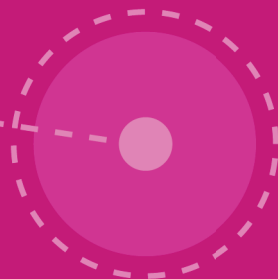




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SATISFYING LABOUR DEMAND THROUGH MIGRATION IN THE SLOVAK REPUBLIC



Satisfying Labour Demand through Migration in the Slovak Republic

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Preface

This study was compiled by the IOM International Organization for Migration Bratislava in its function as the National Contact Point (NCP) of the Slovak Republic in the European Migration Network (EMN). This national study follows the common specifications and methodology prepared by the European Migration Network. The study was compiled by external expert contracted by IOM in 2010 and describes the period from 2009 onwards. The presented statistics cover the period from 2004 to 2009.

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List of Abbreviations

CoLSAF – Central Office of Labour, Social Affairs and Family (Ústredie práce, sociálnych vecí a rodiny)

EEA – European Economic Area

EI – Employment Institute

EMN – European Migration Network

EU – European Union

EURES – European Portal of Labour Mobility

FDI – Foreign Direct Investment

IOM – International Organization for Migration

IT – Information Technologies

KZAM – Classification of Occupations (Klasifikácia zamestnaní)

LFS – Labour Force Survey

MEKOMIC – Inter-departmental Commission on Labour Migration and the Integration of Foreigners (Medzirezortná komisia pre oblasť pracovnej migrácie a integrácie cudzincov)

MIC – Migration Information Centre

MG – Major Group

MoI – Ministry of Interior of the Slovak Republic

MoLSAF – Ministry of Labour, Social Affairs and Family of the SR (Ministerstvo práce, sociálnych vecí a rodiny SR)

NR SR – National Council of the Slovak Republic

OECD – Organisation for Economic Co-operation and Development

SR – Slovak Republic

TC – Third Countries

Executive Summary

Foreign migration is currently considered to be one of the basic civilisation challenges due to its economic, cultural, social, political, security and other impact, as well as impact on population and it is perceived as a natural and mostly positive phenomenon¹. The simplification of the cross-border movement of persons is facilitated by the gradual elimination of administrative barriers, intensified economic and political integration, by the simplification and expanding of access to the labour market, by the development of information technologies, social and demographic changes, by the construction of social networks, growing trans-nationalism, the protection of human rights etc. Labour migration and commuting to work are ever greater challenges and require a new set of measures, policies and strategies.

The Study of the European Migration Network on highly qualified labour force prepared in 2007 states that the share of EU citizens of productive age would decrease from 67.2 % in 2004 to 56.7 % in 2050, and migration is considered to be one of the ways of addressing this change. However, the economic crisis has had a negative impact on the demand for labour in EU Member States, to which the adjustment of policies and strategies in this field is linked. In relation to this, a closer co-operation in managing migration will be needed among EU Member States.

For this reason, the present study aims to analyse policies, strategies and visions for the future in the field of labour migration in individual EU Member States, including the Slovak Republic, for the purpose of utilising the principal findings in the process of creating future strategic documents at EU level.

In this context, the present study deals with the current legislation in force, plans for future leg-

islative changes, the transposition of EU legislation into the Slovak legal system, the practical implementation of legislation, current trends and future development in the field of labour migration to the SR and the co-operation with third countries in the field of economic migration. The study is methodologically based on the study of legislation, specialised literature, conference materials and presentations, statistical data and other relevant sources accessible through the webpages of Slovak and foreign institutions dealing with the issue of migration and the labour market.

The structure of the study is based upon the specifications that were prepared by the European Commission and were binding for this document. The study is divided into five chapters. Chapter 1 contains the introduction to the issue discussed, the specification of the methods used in the process of preparation of the study and the definitions of the basic terms related to labour migration used in the study.

Chapter 2 deals with the legal framework of migration in the SR. Emphasis is put on the legislative measures currently in force, the documents of the Government of the SR on the future development of migration politics and the changes to be realised in the near future. A certain delay may be seen in the developments in the field of migration in the Slovak Republic in comparison to other EU Member States. This results from Slovakia's position as merely a transit state, in which the number of migrants settled is still rather low in comparison to the total number of workers. Another specific feature of the situation in the SR is the relatively low level of public interest in the topic discussed, and the lack of public discussion on the topic of economic migration.

¹ Divinský, B.: Vybrané problémy zahraničnej migrácie v Slovenskej republike v súčasnosti. Accessible through www.migraceonline.cz [accessed on 2010-04-01].

