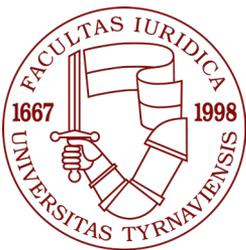
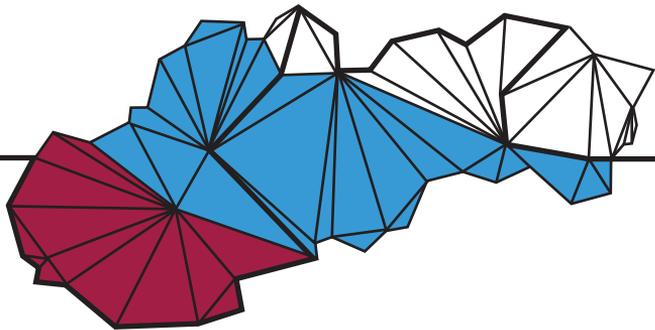


• Visegrad Fund

SHELTER LAW-MAKING: LEGAL RESPONSE TO MASSIVE MIGRATION CAUSED BY RUSSIAN AGGRESSION AGAINST UKRAINE

NATIONAL REPORT – SLOVAKIA

MIROSLAVA MITTELMANNOVÁ
LUKÁŠ NOVÁK



THE PROJECT IS CO-FINANCED BY THE GOVERNMENTS OF CZECHIA, HUNGARY, POLAND AND SLOVAKIA THROUGH VISEGRAD GRANTS FROM THE INTERNATIONAL VISEGRAD FUND. THE MISSION OF THE FUND IS TO ADVANCE IDEAS FOR SUSTAINABLE REGIONAL COOPERATION IN CENTRAL EUROPE.

THE INFORMATION PRESENTED IN THE REPORT IS AS OF 31 JANUARY 2025, UNLESS OTHERWISE STATED.

JUDr. Miroslava Mittelmannová, The Human Rights League,
The Faculty of Law of Trnava University in Trnava
Mgr. et Mgr. Lukáš Novák, The Human Rights League

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Scientific Council of ILS PAS Publishing House:

Prof. Celina Nowak
Prof. ILS PAS Mateusz Błachucki
Prof. ILS PAS Małgorzata Łączkowska-Porawska
Prof. Anna Młynarska-Sobaczewska
Prof. ILS PAS Paweł Podrecki
Dr Wojciech Drobny

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Publishing House of ILS PAS

Institute of Law Studies

Polish Academy of Sciences

Nowy Świat 72 (Staszic Palace)

00-330 Warsaw

e-mail: wydawnictwo@inp.pan.pl



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Abbreviations

BBFP	Bureau of Border and Foreign Police of the Presidium of the Police Force
BCP	Broder crossing point
EU	European Union
MH SR	Ministry of Health of the Slovak Republic
MO	Migration Office of the Ministry of Interior of the Slovak Republic
MoI SR	Ministry of Interior of the Slovak Republic
NCSR	National Council of the Slovak Republic
NSA	National Security Authority
PPO	Public Procurement Office
SO SR	Statistical Office of the Slovak Republic
SR	Slovak Republic
TP	Temporary protection

PART I

GENERAL INFORMATION

Total number of inhabitants	5,449,270 (SO SR, 2021a)
GDP	USD 132.9 billion (World Bank Group, 2023)
Average income per capita, 2024	EUR 1,524 per month (SO SR, 2025)

The Slovak Republic (SR or Slovakia) is one of the most homogeneous countries in the EU in terms of the number of foreigners living in its territory (Eurostat, 2025). According to the last national census in 2021, there were 5,449,270 inhabitants in Slovakia, of which only 58,498 (1.07%) were foreigners (SO SR, 2021a). Nevertheless, the number of foreigners residing in Slovakia has been steadily increasing and their share has doubled since 2010 (CVEK, 2021, p. 10). In 2021, 167,519 foreigners had some form of residence (permanent, temporary or tolerated) in the territory of Slovakia (BBFP, 2021, p. 8).

1. Structure of Slovak population in terms of nationality

In terms of nationality, in the 2021 census 83.82% of the population (4,567,547) declared Slovak nationality, 7.75% (422,065) declared Hungarian nationality, 1.23% (67,179) reported Roma nationality, 0.44% (23,746) Ruthenian nationality and 0.53% (28,996) Czech nationality. Ukrainian nationality was declared by 0.17% of respondents (9,451 inhabitants) (SO SR, 2021b). Members of other nationalities made up less than one tenth of one per cent of the total population.

The Ukrainian minority has a long history on the territory of today's Slovakia. The direct ancestors of today's Eastern Slovene Ukrainians are considered to be the White Croats, who migrated to these lands from the Trans-Pomeranian regions in the 7th to 8th centuries. Ukrainians gained official status as a national minority in Czechoslovakia after World War II, which gave them a space to express their culture (Office of the Plenipotentiary of the Slovak Government for National Minorities). Currently, 15 national minorities are officially recognised in Slovakia (Office of the Plenipotentiary of the Slovak Government for National Minorities, 2025). In addition to Ukrainian, the recognised national minorities are Bulgarian, Czech, Croatian, Hungarian, Moravian, German, Polish, Roma, Ruthenian, Russian, Serbian, Jewish, Vietnamese and, since 2025, Goral. The official recognition of national minority status confers several rights to these groups. The legal regulation is based on Articles 33 and 34 of the Constitution of the Slovak Republic¹. Members of national minorities or ethnic groups are guaranteed the right to be educated in their language, the right to use their language in official communications and the right to participate in the decision-making in matters affecting the national minorities and ethnic groups (Article 34(2) of the Constitution of the Slovak Republic). The conditions for exercising these rights are laid down by several laws, but the

1 Act No. 460/1992 Coll. – the Constitution of the Slovak Republic.

key regulation is Act No. 184/1999 Coll. on the Use of Languages of National Minorities (hereinafter referred to as the ‘Minority Language Act’), which stipulates that Ukrainian is one of the nine languages of national minorities. Under the Minority Language Act, Slovak citizens who belong to a national minority have the right to use the language of the minority in official (oral and written) communication in the municipality in which they permanently reside, provided that in two consecutive censuses in the municipality, persons belonging to a national minority make up at least 15% of the population of that municipality (Art. 2(2) of the Minority Language Act). There are currently 18 municipalities with Ukrainian minority in Slovakia that meet this condition.² All these villages are located in the Prešov region.

The Constitution of the Slovak Republic further guarantees members of national minorities or ethnic groups universal development, particularly the rights to promote their culture together with other members of the minority or group, to disseminate and receive information in their mother tongues, to associate in national minority associations and to establish and maintain educational and cultural institutions (Art. 34(1) of the Constitution of the Slovak Republic). The legal basis for supporting the cultures of national minorities and ethnic groups takes various forms across several legal instruments, especially financial support, the provision of book collections in the languages of national minorities, etc. (Office of the Plenipotentiary of the Slovak Government for National Minorities, 2014). There are currently several organisations in Slovakia that help to preserve and develop Ukrainian culture in Slovakia, including the Museum of Ukrainian Culture, the A. Duchnovič Theatre (Divadlo A. Duchnoviča), the Podduklian Folk Art Ensemble (PULS) or the Union of Rusyn-Ukrainians of the Slovak Republic (Zväz Rusínov-Ukrajincov Slovenskej republiky).

2. Ukrainians in Slovak society before 2022

The largest community of foreigners living in Slovakia is Ukrainian, which was also the case before the start of the full-scale Russian invasion of Ukraine on 24 February 2022. As of 31 December 2021, 56,480 Ukrainian citizens had been granted residence in Slovakia under Act No. 404/2011 Coll. on the Residence of Foreigners and Amendment and Supplementation of Certain Acts (hereinafter referred to as the ‘Act on Residence of Foreigners’), of which 87% (49,131) had temporary residence, 13% (7,346) permanent residence and 3 had tolerated stays (BBFP, 2021, p. 9). Despite the fact that in 2017 the European Union (EU) approved a visa waiver for Ukrainian citizens, in 2021 Slovakia granted a total of 96 visas to citizens of Ukraine, including 4 Schengen visas (type C) and 92 national visas (type D) (BBFP, 2021, p. 20). The number of Ukrainians with Slovak residence permits increases yearly. In 2003, a total of 4,913 Ukrainians had residency in Slovakia (BBFP, 2003, p. 24), while by 2013 the number had reached 6,898 (BBFP, 2013, p. 10). Understandably, the biggest year-on-year increase was recorded in 2022, when the number of Ukrainians with residence in Slovakia had almost tripled. As of 31 December 2024, the Bureau of Border and Foreign Police of the Presidium of the Police Force (BBFP) had registered 197,004 Ukrainians with residency permits, of which more than 65% (130,967) were tolerated stays (BBFP, 2024). These are granted, inter alia, when a foreigner has been granted temporary protection (TP).

2 See Annex to Regulation of the Government of the Slovak Republic No. 35/2023 Coll., which establishes a list of municipalities in which citizens of Slovakia belonging to a national minority make up at least 15% of the population – https://static.slov-lex.sk/pdf/prilohy/SK/ZZ/2023/35/20230301_5510248-2.pdf.

The majority of Ukrainian citizens who lived in the territory of Slovakia before the outbreak of Russia's full-scale invasion were persons of working age. According to the statistical overview of the Ministry of the Interior of the Slovak Republic (MoI SR), as of 28 February 2022, 14.8% (8,757) of Ukrainian citizens aged 0–19 years, 82.3% (48,524) of those aged 20–59 years and 0.03% (1,712) of those aged 60 and older had valid residence in the territory of Slovakia.³ As of January 2022, the Central Office of Labour, Social Affairs and Family had registered 19,332 Ukrainian citizens employed in Slovakia. Most of them were working as operators and assemblers of machinery and equipment (50.3%), skilled workers and craftsmen (14.8%) or helpers and unskilled workers (14%).⁴ In addition, as of 23 February 2022, the MoI SR had registered 26,555 business entities – natural persons with Ukrainian nationality.⁵ Shortly before the outbreak of the war in Ukraine, 55 citizens of Ukraine had been receiving material need assistance in Slovakia.⁶ This represents approximately 0.097% of the total number of Ukrainian citizens granted residence permits at that time.

3. Structure of the Slovak population after the outbreak of the war

Just hours after the Russian Federation launched a full-scale invasion of Ukraine in February 2022, thousands of war refugees began arriving at Ukraine's western borders. The Ukrainian–Slovak border crossing points (BCPs) faced an unprecedented number of persons crossing. Slovakia has five BCPs with Ukraine, three road BCPs (Vyšné Nemecké–Uzhorod, Ublá–Maliy Bereznij and Veľké Slemence–Mali Selmenci, for pedestrians and cyclists only) and two railway BCPs (Čierna nad Tisou–Čop and Matovské Vojkovce–Pavlovo) (MoI SR).

According to the official statistics of the BBFP, 2,132,480 persons legally crossed the external border in 2022, of which 1,189,512 entered the territory of Slovakia and 942,968 left Slovakia (BBFP, 2022, p. 6). In March 2022 alone, a total of 238,592 people entered the territory of the Slovak Republic through the Ukrainian–Slovak border, the highest number ever.⁷ For comparison, in 2021, BBFP recorded at the Ukrainian–Slovak border 851,718 crossings, of which 365,812 persons entered Slovakia and 485,906 persons left Slovakia (BBFP, 2022, p. 6).

BBFP officers also recorded 549 unauthorised crossings of the Slovak state border in 2022, while up to 508 cases involved Ukrainian nationals (BBFP, 2022, p. 34). This is a significant increase, as 210 unauthorised crossings of the state border were registered in 2021, while the largest group of foreigners who illegally crossed the Slovak state border in 2021 were citizens of Pakistan (31 cases) (BBFP, 2022, p. 35). We believe that this increase was mainly due to the announcement of mobilisation in Ukraine, as a result of which Ukrainian men aged 18–60 could not legally leave Ukraine.

