

THE SLOVAKIAN SITUATION OF PEOPLE FLEEING FROM THE RUSSIAN-UKRAINIAN WAR

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ABSTRACT

Migration, as a socio-historical phenomenon, is shaped by various factors and has occurred in significant waves throughout history, each driven by specific circumstances. It has played a key role in shaping national policies. Migration can support economic and social development by expanding the workforce, increasing tax revenues, strengthening social welfare systems, and attracting skilled professionals. For example, in the 20th century, migration supported economic recovery, particularly after World War II. However, migration can also create challenges, potentially leading to negative economic outcomes or generating social and political tensions. Since World War II, the conflict in Ukraine has caused the largest and fastest displacement of people in Europe, with millions of Ukrainians fleeing abroad. In this context, this study examines the national legal framework regulating migration in Slovakia, focusing on the protection provided under domestic law, the available protection statuses, and related measures in education, the labour market, and non-governmental (civil) initiatives.

KEYWORDS

migration
asylum
rights
human rights
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1. Introduction

In recent years, migration flows within Europe have increased, affecting all forms of migration. By 2019, nearly one-third of all migrants worldwide resided in Europe, highlighting the continent's central role in global population mobility.²

In 2015, Europe faced a major humanitarian crisis when over 1 million migrants arrived, representing a fourfold increase in refugee arrivals compared to previous years.

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2 | International Organization for Migration, 2020.



Most migrants came from countries such as Syria, Afghanistan, Eritrea, and Nigeria, with the majority travelling to Germany, and others seeking refuge in Hungary and Sweden. The global scale, urgency, and ongoing nature of the crisis led to varied responses among European countries, making migration a central topic in public discourse.³

The conflict in Ukraine, which began in 2022, caused Europe's largest and fastest displacement of people since World War II.⁴ Millions fled Ukraine, and Slovakia, which had previously experienced only limited migration,⁵ became one of the main countries receiving refugees.⁶ By February 2023, over 1.1 million Ukrainians had entered Slovakia,⁷ however, only about 10 percent applied for temporary refugee status, with many moving to Western Europe or returning to Ukraine. In the first month, 270,000 refugees crossed into Slovakia, and local authorities, charities, and volunteers led the response.⁸ The state's delayed intervention received criticism but was later followed by financial support for hosts and the introduction of temporary protection status to improve assistance. Some argued that this aid reduced support for Slovak citizens during a period of rising costs.⁹ Over time, public attention shifted to the increasing cost of living, especially energy prices, which became Slovakia's main concern. Despite these difficulties, Slovakia's support for Ukraine remained among the highest in international comparisons.¹⁰

Given the above, this paper examines the challenges Slovakia faces due to the Russian-Ukrainian conflict and the regional refugee crisis. It analyses the national legal framework for migration, the concept of protection under domestic law, available protection statuses in Slovakia, and measures implemented in education, the labour market, and civil initiatives.

2. Terminological Framework

The evolution of asylum law¹¹ resulted in the establishment of new institutions and concepts intended to advance and strengthen both national and international asylum frameworks, with European Union (hereinafter also referred to as the EU) law playing a significant role. The development of asylum law within the EU introduced mechanisms

3 | Letavajová et al., 2020, p. 7.

4 | Seberíni et al., 2024, p. 1.

5 | In recent years, the majority of working migrants in Slovakia have originated from Serbia, Romania, Hungary, the Czech Republic, and Ukraine. In 2015 and 2016, Slovak authorities recorded fewer asylum requests compared to previous years, suggesting that refugees continue to view Slovakia primarily as a transit country. See Eurostat, 2018.

6 | Letavajová et al., 2024, p. 12.

7 | See the website of the International Organization of Migration [Online]. Available at: <https://www.iom.sk/sk/aktivita/pomoc-iom-ukrajine/prehľad.html> (Accessed: 18 November 2024).

8 | Petřík, 2023.

9 | Ibid.

10 | Ibid.

11 | The principle of non-refoulement, established in Article 33 of the 1951 Geneva Convention, is closely linked to asylum law. It prohibits expelling or returning individuals to a country where their life or liberty would be at risk because of their race, religion, nationality, membership in a particular social group, or political opinion (Elbert, 2016, p. 14; Šípulová, Mareková and Smekal, 2012, pp. 1442–1452; Béres, 2024, pp. 31–49).

to harmonise Member States' asylum procedures, address negative aspects, and improve basic rights standards for asylum seekers.¹² Although the EU has only engaged in asylum law in recent decades, it is not the only international body concerned with this issue. The United Nations (hereinafter also referred to as the UN)¹³ played a key role in the early stages of asylum law development,¹⁴ and it is to this organisation that the establishment of the fundamental principles governing the status of refugees forced to flee their homes because of persecution is owed.¹⁵

First, regarding the topic, the International Organization for Migration defines migration¹⁶ as the movement of individuals or groups across geographical and social spaces, resulting in a temporary or permanent change of residence.¹⁷ The European Commission's Glossary presents migration in a broader global context, describing it as the movement of people across international borders or within a single country for at least one year, regardless of cause, voluntariness, legal status, or regularity.¹⁸

A 'migrant' is typically defined as an individual who moves within a specific geographical area or across the borders of a country where they usually reside. When departing from their home country, the person is referred to as an emigrant; upon entering another country, they are considered an immigrant.¹⁹

In Slovak legal practice, the term 'migrant' is not used; instead, the term 'foreigner' (*cudzinec*) is used.²⁰ According to Act No. 404/2011 Coll. on the Residence of Foreigners, as amended (Foreigners' Residence Act), a foreigner is defined as any person who is not a citizen of Slovakia.²¹ The act classifies foreigners into two groups: citizens of the EU and the European Economic Area, and individuals from outside these areas, including stateless persons, as nationals of third countries. In contrast, academic disciplines concerned with migration and migration processes commonly use the term migrant.²²

Another important term is 'refugee' (*utečenec*), which refers to a specific category of migrants. The 1951 Refugee Convention, signed in Geneva, defines a refugee as an individual with a well-founded fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion, who is unable or unwilling to seek protection from their country of origin because of these fears.²³ In Slovak law, the term

12 | For more information, see Elbert, 2016, pp. 14–17.