Chapter 3 deals with certain practical problems of implementation of the legal framework presented in Chapter 2 and it provides an analysis of current and possible future trends using accessible statistical data, processed primarily by the Central Office of Labour, Social Affairs and Family (CoLSAF). From 1993 until the accession of the SR to the EU, there was only a negligible number of foreigners settled in the SR. After the realisation of certain steps necessary for the construction of a market economy, the quality of life started to increase and the number of migrants grew; their share, however, is still small relative to the total workforce. In 2009, migrant workers accounted for less than 0.7 % of the total labour force in Slovakia. The analysis of migrant workers may lead to the conclusion that the greatest number of third-country nationals comes from Ukraine, South Korea and Vietnam, and that the share of men considerably exceeds the share of women (77.7 % against 22.3 % in the year 2004).

Chapter 4 of the present study is devoted to the characterisation of the co-operation of the Slovak Republic with third countries with an emphasis on the issue of satisfying the demand for labour force through labour migration, circular migration and temporary migration.

In general, circular migration is a phenomenon the identification and quantification of which represents a particularly cumbersome task. Circular migration is most commonly understood as a certain flow of migrants from third countries to and from the EU which is recurrent in nature. The issue of measuring and observing 'brain drain' in the SR also represents a very difficult task. The cause for this is the lack of statistical data and the absence of complex research dealing with this topic². Currently, there are no measures or practices that would explicitly regulate the co-operation of the SR with third

countries with the aim to provide qualified labour force for the needs of the labour market in the SR. The conclusion summarizes the findings from preceding chapters and thus complements the analysis presented.

² More detailed statistics are to be found in Chapter 3.



Introduction

The preparation of the present study entitled Satisfying labour demand through migration was approved by the EMN Steering Board in the framework of the 2010 EMN Work Programme. The study presented is a part of a comprehensive study with an identical title prepared at the EU level, containing the results of the national studies. The main purpose of the study is to offer information on the characteristics of the migration policy of the Slovak Republic with an emphasis on the issue of satisfying the demand for labour force through migrant workers from third countries. Furthermore, the present study pursues the objective of characterising the strategies and policies of the SR in the field of satisfying the demand for labour force, pointing out their potential weaknesses, investigating their general perception by the population and the changes planned or already made in these strategies and policies as a reaction to the current development of the economic environment.

This study is to serve as a source of information for policy-makers and analysts and aims to offer data and information on the possibilities for resolving problems related to the needs of the labour market with respect to promoting migration both from the perspective of qualification requirements in the long-run and specific needs arising from the current economic situation. The results of this study are primarily intended to satisfy the needs of Ministries on the national level and European institutions dealing with the issue of migration and the labour market. Furthermore, it might be a useful source of information on labour migration for non-governmental organisations, researchers and the greater public interested in this particular topic. It offers an overview of the efficiency of various strategies, including the co-operation with third countries, with an emphasis on approved practice. It familiarizes the reader with the national policy and practice in this area in a comprehensive manner. In accordance with the main field of interest of the European Migration Network, this study will mainly concentrate on migration from third countries to the territory Slovak Republic.

1.1 Methodology

The present document is methodologically based on the study of legislation, specialised literature, conference materials and presentations, statistical data and other relevant sources accessible through the webpages of Slovak and foreign institutions specialised in the issue of migration and labour market. The materials used were, for example, the Concept of Migration Policy of the Slovak Republic of the Ministry of Interior of the SR (approved by the Decree of the Government of the Slovak Republic no. 11/2005) and the Concept of Foreigners' Integration in the Slovak Republic prepared by the Ministry of Labour, Social Affairs and Family of the Slovak Republic (approved by the Decree of the Government of the Slovak Republic no. 338/2009), the Comprehensive Report on the Fulfillment of Tasks Arising from the Conception of Migration Policy of the Slovak Republic for particular Ministries in the year 2007, 2008 and 2009, the Annual Report on Asylum and Migration Statistics in the Slovak Republic 2007, the Annual Migration and Asylum Policy Reports 2008 and 2009 issued by the International Organization for Migration (IOM) within the framework of the activities of the European Migration Network (EMN). Materials published by the IOM, such the documents *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ* and *Permanent or Circular Migration? Policy Choices to address Demographic Decline and Labour Shortages in Europe* both prepared by Boris Divinský (2009, 2007) and the publication *Postoje verejnosti k cudzincom a zahraničnej migrácii v Slovenskej republike* by Michal Vašečka (2009) also served as valuable sources of information.

Furthermore, information gained through individual consultation and received via e-mail from the employees of the Central Office of Labour, Social Affairs and Family, the Bureau of Border and Aliens Police and the IOM were used during the preparation of the present study. The Statistical data on labour migration were mostly obtained from the Central Office of Labour, Social Affairs and Family, the Statistical Office of

the Slovak Republic, the Bureau of Border and Aliens Police, the National Labour Inspectorate and from Eurostat.

