

Task 5.4.1. Country report:

The populist challenge of common EU policies:

the case of (im)migration policy (Slovakia) between 2015 and 2018

*Country Report Prepared for the DEMOS Project
The Long Report*

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1. INTRODUCTION

The following report provides an in-depth analysis of the im/migration situation, policies and debates in Slovakia in 2015-2018. First, it offers background information, followed by explaining approaches of the key political parties on immigration topic and description of key arguments and narratives used for or against immigration in the political and public debate.

The second part provides assessment of the governmental position on immigration, together with the information on its evolution.

The third part discusses immigration as a legal issue, including conflicts of policies at the EU and national level.

Finally, it offers key synthesis of findings as well as tentative recommendations, including reference to a set of detailed recommendations suggested by a local stakeholder organisation.

It is based on critical overview of available literature and additional research of legal and policy documents. The German Presidency of the Council of the EU is discussing the issue of refugees relocation during its current presidency.² Indeed, the European Commission introduced a blueprint of its new plan on asylum policy in September 2020. Furthermore, the government is going to revise the key policy documents in coming years. Thus, this issue is highly topical and deserves more analytical attention, especially if the aim is to come to a sound policy advice. For busy people, there is a succinct summary with recommendations at the end of the report. There are in fact two

¹ A few comments or suggestions were provided by Łukasz Gruszczyński and Réka Friedery.

² See video from the German Parliament, speech by Heiko Maas, Jul 7 2020, <https://aeronet.cz/news/video-nemecky-ministr-zahranici-v-bundestagu-odpovedel-poslanci-ceskeho-puvodu-za-afd-ze-evropska-unie-bude-v-dobe-nemeckeho-predsednictvi-prosazovat-zavedeni-celoevropskeho-prerozdelovani/>

versions of this report – a short one, and a long one. The long version has 21,000 words and serves as full-fledged analysis. The short version is for those who need to grasp just the key ideas with some basic evidence provided.

Especially during and around period in question, Slovakia had been transforming gradually from a country of emigration to a country of a limited transit for illegal migration, and it was becoming a country of final destination for legal migration (Bolečeková and Olejárová 2017, 192). In fact, even terminology was changing, at least among experts, replacing a term illegal migration with a more neutral term irregular migration. However, we kept here multiple terms in place since the discourses at that time (political, media/public or expert level discourses) showed inconsistency. In fact, the term “irregular” migration could be found only as an exception from the rule in all types of discourses.

It should be mentioned the role of the media during refugee/migrant crisis, or, as it turned out, a crisis of European migration policy.

One has to differentiate analytically on the one hand between media coverage and commentaries, and on the other hand, political discourse as presented in the media (see for an example proper differentiation by Chudžíková, 2016).

In general, a longitudinal study based on framing and carried out in earlier and the most critical period (2013-2016) by Kovář (2019) found that the security-threat frame was the dominant frame in the media, while economic framing was significantly less frequent in Slovak media. While both quality media and tabloids employed the security-threat frame often, it was significantly more prominent in tabloids. This appears to be too general observation, though. For example, specifically for the 2016 year, the major Slovak mainstream media sources maintained objectivity and informed promptly, professionally and without unnecessary affects about topic of Islam (Islam and refugees were seen as almost identical issues in public discourse, although there was also strong correlation in public/media debate between migrants and (black) Africans), with emotional and sensational information presented in some alternative information sources (Bayrakli and Hafez, 2017, 523). Similarly, Chudžíková's (2016) micro-research pointed at relatively balanced coverage of the media on refugee/migrant issue in September 2015.

For the political discourse as presented by politicians and political parties in the media (two selected newspapers), the most dominant political actor was the governing party, the “*Smer-SD*”. This discourse was changing since spring 2015 into electoral discourse for upcoming 2016 general elections, and from framing “it’s not our problem, it’s the responsibility of the EU”, to a more political phrase, “migrant is a threat, and presents a danger – risk for our country”. Similarly, the number of articles mentioning “migration/refugee crisis” was increasing, with two peaks – one in September 2015 and the second peak in the first quarter of 2016. Among other political actors who commented on refugees/migrant in positive way, the most visible was then President Andrej Kiska, while the most frequent political representant expressing negative perspective on various aspects of the crisis was then the P.M. Robert Fico (Žúborová and Borárosová, 2017).³ However, institutionalization and shift between security–humanitarian discourses and threat–victim-framing throughout 2015 year was not typical only for Slovakia – it was actually found in Austria and the Czech Republic, too (Kluknavská, Bernhard, Boomgaarden, 2019). Moreover, the change in framing happened following the November 2015 Paris terrorist attacks when the humanitarian framing was quickly overwhelmed by a defensive securitisation frame in the media across Europe, especially in Central Europe (Georgiou and Zaborowski, 2017). Yet for Slovakia the first change in discourse – seeing migrants/refugees more closely related to Slovakia- could be seen already in late

3 The chairperson of „liberal“ party SaS, Richard Sulík was also strongly against migrants, seen them mostly from rational-logical point of view, while Kotleba-ESNS members and supporters did not mind to express their contempt or hatred towards them openly.

August 2015. At that time, 71 corpses of migrants/refugees were found close to Austrian-Slovak borders, but on Austrian side of the common borders (Chudžíková, 2016, 94).⁴

The political discourse in selected daily papers and Facebook from July 2017 to January 2018 on the issue of migration/refugees was rather marginal and relatively more sympathetic to refugees/migrants (Spálová and Szabo, 2018). The crisis seemed to be gone, and there were more important local issues like “captured state” and corruption.

In the later period (May-August 2018), local media reported on migration in a more diverse style than in either Estonia or the Czech Republic (Pospěch, Jurečková, Hacek, Chalupková, Ivanič, Kaal, Rense, Tokošová, 2019, and Ivanič in Kačmár, 2019). In particular, local media reflected migration within context of labour migration (there are many guestworkers or workers who moved abroad from Slovakia, seeking jobs and other opportunities for some time or permanently abroad). Furthermore, in contrast to Hungary and partially in contrast to Poland as well as the Czech Republic, negative coverage of migration or refugees did not occur in the mainstream media (but in so called alternative, mostly only online media). The mainstream media, including tabloid media, focused at problematic aspects of migration less often and in less negatively emotional manner than the Czech media. Conversely, the local media discussed also more often political issues and integration. Finally, although the dominant discourse in the mainstream media was lead by politicians, their presence in the media discourse was less frequent than either in Estonia or the Czech Republic (Pospěch *et al*, 2019, and Ivanič in Kačmár, 2019).

Be that as it may, it was crucial that when migration crisis started in 2015, there were upcoming general election in a country in March 2016 – thus, refugees or “migrants” became useful scapegoat for many politicians and political parties running in the elections. As put by Mudde (2016, cited in Wiczanowska, 2017, 70), “securitization of the refugee issue shall be deemed as instrumentalization aimed at general elections of 2016.” Within this context, a long tradition of ethno-centrism, populism and illiberalism/geographical closeness in Slovakia (Harris, 2019, Sekerák, 2019, Gallová-Kriglerová, 2016, 73) was unfortunately rather (un)helpful. Indeed, a research by Chromková-Manea and Kusá (2019) confirmed quite strong correlation between high level of ethnocentrism (to be born in a country, to command a language, to have parents with local origin, etc) and having negative attitude towards migrants in general in Slovakia (as well as in the Czech Republic). Moreover, there was no positive impact of increase in level of higher education on social distancing. Interestingly, ethnocentrism has actually increased between 2008-2017 period.

Fundamentally, there had been already applied emotional ethno-nationalist and homonegative discourses by anti-LGBT activists during the (ultimately unsuccessful) referendum on “The Protection of Family” held on February 7, 2015. This pre-referendum discourse already used the discursive cleavages of the dichotomy of “depraved Europe” and “traditional/pure Slovakia”. Moreover, the frames used - “norms forced from above, legislature and judiciary activism, collapsing European civilisation, protection of national development and threat to the Slovak nation” (Valkovičová, 2017) were quite adaptable to discourses during refugee crisis which was ongoing about the same time and culminated a few months later (with two peaks, as mentioned). Thus, public was already accustomed to emotional rhetoric that fitted perfectly to negative refugee rhetoric narratives.

No wonder that, as put by Andrew Strohlein, representative of Human Rights Watch at that time: “It appears that Slovakia has experienced migrant crisis without migrants. The number of refugees is minimal, yet paradoxically fear is enormous.”⁵ Yet even this was only partial truth. Apparently,

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The refugees were found on the highway in Austria (from Hungary). It was close to Slovakia, but the refugees (or the van) did not travel through Slovakia.

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and additionally to the above mentioned contributing factors, there might have been impact of important short term trend in legal migration. As put by Benč (2015, 62): *"From a country where immigration in particular has had no mass nature, where the number of asylum seekers along with the quantity of migrants living and working in the country has been low⁶, Slovakia has been undergoing an important transformation on in this domain during the past 3-5 years. The inflow of legal migrants has been growing to an unexpected extent, carrying with it a great acceleration of challenges.* "The increase of foreigners between 2004 and 2016 (as much as 4.2 times) was the third fastest growth rate in the European Union in that period (Letavajová and Divinský, 2019, 16).⁷ Similarly, there was a reverse trend of number of illegal border crossings that were replaced in statistics with illegal stays in a country (Benč, 2015, 58).

Thus, what we could see in 2015 in Slovakia was a typical case of moral panic, based on four indicators (concern, hostility, consensus and disproportionality) – see Androvičová (2016, 54-58). Moreover, the arguments for the *elite-engineered* model of panic are the strongest here (Androvičová, 2016, 62). This can be seen in the following section. However, among the elite one can include some Christian and nationalist activists (or anti-LGBT activists) who initiated dividing referendum and its discourse that pre-cooked mood in society. Moreover, Bolečeková and Olejárová (2017, 194) have suggested that recent **"historical experience" with the misuse** (to be discussed further) **of the asylum system could have had impact on the attitude of Slovaks concerning the 2015 refugee crisis.**

2. BACKGROUND INFORMATION

Slovakia has historically been country of emigrants rather than immigrants. There is no consensus among researchers as to how many foreigners (with a residence permit) live in Slovakia. The total number seems to be around 150.000 persons as of 2019. The Slovak Statistical Office uses the term foreigner and not migrant.

HRL (2020, 14) claims that there were 143 075 foreigners living in Slovakia in 2019. However, there were only only 2.2% of foreigners living in Slovakia at the end of 2018 (121,000 individuals) according to Letavajová and Divinský (2019, 7). In contrast, Bolečeková and Olejárová (2017, 192) used another definition and data which produced different perspective.⁸ In their view, already at the beginning of 2014, the number of immigrants (i.e., persons with a place of birth outside of Slovakia) was approximately 174,900 (3.2% of the population), of which approximately 146,300 (2.7%) came from other EU member states and approximately 28,600 thousands (0.5%) moved from third countries. Fourth statistical perspective was offered Bargerová (2016, 28). According to her calculations, there have been 84 787 foreigners living in Slovakia at the end of 2015 (share 1.56%).

TASR (2016, June 16). Slovensko prežíva utečeneckú krízu bez utečencov, hovorí Human Rights Watch (Slovakia is experiencing refugee crisis without refugees, says Human Rights Watch), <https://domov.sme.sk/c/20194748/slovensko-preziva-utecenecku-krizu-bez-utecencov-hovori-human-rights-watch.html>

6

The number of asylum seekers between 2001 and 2004 was really high, only then no one noticed. Slovak media by and large did not notice migration at all during this period. (<https://www.minv.sk/?statistiky-20>)

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Although the growth was rapid, but the foreigners came mostly (2/3) from the Member States of the European Union.

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Originally coming from „Foreign-born population by country of birth“, 1 January 2014, Eurostat, http://ec.europa.eu/eurostat/statistics-explained/images/7/79/Foreign-born_population_by_country_of_birth%2C_1_January_2014_%28%C2%B9%29_YB15.png

It can be estimated that more than a third of foreigners from “third countries” living in Slovakia represented permanently settled individuals or families and about 60 % of them had temporary permits (Bargerová, 2016, 29).

Be that as it may, these included mostly legal migrants (mainly guestworkers) or other legal and illegal migrants that were granted various form of protection or, exceptionally, citizenship.

The estimates of undocumented immigrants or those having undefined status were about some 12,000 to 13,000 persons; the majority of them being most likely Ukrainians (Letavajová and Divinský, 2019, 19). In contrast, an estimate of those leaving the country over the past years was put at between 15,000 to 20,000 persons *annually* (Letavajová and Divinský, 2019, 15). For comparison, total population of Slovakia is about 5.4 million.

Slovakia had been throughout period in question among countries with the lowest ratio of asylum seekers in the EU (asylum requests per million citizens), and it was actually the country with proportionally the lowest number of asylum seekers in the EU in 2016 year.⁹ Similarly, in 2017, Slovakia registered just around 160 asylum applications, the lowest number in the EU that year (GDP, 2019). In part this was result of its status as a transit country (refugees/migrants’ final destination were other countries, typically Germany or the UK), not being a major transit route for refugees /migrants in general (Benč, 2015, 61) and especially since autumn 2015 in particular,¹⁰ as well as it was seen as a country with a very strict asylum granting policy¹¹. The last point should be explained briefly here – the ministry of interior or the Migration Authority can grant asylum on “humanitarian” grounds or the government can offer a “temporary shelter” even without any need to claim any persecution (section 9 and section 29 respectively, of the Act 480/2002). Thus, what has been strict was actual application of the law, not only the law as such, as we shall discuss further. In any case, during 25 years (since 1993) there were only 856 successful asylum seekers out of 58 874 asylum requests (Berthotyová, 2019). Yet it should be mentioned that majority of refugees requested asylum only formally, once they were checked by the police on their route further west, north or south.¹² The fact is that even in times of crisis, Slovakia has not become a final destination for asylum seekers and irregular immigrants (Bolečeková and Olejárová, 2017, 196). Nonetheless, illegal migration of “migrants” (less so of “refugees”) became one of the most discussed and the most controversial political issues particularly in years 2015 and 2016.

