

Detention - Slovakia | DIP EUAA

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Overview

Relevant EU legislation

Slovakia is bound by the recast Reception Conditions Directive, the recast Asylum Procedures Directive and the Dublin III Regulation and has transposed their provisions through the [Act No 404/2011 on Residence of Foreigners](#).

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

21 October 2011: Act No. 404/2011 on Residence of Foreigners | [ZÁKON z 21. októbra 2011, o pobyte cudzincov a o zmene a doplnení niektorých zákonov](#)

The detention of third-country nationals is governed by [Act No 404/2011 Coll. of 21 October 2011 on the Residence of Foreigners](#) and on changes and amendments to some acts. Articles 88–100 concern:

- The grounds for detention of applicants for asylum;
- Conditions for providing alternatives to detention for international protection applicants;
- The obligations of the police department and the police detention facility;
- The rights and obligations of detained persons;
- Provision of food and healthcare to third-country nationals in detention;
- Conditions and standards for detention facilities;
- Separate detention regimes.

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Competent authority and stakeholders

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

Area	National authority/ stakeholder	Assistance to competent authority
Detention decision	Bureau of Border and Foreign Police of the Presidium of the Police Force Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	the relevant departments of the Foreign Police, the Mobile units of the Police Force and the Asylum Department of the Police Force, and also Police detention centres for Foreigners
Administration and management of detention facilities	Police Force	Police detention centres for Foreigners

Area	National authority/ stakeholder	Assistance to competent authority
Information provision in detention	Bureau of Border and Foreign Police of the Presidium of the Police Force Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	Police detention centres for Foreigners
Interpretation services in detention	Ministry of Justice of the Slovak Republic Ministerstvo spravodlivosti Slovenskej republiky	Interpreter
Access to the procedure and provision of asylum information in detention	Bureau of Border and Foreign Police of the Presidium of the Police Force Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	Police detention centres for Foreigners
Detention for the Dublin procedure	Bureau of Border and Foreign Police of the Presidium of the Police Force Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	
Processing of asylum applications of applicants who are in detention	Bureau of Border and Foreign Police of the Presidium of the Police Force Úrad hraničnej a cudzineckej polície Prezídia Policajného zboru	Police detention centres for Foreigners

Area	National authority/ stakeholder	Assistance to competent authority
Legal assistance and representation in detention	Ministry of Justice of the Slovak Republic Ministerstvo spravodlivosti Slovenskej republiky	Centre for Legal Aid
Review of detention	Administrative court	

Grounds for detention during the asylum procedure

Grounds for detention in national law

Detention in the context of identification or verification of identity

The [Act on Residence of Foreigners](#) provides the grounds for detention in Articles 88-100.

A police officer is authorised to detain an applicant for asylum, provided that the purpose of detention cannot be achieved by less severe means for the purpose of determining or verifying their identity or nationality.

Detention to determine elements on which the application for international protection is based, in particular where there is a risk of absconding

The [Act on Residence of Foreigners](#) provides the grounds for detention in Articles 88-100.

A police officer is authorised to detain an applicant for asylum, provided that the purpose of detention cannot be achieved by less severe means:

- For the purpose of determining the facts that constitute the basis of their application for asylum, which could not be obtained without detention, especially if there is a risk of absconding.

- If it concerns a third-country national in an administrative expulsion procedure with the aim of ensuring their departure, if there is a risk of absconding or a risk of avoiding or hampering the preparation of execution of their administrative expulsion, or if there are reasonable suspicions that a detained third-country national applied for asylum in order to delay or frustrate their administrative expulsion.

Detention in the context of a procedure to decide on the applicant's right to enter the territory

When there is a legal reason, foreign nationals can be detained and placed in one of two detention centres for foreigners. It is not possible to detain and place a person directly at the border.

Pursuant to Section 88a (1) of [Act No. 404/2011 Coll. on the Residence of Foreigners](#), a police officer is authorized to detain an asylum seeker if no other less severe measures can be used to achieve the purpose of the detention

- a) for the purpose of establishing or verifying his identity or nationality,
- b) for the purpose of ascertaining the facts on which his application for asylum is based, which could not be obtained without detention, particularly if there is a risk of his/ her absconding,
- c) in the case of a third-country national detained pursuant to Section 88 (1)(a) or (b) who has filed an application for asylum, if there is reasonable suspicion that he or she filed the application for asylum solely for the purpose of delaying or thwarting his or her administrative expulsion,
- d) if necessary due to a threat to national security or public order, or
- e) for the reason specified in Section 88 (1)(c).

Detention in the context of a return procedure

According to Article 88 of the [Act on Residence of Foreigners](#), third-country nationals may be placed in detention when they are:

Subject to an administrative expulsion procedure in order to ensure their departure, if there is a risk of absconding or the third-country national avoids or hampers the preparation of execution of their administrative expulsion.

- For the purpose of executing an administrative expulsion or order of expulsion.
- For the purpose of preparing or executing their transfer under a special regulation if there is a significant risk of absconding.
- For the purpose of their return under an international treaty (readmission agreement), if they have illegally crossed an external border or are residing illegally in the territory of Slovakia.

Detention in the context of national security and public order

The [Act on Residence of Foreigners](#) provides this ground for detention in Article 88a (1) (d).

A police officer is authorised to detain an applicant for asylum, provided that the purpose of detention cannot be achieved by less severe means on national security or public order grounds.

Detention for the purpose of a Dublin transfer

The [Act on Residence of Foreigners](#) provides this ground for detention in Article 88a (1) (e).