During the preparation of the present study, we encountered various problems related to the availability of information and statistical data. Generally speaking, although migration is currently considered to be an important global phenomenon and is frequently in the topic of political and social debates, this does not apply to Slovakia. The Slovak governmental concepts address this issue only to a marginal extent, without a particularly concrete definition of tasks, challenges, solutions and practical implementations, bearing in mind the low number of migrants on the Slovak labour market. The availability and reliability of statistical data on labour and circular migration is a serious problem as well. However, we consider it important to note that all of the organisations contacted provided the data and information required as accurately as it was possible, given the degree to which these data are currently processed.

While working with the statistical data, we have often encountered problems related to the low reliability or the total lack it. For this reason, it is recommended that these types of data be processed with higher accuracy also in the Slovak Republic, most likely on the level of Ministries (within the framework of administrative resources at the level government departments). A more intensive co-operation between the Central Office of Labour, Social Affairs and Family and the Bureau of Border and Aliens Police would also be desirable, as well as a common system of statistical data records, to be created after the introduction of a single residence-and-work permit.

1.2 Definitions

This chapter includes the definitions of the most frequently used terms related to labour migration. These definitions are in compliance with the EMN Glossary³, which allows a consistent comparison of the outcomes for each of the EU Member States⁴.

Economic migration is migration for economic reasons for the purpose of improving one's financial situation.

Migrant worker – according to the United Nations Convention, the term migrant worker refers to a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. According to the definition of the Organisation for Economic Co-operation and Development (OECD), a migrant worker is a person admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. The length of stay of migrant workers is usually restricted, as is the type of employment they can hold.

Country of origin is one or several countries which are sources of migration flows and of which migrants may be citizens.

Transit country is a country through which migratory flows (legal or illegal) move. This is taken to mean the country (or countries), different from the country of origin, which a migrant passes through in order to enter the country of destination.

In order to provide the greatest accuracy possible, a common framework consisting of five labour force categories is used throughout the entire study. In compliance with the specifications

3 EMN Glossary. Accessible through <http://emn.sarenet.es/Downloads/prepareShowFiles.do?sessionId=1623A2E22F0D9111443EAE63036B8DEA?directoryID=117>. [accessed on 2010-04-01].

4 There are no explicit definitions for these terms in the Slovak legislation. A more accurate and detailed definition of the terms 'working migrant', 'economic migrant', 'migrant worker', 'seasonal worker', 'cross-border worker' etc. can be found in the representative literature on this subject (UN, 1998; ILO, 2004; IOM, 2004a; OSCE, IOM et ILO, 2006).

of the study, the aforementioned categories were to be based upon the International Standard Classification of Occupations (ISCO-88⁵) of the International Labour Organization which offers a four-digit classification. In the SR, the national Classification of Occupations is used (Klasifikácia zamestnaní – KZAM), which was introduced by the Federal Office of Statistics of the Czech and Slovak Federal Republic as a translation of the ISCO-88 classification. In the year 2000, an extended six-digit version of the KZAM classification was prepared for national purposes, in which the first four digits remained in compliance with the ISCO-88 classification. The Classification of Occupations divides employees into classes, mainly on the basis of the complexity of their work, the level of responsibility assigned to them and the qualification required for their occupation. As the ISCO-88 is the basis of this methodology, it is possible to compare data on an international level. The KZAM uses two levels for defining the major groups of occupations⁶:

- a) the level of education, which is a function of the complexity and scope of the tasks involved, where complexity is given priority,
- b) specialisation of education, which reflects the type of knowledge used, the tools and equipment used, the material processed, and the nature of the goods produced and the services provided. Emphasis is laid on the qualification required to perform the tasks and not on whether an employee who has a specific job is more or less qualified than another employee in the same job.

The KZAM has ten major groups (hereinafter referred to as MG), in which it considers four different levels of education, which are as follows:

- a) MG1 includes legislators, senior officials and managers. In this major group, no specific level of education is identified. It is the func-

5 ISCO-88 (International Standard Classification of Occupations).

6 Appendix No. 1 to Measure No. 16/2001 Coll. Principles of Classifying Occupations in Accordance with the Classification, the Classification Code System and the List of Abbreviations Used in the Classification. Accessible through <http://portal.statistics.sk/showdoc.do?docid=1924> [accessed on 2010-04-12].

tion of policy-making and managing that is considered more important in defining this group

- b) MG 2 includes jobs requiring knowledge and skills equivalent to higher education, undergraduate education or a scientific qualification.
- c) MG 3 includes jobs requiring knowledge and skills equivalent to secondary or undergraduate education
- d) MGs 4, 5, 6, 7 and 8 include jobs that require the same level of education (secondary education) and differ in how they relate to broadly-understood specialised education groups
- e) MG 9 includes employment requiring knowledge and skills at the level of primary education,
- f) MG 0 includes the military (professional soldiers). The level of education is not defined in this group; performing military duties is considered to be the most important criterion of this group.

