

Applicants with special needs - Slovakia | DIP EUAA

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Overview

Relevant EU legislation

Slovakia is bound by the recast Asylum Procedures Directive has transposed its provisions through [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](#).

Slovakia is bound by the recast Reception Conditions Directive has transposed its provisions through [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](#).

National legislation

20 June 2002: [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](#)

25 May 2005: [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](#)

Competent authority and other stakeholders

- Police
- Social protection and social welfare authority
- Ministry of Labour, Social Affairs and Family

Reception facilities and other housing arrangements

Part of the building of the Initial reception centre in Humenne is adapted for wheelchair users and persons with reduced mobility in general to overcome the physical barriers in the common space (stairs) and in some rooms.

The Opatovska Nova Ves accommodation centre is for applicants with special needs/vulnerabilities and families. It has three barrier-free living units (12 persons per unit) for exceptionally vulnerable or immobile applicants, allowing as much independent living as possible.

Special needs in reception

Identification of special needs

Section 19a of the Act on Asylum states that the assessment of the application will be done by an authorised employee of the Ministry of the Interior with appropriate

knowledge in the area of asylum and, for unaccompanied minors, with appropriate knowledge of their special needs. Interviews of vulnerable applicants are carried out by procedural workers, called decision-makers, who are specially trained.

The identification of vulnerabilities and special reception needs begins at the access to procedure stage and is monitored and evaluated through the whole asylum procedure.

Staff use the Model for Identifying Vulnerable Asylum Seekers and Taking into Account Specific Reception and Procedural Needs, the IPSN tool, other EUAA guidelines and internal instructions, such as the Guidelines for Decision-makers, depending on the individual case or groups of applicants. Specialised professions, such as doctors and psychologists, are involved in the special needs assessment if necessary.

Social workers of the Migration Office are obliged to perform a 'social interview' with all applicants within 5 days after their arrival to the facility. During this interview, vulnerabilities are identified and assessed, and corresponding measures are proposed for special reception needs or procedural guarantees. Everything is recorded in a "social profile of the asylum applicant" document (SPA), which is currently being transferred to an online format with restricted access.

Vulnerabilities/special needs are monitored by social workers during the applicant's entire stay in the asylum facility and proposed measures are continuously evaluated and adjusted if needed. If the applicant lives outside of the asylum facility, he/she is contacted by the mobile team to assess the situation and any special needs during the asylum procedure and stay in Slovakia.

Referral of applicants with special needs

Once a vulnerability is identified, an individual approach is applied for referral to adequate services and support, such as medical specialists, mobile nursing care, hospitalisation, social services, psychologist, therapist, legal advisor, external NGOs/international organisations, or the provision of a wheelchair or other necessary devices, special diet, supplements, etc.

The reception centre carries out a basic medical check of asylum applicants. If specialised healthcare or treatment is needed, the referral to a specialist is arranged.

The NGO operating in the facilities also assists asylum seekers by providing services, such as psychological and legal counselling and providing additional non-food items.

There are regular meetings and exchange of information about the applicants between the Migration Office and the NGO employees.

Reception and care of applicants with special needs and vulnerabilities

According to Section 39(1) of the Act on Asylum, applicants considered to be vulnerable are minors, persons with disabilities, elderly people, pregnant women, single parents with minors, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who were subjected to torture, rape or other forms of psychological violence, physical violence or sexual violence (Section 2).

Reception facilities and other housing arrangements

Housing arrangement

The asylum facilities have adjusted access for persons with reduced mobility. In the initial reception centre in Humenne, the entrance to the premises and to one building is wheelchair accessible and has a wheelchair platform/stairlift. On the first floor of the wheelchair accessible building, there are two rooms with a capacity of 8 persons per room which are adapted for disabled persons (e.g. widened door frames, widened entrance to the kitchenette and adapted sanitary facilities). Family members could be accommodated with the disabled applicant. The isolation (quarantine) room in the reception centre has wheelchair access.

The Opatovska Nova Ves accommodation centre has sheltered housing, which is located on the ground floor and consists of three barrier-free living units (12 persons

per unit) for exceptionally vulnerable applicants or applicants with physical impairments, allowing independent living. Wheelchair access to the rooms on the first floor of the main building is planned for the future.

The Rohovce accommodation centre has a barrier-free isolation room on the ground floor with a capacity of four people, which includes a private bathroom. The construction of a wheelchair platform to the first floor is planned for the future.

The Migration Office has some experience transferring severely disabled asylum applicants into a specialised social care centre.

