

## Slovak Republic

### Executive Summary

The Slovak Republic provides many solutions to help employers of foreign nationals. These range from temporary, non-immigrant visas to permanent immigrant visas. Often, more than one solution is worth considering. Requirements, processing time periods, employment eligibility and benefits for accompanying family members vary by visa classification and purpose of stay. The visa application procedure may be lengthy in some cases. Therefore, application for long term temporary residency permit should be filed well in advance.

### Key Government Agencies

The relevant Slovak Office of labor, social and family affairs with respect to a place of job is responsible for the processing of a work permit. The Foreigners Police Service is responsible for visa processing with the assistance of Slovak consular posts abroad. Most non-EU country citizens' visa require the foreigner to obtain the work permit to be employed in a specific job, time, place and for a specific employer, *i.e.* before applying for Slovak employment visa (temporary residence permit for employment purposes). Visas are issued by Slovak embassies and consulates general abroad or, under extraordinary circumstances (e.g. humanitarian reasons), by the Slovak police at a border crossing point. The visa entitles the foreign national to transit through or to stay in the Slovak Republic and/or Schengen area for the period of validity of the respective visa. The length of stay and expiry date of the visa is specified on the visa sticker.

### Current Trends

Border protection activities and enforcement of immigration-related laws that impact employers and foreign nationals increased not only

once the Slovak Republic joined the EU, but have currently further increased because of high unemployment rates. Employers of foreign nationals unauthorized for such employment are being more and more subjected to civil penalties and the same with respect to such foreign nationals. In addition, it is more difficult to obtain a work permit and it must be proved that it is impossible to employ for the respective job a Slovak citizen prior such job may be offered to a non-EU member country citizen.

Slovak authorities require that non-EU country citizens possess a passport that is valid for three months beyond the intended stay in the Slovak Republic (i.e. beyond the applied visa/residency permit period). Additionally, proof of finances to bear the costs of stay and sufficient health insurance is required.

The border police have a right to request proof of a travel medical insurance policy covering all hospitalization and medical treatment costs in the Slovak Republic. We recommend checking a list of accepted health insurance companies sufficiently prior to the arrival.

Also, the border police have a right to request evidence of funds available to pay for a stay in the Slovak Republic. Foreigners can demonstrate sufficient funds for example by means of cash, a bank account statement from the Slovak branch/subsidiary of a bank.

For example, according to Slovak law, a US citizen entering the Slovak Republic for tourist purposes may only stay on the territory of the Slovak Republic and Schengen countries for a period of up to 3 months within any 180 day period. If he/she interrupts his/her stay on Schengen territory (including the Slovak Republic) within these 180 days, the period of stay on Schengen territory (all countries together) is counted together with any 180 days (i.e. exempting only those days when he/she is out of Schengen territory). However, any US citizen is prohibited to work on the Schengen territory without a “working” visa.

Generally, foreign nationals who have been granted a short-term or long-term visa, or who are exempt from the visa requirement upon entry, are obligated to inform, within three working days of their arrival, a competent police department of the commencement, place and anticipated length of their stay, citizens of EU member countries within 10 working days (visitors staying in hotels are registered automatically). Foreign nationals (EU as well as non-EU) who have been granted a residency permit are always obligated to notify commencement of their stay in the Slovak Republic

After being granted a Slovak visa, foreigners are obligated to then report all changes to the locally appropriate Foreigners Police without delay. Changes that trigger reporting requirements include for example:

- Change of passport;
- Change of residence address in the Czech Republic;
- Change of marital status;
- Change of name;
- Change of employer - also requires prior change of the work permit;
- Reporting a loss of any immigration document.

Foreigners are obligated to, upon prior request of local police, for example:

- Prove their identity with a valid passport or a residence permit, if requested by police, and prove that their stay in the territory is legitimate, prove sufficient financial means, purpose of stay and health insurance;

- Submit to such actions as taking fingerprints, video recording, medical examination, etc. as provided by law, if requested by police.

Violation of immigration rules may result in a fine, deportation, prohibition of stay and, in special cases, criminal proceedings.

Border protection activity and enforcement of immigration-related obligations have recently increased due to high unemployment rates. Employers of foreign nationals unauthorized for such employment are increasingly subjected to civil penalties.

Please note that there is no legal entitlement for issuance of a work permit or Slovak visa or residency permit - it is solely at the discretion of local authorities.

#### Schengen visa: airport transit visa

Generally, a person is able to stay in the international transit area at the Slovak airport without a Slovak visa while waiting for a connecting flight. However, some nationalities are required to have a valid visa, even if they do not leave the international transit area. The Airport Transit Visa only authorizes the holder to transit through the airport's international transit area.

#### Schengen visa: entry visa

The visa entitles its holder to enter and stay in the Schengen area for not more than a total of 90 days within a six-month period subsequent to the date of the first entry. This visa may be issued for one or several entries (single entry and multiple entry visas).