In compliance with the study specifications, a classification consisting of five categories will be followed in this study. We will include employees in the aforementioned groups based upon their qualification in accordance with the national Classification of Occupations. The Central Office of Labour, Social Affairs and Family (CoLSAF) served as the principal source of data on labour migration. The CoLSAF uses information cards for registering EU citizens, workers from EEA Member States in Slovakia, and foreigners who do not need a work permit; while third-country nationals are registered by the work permits issued. Its database is subsequently cross-checked against that of the Social Insurance Agency, to which employers are required to pay social insurance contributions for all employees (including foreigners) and the databases of the Bureau of Border and Aliens Police of the MoI, which grants residence permits. The classification into groups is made in compliance with the Classification of Occupation filled out by the employers when registering foreigners with the CoLSAF.

Highly Qualified – in the context of the EU, the term ‘Highly Qualified’ means a foreigner employed in a Member State who has an appropriate, adequate and specific competence provable by a higher professional qualification. In a global context, this term is used to refer to persons falling within the classes 1,2, and 3 of the ISLO-88 categorisation established by the ILO, such as persons with managerial, technical and other higher qualifications, who are able to succeed in the internal labour market of transnational corporations or international organisations. In accordance with the methodology of the Classification of Occupations, the following main classes will be included in this group:

- a) (MG 1) legislators, senior officials and managers;
- b) (MG 2), scientists and professionals,
- c) (MG 3), technical, medical, teaching staff and workers in related fields.

For the purposes of this study, workers in group 1 and 3 are regarded as highly qualified and MG 2 is a separate category called researchers.

Skilled – the group of skilled migrants includes the following categories mentioned in the KZAM:

- d) (MG 4) lower administrative staff (clerks)
- e) (MG 5) service workers and shop and market sales workers
- f) (MG 6) skilled workers in agriculture, forestry and related fields (except for operating machinery and equipment)
- g) (MG 7) Craftsmen and qualified producers, processing and repairmen (except for operating machinery and equipment)
- h) (MG 8) plant and machine operators and assemb.

Low-Skilled – the category of low-skilled migrants includes MG 9, i.e. unskilled and unqualified staff.

Researchers – as derived from Council Regulation 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research, a researcher means

a third-country national holding an appropriate higher education qualification which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required. This group overlaps to some extent with the group of highly qualified workers. This group of workers will be included in MG 2 of the national Classification of Occupations.

Seasonal Workers – this term is used to denote a group of third-country nationals habitually resident in that State, carrying out work in an EU Member State the performance of which is bound by seasonality. According to the European Convention on the Legal Status of Migrant Workers⁷, seasonal migrant workers are those who, being the nationals of a Contracting Party, are employed on the territory of another Contracting Party in an activity dependent on the rhythm of the seasons, on the basis of a contract for a specified employment. The Labour Code of the SR defines seasonal work as a type of work that is dependent on the rotation of the seasons and is repeated every year for a period of less than eight months in a calendar year⁸.

⁷ European Convention on the Legal Status of Migrant Workers. Accessible through http://www.coe.int/t/dg3/migration/documentation/legal_texts/093_Convention_Legal_Status_Migrant_Workers_en.pdf [accessed on 2010-04-12].

⁸ A more detailed specification of the information from the SR is included in sub-section 3.2.



Approach to Economic Migration in the Slovak Republic

The following section is devoted to the analysis of the legislative framework of economic migration in the Slovak Republic. Emphasis is laid on the legislation currently in force, on the documents of the Government of the SR dealing with migration policy, as well as on those changes in legislation that should be implemented in the near future.

2.1 National vision and policy

The Concept of Migration Policy of the Slovak Republic is a key framework document on migration policy in the Slovak Republic. This document was approved by the Decree of the Government of the Slovak Republic no. 11/2005 in 2005 and its update is expected in 2010. In accordance with the aforementioned Concept, one of the basic principles of the migration policy of the SR in relation to third-country nationals is the principle of regulating the legal migration. This principle gives grounds for the introduction of legal measures for regulating the migration processes in accordance with the interests of the Slovak Republic, particularly with regard to the economic, political and cultural stability of the society, as well as to the situation on the labour market and to the employment structure. This is done through guided and regulated immigration⁹.

The document *A Long-Term Vision of the Slovak Society Development*¹⁰ published by the Institute of Economic Research of the Slovak Academy of Sciences in August 2008 offers a comprehensive vision of the future of the Slovak society by 2030. It is a framework document which includes an analysis of social development in the Slovak Republic from the end of the first decade of the 21st century until the year 2030. The development of the internal labour market is dealt with in Chapter 4, entitled

⁹ Ministry of Interior of the Slovak Republic. Concept of Migration Policy of the SR. Bratislava. 2005. Accessible through: <http://www.minv.sk/?zamer-migracnej-politiky-slovenskej-republiky> [accessed on 2010-04-04].