3 Official response of the MoI SR (No. KM-TO2-2024/003986-006) from 23 September 2024 to a request for information submitted on 12 September 2024.

4 Official response of the Central Office of Labour, Social Affairs and Family (No. UPS/USI/OPS/INF/2024/223 2024/162912) from 16 September 2024 to a request for information submitted on 12 September 2024.

5 Official response of the MoI SR (No. KM-TO2-2024/003986-006) from 23 September 2024 to a request for information submitted on 12 September 2024.

6 Official response of the Central Office of Labour, Social Affairs and Family (No. UPS/USI/OPS/INF/2024/223 2024/162912) from 16 September 2024 to a request for information submitted on 12 September 2024.

7 Official response of the MoI SR (No. KM-TO2-2024/003986-006) to a request for information submitted on 12 September 2024.

The entry of Ukrainian displaced persons into Slovakia has been relatively easy, as Ukrainian citizens holding biometric passports issued by Ukraine according to ICAO standards have been exempted from the visa requirement since 2017. However, among the incoming war refugees, many did not meet the conditions for entry set out in the Schengen Borders Code.⁸ These included Ukrainian citizens who did not hold biometric passports and third country nationals who are required to hold a valid visa for entry. However, the Slovak Republic has also allowed entry to these persons on humanitarian grounds within the meaning of Article 6(5)(c) of the Schengen Borders Code. Individuals who did not meet the conditions for entry to the territory of the Slovak Republic were granted a humanitarian exemption, under which they were allowed to enter the country for 90 days. If these persons wanted to stay in Slovakia longer, they had to apply for temporary protection, asylum or some form of residence under the Act on Residence of Foreigners.

It was interesting to note that in the first weeks of the war, the Slovak Police Corps regularly informed visitors of its Facebook profile about the current situation on the BCPs with Ukraine, including the current waiting times.⁹

8 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification), OJ L 77, 23/03/2016, pp. 1–52.

9 E.g.: A post published on the Facebook profile of the Police of the Slovak Republic on 26 February 2022 (https://www.facebook.com/policiaslovakia/posts/5357599637603548?ref=embed_post); a post published on the Facebook profile of the Police of the Slovak Republic on 5 March 2022 (<https://www.facebook.com/policiaslovakia/posts/pfbid02SYc5tXPiYdY1y2trCSQ9fF4JHWKkgReFLfXJURLRh2SoJMauWShVCDFatDAUhw2kl?rdid=Kisr93wzzBxBddDf#>); and a post published on the Facebook profile of the Police of the Slovak Republic on 29 March 2022 (<https://www.facebook.com/share/p/14hXVr3FmP/>).

PART II

LEGAL MEASURES TAKEN AFTER THE START OF THE WAR

The situation Slovakia faced after the outbreak of Russia's full-scale invasion of Ukraine in February 2022 was unprecedented and incomparable to any other extraordinary event since the establishment of the independent Slovak Republic. Despite the recent experience with the refugee crisis on the European continent in 2015 and 2016, Slovakia had not been preparing for the eventual mass arrival of foreigners on its territory. The Slovak state authorities did not have any plans or strategies in place to define the roles and responsible actors to effectively manage the influx of large numbers of refugees. Therefore, in the first weeks after the full-scale invasion, Slovakia witnessed dynamic legislative changes aimed at quickly creating the conditions for adopting the necessary measures to prevent and mitigate the consequences of the emergency.

1. Contingency plans for October 2022 to March 2023 and July 2023 to December 2023

The first contingency plan that responded to the arrival of a large number of refugees from Ukraine on the territory of Slovakia was adopted by the Slovak government more than 8 months after the beginning of the Russian invasion, namely on 26 October 2022. It is a publicly available 23-page document entitled *Contingency Plan of the Slovak Republic for dealing with the emergency situation in connection with the mass arrival of the population of Ukraine on the territory of the Slovak Republic caused by the escalation of the armed conflict on the territory of Ukraine for the period October 2022–March 2023*¹⁰ (hereinafter referred to as the 'Contingency Plan'), which was prepared by the MoI SR. The Contingency Plan builds to a large extent on the experience of the first influx of people from Ukraine. It includes a detailed activation mechanism as well as crisis management strategies for the different phases of the Contingency Plan. The document was a result of the state's preparation for a possible further mass influx of refugees from Ukraine. It identifies the continuing poor humanitarian situation in Ukraine, the unsatisfactory conditions of internally displaced persons given the approaching winter season and the possibility for further escalation of the conflict in Ukraine as the main risk factors for a further influx of refugees. The authors of the Contingency Plan chose a scenario according to which up to 700,000 new refugees could arrive in Slovakia in the first three months after its adoption, 100,000 of whom should apply for

¹⁰ *Kontingenčný plán Slovenskej republiky pre riešenie mimoriadnej situácie v súvislosti s hromadným príchodom obyvateľov Ukrajiny na územie Slovenskej republiky spôsobeným eskaláciou ozbrojeného konfliktu na území Ukrajiny pre obdobie október 2022 – marec 2023* [Contingency Plan of the Slovak Republic for dealing with the emergency situation in connection with the mass arrival of the population of Ukraine on the territory of the Slovak Republic caused by the escalation of the armed conflict on the territory of Ukraine for the period October 2022–March 2023]. The Plan is publicly available on <https://rokovania.gov.sk/download.dat?id=9C30AC32321A41538CF56083FFC7B61F-70B8723BCCEAA25E90BA7AAA03F28ABF>.

TP in Slovakia. This scenario did not materialise, and during the winter of 2022/2023, Slovakia was in Phase 0 (alert phase), as the number of persons entering Slovakia did not exceed 5,000 for two consecutive days and other criteria justifying the activation of Phase 1 were not fulfilled at the same time. Given that the Contingency Plan was not activated during the period it covered, it is not possible to assess its effectiveness and actual contribution to crisis management. Due to the adverse development of the military conflict in Ukraine, in June 2023 the Government of the Slovak Republic updated the contingency plan for the period July – December 2023¹¹. This updated version did not change the mechanism for activating measures or the measures themselves; however, it extends the timeframe for state authorities to prepare for likely scenarios of the ongoing Russian war against Ukraine. This contingency plan was also never activated, nor was it further updated. All steps in relation to the arrival of people from Ukraine were evaluated and adopted on an ad hoc basis, limiting the possibility to predict the following measures.

2. Lex Ukraine I

One day after the beginning of the full-scale invasion of Ukraine, the government of the Slovak Republic held a cabinet meeting at which a bill on certain measures in connection with the situation in Ukraine (hereinafter referred to as ‘Lex Ukraine I’), submitted by the Ministry of the Interior of the Slovak Republic, was approved with comments. The bill was subsequently approved in an accelerated legislative procedure in the National Council of the Slovak Republic (NCSR) and promulgated in the Collection of Laws of the Slovak Republic (No. 55/2022 Coll.). Lex Ukraine I entered into force on 26 February 2022. As stated in the explanatory memorandum to the Act,¹² the law responds to the current unfavourable developments in Ukraine following the Russian Federation’s claims on the Donetsk and Luhansk regions in the east of its territory and the subsequent invasion. The law assumed that the security situation in Ukraine at that time could result in a mass migration of foreigners to Slovakia, and therefore the legislature considered it necessary to implement economic mobilisation measures, in particular material measures for providing foreigners with accommodation, transport and medical help and the possible imposition of work obligations.

The aim of Lex Ukraine I was to create an appropriate legislative framework for the implementation of the necessary measures and the immediate response of the Slovak Republic to the situation. Lex Ukraine I is not a separate Act, but a law that amends four existing legal norms. Firstly, it modifies the wording of Act No. 42/1994 Coll. on Civil Protection of the Population (hereinafter also referred to as the ‘Civil Protection Act’), which extends the definition of an emergency event to include the ‘mass influx of foreigners into the territory of the Slovak Republic’. This legislative change was necessary for the Slovak government to

11 *Kontingenčný plán pre riešenie mimoriadnej situácie v súvislosti s bromadným príchodom obyvateľov Ukrajiny na územie Slovenskej republiky spôsobeným ozbrojeným konfliktom na území Ukrajiny na obdobie júl – december 2023* [Contingency Plan for dealing with the emergency situation in connection with the mass arrival of the population of Ukraine on the territory of the Slovak Republic caused by the armed conflict on the territory of Ukraine for the period July 2023–December 2023]. The Plan is publicly available on <https://rokovania.gov.sk/download.dat?id=58DADE6D27E940889B1E1268C66CBA7C-6B2877DE7D84ECFB35934BA0EC8229E9>.

12 See *Dôvodová správa k návrhu zákona o niektorých opatreniach v súvislosti so situáciou na Ukrajine* [Explanatory memorandum to the bill on certain measures in connection with the situation in Ukraine], <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507894>.

be able to declare an extraordinary and crisis situation on the territory of the Slovak Republic in response to the mass arrival of refugees from Ukraine. The latter was a prerequisite for the effective implementation of the relevant economic mobilisation measures. Until the adoption of Lex Ukraine I, natural disasters, accidents, catastrophes, second-degree health hazards and terrorist attacks were considered to constitute an extraordinary event within the meaning of Art. 3(2) of the Civil Protection Act.

The second act that was amended by Lex Ukraine I is the Act No. 480/2002 Coll. on Asylum (hereinafter also referred to as the 'Asylum Act', which, inter alia, regulates temporary protection status. TP (*dočasné útočisko*) is granted for the purpose of protecting foreigners from war conflicts, endemic violence, the impacts of a humanitarian disaster or permanent or mass violation of human rights in their country of origin (Art. 29(1) of the Asylum Act). The most significant change was the empowerment of the Slovak government to declare the commencement of TP provision without a decision of the Council of the European Union. Until then, the government only had the right to determine the commencement, conditions and termination of TP in accordance with a prior decision from the Council of the EU which established the fact that there had been a mass influx of displaced persons (Article 5(1) of the Temporary Protection Directive¹³). In addition, the time limit for deciding on a TP application was extended from 15 days to 30 days, as it was assumed that the possible arrival of a large number of foreigners interested in applying for this legal status would paralyse the decision-making capacity of the Migration Office of the Ministry of the Interior of the Slovak Republic (MO). However, as later practice showed, most applications for TP were processed the same day they were submitted. An important change, which was also intended to prevent a possible overload of the asylum system, was that TP applicants who had already found accommodation in Slovakia were not obliged to come to the asylum reception centre. Lex Ukraine I also expanded the situations when TP is terminated to include cases when the foreigner was granted asylum or subsidiary protection by another EU Member State or was granted a residence permit for an indefinite time by another EU Member State.

The last act amended by Lex Ukraine I was Act No. 69/2018 Coll. on Cybersecurity and Amendment and Supplementation of Certain Acts (hereinafter referred to as the 'Cybersecurity Act'). A new legal instrument of 'blocking' was introduced (Art. 27b of the Cybersecurity Act) with the aim of preventing the spread of harmful content on the internet by, for example, blocking domains, IP addresses, URLs and email addresses. The law defines new legal terms, 'harmful content' and 'malicious activity' (Art. 27b(3) of the Cybersecurity Act). According to the explanatory memorandum, the main reasons for the changes were (1) protecting users of compromised services and unwitting users of fraudulent services, (2) preventing or mitigating harmful consequences and (3) stopping the spread of harmful content.¹⁴ The power to decide on, choose the method of and to administer the blocking has been entrusted to the National Security Authority (NSA). The NSA can block access

13 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 07/08/2001, pp. 12–23.

