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## **Chapter 4**

### **Migration as a Political and Public Phenomenon: The Case of Slovak Republic**

## 4.1. Introduction

Its EU membership beginning on 1 May 2004 and its joining of the Schengen Area on 21 December 2007 are the most significant moments in the modern history of the Slovak Republic. With these achievements, a milestone was reached towards an unprecedented experience for Slovak citizens: the free movement of persons within the European Union's territory. Yet, the accession of the Slovak Republic to the European Union also implied new responsibilities, including more efficient control of the Slovak segment of the EU's eastern border.<sup>1</sup> The protection of the external Schengen border has become a central focus for Slovakia in the context of migration, along with the fight against illegal migration and cross-border crime.<sup>2</sup>

Since Slovakia gained its independence, the migration profile of the state has changed significantly. Slovakia has been transforming gradually from a country of emigration to a country of transit, and it is slowly becoming a country of destination. The numbers of all types of migrants have increased and emigration from Slovakia has changed from politically motivated (before 1989) to mostly labour emigration. At the beginning of 2014, the number of immigrants (i.e., persons with a place of birth outside of Slovakia) on the state's territory was approximately 174,900 (3.2% of the population), of which approximately 146,300 immigrants (2.7%) were from other EU member states and approximately 28,600 thousands (0.5%) were from third countries.<sup>3</sup>

When describing developments in migratory flows, it is necessary to distinguish between different types of migrants. In the case of Slovakia, we can cur-

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<sup>1</sup> The EU criticized Slovakia after its accession for the high permeability of its eastern border. Thus, in order to integrate into the Schengen Area, Slovakia had to fulfil various criteria. A period of evaluation – the “Schengen evaluation” – took place between 2004 and 2007. On 21 December 2007, following a positive final evaluation, Slovakia (as well as the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland and Slovenia) became a full member of the Schengen Area.

<sup>2</sup> “Implementácia schengenského acquis v SR”, 2017, *Ministerstvo vnútra Slovenskej republiky*, <http://www.minv.sk/?implementacia-schengenskeho-acquis-v-sr-1> [accessed: 16.02.2017].

<sup>3</sup> “Foreign-born population by country of birth”, 1 January 2014, *Eurostat*, [http://ec.europa.eu/eurostat/statistics-explained/images/7/79/Foreign-born\\_population\\_by\\_country\\_of\\_birth%2C\\_1\\_January\\_2014\\_%28%2B9%29\\_YB15.png](http://ec.europa.eu/eurostat/statistics-explained/images/7/79/Foreign-born_population_by_country_of_birth%2C_1_January_2014_%28%2B9%29_YB15.png) [accessed: 6.11.2016].

rently identify the following main immigration flows: voluntary legal migration, forced migration and illegal or irregular migration. Following the global trend, the most frequent type of migration is voluntary legal migration. A significant part of these migration flows comprises labour migration, immigration for family reasons or immigration for study. Among forced migrants, we can count asylum seekers as well as other categories of migrants entitled to seek international protection. However, the Bureau of the Border and Aliens Police of the Ministry of the Interior of the SR counts asylum seekers in the illegal migration statistics, because they usually cross the borders without legal permission. We do not distinguish between different categories of illegal migrants – it is very challenging, as is determining the exact numbers of illegal migrants. In connection to our topic, which is the current migration and refugee crisis and its impacts in Slovakia, we will not pay attention to voluntary legal migration but solely to irregular immigration and the forced migration of asylum seekers.

#### 4.1.1. Forced Migration: Refugees and Asylum Seekers

The numbers and the structure of the countries of origin of forced migrants<sup>4</sup> usually reflect current world political, social and economic developments. The number of asylum seekers in Slovakia started to increase gradually in 2001. Between 2001 and 2004, migration for asylum was growing much faster than other types of immigration to Slovakia. In 2004, when Slovakia became a member state of the EU, the number of asylum applications reached its peak.

This “quantitative boom” was caused by several factors. One can point to a link between the development of asylum legislation and developments in the field of illegal migration. Illegal migrants increasingly used (or abused) “the liberal spirit of the asylum law”, although their primary intention was not to apply for asylum.<sup>5</sup> Foreigners who were detained, or who would have been expelled following an administrative or judicial decision, tried to avoid deportation by applying for one of the three forms of international protection existing in the Slovak Republic: asylum (reflecting the 1951 Geneva Convention), humanitarian asylum or subsidiary protection, with the hope of legalizing

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<sup>4</sup> The term “forced migration” is used to describe “...a migratory movement in which an element of coercion exists, including threats to life and livelihood” (International Organization for Migration, *Glossary on Migration*, 2<sup>nd</sup> Edition, Geneva, IOM International Organization for Migration, 2011) Forced migration can arise from natural or man-made causes (e.g., armed conflicts, development projects, nuclear disasters). However, it is necessary to point out that according to international law, not all forced migrants are refugees, as the term “refugee” itself is defined in the Geneva Convention of 1951 less extensively in the above-mentioned document.

<sup>5</sup> B. Divinský, *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004–2008)*, Bratislava, IOM Medzinárodná organizácia pre migráciu, 2009.

their residence in Slovakia in this way. However, many of them left the territory of Slovakia over the course of the asylum procedure, even before a final decision on asylum was reached. This was the main reason for which, despite a considerable number of applications, asylum was only granted to a small number of applicants, and for which the data on refused, suspended or withdrawn applications for asylum can provide an indication of the state of illegal migration in Slovakia.<sup>6</sup> In our opinion, this “historical experience” with the misuse of the asylum system could have had impact on the attitude of Slovaks concerning refugees from the current crisis.

In 2005, the asylum situation changed radically. The number of asylum seekers fell sharply, mainly because of the decrease in the number of detained illegal migrants in Slovakia. Another important factor explaining this tendency was the application of the Dublin Regulation and the Eurodac system on the Slovak territory. Since then, the situation has been relatively stable and the refugee crisis did not significantly change the status quo in Slovakia. In 2015, the number of asylum applications was nearly the same (330 applications) as it had been in 2014 (331 applications); asylum was granted to eight people and subsidiary protection to 41 people in 2015.

Table 4.1

## Asylum and Subsidiary Protection in the Slovak Republic (since 2010)

Year	Number of asylum applications	Granted	Refused	Subsidiary protection granted /refused	Procedure suspended	Citizenship granted
2010	541	15	180	57/104	361	3
2011	491	12	186	91/48	270	7
2012	732	32	334	104/153	383	0
2013	441	15	123	34/49	351	7
2014	331	14	197	99/41	163	12
2015	330	8	124	41/24	148	5
2016	127	164	75	11/13	30	0
Total	58,448	817	7,983	683/1,512	49,468	238

Source: Ministerstvo vnútra Slovenskej republiky, <http://www.minv.sk/?statistiky-20> [accessed: 16.11.2016].

It is not a coincidence that we do not use the term refugee very often in the Slovak context. In fact, this is a rather unknown term in Slovak legislation. The terminology used in Slovakia is as follows. For migrants applying for asy-

<sup>6</sup> A. Mrlanová, N. Ulrichová, M. Zollerová, *Praktické opatrenia v boji proti nelegálnej migrácii v Slovenskej republike, Národná štúdia pre Európsku migračnú sieť*, Bratislava, Národný kontaktný bod Európskej migračnej siete v Slovenskej republike, 2011.

lum in Slovakia in line with the Geneva Convention of 1951, the term asylum seeker is used. Yet, asylum seekers who succeed are not referred to as refugees, but “azylant”; the most proper English equivalent of the Slovak term “azylant” would be “a person who has been granted asylum” (we will also use the term “recognized asylum seekers” because this expression is used in English translations of statistics and overviews published by the Ministry of the Interior of the SR, which are quoted in this text). Subsidiary protection or humanitarian asylum, generally speaking, is granted according to the non-refoulement or family reunification principles.

#### 4.1.2. Illegal Immigration

According to representatives of Slovak NGOs, the main causes of illegal immigration are grounded in the lack of legal opportunities, or the multitude of administrative obstacles, that migrants have to face to make it to Slovakia legally. This situation is not specific to Slovakia, but is generally true of more European countries.

As has already been mentioned above, statistics for irregular immigrants are more or less estimates, since they usually only display the volume of known illegal immigration. Data concerning the number of detained persons, the denial of entry into Slovak territory, refused or withdrawn applications for asylum, decisions on administrative or judicial expulsion and refused entry and returns, can be used to analyse trends in illegal immigration.<sup>7</sup>

Table 4.2

An Overview of Selected Data Indicating Developments in Illegal Immigration (since 2010)

Year	2010	2011	2012	2013	2014	2015
<b>Number of detained persons</b>	<b>1,440</b>	<b>1,219</b>	<b>1,479</b>	<b>1,091</b>	<b>1,304</b>	<b>2,535</b>
Illegal state border crossings	495	390	658	398	240	222
Illegal stays in the territory	945	829	821	693	1,064	2,313
Refusal of entry	841	604	614	449	517	486
Issued decisions of expulsion	871	700	571	643	1,027	1,720
Effective expulsion	598	576	404	432	725	1,261

Source: “Statistical yearbooks of the Bureau of the Border and Aliens Police”, *Ministerstvo vnútra Slovenskej republiky*, <http://www.minv.sk/?rocniky> [accessed: 16.11.2016].

Based on the data shown in Table 4.2, we can conclude that the number of detected illegal immigrants was decreasing until 2014. Presumably, this is the result of measures introduced following Slovakia’s integration into the Schengen

<sup>7</sup> *Ibidem*.

Area, mainly with regard to the stricter protection of the country's eastern border with Ukraine. However, we should also point out that the abolition of controls at the internal borders makes the detection of illegal border crossings more difficult and thus, the detection of illegal immigrants is moving inland.

In 2015, the situation changed significantly as the authorities recorded an almost 100% increase in illegal migration. We can conclude that the migration and refugee crisis also left its mark on Slovak territory, although in absolute numbers, with 2,535 detected irregular migrants, we cannot talk about a real crisis in fact.

In terms of nationality, most irregular immigrants are Ukrainians (see Table 4.3: the numbers in brackets refer to the total number of irregular migrants revealed by state border crossing or illegal stay). Usually, these are so-called “over-stayers” (people who have stayed in Slovakia after their permission to do so has expired). Most of them are also working illegally. Yet, the migration and refugee crisis is reflected in the national composition of irregular migrants in Slovakia – increased numbers of irregular migrants from Syria and Iraq are recorded in 2014 and 2015, compared to previous years.

Table 4.3

An Overview of Illegal Migration by Nationality 2010–2015 (Top Five Countries)

2010	2011	2012	2013	2014	2015
Ukraine (377)	Ukraine (400)	Ukraine (380)	Ukraine (393)	Ukraine (550)	Ukraine (867)
Moldova (244)	Somalia (215)	Somalia (287)	Afghanistan (120)	Afghanistan (154)	Syria (582)
Afghanistan (194)	Moldova (110)	Moldova (101)	Somalia (61)	Kosovo (91)	Afghanistan (265)
Somalia (151)	Afghanistan (77)	Afghanistan (84)	Moldova (58)	Syria (76)	Iraq (146)
Georgia (86)	Russian Federation (64)	Georgia (70)	Georgia (57)	Vietnam (56)	Kosovo (120)

Source: *ibidem*.