¹⁰ Institute of Economic Research of the Slovak Academy of Sciences, *Dlhodobá vizia rozvoja slovenskej spolocnosti*. Bratislava. 2008. Accessible through <http://www.government.gov.sk/data/files/4180.pdf> [accessed on 2010-04-01].

'Catching Up With Developed Countries – the Goal of Economic Development of Slovakia by 2030'. In the aforementioned Chapter, the authors discuss the potential benefits of migration for the Slovak labour market in sub-section 4.8 entitled 'Economic Growth May Be Constrained in the Long-Run by the Lack of Labour Force'. According to the estimates presented in this part of the framework document, the development in the Slovak Republic will clearly lead to a deficit in the labour force. Table 2.1 presented below shows a number of development scenarios in terms of the rate of convergence of economic performance of the Slovak Republic expressed as a percentage of the average level of economic performance of the EU15¹¹.

The vision also states that such a significant labour shortage can only be tackled by a combination of different policies, the following ones in particular¹²:

- a) population and family policy
- b) the mobilisation of internal resources
- c) migration policy

11 According to the MoLSAF of the SR, the Vision does not take into account the impact of the crisis on the labour market. On the other hand, the authors of the study maintain that the economic crisis has minimum influence on the development of needs in the long run.

12 Institute of Economic Research of the Slovak Academy of Sciences, *Dlhodobá viziya rozvoja slovenskej spoločnosti*. Bratislava. 2008. pp. 90 [accessed on 2010-04-01].

The authors of the Vision assume that the Slovak labour market could gain approximately 150 thousand workers from third countries through migration. In connection with the increase in migration, the Vision notes a possible need for the introduction of a combined permit (for work and long-term residence), which would somewhat increase the attractiveness of Slovakia for migrant workers.

A similar conclusion is drawn in the Concept of Foreigners' Integration in the Slovak Republic prepared by the Ministry of Labour in 2009. This document proposes legislative, organisational, conceptual and practical measures, defines the main goals and tools of the integration policy in the SR and mechanisms for the co-operation and co-ordination of the activities carried out by the key actors in that area¹³. Employment is crucial to the integration process of a foreigner and constitutes the basis for the immigrants' participation in the development of the host society. It is a prerequisite in the process of making this contribution visible¹⁴. The Concept of Foreigners' Integration in the Slovak Republic predicts a transition from a model based solely on the principle of covering scarce professions

13 Potočková, I.: *Výročná správa o politikách v oblasti migrácie a azylu 2009 Slovenská republika*. International Organization for Migration: Bratislava. 2010. pp. 11 [accessed on 2010-04-03].

14 MoLSAF of the SR. *Koncepcia integrácie cudzincov v SR*. Bratislava. 2009. pp. 24.

Table 2.1 – The estimated need and lack of labour force (rounded up)

Level of per capita GDP of the EU15 reached by Slovakia by 2030	Number of workers needed (in thousands)	Gap in the number of workers (in thousands)
75 %	2 400 – 2 450	320 – 420
80 %	2 500 – 2 600	450 – 550
90 %	2 550 – 2 650	500 – 600
100 %	2 650 – 2 800	580 – 720

Estimated using the Cobb-Douglas production function. The values which outline the intervals of the demand for and deficit of labour force are given by the salary quotas from the value added on the level of 50 % or 60 %.

In the case of estimates of the deficit of labour force, the predicted growth in the number of workers by the year 2010 is taken into account (from the initial number of 2,177 thousand in the year 2007, in accordance with European System of Integrated Economic Accounts (ESA95), a subsequent stagnation and a decrease in the long-run (by approx. 120 thousand by 2030). The deficit indicates the difference between the estimated needs and resources when no measures are taken in order to increase the offer of labour force.

Source: *Dlhodobá viziya rozvoja slovenskej spoločnosti*. SAS. 2008. pp. 90.

in the labour market to supporting a model of controlled legal immigration of highly qualified workers from third countries, which might contribute to the overall competitiveness of the SR, particularly the immigration of students, scientists, researchers, artists and entrepreneurs, while also focusing on the group of foreign Slovaks, etc¹⁵. Other, more complex studies or analyses on this topic have not been prepared in the SR as yet.

