Access to procedures and non-refoulement - Slovakia

Overview

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Relevant EU legislation

Slovakia is bound by the recast Asylum Procedures Directive and has transposed its provisions through the Act No. 480/2002 of 20 June 2002 on Asylum | ZÁKON č. 480/2002 Z. z. z 20. júna 2002 o azyle a o zmene a doplnení niektorých zákonov and on changes and amendments of some other acts.

Following the entry into force of the reformed EU asylum acquis, a new law on international protection will take effect in June 2026.

National legislation

Act No 480/2002 of 20 June 2002 on Asylum and on changes and amendments of some other acts | ZÁKON z 20. júna 2002 o azyle a o zmene a doplnení niektorých zákonov, 20 June 2002.

Act No 305/2005 on Social and Legal Protection of Children and Social Guardianship | Zákon z 25. mája 2005 o sociálnoprávnej ochrane detí a o sociálnej kuratele a o zmene a doplnení niektorých zákonov, 25 May 2005.

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Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)

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Screening at the external border	Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	n/a
Biometric data	Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	n/a
Making an application	**Application at border:** Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru **Application on the territory:** Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru **Application in detention:** Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	n/a
Registering an application	Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	n/a

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Lodging an application	Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	n/a
Information provision	Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	Civil society organisations

Access to the territory

Official external border-crossing points

Slovakia has four external land border-crossing points situated mostly along the 97.8 km border. The most frequently used are in Ubľa and Vyšné Nemecké.

Slovakia has three external air border-crossing points (Bratislava, Košice and Poprad airports), with Bratislava airport being the most frequently used.

Emergency measures in cases of mass arrivals

Information not available.

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Protection from refoulement

The principle of *non-refoulement* is enshrined in Act No 404/2011 on Act on Residence of Foreigners and Amendment and Supplementation of Certain Acts, Section 81.

The Migration Office of the Ministry of Interior does not assess the *non-refoulement* principle during the examination of the asylum application. This obligation was moved to the Bureau of Border and Foreign Police of Presidium of the Police Force of the Slovak Republic under Act No 404/2011 on Residence of

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Foreigners and Amendment and Supplementation of Certain Acts.

Protection from *refoulement* at external air borders

Information not available.

Protection from *refoulement* at external land borders

Information not available.

Protection from *refoulement* at external sea borders

Slovakia does not have external sea borders

Protection from *refoulement* in case of emergency measures related to mass arrivals

Information not available.

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Border procedure

In practice, Slovakia does not apply its legal provisions on the border procedure as stipulated in the recast APD.

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Procedural aspects

In Slovakia, making, registering and lodging of an application overlaps in most cases.

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Making an application

Responsible authority and place

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Application at border: Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru

Application on the territory: Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru

Application in detention: Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru

Possibility to apply from outside the territory

An application cannot be made to a Slovak embassy abroad. Slovakia does not have a scheme for issuing visas for humanitarian reasons for asylum seekers.

Formal requirements for making an application

Applications must be made in person. According to the Act on Asylum, Section 3, an application for international protection can be made (in the sense of initial expression of the wish to receive international protection) at the external border posts, in the transit zone of the airport (to the competent police unit) and within the territory (to the competent police unit). Section 3(8) specifies that if a third-country national expresses the initial wish to receive international protection to a police unit which is not competent to receive an application, the person should be referred and is handed a transport document valid for 24 hours, which can be later exchanged for a ticket (e.g. at the train station) or, if needed, the person is escorted to the competent police unit.

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Registering an application

Responsible authority and place

The responsibility for registering applications lies with the competent police unit where the application was made.

Practical steps to register the application

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There is no specific time limit laid down in law, but in practice, if the application is made before the competent authority, it is registered either on the same or the next day.

Data collection

All applications are registered in an IT system called “IS MIGRA Migration and International protection” ("IS MIGRA Migrácia a Medzinárodná ochrana”) managed by the Bureau of Border and Foreign Police of the Presidium of the Police Force and by the Migration Office.

Documentation

Lodging generally overlaps with registration. According to the Act on Asylum, Section 5, applicants 15 years or older (unless in detention, prison or custody, or already holding a permit to stay) are issued with an asylum applicant’s card (*Preukaz žiadateľa*) by the Ministry of Interior which certifies that the holder has applied for international protection. The card serves as an identity document only when the applicant holds a travel or identity document which has been withheld or if the applicant was granted temporary residence or permanent residence in Slovakia in the past. The ministry will issue the document within 3 days of the start of the procedure.