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ČTK (2017, January 25). Eurostat: Na Slovensku žiada najmenej cudzincov o azyl z celej Únie (Eurostat: There is the lowest number of asylum seekers in Slovakia out of the Union), <https://dennikn.sk/666115/eurostat-na-slovensku-ziada-najmenej-cudzincov-o-azyl-z-celej-unie/?ref=tema>

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TASR (2015, October 25). Slovensko je mimo migračných trás, prevádzajú sa mu vyhýbajú (Slovakia is outside of Migration Routes, Human Smugglers are avoiding the Country), <https://domov.sme.sk/c/8051377/slovensko-je-mimo-migracnych-tras-prevadzaci-sa-mu-vyhybaju.html>

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The judge who deals with asylum requests suggested that low number of asylum seekers is a result of strict asylum policies. She argues that initially there was interest in asylum in Slovakia. 2.5. 2015 [Slovensko sa bojí utečencov. Pomôžme im, vyzýva sudkyňa Berthotyová](https://plus7dni.pluska.sk/gal/rozhovory/slovensko-boji-utečencov-pomozme-im-vyzýva-sudkyňa-Berthotyová), <https://plus7dni.pluska.sk/gal/rozhovory/slovensko-boji-utečencov-pomozme-im-vyzýva-sudkyňa-berthotyova/1>

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For example, according to the Human Rights League, around 140- 200 unaccompanied children are apprehended every year in Slovakia, of whom around 90 percent disappear from the shelters. Human Rights League, 2016, Disappearing children, <http://www.hrl.sk/projekty/miznuce-detidisappearing-children>. Bolečeková and Olejárová (2017, 194) argued that many asylum seekers left Slovakia over the course of the asylum procedure, even before a final decision on asylum was reached. This was the main reason for which, despite a considerable number of applications, asylum was only granted to a small number of applicants, and for which the data on refused, suspended or withdrawn applications for asylum can provide only an indication of the state of illegal migration in Slovakia.

A very limited migration to Slovakia has traditionally constituted mainly by nationals of neighbouring countries, or countries with historical ties to Slovakia¹³ or developing countries that have the trade links with Slovakia (Macková, Harmáček and Opršal, 2019). Between 2015 and 2018 we can, however, see a change in the share of migrants in Slovakia. The share of EU nationals among those migrants residing in Slovakia with valid residence permit continuously decreased (from 58% to 46%), and in 2018, there was already a higher share of third country nationals for that year (54% - see Table 1 in annex).¹⁴

The EU nationals were represented mainly by nationals of neighbouring countries - Czech Republic and Hungary (see Table 2 in annex). Among the third country nationals, traditionally, the largest groups are nationals of other Slavic countries: Ukraine, Serbia and Russia (see Table 3 in annex).

In terms of the inflow of legal immigrants (number of residence permits granted), the third country nationals made up clear majority of the applicants (see Table 4 in annex). This number has been constantly increasing since 2015, whilst the number of EU nationals remained quite constant (around 7,000 persons). Similarly as in the case of stock data (number of people with valid residence permit), in the case of third country nationals being granted residence permits, nationals of Ukraine, Serbia and Russia were the most often represented (between 60 and 70%).

However, when it comes to **illegal immigration we observe no substantial change between 2015 and 2018, ie during and after the European a crisis of European migration policy.**

Yet it is true that the authorities recorded an almost 100% increase in illegal migration in 2015 in comparison with 2014 year. However, in absolute numbers this was 2,535 checked illegal migrants. It is hard to call it a real crisis (Bolečeková and Olejárová, 2017, 196). Although this number reflects trend, rather than real number of irregular migrants, there was certainly a lot of coverage of “marching” migrants and related security measures adopted by some countries.

Over the years, the most frequent nationality of illegal immigrants was Ukrainian (34 – 69% -see Table 6). This is a bit unexpected fact since Ukraine is a neighbouring country. There was no political persecution or extreme poverty or other major factors that would encourage illegal immigration. Whilst we can observe an influx of people of Syrian nationality in 2015, this remains under 25% (582 individuals in total numbers in 2015) and decreased to 4% in 2016 (82 individuals). Similarly, people of Afghan nationality were among the group arriving in 2015 in larger numbers than usual (10%, 265 individuals). However, significantly, among those migrants/refugees entering Slovakia illegally, only 4-5% applied for asylum (see Table 6). Clearly, Slovakia was not among the main target countries of refugees. Only Ukrainians could see this as an option, due to language and culture similarity (and then free movement within Schengen area, and in particular to the Czech Republic or Germany). In fact, Ukrainians and some others entering Slovakia illegally could be seen mostly as illegal “guestworkers”, while there was also increasing number of legal workers coming from Ukraine to Slovakia especially since 2012 (Benč, 2015, p.52). Before 2015, and one can assume that this observation is valid for later period, too, Ukrainians appeared in the official statistics mostly due to staying over the granted period and then being checked and arrested at illegal work or on their way back home at the border crossing point, when leaving the Schengen area. There have been only a few Ukrainians apprehended while illegally crossing the border (Benč, 2015, 9-10, Bolečeková and Olejárová 2017, 196).

Over the course of four years, there were only 820 asylum applications submitted (see Table 7 in annex) and there were only 209 asylum applications approved.¹⁵

13

E.g. Serbia, with historical Slovak ethnic minority, see Bella, 2020 and Zlatanovic and Marušiak, 2017.

14

Source of data on immigration: Ministry of Interior - <http://www.minv.sk/?rocenky>

15 Source: <http://www.minv.sk/?statistiky-20>

However, it should be mentioned that the statistical data in this case are more or less estimates, since they usually only display the volume of known illegal immigration (Bolečeková and Olejárová 2017, 195).

3. IMMIGRATION AS A POLITICAL ISSUE

The issue of legal or illegal migration was found only very rarely in electoral programmes of political parties before 2002 and 2006 general elections (Štefančík, 2010b).

Alexandra Malangone, a lawyer and researcher at Slovakian NGO Human Rights League pointed out that there was a major discrepancy between the official policy and practice in Slovakia regarding the migration. She argued that Slovakia only minimally applied the EU's basic standards to the integration of foreigners in the country. She also pointed to the insufficient monitoring and evaluation of policies that have an impact on the integration of foreigners (Mihálik and Jankoľa, 2016, 5). Some studies (e.g. Bolečeková and Olejárová, 2017), as well as the case law (discussed further) suggest that this was often the case. The Migrant Integration Policy Index showed that Slovakia's integration policies were "slightly unfavourable", but more telling was fact that the country ranked 34 place out of 38 compared countries for 2014..¹⁶

3.1 Political context

As mentioned, **a rapid increase of legal migrants in a few years before 2015 year**, and a very fresh discourse on LGBT issues (nicknamed „protection of traditional family“), had preceded an image of emotional threat of even larger number of illegal migrants or refugees. In this transformation, both already present and ongoing wider social trends and legacies (see some emerging trends in Hlinčíková, Lamačková and Sekulová, 2011), as well as rhetoric of politicians, duly and fairly reported by the mainstream media, played the key roles. Politicians in their majority, in turn, were motivated by upcoming general elections in the country. As put by Wiczanowska (2017,1): "Slovakia constitutes the most vivid example pro-European parties changing rhetoric for more national which is quite transparent for the V4 countries."

Most local politicians attempted to capitalise on the refugee situation, although some of them possibly honestly believed that relocation won't work and that Slovakia can and should show solidarity in other ways. Only a few of them defended more liberal position during refugee crisis. The first issue can be seen in the following political party positions, while the second position was clearly seen in the debate in the Parliament (to be discussed later).

3.1.1. The positions of major domestic parties on the problem of immigration and their evolution, relevance of the immigration issue in the national elections

The parties analyzed in this section are the parties represented in the Parliament in the period 2016-2020. For the year 2015, there was a single party government in Slovakia lead by Smer-SD. One of the parties that were successful in the 2016 elections – *Siet'* (The Network) – does not exist anymore under its original name. It disintegrated very shortly after the elections as a relevant political subject. Therefore it is not included in this chapter, even though it was for a short period member of the government coalition. One of the parties present in 2012-2015 parliamentary session – Christian Democratic Movement (KDH) has narrowly failed in both 2016 and 2020 parliamentary elections. However, we included this political movement in our analysis since it was present in the Parliament in 2015 year.

¹⁶ <https://www.mipex.eu/slovakia>

The migration crisis has transformed the electoral discourse in 2016 (but not in 2020) by and large into issue of migration (Žúborová and Borárosová, 2017, Androvičová, 2016).

In general, the key words that characterised positions of mainstream political parties before 2016 general elections on immigration included: Security, defence, protection, humanism, sovereignty, international relations, responsibility¹⁷. However, there was imbalance how individual parties approached this issue. Overall, this topic was too much in focus of political parties considering relevance of illegal and legal migration to Slovakia (Hlinčíková, 2016). Although migration was an important topic before the 2016 parliamentary elections, immediately before the elections, the importance of completely different topics grew, namely topics related to domestic problems, such as the strike of nurses and teachers.

Interestingly, a much more salient and long-term issue, emigration of Slovaks abroad (as permanent or temporary emigration of estimated between 300,000 and 350,000 Slovak citizens living abroad persons in total, Letavajová and Divinský, 2019, 15, also Baláž and Karasová, 2016, 44) was tackled marginally and in general terms in majority of electoral programmes (Hlinčíková, 2016) as well as during the campaign before general elections or in public discourse in general.¹⁸

The topic of migration was again used by political parties before the local elections held in November 2018 and in relation to the UN Conference to Adopt the *Global Compact for Safe, Orderly and Regular Migration* held in Marrakech in December 2018.¹⁹ Two coalition parties present in the Parliament (*Smer-SD* and *SNS*), including oppositional *ĽSNS* and *Sme rodina*, supported passing resolution against this Global Compact.²⁰ Only 15 MPs voted against this resolution, while 31 MPs showed no interest to vote and further 8 MPs did not participate in voting while present and 8 MPs were absent. The *Global Compact* was called “an ambiguous, one-sided document”.²¹

Before discussing this issue further, to avoid confusion, as put by Mihálik and Jankoľa (2016, 10): “The political ideology of Slovak political parties does not always play a major role in conflict management”. Or, as put bluntly and perhaps a bit exaggerated by a former MEP Boris Zala (2020), “Leaders and leadership of our (political) parties do not have in essence any political orientation, Personal ideo-political fundaments, value-based clear-cut orientation and integrity are totally absent.”

In order to clarify populist orientation of parties to be discussed, we used the populism index according to the Populism and Political Parties Expert Survey (POPPA). This brought mixed results since some parties low on populism showed rather strong anti-immigrant rhetoric.

Smer-SD – “Direction-Social Democracy”

Party *Smer-SD*, led by Robert Fico, was in the government throughout the whole period (2015-2020). While before the elections of 2016 it had majority in the Parliament and led the single-party Government, after the elections *Smer-SD* become the majority party in coalition government together with the *Slovak National Party (SNS)* and *Most-Híd* (“Bridge”).

Based on expert assesment, it showed rather low populism level - 3,96 magnitude of populism at 10 points scale (indicators: Manichean, indivisible, general will, people centrism and antielitism).²²

17 Although not mentioned here, an important term was also "EU refugee quota system".

18 It is true that there exists *Concept of the State Policy of the Slovak Republic in Relation to the Slovaks Living Abroad for the Period of 2015-2020* at <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=459416016-2020> (Government Resolution No. 571/2015).

19 <https://refugeesmigrants.un.org/migration-compact>

20 See voting results at <https://www.nrsr.sk/web/Default.aspx?sid=schodze/hlasovanie/hlasklub&ID=41004>

21 <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=459416>

22 <https://poppa.shinyapps.io/poppa/>

Nonetheless, with respect to migration, it was rather significantly populist, as will be shown.

The topic of immigration became one of the main topics of the 2016 elections, especially for *Smer-SD*. After the start of the migration crisis in 2015, P.M. Robert Fico (also as leader of *Smer-SD*) strongly criticized the EU²³ for the system of quota in the reallocation of refugees (see Štefančík-Dulebová, 2017, 133). The party ran without a party programme in the 2016 elections, thus the electoral campaign and general programme priorities²⁴ are sources of information on the stance of the party towards immigration and the refugee crisis. *Smer-SD* changed its main electoral slogan from “We are working for Slovakia” to a new one “We are protecting Slovakia” in October 2015. The main message of the campaign was that refugees (migrants) and the refugee crisis are a threat to Slovakia and that *Smer-SD* will protect the country (see more in Práznovská, 2019, 271-273). This message was mainly visible on the billboards (“Protecting Slovakia”) and in the speeches made by the party leader Robert Fico who frequently held press conferences in this topic (see Kysel’, 2016).²⁵



Source: David Ištók/Aktuality.sk, <https://www.aktuality.sk/fotogaleria/311519/poznate-volebne-programy-politickych-stran-najdete-ich-tazko-ak-vobec/1/>

Robert Fico coupled this slogan with statements that touched on the security threat for Slovaks, such as that the security of Slovaks had a higher priority than the rights of migrants, or that the government monitors Muslims (Walter, 2019).

Between 2015 and 2016, the P.M. Fico clearly dominated the media space on the topic of international migration and thus significantly influenced the society-wide discussion on this issue (Štefančík & Dulebová, 2017: 153). The main messages communicated by the P.M. and his party was that the EU quota system is a non-systemic solution to the problem and that Muslim immigrants represent a security threat, they need to be monitored and anti-terrorist measures need to be taken. Fearmongering was one of the P.M.’s main communication strategies immediately before and after the parliamentary elections in 2016 (Štefančík & Dulebová, 2017, 153). However, the party also proposed some – mostly rather vague - solutions to the crisis such as the better protection of Schengen borders, the stabilisation of the situation in countries of refugees/migrants, and the establishment so called secure place (Bolečeková and Olejárová 2017, 217).

²³ In Slovakia, usually unidentifiable or vague “EU” is seen as culprit, not the European Commission (EC) or the European Parliament or the Council of the European Union or the European Council.

²⁴ Priorities of the Smer-SD party program for the years 2016-2020. 2016. <http://strana-smer.sk/priority-programu-strany-Smer-SD-pre-roky-2016-2020-0>

²⁵ Sources: <https://www.aktuality.sk/clanok/311519/poznate-volebne-programy-politickych-stran-najdete-ich-tazko-ak-vobec/>, <https://dennikn.sk/366597/migracia-vo-volebnych-programoch-politickych-stran/>

Robert Fico resigned as P.M. after a series of anti-government protests triggered by the murder of an investigative journalist and his fiancée in 2018. Based on the articles available on the website of the party²⁶, the new P.M. Peter Pellegrini (Smer-SD) was more restrained in his communication on the topic of migration. In November 2018, he declared that the position of the government in the issue of migration has not changed, the party had continued to reject quota on the redistribution of migrants among EU M.S. At the same time, however, Pellegrini sharply rejected the abuse and unreasonable fearmongering in the topic of migration used by some opposition parties as part of the ongoing campaign for municipal elections.²⁷

In the parliamentary elections held in February 2020, Robert Fico, the leader of *Smer-SD* (although electoral leader was P. Pellegrini) was again vocal on the topic of immigration. The Facebook campaign of the party and R.Fico was built primarily on putting in contrast the „pro-immigrant“ policies of other parties (mainly party *Za ľudí* – For people, led by former president Andrej Kiska) with the policies of Smer-SD that support young families or pensioners (instead of immigrants):

*„We at Smer - SD will never allow immigrants to rob our pensioners of their well - deserved thirteenth pension.“*²⁸ *„The opposition promises helping migrants, we help our young families with doubling child allowances“*²⁹

*„Peter Pellegrini - 34.1%. Mr. Kiska, even surveys show that Slovaks want higher pensions and support for families and not immigrants in Slovakia.“*³⁰

SNS – “Slovak National Party”

The Slovak National Party (SNS) became member of the coalition government after the elections in 2016 and received no seats in the Parliament after the 2020 elections.