13 | Along with its predecessor, the League of Nations.

14 | That is, by adopting key declarations and conventions, including the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention Relating to the Status of Refugees.

15 | Elbert, 2016, p. 10.

16 | Migration has several different types. See, for example, Letavajová et al., 2020, p. 14.

17 | International Organization for Migration, 2020.

18 | European Migration Network, 2018.

19 | Letavajová et al., 2020, p. 15.

20 | See the website of the Ministry of Labour, Social Affairs and Family of the Slovak Republic [Online]. Available at: <https://www.employment.gov.sk/sk/informacie-cudzincov/zakladne-pojmy/> (Accessed: 18 November 2024).

21 | Foreigners' Residence Act, para. 2(2).

22 | Kadlečíková, 2015, p. 5.

23 | Letavajová et al., 2020, p. 15.

refugee is replaced by 'asylum seeker' (*azylant*).²⁴ According to Act No. 480/2002 Coll. on Asylum, as amended (hereinafter referred to as the Asylum Act), an asylum seeker is a foreigner who has been granted asylum by the Ministry of Interior of the Slovak Republic²⁵ (hereinafter referred to as the Ministry of Interior)²⁶ based on grounds specified in international treaties. A person who formally declares their intention to seek asylum or subsidiary protection in Slovakia, following legal procedures, is referred to as an 'asylum applicant' (*žiadateľ o azyl*).²⁷

Slovakia provides 'subsidiary protection' (*doplnková ochrana*)²⁸ to foreigners who face serious human rights violations in their country of origin, in line with its obligations under EU law—specifically the Qualification Directive,²⁹ harmonises protection standards across all Member States. As the term indicates, this protection is secondary to asylum and is typically granted to individuals who have not received asylum but have valid reasons to fear that, if returned to their home country, they would face the death penalty, torture, inhumane treatment, or a significant and personal threat to their life.³⁰

It is important to distinguish between asylum and subsidiary protection, as these forms of international protection confer different statuses on beneficiaries. An asylum seeker receives permanent residence status, which permits travel within the Schengen Area, employment, access to health insurance, a 10-year residence permit, and a travel document valid for 2 years. In contrast, an individual granted subsidiary protection receives temporary residence status, which allows travel within the Schengen Area, employment, health insurance, a 2-year residence permit, and a foreigner's passport valid for up to 1 year.³¹

Two additional terms are essential to this topic: 'persecution' (*prenasledovanie*) and 'serious harm' (*vážne bezprávie*). Although the 1951 Geneva Convention does not explicitly define persecution, it refers to threats to life or freedom based on race, religion, social group membership, or political beliefs. The Asylum Act interprets persecution as serious and repeated actions resulting in severe human rights violations, including physical, psychological, or sexual violence, discrimination, and denial of judicial protection. Persecution differs from serious harm, which includes the death penalty, torture, inhuman treatment, or severe threats to life due to indiscriminate violence in conflicts.³² Harm that is less severe than threats to life is classified as serious harm.³³

24 | See the website of the Ministry of Labour, Social Affairs and Family of the Slovak Republic [Online]. Available at: <https://www.employment.gov.sk/sk/informacie-cudzincov/zakladne-pojmy/> (Accessed: 20 November 2024).

25 | Asylum Act, para. 2 i).

26 | In the Slovak Republic, the Ministry of Interior is the 'migration policy leader'.

27 | Asylum Act, para. 2 h).

28 | *Ibid.*, para. 13.

29 | Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 establishes standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, provides a uniform status for refugees and persons eligible for subsidiary protection, and defines the content of the protection granted (hereinafter referred to as the Qualification Directive).

30 | Letavajová et al., 2020, p. 16.

31 | Elbert, 2016, p. 19.

32 | *Ibid.*, para. 2 f).

33 | Elbert, 2016, p. 19.

I agree with statements in the scientific literature that, given ongoing developments in this area, terminology will likely continue to evolve in response to factors driving migration.³⁴ This evolution may be influenced not only by the current migration crisis in Europe, which is linked to global armed conflicts, but also by emerging reasons for granting asylum or other forms of international protection, such as the effects of climate change. There is increasing discussion about the need to revise the status of so-called 'climate refugees'.³⁵

Slovakia's policies will need to remain flexible, addressing the complex factors driving migration while maintaining its commitment to protect individuals fleeing persecution and serious harm.

3. General National Legal Regulation of Migration

At both international and European regional levels, numerous documents have been adopted to protect the rights and freedoms of migrants, ensuring their fundamental protections.³⁶ In Slovakia, the legal framework regarding the status and rights of migrants is shaped by international, European, and domestic legislation. Slovak national law provides protections for foreigners, refugees, and others, specifying their fundamental rights and freedoms. The prohibition of discrimination is a key principle in both international and domestic legal provisions, central to safeguarding the basic rights of all individuals in Slovakia.³⁷

The Constitution of the Slovak Republic³⁸ – the country's highest legal source – guarantees fundamental rights and freedoms and serves as the primary basis for asylum law, as it provides constitutional asylum to individuals persecuted in their country of origin for exercising political rights.³⁹

34 | See Ibid.