14 See Dôvodová správa k návrhu zákona o niektorých opatreniach v súvislosti so situáciou na Ukrajine [Explanatory Memorandum to the bill on certain measures in connection with the situation in Ukraine], <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507894>.

on its own initiative or at the request of another entity. The NSA's blocking decisions are reviewable by a court. Even though such action was supposed to be considered a reactive and time-limited measure respecting the rules of effectiveness, efficiency and proportionality, the Cybersecurity Act's amendment caused controversy in the NCSR and in society at large. Opposition MPs, through an amendment proposed by MP Boris Susek, demanded that this part of bill be completely deleted from Lex Ukraine I, arguing that the amendment 'introduces censorship, which is a serious interference with the rights and freedoms under the Constitution of the Slovak Republic as well as the Charter of Fundamental Rights and Freedoms.'¹⁵ In the amendment, the signatories also pointed out that such serious interference with constitutionally protected rights and freedoms, approved under the accelerated legislative procedure, is unacceptable. In the end, the NCSR adopted a compromise solution which made it possible to issue blocking decisions on harmful content or malicious activity only until 30 June 2022.¹⁶ In the original draft of Lex Ukraine I, it was envisaged that the blocking measure could be used until 31 December 2022. In April 2022, a group of MPs from the then ruling coalition introduced a bill to extend the NSA's power to block harmful content for another three months, until 30 September 2022. MEPs justified their proposal by saying that the conflict in Ukraine also has the character of an information war, which goes beyond the territory affected by the war and negatively affects the whole world. They also pointed out that the massive Russian propaganda and misinformation campaigns are aimed at questioning who is the aggressor and who is the victim in the conflict and justifying the aggression against the civilian population and civilian infrastructure of Ukraine. The spread of misinformation and fraudulent posts on social media, the purpose of which is to obfuscate and question reality, to influence public opinion and to play into the Russian propaganda, has also become widespread in Slovakia.¹⁷ The NCSR approved the extension of the blocking instrument (Art. I of Act No. 231/2022 Coll.). There has been no further extension (yet).

From 26 February 2022 to 30 September 2022, the NSA issued a total of four blocking decisions, specifically concerning the entities *hlavnespravny*, *armadnymagazin*, *hlavnydenik* and *infovojna*.¹⁸ Referring to the legal obligation of confidentiality and protection of personal data, the NSA refused to specify the reasons for and methods of blocking these

15 See Pozmeňujúci návrh poslanca NR SR Borisa Suska k vládnemu návrhu zákona o niektorých opatreniach v súvislosti so situáciou na Ukrajine [Proposed Amendment by MP Boris Susko to the bill on certain measures in connection with the situation in Ukraine], <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507960>.

16 See Pozmeňujúci návrh poslanca NR SR Ondreja Dostála k vládnemu návrhu zákona o niektorých opatreniach v súvislosti so situáciou na Ukrajine [Amendment by MP Ondrej Dostál to the bill on certain measures in connection with the situation in Ukraine], <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=508064>.

17 See Dôvodová správa k návrhu zákona, ktorým sa mení zákon č. 69/2018 Z. z. o kybernetickej bezpečnosti a o zmene a doplnení niektorých zákonov v znení neskorších predpisov [Explanatory Memorandum to the bill amending Act No. 69/2018 Coll. on Cyber Security and Amending and Supplementing Certain Acts, as amended], <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=509971>.

18 Official response of the NSA (No. 12053/2024/KÚ/OPS-005) from 20 September 2024 to a request for information submitted on 12 September 2024.

entities in its response to the request for information dated 12 September 2024 pursuant to Act No. 211/2000 on Free Access to Information and on Amendments of Certain Acts.¹⁹

3. Extraordinary and crisis situation in connection with the mass influx of foreigners to the territory of the Slovak Republic

On the same day as Lex Ukraine I entered into force, the Slovak government approved Resolution No. 142/2022, which declared an extraordinary and crisis situation on the territory of the entire country pursuant to Article 8 of the Civil Protection Act. The situation was declared due to the mass influx of foreigners into the territory of the Slovak Republic caused by the armed conflict in Ukraine.²⁰ The extraordinary and crisis situation was declared as of 12.00 p.m. on 26 February 2022, and is still in effect as of the date of this report. The resolution empowered the Prime Minister and, as an alternate, the Minister of the Interior and the Chairman of the Central Crisis Staff to manage rescue works, including issuing rescue work orders and implementing measures to deal with crisis situations.

An extraordinary and crisis situation (*mimoriadna situácia*) is one of the legal regimes declared by a competent public administration authority in a certain territory to deal with a crisis situation. It is linked to the failure of generally applicable governance procedures, instruments and mechanisms and to the need to apply crisis management principles, including the temporary restriction of fundamental rights and freedoms (Security Council of the Slovak Republic, 2017, p. 20).

There is no uniform definition of a crisis situation in Slovak law, and different regulations define the term differently. Pursuant to Constitutional Act No. 227/2002 Coll. on National Security during War, State of War, State of Extreme Emergency and State of Emergency, a *crisis situation* is a ‘period during which the security of the state is imminently threatened or disturbed and the constitutional authorities may, after fulfilling the conditions laid down in this Constitutional Act for its resolution, declare **war**, declare a **state of war** or a **state of extreme emergency** or a **state of emergency**’ (Art. 1(4) of Constitutional Act No. 227/2002). In a narrower sense, the term *crisis situation* is used in Act No. 387/2002 Coll. on the Management of the State in Crisis Situations out of Wartime and State of War as a legislative abbreviation for a **crisis situation outside of wartime and state of war**. Pursuant to the provisions of Article 2(a) of Act No. 387/2002 Coll., a crisis situation is ‘a period during which the security of the state is imminently threatened or disturbed and the constitutional authorities may, after fulfilling the conditions laid down in the constitutional law or a special law for its resolution, declare a **state of extreme emergency, emergency situation** or **extraordinary and crisis situation**.’

19 Official response of the NSA (No. 12053/2024/KÚ/OPS-005) from 20 September 2024 to a request for information submitted on 12 September 2024.

20 Uznesenie Vlády SR č. 142 z 26. februára 2022 k návrhu na vyhlásenie mimoriadnej situácie v súvislosti s hromadným prílevom cudzincov na území Slovenskej republiky spôsobeným ozbrojeným konfliktom na území Ukrajiny [Resolution of the Government of the Slovak Republic No. 142 of 26 February 2022 on the proposal for declaring an extraordinary and crisis situation in connection with a mass influx of foreigners to the territory of the Slovak Republic caused by armed conflict on the territory of Ukraine], <https://rokovania.gov.sk/RVL/Resolution/19926/1>.

Table 1. Overview of legal regimes declared in times of crisis according to Constitutional Act No. 227/2002 Coll. and Act No. 42/1994 Coll.

Legal regimes declared in times of crisis	Legal basis	Declaring authority
war (<i>vojna</i>)	Constitutional Act No. 227/2002 Coll.	President, by decision of the NCSR
state of war (<i>vojnový stav</i>)	Constitutional Act No. 227/2002 Coll.	President on the proposal of the government (in the whole territory of the Slovak Republic)
state of extreme emergency (<i>výnimočný stav</i>)	Constitutional Act No. 227/2002 Coll.	President on the proposal of the government (only in the affected or imminently threatened area)
state of emergency (<i>núdzový stav</i>)	Constitutional Act No. 227/2002 Coll.	government of the Slovak Republic
extraordinary and crisis situation (<i>mimoriadna situácia</i>)	Act No. 42/1994 Coll.	government of the Slovak Republic, district office or municipality authority

An extraordinary and crisis situation is defined in the Civil Protection Act as a period of threat or impact of an emergency event during which measures are taken to save life, health or property (Art. 3(1) of the Civil Protection Act). Depending on the circumstances and the territorial scope of the emergency, an extraordinary and crisis situation is declared and lifted by the Slovak government, district offices or municipality authorities (Arts 8, 14(4) and 15(1)(j) of the Civil Protection Act). It is declared through mass information media. Once an extraordinary and crisis situation has been declared, tasks and measures are carried out to protect life, health and property (so-called civil protection), in particular rescue works, evacuations, emergency supply and emergency accommodation (Art. 3b(2) of the Civil Protection Act). Once these have been implemented, the public authority that declared the emergency has the obligation to immediately lift the extraordinary and crisis situation (Art. 3b(3) of the Civil Protection Act). In times of a declared extraordinary and crisis situation, the competent public authorities have the power to restrict certain fundamental rights, but the Civil Protection Act defines the clearly specific conditions under which such interference with rights may occur. As an example, we mention the obligation of legal persons and natural persons to provide material fulfilment to cope with the tasks in an emergency on the basis of an imposed written order or the obligation of natural persons to participate in the performance of civil protection tasks (Art. 21(1) and 23(1) of the Civil Protection Act).

During the extraordinary and crisis situation declared in connection with the mass influx of foreigners to the territory of Slovakia, another extraordinary and crisis situation was declared throughout the country due to the threat to public health of level II as a result of the COVID-19 disease caused by the SARS-CoV-2 coronavirus. The emergency situation in connection with the COVID-19 pandemic was declared by the Slovak government on

12 March 2020 at 06.00 a.m.²¹ The Slovak government did not lift the emergency situation until 15 September 2023 at 06.00 a.m.²² To be thorough, we would like to add that during the extraordinary and crisis situation related to the COVID-19 pandemic, a state of emergency pursuant to Article 5 of Constitutional Act No. 227/2002 Coll. was declared three times, the last time being terminated on 22 February 2022 (MoI SR, 2023). In connection with the Russian aggression in Ukraine, no legal regime other than an extraordinary and crisis situation has been declared on the territory of Slovakia.

4. Public procurement during the war in Ukraine

A key factor for coping with any crisis situation is the rapid provision of goods, works or services by public authorities. However, they are obliged to comply with strict European and national rules that protect market competition. After the outbreak of the war in Ukraine, the Public Procurement Office ('PPO') played an important role. Its competences include providing guidance to the participants in the public procurement process (Art. 147(h) of Act No. 343/2015 Coll. on Public Procurement (hereinafter referred to as the 'Act on Public Procurement'). The PPO exercised this power shortly after the outbreak of Russian aggression in Ukraine. First on 25 February 2022 and then on 11 March 2022, in response to a request from the MoI SR, the PPA published guidelines on the possibility of using the *direct negotiation procedure* in the context of the military conflict in Ukraine (PPO, 2022a, 2022b). In addition to the above-mentioned guidelines, the PPO also published on its website a Frequently Asked Questions and Answers document on public procurement procedures in the context of the war in Ukraine (PPO, 2022c).

The direct negotiation procedure is a special procedure for awarding over-limit orders, which the contracting authority may use only if at least one of the conditions exhaustively defined by law is fulfilled. The burden of proof to justify the use of the direct negotiation procedure lies with the contracting authority. Compared to conventional procedures for awarding over-limit orders, the requirements for contracting authorities in the direct negotiation procedure are considerably lower, for the purpose of saving time. However, the direct negative consequence of this procedure is a restriction of competition; therefore, in general, it should only be used in very exceptional cases. At the same time, it is important to recall that this procedure does not relieve contracting authorities of their obligation to comply with the principle of economy and efficiency in the use of public resources. In the above-mentioned

21 Uznesenie Vlády SR č. 111 z 11. marca 2020 k návrhu na vyhlásenie mimoriadnej situácie v súvislosti s ohrozením verejného zdravia II. stupňa z dôvodu ochorenia COVID-19 spôsobeným korónovým vírusom SARS-CoV-2 na území Slovenskej republiky [Resolution of the Government of the Slovak Republic No. 142 of 26 February 2020 on the proposal to declare an extraordinary and crisis situation in connection with a level II threat to a public health due to COVID-19 caused by the SARS-CoV-2 coronavirus on the territory of the Slovak Republic], <https://rokovania.gov.sk/download.dat?id=18C34FA7A100471D9EB5D1C0BE18D558-862276790123E58885B971D10C0AB292>.