The fact is, that even in times of crisis, Slovakia has not become a final destination for asylum seekers and irregular immigrants. As we have already mentioned, the total number of detained persons in 2015 was 2,535. Some 222 of them (approximately 8.76%) were caught when they crossed the border illegally, and 2,313 (approximately 91.24%) were caught while staying illegally on the territory of Slovakia (see Figure 2). Compared to the “pre-crisis” period, the number of irregular migrants revealed inside the territory of the Slovak Republic has increased. With the exception of Ukrainians, most of whom were discovered on the state border when leaving the territory of the Slovak Repu-

blic (619 persons out of 867 in 2015), the majority of irregular migrants from the other top five nationalities in 2015 (385 Syrians out of 582; 117 Afghans out of 265; 93 Iraqis out of 146; 103 persons from Kosovo out of 120, respectively) were discovered within the territory; this could also have been caused by more comprehensive controls resulting from more intensive illegal migration flows in the whole region.<sup>8</sup> This fact also indicates that most irregular migrants (excepting Ukrainians) did not use the eastern border of the Slovak Republic to get into EU territory.

In connection with this topic, it is necessary to briefly evaluate the effectiveness of Slovak border surveillance on the eastern external border of the EU. Slovakia is responsible for a rather short segment of this strategic dividing line: the Slovak-Ukrainian border is only around 100 km long, which has allowed the country to concentrate its human, technical and financial resources on a relatively short segment of its border.<sup>9</sup>

In fact, the main and most original component of the border management system on the Slovak-Ukrainian border is a “virtual fence” in the form of a camera chain: some of the cameras are placed inside the border crossing points<sup>10</sup> (BCPs), but most of the cameras form a line running from the Hungarian-Ukrainian-Slovak border tripoint from the south to the north. This system has been implemented mainly in the southern plain, excluding most of the northern mountainous part. The topography of the northern region itself complicates movement for migrants, as well as for the border police.

The Operational Centre of Border Police Directorate, the headquarters of the border police, is located in Sobrance, a city near the Ukrainian border. The headquarters includes a control room where all of the camera chain cameras are monitored. Pictures from the border are also visible in the Ministry of the Interior of the SR, in Bratislava. However, this border is not the central point for migrations and human trafficking. On the other hand, smuggling (petrol, alcohol and cigarettes) is more often the cause of border police intervention in this locality.<sup>11</sup>

<sup>8</sup> And in the Slovak case, probably also because of more intensive controls against illegal employment.

<sup>9</sup> The total border envelope of the Slovak Republic is 1,652.2 km in length; Slovakia borders Hungary (654.8 km), Poland (541.1 km), the Czech Republic (251.8 km), Austria (106.7 km) and Ukraine (97.8 km) (*minv.sk*, 2016e).

<sup>10</sup> The border police units are placed all along the Ukraine border in 10 small villages. North to south, these units are located in the villages of Zboj, Topoľa, Ulič, Ublá, Podhorod', Petrovce, Vyšné Nemecké, Maťovské Vojkovce (railway cargo BCP only), Veľké Slemence and Čierna nad Tisou (railway BCP). The most important unit is located in Vyšné Nemecké, the location of the main road BCP and the only one for lorries between the two countries.

<sup>11</sup> In July 2012, a tunnel was detected on the border, equipped with a small train capable of transporting various kinds of goods or people. It was dug six metres underground and was around 700 metres long

Despite all of these technical measures, there can still be human error. According to information recently presented in the media, four policemen from the border police have been accused of helping with the smuggling of migrants – we are perhaps talking here about hundreds of migrants with false EU member state passports.<sup>12</sup>

## 4.2. Migration Policy

### 4.2.1. Legal Framework

Shortly after gaining its independence, it was necessary for the Slovak Republic to respond to international migration flows: both immigration flows heading for Slovak territory and the emigration of Slovak citizens out of the country. The need to express attitudes and clearly determine approaches towards respective types of migration became even more intensive due to Slovakia's ambitions to join the EU. In parallel, integration initiatives determined procedures in some areas of migration management in Slovakia. Even before joining the EU, the new Act on Asylum was passed<sup>13</sup> and fundamental institutional reforms were carried out.

In the context of immigration and asylum in the Slovak Republic, the Act on Asylum No. 480/2002 and the Act on Residence of Aliens No.404/2011 are considered to be the most relevant Acts. The Act on Asylum reflects the Geneva Convention Relating to the Status of Refugees of 1951 (respectively the New York Protocol Relating to the Status of Refugees of 1967), and now it also reflects all relevant EU directives and regulations in this area. The law addresses the issue of asylum, in particular the rights and obligations of asylum seekers and persons granted asylum (refugees), as well as the conditions for granting subsidiary protection and humanitarian asylum.

The Act on Residence of Aliens No. 404/2011 has already been amended four times since its entry into force in 2011. The most important change came into force on 1 December 2012. This amendment repealed previous legislation and merged into one document all laws dealing with border crossing and border surveillance, as well as those defining the conditions of foreigners' residence

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(Reuters, "Slovaks Find Railway Smuggling Tunnel to Ukraine", 19 July 2012, *reuters.com*, <http://www.reuters.com/article/us-slovakia-ukraine-tunnel-idUSBRE86I0ZO20120719> [accessed: 20.10.2016].

<sup>12</sup> Správy RTVS, 6 December 2016, 25. – 27.15 min., <https://www.rtvs.sk/televizia/archiv/9936/112663> (accessed: 10.12.2016).

<sup>13</sup> In the Slovak Republic laws are passed by the Parliament which is called the National Council, and signed by the President of the country.



within the territory.<sup>14</sup> The new regulation was necessary because of the need to harmonize Slovak laws with European legislation – policies in the area of migration management and the integration of foreigners in the Slovak Republic needed to be linked with developments and trends in the EU member states. Several laws were passed or amended to transpose the relevant EU legislation into Slovak legislation.<sup>15</sup>

In the context of the integration of immigrants in the Slovak Republic (we also include recognized asylum seekers in this category) the Act on State Citizenship No 40/1993 is regarded as the most relevant. Among other things, this Act regulates the granting of Slovak citizenship to a foreigner by naturalization. In ensuring effective integration, equally important are the rules for the employment of foreigners, regulated by the Act on Employment Services No 5/2004.<sup>16</sup> The issue of illegal employment (which can also include the illegal employment of foreigners or immigrants) is handled by the Act on Illegal Work and Illegal Employment No. 82/2005. This Act, on the one hand, bans illegal work and employment, and on the other, regulates activities for the control of, and sanctions for, illegal work.

There have not been many legislative changes made as a result of the migration crisis. In particular, it is important to mention an amendment to the Act on Freedom of Religion and the Status of Churches and Religious Societies, which was approved on 30 December 2016. The draft proposed to raise the number of signatures necessary to register a new religious society in the Slovak Republic from 20,000 to 50,000.<sup>17</sup> The leader of the Slovak National Party and the Chairmen of the Slovak National Council, Andrej Danko, presented this bill as one of the measures to fight the Islamization of the country.<sup>18</sup> The Slovak President returned the amendment to the Parliament for additional discussion, but on 31 January 2017 the Parliament definitively approved the legislation.

After a very brief overview of the most relevant laws, we would like to point out developments to and the current appearance of the conceptual documents regulating Slovak migration policy. These documents set up the goals of the Slovak Republic's migration policy and determine the framework of the Acts mentioned above.

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<sup>14</sup> The existing types of residence permits (temporary residence, permanent residence and tolerated stay) remain valid. Concerning the permanent residence permit, the law distinguishes between permits for unlimited and long-term stays.

<sup>15</sup> I. Bachtíková, *Organizácia azylovej a migračnej politiky v Slovenskej republike*, Bratislava, Národný kontaktný bod Európskej migračnej siete v Slovenskej republike 2014.

<sup>16</sup> It is possible to find relevant laws in many other related areas – health care, education, etc.

<sup>17</sup> Its members should be Slovak citizens over 18 years of age, with permanent residence in Slovakia.

<sup>18</sup> "Podmienky na registráciu cirkvi a náboženskej spoločnosti sa sprísnia", 30 November 2016, TASR, <http://www.teraz.sk/slovensko/podmienky-na-registraciu-cirkvi-a-nabo/231027-clanok.html> [accessed: 10.12.2016].

The enormous motivation of the Slovak Republic to become a member of the European Union also accelerated its effort to formulate an official migration policy for the country. The first Migration Policy Concept of the Slovak Republic was adopted for the period 2005–2010. This document was evidently influenced by Slovak integration ambitions, and by its following EU accession. The objectives of its migration policy are formulated in this document in order to provide for Slovak national interests on the one hand and to harmonize Slovak legal norms with EC/EU law on the other. Among its basic principles, which rule over the spirit of the conception, active cooperation with the EU was central.

The text of the introduction of the document Conceptual Plans of the Migration Policy of the SR for the Period 2011–2015 also focuses on the role of international organizations in dealing with the international migration and asylum agenda; it also notes the vital importance of the EU for the Slovak Republic. At present, the key document of the SR's migration policy is the Migration Policy of the Slovak Republic – Perspective until the Year 2020. In its introduction, the Slovak Republic expresses its preparedness and willingness to participate in the harmonization of the migration policies of EU member states, as well as its commitment to the basic principles, operational mode and management of migration in the EU. An important part of this strategic document is the formulation of Slovak migration policy objectives, which can be summarized as follows:

- 1) Create conditions for legal migration, but respecting the priorities, needs and reception capacities of the SR, including the capacity to integrate immigrants into society;
- 2) Strengthen the effectiveness of border controls and fight against illegal migration;
- 3) Contribute to the adoption of a common European asylum system; participate on the creation of a global partnership with countries of origin and transit; encourage synergy between migration and development.

Currently, the issue of migration is often presented in connection with national and international security. In 2017, there is a plan to adopt a new Security Strategy, as well as a new Defence Strategy of the Slovak Republic. The existing strategic documents were adopted shortly after the accession of the SR to the EU. Since then, the security environment has changed and the basic strategic documents need to be revised. The most significant change in the security environment in Europe was caused by the conflict in Ukraine; nevertheless, the unstable situation in the southern neighbourhood of the EU, the immedia-

te threat of terrorism, mass migration and hybrid threats are also mentioned as important reasons for the adoption of the new strategies. Thus, it is expected that in the new Security Strategy of the Slovak Republic, substantial attention will be dedicated to migration issues (primarily illegal migration).<sup>19</sup>

### 4.2.2. Institutional Framework

The Government of the Slovak Republic – the highest executive body – consists of 13 departments. All of the Slovak Ministries are at least marginally related to some aspect of migration. Nevertheless, the area of international migration falls mainly under the auspices of three departments: the Ministry of the Interior, the Ministry of Foreign and European Affairs and the Ministry of Labour, Social Affairs and Family.