The card’s validity covers the application process, and it should be returned when the application concludes, when the applicant is granted a residence permit or when the person leaves Slovakia.

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Lodging an application

Responsible authority and place

Lodging generally overlaps with registration and is done by the competent police department where the application was made.

Bureau of Border and Foreign Police of the Presidium of the Police Force | Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru

Formal requirements to lodge an application for international protection

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Lodging generally overlaps with registration and is done by the competent police where the application was made.

The application is lodged using a standard form (Declaration of a Foreigner) that is filled in by a competent police official according to the information given by the applicant.

As per the Act on Asylum, Section 4, an entry interview is conducted to collect general information about the applicant and recorded in the Questionnaire for Asylum Applicants. The questions relate to the applicant's personal information (nationality and country of origin, family members), possession of any personal, residency documents or visas, and the reasons to apply for asylum or subsidiary protection.

An application must be lodged in person (it is not possible to do so by a proxy). Only individual applications are accepted (it is not possible to include spouses or dependents in one application). Parents or legally-responsible adults can lodge applications on behalf of their children. A minor's presence is required during lodging.

Documentation

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The card's validity covers the application process, and it should be returned when the application concludes, when the applicant is granted a residence permit or when the person leaves Slovakia.

Information provision

The Act on Asylum, Section 4 establishes that instructions and information will be provided to applicants in a language which they are reasonably presumed to understand and, if possible, in writing.

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Section 18 of the act also specifies that interpreters will be engaged for the asylum procedure if the applicant does not have a good command of the Slovak language.

The applicant may receive legal counselling from NGOs.

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Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

According to the Act on Asylum, Section 3(4), once an application is made, the police department withholds the applicant's travel and identification documents and issues a confirmation receipt. The copy of withheld documents and any documentation necessary for the assessment of the application are sent by the police department to the Ministry of Interior without delay. An applicant holding temporary or permanent residence in Slovakia does not need to hand over identification documents, and only a copy of these documents will be sent to the Ministry of Interior by the police department.

Consequence of refusal to surrender documents

The submission of ID or travel documents is rare in Slovakia, whether in original format or photocopies. In most cases, the authority relies on an applicant's statements. If an applicant does not hand over the passport to the authorities, no legal consequences are foreseen. However, according to the Act on Asylum, Section 3(5), if it is suspected that the applicant is hiding travel documents (or any other document necessary for the reliable determination of facts, or an item endangering life or health of persons,) a police officer is authorised to search the applicant and their personal belongings. The search will be executed by a person of the same sex.

Return of original documents to the applicant

Documents are returned only at the request of an applicant once the application process has concluded. Passports cannot be requested while the application

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process is still ongoing.

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Other documents

Information not available.

Requirement to read digital data

Information not available.

Guarantees for applicants

Confidentiality principle

Information not available.

Information provision

At the border or in transit zones, information on the right to make an application is provided orally by border police officers.

Prior to completing the Questionnaire for Asylum Applicants and no later than 15 days after the commencement of the procedure, an authorised employee of the Ministry of Interior will instruct applicants on the asylum procedure, their rights and obligations, consequences of not complying with or violating obligations under the Act on Asylum, consequences of explicit or implicit withdrawal of the application, time limits and access to legal representation and assistance.

Applicants are also provided with information about NGOs which provide services to applicants and beneficiaries of protection. Instructions and information are provided in a language which the person is reasonably presumed to understand and, if possible, in writing. For minors, the instructions and information are provided in a way that takes into account their age and maturity.

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Authority/Agency: Migration Office

Title: Guide for Asylum Applicants and Beneficiaries of International Protection in the Slovak Republic. A new start in the Slovak Republic

Type: Brochure Hyperlink: http://www.minv.sk/?novy-start-v-sr&subor=286396

Interpretation

The Act on Asylum, Section 18 specifies that interpreters are engaged for the asylum procedure when an applicant does not have a good command of the Slovak language.

As a first option, an interpreter included in a list of eligible interpreters, managed by the Ministry of Justice, should be chosen. Interpreters who want to be listed must fulfil conditions stipulated in Article 5(1) of Law No 382/2004 on Experts, Interpreters and Translators on Amendments to Certain Acts. Occasionally, the Migration Office may need to request interpreters who are not on the list. These interpreters should be used only in emergency cases, they must have the necessary qualifications and can only be used if no interpreter from the official list is available.

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Legal assistance and representation

Third-country nationals can access advice and counselling at the border or in transit zones where NGOs usually provide assistance (upon request or with the consent of the applicant).

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