Based on expert assesment, it showed rather low populism level (4.43 magnitude at 10 points scale, indicators: Manichean, indivisible, general will, people centrism and antielitism).³¹

The leader of SNS (and Speaker of the Parliament 2016-2020) Andrej Danko supported the decisions of the government in 2015 and called for a referendum to strengthen the mandate of the government in defending its anti-immigration position at EU level.³² In the 2016 election campaign, the party declared in its party programme assistance and support to refugees and adherence to the asylum process, but at the same time also supported strict border protection (Hlinčíková, 2016). SNS proposed to make illegal border crossings a criminal offense. However, it is not possible to apply for asylum at Slovak embassies abroad and the only possible way how to seek asylum would be to cross the border without a permit (Hlinčíková, 2016). Multicultural society could according to the party programme endanger the ethnic, cultural, religious and social integrity of Slovaks (Hlinčíková, 2016). In relation to Muslims, the party wanted to introduce restrictions on wearing burqa, and on the construction of minarets and mosques.

After SNS became member of the coalition government, the party’s position on the issue of migration remained negative. In 2018, the party was against the adoption of the *Global Compact for Safe, Orderly and Regular Migration* which it considered to be in philosophical contradiction and

26 Articles available for the years 2018-2020: <https://strana-smer.sk/archive/1>

27 https://www.teraz.sk/slovensko/premier-slovensko-nijako-nemeni-svoju/358804-clanok.html?fbclid=IwAR3-E14skWUaK9D78n7sZj12Of31CaKW305_HWbxSmZ9978ShzGvCOyQTxk

28 Facebook page of Robert Fico: <https://www.facebook.com/robertficosk/posts/1314123532104999>

29 Facebook page of Robert Fico: <https://www.facebook.com/robertficosk/posts/1320525978131421>

30 Facebook page of Smer-SD: <https://www.facebook.com/smersd/posts/3764472993592662>

31 <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/8NEL7B>

32 <https://www.parlamentnelisty.sk/politika/politici-volicom/Danko-SNS-Potrebne-je-referendum-o-migrantoch-252478>

inconsistent with Slovakia's security and migration policy.³³ Before the elections of 2020, the party programme mentioned as one of SNS's successes preventing uncontrolled migration by blocking the Marrakech Convention (a nickname for the *Global Compact* - this was indeed stopped in the Parliament shortly before general elections)³⁴ as well as stopping the islamization of the country by stricter registration rules for churches (There had been already introduced higher limits on religious groups membership under 2016-2020 government, with tacit reference to Islam)³⁵. Under the chapter on national security, the party also declared to push for an international solution to crises in Asia and Africa which would stop further migrants to Europe.³⁶ However, the party did not offer any specific solutions and the topic of migration in the SNS electoral campaign seemed to be rather marginal.

Most-Híd – “Bridge”

Similarly to the SNS electoral failure, whilst the “civic” party *Most-Híd* (“Bridge” in Slovak and Hungarian, it represents mainly the Hungarian minority in Slovakia) was one of government parties in the period 2016-2020, it did not gain any seats in the Parliament in the 2020 elections. Yet it was one of few parties that was rather moderate towards refugees. According to Štefančík & Dulebová (2017,118) the centrist *Most-Híd* was the only parliamentary party in 2015 with neutral or even positive attitude in dealing with the refugee crisis. Indeed, it was probably the only political party that called for open solidarity with migrants (Mihálik and Jankoľa, 2016, 19). In contrast with the SNS and *Smer-SD*, *Most-Híd* also took a different path in the electoral campaign in 2016. In the party programme *Most-Híd* declared the need to adopt a new migration policy, but did not develop what it should be like. It also saw migration as an opportunity to recruit foreign experts, with an emphasis on "linking immigration to labour market needs." (Hlinčíková, 2016).

Based on expert assesment, it was not populist either – showing only 0.33 magnitude of populism at 10 points scale (indicators: Manichean, indivisible, general will, people centrism and antielitism).³⁷



Source: SME - Jozef Jakubčo, <https://domov.sme.sk/c/20070306/bezpecnost-hlasa-uz-aj-opozicia.html>

There was only one exceptional case when a candidate for *Most-Híd* utilised tacitly anti-migration slogan “For a Safe Life” in 2016.

³³ <https://domov.sme.sk/c/20958965/sns-navrhuje-aby-sa-slovensko-nepridalo-ku-globalnemu-paktu-o-migracii.html>

³⁴ See on this Dostál (2018). Dostál argued that argument used by SNS that this document was not in line with actual security and migration policies of Slovakia was a lie.

³⁵ This law increases the number of required members of a religious community from 20,000 to 50,000 to be able to aspire to state registration. However, the Slovakian Muslim community counts about 5,000 members (BAYRAKLI and HAFEZ, 2017, p.520).

³⁶ Party Programme of SNS, 2020, p. 12

³⁷ <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/8NEL7B>

The statements of the leader of the party Béla Bugár from the period before the elections in 2020, furthermore, pointed to the fact that Slovakia was facing more severe problems than the migration, such as the collapsing healthcare system or corruption which *Most-Híd* wanted to focus on.³⁸ This approach was based on the low number of asylum applications submitted in Slovakia.

In 2018, *Most-Híd* supported the participation of Slovakia on the conference in Marrakech to discuss UN's *Global Compact for Safe, Orderly and Regular Migration*, whilst the SNS and in fact majority of MPs boycotted the event.³⁹ However, *Most-Híd* did not vote openly for or against associated declaration of the Parliament (most MPs presented themselves as "absent", while two MPs voted against resolution), condemning the Global Compact.

The party *Most-Híd* at the same rejected the mandatory quota as well as misusing the topic of migration for political gains.⁴⁰

SaS – "Freedom and Solidarity"

SaS (Sloboda a Solidarita – Freedom and Solidarity), is one of the liberal parties in Slovakia. However, "its liberalism focuses on economic issues rather than social ones" (Sekerák, 2019, 237). The party was in the opposition until the elections in February 2020, when it became member of the coalition government.

The leader of the party Richard Sulík often presented Eurosceptic opinions which were in 2015 also accompanied by anti-immigration rhetoric mainly through the rejection of the mandatory quota system.⁴¹ According to the 2016 party programme of *SaS*, refugees were seen as a security threat.⁴² The party's solution (so called a five-point plan) to the refugee crisis was therefore to close EU's borders and to transfer the responsibility to the countries through which most Middle Eastern refugees came, by building two refugee camps financed by the EU, established in Turkey or the Balkans and in northern Africa. Moreover, all the illegal immigrants from the EU would be transferred to such camps where they would wait for their asylum application to be assessed.⁴³ (see more in Práznovská, 2019, 274-275, Bolečková and Olejárová 2017, 217-218).

The anti-immigration rhetoric of the leader of the party has not changed over the period 2015-2020. In the 2020 electoral campaign the topic of migrants was marginal. There is no mention of refugees of migrants in the party programme of *SaS*.⁴⁴ However, in the period after the elections Richard Sulík stated that one of the points on which the creation of a next government coalition could be hindered was the topic of migration and more specifically the mandatory quota to accept refugees in Slovakia.⁴⁵

Perhaps surprisingly, *SaS* populism index according to the Populism and Political Parties Expert Survey (POPPA) was rather low – just 3.3 points at 10 point scale. Specifically, attitude towards immigration was seen only at 1.55 level.

OLaNO – "Ordinary People and Independent Personalities"

38 Sources: <https://www.most-hid.sk/sk/most-hid-premier-prekryva-ozajstne-problemy-slovenska>,
<https://www.cas.sk/clanok/368796/predseda-most-hid-bela-bugar-preco-chcem-prijat-migrantov/>

39 Source: <https://www.most-hid.sk/sk/solymos-slovensko-malo-ist-rokovat-o-globalnom-pakte-osn-o-migracii>

40 Source: <https://www.webnoviny.sk/most-hid-v-pripade-paktu-o-migracii-podporuje-lajcaka-ale-odmieta-spravy-o-povinnych-kvotach/>

41 Also L. Galko, the former Member of Slovak Parliament had expressed extremely negative views on migrants..

42 *SaS* party programme 2016: <http://oldweb-sulik.sk/wp-content/uploads/2015/11/volebny-program-sas-volby-2016.pdf>

43 Source: https://sulik.sk/ilegalni-mingranti-riesenia-sas/?doing_wp_cron=1589127826.0112531185150146484375

44 *SaS* party programme 2020: <https://sulik.sk/wp-content/uploads/2016/11/program-agenda-2020-sas-1.pdf>

45 Source: <https://glob.zoznam.sk/rozhovor-sulik-o-svojich-planoch-po-volbach-cervenou-ciarou-su-migranti-a-dane/>

OLaNO with its leader Igor Matovič is not a typical political party, as 'the movement was never a classical political party but rather ad hoc group of candidates or MPS without an organizational structure or membership base' (Hynčica and Šárovec 2018, 17 in Sekerák, 2019, 237). After being in the opposition in the period 2012-2020, *OLaNO* won the 2020 elections and created a coalition government together with *SaS*, *Sme Rodina* and a new party *Za ľudí* ('For People').

Its populism according to the Populism and Political Parties Expert Survey (POPPA) was 7 points at 10 points level scale.

In its 2016 party programme *OLaNO* - similarly to *SaS* - first of all called for helping refugees outside of Europe, including the processing of asylum applications.⁴⁶ Yet it also put illegal migration among threats such as organised crime, weapons of mass destruction spread and terrorism (2016 Programme, p.114). The solution was to be found in targeted financial developmental help, peace-making by the EU but also in refugee camps outside the Schengen area and then selection of refugees to be settled in a country (2016 Programme, p.133). Overall the party's rhetorics regarding the migration crisis was seen as oscilating from negative to neutral (Štefančík & Dulebová, 2017, 151). In 2015-2016, the MP od *OLaNO* called for distinguishing refugees from migrants and also for finding solutions to helping refugees, however, at the same time the solutions preferred by the party were to protect Schengen Area and the EU borders whilst rejecting the quota system (see Bolečeková and Olejárová 2017, 218).⁴⁷ Similarly, in its 2015 blueprint document, *OLaNO* suggested to exclude from the Schengen Area those countries that fail to protect external borders (Bolečeková and Olejárová 2017, 218).

The *OLaNO* called for a common EU strategy towards migrant crisis. This call for a common EU strategy was again repeated once the debate around rejecting UN's *Global Compact for Safe, Orderly and Regular Migration* started in Slovakia in 2018.⁴⁸ It found the UN *Global Compact* worthless because it did not address agreements with third countries on the return of refugees. However, *OLaNO* MPs were divided on this issue. About a half of them did not participate in voting and another half was not officially present during voting, and just two MPs voted against the negative Parliamentary resolution.

The party programme for the 2020 elections on the topic of migration was similar to the one from 2016, but migration was mentioned in fewer points under common security policy.⁴⁹ The focus of the 2020 campaign was mainly on the critique of the government and more specifically *Smer-SD*.

Christian Democratic Movement

The movement was in opposition during migrant crisis and then did not succeed either in 2016 or in 2020 general elections. However, although it expressed its solidarity with migrants, ultimately it voted in favour of Declaration of the Parliament in 2015. This could be explained by observation that the movement expressed visible solidarity but first of all related to refugees and not migrants. The movement ignored terrorism threats and more or less safety issues. The political leadership called for finding solutions such as creation of permanent EU representative for refugees as well as the need for common European migration framework (Mihálik and Jankoľa, 2016, 17).

Its populism index according to the Populism and Political Parties Expert Survey (POPPA) was 2.87.

46 *OLaNO* party programme 2016: <http://www.obycajniludia.sk/wp-content/uploads/2016/02/program-olano.pdf>

47 Source: <https://www.youtube.com/watch?v=Gq7ytcWRVqY>

48 Source: <https://www.obycajniludia.sk/aktualita/stanovisko-ku-globalnemu-paktu-o-bezpecnej-riadenej-a-legalnej-migracii/>

49 *OLaNO* party programme 2020: https://www.obycajniludia.sk/wp-content/uploads/2020/02/OLANO_program_2020_FINAL_online.pdf

ĽSNS - “Kotleba-People’s Party Our Slovakia”

The party led by Marián Kotleba is “often described as far right, Eurosceptic, national-populist, neo-Fascist, conservative, homophobic and anti-immigrant.” (Sekerák, 2019, 238). It is in the Parliament since the 2016 elections.

Its populism index according to the Populism and Political Parties Expert Survey (POPPA) was 9.27 – the highest among all relevant Slovak parliamentary political parties.

The anti-immigrant rhetorics of the party were present through the period of 2015-2020, often interconnected with the rejection of EU institutions. In the 2016 party programme the topic of immigration has a separate point - the fourth point of the ten-point programme has the title “We will not allow immigrants to occupy Slovakia”. The party was against Muslim immigrants entering the country, calling them aggressive and claiming that they receive everything for free (in contrast with the local population). The only solutions the party offered to protect Slovakia from immigrants was securing the borders with the involvement of the army and the deportation of any immigrants who would enter the country.⁵⁰ The anti-immigrant measures are also clearly anti-Muslim, as the party also claims to protect the Christian and traditional values (see more in Štefančík and Hvasta, 2019).



Source: Medzicas.sk.<http://medzicas.sk/marian-kotleba-v-slobodnom-vysielaci/>

In short, the issue of migration and of the Roma community were at the centre of the 2016 campaign for *Kotleba-ĽSNS* (Walter, 2019).

The 2020 party programme similarly consisted of 10 points, however, immigrants were mentioned only marginally. The party claimed to introduce stricter immigration policy and the control of illegal employment of foreigners as part of its foreign policy plans that reject any “dictate from Brussels”.⁵¹

Sme Rodina - “We are Family”

The movement showed strong identity-oriented politics, being Eurosceptic, anti-immigrant and having – formally - conservative family values (Sekerák, 2019, 237). The party entered the Parliament after the 2016 elections and was in the opposition until the 2020 elections. Currently it is a member of the government coalition together with *OLaNO*, *SaS* and *Za ľudí* (*For the People*).

Its populism index according to the Populism and Political Parties Expert Survey (POPPA) was 7.83.

50 ĽSNS party programme 2016: <http://www.naseslovensko.net/wp-content/uploads/2015/01/Volebn%C3%BD-program-2016.pdf>,

51 ĽSNS party programme 2020: <http://www.naseslovensko.net/nase-nazory/predvolebny-program-ls-nase-slovensko-2020/>

The 2016 party programme was very short. Nonetheless, it promised to build new fences and to increase budget for law enforcing authorities.⁵² The party mentioned migrants as people who do not want to integrate or adapt to European way of life and values during the 2016 electoral campaign and also claimed they are economic immigrants, not refugees.⁵³ (see more in Práznovská, 2019, 275).