35 | Ibid., p. 20. See also Demjanovič, 2016, p. 143.

36 | These include universal frameworks established by the UN. The Council of Europe has developed key legal documents, such as the European Convention on Human Rights, the European Social Charter, the European Convention on the Legal Status of Migrant Workers, and the Convention on the Participation of Foreigners in Public Life at Local Level. The EU has also taken significant steps to shape a coherent migration and asylum policy. Foundational texts, including the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights, are complemented by strategic policy measures such as the European Pact on Immigration and Asylum, the Dublin Convention (later replaced by Council Regulation (EC) No. 343/2003), the Stockholm Program, and the Global Approach to Migration. In asylum policy, three directives have been central to harmonising procedures and standards across Member States: Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (Reception Conditions Directive), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive), and the Qualification Directive.

37 | Marczyová, 2018, p. 120.

38 | *Ústava Slovenskej republiky*.

39 | Constitution of the Slovak Republic, Article 53.

Article 52(2) of the Constitution guarantees foreign nationals the fundamental human rights and freedoms specified in the Constitution, except where these rights are expressly reserved for citizens. It also grants foreign nationals the exclusive right to asylum,⁴⁰ stating that the country shall provide asylum to foreign nationals persecuted for exercising political rights and freedoms. However, asylum may be denied to individuals who have violated fundamental human rights and freedoms. The specific details are determined by law.⁴¹ These provisions may be interpreted in light of international treaties and applied broadly to the subject of the right to asylum. Therefore, although the Constitution defines asylum as a right for foreign nationals, its application also extends to stateless persons.⁴²

The right to asylum is based on two cumulative conditions: persecution and the exercise of political rights and freedoms. A link between the persecution and the exercise of these rights must be demonstrated. Asylum aims to protect individuals persecuted for exercising political rights and freedoms, even if the persecution results from the exercise of only one specific right or freedom.⁴³

A key issue concerns whether the reasons for seeking asylum are legitimate and which situations qualify as persecution. For example, poverty or economic hardship is not regarded as persecution under asylum law.⁴⁴

As Bröstl et al. noted, the fundamental and universally recognised purpose of asylum law is to guarantee this right to a foreign national who cannot remain in their home country because its political system deprives them of freedom, life, or property.⁴⁵ When an eligible person applies for asylum, the Slovak Republic is obliged to determine whether asylum will be granted. Any foreign national who meets the constitutional criteria is granted the right to asylum; however, this right is not absolute.⁴⁶ A foreign national does not have an absolute and unrestricted right to asylum, as it may be denied to individuals who have violated fundamental human rights and freedoms.⁴⁷

Drgonec noted that if a person claiming the right to asylum in the Slovak Republic has not violated fundamental human rights and freedoms, asylum cannot be denied. Meeting the conditions set by the Constitution does not preclude the granting of asylum.⁴⁸ The burden of proof that an asylum seeker has breached fundamental human rights and freedoms shifts from the applicant to the Slovak Republic. Historically, the core of this traditional right is the right to seek asylum,⁴⁹ not the right to receive it. In international law, the right to asylum is regarded as the exclusive right of a sovereign state, in relation to other states, to provide protection and refuge on its territory to individuals who are

40 | Ibid.

41 | Ibid.

42 | Marczyová, 2018, p. 122.

43 | Čič et al., 2012, p. 367.

44 | Marczyová, 2018, p. 122.

45 | Bröstl et al., 2013, p. 177.

46 | Marczyová, 2018, p. 122.

47 | Concerning this, see the Resolution of the Constitutional Court of the Slovak Republic of 19 February 1998, No. ÚS 12/98. Regarding the practice of the Slovak Constitutional Court concerning migration and refugee affairs, see Gregová Širicová, 2023, pp. 111–132.

48 | Drgonec, 2015, p. 997.

49 | Marczyová, 2018, p. 122.

not its citizens and are persecuted for specific reasons, unless restricted by international treaties.⁵⁰

In addition to the Constitution, the main legal framework governing asylum in the Slovak Republic includes the Asylum Act and the Foreigners' Residence Act. National asylum legislation primarily defines the status of foreign nationals seeking asylum, the asylum procedure, the specific rights and duties of the parties involved, and the status of individuals granted international protection, either as asylum or subsidiary protection.⁵¹

The Asylum Act regulates the asylum procedure and specifies the conditions for granting asylum and subsidiary protection. As Elbert noted, although asylum is not explicitly defined,⁵² it is generally understood as protection from persecution due to race, ethnicity, religion, or the exercise of political rights and freedoms in the country of origin. The act also allows for humanitarian asylum, with eligibility criteria such as old age or health issues determined by a regulation from the Minister of Interior. Asylum may also be granted for family reunification, including the spouse of the asylum seeker, unmarried children under 18, and parents of an unmarried asylum seeker. After three years, individuals are required to submit a new asylum application.⁵³

Additionally, on 16 March 2022, Slovakia implemented Lex Ukrajina,⁵⁴ a set of laws supporting the integration of individuals fleeing the Russian invasion of Ukraine. This legislation includes provisions on asylum and residency for foreign nationals, addressing residence permits, temporary protection, employment, education, transportation, housing, social welfare, and healthcare. The new laws align Slovakia's temporary protection framework with the EU's 'activation' of the Temporary Protection Directive.⁵⁵ Under this directive, temporary protection is granted in all EU Member States for an initial period of one year (until March 2023), with the option to extend for up to one additional year. For Ukrainian arrivals, this protection covers immediate family and dependent relatives. Non-Ukrainian nationals fleeing Ukraine may also qualify for temporary protection if they previously held refugee or international protection status in Ukraine, or if they had permanent residency there but cannot safely return to their country of origin.⁵⁶

A key provision in the package enables Ukrainian asylum seekers and their families to begin employment immediately after submitting their asylum applications. Individuals granted temporary protection may also access the labour market as soon as their status is confirmed, allowing employers to hire them without the additional approvals usually required for third-country nationals in Slovakia. The legislation also streamlines the recognition of medical qualifications for newly arrived Ukrainians and waives the requirement for criminal records, accepting affidavits of integrity instead. Slovakia

50 | Bröstl et al., 2013, p. 177.

