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Policy Brief - SLOVAKIA

CLANDESTINO PROJECT OVERVIEW

The project aims

The CLANDESTINO research project was designed to support policy makers in developing and implementing appropriate policies regarding undocumented migration. **The project aims** were to (a) provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) analyse these data comparatively, (c) discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) propose a new method for evaluating and classifying data/ estimates on undocumented migration in the EU.

The countries studied

The project covered twelve EU countries (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia and the Czech Republic in Central Eastern Europe) **and three non EU transit migration countries** (Turkey, Ukraine and Morocco) have been under study in this project.

Methods, Data and Period of Reference

Country reports. Individual country reports review all relevant data sources on irregular migration, assess the validity of the different estimates given and where appropriate produce a new estimate for the country studied. The country reports cover the period between 2000 and 2007. This quantitative analysis is complemented by a critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of undocumented status in each country. It is noted that the non-registered nature of irregular migration makes any quantification difficult and always produces estimates rather than hard data.

Classification of data & estimates

The main output of the project is a **database** (<http://irregular-migration.hwvi.net/>) which presents and classifies (as low, medium or high quality) estimates and data on irregular migration in the European Union and in selected member states. The presentation is innovative in its consistent structuring and its carefully developed quality classification, which indicates whether estimates are more or less trustworthy. Quantitative information is accompanied by substantial background materials, both on issues of general concern and on the situation in individual countries. In addition, the database provides aggregate EU level estimates for the years 2002, 2005 and 2008.

Terminology

The terms irregular (with no regular/legal status), undocumented (without the appropriate papers) and unauthorized (without legal permission for entry, stay or work) migration denote different facets of the wider phenomenon of irregular migration. These terms are accepted and used by the Clandestino consortium as synonyms. The term illegal is accepted by the consortium when referring to a condition (e.g. illegal work or illegal entry) but not in relation to a person (illegal migrant).

Definitions

For this project, **irregular or undocumented residents** are defined as residents without any legal resident status in the country they are residing in, and those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion order because of their status. **Irregular entrants** are persons who cross an international border without the required valid documents, either un-inspected over land or sea, or over ports of entry. For more information see: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

Trafficking & Asylum Seeking

The Clandestino project is not concerned with Trafficking in Human Beings because it considers this as a separate even if related phenomenon. But in some countries it touches upon asylum seeking and asylum processing issues as they are related to irregular migration issues.



IRREGULAR MIGRATION IN SLOVAKIA

Background of migration situation in Slovakia

The Slovak Republic lies in the centre of Europe and serves mostly as a transit country for migrants. The accession of Slovakia to the EU intensified regular immigration and its volume has grown enormously compared to the past. Between 2004 and 2008, the population of regular migrants living in the country increased by 138% and accounted for 52,706 persons (end-2008). This number constitutes less than 1% of the total population of Slovakia (5,410,891 persons). About one third (37%) of all legal migrants are third-country nationals. These figures indicate one of the lowest shares of foreign residents in the entire EU. Nationals from 'old' EU countries (particularly Germans, Austrians, French, British, and Italians) have been the fastest-growing immigrant groups in Slovakia. Citizens of neighbouring countries (Czech Republic, Ukraine, Poland, Hungary) comprise the largest legal immigrant category, but their share in the total of Slovakia's immigrant population has diminished over time.

We have estimated that 15,000 to 20,000 undocumented migrants lived in Slovakia at the beginning of 2008 (approximately 0.3 to 0.4% of the overall population of the country). Although the population of irregular migrants in Slovakia gradually grows, the volume of their flows shows a downward trend (Table 1).

Table 1: *Apprehended undocumented migrants in Slovakia in 2004-2008*

Year	2004	2005	2006	2007	2008
Those transiting irregularly	8,334	5,178	4,129	3,405	1,034
Those residing irregularly	2,612	2,871	3,491	3,356	1,321
Both components together	10,946	8,049	7,620	6,761	2,355

Data sources used for estimating size & features of irregular migration

Data on irregular migrants apprehended in Slovakia are collected by the Bureau of Border and Aliens Police (Ministry of Interior). Data provided until 2003 do not distinguish between people apprehended at the border for illegal border crossing and people apprehended for irregular stay, within the country. As of 2004, the two categories are separated and hence the relevant provide for a more accurate picture as regards apprehensions.

As regards the overall stock of undocumented migrants in Slovakia, there are no data provided by any institution. Only a few rough and imprecise estimates have been found in the literature. In general, the phenomenon of irregular migration has been under-researched in Slovakia. No book, report or specialised study has been issued until now. Given these problems, our enquiry and the estimate produced was based on interviews with experts in related branches and secondary desk research on older assessments, empirical facts and media reports.

Social and demographic features of irregular migration

The most significant countries of origin of apprehended irregular migrants are demonstrated in Table 2. During the 1990s unauthorised flows mainly consisted of refugees from the Balkans or the Middle East. Today economic migrants from CIS countries and South-east Asia prevail in the data on irregular migrant apprehensions. In fact, according to data on apprehensions, irregular migrants residing longer in Slovakia are nationals from three main source regions – former Soviet republics (Ukraine, Moldavia, Russia, Georgia), certain Asian countries (Vietnam, China, India, Pakistan) and the Balkans (Kosovo, Albania, Serbia). The Ukrainians comprise over 50% of the total irregular migrant population.