2.1.1 Current Approach to the Problem of Labour Shortages in Certain Sectors of the National Economy

Identifying gaps in the labour market and their elimination is one of the most important tasks of the Ministry of Labour, Social Affairs and Family (www.employment.gov.sk), the Central Office of Labour, Social Affairs and Family and the Regional Offices of Labour, Social Affairs and Family. Currently, there is no national strategy in Slovakia to address structural imbalances between the supply and demand side of the labour market. The Offices of Labour, Social Affairs and Family act as intermediaries between the job-seekers (labour supply) and the entities that constitute the demand side of the labour market.

The Offices of Labour, Social Affairs and Family provide information and advisory services in choosing vocation and employment, including changing employment, employee selection and adaptation of staff to new employment within the framework of the so-called employment services, which represent a system of institutions and instruments of help and assistance to those subjects in the labour market who are in search of employment or are in the process of changing their employment. The employment services also include assistance with filling vacancies and the application of active labour market policies. Moreover, providing information and expert advice to secondary school

students on various types of occupation, and on the requirements for the exercise of a profession, constitutes a particularly important activity falling within the scope of employment services. These are supplemented by information on the situation in the labour market, opportunities for studying part-time and retraining, employability after finishing school, the most required professions or scarce professions in a particular region and the largest employers in the region¹⁶. Even if the main purpose of guidance in this area is to improve the prospects of the high school students for future employment by influencing their decisions, these activities can also be seen as a contribution to solving labour shortages in various sectors of the Slovak labour market or in some specific regions of the SR.

Up to the present, Slovakia has no programme for attracting qualified foreigners to carry out certain kinds of employment in the Slovak Republic. According to the MoLSAF, the development of the employment rate and the unemployment rate in the SR, as well as current demographic trends, have not made it necessary to resort to specific activities in order to gain labour force through immigration, which has also been manifested at the beginning of the financial and economic crisis. Even after 2010, the Slovak Republic does not consider any special measures to support the influx of migrants from third countries, which is due to the demographic situation, the increase of the retirement age for women to 62 years, the lower employment rate of working-age population (15-64 years) and high unemployment rates. A slight decrease in the number of economically active population is expected (ranging from 5 to 11 thousand persons per year). The decline of the population should be used mainly to enhance growth in the economic activity of the population, especially among young people and the elderly in the form of incentives for increased labour mobility for commuters in or-

¹⁶ Web page of the CoLSAF: Volba povolania a výber zamestnanosti. Accessible through http://www.upsvar.sk/sluzby-zamestnanosti/informacne-a-poradenske-sluzby/volba-povolania-a-vyber-zamestnania.html?page_id=12829 [accessed on 2010-04-04].

¹⁵ Ibid. pp. 25.

der to eliminate regional labour shortages, by changing the education system to provide appropriate preparation meeting the needs of the labour market, and immigration should be used to cover labour shortages only partially. The acquisition of skilled workers from third countries to meet the demand for skilled labour in Slovakia has its pitfalls, such as the language barrier, financial conditions of employment, significant competition from other countries etc. The issue of migration cannot be treated as a separate element of the labour market, but it should be seen as part of the entire labour market in the country and thus should be tackled with regard to the situation on the labour market, the employment of Slovak citizens and the citizens of EEA Member States who are given preference.

When accessing the labour market, most foreigners (third-country nationals) are required to apply for a work permit¹⁷, which ought to be requested by the foreigners themselves or a person authorised by the future employer of the foreigner. In the application form, the prospective employer is required to specify the reasons for not having employed a job-seeker registered with the regional Office of Labour, Social Affairs and Family. Under currently applicable law, foreigners' obligation to apply for a work permit does not depend on the segment of the labour market in which they plan to be employed, but rather on their personal situation. The current situation on the labour market in the region and in the segment may considerably influence the decision of the regional Office of Labour, Social Affairs and Family whether to grant a work permit to a foreigner, as the offices are obliged by law¹⁸ and relevant legislative rules of the MoLSAF to take into account the aforementioned circumstances. Pursuant to the Procedure and Conditions of Granting a Work Permit

to Foreign Nationals¹⁹, the Offices of Labour, Social Affairs and Family are required to take into account the following factors:

- a) the situation in the labour market and the expected development in the labour market in its territorial jurisdiction, as well as in adjacent districts,
- b) the possibility of filling the vacancy with foreign nationals with regard to the principle of priority of job-seekers registered with the Office,
- c) the number of job-seekers in the particular professional field or related professions in order to determine the possibility of filling the position vacant with job-seekers registered with the Office after applying an adequate training programme,
- d) reasons given by the prospective employer at the moment of issuing the Letter of Employment as a justification for employing a foreigner instead of a job applicant listed in the register of job seekers.

In the case of certain categories of foreigners – third-country nationals – the work permit is not required or is issued without considering the current situation in the labour market. The conditions mentioned are included in Section 22 of the Employment Services Act and are described in more detail in Chapter 2.2 of the present study.

