

CHANGES IN THE ACT ON RESIDENCE OF FOREIGNERS

EFFECTIVE FROM 1 MAY 2013

CHANGES CONCERNING TEMPORARY RESIDENCE

The following categories of foreign nationals may not apply for the residence permit in the territory of the SR:

- holders of the tolerated stay permit, as their departure is impossible and their detention is purposeless;
- asylum seekers.

Written notice on missing documents

If the Foreign Police/representing authority of the SR does not accept the application for residence permit, it shall provide the foreign national with a written notice on what documents need to be submitted.

Confirmation of the account balance

If the financial resources for residence are proven by means of a bank account, the foreign national must submit a confirmation of the account balance (not a statement of his/her personal bank account).

Document on the provision of accommodation

The document on the provision of accommodation **does not need to be submitted** by a foreign national who applies for a temporary residence permit:

- for the purpose of study;
- for the purpose of special activity (holders of Slovak Government scholarships/activities under EU programmes/fulfilment of the commitments of the SR arising from international treaties);
- as a foreign national enjoying the status of a person with long-term residence in another EU Member State,

and who plans, **at the same time**, to study at a higher education institution/conduct pedagogical/research activities.

Written notice on the validity of residence

If the Foreign Police accepts the application for the granting/renewal of residence, it shall send a written notice to the foreign national, stating the date of the granting/renewal of residence and the date of expiry of the residence validity.

The following documents do not need to be submitted in the case of a change of the type/purpose of residence:

- extract from the crime register (in case the foreign national submitted such document along with the previous application for the granting of residence);
- medical opinion on infectious diseases

(refers to the change of permanent residence to temporary residence/change of the individual types of temporary residence).

Introduction of a 30-day protective period (i.e. non-cancellation of the temporary residence if its purpose has expired):

- from the termination of employment;

- from due completion of studies at a higher education institution;
- from the successful passing of the final exam/maturity exam/final post-maturity exam/graduate exam;

(refers to temporary residence for the purpose of employment/study/person with long-term residence in another Member State who is employed or studies in the SR).

Slovak living abroad

- general simplification of the conditions for applying for temporary residence;
- **possibility to apply for temporary residence at the Foreign Police since 01 May 2014** – if the foreign national has a certificate of a Slovak living abroad, and his/her residence document expired by 30 June 2012, and failed to leave the territory of the SR (such residence is not considered illegal);
- if the foreign national has a certificate of a Slovak living abroad and applies for temporary residence, he/she can stay in the territory of the SR until a decision on his/her application has been made;
- when applying for residence, he/she is **exempt from the submission of the following documents**: provision of accommodation, financial resources for residence, health insurance document, and medical opinion on infectious diseases;
- the extract from the crime register is not required in case the application for temporary residence is filed within 60 days from the issuance of the certificate of a Slovak living abroad;
- residence is granted for a period of five years.

Temporary residence for the purpose of family reunification

The holder of the temporary residence permit for the purpose of family reunification who conducts business/is employed may show proof of **financial resources** when applying for the renewal of his/her temporary residence with a confirmation of the bank account balance/confirmation by employer of the amount of agreed salary.

Temporary residence for the purpose of conducting business

The foreign national shall show proof of financial resources for the conducting of business with a **confirmation of the balance of his/her business bank account**, which may not be the same as the account used as proof of financial resources for residence.

When applying for renewal of temporary residence for the purpose of business, the registered agent of a company shall also prove **financial resources for residence**, as well as profit and the settlement of all liabilities. Trade licence holders only have to prove profit and the settlement of all liabilities.

If the foreign national **has not been entitled to conduct business/act on behalf of the company** in the previous taxation period, he/she shall prove, along with the submission of the application for renewal of temporary residence, financial resources for the business activities at the following amounts:

- 10-fold the subsistence minimum (natural person);
- 30-fold the subsistence minimum (registered agent of a company)

(to be proven with the confirmation of the balance of a bank account opened for the purpose of business).

If the foreign national **acts on behalf of several companies**, at least one of these companies must meet the condition of the amount of profit after taxation for the renewal of residence.

If the company on behalf of which the foreign national acts did not achieve a profit after taxation corresponding to 60-fold the subsistence minimum in the previous taxation period, the Foreign

Police shall request the **opinion of the Ministry of Economy of the SR** stating whether the business activity of the company contributes to the economic interests of the SR. If this is the case, the Foreign Police can renew the temporary residence without the need to meet the condition of achieving profit after taxation corresponding to 60-fold the subsistence minimum.

CHANGES CONCERNING PERMANENT RESIDENCE

The following categories of foreign nationals cannot apply for residence in the territory of the SR:

- holders of tolerated stay, as their departure is impossible and detention is purposeless;
- asylum seekers.

