

Reception Conditions and the Impact of the EU Directive in Slovak Republic

In January 2007 in the Slovak Republic, the Act on Asylum (No.480/2002) was amended by the Act No. 1/2005 to transpose the EU Directives on minimum standards for granting temporary protection in the event of mass influx of displaced persons (Directive 2001/55/EC) and the EU Directive on minimum standards for the reception of asylum seekers (2003/9/EC). These amendments introduced a range of changes in the field of asylum in Slovakia in legal terms and in practice.

The Act No.1/2005 specifies who can have access to the applicant's file (i.e. all documentation related to the asylum seeker's application.) Further, the Act provided for the renaming of "quarantine" camps as "reception" camps, but the conditions and practices in the camps have largely remained the same. The Act sets out the basic standards that will be provided for asylum seekers, i.e., food, accommodation, basic sanitary requirements, urgent health care and pocket money; it prescribes the conditions in which pocket money can be withdrawn (e.g. in Dublin cases returned to Slovakia); it lays down the rights and obligations of the asylum applicant relating to reception and the duties of the asylum seeker in the accommodation camp. Finally, the amended Act introduces a restrictive practice in regard to freedom of movement as asylum seekers must ask permission to leave the accommodation centre. Permission to leave can be granted for a period of up to seven days and exceptionally for longer periods related to, e.g., work in a different town.

Social Benefits and Accommodation

Asylum seekers are accommodated in state-run centres in the Slovak Republic. There are two types of facility: reception centres for newly arrived asylum seekers and accommodation centres, to which asylum seekers are transferred once they have passed a medical examination. The main function of the reception centres is to quarantine asylum seekers on arrival while they undergo a medical examination. Freedom of movement is therefore restricted and asylum seekers are not permitted to leave the area of the camp. Asylum seekers stay for a maximum of 30 days in these conditions before being transferred to an accommodation centre.

There are three accommodation centres and three reception centres or reception camps in Slovakia. Additionally, there is one orphan house for unaccompanied minors. The initial stay in the reception centre is obligatory, while being housed in the accommodation centre is voluntary. Asylum seekers cannot choose in which accommodation centre they want to stay, but it is possible for asylum seekers to apply for a long-term permission to stay outside the centres if they wish to stay in private accommodation. Asylum seekers who are not accommodated in the accommodation centre have to report to the Migration Office once a month.

Vulnerable groups are accommodated in one part of the facility; the unaccompanied minors are housed separately from the adults, but only if there is enough space. Families are accommodated in their own rooms. Women are accommodated separately from the men in different parts of the building. At the present time, there are no special facilities for vulnerable groups to live separately from other residents. Although they are living in different parts of the buildings, everyone has access to their living area. There are no single blocks or houses provided, which would create protection zones for vulnerable groups. This situation is the same in every centre. Security in the centre is provided by security staff. Social workers from the Migration Office and from NGOs work in the camps everyday and pay particular attention to those identified as vulnerable.

"When accommodating an alien in an asylum centre, the Ministry must take into consideration his/her age, health and family members as well as his/her religious, ethnic and national characteristics. Men must be accommodated separately from women and minors separately from adults, taking into consideration family ties." (Quote from Act 480/2002 on Asylum, Article 39, paragraph 2). The conditions of this law are implemented in practice only in the ways described above.

All asylum seekers housed in the reception and accommodation centres are provided by the State with free housing, food and health care, as well as spending money of 12 SKK (about €0.35) per day for adults and 8 SKK (about €0.20) per day for children. Asylum seekers may increase their spending money through voluntary work at the accommodation. The main criticism of the conditions in the centres concerns the food, which is insufficient in quantity and of poor quality. The Migration Office (MO) provides asylum seekers with vouchers for use in the canteen. In some centres only cold dinners are provided, usually consisting of bread and tinned fish. There are no alternative meals for vegetarians who simply get by on small portions of accompanying vegetables.

Asylum seekers, living in the camps who have managed to find a job (once they are eligible after one year in the procedure), can by law be asked by the Migration Office to cover their own accommodation and food expenses. However, in practice, the Migration Office does not request these contributions from asylum seekers.

Asylum seekers who are not living in accommodation centres must meet their living expenses themselves. They are not entitled to social assistance in any form. The State only provides them with health care. In reality, only a few asylum seekers are able to find a job, which offers them the opportunity to live independently of the financial assistance provided by the Migration Office. Usually asylum seekers find low-paid jobs and for this reason they tend to stay in the camps, where the Migration Office is at least responsible for meeting their basic needs.

Asylum seekers are not entitled to social benefits provided by the Ministry of Labour, Social Affairs and Family. They receive 'pocket money' from the Migration Office. If a child is born at the accommodation centre, the mother receives financial assistance of 3,000 SKK (about €85), also paid by the Migration Office. It is left to NGOs to provide basic equipment for baby care and bear any other expenses which the mother is unable to meet with the small allowance from the MO: vitamins, baby food, special medical needs, sports equipment, books, magazines, etc.