In 2018 the party supported rejection of the UN's *Global Compact for Safe, Orderly and Regular Migration*, arguing that it would undermine the sovereignty of Slovakia as the country might not be able to decide on its own who are not legitimate immigrants. The leader of the party argued against document despite the acknowledgment of the fact that it is a political document which is not legally binding.⁵⁴

Similarly to the statements from 2016 party programme, the 2020 party programme also stated that 90% of the people entering the EU are not refugees, but economic immigrants. The party rejected any EU migrant quota and saw the immigrants as a security threat as well as a potential threat to the social system of the country and to the cultural identity of Slovak citizens.⁵⁵

3.1.2. Relevance of different arguments used for or against immigration in the political and public debate

As mentioned, the topic of international migration before 2015 was an extremely marginal topic in Slovakia that the political parties paid almost no attention to (Štefančík & Dulebová, 2017, 114). However, the security discourse of migration had been important long before the refugee crisis. It was not frequent topic, but if migration was discussed by politicians, it was most often framed as a security issue (Androvičová, 2015, and Koščová, 2012).⁵⁶ Yet polarization around immigration in Slovakia had not been significant within the political spectrum before 2015 refugee crisis, e.g. among political parties, but has been noticeable among individual politicians and other actors (mainly representatives of human-rights organizations) (Androvičová, 2015, 45). Therefore, it was not surprising that since the onset of the migration crisis in 2015, every political party took a stance on immigration, mainly by using arguments against immigration. These originated from both the government and opposition parties, particularly arguing that immigration is a security threat and that the predominantly Muslim migrants are culturally incompatible with the Slovak population. Some of the opposition parties in the period 2015-2020 also used the argument that immigrants would be a burden for the social system and would not contribute economically (e.g. *Kotleba-ĽSNS* and *Sme Rodina*).

The public debate in the context of international migration focused primarily on two levels: "First, the approach of the EU to the redistribution of refugees, or the so-called quota system. Second, the alleged incompatibility of domestic cohabitation with Muslim immigrants" (Štefančík & Dulebová, 2017, 152). On both levels, there was a prevalence of negative opinions presented by politicians.

Fear was often used to increase the parties' voting preferences, mainly by the key party *Smer-SD* and by its leader Robert Fico (Štefančík & Dulebová, 2017, 153). Typically, a word „refugee“ was missing in commentary by P.M. Fico in his reaction to ruling of the Court of Justice of the EU on

52 Facebook Boris Kollár – <https://www.facebook.com/Boris-Kollar-1464024763918594/>

53 Sources: <https://www.facebook.com/watch/?v=782316545239525>

<https://demagog.sk/vyrok/vr14661/>

<https://tv.hnonline.sk/aktualne-video/657125-prizivnik-kollar-sa-rozkrical-kvoli-utecencom-poliacik-mam-problem-byt-s-nim-v-jednej-miestnosti>

54 Source: <https://domov.sme.sk/c/20952896/sme-rodina-vyzyva-vladu-aby-nepodpisala-migracny-pakt.html>

55 Sme Rodina party programme 2020: <https://hnutie-smerrodina.sk/dokumenty/Final-Program-SME-RODINA-volebny-program.pdf>

56 At the same time, when the well-known migrant Anastazia Kuzminova won the Olympics, the migration was just fine.

the case raised by the Slovak government in 2015 against decision to re-allocated certain number of refugees (Tóda, 2017b).

A mini-analysis (a week and three online media) of speeches of politicians from September 2015 pointed out that solidarity was understood as solidarity with first contact countries, less so with countries that were receiving refugees/migrants as final destination. However, even for the first group of states there were doubts raised as far as how these countries tackled the issue. Only a few politicians and public figures acknowledged co-responsibility of Slovakia. Occasionally, it was pointed at failed integration of Roma as a negative experience with integration. The quota issue was seen as dysfunctional policy suggestion. The solution was seen in stopping refugees at borders, providing help to countries of origin of refugees and to countries where refugees were located within EU (Chudžíková, 2016).

On 24 June 2015, the deputies of the Parliament approved a Declaration that in effect rejected the compulsory quotas agreed by the Council of the EU (Interior Ministers) and the EC, respectively, for the redistribution of refugees, but at the same time they expressed regret over the situation and a willingness to help solve the problem and accept refugees on a voluntary basis. The resolution 1837⁵⁷ was supported by MPs across the political spectrum - 125 out of 150 voted in favor.⁵⁸

Importantly, debate in the Parliament was tempered by violent anti-muslim and anti-refugee demonstration organised just a few days earlier (on the World Refugee Day).⁵⁹ Moreover, Androvičová, 2016, 61) pointed out that it was exactly at the same time when the annual Globsec Conference happened. The importance of both events, as read by the people, was very similar: immigrants and terrorism are huge security threats (Androvičová, 2016). Yet this seems to be a bit exaggeration – most public did not have any clue about Globsec Conference.

All deputies disapproved violent demonstration. In particular, Martin Poliačik, M.P. (SaS), pointed out that this protest was not motivated by the quota issue. The quota issue was secondary topic. The primary topic of the topic was – as it was called officially – Protest Against Islamisation of Europe. In other words, it was against oppression of others on the basis of their religious belief, as well as on the basis of belonging to a certain group of people. Ľuboš Blaha (MP for *Smer-SD*) called this “neo-Nazi march”.

Considering EU-wide importance of this topic, it may be useful to present additional opinions of some local MPs on this issue. It actually shows that parliamentary debate was not that much black-and-white as reported by the media and some analysts.

The first speaker was actually the P.M. Robert Fico. The P.M. Fico explained that there is a need for a more complex solution. The quota-based solution was seen as “boomerang”. He cited vice-prime minister and minister of interior who called this approach as “invitation for (human) traffickers.” Politically, Fico pointed at emerging a big conflict about the role and rights of the Council of the EU versus the role and rights of the EC. Furthermore, P.M. Fico announced that as chairing Visegrad 4 countries, Slovakia has contacted P.Ms. of the Czech Republic, Hungary and Poland. The goal was

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Vyhlásenie Národnej rady Slovenskej republiky k riešeniu migračných výziev, ktorým aktuálne čelí Európska únia. Schválené Národnou radou Slovenskej republiky uznesením z 24. júna 2015 číslo 1837 (Declaration of the Parliament on Solution of Migration Challenges that are ahead of the European Union).

58

NRSR: Poslanci odmietli kvóty na utečencov, chcú pomôcť na báze dobrovoľnosti (The Parliament: MPs rejected quota on refugees, they want to help on voluntary basis),
<https://www.nrsr.sk/web/Default.aspx?sid=udalosti/udalost&MasterID=53688>

59

Protesty proti migrantom boli plné výtržností, extrémisti napadli aj rodinu zo Saudskej Arábie (Protests against migrants were full of excesses, extremists attacked a Saudi Arabia family, too),
<https://www.aktuality.sk/clanok/278174/v-bratislave-budu-protestovat-proti-islamizacii-policia-je-na-chuliganov-pripravena/>

to pass a common declaration and to coordinate common steps on session of the upcoming Council of the EU. As a possible final step how to stop refugees' relocation P.M. Fico suggested to call a referendum on behalf of the Parliament. It was mentioned that Slovakia is providing developmental aid, as well as it is providing humanitarian help to refugees from Syria. Finally, as put by the P.M. Fico, Slovakia as the only country of Schengen area was participating in humanitarian transfer of endangered persons (mostly mothers with kids). This was the result of trilateral cooperation with international organisations that has been ongoing for six years. The Government also decided to increase capacity from 100 to 150 persons which allows to offer temporary shelter for up to 300 refugees annually.⁶⁰

Others speakers pointed out that there are some positive examples coming from civil sector and religious organisations. For example, M.Huba (MP for *OLaNO*), mentioned a public call of more than 30 NGOs called "*Medditeranean Sea is Also 'Our Sea'*"⁶¹, or initiative of the Commonwealth of Ladislav Hanus called "*Who can help*" aimed to help in integration of refugees resettled by the Government from Syria and Iraq.⁶² Huba also compared past attitude of Slovakia to Jewish citizens who ended up in Nazi concentration camps. Huba argued that if Slovakia would accept about 700 refugees, ie just a 1% of those deported during WWII, that would be a "symbolic gesture, as well as a small practical contribution to correcting sins and crimes against humanity committed by our ancestors".

The overall message was that Slovakia is ready to help but disagrees with quota system (e.g. Ľuboš Martinák, MP for *Smer-SD*). Renáta Zmajkovičová (MP for *Smer-SD*) blamed "news coming from Brussels" for traumatising citizens. "It was natural, that people are afraid, there was coming something new and they have been afraid of inflow of people with strange cultures..." She also pointed out that it will be much more costly effort if this effort is meant seriously.

The most critical speech was delivered by Ľuboš Blaha, self-declared "true Marxist" (MP for *Smer-SD*, not a party member at that time). Blaha put both solutions (quota issue versus extremism on the streets) on the same level, labelling them both as "extrems." He explicitly blamed for the refugee problem USA and "Western powers", as well as colonialism. Moreover, Blaha mentioned that "Africans and Asians do not want to come to Slovakia". He saw two problems here: first, since these people do not want to stay in Slovakia, their "enforced internations" would go against human rights. Second, Slovakia should show solidarity with the biggest and richest EU M.S. - final destinations of these people.

Already mentioned Poliačik (MP) in response explained that the EU "Dublin system" forces migrants to go where they do not want to go. In this respect, František Šebej (MP on *Most-Híd* list) questioned decision of postponing the Dublin 3 system by Hungary. Jana Vaľová (MP for *Smer-SD*) tried to focus at practical issues: a need for financial sources and related accommodation options, as well as respecting the will of the local people.⁶³ Július Brocka (MP for *Christian Democratic Movement*) was sceptical about national solution only and announced that all members of his party club would vote for suggested Declaration.

As put correctly, but simplified by Wiczanowska (2017, 71): „Due to his ability of securitization, R. Fico managed to turn refugee crisis into a political consensus.“

Overall, not only parliamentary debate, but the main discursive (de)legitimation strategies presented in the political framing of refugees lead to the refusal of acceptance of non-Christian refugees. In background, there was positive „us“ and negative „others“ representations. In short, the dividing

60 There was no additional information provided, so it is hard to check all these claims by then P.M.

61 See Stredoziemné more je aj „naše more“: Iniciatíva ku Svetovému dňu utečencov, (Mediterranean Sea is also „Our Sea: Initiative on the World Refugee Day), <http://www.old.hrl.sk/aktuality/stredozemne-more-je-aj-nase-more-iniciativa-ku-svetovemu-dnu-utečencov>

62 See Kto pomôže sýrskym a irackým rodinám na úteku? (Who is going to hel Syrian and Iraqi families on the rune?), <https://www.slh.sk/kto-pomoze/>

63 <https://www.nrsr.sk/web/Default.aspx?sid=schodze%2frozprava>

line between “Slovaks” and “others” has been formed around cultural-religious (in)adaptability. Kissová (2018) argued that this discourse lead to notion that refugees or migrants are not worthy of solidarity. However, as mentioned, this last message was not explicitly present in the Parliamentary debate, on the contrary. Nonetheless, the parliamentary elections in March 2016 have intensified Islamophobia, particularly in the context of the so-called refugee crisis (refugees were seen by and large as Muslims, and not only in Slovakia⁶⁴) and the campaign of radical political parties: *Kotleba – ĽSNS* and *Sme rodina – Boris Kollár*, but also by the political commentaries and campaign slogans by the majority of mainstream political parties, namely *Smer-SD*, *SaS*, *SNS*. Tellingly, the names of the Slovak politicians were differently negatively prioritised here: Fico, Sulik, Danko, Kotleba, and Kollár were seen as those especially being against Muslims (Bayrakli and Hafez, 2017, 521, see also Androvičová, 2016, 50-51).

More broadly speaking, there were different topics employed before and after adoption of the EU refugee redistribution system (at the EU level, not practically adopted in full scope in Slovakia). In the former period, economic interests, border protection, and organized crime were applied as main themes of (de)legitimation strategies. In the latter period, cultural interests, identity protection, and terrorism had been employed. Archaically, and absurdly (considering its normative universality) Christianity became an iconic response to global changes and had been used as a mobilizing tool for invoking nationalist and anti-EU sentiment (Kissová, 2018). This religious based selection or discrimination became the focus of international press (see for example O'Grady, 2015, Cunningham, 2016, Lerner, 2016).

After the general elections in March 2016 the topic of immigration was less common, just returning briefly during Slovak Presidency of the Council of EU in the second half of 2016. Moreover, with the debate on UN's *Global Compact for Safe, Orderly and Regular Migration* and the participation of Slovakia on the related Marrakech conference it became again part of the public debate throughout 2018. In late 2018, Slovak Parliament opted (just narrowly passing constitutional majority of 90 “yes” votes) not to vote in favour of approving the *Global Compact for Safe, Orderly and Regular Migration*. As a result, Mr Lajčák, the minister of foreign affairs resigned for a while. Mr. Lajčák was actually behind coordinating draft of this global compact idea while he was chairing special session of the UN on this topic.⁶⁵

Mr. Lajčák commented discourse on migrants in Slovakia and within the V4 later on as follows: “*The Visegrad Group has communicated a full range of rational and smart positions (on migration) in a way that made its partners unhappy. ...These (proposals) were commented, often in a very populist and negative way.*”⁶⁶

In conclusion, the manufacture of migrants/refugees as cultural and security threats, particularly in the case of Muslim refugees, not only assisted in their dehumanisation, but it „also legitimised actions taken against them through the perpetuation of a particular discourse“, as correctly pointed by Sajjad (2018) in a wider East European context.

In particular, opinion polls have shown that **social distancing towards a Muslim family has increased by 41 points (from 32 to 73 points) and by 38 points (from 21 to 59) for immigrant**

64

Wicznanowska (2017, 66) pointed out that: “In this context a question of how the migrants have become Muslims shall be posed.”

65

Final Intergovernmental Negotiations on the Global Compact For Safe, Orderly and Regular Migration, 13

July 2018, <https://www.un.org/pga/72/2018/07/13/final-intergovernmental-negotiations-on-the-global-compact-for-safe-orderly-and-regular-migration/>

66

Aktuality (22.7.2019 19:07), Lajčák: Slovensko by v rámci V4 nemalo íst proti svojim záujmom (Slovakia should not go against its own interests within V4), <https://www.aktuality.sk/clanok/710556/lajcak-slovensko-by-v-ramci-v4-nemalo-ist-proti-svojim-zaujmom/>

family between 2008 and 2017 period in Slovakia (SITA, 2017). There was rather high public rejection of migrants and quota system in the late 2015 (Linczényi, 2017). In fact, refugees/migrants were seen more as “the EU” problem than local problem, although opinion polls fluctuated over time and depended very much on issue at stake (and formulation of the questions) (see Bolečeková and Olejárová 2017, 211-213).

We are going to discuss policy actions legitimised by described discourse in the following section.