51 | Elbert, 2016, p. 17.

52 | However, it is governed by para. 8 of the Asylum Act, Article 18 of the Charter of Fundamental Rights of the European Union.

53 | Elbert, 2016, p. 18.

54 | Kullová, 2022.

55 | Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

56 | Sekulová, 2022.

has introduced several measures to support Ukrainian refugees. Those with temporary refugee status are entitled to urgent medical care for the first 30 days after arrival, while asylum seekers and applicants for temporary protection have indefinite access.⁵⁷ The Ministry of Health of the Slovak Republic covers these costs, and free COVID-19 vaccinations are available to Ukrainian nationals. Hosts of refugees may receive allowances, and refugees may apply for social welfare benefits. Ukrainian children attending kindergartens or primary schools are eligible for meal allowances, and vehicles registered in Ukraine are exempt from highway tolls.⁵⁸

As of 1 July 2024, Lex Ukraine 4, an amendment to the Asylum Act from the Ministry of Interior, is in force⁵⁹ and introduces changes to the asylum procedure and the provision of temporary shelter.⁶⁰ The legislation replaces the blanket provision of assistance to refugees from Ukraine with a more targeted system and streamlines processes related to the protection of third-country nationals in the Slovak Republic. Under the revised provisions, housing allowances for third-country nationals are granted only under specific conditions, including criteria concerning family ties and property ownership in Slovakia. The housing allowance is available for 120 days from the initial granting of temporary protection, with possible extensions in certain cases.⁶¹ Additionally, the Ministry of Transport and Construction of the Slovak Republic will no longer provide accommodation allowances under the Act on the Support of Tourism.^{62,63}

Moreover, the procedure for granting temporary shelter is simplified when it begins with the birth of a child on Slovak territory to a displaced person or a foreign national seeking temporary protection.⁶⁴

A child born in Slovakia to an applicant, an asylum holder, or a foreign national under subsidiary protection who acquires citizenship of another EU Member State at birth will no longer automatically be considered an applicant by law, and the asylum procedure will not be initiated. The term 'substantial change in factual circumstances' in repeated asylum applications is now more clearly defined. The Asylum Act now explicitly adds new reasons for terminating asylum procedures in connection with established obligations. Asylum holders and foreigners under subsidiary protection are no longer eligible for a one-time or integration allowance if they previously held or currently hold permanent or temporary residence, or if they were granted temporary shelter in Slovakia. The law also defines additional circumstances requiring a displaced person to leave an asylum facility,

57 | Gehrerová, 2022.

58 | Sekulová, 2022.

59 | For more information see the press release at the website of the Ministry of Interior [Online]. Available at: <https://www.minv.sk/?tlacove-spravy-6&sprava=lex-ukrajina-4-od-1-jula-je-ucinna-novela-zakona-o-azyle-adresnejsie-upravujuca-poskytovanie-prispevku-za-ubytovanie-odidencov> (Accessed: 18 November 2024).

60 | Ibid.

61 | For example, household members receive assistance for material needs if the recipient has a severe disability and qualifies for humanitarian aid subsidies, is 65 years of age or older, is a single parent caring for a child under 5, or is providing care for a child under 5 based on a court order.

62 | Act No. 91/2010 Coll., as amended.

63 | Sekulová, 2024.

64 | Ibid.

such as the expiry of temporary shelter status, notification by the ministry of relocation to another asylum facility, or severe violations of the facility's internal rules.⁶⁵

In addition to the above, the Migration Policy of the Slovak Republic⁶⁶ with a perspective until 2025 (hereinafter referred to as the Migration Policy) is a key document for Slovakia, forming the basis for developing a modern, comprehensive, and effective government policy on all aspects of migration.⁶⁷ The Migration Policy builds on and continues the Migration Policy of the Slovak Republic with a perspective until 2020. It demonstrates the country's readiness and willingness to engage in effective migration solutions, both within Slovakia and in accordance with EU policies and Slovakia's international obligations. The Migration Policy identifies key areas affected by migration and references existing strategies and concepts developed for specific areas.⁶⁸

Integration policy forms a key part of the overall migration approach and is an essential element of migration policy. In Slovakia, integration activities are implemented under the Concept of Foreigner Integration in the Slovak Republic. Slovakia's integration policy is based on the 2009 Concept of Foreigners' Integration in the Slovak Republic.⁶⁹ Slovakia's integration policy⁷⁰ is based on the 2009 Concept of Foreigners' Integration in the Slovak Republic,⁷¹ various documents, and EU directives.⁷² Additionally, Act No. 40/1993 Coll. on Citizenship of the Slovak Republic, as amended, partially regulates and formally concludes the process of integrating foreigners.⁷³

4. The Typology of Protection Statuses in Slovakia

Slovakia offers two major forms of international protection⁷⁴ to individuals fleeing persecution or serious harm in their home countries: asylum and subsidiary protection. These legal statuses are based on Slovak national legislation, particularly the Asylum Act, as well as international and EU law, including the 1951 Geneva Convention on the Status of Refugees, the 1967 Protocol, and relevant EU directives.⁷⁵

Asylum in Slovakia is granted to individuals who meet the 1951 Geneva Convention definition of refugees, meaning they are unable or unwilling to return to their country of origin because of a well-founded fear of persecution based on race, religion, nationality,

65 | See the website of the Ministry of Interior [Online]. Available at: <https://www.minv.sk/?tlacove-spravy-68sprava=lex-ukrajina-4-od-1-jula-je-ucinna-novela-zakona-o-azyle-adresnejsie-upravujuca-poskytovanie-prispevku-za-ubytovanie-odidencov> (Accessed: 29 November 2024).