The quality of material reception conditions for asylum seekers does not depend on the status or the duration of stay. All benefits mentioned above are provided during the entire asylum procedure. When the rejection of an application for asylum is finally given, asylum seekers must leave the country within 15 days and they are no longer entitled to benefits. This does not relate to those who are granted subsidiary protection for humanitarian reasons. Since 2007, those with subsidiary protection can continue to stay in the accommodation centres and receive the same benefits as asylum seekers. The people with subsidiary protection have access to the labour market without restrictions imposed through time limits. Social benefits are provided to those people with the subsidiary protection, who decide not to live in the centres.

Since the recent legislative changes, it is still the case, that in practice asylum seekers do not receive sufficient information on the asylum procedure and are not always aware about available legal help.

Access to all accommodation facilities is strictly prohibited to members of the public, unless they have the explicit authorisation of the Migration Office. As stipulated in the Asylum Act: "Nobody may access the asylum facility without authorisation by the Ministry. The Ministry shall only authorise the UNHCR, a lawyer or other representative of the asylum seeker vested with power of attorney and the security guards to access a reception centre designed for quarantine measures." (Quoted after Act 480/2002 on Asylum, Art. 40 (1/2)). In practice the NGOs and legal representatives have free access to the accommodation centres following authorisation in writing.

Freedom of Movement

Asylum seekers living in accommodation centres are allowed to leave the facility during the day. Permission by one of the centre's social workers is required if they want to leave the centre for a longer period. This does not pose a problem.

On the basis of a request in writing, the responsible official in the Migration Office may allow asylum seekers to find accommodation outside the centre. For this, it is a prerequisite that a Slovak citizen or migrant with a residence permit of an indefinite term must first sign an undertaking stating that he/she will pay for the asylum seeker's accommodation and all costs arising from his/her stay on Slovak territory. In this case, the Migration Office only pays for basic health care.

In practice, only a small number of asylum seekers choose this option, the reason being that only a few Slovak citizens are prepared to undertake the responsibility for asylum seekers, while very few asylum seekers are able to cover their own living expenses.

In the few cases of asylum seekers requesting permission to live outside the accommodation centres, the Migration Office usually grants permission and there are no practical obstacles as long as the asylum seeker's living costs are guaranteed by a Slovak citizen.

In the event that an asylum seeker leaves the assigned place of stay (the reception centre) during quarantine, his/her spending money is reduced. This can have negative repercussions on the entire asylum procedure. The same applies to asylum seekers who leave the accommodation centre without permission for more than 24 hours.

Request by an asylum seeker to be transferred from one accommodation centre to another is only granted in exceptional circumstances, although these are not specifically defined.

Meanwhile, travel expenses are only reimbursed to asylum seekers for trips related to a hearing or an appointment at the Migration Office or at the premises of an NGO.

Access to Labour

In the past, asylum seekers were excluded from the labour market. As of February 2005, according to the amendment to the Asylum Act, an asylum seeker has access to the labour market, if he/she has not received a valid decision within one year from the date he/she applied for asylum, with the exception of cases where an asylum application has been rejected as manifestly unfounded or inadmissible (Act 480/2002 on Asylum, Art. 23, and paragraph 6).

Prior to the changes to the law in January 2007, in order to employ asylum seekers employers had to justify in writing why they could not fill the position with a Slovak citizen. This is no longer the case. The previous requirement was problematic and restricted access to employment for asylum seekers. The number of asylum seekers

employed since the change in the law has increased indicating that in practice it is now easier for asylum seekers to access the labour market. Nevertheless, the fact is that they are employed predominantly in manual jobs, for example in textile factories that are poorly paid. Access to more qualified positions is limited due to poor knowledge of the Slovak language and Ok, I guess you can delete the part about the education because it is not that explicit clear if there is the problem of recognition of the qualifications or lack of education. I guess both of them, but anyhow the language seems to be as the mainly issue.

Access to Medical Care and Therapy

On arrival in the Slovak Republic, asylum seekers must undergo a medical examination, which includes blood tests, lung X-rays and tests for HIV, syphilis and hepatitis. These examinations are obligatory and without them an asylum seeker cannot be discharged from quarantine. The doctor contracted by the Migration Office carries out the examinations; the asylum seekers are taken to a hospital for the X- ray accompanied by officers of the Migration Office.

Asylum seekers are not insured. Health care provided for them is limited and basic. In the event that a crisis intervention, hospitalisation or special treatment is required, the cost is covered by the Migration Office's own state budget. The same care is provided to asylum seekers with chronic illnesses. Nurses inside the accommodation centres provide every-day health care to the residents. If an asylum seeker has some health complications, he/she visits the nurse in the centre and she will refer them to the local doctor. If necessary for the patient, the local doctor will organise a referral to a specialist. Dental care is provided on the same principle. The Migration Office provides basic care and covers the extra cost of crisis intervention if necessary.

Practice shows that problems do arise in the translation between the asylum seeker and the doctor or medical staff. Sometimes NGOs provide an interpreter, but not in all cases.