Specific information is located in female sanitation facilities.

Applicants with special needs, for example in a crisis situation, are monitored with increased attention to their status.

If an applicant enters the programme for victims of human trafficking, they are provided with sheltered housing outside of the asylum facility.

Unaccompanied minors are placed in the Centre for Children and Families.

Detention of vulnerable persons and applicants with special reception needs

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, as amended to the Act on the Residence of Foreigners, Articles 88–100.

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

Reception of unaccompanied minors

The Migration Office closely cooperates with the Ministry of Labour, Social Affairs and Family to provide care for unaccompanied minors.

Unaccompanied minors are placed in a foster home under the competence of the Ministry of Labour, Social Affairs and Family.

Reception facilities and other housing arrangements

Housing arrangements

The Centre for Children and Families in Medzilaborce (CCF Medzilaborce): This facility falls under the responsibility the Ministry of Labour Social Affairs and Family.

Age assessments

According to Section 23(8) of the Act on Asylum, if the Ministry of the Interior has doubts about an applicant's age, the applicant will have to undergo a medical examination, with the consent of the legal representative or guardian. The Ministry of the Interior will inform the applicant how the age assessment will be executed, its consequences on the application's assessment and the consequences of refusing an age assessment medical examination.

Access to education

Compulsory education lasts 10 years, typically from the age of 6 until 16. This includes both primary school (grades 1-9) and secondary school (grades 10-12). Every minor asylum seeker (accompanied or unaccompanied) within the ages of 6-16 is obliged to attend school. Accompanied minors who are accommodated in the asylum facility in Opatovska Nova Ves attend school in a nearby village, Nenince. They are enrolled in school with the assistance of the social worker, who also assists them and their parents with all other education-related issues. Transport to school is

arranged by bus. Children also must attend Slovak language classes which are organised in the asylum facility/school.

Similarly, unaccompanied children attend the school in the location of the centre where they are accommodated.

Children may continue their education after they turn 16.

Access to healthcare

Unaccompanied minor applicants staying in the territory of Slovakia without a legal representative or a natural person responsible for them are accommodated in special accommodation for unaccompanied minors. The applicants are covered by public health insurance and entitled to the same healthcare as children of nationals. Unaccompanied minor applicants are subject to a health examination upon arrival.

Transition to adulthood

According to the Act on the Residence of Foreigners, Article 45a, para 1(c), unaccompanied minors who are granted a tolerated stay can apply for long-term residence once they reach the age of majority, under the condition that they have resided in Slovakia for at least 5 years. Those who are granted subsidiary protection must have resided in Slovakia for 3 years and attended school. If an unaccompanied minor reaches the age of majority and does not meet the condition of having attended any studies or vocational training, they have the option to apply for temporary residence for any purpose for which they fulfil the requirements.

There is no national strategy aimed at the transition of unaccompanied minors into adulthood, and issues related to the transition to adulthood in general (not only for unaccompanied minors) are set out in Act No 305/2005 Coll. on the social legal protection of children and social guardianship as amended, and in the Decree of the Ministry of Labour, Social Affairs and Family of the Slovak Republic No 103/2018 implementing certain provisions of Act No 305/2005 Coll. on the social legal protection of children and on social guardianship as amended.

Detention of unaccompanied minors

Unaccompanied minors cannot be detained under any circumstances.

Special procedural guarantees

First instance determination for applicants with special needs

Section 19a of the Act on Asylum states that the assessment of the application is done by an authorised employee of the Ministry of the Interior with sufficient knowledge in the area of asylum. Interviews of applicants who need special procedural guarantees are carried out by specially-trained case officers.

Access to information

At the border or in a transit zone, information on the right to make an application is provided orally by border police officers. After entering the asylum procedure, an authorised employee of the Ministry of the Interior will inform applicants about the asylum procedure, their rights and obligations. Applicants will also be provided with information on non-governmental organisations 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.

Applicants with visual impairments receive information on the procedure orally in a language they can understand. If the visually-impaired applicant is digitally literate, the information can be sent electronically so the applicant can use any application to read the text out loud.

The Migration Office published the Guide for Asylum Applicants and Beneficiaries of International Protection in the Slovak Republic. A “NEW START in the SLOVAK

REPUBLIC” includes basic information on Slovakia, legal provisions on asylum, social assistance, etc.

Applicants in detention are systematically provided with information on their rights and obligations upon arrival, by both staff of the reception facility and staff from the determining authority.