22 Uznesenie Vlády SR č. 446 z 13. septembra 2023 k návrhu na odvolanie mimoriadnej situácie v súvislosti s ohrozením verejného zdravia II. stupňa z dôvodu ochorenia COVID-19 spôsobeným korónovým vírusom SARS-CoV-2 na území Slovenskej republiky [Resolution of the Government of the Slovak Republic No. 446 of 13 September 2023 on the proposal to lift the extraordinary and crisis situation in connection with a level II threat to public health due to COVID-19 caused by the SARS-CoV-2 coronavirus on the territory of the Slovak Republic], <https://www.minv.sk/?okresne-urady-klientske-centra&urad=65&sekcia=uradna-tabula&subor=491060>.

guidelines, the PPO first clarified that for the contracting authority to be entitled to use the direct negotiation procedure, the following prerequisites must be cumulatively fulfilled:

- 1) a contract for good, works or services is being awarded because of an extraordinary event,
- 2) not caused by the contracting authority,
- 3) which he could not have foreseen
- 4) and, given the time constraint, no Invitation to Tender, Restricted Invitation to Tender or Negotiated Procedure with Prior Publication can be made.

The PPO further stated that the military conflict in Ukraine can be considered an extraordinary event which was not caused by and could not have been foreseen by the contracting authority. At the same time, however, the PPO stressed that the possibility to use the direct negotiation procedure is not conditional on the declaration of an extraordinary and crisis situation under Article 8 of the Civil Protection Act by the Slovak government, but on the fulfilment of the above conditions. It is therefore up to each contracting authority to assess whether it is in a situation that it is not possible to carry out an Invitation to Tender, Restricted Invitation to Tender or Negotiated Procedure with Prior Publication. On the one hand, this interpretation of the law by the PPA allows for simplified procurement of goods, works and services immediately after the occurrence of the emergency event without the need to wait for a formal declaration of a particular legal regime by the competent public authorities. On the other hand, it puts contracting authorities in legal uncertainty as to the duration of the extraordinary event justifying the use of the direct negotiation procedure. Specifically in relation to the war in Ukraine, although the state of extraordinary and crisis situation declared by the Slovak government has been in place for more than three years, it is likely that not all contracts related to dealing with the emergency situation would meet the standard of urgency. The PPA therefore recommends that all cases are assessed case-by-case.

After more than four years of crisis situations related to the COVID-19 pandemic and the war in Ukraine, the PPA now faces the important task of rigorously checking whether there has been/is excessive overuse or abuse of the simplified public procurement procedures that limits market competition in Slovakia.

5. Other changes to laws (Lex Ukraine II, III, IV etc.)

Approximately two weeks after Lex Ukraine I came into force, the Slovak government sent a new bill of legislative measures to the NCSR to further address the situation related to the ongoing war in Ukraine and the mass arrival of foreigners in Slovakia. The bill on certain other measures in connection with the situation in Ukraine (hereinafter referred to as 'Lex Ukraine II') was again approved by the NCSR in an accelerated legislative procedure, and it entered into force on 30 March 2022. Lex Ukraine II is to date the most extensive package of legislative changes adopted in the context of the Russian aggression in Ukraine, amending and supplementing a total of 22 existing laws. In most cases, the legislative changes took the form of transitional provisions, the validity of which was linked to the duration of the extraordinary and crisis situation declared in connection with the mass influx of foreigners to Slovakia caused by the war in Ukraine.

A full analysis of all the changes brought about by Lex Ukraine II is beyond the scope of this report, but we would like to point out at least those changes that have fundamentally affected the legal status of TP holders in Slovakia. Lex Ukraine II, like its predecessor, amended

the Asylum Act and specifies the conditions for receiving allowances for accommodating TP holders (Art. V of Lex Ukraine II). Access to health care for TP holders was simplified, and a similar method of provision, reporting and reimbursement of health care for TP holders as for persons granted subsidiary protection was introduced. Act No. 580/2004 Coll. on Health Insurance, as amended by Lex Ukraine II, stipulated that urgent health care was also to be provided to TP holders (Art. XI of Lex Ukraine II). In addition, the Ministry of Health of the Slovak Republic (hereinafter referred to as the 'MH SR') may extend the scope of health care provided to TP holders beyond urgent medical care. The scope is to be defined on the MH SR's website.²³ At the same time, the transitional provisions stipulated that persons who are only transiting through Slovakia have the right to reimbursement for urgent medical care. As defined in Lex Ukraine II, these transiting migrants had to reside on the territory of Ukraine and to have entered Slovakia due to the armed conflict in Ukraine. The right to cover costs for urgent medical care of transiting migrants lasts for a maximum of 30 days from the date of entry into Slovakia.

Lex Ukraine II also introduced new transitional provisions in the Act on Residence of Foreigners, which automatically extended the validity of all foreigners' residency, which would have otherwise expired during the extraordinary and crisis situation, until two months after the revocation of the extraordinary and crisis situation. At the same time, a new rule was introduced according to which foreigners who have applied for temporary or permanent residence from the territory of Slovakia may lawfully reside in the country until a final decision on their application is made. Due to the increased pressure on the foreign police departments dealing with TP applications, Lex Ukraine II also abolished the statutory time limits for deciding on residency applications. In addition, third-country nationals who have entered the territory of the Slovak Republic through the external border during an extraordinary and crisis situation may apply for an assisted voluntary return to their home country through the International Organization for Migration, as well as for an alien's passport if they do not have their own travel document that would allow them to travel to their country of origin (Art. XXII of Lex Ukraine II).

On 7 June 2022, Law No. 199/2022 Coll. on Certain Measures in the Social Sphere in Connection with Ukraine (hereinafter referred to as 'Lex Ukraine III') entered into force. This legislation was also adopted in an accelerated legislative procedure; it modifies seven existing laws. Lex Ukraine III was intended, inter alia, to address the lack of capacity in kindergartens and childcare facilities for children under three years of age, which was only accentuated by the arrival of war refugees. Lex Ukraine III also created the conditions to effectively address the potential increase in the number of unaccompanied minors who were to receive intensive professional assistance specifically orientated towards dealing with war trauma. Finally, the changes have also affected people with disabilities by extending the range of persons to whom special medical equipment can be provided to include TP holders.

The latest package of legislative changes adopted as a result of the military conflict in Ukraine is Act No. 144/2024 Coll. (hereinafter referred to as 'Lex Ukraine IV'), which amends two laws. In this case too, the NCSR voted on this legislation in an accelerated legislative procedure. Lex Ukraine IV is primarily concerned with TP holders' access to accommodation. Compared to its predecessors, for the first time we see a restriction of rights and a narrowing

23 See <https://www.health.gov.sk/?urcenie-rozsahu-potrebnej-zdravotnej-starostlivosti>.

of benefits for TP holders. According to the explanatory memorandum, the aim of the Act is to ‘modify the conditions of support for TP holders so that it is sustainable in the long term and as targeted as possible’.²⁴ More detailed information on how TP holders’ access to housing has changed can be found in Part III, Chapter 6. Housing Assistance.

Civil society organisations highlighted the risks associated with the new rules on access to accommodation for TP holders in their statement addressed to the Slovaks.²⁵ For example, the lack of a transition period to allow those adversely affected by the new changes to find alternative accommodation was pointed out.

Table 2. Overview of laws passed in relation to the war in Ukraine

	Type of legislative procedures	Effective from	Number of laws amended
Lex Ukraine I – Act No. 55/2022 Coll.	Accelerated legislative procedure	26/02/2022	4
Lex Ukraine II – Act No. 92/2022 Coll.	Accelerated legislative procedure	30/03/2022	22
Lex Ukraine III – Act No. 199/2022 Coll.	Accelerated legislative procedure	07/06/2022	7
Lex Ukraine IV – Act No. 144/2024 Coll.	Accelerated legislative procedure	01/07/2024	3

24 See Dôvodová správa k návrhu zákona, ktorým sa mení a dopĺňa zákon č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony [Explanatory Memorandum to the bill amending Act No. 480/2002 Coll. on Asylum and on Amending and Supplementing Certain Acts, as amended and supplementing certain acts], <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=548337>.

25 See STANOVISKO SLOVENSKÝCH OBČIANSKYCH ORGANIZÁCIÍ K RIZIKÁM SPOJENÝM S PRIJATÍM NOVEJ ZÁKONA O AZYLE SCHVÁLENEJ VLÁDOU SR [Position of Slovak civil society organisations on the risks associated with adopting the amendment of the Asylum Act approved by the government of the Republic of Slovakia], 2024. <https://www.hrl.sk/assets/files/obsah/1237-stanovisko-slovenskych-oz-k-novele-zakona-o-azyle.pdf>.

PART III

SELECTED AREAS

1. Legal status: residence and registration of displaced persons

The Schengen Borders Code generally establishes the entry of persons coming from the territory of Ukraine to Slovakia. The number of people crossing the Slovak–Ukrainian border increased just a few days before 24 February 2022. A total of 2,132,480 people crossed it in 2022, while, by comparison, 851,718 people crossed it in 2021 (BBFP, 2022, p. 6). Citizens of Ukraine who had been issued a biometric passport were allowed to enter the territory of the Slovak Republic under a visa-free regime after the start of the Russian full-scale invasion, which allowed them to stay in Slovakia without a visa or residence permit for 90 days within a 180-day period. However, the BBFP also allowed entry into Slovakia to persons who did not fulfil the conditions under the Schengen Borders Code through the application of Article 6(5)(c) of this legislation. In February 2022, not only Ukrainian citizens, but also foreigners – especially students – and other third-country nationals with a residence permit in Ukraine, fled Ukraine.

Table 3. Number of persons who crossed the external border of the Slovak Republic²⁶

2021	1 250 914
2022	3 453 278
2023	3 609 211
2024	3 781 033

Given that the Migration Office could not examine all applications of persons arriving from Ukraine in the asylum procedure, it was necessary to address the situation of foreigners through the institute of temporary protection. The purpose of the temporary protection procedure was not only to speed up the examination of applications, but also to enable the eligible persons to enjoy the rights associated with this form of protection more quickly.

To this end, on 25 February 2022, the National Assembly of the Slovak Republic approved Act No. 55/2022 Coll. on Specific Measures in Connection with the Situation in Ukraine, according to which the government of the Slovak Republic may announce the provision of temporary protection even without a decision of the Council of the European Union.²⁷

²⁶ See <https://www.minv.sk/?rocenky>.

²⁷ § 29(2): ‘The Government shall, in accordance with the decision of the Council of the European Union, declare the provision of temporary refuge and shall also determine the beginning, conditions and termination of the provision of temporary refuge and shall allocate funds to cover the expenses related to the provision of temporary refuge; the Government may declare the provision of temporary refuge without a decision of the Council of the European Union.’

Subsequently, on 28 February 2022, the government of the Slovak Republic adopted a resolution proposing to declare the provision of temporary protection under Section 29(2) of the Asylum Act to citizens of Ukraine and their family members and to set the dates for this provision from 1 March to 31 December 2022.²⁸ The provision of temporary protection under the resolution applied to nationals of Ukraine and their family members, where a family member was considered to be (1) the spouse of a citizen of Ukraine, (2) a minor child of a citizen of Ukraine or a minor child of the spouse of a citizen of Ukraine or (3) a parent of a minor child who is a citizen of Ukraine.

After Implementing Decision (EU) 2022/382 of 4 March 2022 was adopted by the Council of the European Union on 16 March 2022, the Slovak government adopted a new resolution,²⁹ by means of which the conditions under which TP was to be provided were aligned with the minimal standards set in the Council Implementing Decision. The provision of TP was extended until 4 March 2023. The scope of the TP was also extended to additionally cover:

- persons who have been granted international or equivalent national protection in Ukraine before 24 February 2022 and their family members and
- foreigners who, as of 24 February 2022, had a permanent residence permit in Ukraine and cannot safely return to their home country.

The TP institute was first introduced into the Slovak legal order by Act No. 283/1995 Coll. on Refugees ('Refugee Act'). According to the provisions of Section 2(b) of the Refugee Act, a TP holder (*odídenc*) is 'a foreigner who was granted temporary protection in the territory of the Slovak Republic for the purpose of protection from war conflict in his country of origin or in the country of his last permanent residence'. TP was first provided in the 1990s to citizens of the former Yugoslavia. Back then, the TP was extended every six months on the assumption that they would return home voluntarily after the end of the war conflict (SME, 1995). The TP institute was not used in Slovakia between the end of the conflict in the former Yugoslavia and February 2022, when the Slovak government began to provide TP to Ukrainian citizens and their family members.