66 | *Migračná politika Slovenskej republiky s výhľadom do roku 2025*.

67 | In connection with this, see, for example, Elbert, 2024, p. 114.

68 | See the material published by the Government Office of the Slovak Republic [Online]. Available at: <https://rokovania.gov.sk/RVL/Material/26387/1> (Accessed: 29 November 2024).

69 | *Koncepcia integrácie cudzincov v Slovenskej republike*.

70 | Government Resolution No. 45 of 29 January 2014 (*Uznesenie vlády č. 45 z 29. januára 2014*).

71 | Government Resolution No. 338 of 6 May 2009 (*Uznesenie vlády č. 338 zo 6. mája 2009*).

72 | Marczyová, 2018, pp. 121–122.

73 | *Ibid.*, p. 127.

74 | Asylum Act, para. 2 a).

75 | Letavajová, Chlebcová Hečková, Krno and Bošelová, 2020, p. 15.

membership in a particular social group, or political opinion.⁷⁶ Asylum is intended as a permanent form of protection and provides beneficiaries with rights similar to those of Slovak citizens in several areas. Applicants must demonstrate a credible fear of persecution in their country of origin for one or more of the specified reasons and show that their government is unwilling or unable to protect them.⁷⁷

Individuals granted asylum in Slovakia are entitled to permanent residency,⁷⁸ freedom of movement,⁷⁹ employment,⁸⁰ social and healthcare services,⁸¹ education,⁸² and documentation.⁸³ Although asylum offers strong protection, it does not automatically result in Slovak citizenship. However, asylum recipients may apply for citizenship after a specified period of legal residency if they meet additional criteria established by Slovak law.⁸⁴

In contrast, subsidiary protection⁸⁵ is a complementary status for individuals who do not qualify for asylum but would face serious harm if returned to their country of origin. It is typically granted when individuals are at risk because of generalised violence or other non-persecutory threats. Subsidiary protection is provided if there are serious reasons to believe the individual would face the death penalty or execution, torture, inhumane or degrading treatment or punishment, or a severe and individualised threat to life or safety due to indiscriminate violence in situations of international or internal armed conflict. Unlike asylum, subsidiary protection does not require evidence of targeted persecution; instead, it considers whether the individual would face harm because of conditions in their country.⁸⁶

This type of protection grants temporary residency in Slovakia, initially for two years;⁸⁷ beneficiaries may travel within the Schengen Area⁸⁸ and work in Slovakia without additional permits; and they have access to healthcare and certain social benefits. They receive a residency card valid for two years and a foreigner's passport valid for up to one year, which is issued specifically for travel when the national passport cannot be used. Subsidiary protection does not provide permanent residency, resulting in a more precarious status than asylum. Renewal depends on ongoing evidence that the individual faces harm in their country of origin. Beneficiaries lack the long-term stability and rights of asylum recipients, and their status may be revoked if conditions in their home country improve.⁸⁹

76 | Ibid.

77 | Elbert, 2016, p. 11.

78 | Asylum status includes permanent residency rights in Slovakia, allowing beneficiaries to remain indefinitely.

79 | They are permitted to travel within the Schengen Area without a visa.

80 | Asylum recipients can work in Slovakia without the need for additional work permits.

81 | Full access to the Slovak healthcare system and other social welfare programs.

82 | Children of asylum recipients can access Slovak public education systems under the same conditions as Slovak citizens.

83 | They receive a residency card valid for 10 years and a travel document valid for 2 years that functions similarly to a refugee passport, allowing them to travel internationally.

84 | Cf. Grethe Guličová and Bargerová, 2008, pp. 28–49.

85 | Asylum Act, para. 2 c). See also para. 13a and 13b.

86 | Elbert, 2016, p. 18.

87 | Can be extended if the conditions in the individual's home country remain unchanged.

88 | Similar to asylum recipients.

89 | Michalíková, 2017.

In June 2022, Slovakia amended its asylum law to improve integration measures for individuals seeking or granted international protection. The amendments introduced increased financial support, access to social and psychological counselling, and cultural orientation training tailored to individual needs. The waiting period for asylum seekers to access the labour market was also reduced from nine to six months.

Table 1: Author’s compilation

Aspect	Asylum	Subsidiary protection
Residency type	Permanent residency	Temporary residency
Basis for granting	Persecution based on <ul style="list-style-type: none"> – Race – Religion – Nationality – Social group – Political opinion 	Risk of serious harm <ul style="list-style-type: none"> – Death penalty – Torture – Generalized violence
Status stability	Permanent	Temporary, renewable
Access to rights	Comprehensive access to healthcare, employment, and education	Similar access, but with less stability

The primary distinction between the two types of protection is their duration. Asylum generally grants foreigners permanent residence in Slovakia, except when granted for family reunification, in which case asylum is initially granted for three years and may be extended to an indefinite period upon request.⁹⁰

The distinctions between asylum and subsidiary protection also indicate differences in the rights and status of individuals under these forms of international protection. A person granted asylum is classified as a foreigner with permanent residency, permitted to travel within the Schengen Area, work, receive health insurance, and hold a residence permit valid for 10 years, as well as a travel document valid for two years. In contrast, an individual granted subsidiary protection is considered a foreigner with temporary residency, allowed to travel within the Schengen Area, work, receive health insurance, and hold a residence permit valid for two years, along with a foreigner’s passport valid for up to one year.⁹¹

Although the asylum law has been amended, disparities remain between the rights and benefits of individuals granted asylum and those granted subsidiary protection. This is particularly evident in integration efforts: the state is responsible for integrating asylum seekers, whereas non-governmental organisations are responsible for integrating individuals granted subsidiary protection.⁹²

Several practical challenges commonly arise during the asylum-granting process, such as difficulties in collecting sufficient evidence to support claims, frequent absence of identity documents, language barriers, and misunderstandings regarding the purpose

90 | Marczyová, 2018, p. 125.