The Ministry of the Interior of the SR implements its agenda in the field of migration and asylum mainly through two bodies: the Migration Office and the Bureau of the Border and Aliens Police.

The Migration Office of the Ministry of the Interior of the SR is the first instance body which decides on the granting of asylum and subsidiary protection to foreigners. The Migration Office usually supervises projects financed by European funds, provides methodological guidance and consultation in this area and cooperates with the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration. Furthermore, it provides basic care for asylum seekers. For this reason, the Migration Office runs three types of facility – “reception centres” and “accommodation centres” for asylum seekers in Slovakia, and an “integration centre” in Zvolen for persons who have been already granted asylum.<sup>20</sup> At present, there are three open facilities for asylum seekers: the “reception centre” in Humenné (with a capacity of 550 beds), as well as the “accommodation centres” in Opatovská Nová Ves and Rohovce (both with a capacity of 140 beds each and the possibility of expansion, if needed). In the past, there were four reception facilities (in Adamov-Gbely, Vlachy, Rohovce and Opatovská Nová Ves) and two accommodation facilities (in Gabčíkovo and Brezová pod Bradlom), but they were closed due to a decrease in asylum applications. The facility in Gabčíkovo has recently been re-opened, as we mention later in the text.

<sup>19</sup> “Vláda schválila zmeny v Bezpečnostnej a Obrannej stratégii SR”, *SITA*, 13 September 2016, <http://spravy.pravda.sk/domace/clanok/405010-vlada-schvalila-zmeny-v-bezpecnostnej-a-obrannej-strategii-sr/> [accessed: 15.01.2017].

<sup>20</sup> M. Micháľková, *Organizácia azylových zariadení pre žiadateľov o azyl v Slovenskej republike*, Bratislava, Národný kontaktný bod Európskej migračnej siete v Slovenskej republike 2013.

In Humenné, there is also the Emergency Transit Centre (ETC) with capacity for 150 persons, which serves refugees awaiting resettlement in the new home country. There are only two such centres in the world (the other is in Timișoara, Romania; a third one, in Manila in the Philippines, is no longer operational). The Emergency Transit Centre in Humenné was originally set up in 2009 for a group of Palestinian refugees from Iraq. In 2010, the agreement was extended and the ETC in Humenné became a permanent evacuation facility, the second emergency facility to be established in Central Europe. Emergency Transit Centres provide temporary placements for refugees in need of immediate evacuation from the first country of refuge due to concerns over their safety or the threat of being returned to the territory they fled from. Refugees can stay in the ETC for up to six months while their resettlement to a host country is finalized. The ETC can also provide migrants with language training and basic information about the culture of receiving states.<sup>21</sup>

The Bureau of the Border and Aliens Police of the Presidium of Police Force<sup>22</sup> directly manages tasks within the field of border protection; fighting illegal migration and the smuggling of migrants; border control; risk analyses; cooperation with the FRONTEX Agency; analysis of travel documents; granting residence to foreigners; expulsion; visa issues and finally, to a limited extent, asylum procedures and the implementation of the Dublin Regulation.

To fight illegal migration, the National Unit of Combating Illegal Migration was set up within the Bureau of Border and Aliens Police. Illegal immigrants are placed in Útvary policajného zaistenia pre cudzincov [police detention units for foreigners] located in Medveďov, near the Hungarian border, and in Sečovce, close to the Ukrainian border. Both facilities are under the authority of the Ministry of the Interior of the SR and are operated by the Bureau of Border and Aliens Police. These units carry out activities connected to the detention, return and expulsion of third-country nationals.<sup>23</sup>

The Ministry of Foreign and European Affairs participates in the development of the foreign policy of the Slovak Republic and implements it. At least in the last few years, international migration has formed a substantial part of the Slovak foreign policy agenda. Within the framework of its consular agenda, the Ministry fulfils tasks related to issuing visas to foreigners via its consulates and embassies abroad. From this point of view, the granting of long-term visas that might lead to residence permits is important. Slovak consulates rece-

<sup>21</sup> "Emergency Transit Centre", *UNHCR*, <http://www.unhcr-centraleurope.org/en/what-we-do/resetlement/etc-humenne.html> [accessed: 10.12.2016].

<sup>22</sup> "Úrad hraničnej a cudzineckej polície P PZ", *Ministerstvo vnútra Slovenskej republiky*, <http://www.minv.sk/?uhcp> [accessed: 18.11.2016].

<sup>23</sup> I. Bachtíková, *op. cit.*

ive applications for citizenship or residence in the Slovak Republic and provide assistance and information to the applicants. The Ministry also assists with the voluntary return or expulsions of migrants, or with the preparation of readmission agreements.

The Ministry of Labour, Social Affairs and Family draws up legal norms and determines the legal regulations for the employment of foreigners, including the elaboration of entry criteria for different categories of foreign nationals into the Slovak labour market and the granting of work permits. The Ministry of Labour, Social Affairs and Family not only assists eligible categories of migrants in mediating employment – the Central Office of Labour, Social Affairs and Family helps to combat the illegal employment of foreigners. This ministry is responsible for establishing legal norms regarding social care for foreigners, asylum seekers, repatriated persons, Slovaks living abroad, etc. and the Centre for Coordination of the Integration of Foreigners plays an important role in the integration of foreigners.

Concerning the statistical data on migration in the Slovak Republic, information is collected for different types of migration and categories of migrants. The relevant state institutions responsible for data collection are as follows. Statistics in the field of legal migration<sup>24</sup> – the Statistical Office of the Slovak Republic; statistics on international protection – the Migration Office of the Ministry of the Interior of the Slovak Republic; statistics on the prevention of unlawful entry and residence (illegal migration), statistics on residence permits and the residence of third country nationals, statistics on returns – the Bureau of the Border and Aliens Police of the Presidium of Police Force; statistics on foreign workers – the Central Office of Labour, Social Affairs and Family. All statistics are collected in accordance with EU legislation.<sup>25</sup>

### 4.2.3. Social Integration

Concerning the integration of immigrants, the Slovak Republic follows, at least formally, all European Union standards. The first strategic document in the area of integration was the Concept of Foreigner Integration in the Slovak Republic, passed in 2009. This document focused on the integration of third country citizens who had been residing legally in the Slovak Republic for at least one year. Because the goal of successful integration was not fulfilled, the

<sup>24</sup> The term legal migration covers the entry of persons into the territory of the Slovak Republic, as well as their residence in and departure from the Slovak Republic in accordance with international agreements and legal regulations.

<sup>25</sup> “Systém demografickej štatistiky a štatistiky zahraničnej migrácie v SR”, *Štatistický úrad SR*, 2016, <http://archiv.statistics.sk/html/showdoc.dodocid=6605.html> [accessed: 15.12.2016].

new Integration Policy of the Slovak Republic was drawn up in 2014. This document contains principles and new goals, as well as the identification of focus groups, measures and levels of integration to follow. The integration of non-citizens in the Slovak Republic takes place according to the basic principles outlined in this document.

Slovakia does not have much experience with the integration of migrants. However, there is a significant Roma population and a Hungarian minority living in the country, and therefore the integration of third country migrants can reflect experiences with the aforementioned groups. The document Integration policy 2014 places emphasis on activities of local governments in the integration process and outlines five main areas for migrant integration: housing, cultural and social integration, education, health care and employment. All of them are interconnected and it is necessary to treat them as one complex entity. Despite the fact that strategic documents do exist, their practical application is still missing.

Authorities and academics agree on one point – local authorities, i.e., municipalities, need to play a crucial role in the integration of immigrants. To promote the integration of foreigners, as well as to raise awareness of foreigners in the local community, seven Slovak towns (Michalovce, Svidník, Snina, Banská Bystrica, Prievidza, Dolný Kubín and Senec) have participated in the project Budovanie kapacít na úrovni miestnej územnej samosprávy v oblasti integračnej politiky [Capacity building at the level of local government in the area of integration policy, BUK].<sup>26</sup> This can be perceived as the first step towards a well-functioning integration policy.

Based on the experiences of countries with a longer history of immigration, the lack of integration policies in the state might cause problems connected with the possible creation of large groups of segregated migrants, who do not speak the language of the receiving country, do not have any particular education and have difficulties finding jobs and therefore become a burden on the economic and social system, therefore presenting the potential for radicalization. Successful integration might, on the contrary, solve some of Slovakia's demographic and economic problems and serve the state as well as migrants. The Migration Office provides assistance with accommodation, language preparation, employment or education, and health and social security for recognized asylum seekers and persons granted subsidiary protection. In the process of integrating migrants into society, the Migration Office closely cooperates

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<sup>26</sup> "Legálni migranti sa na Slovensku uchytili. Pracujú, študujú a podnikajú", *aktuality.sk*, 26 June 2015, <https://www.aktuality.sk/clanok/278348/legalni-migranti-sa-na-slovensku-uchytili-pracuju-studuju-a-podnikaju/> [accessed: 15.01.2017].

with local NGOs. Slovak civil society is very active in the area of integrating immigrants. Only basic services for asylum seekers and persons whose asylum has been granted are covered from the state budget.<sup>27</sup> Non-governmental organizations provide for additional services – social and psychological assistance, legal advice, education (particularly through the teaching of the Slovak language), leisure activities, help with additional materials and health care, as well as translation services.

In order to remove the language barrier, there are courses in the Slovak language organized for foreigners. In the field of education, the law guarantees that the children of non-nationals asylum seekers in Slovakia will receive education under the same conditions as are enjoyed by Slovak citizens, according to the principle of non-discrimination. The training of teachers should qualitatively and financially be assured by the Ministry of Education, Science, Research and Sport. Yet, this is not always the case. The language courses are frequently of poor quality, which causes further problems. As well as having a poor knowledge of the Slovak language, the children of migrants are often assigned to lower classes and their parents cannot find an appropriate job without knowledge of the Slovak language. Thus, although the legislature is respected, its practical application does not have the desired outcomes.<sup>28</sup>

The employment of immigrants is one of the most effective tools of integration. According to current Slovak legislation, migrants from third countries need a work permit to be employed in Slovakia. Yet, the employer cannot give a job to a foreigner unless he is unable to find an appropriate native Slovak candidate. Persons who have been granted asylum in Slovakia do not need a permit and are eligible to work under the same conditions as Slovak nationals. Asylum seekers can only work after nine months have elapsed since they applied for asylum in Slovakia.

In connection to this topic, we would like to point to another important issue – the issue of the ageing population and a low fertility rate, which is a problem for the entire EU, including the Slovak Republic. In 2014, the total fertility rate in Slovakia was 1.37 and the average life expectancy at birth was 77 years.<sup>29</sup> This fact creates an enormous burden on the country's retirement system, with a rising population of pensioners and declining numbers of people

<sup>27</sup> Accommodation, food, pocket money, basic toiletries, health care and the amount of 1.5 times the subsistence minimum for a person granted asylum.