The Refugee Act was later repealed and replaced by the Asylum Act, which entered into force on 1 January 2003. The new Asylum Act has taken over TP institute from the Refugee Act, but Section 29(1) extends the situations in which TP shall be granted in order to protect foreigners from the impacts of a humanitarian disaster or permanent or mass violation of human rights in the country of origin. TP was to be provided to foreigners on the basis of a decision of the Slovak government.

28 Uznesenie Vlády SR č. 144 z 28. februára 2022 k návrhu na vyhlásenie poskytovania dočasného útočiska podľa § 29 ods. 2 zákona č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov v znení neskorších predpisov štátnym občanom Ukrajiny a ich rodinným príslušníkom [Resolution of the Government of the Slovak Republic No. 144 of 28 February 2022 on the proposal to declare the provision of temporary protection pursuant to § 29(2) of Act No. 480/2002 Coll. on Asylum and on the Amendment and Supplementation of Certain Acts, as amended, for Ukrainian nationals and their family members], 2022 <https://rokovania.gov.sk/RVL/Resolution/19928>.

29 Uznesenie Vlády SR č. 185 z 16. marca 2022 k návrhu na vyhlásenie poskytovania dočasného útočiska v súlade s vykonávacím rozhodnutím Rady (EÚ) 2022/382 zo 4. marca [Resolution of the Government of the Slovak Republic No. 185 of 16 March 2022 on the proposal on the proposal for declaring temporary protection in accordance with Council Implementing Decision (EU) 2022/382 of 4 March 2022], <https://rokovania.gov.sk/RVL/Resolution/19969>.

With Slovakia's accession to the EU, the Slovak Republic had to transpose various legal acts of the Common European Asylum System (CEAS) into national legislation, which was also connected with the amendment of the Asylum Act effective from 1 May 2004, which transposed the Temporary Protection Directive into the Asylum Act. Several provisions of the Asylum Act relating to TP status had to be brought into line with the Directive. The amendment to the Asylum Act took away the right of the Slovak government to independently initiate the provision of TP. Instead, it stipulated that the Slovak government would determine the commencement, conditions, and end of the provision of TP under the Council decision, i.e., only after the Council decides to activate the Temporary Protection Directive. The power of the Slovak government to initiate TP without a decision of the Council has only been reintroduced by Lex Ukraine I.

In 2022, it was possible to apply for temporary protection directly at the border control departments in Ublá, Vyšné Nemecké, Veľké Slemence, and Čierna nad Tisou. Later, after the opening of the large-capacity centres, they were competent to receive applications for temporary protection. At the same time, the inland departments of the foreign police continued to accept applications, especially from vulnerable groups such as the elderly or pregnant women. A unique centre was established in Bratislava: the Assistance Centre for Ukrainians on Bottova Street, which was coordinated by the Municipality of the Capital of the Slovak Republic and provided a variety of services in cooperation with state, international and non-governmental organisations, including receiving applications for temporary protection, health care, legal counselling, language courses, social assistance, etc.

The assessment of applications for temporary protection by the BBFP was very swift from the beginning. Persons meeting the conditions for temporary protection were entitled to a tolerated stay under the Act on Residence of Foreigners. Most applicants had their applications decided on the same day they applied for protection. If the application was granted, the BBFP did not issue a decision; the foreigner was only issued a document certifying a tolerated stay in the territory of the Slovak Republic, marked 'TEMPORARY PROTECTION HOLDER'. According to Section 36(2) of the Asylum Act, 'a TP holder shall be deemed to be a foreigner who has been granted a tolerated stay.'³⁰

As of 15 December 2024, TP holders in Slovakia are being issued ID cards in a uniform European format—plastic cards. Those who were issued the document of tolerated stay (paper version) in Slovakia before 14 December 2024 may decide to remain with such a paper form of the document or apply for a plastic card.

30 In general, tolerated stay is regulated in the Act on Residence of Foreigners, specifically in Section 58, and is granted to a minor found on the territory of the Slovak Republic if necessary to respect the private and family life of a foreigner who is a victim of trafficking in human beings or if it results from the international obligations of the Slovak Republic. It also applies to a third-country national who has been illegally employed under particularly exploitative working conditions or to an unlawfully employed minor if the presence of this third-country national on the territory of the Slovak Republic is necessary for criminal proceedings.

Table 4. Number of persons granted temporary protection and tolerated stay in the territory of the Slovak Republic³¹

2021	-
2022	95 390
2023	30 451
2024	26 842

For applicants unable to prove their identity, the BBFP was obliged to forward the application to the Migration Office, which was obliged to decide within 30 days under the Asylum Act.

Persons entering the territory of the Slovak Republic who did not meet the conditions for temporary protection could subsequently apply for asylum or return to their countries of origin, whether voluntarily, with the assistance of the International Organization for Migration or as part of the so-called repatriation flights, in which the MoI SR cooperated with the foreigners' countries of origin.

As of 19 January 2025, there were 132,220 foreigners with valid TP status in Slovakia. Approximately 31.2% (41,319) of TP holders were aged 0–17, 60.8% (80,429) were aged 18–60 and 7.9% (10,472) were aged 60 or older. In terms of gender, females accounted for 63.7% and males 36.3% (MoI SR, 2025).

In the course of 2022, Slovakia recorded significant cross-border movements of persons granted TP, either back to Ukraine or to other EU or third countries. In 2022, a total of 7,041 TP holders decided to renounce their TP status voluntarily, and 4,281 TP holders had their TP status terminated because another state had granted them TP.³² These figures were significantly lower in 2023 (3,000 persons and 1,655 persons, respectively).³³ It is clear that those who stayed in Slovakia for at least a year were significantly less likely to move on to Ukraine or other countries.

1.1. International protection (asylum/subsidiary protection)

In 2022, 2023, and 2024, a total of 217 Ukrainian citizens submitted applications for international protection in the territory of Slovakia. Almost half of the applications (97) were submitted in February 2022 before temporary protection was initiated. One Ukrainian was granted asylum, and 46 Ukrainians were provided subsidiary protection (MO 2022a, 2022b, 2023, 2024).

1.2. Dual citizenship

Third-country nationals with two or more nationalities after 24 February 2022 primarily benefited from the protection of the states of which they were nationals. The situation was specific for Ukrainian nationals from the Roma minority who applied for temporary protection in Slovakia and were not granted temporary protection because they were citizens of the Republic of Hungary.

31 See <https://www.minv.sk/?rocenky>.

32 Official response of the MoI SR (No. KM-TO2-2024/003986-006) to a request for information submitted on 12 September 2024.

33 Official response of the MoI SR (No. KM-TO2-2024/003986-006) to a request for information submitted on 12 September 2024.

1.3. Repeated requests

The Slovak Republic also accepted repeated applications for temporary protection and provided it to eligible persons even if their temporary protection had previously expired. No legal restrictions precluded granting protection for persons who were eligible for it.

2. Education

2.1. Education legislation for foreign children, in general and after February 2022

According to Article 14 of the Temporary Protection Directive, ‘Member States shall guarantee access to the education system to persons under 18 enjoying temporary protection under the same conditions as nationals of the State granting protection. Member States may stipulate that this access to education must be limited to the national education system. In practice, these provisions mean that if children who are citizens of the Slovak Republic are obliged or entitled to education and early childhood care, the same conditions for access to education or care should also apply to children with temporary protection. The same applies to vocational education for children and access to such education.

The legal basis for children’s access to education, regardless of whether they are Slovak citizens or foreign children, is regulated in the Constitution of the Slovak Republic and Act No. 245/2008 Coll. on Education and Training (‘School Act’).

According to Article 42(1) of the Constitution of the Slovak Republic, ‘[e]veryone has the right to education. School attendance is compulsory. Its length up to the age limit shall be fixed by law.’ According to the School Act, children of foreigners with a residence permit in Slovakia are provided with education and training, accommodation and boarding in schools under the same conditions as Slovak citizens (146(2) of the Act on Education and Training).

Slovakia has three permitted stays: permanent, temporary and tolerated. Foreigners granted temporary protection (TP holders) are granted a tolerated stay, foreigners granted asylum (asylees) are granted permanent residence and foreigners granted subsidiary protection are granted temporary residence. This regulation in the School Act is in line with the regulation in the Temporary Protection Directive,³⁴ according to which persons under the age of 18 who have been granted temporary protection in the Member State shall enjoy access to the education system under the same conditions as nationals of the host Member State. The Directive further states that ‘the Member States may stipulate that such access must be confined to the state education system.’

According to the European Commission, access to education for persons under the age of 18 must be ensured as soon as possible, and it is sufficient if the person meets the conditions for temporary protection, which means that the temporary protection procedure does not have to have been definitively concluded.³⁵ The Commission recommends the same approach in the case of unaccompanied or separated minors, who should have access to education even when a decision on the appointment of a guardian is still pending.³⁶ Although the School Act stipulates that children of TP holders should be enrolled in school no later than three

34 See Article 14(1) and (2) of the Temporary Protection Directive.

35 Communication from the Commission on operational guidelines for the implementation of Council Implementing Decision 2022/382 finding that there has been a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and introducing temporary protection; Article 14(1) of the Temporary Protection Directive – access to education for minors.

36 *Ibidem*.

months after the commencement of temporary protection proceedings, the Ministry of Education has recommended that headmasters instead act immediately concerning children arriving from Ukraine.³⁷

2.2. Legal status of Ukrainian children in home schools

The Ministry of Education has prepared a guide for headmasters of kindergartens and primary and secondary schools entitled *A child from a war zone of another country comes to our school. What should I do as a school principal?* The guide contained a definition of ‘foreigner’³⁸ and, like the School Act, it provides that ‘if it is a primary school or secondary school established by a municipality, a self-governing region or a regional office of school administration, education and training shall be provided free of charge to such children.’

Even though education and training should be provided equally to every child in Slovakia, including children who are foreigners, after 24 February 2022, it was obvious that schools were not prepared for the mass influx of refugee children who had obtained a residence permit in Slovakia. According to Section 146(4) of the School Act, children of asylum seekers and children of foreigners granted subsidiary protection are enrolled in the appropriate year by the headmaster after their previous education and mastery of the language is ascertained, but no later than three months after the commencement of the asylum procedure – or of the temporary protection procedure for children of TP holders. The School Act provides that a child may be conditionally enrolled in the appropriate year according to age if they lack proficiency in the national language; the informed consent of the legal guardian or representative is required for enrolment in a lower year.

The difference between Slovak children and children who are TP holders from Ukraine is that Ukrainian children are not admitted, but are included in the educational process. They therefore do not have to go through an admission procedure or an entrance exam. The principal may include a pupil based on a request from the child’s legal guardian (Ministry of Education, Science, Research and Sport of the Slovak Republic, 2022).

For a child to be enrolled in school, the parent should provide proof that temporary protection proceedings (or asylum proceedings) have been initiated, the school should ascertain the child’s previous education level and proficiency in the national language and the headmaster should enrol the child in the appropriate year and class by issuing a written enrolment document. If the child does not have sufficient knowledge of the national language, they are conditionally enrolled in the appropriate year according to their age. If the child has sufficient

37 See Ministerstvo školstva, vedy, výskumu a športu Slovenskej republiky, 2022. Pomôcka pre riaditeľov materských, základných a stredných škôl, Do našej školy príde dieťa z vojnovnej oblasti inej krajiny, Čo mám ako riaditeľ školy spraviť [Ministry of Education, Science, Research and Sport of the Slovak Republic, 2022. A Guide for Principals of Nursery, Primary and Secondary Schools: A Child from a War-Affected Country Will Join Our School – What Should I Do as a School Principal?], <https://www.minedu.sk/data/att/d07/22334.784b7e.pdf>.

38 According to Section 146(1) of the Education Act, foreigners are children who are

- citizens of another state or stateless persons with permitted residence on the territory of the Slovak Republic
- asylum seekers on the territory of the Slovak Republic, according to a special regulation
- Slovaks living abroad
- applicants for asylum under a special regulation
- foreigners on the territory of the Slovak Republic without the accompaniment of a legal representative.

knowledge of the national language, they are placed in the appropriate year according to their previous education.