Resulting from the above principles of recruitment of third-country nationals, it can be said that with regards to the economic level and the needs of the Slovak Republic, no programmes of organised (controlled) immigration have been applied up to the present. Equally, the aforementioned practices do not include the issue of the return of economic migrants. There exists, however, a programme of assisted voluntary returns implemented by the International Organization for Migration (IOM) under an agreement concluded between this organisation and

17 Citizens of countries that are Contracting Parties to the Agreement on the European Economic Area and Swiss nationals and their family members have identical legal status as Slovak citizens in the area of employment. This mainly covers the right to employment without the requirement to apply for a permit, but also to use the services of the Offices of Labour, Social Affairs and Family on the same conditions as citizens of the Slovak Republic (Section 2 of Act no. 5 / 2004 Coll.)

18 Section 22 paragraph 1 of Act no. 5/2004 Coll. On Employment Services and on Amendment of Certain Acts as Amended.

19 MoLSAF, Postup a podmienky udeľovania povolenia na zamestnanie cudzincovi. Accessible through <http://www.employment.gov.sk/index.php?SMC=1&id=758> [accessed on 2010-05-04].

the Ministry of Interior of the Slovak Republic in 1998. The aforementioned programme is aimed at illegal immigrants and rejected asylum seekers only.

2.1.2 Recent Developments in Legislation and Policies

As a result of the global economic crisis, which in most EU countries began to show in 2008, the medium-term economic prospects of the Slovak economy have worsened. The migration policy of the government of the SR has not yet reacted in a more substantial way to the negative economic development in the labour market. This may be due to the relatively small number of foreigners in Slovakia. The changes made do not have a negative impact on the status of foreigners.

On 15 January 2010 the Act no. 594/2009 Coll. came into force, which amended the Act no. 48/2002 Coll. On the Stay of Aliens and on Amendments and Modifications to Some Other Acts (hereinafter referred to as 'the Act On the Stay of Aliens') and amended also the Act no. 5/2004 On Employment Services.

The amended statutory text of Section 21 paragraph 1 letter a) of the Employment Services Act (5/2005 Coll.) states that the alien who is a participant in legal relations pursuant to this Act has the same legal status as a citizen of the Slovak Republic, if the alien was issued a work permit and a temporary residence permit for the purpose of employment, unless a special regulation provides otherwise. This special regulation is the Act on the Stay of Aliens, which in Section 20 paragraph 3 defines those categories of foreigners that do not require a temporary residence permit for the purpose of employment.

According to Section 20 paragraph 3 of the Act on the Stay of Aliens, the temporary stay permit for the purpose of employment is not required within 90 days from the crossing of external borders, if the alien is

- a) working for a major foreign investor in the Slovak Republic,
- b) posted by an employer established in another Member State of the European Union to the territory of the Slovak Republic in order to provide services offered by the employer²⁰,
- c) employed in international public transport, provided that the foreigner is posted to work on the territory of the Slovak Republic by his or her foreign employer, or
- d) employed by an employer which has its registered office or a branch office outside the Slovak Republic, and posted the worker under contract with another person to the territory of the Slovak Republic to carry out work.

Furthermore, Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment will be transposed into the Slovak legal system in 2011²¹. This directive introduces the so-called European Blue Card for highly qualified workers. In 2011, legal standards on the sanctions and measures against employers employing foreign nationals residing illegally on the territory of the EC will be amended with regard to the transposition of Directive 2009/52/EC²² of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals²³.

20 If the qualification requirements are fulfilled by a person registered with the Office of Labour, Social Affairs and Family, the office will not grant a work permit to the foreigner. Pursuant to the Procedure and Conditions of Granting a Work Permit to Foreign Nationals, persons registered with the local Office of Labour, Social Affairs and Family are given precedence and the vacancy has to be offered to them.

21 Potočková, I.: Výročná správa o politikách v oblasti migrácie a azylu 2009 Slovenská republika. International Organization for Migration: Bratislava. 2010. pp. 11 [accessed on 2010-04-03].

22 Potočková, I.: Výročná správa o politikách v oblasti migrácie a azylu 2009 Slovenská republika. International Organization for Migration: Bratislava. 2010. pp. 11 [accessed on 2010-04-06].

23 Other directives waiting for the transposition into the national legal system will also have to be taken into account, i.e. the proposal for a Directive of the European Parliament and the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

2.2 Legislative and Institutional Framework

Public discussion on the possibilities of meeting the labour market needs through migrants, as well as organising their return to the country of origin, is marked by an overall low public interest in this issue. According to available information, the SR has currently not planned any major changes in existing policy.