3.2 Policy in action

By and large, governmental and parliamentary positions have been documented in their discursive form in previous section. Therefore, we mention further official documents to illustrate this issue. However, some critics pointed out that it was not coincidence that the Parliament approved a number of anti-terrorist measures (Act 444/2015) in late 2015 year (Mikušovič, 2015).⁶⁷ Officially, it was reaction to terrorist attacks in Paris in November 2015. However, there were suspicions that this legislation was part of campaign (or its culmination) that connected refugees with terrorists. There had been criticism that these measures were passed in hastily way although they impacted basic human rights.⁶⁸ For example, as a result of this legislation, intelligence services are supposed to collect information about “political and religious extremism expressed in a violent way, or about illegal international transport of persons and about migration of persons. The measures have been supported only by MPs for *Smer-SD* (that were in a single party majority government).

3.2.1 Assessment of the governmental position on immigration, together with the information on its evolution (2015-2018)

It should be mentioned here that Slovak authorities and experts did not pay sufficient attention to challenges associated with future legal and illegal migration with exception of protecting Schengen borders due to access to the EU and Schengen Area. The first serious attempt at tackling integration of foreigners was document passed in 2009. However, at about the same time (2010) prepared *Strategy of Development of Slovak Society* was seen as just a little and unsystematically focused at issue of migration. Moreover, there were presented just vague ideas and illegal migration was associated with terrorism and threats to democracy (Štefančík, 2010b).

There are these main documents regarding the immigration to Slovakia that are relevant for the analyzed period.

The first one is the official *Migration Policy of the Slovak Republic - Outlook 2020* (2011).⁶⁹ This document was created by the Ministry of Interior and together with the *Integration policy of the*

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See Ulcl (2015), Protiteroristický balík zákonov (Anti-terrorist Package of Legislation), [PRO BONO 12/2015](http://www.ulcllegal.com/sk/bulletin-pro-bono/2015/12/5414-protiteroristicky-balik-zakonov), <http://www.ulcllegal.com/sk/bulletin-pro-bono/2015/12/5414-protiteroristicky-balik-zakonov>, also Ministry of Interior (2016, January 2). Od 1. januára 2016 je účinná nová protiteroristická legislatíva (There is valid a new anti-terrorist legislation since January 2016). <https://www.minv.sk/?tlacove-spravy-1&sprava=od-1-januara-2016-je-ucinna-nova-protiteroristicka-legislativa>

68

TASR (2015, December 21). Podľa balíka polícia, prokuratúra, sudy a tajné služby získajú od januára v boji proti terorizmu rad nových oprávnení (According to Package, the police, prosecutors office, courts and intelligence services will be entitled to new rights in their fight against terrorism since January), <https://www.teraz.sk/slovensko/Smer-SD-prelomil-veto-prezidenta/172639-clanok.html>

69

Slovak Republic (2014) forms the basis for the policy in the area of immigration and integration. In fact, it rather summarises what migration policy includes in local conditions. In hindsight, it is puzzling what exactly was meant by this type of bureaucratic style sentences: “*It (the document) is unambiguous expression of readiness and willingness to participate at harmonisation of migration policies of individual states within EU. It is also expression of solidarity with basic principles and the way it (EU) works during control of individual processes of migration*” (p. 1). Clearly, later positions of the governments in 2015-2016 did not fully match with these aims. The *Migration Policy of the Slovak Republic - Outlook 2020* (2011) states that the most decisive political and legal framework in the area of migration policy is that of the EU although it also mentions a lack of EU-wide immigration policy.

The documents states three types of protection to “foreigners”: asylum, subsidiary (sometimes translated as “complementary”) protection and temporary refuge for “leavers” (*azyl, doplnková ochrana, poskytovanie dočasného útočiska – odídenci*). The document does not tackle in any detail these types of protections.

Additionally, the document mentions in general terms participation at relocation of foreigners under the EU banner, based on trilateral agreements with the government, the UN High Commissioner for Refugees and IOM. Independently from these activities, the document mentions relocation of foreigners that were granted international protection in cooperation with other EU M.S. Finally, the document specifies missing a single inter-authority body (*jednotný priezový orgán*) that would centralise tasks in migration policy of Slovakia. It envisions “perspective goal” to create “Immigration and Naturalisation Authority.” However, this has not yet happened.⁷⁰ Instead, the platform for coordination of migration policy is the Steering Committee for Migration and Integration of Foreigners, chaired by the Director of the Migration Office.

An analysis by Bolečeková and Olejárová (2018), pointed out that the document in question does not list all the instruments of the migration policy. It is possible that: “Non-existence of the logical classification of the instruments of migration policy in the document may be one of the reasons of their ineffective application in the day-to-day running of the migration policy in the Slovak Republic.” (Bolečeková and Olejárová, 2018, 237). Moreover, the sanctioning-regulatory instruments outweigh the more encouraging-positive financial and communicative ones. (Bolečeková and Olejárová, 2018).

The second document, *Integration policy of the Slovak Republic* was published by the Ministry of Labour, Social Affairs and Family in 2014.⁷¹ It is based on the EU recommendations in this policy area, and also relies on EU funding for integration projects. The document highlights the role of regions in implementing integration policies as well as the role of municipalities. *Integration Policy of the Slovak Republic* states among its principles “**equality**“. Also, the document claims to be: “...oriented on the **prevention of xenophobia and the elimination of prejudices and stereotypes towards foreigners**“ (p.17). Finally, “Cultural and **religious diversity** are also important aspects of education and they are traditionally found in Slovak schools; **children of foreigners enrich this**

<https://rokovania.gov.sk/RVL/Material/7763/1>, Migration policy of the Slovak Republic:
https://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/migracna_politika.pdf

70

There is the Migration Authority, but this has already existed for a long time. See Migračný úrad MV SR pôsobí už viac ako štvrtstoročie (The Migration Authority has been working already for a quarter of Decade), (11. 07. 2019), <https://www.minv.sk/?tlacove-spravy-6&sprava=migracny-urad-mv-sr-posobi-uz-viac-ako-stvrtstoroocie>. This has been confirmed in email communication with Soňa Oboňová, European Migration Network (EMN) National Contact Point for Slovakia International Organization for Migration, sobonova@iom.int, Wed 7/8/2020 3:43 PM

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Integration policy of the Slovak Republic: <https://www.employment.gov.sk/files/slovensky/uvod/informacie-cudzinci/integration-policy.pdf>

even further.“ (p.24). However, the P.M. Fico openly said that Muslim refugees are “impossible to integrate” (in Gabrižová, 2016).

Furthermore, it is not clear what is meaning of this document since it also states that „It neither defines nor describes the current state of policies but proposes new visions and directions in the integration of foreigners...” (p.4). Perhaps it is helpful in a sense that it makes distinction between „migrant”⁷² and „asylum seeker”⁷³. In other words, this document was more or less of lip-service type. Indeed, 2019 report by Mészárosová and Oboňová (2019, 13) stated that this document was seen as outdated already in 2018. Similarly, on the one hand, suggested integration policies in labour market were seen as very ambitious and complex. On the other hand, there were missing specific tools how to achieve stated goals (Gallová-Kriglerová, 2016, 68). Furthermore, in educational integration, schools lacked a support from the state authorities and integration of foreign born kids was matter of individual initiatives of schools or teachers (Gallová-Kriglerová, 2016, 70-71).

It should be mentioned that there exist (in addition to already mentioned MIPEX study) an earlier study that attempted to identify suitable indicators for measuring success of foreigners’ integration. However, its conclusions suggested that there are missing data for such task (Vašečka, 2011).

There was a plan to elaborate a new *Integration Programme for Persons with Provided International Protection on the Territory of the Slovak Republic* (with deadline in June 2019).

Third, there is rarely among researched studies cited *Declaration of the Government 568/2015* (UV-35775/2015 (October 21, 2015)).⁷⁴ This declaration followed meeting of the P.M. R. Fico and some ministers with initiators „*Plea for Humanity*” from October 1, 2015. It is possible that some additional positive impact could have Declaration of the Council of the Cabinet for human rights, minorities and gender equality from October 15, 2015.⁷⁵ The governmental document specified state support to NGOs in humanitarian and integration support of refugees. The government promised to provide a million EUR for NGOs in coming next years to support activities for refugees, as well as to increase a number of stipends for Syrian refugees to 30. There were some other promises such as a webportal that would inform about integration of foreigners in Slovakia and to offer language lessons and lessons about local culture for refugees, or *Integration Programme for Persons with International Protection*.

Fourth, the *Strategy of job mobility of foreigners in the Slovak Republic until 2020, with an Outlook to 2030*, which was published by the Ministry of Labour, Social Affairs and Family in 2018, is the most recent document (40 pages).⁷⁶ It was created due to the lack of skilled labour force in Slovakia (mainly in manufacturing). The document therefore focuses on legal migration. The short-term objective is to adopt emergency (hot-fix) measures to address the shortage of skilled labor in the Slovak labor market (p. 11). Most of the proposed measures aim to decrease the administrative burden for both the employers and the potential employees (immigrants). The document contains

72

A person who leaves a country or region with the aim to settle in a different country or region.

73

A foreigner, who complied with the criteria pursuant to the Geneva Convention related to the Legal Status of Refugees and Act No. 480/2002 Coll. on Asylum as amended, based on which this person was acknowledged as an asylum seeker and provided with international protection in the form of asylum.

74

<https://rokovania.gov.sk/RVL/Material/12397/1>

75

See Vyhlásenie Rady vlády pre ľudské práva, národnostné menšiny a rodovú rovnosť zo dňa 15.10.2015, <https://www.radavladyp.gov.sk/22-rokovanie-rady/>

76

Strategy of job mobility of foreigners in the Slovak Republic until 2020, with a view to 2030: <https://www.employment.gov.sk/files/slovensky/uvod/informacie-cudzinci/integracna-politika.pdf>

more specific measures, including changes in legislation, but without any deadlines (For more on job-market related migration see Bolečeková, 2019).

There are some legal background documents, first of all it is the Act on Asylum. (480/2002) and then the Act 404/2011 on the Act on the Residence of Foreigners. These documents will be discussed later on. We are also going briefly to discuss related legislation. Similarly, we discuss “the effective solidarity concept” in the next paragraphs.

In summary, Slovakia has nourished limited anti-(illegal)immigrant securitisation framed discourse some time before refugee crisis (at the level of some political parties, some “alternative media, and some politicians), while at the same time a number of legal migrants had been increasing. The official documents were rather formal and were primarily focused at reflection of ongoing challenges. Specifically, more legal foreign workforce was needed. This is only partially contradictory position⁷⁷ – it has been consistently argued that Slovakia wants to be selective in accepting foreigners. However, this was ultimately by and large not really flexible policy from the point of contributing to a solution of migration crisis in 2015.

When it comes to the rhetoric of the government, it was built largely on anti-immigration statements in the period before the national elections in 2016. The P.M. Robert Fico frequently held press conferences where he criticized the quota system and stated that he wants “*to prevent the emergence of a comprehensive Muslim community in Slovakia*” (January 2016).⁷⁸ The fact that Slovakia’s presidency in the Council of the European Union started in the second half of the same year, however, eased this rhetoric. The focus during the presidency was on protecting the borders of the EU and on proposing so called “effective solidarity” ([Zachová](#), [Zgut](#), [Kokoszczynski](#) and [Gabrižová](#), 2017).

When Peter Pellegrini replaced Robert Fico as P.M. in early 2018, he continued to reject the quota system, however, his rhetoric was less anti-Muslim and anti-immigrant than that of his predecessor.

3.2.2 Challenges in implementation of the common EU migration policies in Slovakia

The Ministry of Labour is responsible for integration of foreigners and for labour migration as well as for protection of not accompanied minors (minors without parents or other guides).

The Ministry of Foreign and European Affairs tackles mainly legal migration (visa policy).

The Ministry of the Interior implements governmental migration and asylum policies mainly through the Migration Office and the Bureau of the Border and Aliens Police.

The Migration Office runs three types of facilities – “reception centre” (*záchytný tábor*), “accommodation centre” (*pobytový tábor*) and an “integration centre”. There also is a special Emergency Transit Centre that serves refugees awaiting resettlement in the new country in cooperation with IOM and UNHCR, financed by USRAP – United States Refugee Admissions Program.⁷⁹

The Bureau of Border and Aliens Police runs two police detention units for foreigners (*Útvar policajného zaistenia pre cudzincov*) located near the Hungarian border, and close to the Ukrainian border, respectively.

There is not available any specific state-sponsored accommodation for persons granted international protection. These persons have to rely on help provided by NGOs or municipalities (HRL, 2020, 8).

77

Although contradictory, it is quite common in other states. This phenomenon is generally referred to as gap hypothesis.

78

Source: <https://domov.sme.sk/c/20070758/fico-musime-zabranit-vzniku-ucelenej-muslimskej-komunity-na-slovensku.html>

79

See Postoj.sk (27. september 2015). V Humennom prijali 66 utečencov zo Somálska (They have welcome 66 refugees in Humenné), <https://www.postoj.sk/6075/v-humennom-prijali-66-utečencov-zo-somalska>

Slovakia implemented majority of new or the most recent legal regulations concerning the common EU migration policy during period in question. The following challenges reflect issues that actually go from the perspective of its impact even beyond the common EU migration policies. In other words, these challenges are more universal than just focusing at EU perspective.

Global Detention Project (2016) reported that the government has pursued restrictive and discriminatory immigration policies since the onset of the refugee crisis in early 2015. There were indications of increasing numbers of families with children being placed in detention without consideration of alternatives. Despite legal safeguards families with children were routinely detained for several months and alternatives were rarely granted. On several occasions, the detention of families with children has been ordered for five or six months at the outset—hence not for the shortest possible period of time. Moreover, between 2016 and 2018, four UN human rights treaty bodies criticised Slovak immigration detention practices. In general, the most problematic aspects included detention centres’ prison-like environments, the fact that the presumption in favour of majority is applied to unaccompanied children⁸⁰, stringent conditions concerning eligibility for non-custodial alternatives to detention resulting in infrequent granting of alternatives, systematic detention of families with children, and the requirement for detainees to pay the costs of their own detention (GDP, 2019, 8).

In 2016, the UN Committee on the Rights of Persons with Disabilities (CRPD) expressed concern that detained asylum seekers with disabilities did not receive appropriate support and accommodation. In 2018, the UN Committee on the Elimination of Racial Discrimination (CERD) urged Slovakia to provide alternatives to the detention of asylum seekers, while in 2016, the UN Human Rights Committee (HRC) recommended that Slovakia ensure that the detention of asylum seekers is justified as reasonable, necessary, and proportionate in light of each case’s circumstances (GDP, 2019, 10).

3.2.3 Existing and potential conflicts between national policies and common EU policy position

The quota system to redistribute refugees caused a largely negative reaction in the political debate and subsequently in policy in Slovakia, as we have already shown (see more on official position of the government, in Bolečeková and Olejárová 2017, 209-211). The Slovak government (joined by Hungary) filled a case to the Court of Justice of the EU in Luxembourg in 2015 against compulsory relocation of refugees (case C-643/15), under which Slovakia was expected to accept 802 asylum seekers, although there was a very low chance to be successful with this legal lawsuit (see Mikušovič, 2015). The government instead agreed to give refuge to 149 Christians cherry-picked from internally displaced camps in Iraq (Kurdistan). The lawsuit was eventually dismissed by the Court of Justice.