## National visa type

National (long-stay) visa may be issued in relation to the granted residence permit or in connection with the Slovak Republic's commitments under international treaties, or for the benefit of the Slovak Republic.

### *Temporary Residency Permit*

For stays longer than 90 days during six months period, a foreigner must apply for temporary residency permit at a Slovak Embassy or Consulate General, prior to entering the Slovak Republic. The temporary residency permit is differentiated by purpose of stay, e.g. employment, business activities, joining a family member, study.

The temporary residency permit is always issued for one purpose only, for the period of duration of such purpose but for a maximum of 2 years. It may be repeatedly renewed. Typical allowed purposes – employment, business, study, joining his/her family.

The purpose of stay must be proved when applying for this temporary residence permit.

### *Permanent Residence Permit*

A permanent residence permit entitles foreign nationals, who have been granted the permit, to stay in the territory of the Slovak Republic and to travel abroad and back within the time period for which the permit has been granted by a competent Slovak police department. Holders of permanent residence permits are not obligated to obtain work permit for the purposes of their work in the Slovak Republic.

This is typically granted for foreigners, who are family members of Slovak citizens, or to children of foreigners having Slovak permanent residency permit.

### *Tolerated Residence*

A tolerated residence permit is typically granted by a competent police department based on an application by a foreign national in case he/she is prevented, by a reasonable and unforeseeable obstacle, from leaving the Slovak Republic at the time of expiry of his/her visa or residence permit, and in few other cases. Tolerated residence is awarded for not more than 180 days (but for necessarily extent only); it may be repeatedly extended if the reasons deemed decisive for its award continue to exist.

### *Visa Waiver*

EU citizens do not need a work permit or visa to stay or work in the Slovak Republic. They are subject to the registration requirement only. Some non-EU country citizens traveling to the Slovak Republic as tourists only are not required to obtain a Slovak visa, provided that their stay does not exceed the stipulated number of days. These individuals are only subject to the registration requirement.

Citizens of the following countries are allowed to arrive in the Slovak Republic for tourist purposes without a visa (i.e., if their stay is not for gainful/employment purposes and limited to 90 days in any 180 days period): Andorra, Antigua and Barbuda, Argentina, Bahamas, Barbados, Brazil, Guatemala, Honduras, Chile, Croatia, Israel, Japan, South Korea, Canada, Malaysia, Mauritius, Mexico, Monaco, New Zealand, Panama, Paraguay, Salvador, San Marino, Seychelles, Singapore, USA, Saint Christopher and Nevis, Uruguay, and Venezuela.

### *Training*

The same options apply as for employment assignments (see below).

## Local Employment and Employment Assignments

EU country citizens do not need a work permit or visa to stay or work in the Slovak Republic. They are subject to the registration requirement only.

Other foreigners may be employed, provided that they have been granted a Slovak work permit and a residence permit (for employment purposes). Certain exemptions apply.

The employer (recipient employer) may be a legal entity registered in the Slovak Republic, a foreign company's Slovak branch office, or a foreign company authorized to perform the respective business activities in the Slovak Republic. The employer must also prove that the job cannot be filled by Slovak workers.

An application for a work permit for a foreigner is filed at the local Labor Office. Foreigner, who is subject to work permit obligation, applies for work permit himself/herself or through his/her future employer using a work permit application form. Thereafter, the foreigner may use the approved work permit to apply for a visa at a Slovak Embassy or consular post abroad.

Work permits are valid only for employment, the specific job, site and the employer listed on the permit. A change in any of these will require a new work permit. Work may be commenced once both, work permit and residency permit, are valid and effective.

Typical work permit exemptions - A work permit to employ a non-EU country citizen in the Slovak Republic is not required for example if the employee has:

- A Slovak permanent residency permit;

- A Slovak temporary residency permit for study purposes and his/her work does not exceed 10 hours per week or its equivalent number of days or months per year;
- A Slovak temporary residency permit for research and development and his/her teaching activities do not exceed 50 calendar days per a calendar year;
- An employment relationship on the territory of the Slovak Republic that does not exceed seven consecutive calendar days or in total thirty calendar days per a calendar year based on the assumption that he/she is: 1) a pedagogical employee, academic employee of an university, scientific, research or development employee participating in a professional scientology event; or 2) performance artist participating in a performance event; or 3) a person ensuring supply of goods or provision of services or supplies goods or assembles in the Slovak Republic based on a commercial contract or provides guarantee or reparatory works;
- Been exempted from a work permit requirement based on an international treaty legally binding in the Slovak Republic;
- Been seconded to the Slovak Republic by the employer (employer residing in other EU member state) within services provided by this employer.

However, a visa is, in most cases, required no matter that the exemption from work permit applies.

#### Other Comments

It is recommended to insist on a passport being stamped with an entry stamp at the Slovak border whenever a foreigner crosses the border where it is possible.

All Slovak immigration procedures are time consuming and administratively demanding; therefore, advance planning is key.