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## DECLASSIFICATION

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- SLOVAKIA: report on Air Borders - Replies by Slovakia to additional  
questions put by the Belgian delegation

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

# RESTREINT UE



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## NOTE

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from : the Republic of Slovakia  
to : Working Party on Schengen Evaluation

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Subject : Schengen evaluation of new Member States  
- SLOVAKIA: report on Air Borders - Replies by Slovakia to additional questions put by the Belgian delegation

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1. *The Evaluation Committee did not understand the explanation of the Slovak authorities concerning the decreasing numbers of foreigners that were refused entry as well as illegal migration derived from EU membership (Doc 10474, page 9). The footnote 1 does not satisfy the Belgian delegation either. We therefore ask the Slovak authorities to reformulate a comprehensive and well founded answer and explanation on:*
- *the decrease of foreigners detained*
  - *the decrease of illegal migrants*
  - *the decrease of foreigners refused entry*

The decrease in number of detained foreigners and of illegal migrants in 2005 compared to the year 2004 is the impact of several factors that interact in the given period and they can be divided as follows:

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1. global change of the migration flows in Europe and in the world and therewith related decrease of illegal migration,
2. legislative measures:
  - a) more strictly fines imposed on facilitators by course of law of the Slovak Republic (amendments of the Penal Code and Code of Criminal Procedure)
  - b) implementation of the Dublin Convention and the EURODAC Regulation (in the year 2004 the foreigners did not try to avoid the border guards after crossing the border illegally; they asked for asylum with the view of leaving the asylum facilities after entering the asylum procedure. Pursuant to the provisions of the Dublin Convention illegal migrants, once they asked for asylum in the Slovak Republic, are returned back to the territory of the Slovak Republic. Illegal migrants are aware of this rule and therefore they try to avoid any contact with the police, in order to cross the border illegally (most probably using the shelters in vans and trucks) and to ask for asylum in the target country.).
3. the measures taken by the Border and Aliens Police Office:
  - a) organizational and personnel changes (the strengthening of the personnel staff at the state border with Ukraine, establishment of a Mobile Squad, enhancement of the system of professional education and preparation of the Police Force members), stabilization and effective operating of the National Unit for the Fight against Illegal Migration
  - b) material supply and technical equipment (purchase of special technology from the EU Funds, special monitoring vehicles and new motor vehicles, night vision devices)
4. improvement of the international police cooperation in the fight against illegal migration (in the year 2005 there was performed a joint operation with the EU member states at the Slovak – Ukrainian state border; the cooperation of the operative units and exchange of information between the Slovak Republic and Ukraine was improved, effective implementation of the readmission agreement with Ukraine was achieved and above all the political changes in Ukraine with respect to its EU accession ambition).

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## Refusal of entry

The decrease in number of foreigners, to whom an entry was refused, in the year 2005 compared to the year 2004 is the impact of the following changes:

- 1) the arrangement between the Slovak Republic and Ukraine to issue the visa for the citizens of Ukraine free of charge
- 2) precise application of the Schengen Manual (in the year 2005 the refusal of entry was imposed on the EU citizens only in serious cases; it will be more notable in the statistics of the year 2006).

Refusal of entry	2004	%	2005	%	difference
Ukraine	7329	36,05	4301	26,24	-3028
EU states	9035	44,44	8599	52,46	-436
Other states	3968	19,52	3492	21,30	-476
<b>Total</b>	<b>20332</b>	<b>100</b>	<b>16392</b>	<b>100</b>	<b>-3940</b>

As you can see from the table, the most expressive difference in refused entry relates to Ukrainian citizens. This originates from legislative changes, namely adoption of the Government Resolution No. 310/2005 on exemption from visas fees for the citizens of Ukraine from May 1<sup>st</sup>, 2005 till August 31<sup>st</sup>, 2005. The effectiveness of the Resolution was extended by the Government Resolution No. 626/2005 till June 30<sup>th</sup>, 2006 and by the Government Resolution No. 439/2006 till the accession of the Slovak Republic to states implementing the Schengen Convention.

2. *According to the Slovak authorities, the detection rate of illegal migrants goes up to 75%. We would like to ask the Slovak authorities to comment this figure and to explain how they achieve this result?*

The term “success” (detection rate) within the border and aliens police in the Slovak Republic originates from the evaluation history of the activities provided by the border protection bodies. It goes out from the principle that there should be 100 % detection rate. However, there are cases when illegal migrants are apprehended inland the country or by the authorities of neighbouring countries.

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	2004	2005
Detection on entry and inland		
Ukraine	3352	2554
Poland	146	322
Inland	487	247
Readmission		
Czech Republic	736	150
Austria	1332	563
Total migration		
	6053	3836
	57,79%	<b>74,97%</b>

The mentioned 75 % detection rate relates to the activities of border and aliens police with regard to entering the territory of the Slovak Republic, namely at the state border with Ukraine and Poland in 2005. These sectors of state border were the most critical as regards the illegal migration flow. The above mentioned detection rate was defined as a fraction of foreigners detained by the border and aliens police when entering the territory of the Slovak Republic and the total number of illegal migrants. (The total number of illegal migrants is a sum of illegal migrants detained at the border with Ukraine and Poland when entering the territory, number of migrants detained inland the country, if there is an assumption they crossed the border with Ukraine or Poland illegally, and the number of returned person (based on readmission) from the Czech Republic and Austria, as these countries are considered to be the target countries for the migrants from Ukraine and Poland taking into account the migration routes.

3. *The Evaluation Committee has reasons to believe that a significant part of illegal migrants detected at the Slovak territory have not been readmitted or expelled and some stayed in the country or left without any documents. The answer of the Slovak authorities in footnote 1 (page 16) is not comprehensive. We therefore ask the Slovak authorities to reformulate a comprehensive and well founded answer on this matter.*

To explain the relation between the readmitted and expelled illegal migrants detected on the Slovak territory, please see the table bellow containing statistics on illegal migration at the state border with Ukraine as the future external EU border.

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period	2004	%	2005	%
Total number	3352	100	2554	100
Out of that:				
Readmission	832	25	1841	72
Detained in the Police detention Unit for aliens	337	10	197	8
Aliens applied for asylum	2183	65	498	19
other	0	0	18	1

In 2005 72 % of illegal migrants were readmitted from the total number of illegal migrants apprehended at the state border with Ukraine compared to the year 2004, when only 25 % were readmitted.

In the year 2005 8 % of the illegal migrants were detected in the Police Detention Units for Aliens from the total number and consequently expelled or released.

In the year 2004 10 % of the illegal migrants were detected in the Police Detention Units for Aliens from the total number and consequently expelled or released (considering the fact that it was impossible to perform the return operation and the time period of detention lapsed, these foreigners are granted a permission for tolerated stay or a foreign passport for travelling that enables him/her to leave the territory, however not every country accepts this kind of document; totally it is about 10 persons per year).

From the total number of the illegal migrants there was 19 % asylum applicants in the year 2005 and 65 % in the 2004.

The field "Others" presents other cases like taking into custody for committing a crime; in the year 2005 1 % of the illegal immigrants was dealt with for misuse of travel documents and obstruct the execution of a decision.

Based on the information above, it means that all the cases of the illegal migration are dealt with in line with the legislation, i.e. the foreigner has to be readmitted or detained at the Police Detention Units for Aliens or dealt with within the asylum procedure.

However, we would like to remark that the asylum facilities have got an "open" character which is misused by the migrants to wilfully leave the facility in order to continue in the migration towards the western countries. Furthermore, in the facilities does exist an information exchange of the national communities on the possibilities of further illegal migration.