Written notice on missing documents

If the Foreign Police/representing authority of the SR does not accept the application for residence permit, it shall provide the foreign national with a written notice on what documents need to be submitted.

Confirmation of the account balance

In case the financial resources for residence are proven by means of a bank account, the foreign national must submit a confirmation of the account balance (not a statement of his/her personal account).

Written notice on the validity of residence

If the Foreign Police accepts the application for the granting of residence, it shall send to the foreign national a written notice, stating the date of the granting of residence and the date of expiry of the residence validity.

The following documents do not need to be submitted in the case of a change of the type of residence:

- extract from the crime register (if the foreign national submitted such document with the previous application for the granting of residence);
- medical opinion on infectious diseases;

(refers to the change from temporary residence to permanent residence).

Birth of a child

The Foreign Police shall grant **permanent residence for an unlimited period of time** to a child born in the territory of the SR to a parent who has been granted permanent residence for an unlimited period of time.

Long-term residence

Long-term residence **cannot be requested** by a foreign national with tolerated stay, as his/her departure is impossible and detention is purposeless/due to the obstacle of administrative expulsion, nor by a foreign national during periods considered as tolerated stay.

On the other hand, asylum seekers and foreign nationals under subsidiary protection **can apply** for long-term residence.

The period of legal and continuous stay for the purpose of granting long-term residence **includes** the period of granted asylum and subsidiary protection (from the submission of the application until the decision on the granting of asylum or subsidiary protection).

On the other hand, the period of legal and continuous stay for the purpose of granting long-term residence **does not include** the period during which the foreign national has been granted tolerated stay on the grounds that his/her departure is impossible and detention is purposeless.

Unlike in the past, the Foreign Police shall not cancel permanent residence granted for an unlimited period of time (obtained on the basis of marriage with a citizen of the SR after expiry of four years from the date of being granted permanent residence for a period of five years) due to the fact that the **spouses do not live together as a family**. Hence, only permanent residence granted to a foreign national for a period of five years on the basis of marriage with a citizen of the SR can be cancelled.

The Foreign Police shall not cancel permanent residence granted for a period of five years after reaching the age of 18 years, if the foreign national:

- conducts business in the territory of the SR;
- is employed in the territory of the SR;
- studies at school in the SR;
- performs a special activity;
- conducts research and development;

(refers to a single child under 18 years of age of a third-country national who has been granted permanent residence for five years/single child under 18 years of age entrusted to the personal care of a third-country national who is a spouse of a citizen of the SR with permanent residence in the territory of the SR/child under 18 years of age entrusted to the personal care of a third-country national with permanent residence granted for a period of five years).

Reduction of the period for making a decision on the application for the granting of permanent residence for a period of five years and permanent residence for an unlimited period of time to 30 days in the case of granting permanent residence in the interest of the SR to a foreign national who **represents or works for an important foreign investor** in the SR or to his/her child.

CHANGES CONCERNING TOLERATED STAY

- **Temporary shelter** is no more considered a reason for the granting of tolerated stay.
- The period after the submission of the application for **assisted voluntary return** by a foreign national is no more considered as tolerated stay.
- In addition to the application for the granting of tolerated stay, the foreign national must also submit **in person** the application for extension of the tolerated stay.
- The appeal against the decision on the cancellation of tolerated stay due to the impossibility of departure and an obstacle to administrative expulsion **shall not have suspensive effect**. The appeal against the decision on the cancellation of other types of tolerated stay **has a suspensive effect**.

INVITATION OF THE ALIEN VERIFIED BY THE FOREIGN POLICE

- The person extending the invitation must prove to the Foreign Police his/her ability to pay all costs related to the stay and departure of the foreign national by means of a **confirmation of the balance of his/her bank account**.
- The balance of the account of the person extending the invitation must be at least **twelve-fold the subsistence minimum + 56 EUR/day of stay** (since July 2013, the subsistence minimum is EUR 194.58), i.e. EUR 7,374.96 for a stay of 90 days.

RESIDENCE DOCUMENT

- The residence document can be **obtained under a fast-track procedure within two working days** for an administrative fee of **EUR 24.50**.
- After being issued, the residence document can be **delivered to an address within the territory of the SR** for an administrative fee of **EUR 3.00**.
- The residence document contains an **electronic chip** which holds data on the holder of the permit and on his/her residence in the territory of the SR.
- Upon issuing a residence document, the Foreign Police shall assign a **security code** to the foreign national which serves for the verification of the holder's identity in electronic communication with the information systems of the public administration authorities or with other natural persons/legal entities.
- The holder of a permit for permanent residence for an unlimited period of time/long-term residence who has been issued a residence document valid for a shorter period of time than the granted residence permit, must apply for issuance of a new residence document **by 30 days at the latest** prior to the expiry of the residence document.
- The foreign national may hold a maximum of one residence permit.