91 | Elbert, 2016, p. 19.

92 | Marczyová, 2018, p. 125.

of applicant interviews. Verifying the authenticity of submitted documents is also challenging, often because of limited verification resources. In some cases, incomplete or inaccurate information about the applicant's country of origin, sometimes resulting from migration office errors, further complicates the process. Despite these challenges, asylum proceedings in Slovakia are generally conducted efficiently and without significant delays.⁹³

5. Measures in the Field of Education, the Labour Market, and Civil Initiatives

In Slovakia, several measures have been implemented in education, the labour market, and through civil initiatives to support migrant integration and inclusion in Slovak society. These initiatives aim to help migrants adapt to their new environment and contribute to the country's social and economic development.

The Slovak population provided significant financial and material assistance to Ukrainian refugees, frequently offering housing and participating in volunteer activities at the border and within the country. Many individuals supported specific people, either independently or through organisations, mainly from the non-governmental sector, in response to initiatives such as the prominent campaign 'Who Will Help Ukraine?' These efforts were reflected in a survey conducted as part of the project 'How Are You Doing, Slovakia?' by the Institute of Sociology, the Institute of Social Communication Research of the Slovak Republic, and the agencies MNFORCE and Seesame.⁹⁴

In April 2022, Slovak support for Ukrainians remained stable but decreased over time. Surveys by the Slovak Academy of Sciences indicated that unrestricted asylum support declined from 40% in March to 30% in December, while support for integration fell from 42% to 36%. This reduction was associated with economic difficulties, rising prices, and misinformation.⁹⁵

| 5.1. Education

Education in Slovakia plays a key role in integrating migrants, with Slovak language education as a central element. Slovak law, consistent with Article 27(1) of the Qualification Directive, ensures that children of foreign citizens have the same educational rights as Slovak nationals. The Act No. 245/2008 Coll. on Education and Training, as amended (hereinafter referred to as the Education Act), regulates the education, training, accommodation, and meals of foreign children, asylum seekers, and Slovaks living abroad under the same conditions as Slovak citizens. To address language barriers, schools

93 | *Ibid.*, p. 126.

94 | Letavajová et al., 2024, p. 119.

95 | Papcunová, 2023.

may organise Slovak language courses, funded by district education offices and local authorities.⁹⁶

Compulsory school attendance in Slovakia lasts 10 years or until age 16. Parents or guardians are required to enrol children in school, while child protection authorities are responsible for unaccompanied minors. School principals assess prior education and language skills to place children in suitable grades. If language proficiency is inadequate, students may be assigned to age-appropriate grades for up to one year, during which Slovak courses may be provided with funding from regional education departments.⁹⁷

Secondary school admissions are regulated by paras. 62–71 of the Education Act, with principals making decisions based on entrance examinations. Students lacking proof of lower secondary education are ineligible for programmes leading to the General Certificate of Education (*maturita*) but may complete lower secondary education at elementary or vocational schools. District offices are responsible for recognising primary education certificates from non-EU countries, assessing their equivalency with Slovak education standards.⁹⁸

In addition, the Ministry of Labour, Social Affairs, and Family of the Slovak Republic, in cooperation with the Chief Expert for General Child and Adolescent Care at the Ministry of Health of the Slovak Republic, MUDr. Elena Prokopová, developed a guideline on admitting children arriving from Ukraine into childcare facilities for children up to three years old⁹⁹ during a declared state of emergency related to the mass influx of foreigners into Slovakia due to the armed conflict in Ukraine. To reduce health risks in these facilities, children must undergo a health assessment by a paediatrician to determine their suitability for group care. Children whose parents are applying for or have been granted asylum, temporary refuge, or supplementary protection are eligible for admission, as are those whose parents receive social services to balance work and family life. Parents of children under three who work in Slovakia may also apply for a childcare allowance of up to EUR280 to cover care costs. A health check is required before admission to assess the child's suitability for the facility.¹⁰⁰

Starting next school year, Ukrainian children residing in Slovakia will be required to attend school. This compulsory attendance for children of foreign nationals is one of 89 amendments in a major education reform. However, areas near the capital are expected to face challenges in meeting increased demand because of limited capacity. Critics argue that schools lack adequate resources and conditions to support these children's

96 | Additionally, Act No. 596/2003 Coll. on State Administration in the Education and School Self-government, as amended, specifies that district education offices, in collaboration with local authorities, are responsible for organizing and funding state language courses for children of foreign citizens residing in Slovakia.

97 | See the website of the Ministry of Education, Research, Development and Youth of the Slovak Republic: Available at: <https://www.minedu.sk/vzdelavanie-deti-cudzincov-education-of-children-of-foreigners/> (Accessed: 10 December 2024).

98 | Ibid.