According to the Ministry of Education, the fulfillment of compulsory pre-primary education and compulsory school attendance is tied to the child's permanent residence in the Slovak Republic. If children from Ukraine have been granted only a tolerated stay (in the case of TP holders), they are not obliged to fulfil compulsory school attendance in Slovakia since their residence is only a type of permitted residence. Therefore, they are not obliged to attend compulsory pre-primary education or schooling.³⁹

An amendment to the School Act took effect on 1 January 2025, according to which if TP has been granted to a child from Ukraine or proceedings for granting TP have been initiated between 1 January and 31 August 2025 and if the child has reached the respective age by 31 August of the relevant calendar year, the legal representative of the child is obliged to apply within three months to enrol the child in pre-primary, primary or secondary education.

If the child's legal representative requests to enrol the child in the relevant education, but the child cannot be enrolled in a kindergarten, primary school or secondary school, the headmaster of the school shall inform the child's legal representative, the municipality where the child resides or has temporary protection and the competent local state education authority, which shall subsequently designate a school in which the child will be educated.

Many Ukrainian children with temporary protection in Slovakia have continued their online education in Ukraine. The reasons for preferring online teaching were initially the parents' belief that they would only be in Slovakia temporarily and therefore did not consider it important for their children to attend a Slovak school (UNHCR, 2024, p. 7). Another reason Ukrainian children did not attend Slovak schools was bullying and other serious actions against them. Some children also attended classes at a Slovak school while simultaneously attending online classes at a Ukrainian school.

2.3. Criminal/administrative sanctions for failure to comply with the school attendance obligation

Between 2022 and 2025, parents who did not enrol their children in school were not sanctioned for it. However, on 1 September 2025, new provisions of Act No. 596/2003 Coll. on State Administration in Education and School Self-Government will come into force, according to which if the legal representative of a child who is subject to the new obligation to apply for a child's enrolment in pre-primary, primary or secondary education fails to ensure the child's proper participation in education, the headmaster will notify the competent local education authority and the municipality in which the legal representative resides of this fact.

Neglect of participation in education takes place if (1) a legal representative does not request the enrolment of a child at the age of compulsory schooling, (2) a child of compulsory school age inexcusably misses more than 5 days per month in kindergarten or (3) a child of compulsory school age inexcusably misses more than 15 lessons per month or more than 60 lessons in the school year in primary or secondary school.

It is an offence for a legal guardian to fail to ensure that their child appropriately participates in education. A fine of up to EUR 331.50 may be imposed for this offence since 1 September 2025, even repeatedly.

39 See <https://ukrajina.minedu.sk/zaradovanie-deti-z-ukrajiny-do-skol-a-skolskych-zariadeni/>.

2.4. Special facilities for Ukrainian pupils

In April 2022, the Ukrainian School in Evacuation (USE) was established in Bratislava by the SME SPOLU civic association, cooperating with the Cambridge International School in Bratislava and the Ukrainian Sunday School to support children given temporary protection. UNICEF financially supported the project. Students can study the Ukrainian, English, and Slovak languages, history, algebra, and geometry, with the help of 12 professional Ukrainian teachers who are also TP holders in Slovakia.⁴⁰

2.5. Recognition of grades and examinations

In the context of the war in Ukraine, Act No. 422/2015 Coll. on the Recognition of Educational Qualifications and Professional Qualifications has been amended. Under this amendment, persons who have been granted TP are classified as applicants for international protection.⁴¹ The application submitted by the TP holder shall include a certified copy of the document of residence with international protection, as well as information on the level, extent, and content of the education the applicant has received in their country of origin and other facts related to their education. The Ministry of Education shall consider the request for education verification within 30 days of receipt. If the Ministry does not reject the request, it shall designate a recognised university or secondary school, according to the level of education indicated by the applicant, to verify the level at which the content and scope of the education indicated corresponds to the content and scope of comparable education in the Slovak Republic. Educational attainment shall be verified by examination.

3. Social benefits/support

According to Article 13(2) of the Temporary Protection Directive, ‘[t]he Member States shall make provision for persons enjoying temporary protection to receive the necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources’. Slovakia has provided social assistance for TP holders since 2022, with a lot of help from international organisations, especially the UNHCR and UNICEF.

The following international treaties and national legislation apply to the social security of Ukrainian TP holders in Slovakia:

- The Treaty⁴² on Social Security,⁴³ as amended by the Agreement⁴⁴ between the Slovak Republic and Ukraine on the amendment of the Treaty between the Slovak Republic and Ukraine on social security
- Act No. 461/2003 Coll. on Social Insurance
- Act No. 417/2013 on Assistance in Material Need

⁴⁰ For more information, see <https://smespolu.org/en/ukrainian-school-in-evacuation/>.

⁴¹ According to Section 57(2), ‘[a]n applicant with international protection is an applicant for assessment and verification of educational attainment who has been granted asylum, subsidiary protection or temporary refuge under a special regulation.’

⁴² Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 53/2002 Z. z.

⁴³ The Social Security Treaty was signed on 5 December 2000. It was approved by the National Council of the Slovak Republic on 31 January 2001 and ratified by the President of the Slovak Republic on 16 February 2001. On the day it went into force, the Agreement between the Czechoslovak Republic and the Union of Soviet Socialist Republics on social security of 2 December 1959 in mutual relations between the Slovak Republic and Ukraine (Decree No 116/1990 Coll.) expired.

⁴⁴ Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 211/2009 Z. z.

- Act No. 601/2003 Coll. on the Minimum Subsistence Level and Amendment and Supplementation of Certain Acts, as amended
- Ministry of Labour, Social Affairs and Family of the Slovak Republic Measure No. 227/2022 Coll. on the Adjustment of the Amounts of the Minimum Subsistence Level
- Government Regulation No. 93/2022 Coll. on Specific Measures in the Field of Social Affairs, Family, and Employment Services in Times of an Emergency, State of Emergency or State of Exception Declared in Connection with a Mass Influx of Foreigners to the Territory of the Slovak Republic Caused by the Armed Conflict on the Territory of Ukraine
- Government Regulation No. 131/2022 Coll. on Specific Measures in the Field of Subsidies within the Competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic in Times of Emergency, State of Emergency or State of Exception Declared in Connection with the Mass Influx of Foreigners to the Territory of the Slovak Republic Caused by the Armed Conflict in the Territory of Ukraine.

The Treaty between the Slovak Republic and Ukraine on Social Security applies to the provision of the following cash benefits:

- a) under the legislation of the Slovak Republic on pensions and sickness insurance for old-age pensioners, invalids, disabled people, widows and widowers and orphans, sickness benefit, maternity allowance, support for the care of a family member, compensatory allowance for pregnancy and maternity, support for the care of a family member, compensatory allowance for pregnancy and maternity and a funeral allowance
- b) according to the legislation of Ukraine on social security for old-age pensioners, disabled people (all groups) and retirees, pensions for the loss of a breadwinner, benefits for a temporary incapacity for work, family benefits for children, funeral benefits and support for the care of a family member

3.1. Sickness insurance benefits

The following benefits are considered sickness insurance benefits: sick pay, nursing allowance, compensatory allowance, pregnancy allowance and maternity allowance. These benefits are granted to persons listed in Section 14(1) of the Social Insurance Act. TP holders are entitled to sickness insurance benefits if they have the legal status of an employee or self-employed person. The legal basis for obtaining such benefits is insurance, which most often begins from the date of the legal relationship that gives rise to the right to the income referred to in Section 3(1)(a), (2) and (3) of the Social Insurance Act.

3.2. Pension benefits

TP holders from Ukraine who were granted temporary protection in Slovakia are entitled to an old-age pension under the same conditions as citizens of the Slovak Republic. This means that they must meet the basic conditions:

- Have reached retirement age (depending on the year of birth and the number of children raised),
- Have at least 15 years of pension insurance in Slovakia or in a state with which Slovakia has a social security agreement.

If the TP holder worked in Slovakia and paid pension insurance, these years are counted towards the required insurance period. If the TP holder spent part of his working life in Ukraine, the insurance period acquired in Ukraine may also be considered when assessing the pension entitlement, considering the international agreement on social security between the Slovak Republic and Ukraine. The area of social security for TP holders from Ukraine in Slovakia is covered by the Agreement on Social Security at the conclusion of the Agreement between the Slovak Republic and Ukraine and the amendment to the Agreement between the Slovak Republic and Ukraine on Social Security.

If TP is a pensioner to whom the Social Insurance Company pays a pension to a Ukrainian bank account and he/she does not have access to a bank account in Ukraine, the pension could be paid to another account that will be opened in a bank in the Slovak Republic.

If the Pension Fund of Ukraine pays TP's pension and TP does not receive this pension from Ukraine, the Slovak Social Insurance Company cannot "take over" the pension payments. In such a case, a TP holder may apply for assistance in material need.

3.3. Material need

Act No. 417/2013 Coll. on Assistance in Material Need also applies to a foreigner residing in the territory of the Slovak Republic under the Asylum Act. According to this Act, material need is understood to be a state "when the income of household members does not reach the amount of the subsistence minimum and household members are unable or unwilling to secure or increase their income through work, exercise of ownership rights or other rights to property and exercise of claims." The following are considered assistance in material need: 1. material need benefit, 2. protection allowance, 3. activation allowance, 4. allowance for a dependent child, 5. housing allowance. TP holders can apply for all of the above types of assistance in material need, except for the activation allowance, which is only linked to the registration of job seekers, where TP holders are not allowed to register.

The material need benefit is as follows: 1. an individual is entitled to EUR 86.59, 2. an individual with a child or with a maximum of 4 children is entitled to EUR 164.50, 3. a couple without children: EUR 150.30, 4. a couple with a child or with a maximum of 4 children is entitled to EUR 224.90, 5. an individual with more than 4 children is entitled to EUR 240.20, 5. a couple with more than four children is entitled to EUR 303.20.

The second benefit within the framework of material need assistance, to which TP holders are entitled, is a protective allowance in the amount of EUR 88.40. Eligible persons are members of a household to whom the material need benefit is provided, and:

- is of retirement age or receives an early old-age pension,
- has a disability of over 70% confirmed in the Slovak Republic,
- is pregnant 8 weeks before the expected date of delivery,
- is a single parent and takes full-time care of a child younger than 1 year,
- is fully dedicated to caring for a dependent person with a severe disability,
- is unemployed and participates in resocialization programs,
- has an unfavorable health condition and incapacity for work recognized by a doctor for more than 30 consecutive days,
- is a person with a severe disability dependent on professional care in an institution or a home care service.

The third benefit within the framework of assistance in material need is a housing allowance. This allowance is intended to partially cover the costs associated with housing for those who are in material need and who own or rent an apartment. An individual is entitled to EUR 97, a household with 2 members EUR 164.70, a household with 3 members EUR 209, a household with 4 members EUR 253.30, and a household with more than 4 members EUR 297.40.

Those in material need are also entitled to a dependent child allowance of EUR 24.20 if the child is dependent and attends school.

The Act on material need also regulates the so-called one-off benefit which is intended for partial reimbursement of the extraordinary expenses of members of a household in material need (Articles 17 and 18 of the Material Needs ACt). The one-off benefit is mainly intended to provide essential clothing, linen, footwear, essential household equipment such as a bed, table, chairs, refrigerator, stove, cooker, heater, fuel, washing machine, duvet, bed linen, and ordinary kitchen utensils, as well as emergency medical expenses or school supplies.

3.4. Accommodation allowance for temporary protection holders

The allowance for the accommodation of a temporary protection holder is regulated in Section 36a of the Asylum Act, and the specific amount is set out in Regulation No. 141/2024 Coll. on the Provision of the Allowance for the Accommodation of a Temporary Protection Holder. More information about housing allowance according to the Act on Assistance in Material Need is above in Section 3.3 Material Need of this Part.