<sup>28</sup> M. Hlinčíková, G. Mesežnikov, *Otvorená krajina alebo nedobytná pevnosť? Slovensko, migranti a utečenci*, Praha 2016.

<sup>29</sup> "Mortality and Life Expectancy Statistics", *Eurostat*, [http://ec.europa.eu/eurostat/statistics-explained/index.php/Mortality\\_and\\_life\\_expectancy\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Mortality_and_life_expectancy_statistics) [accessed: 25.01.2017]; "Total Fertility Rate", *Eurostat*, <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tsdde220&plugin=1> [accessed: 25.01.2017].



of reproductive age. Although migration is not the solution to this problem in the long term, it might at least be a solution for the upcoming years. The Slovak economist Vladimír Baláž, from The Institute for Forecasting of the Slovak Academy of Sciences, even claims that Slovakia is “committing economic suicide” by preventing migrants from settling on our territory. According to his predictions, Slovakia would need between 10,000 to 15,000 new migrants to come to the country every year to preserve the current proportion of economically active citizens to retirees.<sup>30</sup> Some companies are already hiring employees from Vietnam and other Asian countries to make up for the lack of workforce in Slovakia. Thus, integration into the economic market is becoming more and more necessary. It seems that, at least regarding Slovakia’s economic system, the issue with migrants and asylum seekers is not about choosing migrants who can enter the Slovak territory according to their ethnicity or religion (e.g., the Slovak government prefers Christians over Muslims), but according to their education, work experience and ability to integrate into the economic market according to the current demands of employers.<sup>31</sup>

#### 4.2.4. Other Policies

As outlined in the following chapters, the attitude of Slovak political leaders, as well as that of the general public towards accepting third country migrants in Slovakia is highly negative. Yet, this does not mean that the government has not made any attempts to solve the crisis and help both migrants and the most burdened transit and receiving countries. A set of measures has been accepted to help deal with the migration crisis in general, which particularly reflects the priorities set up for Slovakia’s presidency of the EU Council in the second half of 2016.

Despite the quite negative image of Slovakia as a country of destination (not only) during the current crisis, the activities of the Slovak Republic aiming to help deal with this difficult situation should be mentioned: the Slovak Republic sent police units to assist at those state borders (those of EU member states as well as those of third countries)<sup>32</sup> most seriously affected by migration

<sup>30</sup> V. Baláž, “Pácha Slovensko demografickú samovraždu”, 20 January 2017, *komentare.sme.sk*, <http://komentare.sme.sk/c/8082740/pacha-slovensko-demograficku-samovrazdu.html> [20.01.2017].

<sup>31</sup> M. Hlinčíková, G. Mesežnikov, *op. cit.*

<sup>32</sup> In October 2015 to Hungary (50 persons), in November 2015 to Slovenia (20 persons), in February 2016 to Macedonia (25 persons), in October 2016 to Bulgaria (25 persons) and Serbia (15 persons); from October as apart of the European Coast Guard and Border Agency (“Do Slovinska zápasiaceho s vlnou migrantov odišli pomáhať slovenskí policajti”, 6 November 2015, *Ministerstvo vnútra Slovenskej republiky*, <http://www.minv.sk/?tlacove-spravy-2&sprava=do-slovinska-zapasiaceho-s-vlnou-migrantov-odisli-pomahat-slovenski-policajti> [accessed: 16.09.2016]; “Štatistické údaje o štátnych hraniciach”,



flows; the Slovak government signed an agreement with the government of Austria and re-opened the refugee facility in Gabčíkovo to accommodate asylum seekers from Austria during their asylum procedures. In cooperation with the civil society organization Pokoj a dobro [Peace and Good], the Slovak Republic also invited a group of 149 Christians from Iraq to stay permanently in Slovakia.<sup>33</sup> One of the reactions of Slovak society to the migration and refugee crisis was a petition called Výzva k ľudskosti (Plea for Humanity), which invited the Slovak government to support activities working towards the elimination of the crisis and to help refugees. Consequently, the Slovak government agreed to provide 500,000 EUR from the national TIPOS lottery for humanitarian projects implemented by civil society organizations. At the migration summit in September 2016, the Slovak Republic promised to provide 550 government scholarships for refugees until 2021.<sup>34</sup>

#### 4.2.5. The Slovak Presidency of the EU Council

Slovakia's position in the migration crisis was important because of the Slovak Republic's six-month presidency of the EU Council, beginning on 1 July 2016. The presidency was the first that Slovakia had occupied since joining the EU in 2004. Among other responsibilities, the country presiding over the Council is expected to coordinate and unify the activities of the Union as a whole. Yet, Slovakia was opposed to the generally accepted solutions agreed upon in the EU, which raised concerns among other member states as to how Slovakia would be able to fulfil this role. On the other hand, Slovakia itself was full of expectations stemming from its new position and the responsibilities connected with this position.

One of the first conceptual documents dealing with the priorities of the Slovak presidential programme, outlined in 2012, was called Preparing for the Slovak Presidency of the EU Council 2016 – Basic Data and Current Priorities. The report proposed that the priorities of the presidency should reflect Slovak strategic interests, including cooperation with EU border states, both in Eastern Europe and in the Balkans, the enlargement of the EU and the

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*Ministerstvo vnútra Slovenskej republiky*, <http://www.minv.sk/?statisticke-udaje-o-statnych-hraniciach> [accessed: 16.09.2016]).

<sup>33</sup> After one year, around two-thirds of all refugees from Iraq have stayed in Slovakia, while the others returned back home to safe areas. Mikušovič, D., "Časť z asýrskych kresťanov, ktorí prišli na Slovensko z Iraku, sa vrátila domov", 17 May 2016, *Denník N*, <https://dennikn.sk/462831/cast-asyrskych-krestanov-ktori-prisli-slovensko-iraku-sa-vratila-domov/> [accessed: 20.01.2017].

<sup>34</sup> "Lajčák: Pre utečencov poskytneme 550 vládnych štipendií", 21 September 2016, *SITA*, <http://spravy.pravda.sk/domace/clanok/405682-lajcak-pre-utečencov-poskytneme-550-vladnych-stipendií/> [accessed: 8.12.2016].

management of EU water resources – all topics which might have emphasized the particularities of Slovakia as the presiding country.<sup>35</sup> Issues such as migration or border protection were absent, although Slovakia is located on the EU's external borders. Paradoxically, these are the two main topics that Slovakia needed to deal with in 2016, only four years after the initial priorities had been formulated.

The country's representatives outlined four priorities for the Slovak presidency: an economically strong Europe, a modern single market, sustainable migration and asylum policies and a globally engaged Europe. Regarding the migration-related priority, the main aim of the presidency was "...to encourage the Union to develop more sustainable migration and asylum policies", as the current crisis "...is putting enormous pressure on the EU's external borders and on the asylum systems of the Member States."<sup>36</sup> The Slovak Republic was working on several policies on European migration and asylum issues:<sup>37</sup>

- 1) The finalization of the legislative process for the proposals on the Smart Borders Package of April 2015. The Entry-Exit System (EES), applied to non-EU nationals, travellers requiring visas and visa-exempt travellers in the Schengen Area, will replace the obsolete system of paper passports and stamps with a more modern system of controlling third country citizens. It will do so by including biometric data, by providing information to border guards on refusals of entry of non-EU nationals and by enabling refusals of entry and information on people overstaying their authorized stay to be checked electronically on the EES. Over the course of the Slovak presidency, the main principles of the package were agreed upon, as it was necessary to discuss the conditions that must be fulfilled if EU member states wanted access to information included in the EES.
- 2) The associated Regulation changing the Schengen Border Code was approved in December by the COREPER in reaction to the threat of foreign combatants coming to the EU. Its main aim was to introduce the obligation for member states to systematically check every person (including EU citizens) crossing the EU's external borders on these particular databases.

<sup>35</sup> "Príprava predsedníctva Slovenskej republiky v Rade Európskej únie v roku 2016 – základné východiská a aktuálne priority", *Rokovanie vlády Slovenskej republiky*, [http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-146104?prefixFile=m\\_](http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-146104?prefixFile=m_) [accessed: 5.12.2016].

<sup>36</sup> "Priorities of the Slovak Presidency", *SK EU 2016*, <http://www.eu2016.sk/en/programme-and-priorities/priorities-of-the-slovak-presidency> [accessed: 5.12.2016].

<sup>37</sup> A. Furik et al., "Predsedníctvo sa končí. V migrácii nepresvedčilo, výsledky má inde", 13 December 2016, *EurActiv*, <https://euractiv.sk/fokus/slovenske-predsednictvo/slovenske-predsednictvo-sa-konci-v-migracii-nepresvedcilo-vysledky-ma-inde/> [accessed: 20.12.2016].

- 3) The creation of the European Coast Guard and Border Agency, providing the effective management of external migration flows to the EU. A draft of the regulation had been already been prepared during the Dutch presidency of the EU, with Slovakia taking on the finalization of the whole project and the introduction of its day-to-day running.
- 4) The presentation of the effective solidarity concept, which aimed to point out that mandatory quotas are not the only possible manifestation of solidarity with migrants, home countries and the most burdened receiving countries. On the contrary, a complex solution demands a much more complex approach to solidarity, including not only relocations, but also financial contributions, the sending of experts to the EU borders and Middle Eastern states, or the sharing of reception capacities – all of which were applied by the Slovak government (see regional policies). However, the concept was heavily criticized, especially by Mediterranean countries, including Italy, Malta and Greece.

#### 4.2.6. Slovakia's Position on the Quota System

The Slovak Republic was strictly against the introduction of the quota system for relocating migrants from Italy and Greece, which was passed by the Council of the European Union on 22 September 2015 – Council Decision (EU) 2015/1601. According to the proposed scheme, 120,000 migrants were to be relocated across the EU's member states, making provisions for the size of the economy and population of each member state.<sup>38</sup> Slovakia would be required to take 802 refugees – 190 from Italy and 612 from Greece. Out of the 28 member states of the Union, the Czech Republic, Hungary and Romania were also against the quota system and Finland abstained in the ballot. Slovakia – under the then one-party SMER government - reacted by filing an action for annulment to the Court of Justice (case C-643/15), challenging the legality of the Asylum Seekers Relocation Decision of 22 September 2015.<sup>39</sup> As the full text of the Slovak action is not accessible, it is only possible to analyse the six arguments published on the webpage of the Slovak Ministry of Justice. These can be simplified by dividing the Slovak argumentation into two groups:<sup>40</sup>

<sup>38</sup> According to the Council's decision, the migrants to be relocated are asylum seekers from Greece and Italy, not refugees. This means that they requested asylum in one of the three states, but that the asylum procedure has not yet concluded. This should be done in the states of relocation (Council Decision EU 2015/1601).

<sup>39</sup> On 3 December 2015, Hungary also filed an action for annulment (case C-647/15).