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Less coercive measures (alternatives to detention)

In the Slovak Republic, the competent police unit may, in accordance with national legislation, impose on a third-country national, in lieu of detention, an obligation to report their residence or an obligation to post a monetary guarantee pursuant to

Section 89 of the [Act on the Residence of Foreigners](#).

When deciding on the imposition of alternatives to detention, the police unit takes into account, in particular, the person of the third-country national, their circumstances, and the extent to which the purpose of detention is jeopardised, and decides on the type and manner of imposing the obligation.

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Application for international protection and processing while in detention/impact on the asylum procedure

If a detained third-country national requests or expresses an intention to seek asylum, the police unit shall inform him or her of the possibility of contacting the Office of the United Nations High Commissioner for Refugees (UNHCR).

Submitting an application for asylum or for subsidiary protection within the territory of the Slovak Republic is not ground for release from the Police Detention Facility for Foreigners. The asylum proceedings are not affected by the detention of the third-country national. It follows from the above that a detained third-country national who applies for asylum or subsidiary protection while placed in the Police Detention Facility for Foreigners is not automatically transferred to an asylum facility of the Migration Office, but remains placed at the Police Detention Facility for Foreigners, where his or her asylum proceedings or proceedings for the granting of subsidiary protection continue.

Detained third-country nationals are provided with legal counseling and legal assistance at the Police Detention Facility for Foreigners. Legal counseling and legal assistance are provided free of charge by staff of the state-funded Legal Aid Center. Legal assistance is provided by attorneys for a fee.

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Procedural safeguards

Access to information and interpretation

The detention of third-country nationals is governed by [Act No 404/2011 Coll. of 21 October 2011 on the Residence of Foreigners](#) and on changes and amendments to some acts.

Interpretation services for foreign nationals are provided in accordance with Act No. 382/2004 Coll. on Experts, Interpreters, and Translators and on Amendments to Certain Acts.

Pursuant to Section 90(1)(a) of the Act on the Residence of Foreigners, the police department is required to provide a third-country national with information immediately upon his or her detention in a language he or she understands,

1. the reasons for the detention,
2. the possibility of notifying the diplomatic mission of the state of which he/ she is a national, of his/ her detention,
3. the possibility of notifying a close relative and his/ her legal representative, of the detention, and
4. the possibility of reviewing the legality of the detention decision.

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Legal assistance and representation

For third-country nationals residing in a Police Detention Facility for Foreigners following a decision by the police department, the Centre for Legal Aid can provide legal assistance to appeal the detention decision before a national court.

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Length of detention

According to the [Act on the Residence of Foreigners](#), applicants for international protection may be detained for strictly the time necessary, as long as the grounds for detention persist and the detention period does not exceed 6 months.

Third-country nationals may be detained for a reasonably necessary time but not for longer than 6 months. This period may be extended to a maximum of 12 months if the execution of the administrative expulsion or expulsion order is delayed due to poor cooperation by the third-country national or a failure of the consulate to issue an emergency travel document. The period of detention may not be extended in cases of a families with children or applicants with vulnerabilities. A third-country national will be detained from the date of issue of the detention decision.

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Judicial review of detention

No administrative appeals against detention decisions or decisions on the extension of detention or the detention period can be lodged. This also applies when imposing an alternative to detention. No administrative appeal may be lodged against a decision on the imposition of a mandatory alternative to detention.

It is possible to file an appeal directly to a court authority under Title IV, Part 2 of the Administrative Procedure Code, as amended.

The judicial appeal falls under the decision of the competent administrative court and the plaintiff may, by administrative appeal, seek the annulment of a decision on detention, the extension of detention, the extension of the period of detention or the

determination of such a decision as unlawful, if the plaintiff has been released from detention.

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Specific conditions relating to detention

Conditions of detention

The maximum number of people placed in a single unit/room is four in Medved'ov and eight in Sečovce. The number of people accommodated in each room depends on the total number of detained third-country nationals and the capacity of the detention facility. Detainees can also use other areas, such as leisure or sport areas and social facilities.

Men and women are placed separately. Exceptions can be granted to families.

Each third-country national is entitled to visits up to two persons every two weeks for a period of 30 minutes. In justified cases, the director of the facility may allow exceptions. There are no limits to the visits of legal representatives.

Third-country nationals in detention centres have access to healthcare within the scope of public health insurance. Healthcare for detained third-country nationals is provided in accordance with the provisions of Section 95 of the [Act on the Residence of Foreigners](#). Detained third-country nationals are provided with healthcare within the premises of the police detention units for foreigners by medical staff and a contracted doctor is also present in the Police Detention Facility for Foreigners in Sečovce.

Within their KOMPAS III project, the Slovak Humanitarian Council provides third-country nationals in detention centres with social and psychological counselling, among other services. They also organise leisure time activities, supplementary

material aid and, if needed, translations and interpreting, as well as Slovak language classes and courses on Slovakia and its culture.

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Detention of applicants with special needs

Legislative overview

Applicants with vulnerabilities can be detained in very exceptional circumstances, but only when reasonably necessary (e.g. for national security reasons) and for the time reasonably needed up to a maximum of 6 months. The period of detention cannot be extended for applicants with vulnerabilities.

Families will be placed together within a facility. If the facility decides to separate a family, it will always make sure that the consequences of this separation are proportional to the reasons.

In case a detained person is identified as a victim of trafficking in human beings, the detention decision will expire upon the inclusion of the victim in the Ministry of the Interior's programme for the support and protection of victims against trafficking in human beings.

Unaccompanied minors cannot be detained under any circumstances.

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