Personal interview

Case officers who conduct personal interviews are required to have a university degree. All case officers are trained in interview techniques, including in interviewing vulnerable applicants and applicants who require special procedural guarantees. Complex cases concerning vulnerable applicants or applicants with special procedural guarantees are assigned to trained case officers.

Applicants are invited to attend their asylum interview through a written invitation letter in a language they can understand. Notification about the interview is also sent to the legal representative/lawyer, if applicable.

Personal interviews take place in person at the offices of the Migration Office, exceptionally at other locations.

Legal assistance

An applicant may be represented by a lawyer of their choice in the asylum procedure.

The [Centre for Legal Aid](#) provides free legal assistance in asylum matters, proceedings on administrative expulsion, proceedings on the detention of a third-country national and proceedings on the detention of an asylum seeker.

Under an AMIF-funded project, the NGO Slovak Humanitarian Council provides free legal counselling and assistance to asylum seekers.

Guarantees for unaccompanied minors

Section 19a of the Act on Asylum states that the assessment of an application will be done by an authorised employee of the Ministry of the Interior with sufficient knowledge in the area of asylum and, for unaccompanied minors, appropriate knowledge of their special needs. Interviews of vulnerable applicants are carried out by procedural workers, called decision-makers, who are specially trained.

Making, registering and lodging an asylum application

Unaccompanied minors who are apprehended at the border or within the territory and who express the wish to receive international protection cannot lodge an application until they are appointed a guardian. If an unaccompanied minor cannot be entrusted to the care of a relative residing in Slovakia, the police department will notify the authority for the social and legal protection of children and social guardianship within 24 hours. The latter will submit an application to the district court to appoint a guardian. The court will decide on the placement of unaccompanied minors in the Centre for Children and Family, which is under the competence of the Ministry of Labour, Social Affairs and Family. The court will also appoint the authority for social and legal protection of children and social guardianship as a legal guardian. The guardian will submit an application for international protection on behalf of the unaccompanied minor.

The guardian can also take urgent actions in the best interests of an unaccompanied minor until a custodian is appointed. The role of the custodian is to represent the minor, manage their property and supervise their care. Custodians are not responsible for a minor's financial maintenance (which is provided by the Centre for Children and Family) and does not need to care for the minor in person. For decisions on substantial matters, the custodian must request the court's approval.

The best interests of the child are always taken into account by the Ministry of the Interior throughout the asylum procedure and laid down in Section 2a of the Act on Asylum. The best interests of the child are ensured by any authority which comes

into contact with the minor.

Information provision

Instructions and information are provided in a language which the minor is reasonably presumed to understand, if possible in writing and in a way that takes into account the child's age and level of maturity.

Best interests of the child in the Dublin procedure

There is no specific procedure to assess the best interests of the child within the Dublin procedure. All relevant factors are considered in the assessment for the best interests of the child, including the factors enumerated in Article 6(3) of the Dublin III Regulation (consent/willingness of the relative as well as the will or views of the child (especially if there are any concerns/complaints from a child concerning their family members or a sibling e.g. cases of domestic violence)). Information received from another Member States pursuant to Article 6(5) is also relevant.

Personal interview

The interview with an unaccompanied minor is always carried out with the participation of a court-appointed guardian. For a very young unaccompanied minor or under special circumstances, the presence of the minor may not be required and the personal interview is done with the guardian. Interviews with minors are generally organised in the Centre for Children and Families where the minor resides.

Legal representation during the asylum procedure

After taking charge of the minor, the social protection and social welfare authority is obliged to take measures to ensure the necessary representation of the

unaccompanied minor and to appoint a legal representative to ensure the best interests of the minor. The representation of unaccompanied minors is ensured through the institution of guardianship.

The authority for the social protection of children and social guardianship initiates a petition to the court for unaccompanied children to be immediately placed in the Centre for Children and Families in Medzilaborce and at the same time a petition is made to the court for the appointment of a guardian. The court decides within 24 hours.

The guardian informs the competent police unit about an unaccompanied minor's intention to lodge an application in advance, in order to ensure an interpreter. On the specified date, the minor and their guardian appear at the competent foreign police unit (in the district where the children's home is located) to lodge the application.

The interview with an unaccompanied minor can only be conducted in the presence of their legal guardian. The guardian takes urgent actions in the interest of an unaccompanied minor until a custodian is appointed.

Legal assistance and counselling

Guardians can authorise lawyers from the [Centre for Legal Aid](#) or non-governmental organisations or advocates to represent an unaccompanied minor in the asylum procedure.