3.5. Childcare allowance

The childcare allowance is regulated in Act No. 561/2008 Coll. on Childcare Allowance.⁴⁵ The allowance shall be granted to the beneficiary, who is the parent, according to Section 3(1) of the Act. According to Section 1(1) of the Act, this is a care allowance for the care of a child up to three years of age, or up to six years of age if the child has a long-term adverse health condition. A pensioner is entitled to a childcare allowance if they are employed or self-employed, in which case they are also compulsorily insured for a pension.

3.6. Allowances for people with severe disabilities

The legal basis for the allowances for persons with severe disabilities is Slovak Government Regulation No. 131/2022 Coll. on Specific Measures in the Field of Subsidies within the Competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic in Times of an Emergency, State of Emergency or State of Exception Declared in Connection with a Mass Influx of Foreigners to the Territory of the Slovak Republic Caused by the Armed Conflict on the Territory of Ukraine. The allowance shall be granted only during a crisis situation related to the armed conflict in Ukraine to an applicant who:

- has been granted temporary protection
- in the context of a crisis situation, has applied for asylum or subsidiary protection and for whom temporary protection has ceased because of an application for asylum or subsidiary protection
- has acquired temporary residence and for whom temporary protection has therefore ceased

45 Act No. 561/2008 Coll. on Child Care Allowance, <https://static.slov-lex.sk/static/SK/ZZ/2008/561/20230101.html>.

- Has received financial assistance from UNICEF or the IOM concerning a disability.

If the assessment results in a severity of disability between 40% and 59%, the TP holder is entitled to EUR 300 per month, and if the assessment results in a severity of disability of 60% or more, they are entitled to EUR 508 per month.⁴⁶

3.7. Subsidies to support education with a child's eating habits and subsidies to support education to meet a child's school obligations

The legal basis, as above, is Slovak Government Regulation No. 131/2022 Coll. on Specific Measures in the Field of Subsidies under the Competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic in Times of an Emergency, State of Emergency or State of Exception Declared in Connection with a Mass Influx of Foreigners to the Territory of the Slovak Republic Caused by the Armed Conflict in the Territory of Ukraine, namely § 2(a). The subsidy is EUR 1.40 each day the child eats lunch in kindergarten, EUR 2.10 in school (grades 1-4), and EUR 2.30 in school (grades 5-9). The subsidy is applied directly to the school/kindergarten.

3.8. Social services

The Slovak Republic has taken measures to support Ukrainian citizens in the context of the war in Ukraine. According to Act No. 448/2008 Coll. on Social Services, foreigners who have been granted temporary protection, asylum or subsidiary protection and who meet the conditions for a specific type of social service may use these services in Slovakia. Their status is the same as that of other recipients of social services with permanent residence in the territory of the Slovak Republic or another Member State.

According to the Social Services Act, a social service is considered to be

- a professional service
- a service activity or
- another activity or set of activities which are aimed at:
 - preventing or addressing an adverse social situation
 - alleviating the adverse social situation of an individual, family or community
 - preserving, restoring or developing a person's ability to lead an independent life and supporting their integration into society
 - ensuring the necessary conditions for satisfying the basic needs of a natural person
 - solving the crisis social situation of a natural person and their family
 - providing childcare because of a family situation that requires help with childcare.

People who come from Ukraine in connection with the war and who meet the conditions for any particular type of social service (e.g., dependency, health risk, unmet basic living needs, etc.) are entitled to it in Slovakia. Their status is the same as that of other recipients of social services, whether they are citizens of the Slovak Republic or citizens with registered residence in the territory of the Slovak Republic or another Member State. At the same time, they are also subject to the amount and conditions of payment for the social service and the conditions of financing the social service from public funds.

⁴⁶ Information is available on the website of the Central Office of Labour, Social Affairs and Family – https://www.upsvr.gov.sk/social-affairs-and-family/socialne-veci/dotacia-na-podporu-humanitarnej-pomoci-osobe-s-osobitnou-ochranou-v-suvislosti-s-jej-zavaznym-zdravotnym-postihnutim.-subsidia-na-pidtrimku-gumanitarnoi-dopomogi-osobi-z-osoblivim-zahistom-u-zvazku-z-ii-tazkou-invalidnistu.html?page_id=1231210.

3.9. Exceptional forms of assistance

International organisations have also provided cash assistance for TP holders in Slovakia. The UNHCR launched the latest Cash Assistance Programme for Winter Needs 2024. Refugees and stateless persons in Slovakia who were eligible for UNHCR-UNICEF Cash Assistance for Refugees with Vulnerabilities in Slovakia 2024 were also eligible for this programme, which entails a one-time payment of EUR 150 per person, with a maximum of EUR 400 per family.⁴⁷ It aimed primarily at newly arriving vulnerable persons to minimize protection risks and provide temporary support until they were included in the national social protection system.

4. Legal options for employment

The starting point for the employment of temporary protection holders in Slovakia is Article 12 of the Temporary Protection Directive.⁴⁸ As mentioned above, most applicants for temporary protection are granted this form of protection on the same day they apply and are also issued with a permit for a tolerated stay, which, in practice, means that they can enter the Slovak labour market immediately. According to the provisions of Section 23a(1)(k) of Act No. 5/2004 Coll. on Employment Services and Amendments and Additions to Certain Acts, as amended (hereinafter referred to as the 'Employment Services Act'), an employer may employ a third-country national who has been granted temporary protection.⁴⁹ People granted temporary protection in Slovakia do not need a work permit or a certificate to take a vacant job. According to the Employment Services Act, the employer is obliged to provide the competent Labour, Social Affairs and Family office with data on employment, using a prescribed information card, within seven working days of the commencement of employment and no later than seven working days after the termination of employment. The employer must provide a copy of the employment contract or agreement and a copy of the proof of tolerated stay in the Slovak Republic.

Finally, Ukrainian nationals who have not applied for temporary protection but have applied for asylum, as well as their family members, are also able to enter into an employment relationship immediately after applying for asylum and for the duration of the emergency in connection with the armed conflict in Ukraine, following the amendment of the Asylum Act (Article 54f of the Asylum Act).

In 2024, 9,216 Ukrainian nationals worked within the Slovak Republic.⁵⁰ The most common jobs were machine and plant operators and assemblers, skilled workers and craftsmen, specialists, service and trade workers, technicians and professional workers and auxiliary and unskilled workers (Central Office of Labour, Social Affairs and Family, 2025).

47 UNHCR email, dated 14 October 2024.

48 'Member States shall allow beneficiaries of temporary protection to engage in employment or self-employment during the period of temporary protection, under the rules applicable to the profession concerned, and to engage also in activities such as adult education, vocational training and on-the-job training. For reasons of labour market policy, Member States may give preference to nationals of European Union Member States, nationals of States bound by the Agreement on the European Economic Area and legally resident third-country nationals in receipt of unemployment benefits. The general law in force in the Member States applicable to remuneration, access to social security schemes for activities in an employed or self-employed capacity and other terms and conditions of employment shall apply.'

49 See <https://www.ip.gov.sk/zamestnavanie-utecencov-z-ukrajiny/>.

50 According to available statistical data as of 31 December.

If TP holders apply for a temporary residence permit for employment purposes and wish to continue working in the same job they have held for at least six months, they will not be assessed on the labour market situation. The situation differed in cases where TP holders were interested in self-employment. Slovak legislation, namely the Act on Residence of Foreigners, did not allow persons on a tolerated stay to do business. The Temporary Protection Directive was not correctly transposed into Slovak legislation, and it was only after comments from NGOs and international organisations that the Act on Residence of Foreigners was amended to allow TP holders to do business.

5. Access to healthcare

The Asylum Act was the legal basis for providing health care to applicants for temporary protection in Slovakia. The resolution of the Government No. 144/2022 made it obligatory for the MH SR to ensure the provision of health care to persons entitled to temporary protection in Slovakia. He was also obliged to ensure that health care providers were informed about the conditions for providing health care to these persons.

On the territory of the Bratislava Self-Governing Region, starting 11 April 2022, health care was provided for TP holders in the Zrkadlový Háj Health Centre at 1 Rovniankova Street in Petržalka, Bratislava. Specifically, a general medical clinic for adults and a general clinic for children were opened, staffed by Ukrainian medical personnel who provided primary care and prescribed medication to TP holders.⁵¹

The second place in Bratislava where health care was provided for TP protection holders was in the Assistance Centre on Bottova Street. A doctor was there during weekdays to examine patients and prescribe medicine. The patient had to pay for all the health services, as the doctor did not have a contract with the health insurance company.

Currently⁵², TP holders in Slovakia are entitled to reimbursement of health care and medicine, except for spa care, to the same extent as insured Slovaks. Minors up to 18 years and 364 days of age are entitled to the same health care coverage as insured Slovak children from 1 January 2023, including spa care.

Lex Ukraine IV, including the amendment to the Act on Healthcare, was approved by the parliament on 13 June 2024 and entered into force on 1 July 2024. This amendment establishes a minimum rights standard for TP holders under the new legislation. It stipulates that adult general practitioners, pediatricians, dentists, and gynecologists are not allowed to refuse to treat TP holders with registered tolerated residence in their healthcare districts.

6. Housing assistance

According to Article 13(1) of the Temporary Protection Directive, ‘Member States shall ensure that persons enjoying temporary protection have access to suitable accommodation or, if necessary, receive the means to obtain housing.’

Access to accommodation in the territory of the Slovak Republic was ensured based on the legal regulations in the Asylum Act and the Slovak Governmental Regulations. The legal regulation provided the possibility to accommodate TP holders in a humanitarian centre or another asylum facility. The amendment to the Asylum Act enabled the government of Slovakia to provide an accommodation allowance for TP holders as of 26 February 2022. As the

51 See <https://bratislavskykraj.sk/bratislavsky-kraj-otvara-ambulancie-pre-ukrajincov-odlahcia-pretazene-zdravotnicke-zariadenia-a-pomozu-aj-slovakom>.

52 From 1 September 2023.

capacities in the humanitarian centres and other asylum centres could not cover the demand for accommodation, the accommodation allowance became the most common instrument for providing accommodation to TP holders in Slovakia. The Slovak Governmental Regulation regulated the amount of the allowance, the payment procedure and other details. The allowance could also include compensation for free meals for TP holders, and a statutory provision even allowed for reimbursement of up to seven nights' accommodation for TP holders' accommodation. The allowance was never paid directly to the TP holders, but to the landlord who provided free accommodation.

The landlord could have been:

- a) the owner of a flat or family house
- b) the owner of a property intended for short-term accommodation who does not conduct a business related to accommodation
- c) a municipality or a self-governing region, if they provide accommodation directly or through their budgetary or contributory organisation.

The allowance for the accommodation of TP holders was provided under two Slovak ministries, the Ministry of the Interior and the Ministry of Transport. TP holders may be accommodated in an asylum facility or be entitled to an accommodation allowance (Article 35a(1) of the Asylum Act). From 1 July 2024, the allowance for the accommodation for TP holders has been provided exclusively by the Ministry of the Interior and is payable indefinitely.

A TP holder may be accommodated in an asylum facility for a maximum of 120 days from the first granting of temporary protection in the territory of the Slovak Republic, or if the person is considered a vulnerable person.⁵³ Accommodation shall be based on a written request from the TP holder for a maximum of six months, which may be repeated.

The Ministry of the Interior provides the accommodation allowance through the municipality in whose territorial district the accommodation is provided. The accommodation allowance for a TP holder shall be granted only for 120 days from the first provision of temporary protection in the territory of the Slovak Republic, or longer than 120 days only for the accommodation of a TP holder who is a vulnerable person.

A vulnerable person is defined as follows:

- a) a member of a household receiving assistance in material need
- b) a person with a severe disability to whom the Office of Labour, Social Affairs and Family provides a subsidy to support humanitarian aid to a person with a severe disability
- c) a person who has reached the age of 65
- d) a parent who cares for a child under five years of age or a natural person who personally cares for a child under five years of age based on a court order
- e) a child under five years of age of a person referred to in point (d).