<sup>40</sup> Z. Vikarská, "The Slovak Challenge to the Asylum-Seekers' Relocation Decision: A Balancing Act", *EU Law Analysis*, <http://eulawanalysis.blogspot.sk/2015/12/the-slovak-challenge-to-asylum-seekers.html> [accessed: 5.12.2016].

- 1) Legal arguments** – referring particularly to procedural arguments concerning the way the contested decision was adopted. There are several claims to be taken into consideration regarding the adoption procedure of the contested legislation. To mention just a few: the decision of the Council of the European Union (made up of national ministers) was adopted in contradiction to guidelines set by the European Council (made up of heads of state and government) – although the conclusions of the European Council are only political in nature and are not legally binding (Article 15(1) TEU). According to Article 15 TEU, the role of the European Council is to “define the general political directions and priorities” of the Union and, according to Article 68 TFEU, also to “define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice”. The European Council stated several times that the relocation of migrants 1) should be made on a voluntary basis and 2) should be a decision adopted by consensus.<sup>41</sup> Another point regarding the decision adoption process includes repeated consultations with the European Parliament. The original draft concerned Hungary as well as Italy and Greece; the former refused to be included in the group of external border states in the final version of the contested decision. This is an essential change that should have been subject to another consultation by the European Parliament. Thus, the breach of some essential principles of representative democracy and institutional balance in the EU, established in Article 78(3) TFEU and Article 293 TFEU, as well as Article 10(1 and 2) TEU and Article 13(2) TEU, can be objected to.
- 2) Political arguments** – referring to the breach of the principle of proportionality when the contested decision was adopted. As stated in the official statement of the Slovak Ministry of Justice, “The contested decision is manifestly incompatible with the principle of proportionality, as it is manifestly neither suitable nor necessary to achieve the desired end.”<sup>42</sup> In other words, the contested measure is “...not

<sup>41</sup> On 23 April 2015, the European Council stated that there was a need to “consider options for organizing emergency relocation between all member states on a voluntary basis” and to “set up a first voluntary pilot project on resettlement across the EU, offering places to persons qualifying for protection.” Furthermore, at its meeting of 25 and 26 June, the European Council agreed on “the temporary and exceptional relocation over two years from the frontline member states Italy and Greece to other member states of 40000 persons in clear need of international protection, in which all member states (except the UK) will participate,” as well as “the rapid adoption by the Council of a decision to this effect; to that end, all member states will agree by consensus by the end of July on the distribution of such persons, reflecting the specific situations of member states.” (Z. Vikarská, *op. cit.*).

<sup>42</sup> “Summary of the Action”, *Ministerstvo spravodlivosti Slovenskej republiky*, <http://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2038> [accessed: 10.12.2016].

suitable to reach the desired aim (i.e., to relieve the burden borne by the external border states and to show solidarity and the fair sharing of responsibility between the member states as outlined in the decision's preamble), since relocating people is too difficult and their further movement is too unpredictable."<sup>43</sup>

### 4.3. Public Attitudes

According to the Migrant Integration Policy Index (MIPEX), Slovakia has only been characterized as a "very small country of net immigration (mostly non-EU) since the 2000s, driven by pre-crisis economic conditions and future demographic trends." Slovakia scored 37 points, which means "slightly unfavourable" towards immigrants, and is placed 34<sup>th</sup> out of 38 countries. Indeed, in 2013, Slovakia's foreign population was only at 2.9%.<sup>44</sup> With this number, Slovakia was the EU member state with the lowest number of immigrants per 1,000 inhabitants.<sup>45</sup>

At the same time, Slovakia is a country with more anti-immigrant sentiment than the EU average.<sup>46</sup> The attitude of Slovaks towards third country immigration to the state territory is generally negative and migration is considered to be a serious threat to Slovak national security. Relevant conclusions can be derived from the Eurobarometer survey organized twice a year (in May and November) in every EU member state. The main aim of this survey is to get statistical data on the stance of EU citizens towards EU institutions, the direction of the EU as a whole and the prioritization of the current issues the EU has to face. For the purpose of the research on the attitudes of the Slovak people towards immigration, we compared the data from the Eurobarometer 83 (May 2015) and the Eurobarometer 85 (May 2016) by analysing the answers to the following questions: 1) What do you think are the two most important issues facing our country at the moment? and 2) What do you think are the two most important issues facing the EU at the moment? In May 2015, migration was the most common answer to the first question for 4% of Slovak citizens and to

<sup>43</sup> Z. Vikarská, *op. cit.*

<sup>44</sup> 16% of the foreign-born population were originally non-EU nationals, and 62% of the foreign-born population were from low or medium-developed countries, according to the Human Development Index (HDI).

<sup>45</sup> "Foreign-born population by country of birth 1 January 2014" ...

<sup>46</sup> "Migrant Integration Policy Index 2015, 'Slovakia'", *mipex.eu*, <http://www.mipex.eu/slovakia> [accessed: 20.10.2016].

the second question for 35% of Slovak citizens. One year later, in May 2016, the figures in Slovakia had increased to 17% for the first question and to 59% for the second question.<sup>47</sup>

Since 2014, there have been numerous other surveys and polls organized by Slovak NGOs and news agencies investigating public opinion towards migrants and the migration crisis. Although they might not be as representative and reliable as the Eurobarometer, the results of existing research in this area confirmed the negative image of Slovakia as a country with rather restrictive, non-inclusive policies, hostile and xenophobic public attitudes towards immigrants, a generally too conservative society and an intolerance of “otherness”.<sup>48</sup> In the 2muse agency poll from September 2015, 40% of respondents admitted that migration is a topic that will influence their votes in the 2016 parliamentary election.<sup>49</sup> Another poll from the Polis agency from June 2015 showed that 70.1% of people are against the admission of third country migrants based on mandatory quotas and 63.4% of them considered migration as a security threat to the country.<sup>50</sup> In September 2015, the Euroatlantic Centre (EAC) prepared a survey showing that refugees are regarded as the biggest security problem for Slovakia (34.3%), followed by unemployment (17.5%) and corruption (16.0%).<sup>51</sup> Regarding policies for solving the migration crisis on the local and European level, most people (89%) agreed with the government’s solution to the crisis according to the FOCUS 2015 poll, and did not find the EU’s attitude satisfactory (82.6%), as was noted by the EAC in September 2015.<sup>52</sup> Even more interestingly, the Polis survey shows that in August 2015, 63.5% of respondents saw the construction of the wall on the Hungarian-Serbian border in

<sup>47</sup> “Eurobarometer”, 15 December 2016, *European Commission*, <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2130> [accessed: 15.12.2016].

<sup>48</sup> M. Vašečka, *Postoje verejnosti k cudzincom a zahraničnej migrácii v Slovenskej Republike*, Bratislava, IOM Medzinárodná organizácia pre migráciu, 2009; J. Filadelfiová, M. Hlinčíková, “Diskusia o kultúrnej diverzite a migrácii: trendy a výzvy pre verejnú politiku”, [in:] J. Filadelfiová *et al.*, *Sondy do kultúrnej diverzity na Slovensku*, Bratislava, Inštitút pre verejné otázky, 2010.

<sup>49</sup> “Slováci nechcú, aby v SR utečenci našli druhý domov”, 16 September 2015, *noviny.sk*, <https://www.noviny.sk/slovensko/151793-slovaci-nechcu-aby-utecenci-nasli-na-svk-druhy-domov> [accessed: 25.01.2017].

<sup>50</sup> “Prieskum: Slováci odmietajú prijať utečencov, vidia v nich hrozbu”, 17 June 2015, *pravda.sk*, <http://spravy.pravda.sk/domace/clanok/358731-slovensko-by-nemalo-prijat-utecencov-mysli-si-70-percent-respondentov/> [accessed: 25.01.2017].

<sup>51</sup> “Najväčším spoločenským problémom sú momentálne utečenci”, 23 September 2015, *netky.sk*, <http://www.netky.sk/clanok/najvacsim-spolocenskym-problemom-su-momentalne-utecenci> [accessed: 25.01.2017].

<sup>52</sup> L. Krbatová, “Bezpečnosť hlása už aj opozícia”, 4 January 2016, *sme.sk*, <https://domov.sme.sk/c/20070306/bezpecnost-hlasa-uz-aj-opozicia.html> [accessed: 25.01.2017]; “Prieskum: Slováci sú nespokojní s postojom Bruselu k utečencom”, 16 September 2015, *pravda.sk*, <http://spravy.pravda.sk/domace/clanok/367772-prieskum-slovaci-su-nespokojni-s-postojom-bruselu-k-utecencom/> [accessed: 25.01.2017].



a positive light.<sup>53</sup> The Institute for Sociology at the Slovak Academy of Sciences noticed a certain paradox in perceptions of the migration crisis in Slovakia. Although 70% of respondents feared migrants, only 7.1% believed Slovakia to be the final destination where they want to settle. This combination of quite realistic assumptions relating to the settlement intentions of third country migrants and a high level of fear of newcomers is complemented by a relatively low level of their readiness to help. When answering the question “How should Europeans treat migrants already present on European territory?”, 49% of respondents answered “help only where necessary”, 19.4% answered “not help at all” and only 1.5% “help more intensively”.<sup>54</sup>

Another important manifestation of the public's attitude was the referendum held in August 2015 in Gabčíkovo (Western Slovakia), following a petition reacting to the Slovak-Austrian agreement on the temporary resettlement of 500 asylum seekers from Austria to the Slovak Republic. The local people were asked: “Are you against the establishment of the temporary refugee camp on the premises of the Slovak technical university in Gabčíkovo?” 58.47% of qualified voters participated in the referendum and 96.67% of them were against the establishment of the premises.<sup>55</sup> However, the referendum was not legally binding and the facility was created despite the general disagreement.

Resulting from the generally negative attitude towards third country migrants, the issue of political extremism in Slovakia became more visible in the country after 2014, although extremism is hardly connected solely with the concept of migration. There are several other factors, including problems with the Roma population, the state's economic situation or corruption scandals and the public's general mistrust of the established political leaders, which also explain the rise in the popularity of extremist political parties in the 2016 election. However, the topic of migration has been a strong tool in the hands of extremists and radical political leaders, as has been seen in their speeches and the presentation of their ideas. Migration discourse is closely connected to national identities and the issue of self-determination. Yet, in Slovakia, migration is a relatively new phenomenon. Migrants coming to the state before 1989 were mostly people who had been officially admitted by the national government,

<sup>53</sup> “Prieskum: Ľuďom sa pozdáva maďarský plot proti utečencom”, 29 August 2015, *netky.sk*, <http://www.netky.sk/clanok/prieskum-ludom-sa-pozdava-madarsky-plot-proti-utecencom> [accessed: 25.01.2017].