Slovakia avoided the 2017 (ultimately successful) legal action of the European Commission against the Czech Republic, Hungary and Poland (Rios, 2020) on reallocation of refugees/migrants when it decided to accept instead of allocated 902 refugees from Italy and Greece, only 16 refugees from Greece (Geist, 2017). The Government promised to accept 100 refugees from Greece (this time focused not at religion but “at the most vulnerable people”), and supported 500 stipends/fellowships for students from Syria. In addition, the ministry of interior offered temporary accommodation for asylum seekers in Austria (more than 1,200 refugees). ([Zachová](#), [Zgut](#), [Kokoszczynski](#) and [Gabrižová](#), 2017).

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This was in part related to the fact that age determination procedures in Slovakia relied on bone analysis and were seen as unreliable, especially with respect to children between 16-18 years old (Global Detention Project, 2016, 5).

Ironically, it was the Slovak government that initiated or at least coordinated the rejection of the quota system by the V4 countries in 2015.⁸¹

Furthermore, the “ambitious plans for the harmonization of the asylum system according to the proposals of the EC “seemed to be far beyond what the country’s politicians could imagine.”⁸² Instead “flexible solidarity” or as it was re-designed and re-named, “effective solidarity”, was intellectual contribution of the Slovak Presidency of the Council of the EU in the second half of 2016. It was presented in mid of November 2016 (see Nielsen, 2016). For some, this was by and large just nickname for an effort to avoid allocation or acceptance of what was seen as too large number of migrants/refugees (Tóda, 2017a, see also Végh, 2017), although it also helped a bit to ease negative emotions within EU. There was by and large and exceptionally, positive assessment of this proposal by some others, e.g. by Hejzer (2017). Nyzio (2017, 73) argued that, in addition to political marketing function, this proposal sent a signal that solution to refugee crisis should be found from bottom up. Finally, the tacit message was that the key decisions should be carried unanimously and not by the majority voting, concluded Nyzio (2017, 73). Yet the rules of decision-making had been agreed already before the voting took place.

The plan introduced three different mechanisms dedicated to dealing with three stages of immigration: normal, deteriorating and under severe circumstances. Under normal circumstances, the mechanism would be regular one. Under deteriorating circumstances, the M.S. would be required to relocate a well-defined proportion of applicant for asylum or to help the state affected by a problem in different way. This could include financial contribution to tailor made wider contributions relevant for both internal and external migration field (e.g. joint return operations, joint processing of applications, sharing reception facilities). During severe circumstances, the Council of the European Union should decide on additional supportive measures on voluntary basis. The plan was supported by V4 countries (Nyzio, 2017, 72). However, it is strange to observe that this plan was not present in a coherent form in the initial 36 pages long *Programme of the Slovak Presidency of the Council of the European Union* – it simply did not exist at that time.

The Slovak Presidency of the Council of the EU managed to make a deal on Eurodac database and on enabling the start of negotiations with the European Parliament on some aspects of the European Asylum Support Office regulation and in finalising the establishment of the new European Border and Coast Guard (Gabrižová, 2017, 13-14).

The Slovak Presidency of the Council of the EU actually stated its initial vision in tackling migration at the EU level in two sentences: “Schengen strong from outside and without doubts from inside. Regulated flow of migrants”⁸³, or, as it was put at another place: “Sustainable migration and asylum policies”.⁸⁴ In case of “unregulated migration(SK PRES) confirms a need for complex solutionSK PRES will enforce measures aimed removing causes of illegal migration and to helping countries of origin and their transit...”. It is important to make closer cooperation with relevant international organisations...including NATO...”(p.7+ p.15). Moreover, SK PRES was rather skeptical about topics that will be relevant during its presidency within refugee/migrant

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Source: Declaration of V4 countries on migration in view of June European Council, 23.06.2015, <https://www.vlada.gov.sk/v4-sa-dohodla-na-spolocnom-odmietnuti-kvot-pre-migrantov/>,

82

Source: <https://euractiv.sk/section/buducnost-eu/news/v4-a-migracia-mala-sanca-na-zmenu-pozicii/>

83

Source: Governmental Material UV-9777/2016, 23.02.2016, I. Slovenské predsedníctvo v Rade Európskej únie v kontexte súčasného diania The Slovak Presidency of the Council of the EU in the context of contemporary events), p.1, <https://rokovania.gov.sk/RVL/Material/12707/1>

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Priorities of the Slovak Presidency, <https://sk16.eu/m4/en/programme-and-priorities/priorities-of-the-slovak-presidency.html>, See 1 July - 31 December 2016 Programme of The Slovak Presidency of the Council of the European Union, <https://sk16.eu/m4/data/documents/presidency-programme-eng-final5.pdf>

context. The document only “assumed” that these topics may include: effective policy of return, implementation of readmission agreements, strengthening of cooperation with EU agencies entrusted with returning unsuccessful applicants, cooperation at state level in human trafficking and human smuggling. Moreover, the document also expected possible suggestion of revision of the mandate of EASO and introductory or advanced discussions on Common Asylum Codex (p.35).

Apparently, there was no specific plan how to tackle migration issue in February 2016.⁸⁵

Instead of having a clear and efficient plan, Slovakia with other V4 countries supported *ad hoc* cooperation with third countries (following example of migration compact with Turkey) and showed willingness to support strengthening of border protection financially or personally (Zachová, Zgut, Kokoszczyński and Gabrižová, 2017, see more specific proposals in Nyzio, 2017, 82-83). This meant, for example, that the Slovak police/army units were patrolling at Southern border of Hungary. Or, for example, Slovakia together with other V4 countries supported (or promised to support) financially the implementation of the Project led by the Italian government in cooperation with the Commission aimed at protecting the borders in Libya in 2017.⁸⁶ There was some cooperation and help coming from the Migration Office within EASO – e.g. asylum supporting teams in Italy, Greece and Cyprus in 2017 (MV SE, 2018).

However, this probably did not mean moving from being “policy-takers” to become constructive “policy-makers” in the EU. As put by Tabosa (2018), V4 countries are too much legally and institutionally constrained to become policy-makers on their own, or as a group. Thus, Tabosa (2018) argued, although the political elites can use strategies of securitization of migration that may lead to a “partial” identitarian shift, the V4 countries are still strongly constrained by the EU and the discourse will most likely keep not being translated into actions. Well, one can argue that even resistance to policy proposals or not abiding rules of the game can seriously impact policy choices.

Be that as it may, Slovak government was satisfied with the migration policy agreed at the EU summit in June 2018.⁸⁷

For illustration, official development assistance (ODA) was 78 mil. EUR in 2015. The main target countries included Ukraine, Kenya and Moldova. This is a bit strange from perspective of migration policy, considering that, with exception of neighbouring Ukraine, neither Kenya nor Moldova seemed to be primary source of illegal migration to or just passing through Slovakia (but these were Iraq, Syria and Afghanistan). Moreover, although the country has increased ODA by more than a quarter on year to year comparison (mainly due to migration crisis), still, this was well below official target (0.33% of GDP versus 0,103% GDP).⁸⁸ Thus, inspite of all this rhetoric, on the one

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Source: Governmental Material UV-9777/2016, 23.02.2016, I. Slovenské predsedníctvo v Rade Európskej únie v kontexte súčasného diania The Slovak Presidency of the Council of the EU in the context of contemporary events), <https://rokovania.gov.sk/RVL/Material/12707/1>

86

See Statement of the Visegrád 4 countries on 14th of December 2017 <https://www.kormany.hu/download/5/b5/41000/1212%20Statement%20of%20the%20Visegr%C3%A1d%20countries%20on%2014th%20of%20December%202017.pdf>, ČTK (14 December 2017), Visegrad Group to give EUR 36 million to protect Libyan border, <http://praguemonitor.com/2017/12/14/visegrad-group-give-eur-36-million-protect-libyan-border>

87

SITA (2018, June 29). Nová európska dohoda o migrácii je dobrá pre Slovensko aj Úniu, vyjadril spokojnosť Pellegrini (A New European Agreement on Migration is a Good News for Slovakia as well as for the Union, Pellegrini expressed his Satisfaction, <https://www.webnoviny.sk/nova-europska-dohoda-o-migracii-je-dobra-pre-slovensko-aj-uniu-vyjadril-spokojnost-pellegrini/>

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Správa o oficiálnej rozvojovej pomoci Slovenskej Republiky za rok 2015 (The Annual Report on Slovak ODA for 2015), Declaration of the Government 212/2016, <https://rokovania.gov.sk/RVL/Material/21231/1>

hand, **Slovakia did not live up to its long-term commitments.** On the other hand, **there was some increase in spending during crisis and some help provided.**

4. IMMIGRATION AS A LEGAL ISSUE

4.1 Brief description of the applicable legal framework in Slovakia together with the analysis of its actual implementation

Divinský, an expert on migration/refugee issues, argued that one of the reasons why the number of illegal migrants had increased in period 2001-2004 was actually due to „the liberal spirit of the asylum law” (cited in Bolečeková and Olejárová 2017, 193).

However, at the same time, Bargerová (2016, 26) argues that Slovak law and migration policy is confusing – there are more than 30 categories or definitions used according to specific legal status. Moreover, she claims that these categories and definitions are used inconsistently and not always in line with established international customs or these are too descriptive.

The key legal document is the Act on Asylum (Act 480/2002). This law has been changed four times in the period 2015-2018 (and twice since then). The act actually does not use terms “migrant”, “immigrant” or “refugee” but instead a “foreigner” or “alien” and only occasionally “asylant – asylum seeker”. Foreigner is anybody who is not a citizen of Slovakia.

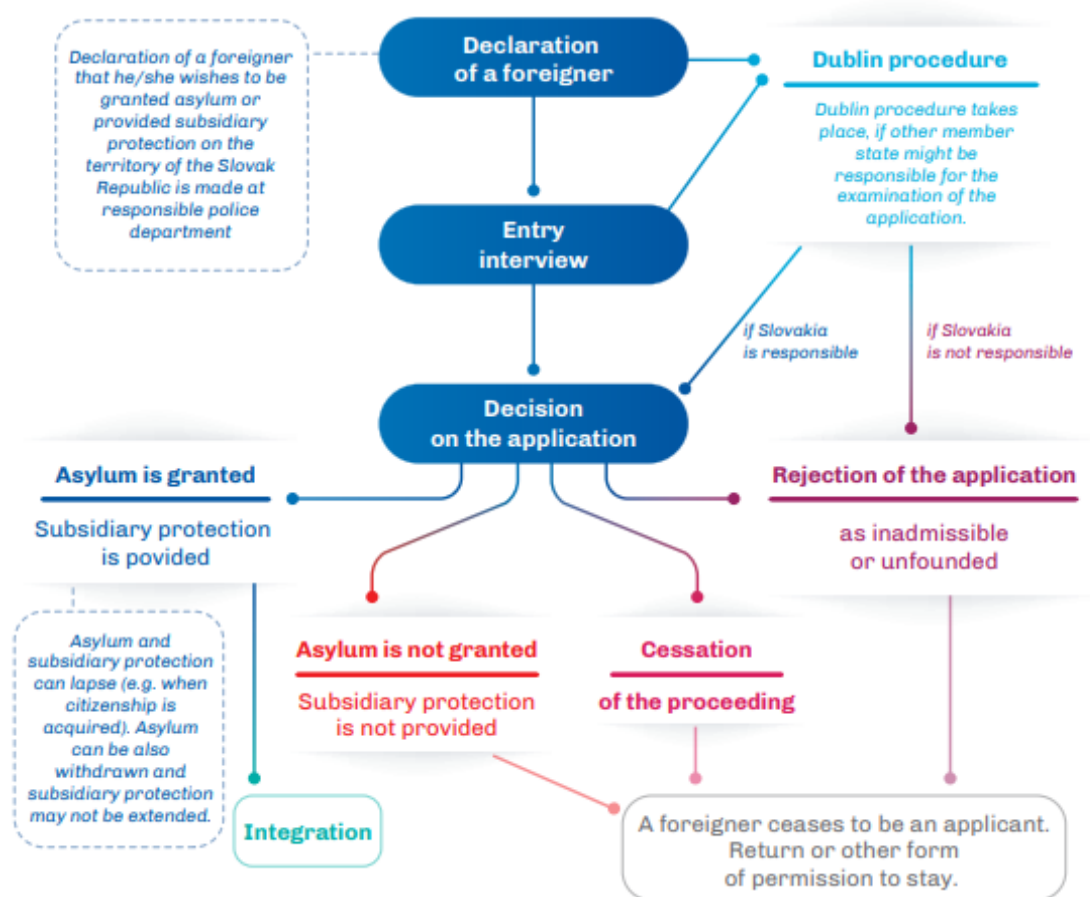
As already mentioned, there are three types of protection granted to “foreigners”: asylum, subsidiary protection and temporary refuge/shelter for “leavers” (*azyl, doplnková ochrana, poskytovanie dočasného útočiska – odídenci*). A „leaver“ is a foreigner whom the ministry of interior granted, following decision of the Government (as discussed, the government shall pass a measure which defines beginning, conditions and end of temporary „shelter/refuge”), temporary „shelter“ (“*dočasné útočisko*”). This is the main difference from asylum status which grants a permanent stay.

Subsidiary protection can be given to foreigners if they did not succeed in getting asylum. Still, there must be serious reasons to believe that an applicant would be persecuted upon return or face threats from internal or international military conflict. Subsidiary protection is provided for a year with possible extension to two years. A temporary „shelter/refuge“ for “leavers” is meant for foreigners who come from war-torn countries, or where there is massive breach of human rights. In such cases, the government in line with decision of the Council of the EU shall pass a measure which defines beginning, conditions and end of temporary „shelter/refuge”. This measure/decision should be backed by appropriate money allocation. In case of relocation of Christians from Kurdistan, it is not clear whether this was based on decision of the government or decision of the ministry of interior.⁸⁹

Chart: Scheme of Asylum Process

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MV SR (11. 12. 2015), Na Slovensko prišlo 149 asýrskych kresťanov (There have arrived 149 Assyrian Christians to Slovakia), <https://www.minv.sk/?tlacove-spravy&sprava=na-slovensko-prislo-149-asyrskych-krestanov>



Source: Ministry of Interior (2019). The Immigration Office of the Slovak Republic. 25 Years (1993-2018) <https://www.minv.sk/?tlacove-spravy-6&sprava=migracny-urad-mv-sr-posobi-uz-viac-ako-stvrtstorie>

The changes in the Act 480/2002 (as well as, simultaneously, in the Act 404/2011 and some other laws) specified details of various forms of protection of refugees, as well as incorporated two additional EU regulations ([2013/32/EÚ](#) L 180, 29. 6. 2013, and [2013/33/EÚ](#) L 180, 29. 6. 2013). The first change in 2015 reflected transposition of provisions of the (recast) Asylum Procedures Directive. Such an update was according to plan outlined in 2014 year.⁹⁰ Thus, it did not reflect refugee crisis. The second and third change impacted the Act 404/2011 indirectly, through a new Civil Administrative Code. Neither these changes reflected ongoing crisis since the validity of accepted changes was postponed to December 2018 or to later period.