Most problematic, are cases in which asylum seekers require special psychiatric care.. Although these asylum seekers are referred to a specialist and prescribed medication, if necessary, the general standard of care is not adequate. The vulnerable situation of asylum seekers with mental health conditions is also due to lack of sufficient attention to the way in which they are accommodated. As a rule, vulnerable asylum seekers are housed in single rooms, but only if the capacity of the centre allows it – otherwise they must share a room. As stated above, the whole treatment of traumatised asylum seekers, who suffer from mental health problems, does not in any way reflect the intention of the Reception Directive as stipulated in its Articles 17-20.

Minors

The minor states his/her age when applying for asylum. In general, medical procedures are not used to establish a minor's age, although the Ministry of Interior can order a medical assessment, if there are doubts about a minor's age.

Asylum seeker children receive comprehensive health insurance. However, there are no special rehabilitation services for minors who have been victims of abuse, neglect, exploitation, torture or cruel, inhuman or degrading treatment, or minors who have suffered from armed conflicts.

Psychological care for minors is provided by one NGO, the Slovak Humanitarian Council who have been visiting the centres in the western part of Slovakia, the accommodation centre in Gabčíkovo and the accommodation centre in Rohovce, once a week since November 2005. The Slovak Humanitarian Council provides this psychological care through two psychologists: one woman and one man. If psychiatric care is necessary, minors are referred to psychiatric professionals. Again costs are covered by the Migration

Office: comprehensive provision of psychological care by one NGO could not be sustained, especially as many activities are limited in duration by funded projects.

Policemen who encounter an asylum seeking unaccompanied minor (UAM) have to inform an officer from the Office of Work, Social Affairs and Family, who in turn informs the court. The court has to appoint a guardian for the UAM within 24 hours. In fact, the guardian will be an employee of the local municipal authority Department of Labour, Social Affairs and Family. He/she will remain responsible until the child is 18 years old, or up to 25 years, if the UAM studies or follows vocational training. These persons usually have no experience in the field of alien or asylum law and they are in most cases not appropriately trained to work with these clients - this situation is solved in cooperation with NGOs who provide special seminars and training sessions.

Previously, NGO representatives were appointed as guardians to accompany UAMs through the asylum procedure.

In the Orphan house, children with no clear status are accepted for up to three months. While staying in the house, social workers explore their family contacts in Slovakia or Europe, try to find relatives, assess their individual interests.

During this initial reception phase, unaccompanied minors have access to school in the nearest town. After the initial assessment period, the child can have appropriate education and can really plan his/her future life.

Unaccompanied minors who do not apply for asylum receive permission to stay on a tolerated basis and are accommodated at the Orphan House in the village Horné Orechové in the western part of Slovakia. Unaccompanied minors who stay in this orphan house are granted permission for a tolerated residence in the Orphan House for a maximum of 180 days. This stay is prolonged every 180 days until the age of 18, or even longer – until the age of 25 if the minor attends college. Provided the minor continues to study, the tolerated residence can be prolonged up to the age of 25. Unaccompanied minors cannot be detained. This rule works in the practice.

Since September 2006, the capacity as well as the quality of the accommodation, e.g. in regard to staff of the Orphan House has improved. The living conditions outside the House are very good and the administration really takes care of the best interests of the children. Nevertheless, there could be more interpreters provided to gain the trust and confidence of the children, which could help resolve the problem of children disappearing. The staff should also receive more training in the field of working with other cultures and victims of violence.

Conditions in Detention

Any police official that detains an individual is obliged by law to inform him/her, in language that he/she understands about the reasons for detention and the possibility to file an appeal against the detention order. Every detainee in deportation custody has the right to lodge an appeal to the regional court against his/her detention. The detainee is notified in writing of the initiation of the asylum procedure before he/she is sent to prison. Also, the competent embassy is notified. Asylum seekers cannot be deported during the asylum procedure. Asylum seekers in detention have access to urgent healthcare, which includes, more or less, all measures asylum seekers need to recover: hospitalisation, surgery, and a stay at rehabilitation hospitals, medicine and, in urgent cases, dental treatment.

Since November 2005, NGOs have provided the psychological and legal assistance, to detained asylum seekers, by regular visits to detention facilities, once a week.

Every asylum seeker in detention is issued with a health certificate by the accommodation centre's first-aid station. Interpreters are not available to doctors or nurses. Social workers and asylum seekers interpret, if necessary.

CONCLUSION

The EU Reception Directive is transposed in national law but it has not yet had the desired effect in practice in all matters related to reception conditions for asylum seekers in Slovakia.

The predominant issue is the reception of mentally-ill asylum seekers, who receive no special attention or treatment and are accommodated in the same centres as healthy asylum seekers, for whom conditions are also far from ideal.

We can say that the reception conditions of vulnerable groups do not meet the obligations of the EU Reception Directive. However, good practice in this area can be seen in the care of unaccompanied minors in the Orphan House.

One further issue of note is the need for much better provision of information regarding the asylum procedure to asylum seekers, which is currently lacking.

Overall, the generally low standards of accommodation, including in particular poor quality of food, and the lack of special attention to vulnerable groups have long been characteristic of poor reception of asylum seekers in Slovakia and these vital areas have not yet changed in practice.

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