<sup>54</sup> M. Bahna, R. Klobucký, “Slovenská verejnosť a utečenci v decembri 2015”, 2015, [http://www.sociologia.sav.sk/cms/uploaded/2297\\_attach\\_tlacova\\_sprava\\_SU\\_SAV21122015.pdf](http://www.sociologia.sav.sk/cms/uploaded/2297_attach_tlacova_sprava_SU_SAV21122015.pdf) [accessed: 5.01.2017].

<sup>55</sup> Proponents of the refugee facility claimed, among other things, that there had been refugees living in the town in the past during the Balkan conflict in the 1990s, and that their coexistence with locals was peaceful and unproblematic (M. Hlinčíková, G. Mesežnikov, *op. cit.*).

usually foreign students from politically friendly Communist third countries and workers from Vietnam. Migrant numbers were generally low and controlled by the official authorities, thus they were considered invisible and unproblematic. After the fall of the socialist regime in Eastern and Central Europe, nationalist sentiments were revived on the political scene. The established “systemic vacuum” following the collapse of Communist regimes was filled by the capitalist market economy. As a consequence, national chauvinism acted as a ‘shock-absorber’ against the sudden exposure to the imbalance created by the new capitalistic regime.<sup>56</sup> The other theory explains the revival of nationalist sentiments in Slovakia and the Eastern Europe as a reaction to the processes of globalization. Globalization is sometimes referred to as a process of the removal of national borders, the diffusion of cultures and the dissolution of national states. However, Slovakia gained its state sovereignty less than 25 years ago and the Slovak nationality is, for many citizens, one of the country’s most important values. “In this situation, most political subjects identify the citizens as nationally sentient and take this into account in their political programmes and activities.”<sup>57</sup> Therefore, it is difficult to setup strict boundaries between constitutionally formed nationalism and its escalated form – right-wing extremism.<sup>58</sup>

Bolečeková and Androvičová<sup>59</sup> identify the following areas for the possible origins of the generally negative attitude of Slovak people towards migration: psychological, historical and socio-political. It needs to be stressed that all causes of the situation are interconnected and that the current situation in Slovakia is very likely “predestined” by a combination of all of the three factors mentioned above. Vašečka<sup>60</sup> claims that the process of national self-determination in Central and Eastern European (CEE) countries has been more ethnic and culturally driven than civic and territorial: “The salience of the ethnic component in constructing nationhood among CEE countries is, seemingly, the critical factor in why these states are not ready to fully accept the cultural other as equal members – the other may be national minorities or new immigrant groups.”<sup>61</sup> The author expresses the view that post-modern CEE nations should

<sup>56</sup> J. Androvičová, “Immigration in Current Political Discourse – The Case of Slovakia within the European Union”, *Annual of Language and Politics and Politics of Identity*, 2013, Vol. 7, No. 1, <http://alppi.vedeckecasopisy.cz/publicFiles/00531.pdf> [accessed: 20.11.2016].

<sup>57</sup> A. Mikulčíková, “Pravicový extrémizmus – vec verejná”, [in:] *IMEA*, Liberec, 2008, pp. 674–686.

<sup>58</sup> *Ibidem*.

<sup>59</sup> M. Bolečeková, J. Androvičová, “The Slovak Attitudes towards Immigrants in the Context of the Current Refugee and Migration Crisis”, *Chorzowskie Studia Polityczne*, 2015, No. 10, pp. 241–258.

<sup>60</sup> M. Vašečka, “Nationalized Citizenship in Central European Countries”, [in:] *Nation über alles: Processes of Redefinition and Reconstruction of the Term Nation in Central Europe*, ed. M. Vašečka, Centre for the Research of Ethnicity and Culture, pp. 199–215.

<sup>61</sup> *Ibidem*, p. 7.



re-define their ethicized identities to identities shaped by constitutional patriotism, democratic values, human rights and the rule of law. Another issue is the lack of relevant information for people to draw on. The media prefer to publish sensations – mostly, stories about terror attacks organized by Muslim fighters who came within the migration waves or the misery of temporary facilities for migrants. Politicians, on the other hand, often use migration in their campaign by fashioning all migrants as solely economic migrants who will depend on the state's social system, taking jobs from locals and burdening the economy.

## 4.4. Political Implications

Although Slovakia is not a first choice destination for migrants from third countries, discussions about EU quotas raised questions over the stay of third country migrants in Slovakia. An intensification of the political debate on migrants and refugees has been identified, especially in the months preceding the Slovak parliamentary election that took place in March 2016; this raises questions over the potential misuse of the topic and its securitization based on the generally negative attitudes of the Slovak people towards accepting third country migrants on the Slovak territory.

The main aim of this chapter is to analyse the position of the current parliamentary political parties on the issue of third country migrants coming to Slovakia. The analysis is based on the parties' pre-election programmes as its main source of information, following their similarities and complexity in comparison with the floating and unstable opinions presented by particular politicians in their public speeches and media appearances.

Slovakia has a proportional voting system, with an election being held every four years. Therefore, there are traditionally many parties running for election. The most exploited topics presented by politicians before every parliamentary election in Slovakia include social care and employment, the anti-corruption agenda, the education system and public health. However, the last parliamentary election in 2016 brought another topic to the fore over all of the others – the migration of third country nationals to the European Union. This regional problem with a global impact significantly affects the position of the Slovak Republic on the regional (V4) and European (EU) levels, while also having significant implications for new perceptions of the promotion of the national interests of the Slovak Republic in the eyes of its European allies.<sup>62</sup> As noted

<sup>62</sup> P. Terem, M. Lenč, "Význam spojeneckých väzieb a súčasné smerovanie európskej zahraničnej politiky Slovenskej republiky", [in:] *Medzinárodné vzťahy 2015. Aktuálne otázky svetovej ekonomiky a politiky. Zborník príspevkov zo 16. medzinárodnej vedeckej konferencie*, Bratislava 2015, pp. 674–686.

by Androvičová,<sup>63</sup> in Western democracies considered as traditional immigration countries, migration has always been a topic with significant potential for electoral mobilization. Moreover, anti-immigration rhetoric is becoming a tool for attracting supporters of extreme-right oriented political parties. In Slovakia, political discourse on migration from third countries change in its context and form from May 2015, reflecting the upcoming parliamentary election on the one hand and increasingly negative public opinion on the issue on the other. Thus, political discourse changed to an electoral discourse, while migration, which was previously presented as an EU problem, has become the most burning threat to national security in the electoral campaigns of most political parties.<sup>64</sup>

Generally speaking, all of the political parties in Slovakia agreed in their broadly negative attitude towards the receiving of third country migrants in Slovakia on a compulsory basis. Such unity over political issues is a rare occurrence in Slovakia. Yet, the proposed measures on how to settle the crisis and deal with asylum seekers differed according to the parties' left-right orientation on the political spectrum and to their political agenda.<sup>65</sup> In the following text, the pre-election attitudes of the current Slovak parliamentary political parties will be presented, according to their official stands towards migration as published in their official party documents.<sup>66</sup>

SMER – sociálna demokracia [Direction – Social Democracy] – is currently the only markedly leftist political party in the Parliament and as such, it is expected to advocate for minority rights and to put immigration high on its agenda. SMER-SD is the biggest parliamentary party in Slovakia and the winner of the 2016 election. Yet, it has a generally negative attitude towards third country migration in the long run. Already in 2012, the party depicted migration as an unfavourable demographic development among other problems such as global economic changes or climate change.<sup>67</sup> In its electoral campaign

<sup>63</sup> J. Androvičová, "Sekuritizácia migrantov na Slovensku – analýza diskurzu", *Sociológia*, 2015, Vol. 47, No. 4, <https://www.sav.sk/journals/uploads/08190914Androvicova%20-%20OK.pdf> [accessed: 20.11.2016].

<sup>64</sup> V. Žúborová, "The Context and Content on Migration: Political Discourse in Slovak Republic", [in:] *3<sup>rd</sup> International Multidisciplinary Scientific Conference on Social Sciences & Arts SGEM 2016, Conference Proceedings, Book 2, Political Sciences, Law, Finance, Economics & Tourism*, Vol. I, Sofia 2016, pp. 607–612.

<sup>65</sup> In this text, we derive the differences between the left and right side of the political spectrum mostly from the factor of class. Whereas the Left promotes social justice and redistributive economic policies, the Right defends private property and capitalism. Other differences include attitudes to personal liberty, human rights, social freedoms, etc. The general classification of the political parties on the left-right spectrum is usually as follows: communist, socialist, green, liberal, Christian democratic, conservative, right-wing extremist.

<sup>66</sup> The parties' positions are presented according to their 2016 parliamentary election results in top-down order.

<sup>67</sup> "Programové zameranie strany SMER-SD pre volebné obdobie 2012–2016", *Strana SMER-SD*, [http://strana-smer.sk/sites/default/files/uploads/dokumenty/programove\\_zameranie\\_2012-2016.doc](http://strana-smer.sk/sites/default/files/uploads/dokumenty/programove_zameranie_2012-2016.doc) [accessed: 20.11.2016].

in 2016, the party proposed a set of long-term solutions to the crisis, including the more consistent protection of the external borders of the Schengen Area, the stabilization of the situation in countries of origin and the establishment of the so-called secure place, in which migrants would be grouped and registered in order to sort economic migrants from refugees eligible for asylum in one of the Union's member states.<sup>68</sup> The original slogan of the campaign, *Robíme pre Slovensko* [We work for the people] was later complemented by *Chránime Slovensko* [We protect Slovakia], thus indirectly implicating the migration crisis. The party strongly opposed the quota system. One has to wonder the extent to which the strict stance of the then Slovak one-party SMER government on migration and the legal action of the Court was influenced by the upcoming election and attempts to increase the party's popularity, and whether the reaction would have been the same had the contested decision been adopted a few months earlier or later, after the election in Slovakia.

SaS – *Sloboda a solidarita* [Freedom and Solidarity] is the biggest opposition party in the 2016 Slovak parliament, is considered as a liberal party on the right side of the political spectrum and is a member of the Eurosceptic ACRE – the Alliance of Conservatives and Reformists in Europe. In the 2016 electoral program, SaS included the migration issue in the part of its programme dealing with Interior and Defence, where it is stated that it is right to support victims of war and their families, but that solidarity cannot be enforced. Moreover, the programme emphasized the stricter protection of Slovak borders and stated that every country has the right to decide on who can live on its territory, and under what circumstances. The party came up with a five-point plan to tackle the EU migration crisis. It is interesting to draw attention to the five-point plan's introductory remarks, stressing that the plan was prepared to make provisions for the wishes of the citizens of the Slovak Republic. The proposed solutions include:<sup>69</sup>

- 1) Protection of the external border of the EU and the Schengen Area. This is seen as the crucial point, as freedom of movement within the EU is based on the fact that its external borders are protected precisely.
- 2) Establishment of two central migration camps for asylum seekers outside of the EU – one in North Africa and another in the Balkan region or Turkey. The camps should be financed by the EU and the main aim of their existence would be the proper separation of those eligible for

<sup>68</sup> D. Kubíčková, "The Positions of Political Parties in Slovakia in the Context of Migration", [in:] *3<sup>rd</sup> International Multidisciplinary Scientific Conference...*, pp. 665–671.