The 2018 changes in the Act 480/2002 specified some details related to administrative-procedural aspects, including extending already mentioned a list of bodies that can provide a legal help or advice (Act 198/2018 Z. z.).⁹¹ Neither these changes were reflection of experiences with refugees. In fact, the official explanation provided argued that the main goal of this legislation was transposition of section 31, subs. 3-5 of the Directive 2013/32/EÚ.⁹² The Asylum Act states that the time limit for processing applications for international protection is six months, which can be further extended

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NR SR (2015). Dôvodová časť (Explanatory Part), <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=411263>

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See NR SR (2018). <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=451202> <https://www.zakonypreludi.sk/zz/2018-198>

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See <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=451202>

in specific circumstances. The Act also requires to request an opinion on the asylum application of all applicants above 14 years from the Military Intelligence, and not only from the Slovak Intelligence Service (state intelligence). The time limit to reply to this request was extended from 10 days to 20 days.

In summary, one could not find harsh measures in the update of relevant legislation as a result of refugee crisis (with exception of indirectly related the Anti-terrorist Act and the Act on Freedom of Religious Faith discussed at another place and changes in the Act 404/2011 discussed further). On the one hand, Androvičová (2017, 213) believes that “the partial improvement of the legislative conditions of so called “foreigners with supplementary protection” was probably also the result of efforts by NGO’s who draw attention to the very complicated situation of this vulnerable group of migrants.” Yet we do not know whether this is true or not.

The second relevant document tackling legal immigration is the Act 404/2011 on the Residence of Foreigners. It defines details of migration policy, including entry requirements, visas, expulsion, and immigration detention. Article 88 of the Act on the Residence of Foreigners provides grounds for immigration detention (*zaistenie*). Amendment by Act 179/2017 introduced restrictive measures for international students. Temporary residence for the purpose of study can now only be acquired by students who are younger than 20 years on the day of submitting the application. An update in 2018 introduced limitation of “permanent” stay to five years for persons without state citizenship. Previously, it was an unlimited term.

There are some related legal acts such as Act 327/2005 Z. z. on providing legal help to persons in material deprivation. One can perhaps include here also a new law on the Developmental Aid (392/2015). Also, there was prepared an updated National Plan of Management and Control of Borders for 2019 – 2022 period. Finally, for integration of foreigners it is relevant the Act on State Citizenship 40/1993.

4.2 Existing and potential conflicts between national law and legal practice of a relevant country and applicable EU rules (e.g. different approaches towards immigrants and refugees, reflection of this in citizenship regulations, access to social benefits, etc.)

In general, any asylum seeker has the same rights as citizens, with some exceptions (e.g. regarding voting and participation in elections). Thus, what could be noticed was a subtle difference in (more informal than formal approach) towards asylum seekers and migrants in general as a problem. Indeed, the judiciary noticed that sometimes it looked like civil servants prioritised negative approach rather than positive approach when considering whether or not to provide asylum (Berthotyová in Prušová, 2015). As mentioned, the law does not differentiate between migrants and refugees in case of the Act of Asylum. It is by definition something else when somebody claims to be an economic migrant (a right to asylum in such cases does not guarantee any international covenant), or asks for permit to stay in a country as a guestworker. We have also discussed different types of protection given (or not) according to the Act on Asylum. The law also gives to a foreigner a choice. However, obviously, foreigners in most cases have no idea about local legislation. Thus, it all depends on an advice given by a lawyer provided or funded by the state or, since 2018, it is possible to get involved a representative of NGOs dealing with refugees in this administrative process.

4.3. The High Level Judiciary and Refugees/Migrants

There is an interesting positive contribution of the high level national judiciary towards regulation or supervision of asylum processing administration. The verdicts of Constitutional Court and (qualitatively less so, but still) of the Supreme Court, have defended rights of refugees/migrants against too narrow-minded approaches of the Migration Authority and other law enforcing bodies already before the 2015 refugee crisis and increasingly since then. In doing so, both courts referred

to the common EU migration regulations or, more often, to the case law of the European Court of Human Rights or to the Covenant.

In general, judiciary navigated migration officers towards issues that should be of their interest in order to correctly assess asylum request during an interview. These included consistently claiming the same identity, to check whether there are no internal contradictions (minor contradictions should not be considered against interest of an applicant). Neither a lack of evidence or documents that could prove persecution should be taken in account. It was often the case that migration officers were biased towards negative information. This was a major reason why courts so often cancelled decision of migration authorities (Berthotyová in Prušová, 2015).

However, the judiciary tried to keep balance in mutual obligations. Thus, the Migration Authority is not obliged to seek arguments why an applicant asks for an asylum. The burden of proof is, in that sense, fairly divided among both sides. However, there is a slight advantage given to an applicant. An applicant can just claim but he does not have to prove his claims. It is the task of the Migration Authority to find contradictory information. If there is no contradictory information, if there is no proof that applicant has lied, it must be considered that he is a trustworthy person (Berthotyová in Prušová, 2015). The story must include aspects of persecution, as defined by the law: race, religion, political affiliation or membership to a certain social group. The right to asylum is not a universal tool for protection against any persecution but only selected ones (Berthotyová in Prušová, 2015).

There were some other interesting examples how the administrative judiciary defended rights of refugees. For example, the Constitutional Court criticised (III. ÚS 110/2011 41/2011) the Supreme Court and found its verdict in breach of an international Covenant. The case concerned an Afghan refugee who was to be extradited to Greece for further asylum /extradition/ proceedings. The Constitutional Court argued that it was based on too formalistic decision. In particular, it was not correct when the Migration Authority did not check local conditions in Greece, although there was official information about imperfect asylum proceedings in Greece and unhuman conditions there in asylum camps. It was not sufficient to argue that the local law did not request to check situation there. In the view of Constitutional Court, the Covenant may not cover all details, and, in any case, it has priority before local legislation.

Similarly, the Constitutional Court criticised (III.ÚS 717/2016-28) the Supreme Court for verdict 1 Sža 26/2015 which was lacking arguments related to decision to continue in internation of an asylum seeker.⁹³

The case IV. ÚS 308/2011 12/2012 also concerned an Afghan refugee. The issue was that decision of the Migration Authority did not mention clear arguments that it considered in general and that it considered as legally relevant in particular, for not extending subsidiary protection.

The case II. ÚS 147/2013 48/2013 tackled a man who asked for asylum in Slovakia 8 times and then fled to Austria (he was repeatedly extradited from Austria back to Slovakia, or entered Slovakia from other country, between 2004-2009). When he was prison in Slovakia for theft in 2010, he asked for asylum again. When he finished his prison term, the police put him in jail again for maximum 180 days allegedly in line with the Asylum Act. However, the Constitutional Court argued that judicial review (*posúdenie zákonnosti zbavenia osobnej slobody súdom*) of this jail sentence was too slow.

Nonetheless of criticism of verdicts by the Supreme Court (or maybe as a result of this criticism), the Senate of Administrative Collegium of the Supreme Court lead by Elena Berthotyová was awarded “the Best 2017 Verdict” for its verdict ([10 Sža 12/2016](#)). This ruling protected rights of a female asylum seeker from Afghanistan and her three minors. The case concerned confinement of this family. The court argued that this can be seen as a legal tool, however, the law allows to use less

harsh measures. In that particular case, asylum seeker mother declared that it had in possession 6,500 EUR. Thus, financial deposit was possible instead of confinement. When issuing the verdict, the court also stated that minors should not be punished for immigration status (and failures) of their parents.

Furthermore, a judge Berthotyová (2019) explained that an asylum seeker usually is not able to provide any evidence, often not even an ID card. An asylum seeker can usually just claim that he was persecuted. However, it is not a duty of an asylum seeker to prove his or her statement. Until the court has issued such verdict, an asylum seeker was positioned in disadvantageous situation which usually resulted in dismissal of his or her request for asylum. Slovak judiciary has passed a number of such ground-breaking decisions, e.g. concerning definition of asylum, regarding checking the real conditions and facts (*k zisťovaniu skutkového stavu, k zásade tzv. materiálnej pravdy, k štandardom a rozloženiu dôkazného bremena*), regarding individual reasons of persecution, on definition of an asylum on humanitarian grounds, regarding asylum seekers „sur place“, etc.

There is ongoing rather significant asylum-related case. It tackles issue whether it is right to check at an asylum seeker, who converted to Christianity in Slovakia, how strong or honest is his new religious faith. The Migration Authority, supported by regional court, argued that his knowledge about Christianity were too low. The Supreme Court argued that it is absolutely not acceptable to demand from a converted person rather encyclopedic knowledge about religion or checking how often that persons visits a church (Berthotyová in Prušová, 2015). Moreover, this lawsuit raised an issue what is the role of the court – typically, asylum seeking process is seen as an administrative procedure. Therefore, normally, an appeal court may only check whether formal, administrative criteria were upheld. It is not expected from the administrative court to review the content or an issue at stake. This particular lawsuit lead court to believe that decision of the Migration Authority was contradicting the EU law. The Supreme Court asked for opinion the Court of Justice of the EU in 2017 (Prušová, 2017).

There are these the most recent selected examples of verdicts that tackled rights of migrants/refugees, as presented by the Supreme Court and lower courts, for 2019.⁹⁴ The case R 61/2019 (10Sžak/18/2017) - if a request for asylum is submitted by a mother of minors, of whom one suffers from a serious illness, this should be considered on humanitarian grounds - 10Sžak/18/2017). The case R 62/2019 (1Sžak/3/2018) referred to Dublin Procedure (17- 604/2013). The court argued that although there is no legal entitlement (*nie je právny nárok*) to this protection under its wordings, nonetheless, even when deciding a case on ad hoc basis, the administrative officer must decide in a way that there is rule of law and expected precedens-based decisions.⁹⁵

However, there were cases when the Constitutional Court turned down constitutional complaints such a case tackling extradition to Russia or alleged illegal internation of returned refugee from the UK once he landed on the airport (II. ÚS 129/2018).

4.4. The Border and Foreign (Allien) Police Force and Migrants

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NS SR (2019, December 11). [Zbierka stanovísk Najvyššieho súdu a rozhodnutí súdov SR 6/2019](https://www.najpravo.sk/clanky/zbierka-stanovisk-najvyššieho-sudu-a-rozhodnutí-súdov-sr-6-2019.html) (Collection of Opinions and Verdicts of the Supreme Court and Courts in Slovakia), <https://www.najpravo.sk/clanky/zbierka-stanovisk-najvyššieho-sudu-a-rozhodnutí-súdov-sr-6-2019.html>

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Aj v rámci aplikácie voľnej úvahy je správny orgán povinný rozhodovať tak, aby bola zachovaná právna istota a predvídateľnosť jeho postupu v súlade so zákonom a medzinárodnými dohovormi, ktorými je Slovenská republika viazaná.

The Report by the Ombudsperson on the Border and Alien Police Force performance (KVOP, 2015), highlighted many problematic aspects in the work and approach of the Office of the Border and Alien Police Force towards migrants in general. This was related mainly to reception conditions in which administrative procedures related to providing temporary permits were held.

Foreigners waiting for processing their requests faced in many cases low quality level administrative environment - in some places without access to basic level social services (toilets) at appropriate hygienic level. This meant that in some cases an applicant had to ask for a key to the toilet. In other cases, there was no sufficient room for all applicants to have a seat, or a table for comfortable filling in requested forms, or proper airconditioning. At some places, there was no so called intimate zone available. The report argued that when taking into account time spent in such conditions of waiting, the conditions may be considered as breaking the right to human dignity and as breach of the right to protection against denigrating (*ponižujúcim zaobchádzaním*) attitude on the side of authorities.

As far as the administrative process was concerned, foreigners complained about impartial or incorrect information provided by the police.

The recommendation included to change administrative process from the police force to other part of public administration as well as that all concerned authorities should have publicly available text on the Act on the Residence of Foreigners in the English language.

The mainstream media have reported on these issues relatively often (see Dugovič, 2015, Vražda, 2016, TV Markíza, 2017, Šnidl, 2019, [Dobrovicsová](#), 2019, Knapko, 2019, TV Joj (2020)).⁹⁶

As put by Bargerová (2016, 34), “available data suggest that Slovakia does not fully comprehend its own interest in integration of foreigners. It is especially surprising that the Ministry of Interior is not interested in integration of foreigners to such level as it was shortly before joining the EU.”⁵

5. SYNTHESIS

Moral panic manufactured through securitisation of an issue of migration characterised Slovakia in 2015 year. In this discourse, nominally social democratic Prime Minister and social democratic party that was in a single party government throughout 2015, played the key, by and large negative role. Yet there was a very low number of illegal refugees apprehended. The discursive context was nourished by generally suspicious attitude of local publics towards foreigners, paradoxically, by and large caused by little interaction with foreigners in general or refugees in particular. At the same time, the number of legal migrants, mainly guest workers, was increasing shortly before the 2015 crisis. This contributed to negative image of migrants among some parts of the public. Be that as it may, there was only one relevant parliamentary party that defended openly and without restrictive conditions rights of refugees/migrants - *Most-Híd*. The second best position was of the *OLaNO* movement that was ambivalent on this issue, while *Christian Democratic Movement* referred to the cultural and society-wide questions instead of threats and terrorism (although some of its representatives, e.g. acting as minister of interior, put emphasis on security-related issues in the past). Among other political actors, the most visible welcoming actor was then the President Andrej Kiska. It is true that the Parliament also expressed “a deep concern and regret over the tragic situation of migrants” and “the need for solidarity with other EU M.S.” However, this solidarity should be based on “voluntary” principle, “geographical balance, as well as reflecting potential

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See also Smutný príbeh pokračuje: Ľubka s egyptským manželom a dvoma deťmi opustili Slovensko (5.7.2019). <https://www.bratislavskenoviny.sk/policia/55486-smutny-pribeh-pokracuje-lubka-s-egyptskym-manzelom-a-dvoma-detmi-opustili-slovensko>

security risks and taking into account the cultural, historical and socio-economic specificities of each M.S.”.

Nonetheless, one can wonder, why there was so much negative attitude towards refugees in social democratic party that single-party ruled the country? The key explanation is possibly to be found in party position on political-ideological spectrum. As put by Marušiak (2010, 6), *Smer-SD* met the standards of the Social Democratic identity only in the social and economic affairs, while cultural and human-rights dimension, supra-national dimension and the dimension of equality and freedom “*Smer-SD*” met only partially or not at all. This was apparently still true in 2015 year. Clearly, *Smer-SD* was still maneuvering between „pragmatism“ and social democracy“. This could help to explain „Janus faced“ position of the Slovak government and Parliament during refugee crisis. However, for example neither „liberal“ *SaS* party could be seen as truly liberal from cultural and human rights values perspective. In fact, there emerged more than constitutional parliamentary consensus rejecting the quota on migrants/refugees.