99 | *Usmernenie k prijímaniu detí prichádzajúcich z Ukrajiny do zariadení starostlivosti o deti do troch rokov veku dieťaťa.*

100 | See the website of the Ministry of Labour, Social Affairs and Family of the Slovak Republic [Online]. Available at: <https://www.employment.gov.sk/files/sk/uvodna-stranka/pomoc-odidencov-z-ukrajiny/usmernenie-k-prijimaniu-deti-do-zariadeni-jasle--zdravotna-sposobilost-24-3-2022.pdf> (Accessed: 11 December 2024).

education. Since the beginning of the military conflict in Ukraine, many young people have sought refuge in Slovakia and are now subject to school attendance requirements. Some have continued their education online through Ukrainian schools, while others have not been enrolled in any form of schooling.¹⁰¹

| 5.2. Labour Market

Employment remains a central aspect of migrant integration, and Slovakia has introduced comprehensive measures to facilitate migrants' access to the labour market. Barriers persist, particularly in regulated professions such as healthcare and education. Increasing labour market demands are leading more employers to consider hiring nationals from third countries (i.e., non-EU states). The employment¹⁰² of these individuals in Slovakia is primarily regulated by Act No. 5/2004 Coll. on Employment Services, as amended (hereinafter referred to as the Employment Services Act), and the Foreigners' Residence Act.¹⁰³ However, because of the scope of this paper and its focus on Ukrainian refugees, general employment rules, including those for third-country nationals, are not discussed.

Ukrainian citizens may remain in Slovakia for up to 90 days under a visa-free regime.¹⁰⁴ During this period, they are not required to apply immediately for international protection or temporary refuge, but must report their address to the Foreign Police within three working days of arrival. They are not permitted to work or conduct business activities during this stay, and do not have access to public health insurance for the 90-day period.¹⁰⁵

Individuals granted temporary refuge (*odídenc*) may work full-time or part-time, engage in self-employment, or operate a business. As employees, they are covered by public health insurance if they earn at least the minimum wage. Their employment rights are limited to Slovakia. Those granted asylum or subsidiary protection (refugee status) also have the right to work full-time or part-time and to run a business, without needing additional work permits. They are covered by public health insurance, and their right to work and conduct business is similarly restricted to Slovakia.¹⁰⁶

They can search for job opportunities through several popular job portals, some of which now include sections specifically for people arriving from Ukraine. Notable portals are the public job portal (sluzbyzamestnanosti.gov.sk) and commercial sites such as profesia.sk, kariera.sk, adeccojobsforukraine.com, and worki.sk. The Migration Information Centre offers further resources and support for those needing assistance with job market orientation, language training, or requalification.

When applying for employment, the employer is required to notify the authorities that they are hiring a foreign national¹⁰⁷ and must provide the required documents.

101 | STVR, 2024.

102 | The possibility that an employer may employ a foreigner from a third country is listed in Section 21 of the Employment Services Act.

103 | Michalíková, 2018.

104 | See para. 23(6) of the Foreigners' Residence Act.

105 | International Organization for Migration, 2024 [Online]. Available at: <https://mic.iom.sk/en/news/768-conditions-of-employment-in-slovakia-for-refugees-temporary-refugeholders-or-asylum-seekers-from-ukraine.html> (Accessed: 15 December 2024).

106 | Ibid.

107 | Michalíková, 2018.

In most cases, no additional documentation is required to work in Slovakia; however, some regulated professions may require specific documents, particularly those that demand certain qualifications or education. For information on recognising foreign qualifications, individuals can contact the Centre for Recognition of Diplomas. For professions that typically require a criminal background check, such as public service or teaching roles, a declaration of honour may suffice instead of an official criminal record extract.¹⁰⁸

If the employer violates the terms of the employment contract or breaches the Labour Code¹⁰⁹ any way, the employee can contact the relevant Labour Inspectorate or seek free legal assistance from the Slovak Bar Association,¹¹⁰ the IOM Migration Information Centre, or the Legal Aid Centre.

| 5.3. Non-Governmental Initiatives

Civil society initiatives are essential in supplementing state-led integration efforts, with non-governmental organizations and local communities leading these activities. These organisations provide various support services, such as legal, social, and psychological assistance to migrants.

The mass arrival of Ukrainians due to the military conflict in Ukraine, which began in February 2022, marked a significant turning point in Slovakia's migration landscape and public attitudes toward migrants. This unprecedented event generated a strong wave of solidarity across the country, with civil society leading efforts to support newly arrived Ukrainians and often compensating for insufficient state assistance.¹¹¹

The key principles of integration policy are based on equality, fairness, and respect for the human dignity of every individual living in the country. Local and regional self-governments play a crucial role in supporting the integration of foreigners into society. These institutions promote mutual understanding and cohesion between the majority population and migrant communities. The effective implementation of integration policies depends on coordinated collaboration among state authorities, local governments, public administration, migrant communities, non-governmental organisations, and other entities involved in the integration process.¹¹²

In Slovakia, the Ministry of Interior oversees migration policy. Integration efforts for foreigners involve activities supported by state bodies, local governments, and various organisations and associations. Multiple projects aim to facilitate integration in different areas of social life. For example, the Ministry of Labour, Social Affairs and Family of the Slovak Republic, in cooperation with the 'migration policy leader', announced a call for applications for non-refundable financial contributions and participation in the national project within the Programme Slovakia 2021–2027, entitled 'Integration of third-country

108 | International Organization for Migration, 2024 [Online]. Available at: <https://www.mic.iom.sk/en/news/768-conditions-of-employment-in-slovakia-for-refugees-temporary-refugee-holders-or-asylum-seekers-from-ukraine.html> (Accessed: 15 December 2024).

109 | Act No. 311/2001 Coll., as amended.