According to opinions of experts, the majority (90-95%) of undocumented migrants residing in Slovakia are economically active. Most of them (80-90%) work. They work in economic sectors with a need for low-skilled labour. Ukrainians and Moldavians usually work in the construction industry, manufacturing and agriculture, Asians are employed in catering, retail and services while irregularly staying Balkan nationals are often small entrepreneurs.

Recent data on the gender breakdown of the flows of undocumented migrants indicate that around three quarters of irregular migrant residents in Slovakia are men. Over 95% of irregular migrants in the country are at working age (15-64).

Table 2: Top 10 countries of origin of apprehended undocumented migrants (both components together) in Slovakia in 2007-2008

Year	2007	2008
Ukraine	1,733	608
Moldova	1,163	476
Georgia	325	231
Pakistan	990	189
Russia	441	164
Afghanistan	103	137
India	931	122
Bangladesh	174	74
China	156	69
Iraq	176	5

Map provided by Slovak National Unit for Combating Illegal Migration (NUCIM), 2008



Main Pathways into and out of Irregular Status

- Not long ago, the main pathway into irregular status was the unauthorised border crossing with the scope of transiting to another country. However, the number of apprehended migrants crossing irregularly the Slovak borders has decreased substantially since 2004. This rapid decrease reflects recent reforms in border management and a stricter policy on human smuggling. It further indicates that this pathway into irregularity loses quickly its significance. While in 2004 transiting irregular migrants constituted over $\frac{3}{4}$ of the total flow of irregular migrants in the country, their share in 2008 was below 50% for the first time. Nevertheless, it remains that undocumented migrants enter Slovakia mainly from Ukraine and leave for Austria.
- On the other hand, the proportion of regular migrants having violated conditions for stay or work in the country has grown. During 2004-2008 it raised from 24% to 56%. This is an indication that Slovakia is increasingly perceived by migrants as a destination country.
- According to the police, there are three pathways into irregular status for migrants residing legally in Slovak territory: visa overstay, stay after residence permit expiration and clandestine employment. Furthermore, it is impossible for persons that have lost their legal status to obtain it back. Due to the infringement of laws on stay/work in the country, they usually face expulsion.
- The asylum seeking process provides an important pathway out of irregularity, although a short-term one. Almost all asylum seekers enter Slovakia's territory as transiting irregular migrants and apply, after apprehension, for asylum as a means to legalise their stay. However, a significant share of asylum applicants (about 40% of cases) interrupt the asylum procedure after a while as they are apprehended crossing the western Slovak border without permission.

- No regularisation programmes have ever been implemented in the Slovak Republic.

**Key
Messages
for Policy
Makers**

The issue of irregular migration has been underestimated for a long time in Slovakia. Therefore, several fundamental changes and improvements are necessary.

On a more general level we suggest that:

- the debate on the causes and consequences of undocumented migration should be opened up amongst politicians and experts;
- the Slovak media should report the phenomenon in a more professional and objective manner;
- all relevant stakeholders should play a greater role in combating various manifestations of intolerance towards irregular immigrants in the country;
- legal immigration to Slovakia is facilitated through a simplification of the current complicated procedure for granting a residence and work permit, particularly to third-country nationals.

More concretely, we recommend:

- all institutions concerned (border and aliens police, labour inspectorates, tax authorities, customs offices, employer associations and so on) to carry out more frequent and concerted inspections of clandestine employment in Slovakia;
- to radically increase the quality, comprehensiveness and availability of data on undocumented migration and enhance the compatibility and homogeneity of all statistical systems providing such information in the country;
- to work more on the effective execution of procedures for involuntary and voluntary return of irregular migrants;
- to change the wording of Article 356 in the Slovak Penal Code with the scope of proving more easily the crime of abetting migrants to stay/work unlawfully in the country;
- to substantially improve the officers' knowledge of the languages of the main irregular migrant groups they often come in contact with;
- to conclude hitherto missing readmission agreements with the major immigration source countries and increase development aid and other assistance to these countries;
- to raise the level of awareness on the potential risks of irregular migration to Slovakia and create, towards this end, a network of immigration liaison officers at Slovak consular offices abroad;
- to ensure greater financial, institutional and expert support for research on undocumented migration;
- to consider the conduct of regularisation programs for irregular migrants.

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All Project Reports and Policy Briefs as well as the Database are available through the project's web site <http://clandestino.eliamep.gr>.

For more information on the case of Slovakia, please contact, the author of this Brief, Dr. Boris Divinský, freelance researcher (independent migration expert), IOM Slovakia consultant and a member of the Government Commission on Labour Migration and Integration of Foreigners, Bratislava, Slovak Republic. Email: altiplano@centrum.sk, website: <http://myprofile.cos.com/divinsky>.

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CLANDESTINO [index_en.html](http://clandestino.eliamep.gr/index_en.html)

You may also visit the Social Sciences and Humanities Research Programme of the European Commission: <http://ec.europa.eu/research/social-sciences/>