The allowance is still paid to the accommodation provider through the municipality. Accommodation providers who provide accommodation as part of their business activity (e.g. hotels and guesthouses) are no longer entitled to the allowance. The scheme under the

53 A *vulnerable person* for the purpose of accommodation in an asylum facility means (a) a person who has reached the age of 65 years, (b) a single parent who is caring for a child under the age of five years or a natural person who is personally caring for a child under the age of five years on the basis of a court order or (c) a child under the age of five years.

Ministry of Transport was valid only until 30 June 2024. Currently, those eligible for the allowance are:

- a) a person who owns a property used for housing and who provides accommodation in it free of charge to a temporary protection holder (e.g. in an apartment or a family home)
- b) a legal person that provides accommodation free of charge to a temporary protection holder in a non-residential building used for short-term accommodation that it owns or manages, but only if it does not provide such accommodation in the course of its business
- c) a municipality or a self-governing region, if it provides accommodation free of charge to the temporary protection holder.

According to Government Regulation No. 141/2024 Coll., the amount of the allowance is set as follows: EUR 5 per night per person in the case of private accommodation (apartments or family houses), including the determination of the maximum monthly contribution according to the number of living rooms. In the case of other accommodation facilities, it is EUR 6 per night per person.

These are situations where the authorised person accommodates a TP holder as the owner or co-owner of real estate in the territory of the Slovak Republic, where they accommodate a TP holder who is a close relative (i.e. a parent, child, sibling or spouse) or where the TP holder is simultaneously accommodated in an asylum facility. The TP holder is required to notify the municipality in person that they have been provided accommodation by the authorised person within three working days of the start of the accommodation. A TP holder who is a vulnerable person must also notify the municipality and the authorised person without delay of any changes in the facts relevant to the vulnerability assessment.

On 1 March 2025, an amendment to the Asylum Act entered into force, which reduced the period of support for the accommodation of TP holders (the possibility of accommodation in asylum facilities and of providing an allowance for the accommodation of a TP holder) from 120 days from the first granting of temporary protection to 60 days from the first granting of temporary protection.

7. Other benefits not listed in the Temporary Protection Directive (Transport)

According to Railway Company Slovakia, ‘citizens of Ukraine are entitled to a free Ukraine ticket during school days when transporting kindergarten children and primary and secondary school pupils who have been granted the status of temporary protection, including one accompanying person. They will receive a free Ukraine ticket based on confirming school attendance from the place of habitual residence to the place of school. The place of habitual residence is indicated on the special temporary protection document. If the place of residence is not indicated on the said document, the applicant shall verbally determine the place of residence for transport. The entitlement to a free Ukraine ticket shall also arise for a single accompanying person travelling alone when returning from the place of the school’s seat to the place of habitual residence after escorting the child to classes and when travelling to collect the child from the place of habitual residence to the place of the school’s seat for the purpose of travelling to collect the child after classes.’⁵⁴

54 See <https://www.zssk.sk/ukrajina/>.

PART IV

CONCLUSION

Despite the lack of a contingency plan that would clearly define the roles of the entities involved in the event of a mass influx of foreigners to the territory of Slovakia, the Slovak government's response in the first days of Russia's full-scale invasion of Ukraine was relatively quick and effective. In addition to solidarity with war refugees across the political spectrum, state leaders were aware of the need for quick solutions to mitigate as much as possible not only the economic damage, but especially the damage to the health and lives of the people arriving. Operational solutions inevitably required legislative changes (Lex Ukraine I), thanks to which Slovakia could, for example, declare a state of emergency or start providing legal protection to incoming refugees before the activation of the Temporary Protection Directive. Even though the MPs of the National Assembly of the Slovak Republic approved the necessary changes in an accelerated legislative procedure, the legislative changes were not immediately effective. It is therefore necessary at this point to acknowledge the indispensable assistance of non-governmental organisations and local governments, which in the first weeks of the war largely substituted the role of the state.

After it became evident that the war in Ukraine would not end anytime soon and that Slovakia would be a refuge for thousands of refugees in the coming months, the Slovak government proceeded to make further legislative changes (Lex Ukraine II and III), which were mainly aimed at facilitating the life of refugees in the host country. Some of the changes went beyond what is required by the Temporary Protection Directive, which sets a minimum standard of rights that EU Member States must grant to beneficiaries of temporary protection. On the one hand, Slovakia's recognition of these broad benefits for TP holders can be seen as a political gesture of support for Ukraine. On the other hand, this 'indirect' gold-plating of the Temporary Protection Directive also brings disadvantages, as it has created significant differences in the temporary protection between EU Member States.

The state of emergency declared in connection with the mass arrival of foreigners to Slovakia did not require any change to the Constitution and constitutional laws, nor did it require a separate law to be adopted. The necessary legislative changes were made by amending existing laws and adopting sub-legislation. The legislature opted for an accelerated legislative procedure for all Lex Ukraine packages. This process seemed justified in the early months of the war because of the extraordinary circumstances. The question remains, however, whether it was necessary to use the accelerated legislative procedure for the last Lex Ukraine IV, which was approved more than two years after the beginning of the war and which modified the system of financing accommodation for TP holders that had been in place for more than two years. Lex Ukraine IV is also exceptional in that it was the first time that existing benefits guaranteed to persons with TP were narrowed. The most controversial legislative measure adopted in the context of the war in Ukraine was the amendment of the law on cybersecurity,

which gave the NSA limited powers to block harmful content and malicious activities on the internet. Due to the potential risk of disproportionate interference with fundamental rights, this power was not extended again to the NSA.

Most of the legislation adopted in connection with the war in Ukraine has had a significant impact on the rights and obligations of those who left Ukraine. Nevertheless, the state has provided limited information on these changes without a comprehensive, systematic campaign. In most cases, this information was only available in Slovak. According to UNHCR data, up to 80% of respondents among temporary protection holders in Slovakia expressed the need to get more information about their rights and available services (UNHCR 2023).⁵⁵ Some ministries have set up separate websites or subpages on their existing websites with information for TP holders in Ukrainian.⁵⁶ The Ministry of the Interior also operated helplines for Ukrainian speakers, which were run for the first weeks of the war. In addition, the state has also set up a separate website, ua.gov.sk, in three languages (Slovak, Ukrainian and English), which contains information on crossing the Slovak–Ukrainian border, information for persons wishing to stay in Slovakia and information for persons desiring to reach another EU country. However, the information published on this website has not been regularly updated; therefore, some information is inaccurate or incorrect. A reliable information service for people fleeing Ukraine has been provided mainly by NGOs and international organisations. Based on a joint initiative of the Human Rights League and Mareena, the website www.ukraineslovakia.sk⁵⁷ was set up shortly after the outbreak of the conflict. At the same time, the Human Rights League has set up and continues to operate a free helpline, 0800 222 350, and a separate email address, ukrajina@hrl.sk, for legal advice and assistance for people from Ukraine. The Migration Information Centre of the International Organization for Migration⁵⁸ also provides comprehensive information on its website and has created a separate section with information for people fleeing Ukraine.

55 The data are as of 15 December 2023 – Regional Protection Profiling & Monitoring (Oct 2023 onwards) (unhcr.org).

56 E.g. Ministry of Health of the Slovak Republic (<https://health.gov.sk/?pomoc-ukrajine>); Ministry of Education, Science, Research and Sport of the Slovak Republic (<https://ukrajina.minedu.sk/>); or Ministry of Transport of the Slovak Republic (<https://www.mindop.sk/lex-ukrajina>).

57 The website was later renamed to www.welcometoslovakia.sk.

58 See <https://www.mic.iom.sk/sk/novinky/757-info-ukrajina.html>.

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Zákon č. 144/2024 Z. z. ktorým sa mení a dopĺňa zákon č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony (Lex Ukrajina IV) [Act No. 144/2024 Coll. amending Act No. 480/2002 Coll. on asylum and on amending and supplementing certain acts, as amended and supplementing certain acts (Lex Ukraine IV)].

Zákon č. 184/199 Z. z. o používaní jazykov národnostných menšín [Act No. 184/1999 Coll. on the Use Languages of National Minorities].

Zákon č. 199/2022 Z. z. niektorých opatreniach v sociálnej oblasti v súvislosti so situáciou na Ukrajine (Lex Ukrajina III) [Act No. 199/2022 Coll. on Certain Measures in the Social Sphere in Connection with Ukraine (Lex Ukraine III)].

Zákon č. 211/2000 Z. z. o slobodnom prístupe k informáciám a o zmene a doplnení niektorých zákonov (zákon o slobode informácií) [Act No. 211/2000 Coll. on Free Access to Information and on Amendments of Certain Acts].

- Zákon č. 245/2008 Z. z. o výchove a vzdelávaní (školský zákon) a o zmene a doplnení niektorých zákonov [Act No. 245/2008 Coll. on Education and Training ('School Act')].
- Zákon č. 283/1995 Z. z. o utečencoch [Act No. 283/1995 Coll. On Refugees].
- Zákon č. 343/2015 Z. z. o verejnom obstarávaní a o zmene a doplnení niektorých zákonov (zákon o verejnom obstarávaní) [Act No. 343/2015 Coll. on Public Procurement and Amendment of Certain Acts (Public Procurement Act)].
- Zákon č. 387/2002 Z. z. o riadení štátu v krízových situáciách mimo času vojny a vojnového stavu [Act No. 387/2002 Coll. on the Management of the State in Crisis Situations out of the Wartime and State of War].
- Zákon č. 404/2011 Z. z. o pobyte cudzincov a o zmene a doplnení niektorých zákonov [Act No. 404/2011 Coll. on the Residence of Foreigners and Amendment and Supplementation of Certain Acts].
- Zákon č. 417/2013 Z. z. o pomoci v hmotnej núdzi a o zmene a doplnení niektorých zákonov [Act No. 417/2013 Coll. on assistance in material need and on amendments to certain acts].
- Zákon č. 42/1994 Z. z. o civilnej ochrane obyvateľstva [Act of NC SR No. 42/1994 Coll. on Civil Protection of the Population].
- Zákon č. 422/2015 Z. z. o uznávaní dokladov o vzdelaní a o uznávaní odborných kvalifikácií a o zmene a doplnení niektorých zákonov [Act No. 422/2015 Coll. on the recognition of educational documents and on the recognition of professional qualifications and on amendments and supplements to certain acts].
- Zákon č. 448/2008 Z. z. o sociálnych službách a o zmene a doplnení zákona č. 455/1991 zb. o živnostenskom podnikaní (živnostenský zákon) v znení neskorších predpisov [Act No. 448/2008 Coll. on social services and amending Act No. 455/1991 Coll. on trade entrepreneurship (Trade Act), as amended.].
- Zákon č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov [Act No. 480/2002 Coll. on Asylum and Amendment of Certain Acts].
- Zákon č. 5/2004 Z. z. o službách zamestnanosti a o zmene a doplnení niektorých zákonov [Act No. 5/2004 Coll. on employment services and on amendments and supplements to certain acts].
- Zákon č. 55/2022 Z. z. o niektorých opatreniach v súvislosti so situáciou na Ukrajine (Lex Ukrajina I)[Act No. 55/2022 Coll. on certain measures in connection with the situation in Ukraine (Lex Ukraine I)].
- Zákon č. 576/2004 Z. z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov [Act No. 576/2004 Coll. on Healthcare, services related to the provision of healthcare, and on amendments and supplements to Certain Acts].
- Zákon č. 69/2018 Z. z. o kybernetickej bezpečnosti a o zmene a doplnení niektorých zákonov [Act No. 69/2018 Coll. on Cybersecurity and Amendment and Supplementation of Certain Acts].
- Zákon č. 92/2022 Z. z. o niektorých ďalších opatreniach v súvislosti so situáciou na Ukrajine (Lex Ukrajina II)[Act No. 55/2022 Coll. on certain other measures in connection with the situation in Ukraine (Lex Ukraine II)].