110 | There is a possibility to contact the lawyers via email or by phone which is available exclusively for individuals from Ukraine affected by the military conflict.

111 | Letavajová et al., 2024, p. 118.

112 | Marczyová, 2018, p. 121.

nationals, including migrants'.¹¹³ Particular recognition should be given to the efforts of institutions such as the International Organization for Migration, the Migration Information Centre of the International Organization for Migration (operating in Bratislava and Košice¹¹⁴),¹¹⁵ the Migration Office of the Ministry of Interior, the United Nations High Commissioner for Refugees, the Institute for Public Affairs, the Centre for Research on Ethnicity and Culture, and the Human Rights League.¹¹⁶ NGOs such as the Human Rights League, the Migration Information Centre, and the Slovak Humanitarian Council provide essential resources that help migrants address integration challenges. In addition to direct support, civil initiatives promote community engagement through programmes that encourage cultural exchange, social inclusion, and mutual understanding between migrants and the local population. These initiatives also often advocate for legal and policy reforms to improve integration outcomes, serving as intermediaries between migrants and public institutions.¹¹⁷

Additionally, municipalities play a vital role in supporting migrant integration. They serve as a communication bridge with public institutions, provide essential information, and deliver public services, including social, cultural, and educational services. Municipalities are also central to implementing programmes in areas where migrants reside, ensuring that integration efforts address the needs of local communities.¹¹⁸

Despite these advancements, Slovakia still faces challenges in integration efforts. Insufficient resources, limited funding, and institutional capacity remain significant barriers to effective implementation of integration measures. Language barriers persist because the accessibility and quality of language courses are inconsistent. Negative public attitudes towards migrants also hinder integration initiatives. Addressing these challenges requires a comprehensive approach. Improved coordination among state authorities, local governments, and civil society organisations is essential. Increased investment in integration programmes, especially in education and language training, would improve outcomes. Public awareness campaigns to combat prejudice and promote social cohesion are also critical for encouraging tolerance and inclusivity within Slovak society.¹¹⁹

113 | For more information see the website of the Ministry of Labour, Social Affairs, and Family of the Slovak Republic [Online]. Available at: https://www.employment.gov.sk/sk/uvodna-stranka/programy-europskej-unie/program-slovensko-2021-2027/narodne-projekty/?fbclid=IwZXh0bgNhZW0CMTAAR2-VIjvR26CRrRf8AghiJGt6bOzBEZIJYyhW2Zws5_nhKcxprOMZMRAHdg_aem_cdNQNuoDLCqHt_sWEgIL3Q (Accessed: 18 November 2024).

114 | Offering comprehensive services to migrants, including legal, social, and employment counseling, further education, labour market inclusion, and community support.

115 | For more information, see the Summary Report on the Status of Implementation of the Objectives and Measures of the Integration Policy of the Slovak Republic for 2016, p. 4. (*Súhrnná správa o stave plnenia cieľov a opatrení Integrovačnej politiky Slovenskej republiky za rok 2016*).

116 | Marczyová, 2018, pp. 121–122. See also Bakošová, 2024, pp. 17–18.

117 | Ibid.

118 | Ibid.

119 | Ibid.

6. Conclusions

Migration has been a constant aspect of human existence, with its intensity and urgency increasing, particularly in recent decades. It is now one of the most pressing global issues in an increasingly interconnected world. The need for coordinated responses at national and international levels has never been more urgent.

This paper aimed to provide a detailed analysis of Slovakia's legal framework and practical measures for the protection and integration of migrants. The analysis highlighted the distinct characteristics of asylum and subsidiary protection within Slovakia's system, clarifying their eligibility criteria, associated rights, and legal implications.

Asylum, granted to individuals fleeing persecution due to race, religion, nationality, membership in a particular social group, or political opinion, provides more permanent protection and confers significant rights and privileges similar to those of Slovak citizens. In contrast, subsidiary protection is a temporary status for individuals at risk of serious harm not linked to targeted persecution, such as generalised violence or the threat of torture. Although it allows access to healthcare and employment, its temporary status and requirement for periodic renewal create less legal stability for recipients. This distinction between asylum and subsidiary protection highlights the differing levels of stability and long-term integration opportunities available to refugees in Slovakia.

This paper examined Slovakia's integration policies in education, employment, and non-governmental initiatives. Education formed a central part of integration, with Slovak language courses and curriculum adjustments helping refugee children adapt to the local system. In employment, Slovakia's policies supported migrant labour market participation by recognising their skills and addressing labour shortages. However, language barriers, limited resources, and insufficient institutional capacity continued to hinder full integration. Civil society organisations complemented government efforts by providing legal, social, and psychological support to migrants. The solidarity of the Slovak population, especially during the arrival of Ukrainian refugees, indicated a broad societal commitment to integration. Nevertheless, persistent public resistance and resource constraints highlighted the need for increased investment in integration programmes and public awareness campaigns.

In conclusion, Slovakia has made significant progress in adapting its migration policies and improving the legal protection of migrants, particularly refugees. However, the rising number of non-EU migrants, partly due to the Ukrainian conflict, highlights the need for ongoing adaptation of legal frameworks and public services. To achieve successful integration, Slovakia should prioritise long-term strategies that promote inclusivity, offering not only refuge but also opportunities for migrants to contribute to Slovak society. The success of integration efforts depends on continued cooperation among the government, civil society, and local communities to create a supportive environment for both migrants and the wider society. The country's legal framework and integration measures are important steps towards supporting migrants in their transition to Slovak society, but sustained efforts and greater cross-sector collaboration are required to address ongoing challenges. By strengthening integration policies and practices, Slovakia can ensure that migration supports societal development and mutual enrichment.

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