Additionally, long term cultural traits that may have influenced slow and unfinished ““socialdemocratisation” of the *Smer-SD* party was a legacy of ethno-centricism, populism and illiberalism in political spectrum and society at large.⁹⁷ Yet there also was some logical-rational argument using recent experience with migrants/refugees who actually were not interested in getting asylum in Slovakia and in majority of cases left detention centers on their own, not waiting for the decision about asylum request.

On the positive side, the mainstream media, typical with liberal ideology, attempted to remain less passionate about refugee crisis than politicians or even the public at large, or media in some other countries. This was clearly noticed when one compares their framing on this topic internationally.

Thus, in this moral crisis, both already present (rapid increase of legal migrants in the past years and reported experience with “disappearing” migrants from detention centers) and ongoing wider social trends and legacies, as well as rhetoric of politicians, but also of some conservative civic voices, played the key roles. This was actually shown in ultimately unsuccessful referendum on “The Protection of Family” held in early 2015. This referendum discourse already introduced into the discursive cleavages of the dichotomy of “depraved Europe” and “traditional/pure Slovakia”. Moreover, the negative frames used were quite adaptable to discourses during refugee crisis which was ongoing about the same time and culminated (with at least two peaks) a few months later. Thus, public was already accustomed to emotional negative rhetoric that fitted perfectly to negative refugee rhetoric narratives. This narrative was found useful as a key message for almost all political parties before the early 2016 general elections. Securitisation of migration thus lead (or contributed) to Janus-faced policies of the Slovak governments throughout 2015-2016 period. As a result, social distancing among population towards migrants and Muslims has increased.

Indeed, Slovak government’s attitude towards migration policy can be characterized with double standards both externally and internally: externally, there was internationally (and internally) declared solidarity with the situation of migrants/refugees and a call for (different way of) cooperation and (more) coordination within EU. The Slovak plan (supported by V4 countries), presented during its Council of the EU presidency in second half of 2016, called for “flexible solidarity” or as it was re-designed and re-named, “effective solidarity”. However, the listed alternatives were not viewed as helpful by the frontier states in particular. One can wonder whether “flexibility” approach did not find some inspiration in overall longer cooperation within Visegrad 4 countries. As put by Strážay (2018, 58),:...”the idea of flexibility..has not only become a characteristic working strategy for V4 that distinguishes it from other regional cooperation formats

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For academic reflections on negative attitude of local population towards migrants/refugees, see discussion in Bolečková and Olejárová 2017, 213-215).

in the EU...but it is also....the groups' survival strategy." In other words, a lack of common interests, or a lack of useful alternative policies, may be covered by "flexibility" vocabulary.

Yet it should be also stated that virtually all governmental documents produced before the 2015 crisis indicated that the country wants to be selective in accepting migrants/refugees, while it also called for cooperation with partners within the EU. This certainly can be seen as a puzzling approach.

Furthermore, the government sponsored relocation of some 150 local Christians from Kurdistan, as well as provided assistance to Austria. Yet at the same time there was a unique (with Hungary) open legal action (ultimately unsuccessful) against majoritarian decision challenging pre-agreed rules of decision-making in the EU regarding relocation of refugees.

Furthermore, although Slovakia initiated and coordinated some limited international diplomatic public and legal protests, the country also accepted some limited, really symbolic, number of additional refugees from Greece within EU relocation scheme. The country also showed some additional effort towards helping countries that tackled refugee crisis (Libya, Hungary, Slovenia, etc), including helping international organisation in long-term programme on refugees relocation. Thus it avoided successful lawsuit initiated (in a sort of ironic but unintended reciprocity) by the European Commission against some other neighbouring countries (Czech Republic, Hungary and Poland) on this issue.

The legislation on asylum and on "aliens", although subject to revisions during period in question, by and large did not reflect this external and internal process and challenges. It included only a few changes that could be seen as worsening position of refugees, as a result of securitisation of public discourse, while at the same time eased some regulations especially of humanitarian/health related types. Ironically, it was because during this period that Slovakia actually transposed new EU legislation on this issue, according to officially planned timeline. Although legislation is rather complicated and strict, it allows fast humanitarian gestures, if the Ministry of Interior (the Migration Authority) or the government wishes to do so.

Interestingly, the Constitutional Court and then Supreme Court played important role in making more human and easier accessible access to justice and conditions related to asylum seeking for refugees.

It should be mentioned that tacit anti-migrant rhetoric and policies could be found implicitly in another legislative acts: the Anti-terrorism Act and an update in Act on Freedom of Religious Faith that have been updated during the period in question, too.

Similarly, the ombudsperson pointed at some complications that faced regular migrants when tackling the Border and Foreign Police. With exception of some progress in increasing the quality of equipment and premises of the Border and Foreign Police, there seemed to be persisting problems in quality of services provided to foreigners (KVOP, 2020). There was controversial reaction of authorities to the latest report by ombudsperson (see Gucký, 2020 and Številová, 2020).

Internally, Slovak governmental position was also „dual“ (Janus-faced): on the one hand it showed a strong anti-migrant rhetoric, including passing strict anti-terrorist legislation (when refugees were linked in public discourse with Muslim religion and then implicitly or sometimes explicitly⁹⁸ with terrorism), while on the other hand there was a special declaration of the Government that provided huge resources to NGOs who were helping refugees and some other pro-refugees measures. Moreover, Slovakia at the same time passed a new law on international developmental assistance. The Ministry of Foreign and European Affairs established a post of *ambassador-et-large* for

migration (HRL, 2020, 13). Yet the idea of “Immigration and Naturalisation Authority” as well as *Integration Programme for Persons with International Protection* have not materialised. This half-baked approach is somehow typical for Slovak bureaucracy – there is often discrepancy between wording of policies and laws, and actual policies and approaches.

It should be little surprising that in late 2018, on the statement: “It is our duty to welcome refugees fleeing war and affliction into our country”, a third of Slovak respondents answered in affirmative (agree and strongly agree), while two thirds disagreed (including strongly disagreed). This was exact opposite as in case of Switzerland or Bosnia and Hercegovina. In fact, it was exact opposite as an average of all surveyed countries (Ispos/Fondpol, 2019).

Ultimately internally, unfinished “socialdemocratisation” of a *Smer-SD* party and in general not quite developed political party system (with too big role of leaders), as well as externally, ad hoc coalition policy tradition within the V4 called “flexible approach”, lead to Janus faced policy of the Slovak government(s) during 2015 refugee crisis as well as during its Presidency of the Council of the EU in the second half of 2016.

There is a little hope that new immigration policy will be different. The old idea of “Immigration and Naturalisation Authority” is mentioned only as an option in the Manifesto of the Government for 2020-2024 period. Moreover, the Government promised to prepare new Migration Policy of Slovakia for 2021 – 2025.⁹⁹ In general, the new government seems to be equally ambiguous on solutions to migration policy as the previous governments: it points at risks associated with “unregulated migration flow and uncoordinated EU approach” while at the same time demands “to take into account legitimate interests of Slovakia” (p.24).

Be that as it may, it is expected that Slovakia will face labour shortage of 37% in 40 years from now (Baláž and Karasová, 2016, 53).¹⁰⁰ Similarly, the population may decrease from 5.42 million to somewhere between 3.8-4.3 million in 2100 (Bleha, 2020). The issue of migration/refugees may be seen rather differently from this long-term perspective.

6. POLICY RECOMMENDATIONS

1. It would be useful to support political party system development in Slovakia that would be more compatible with the European political party families. This may be challenge since the party system is in flux globally. We mean here that if a party claims to be belonging to a certain ideological camp, it should follow key principles of that ideological camp.
2. It would be useful if the key policy documents (e.g. Migration Policy, Integration Policy, Asylum Policy or prognostic materials) would be written with a more practical focus and with specific aims but also including some visionary aspects (e.g. possible negative scenarios with alternative approaches). These documents beg for revisions.
3. Assessment of key policy documents should be double checked by external assessors (both current versions and annual assessment of their real application).
4. The key positive actors should be appreciated or supported locally and internationally (e.g. the mainstream media, ombudsperson, the high judiciary, selected academia).
5. It should be developed a narrative why it is useful or necessary to help refugees, if clear majority of them really does not want to stay in the country and leaves the country for their final destination before asylum procedure is completed.

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Programové vyhlásenie vlády Slovenskej republiky na obdobie rokov 2020 - 2024 (Manifesto of the Government 2020-2024), <http://www.culture.gov.sk/programove-vyhlasenie-vlady-180.html>

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European Commission, 2015 Ageing Report

6. Administrative aspects of regular migration should not be tackled by the Police but by civil authorities. This change actually already was introduced to some degree in the summer of 2020. For that purpose, already planned central Migration and Integration Authority should be established or based on merging existing authorities.
7. There should be easily available online and in hard copies basic information for migrants and refugees not only about key legislation but also about cultural specifics in all languages of expected migrants/refugees. The authorities should monitor developments and be ready to prepare new language versions, if needed, within weeks (also HRL, 2020, 6-7). The current version is available from 2018 year and is available only in five languages.¹⁰¹
8. We also support recommendations suggested by Human Rights League, namely:
 - a) to establish protected housing for vulnerable refugees (HRL, 2020, 6).
 - b) to consider providing temporary shelter in not sufficiently utilised objects to specific individuals or groups awaiting extradition (HRL, 2020, 6).
 - c) to introduce into legal system “administrative procedures for state-less persons” (HRL, 2020, 6).
 - d) to establish state integration system for persons with international protection (HRL, 2020, 6).

There are quite many additional detailed suggestions for im/migration policies produced by HRL (see HRL, 2020,33-57).

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Annex

Table 1 - Number of valid residence registrations (stock)

	Third country nationals	EU nationals	Total
2015	35 261 (42%)	49 526 (58%)	84 787
2016	41 232 (44%)	52 015 (56%)	93 247
2017	50 395 (48%)	54 056 (52%)	104 451
2018	65 381 (54%)	55 883 (46%)	121 264

Table 2 - Number of EU nationals with valid registration for residence (Top 3 nationalities)

	1 st	2 nd	3 rd	Total
2015	CZ – 9 927 (20%)*	HU – 7 593 (15%)	RO – 6 573 (13%)	49 526
2016	CZ – 10 317	HU – 7 813	RO – 6 907	52 015
2017	CZ – 10 663	HU – 8 057	RO – 7 149	54 056
2018	CZ – 10 970	HU – 8 503	RO – 7 420	55 883

* The share among these three countries does not change during the period 2015-2018.

Table 3 - Top 3 nationalities with valid residence permit among 3rd country nationals:

	1 st	2 nd	3 rd	Total
2015	Ukraine – 10 706 (30%)	Serbia – 5 528 (16%)	Russia – 3 532 (10%)	35 261
2016	Ukraine – 13 024 (32%)	Serbia – 7 232 (18%)	Russia – 4 035 (10%)	41 232
2017	Ukraine – 16 102 (32%)	Serbia – 10 608 (21%)	Russia – 4 331 (9%)	50 395
2018	Ukraine – 24 913 (38%)	Serbia – 14 208 (22%)	Russia – 4 698 (7%)	65 381

Table 4 - Number of residence permits granted to aliens (inflow)

	Third country nationals	EU nationals	Total
2015	17 397 (73%)	6 388 (27%)	23 785
2016	17 434 (70%)	7 299 (30%)	24 733
2017	22 912 (78%)	6 601 (22%)	29 513
2018	32 048 (83%)	6 633 (17%)	38 681

**Table 5 - Top 3 nationalities whom the residence permit was granted
(3rd country nationals):**

	1 st	2 nd	3 rd	Total
2015	Ukraine – 6 103 (35%)	Serbia – 2 776 (16%)	Russia – 1 541 (9%)	17 397
2016	Ukraine – 5 808 (33%)	Serbia – 2 362 (14%)	Russia – 1 702 (10%)	17 434
2017	Ukraine – 8 036 (35%)	Serbia – 4 654 (20%)	Russia – 1 835 (8%)	22 912
2018	Ukraine – 14 917 (47%)	Serbia – 6 327 (20%)	Russia – 1 882 (6%)	32 048

**Table 6 - Illegal migration on the territory of Slovakia by nationality (top 5 nationalities)
and the number of asylum requests**

	2015	2016	2017	2018
1 st	Ukraine – 867 (34%)	Ukraine – 1 234 (57%)	Ukraine – 1 786 (66%)	Ukraine – 1 934 (69%)
2 nd	Syria – 582 (23%)	Iraq – 145 (7%)	Serbia – 227 (8%)	Serbia – 207 (7%)
3 rd	Afghanistan – 265 (10%)	Serbia – 123 (6%)	Vietnam – 160 (6%)	Vietnam – 201 (7%)
4 th	Iraq – 146 (6%)	Afghanistan – 114 (5%)	Iraq – 108 (4%)	Moldova – 66 (2%)
5 th	Kosovo – 120 (5%)	Syria – 82 (4%)	Afghanistan – 34 (1%)	Afghanistan – 56 (2%)
Total	2 535	2 170	2 706	2 819
Number of asylum applications	112 (4%)	78 (4%)	119 (5%)	134 (5%)

Table 7 - Overview of asylum applications submitted

	1 st	2 nd	3 rd	Total
2015	Iraq – 172 (52%)	Afghanistan – 37 (11%)	Ukraine – 25 (8%)	330
2016	Ukraine – 25 (17%)	Afghanistan – 16 (11%)	Syria – 14 (10%)	146
2017	Afghanistan – 23 (14%)	Vietnam – 21 (13%)	Iraq – 12 (7%)	166
2018	Afghanistan – 31 (17%)	Iraq – 24 (13%)	Yemen – 20 (11%)	178

Table 8 - Statistics on asylum in Slovak republic

Year	The amount of official request for asylum	Granted asylum	Non-granted asylum	Subsidiary protection granted/ no granted	Discontinued proceedings	Granted citizenship
1993	96	41	20	-	25	0
1994	140	58	32	-	65	0
1995	359	80	57	-	190	0
1996	415	72	62	-	193	4
1997	645	69	84	-	539	14
1998	506	53	36	-	224	22
1999	1320	26	176	-	1034	2
2000	1556	11	123	-	1366	0
2001	8151	18	130	-	6154	11
2002	9743	20	309	-	8053	59
2003	10358	11	531	-	10656	42
2004	11395	15	1592	-	11782	20
2005	3549	25	827	-	2930	2
2006	2849	8	861		1940	5
2007	2642	14	1177	82/646	1693	18
2008	909	22	416	66/273	457	4
2009	822	14	330	98/165	460	1
2010	541	15	180	57/101	361	3
2011	491	12	186	91/47	270	7
2012	732	32	334	104/153	383	0
2013	441	15	124	34/49	352	7
2014	331	14	197	99/41	163	12
2015	330	8	124	41/24	148	5
2016	146	167	82	12/13	35	3
2017	166	29	77	25/16	73	6
2018	178	5	128	37/23	69	18
2019	232	9	93	19/33	178	9

Source: Ministry of Interior of Slovak Republic, 2020