<sup>69</sup> "Pozícia SaS pri riešení migračnej krízy", *Strana SaS*, <http://www.strana-sas.sk/pozicia-sas-pri-rieseni-migracnej-krizy/3962> [accessed: 5.12.2016].

- asylum in the EU from those who are solely economic migrants. This separation should take place before the migrants enter the EU itself.
- 3) Stabilization of the situation in Syria, Iraq and Libya, so that the primary cause of emigration from these states is eliminated. The EU should cooperate in this endeavour alongside the USA, Russia, Turkey and other rich Gulf states, including Saudi Arabia and the United Arab Emirates.
  - 4) Movement of all illegal migrants from EU territory to central refugee camps, where they can either apply for asylum or leave the camp and return to their home country or another state willing to accept them.
  - 5) Rejection of a mandatory quota system for refugees.

OLaNO-NOVA – Obyčajní ľudia a nezávislé osobnosti – Nová väčšina [Ordinary People and Independent Personalities – New Majority] is sometimes referred to as a niche party<sup>70</sup> composed of independent personalities, and its attitude towards migration has to be considered in this context. The topics of migration and refugees were mentioned in the short blueprint paper Treaty with Slovakia from November 2015, in which the party proposed that, over the course of Slovakia's presidency of the Council of the EU, the country should enforce the exclusion of those states from the Schengen Area that fail to protect the Area's external borders.<sup>71</sup> Furthermore, the party proposed eight points which would help to solve the EU migration crisis:<sup>72</sup>

- 1) To consistently distinguish between refugees and asylum seekers.
- 2) To reject mandatory quotas on asylum seekers which go against to the Union's principle of solidarity and subsidiarity.

<sup>70</sup> The concept of niche parties is an intuitive one. There are many influential scholars (B. Meguid, "Competition between Unequals: The Role of Mainstream Party Strategy in Niche Party Success", *American Political Science Review*, 2005, Vol. 99, No. 3, <http://notecrom.com/content/files/695/file.pdf> [accessed: 5.11.2016]; J. Adams *et al.*, "Are Niche Parties Fundamentally Different from Mainstream Parties? The Causes and the Electoral Consequences of Western European Parties' Policy Shifts 1976–1998", *American Journal of Political Science*, 2006, Vol. 50, No. 3, pp. 513–529) who are trying to define certain features of niche parties that differentiate them from the political mainstream. Basically, these features include a vague political program, focus on a small range of topics, a disregard for economic issues and organizational and motivational differences. The latter means that they are more likely to be activist-dominated and policy-seeking. As noted by Wagner (M. Wagner, "Niche Parties", <http://www.wagnermarkus.net/niche-parties.html> [accessed: 25.11.2016]), niche parties in (Western) European party systems can (but do not have to) include the Greens, radical-right parties as well as communist and regionalist parties that differ from the mainstream parties – social democrats and Christian democrats.

<sup>71</sup> "Hnutie obyčajní ľudia a nezávislé osobnosti, 'Zmluva so Slovenskom'", [http://www.obycajniludia.sk/wp-content/uploads/Obycajne-noviny\\_2015\\_47.pdf](http://www.obycajniludia.sk/wp-content/uploads/Obycajne-noviny_2015_47.pdf) [accessed: 25.01.2017].

<sup>72</sup> "Hnutie obyčajní ľudia a nezávislé osobnosti, 'Návrh Vyhlásenia NR SR v súvislosti s riešením migračnej krízy'", *old.obycajniludia.sk*, <http://old.obycajniludia.sk/navrh-vyhlasenia-nr-sr-v-suvlosti-s-riesenim-migracnej-krizy-olano-nova/> [accessed: 26.11.2016].

- 3) To provide assistance to refugees fleeing from their home countries in fear of persecution and war. This has to be done on a voluntary basis, while still realizing our moral responsibility to help these people.
- 4) To offer assistance to refugees – particularly to families, women and children from the most endangered religious groups in Syria and Iraq, in cooperation with Slovakian NGOs and churches.
- 5) To propose an amendment of the Asylum Act no. 480/2002 Coll., allowing for the withdrawal of asylum in the case of a crime being committed.
- 6) To tighten up the screening of asylum seekers over the course of the asylum procedure in order to minimize potential risks for the security of the Slovak Republic and its citizens.
- 7) At the meeting of the European Council and the Council of Ministers of the EU:
  - a) To initiate the activation of a mechanism for evaluating countries which breach the Schengen rules for the protection of the EU's external borders on a long-term basis;
  - b) To insist on the creation of a concrete and effective mechanism for the return and readmission of economic migrants to their home countries;
  - c) To propose a declaration of the European Council comprising a message that all economic migrants will be returned to their home countries, to prevent another migration wave from coming to Europe.
- 8) To approve humanitarian aid to Turkey, Jordan and Lebanon – states hosting the highest amounts of refugees and asylum seekers.

Next, there is SNS – Slovenská národná strana [Slovak National Party]. Classifying this party within the political spectrum is quite challenging,<sup>73</sup> as it advocates elements of both left- and right-wing policies – depending on the current political leadership. The party's agenda has traditionally been focused on all foreign elements in society, including the Hungarian minority in Slovakia and, in particular, the Roma issue. The party mentions the topic of third country migration in its electoral programme, in the part dealing with state national sovereignty. Its main point is the protection of Slovakia's borders from "...the uncontrollable invasion of illegal migrants..." Besides, the defence of Slovak ethnic, cultural, religious and social integrity, which is potentially being endangered by immigrants, is also outlined. The rejection of multiculturalism

<sup>73</sup> L. Billy, "Immigration Issues in Slovak Politics", *Contemporary European Studies*, 2012, Vol. 7, No. 1, [http://www.ces.upol.cz/wp-content/uploads/2014/12/ces1\\_12\\_billy.pdf](http://www.ces.upol.cz/wp-content/uploads/2014/12/ces1_12_billy.pdf) [accessed: 15.11.2016].

and the protection of traditional Christian values is further highlighted in the party's Popradské memorandum.<sup>74</sup>

Kotleba – Ľudová strana Naše Slovensko [Kotleba – People's Party Our Slovakia] is a radical right-wing party and does not have any particular programme for resolving the migration crisis. According to the party's official programme, all migrants are seen as Muslims and the party treats them as a danger to the physical security of the Slovak population, especially women. It also deems them to be a threat to Slovak cultural identity and a burden on the Slovak economy. The party rejects the obligatory quota, emphasizing that each migrant granted asylum in Slovakia costs the state about 1,500 EUR per month, without any further reference to the source of this calculation.<sup>75</sup>

SME RODINA – Boris Kollár is a party that has presented its attitude towards the EU migration crisis in its electoral programme. This takes a question-answer format and is divided into four categories – economy, education system, public health and security. The first thing of note is that the only topic analysed in the security category is migration, as if Slovakia had no other security issues to face over the next four years. The party views migrants and asylum seekers as Slovakia's biggest security problem. The current migration waves are compared to the Migration Period of the Barbarian nations, which led to the fall of the Roman Empire. According to the party's program, some migrants are certainly highly educated people from whom our society can benefit. However, most of them are also members of ISIS and come to Europe with the aim of completely destroying our society. Thus, Slovakia has to reject mandatory quotas, consistently separate economic migrants from asylum seekers and only accept Christian migrants, as only these people are able to integrate successfully into Slovak society.<sup>76</sup>

Most-Híd is one of the few parties that do not directly refer to migration as a security threat. The party avoids creating a direct connection between immigrants and terrorists, which might cause the spread of fear, racism and xenophobia in society. This attitude results from the portfolio of the party itself – Most-Híd is a party whose policies are mostly oriented around minorities living in Slovakia.<sup>77</sup> Migration is not a dominant topic in their pre-election cam-

<sup>74</sup> "Slovenská národná strana, 'Volebný program pre silný štát', *sns.sk*, [http://www.sns.sk/engine/assets/uploads/2016/01/volebny\\_program\\_2016.pdf](http://www.sns.sk/engine/assets/uploads/2016/01/volebny_program_2016.pdf) [accessed: 25.11.2016].

<sup>75</sup> "Kotleba – Ľudová strana Naše Slovensko, '10 bodov za naše Slovensko'", <http://www.naseslovensko.net/wp-content/uploads/2015/01/Volebn%C3%BD-program-2016.pdf> [accessed: 12.11.2016].

<sup>76</sup> "Volebný program Hnutia SME Rodina – Boris Kollár", *Hnutie SME Rodina – Boris Kollár*, <http://www.hnutiesmerodina.sk/volebny-program.php> [accessed: 26.11.2016].

<sup>77</sup> "Vyhlásenie Predsedníctva Most-Híd k migrantskej kríze", *Most-Híd*, <http://www.most-hid.sk/sk/vyhlasenie-predsednictva-most-hid-k-migrantskej-krize> [accessed: 30.10.2016].



paign. The term third country migration does not appear even once in the party's programme for the period 2016–2020.

Sieť [Network] does not include the migration crisis as a fundamental topic in its 2016 electoral campaign either, and does not mention migration in its electoral programme. The party encouraged the President of the Slovak Republic to organize a round table of the relevant Slovak political parties in order to reach an agreement on Slovakia's stance on the current situation.

As we have seen from the above analysis of the pre-election programmes of Slovak political parties, all of them reject mandatory quotas as proposed by the European Union. Most of the parties propose a long-term solution based on the settlement of the situation in the regions from which the immigrants are coming in the Middle East and the proper separation of economic migrants from asylum seekers. Another common feature is the securitization of migration in Slovakia, which is apparent when references are made to migration as the biggest security problem of Slovakia (e.g., the SME Rodina party). Although most political parties are united in their stance towards the migration crisis regardless of whether they are members of the coalition or the opposition, there are several lines of conflict separating the state's current political elites. The governmental program for 2016–2020 mentions migration only four times – mostly within the context of security. The government of the Slovak Republic is ready to support constructive solutions of the current migration crisis, albeit while “...respecting the specifics and possibilities of the particular member states”.<sup>78</sup> Moreover, irregular migration is referred to as an asymmetric security threat, similar to terrorism and organized crime. On the other hand, the pragmatic and somehow securitization-based stance of the government is balanced by more the idealistic position of the President of the Slovak Republic, who also rejects mandatory quotas, but continues to stress the moral obligations of European governments and their people towards migrants in need.

Obviously, in Slovakia most political parties take negative a stance on migration, regardless of their left-right orientation on the political spectrum. As noted by Androvičová,<sup>79</sup> in the former immigration countries, such as Germany, France or Sweden, the social democratic parties usually represent a more moderate approach to migration based on such values as respect for human rights, tolerance and anti-racism. On the other hand, the conservative and right side of the political spectrum is about to take a more securitization-based stance according to programmes based on the principles of nationalism and the

<sup>78</sup> “Programové vyhlásenie vlády”, *Vláda SR*, [http://www.vlada.gov.sk/data/files/6483\\_programove-vyhlasenie-vlady-slovenskej-republiky.pdf](http://www.vlada.gov.sk/data/files/6483_programove-vyhlasenie-vlady-slovenskej-republiky.pdf) [accessed: 10.12.2016].

