system before arriving in the Slovak Republic. They are also not subject to compulsory quarantine.

Nevertheless, these persons (as well as all other persons staying in the Slovak Republic) are obliged to comply with other applicable measures related to the fight against pandemic COVID-19, i.e., for example, to cover the upper respiratory tract with a respirator in public - indoors, in public transport, taxis or outdoors, with specified exceptions (such as spacing more than 2 m, children under 6 years of age, when playing sports, visiting swimming pools/water parks).

In connection with the migration of refugees from Ukraine, the Ministry of Health of the Slovak Republic expanded the scope of persons eligible for the free vaccination against COVID-19 as of 7 March 2022. The expansion includes:

- applicants for temporary refuge in the Slovak Republic whose applications have not yet been decided;
- Ukrainian residents without Slovak public health insurance, staying in the territory of the Slovak Republic.

Vaccination in Slovakia is thus available to all citizens of Ukraine staying in the territory of the Slovak Republic.

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