<sup>79</sup> J. Androvičová, 2013, *op. cit.*

protection of traditional cultural values that might be put at risk by newcomers from foreign cultural and socio-economic environments. However, as can be seen from the analysis of the political parties' electoral programmes, this is not the case in Slovakia. To give only one example, the Slovak SMER-SD party's approach to migration is more conservative and nationalistic than liberal and socially-oriented, even though the party is considered to be social-democratic. Generally, we can define three determinants influencing parties' position on migration.

- 1) Ideological determinants – most notably visible in the approach of the Slovak National Party and Most-Híd. The SNS's political profile has traditionally been based on ethnic nationalism. In the past, political clashes with parties representing the Hungarian minority have been quite common. Therefore, it is not surprising that migrants from different cultural, ethnic and religious backgrounds are also deemed as a threat to national sovereignty and Slovak ethnic, cultural, religious and social integrity. On the other hand, Most-Híd, as a party advocating for the rights of minorities in the state, adopted a much more tolerant and less radical stance.
- 2) Strategic determinants – understood as the exploitation of migration for political gain. As noted in the previous chapter, the general public attitude towards migration combines elements of fear and rejection, including demands for border protection and security. The parties need to reflect these requirements of their voters in order to succeed in the parliamentary election.
- 3) Structural determinants – especially the institutional structure of the party system. These determinants provide for the manner in which party policy is formed in Slovakia. According to Mihálik and Jankola,<sup>80</sup> the political orientation of Slovak parties is highly dependent on the current party leadership.<sup>81</sup> Modern-day governance in many countries is usually structured along the lines of leadership roles, i.e., the im-

<sup>80</sup> J. Mihálik, M. Jankola, "Positions, Polarization and Conflict Management of Slovak Political Parties", *Baltic Journal of Law & Politics*, 2016, Vol. 9, No. 1, <https://www.degruyter.com/downloadpdf/j/bjlp.2016.9.issue-1/bjlp-2016-0001/bjlp-2016-0001.xml> [accessed: 2.11.2016].

<sup>81</sup> The concept of leadership has been analysed by many scholars. Among the most important are Barbara Kellerman and Jean Blondel, who argues that leadership is a concept according to which leader and followers are interrelated in a specific context and which offers a typology in leadership studies: a) leadership as a social status – position; b) leadership in types of social structures; c) leadership in organizational functions and institutional positions; d) leadership as a personality type. Another important study of leadership has been conducted by Max Weber, who defines three kinds of authority and legitimacy in political leadership: legal, charismatic and traditional (J. Mihálik, M. Jankola, *op. cit.*; M. Weber, *Political Writings*, Cambridge 1994).



portance of presidents of states, prime ministers and, finally, political party leaders. Leaders are the party members most visible in the media and, at the same time, those who most attract voters. Therefore, they also play major role in political decision-making and crisis management over the course of the electoral campaigns. Furthermore, "...the party affiliation or polarization is best interpreted through the personality of its leader. In other words, party leaders enjoy the most visibility in the public media and thus create the party's complete political image for society as well as for other political parties and movements."<sup>82</sup> As suggested by McAllister,<sup>83</sup> this feature is visible in the Slovak political environment in such a way that Slovak governments are usually named after the current Prime Minister (The Fico Government, The Radičová Government), compared to political parties formed through a government coalition (i.e., in Germany – the CDU /CSU-SPD government, etc.). Thus, the interests and personality of the party's leader often play a more important role in conflict management than the official policy lines of the party itself. In some cases – as shown by the migration crisis – they can even be in complete opposition to one another. An example is the already mentioned party, Smer-SD. "Ideologically, it stems from the left-wing socialist party family, but its leaders strongly refuse solidarity with migrants, which is mainly demonstrated through the definite rejection of the quota system and the distribution of migrants. In conflict management, the party leadership stands for typically right-wing solutions; thus, the social aspect of the party is substituted with national protection and interests."<sup>84</sup> Another example would be the liberal platform, Freedom and Solidarity (SAS). Despite its name, the party strongly opposes solidarity with migrants and the party leadership considers the migration influx to be an economic and social threat to the EU. Thus, in the case of several Slovak political parties, ideology plays only a limited role in the conflict management of migration flows in the European Union, and party leadership seems to be the crucial factor in party orientation and decision-making in the crisis.

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<sup>82</sup> J. Mihálik, M. Jankola, *op. cit.*, p. 9.

<sup>83</sup> I. McAllister, "The Personalization of Politics", [in:] *The Oxford Handbook of Political Behavior*, Oxford 2007, pp. 571–588.

<sup>84</sup> J. Mihálik, M. Jankola, *op. cit.*, p. 10.

## 4.5. Conclusions

In the Slovak Republic, the influence of the migration and refugee crisis has been markedly less intense than in its neighbouring countries of Hungary and Austria. The main reason for this is definitely the geographical location of and probably also the socio-economic situation in Slovakia. In opposition to Hungary, the Slovak Republic is not situated on the most frequent migratory routes; and unlike Austria, Slovakia is a rather unattractive country for immigrants. Despite its relatively low numbers of immigrants, the current migration crisis has become one of the central issues influencing all aspects of society in Slovakia. Despite the fact that there have only been 186 accepted asylum seekers in Slovakia since the breakout of the crisis in 2014, and that the number of international protection applicants was 10 times lower in 2016 than in it was in 2004 when Slovakia joined the EU, third country migration has still had a significant impact on the public, causing a battle of wills between the minority who support the acceptance of asylum seekers and the majority fearing these newcomers from different ethnic and religious backgrounds and asking for stronger protection of Slovakia's internal borders.

Slovakia is a relatively young country with no experience of immigrants, except for that of legal migrants coming to the state in the times of Soviet influence in the region. This lack of experience with migrants points to the vulnerability and manipulability of Slovak public opinion and creates space for the misinterpretation and securitization of the topic. This fact was particularly evident during the 2015 parliamentary election, when certain radical political parties crossed the 5% hurdle and made it into Parliament, although this certainly cannot be solely ascribed to their stance on the migration crisis. The generally negative public attitude towards third country migrants was exploited in the electoral campaigns of the Slovak political parties, which reached an unprecedented conformity regarding solutions to the crisis. All of the parties rejected the mandatory quotas on migrants proposed by the EU and were in favour of supporting the solutions in migrants ending and transit countries. Yet, certain differences were obvious in terms of the treatment of migrants already present on European territory, based on the increasing radicalization of certain parts of the political spectrum in Slovakia.

Similarly, the crisis had a significant impact on Slovak foreign policy, not only on the V4 level, but also in relation to the EU as a whole following the Slovak presidency of the Council of the European Union from June to December 2016.

### 4.5.1. SR-V4 Cooperation

The attitude of the V4 countries towards solutions to the migration crisis is characterized by a high degree of unity. Common features include the rejection of the mandatory quota for the redistribution of asylum seekers in the EU; the voluntary-based solution to the situation; the increased protection of the Schengen Area's external borders and cooperation with source and transit countries of immigrants in the Middle East and sub-Saharan Africa. Besides, similarities are also to be found in high levels of anti-migrant and anti-Muslim feeling – not only at the highest political levels, but among the public of the aforementioned states. The most significant conformity is visible in the attitudes of the Slovak Republic and Hungary regarding the issue of obligatory quotas. Following the Slovak Action for annulment to the Court of Justice C-643/15 of 2 December 2015, challenging the legality of the Asylum Seekers Relocation Decision<sup>85</sup> of 22 September 2015, Hungary filed a similar action just one day later, on Thursday 3 December (pending case C-647/15). On the contrary, Poland did not follow the V4 line and voted for the adoption of the Council Decision (EU) 2015/1601, despite the fact that the current Polish government seems to reflect the attitude of the remaining V4 countries regarding new immigrants coming to the territory of the European Union. Certain differences are also visible when comparing the attitudes of the heads of states of the particular V4 countries. As noted above, the President of the Slovak Republic is considered to be the most liberal politician in Central Europe regarding the migration issue, whereas the other presidents are stricter. Despite this, generally, Central Europe is depicted as a radical opponent of the proposed measures adopted to solve the migration crisis in the European Union, while the V4 states are considered to lack solidarity with Southern Mediterranean and Western Balkan countries – the regions most burdened by migration due to their geographical proximity to migrant source regions. Nevertheless, despite its negative connotations for the EU, we can conclude that the migration crisis has repeatedly confirmed the unity of the V4 member states' opinions, as well as the general importance of the group as it serves as a platform facilitating the enforcement of its members' interests on the EU level.

### 4.5.2. SR-EU Relations

Regarding the influence of the migration crisis on the position of the Slovak Republic in the European Union, it is necessary to point out both the advantages and disadvantages the crisis has had for the country on the European

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<sup>85</sup> Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

level. Bearing in mind the consequences of the aforementioned Slovak Action for annulment to the Court of Justice (C-643/15) against the Council decision 2015/1601, it can be observed that the EU has perceived the country more negatively than ever since Slovakia joined the Union. Most reproaches attack Slovakia's lack of solidarity with people seeking asylum as well as with Southern member states. Another issue is the alleged anti-discriminatory rhetoric of the Slovak government. In this case, the main problem was the country's decision to accept only Christian asylum seekers out of respect to the cultural and religious demands of the Slovak people. On the one hand, Slovakia is bound by the principle of solidarity – one of the underlying standards of the European Union. Yet, the problem with solidarity is its legal non-enforceability. Therefore, it is more a generally accepted value than a legal norm. On the other hand, the decision is a manifestation of the state's sovereignty – one of the main attributes of statehood. Slovakia is a sovereign state and therefore it has the right to decide whether to allow the entrance of foreigners onto state territory or not. Moreover, the Slovak government was established after a democratic parliamentary election. In the election, Slovak citizens chose representatives who are supposed to represent the will and opinion of the electorate – which is the basic principle of a representative democracy. If the citizens of the state do not favour the acceptance of asylum seekers, the government is – at least partially – obliged to take this opinion into account.

However, the migration crisis has also had certain positive consequences for the country. The crisis has created the opportunity for Slovakia, and the V4 as a whole, to show its strength when it comes to solving problems on the EU level. The rejection of mandatory quotas and its different approach compared to other member states meant that Slovakia and the V4 are nowadays perceived as independent and relevant actors and fully-fledged members of the EU, which must be taken into account in the formation of EU policies. As noted by Terem and Lenč,<sup>86</sup> the migration crisis has become “...an indicator of whether Central Europe is able to exert influence in its position in international relations, or whether it remains only an object of the great powers' interests.”

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<sup>86</sup> P. Terem, M. Lenč, *op. cit.*, p. 681.