Current legislation on economic migration in Slovakia does not include measures for facilitating the process of satisfying the demand for labour force through sources from abroad. In general, the issues of migration and economically motivated migration are regulated by a number of laws, among which the Act on the Stay of Aliens is of particular importance. This Act contains, among others, provisions on the conditions of entry and residence of foreign nationals on the territory of Slovak Republic, the possibilities of denying entry to the Slovak Republic, and on visas, temporary stay and permanent residence. Other important laws related to this issue are the Employment Services Act²⁴, the Asylum Act²⁵, the Labour Code²⁶, the Act on Illegal Work and Illegal Employment²⁷, the Social Insurance Act²⁸, the Health Insurance Act²⁹ etc. These laws regulate the entry and stay of immigrants, the possibility of entry of economic migrants to labour relations in Slovakia, their status in labour relations, as well as their rights and obligations in relation to the authorities of the State.

The majority of foreigners who wish to be employed in the SR need a work permit and a temporary residence permit for the purpose of employment. In order to be allowed to conduct business activities, foreigners need a business

license and a temporary residence permit for business purposes. A necessary condition for the issuance of a work permit is a written promise by the employer that the foreigner will be employed if granted a work permit. The granting of temporary residence permits for employment or seasonal employment is possible only if, alongside other documents, a work permit is submitted.

In case the foreigner obtains a work permit, he or she may be granted a temporary residence permit for the purpose of employment by the local police department. The police should take into account the interests of the public, especially public security, public health and the status of the alien when deciding on granting a temporary residence permit. In the case of foreigners interested in pursuing business, the economic interests of the Slovak Republic and the benefits the foreigners' business activity for the economy of the Slovak Republic should be taken into account. Foreigners holding a temporary residence permit for employment purposes, whose previous continuous temporary stay was at least five years, may, upon request, be granted a permanent residence permit. Foreigners holding a permanent residence permit have free access to the labour market. If a foreigner is granted a permanent residence or temporary residence for employment purposes, the employment relationship arising between the foreigner and his employer is covered by Section 13 of Act 311/2001 Coll. The Labour Code under which the employer is required to treat the employee in accordance with the principle of equal treatment, i.e. a foreigner legally employed in the SR has the same rights and obligations as an employee of the Slovak nationality. Residence and work permits³⁰ are not granted in a single proce-

24 Act no. 5/2004 Coll. On Employment Services and on Amendment of Certain Acts as Amended.

25 Act No.480/2002 Coll. On Asylum and on Changes and Amendments to Certain Acts as Amended.

26 Act no. 311/2001 Coll. The Labour Code of the SR, as Amended.

27 Act no. 82/2005 Coll. On Illegal Work and Illegal Employment, as Amended.

28 Act no. 461/2003 Coll. On Social Insurance, as Amended.

29 Act no. 580/2004 On Health Insurance, as Amended.

30 The Slovak legal system strictly distinguishes between the concepts of permanent and temporary residence. The permanent residence permit is granted by the local police department for five years. A further permit is granted for an indefinite period after the expiry of the first permit and upon the application submitted by the applicant. Temporary residence is always granted for a specific purpose, which may be business, employment, study, performance of special activities, maintaining family unity or fulfillment of official duties by civil units of Armed Forces. The temporary residence permit is issued for the time necessary to achieve the purpose of the stay up to two years except for temporary residence permit for study purposes, which may be issued

ture. In accordance with the provisions of the Employment Service Act, from certain groups of foreigners listed in Section 22 paragraph 7 of this Act the work permit is not required³¹.

for the expected length of the study programme, but for a maximum of five years.

31 This applies to the following groups of foreigners who:

- a) is holding a permanent residence permit valid for the territory of the Slovak Republic or a temporary residence permit for employment purposes under a special regulation
- b) was granted a temporary residence permit for the purpose of family reunification and he/she may enter a work relation or similar legal relationship pursuant to a special regulation
- c) was granted a temporary residence permit for study purposes and whose duration of employment in the territory of the Slovak Republic does not exceed 10 hours per week, or the corresponding number of days or months in a year,
- d) was granted a temporary residence permit for the purpose of activities according to special programmes in the field of research and development, and his/her pedagogical work conducted within the framework of an employment relationship or a similar type of relationship does not exceed 50 days per year,
- e) is a foreign Slovak,
- f) is an asylum seeker and whose access to the labour market is permitted by special regulations or who was granted asylum,
- g) was granted a temporary shelter,
- h) has held employment on the territory of the Slovak Republic which does not exceed seven consecutive calendar days or the total of 30 calendar days in a calendar year and who is
 1. a pedagogic employee; an academic employee of an university; a scientific, research or development worker participating in a professional scientific event
 2. a performing artist, participating in an artistic event
 3. a person providing in the Slovak Republic for supply of goods or services or supplying such goods or performing installation works on the basis of a commercial contract, or performing warranty services and repairs
- i) was accepted in an employment, based on an international agreement binding the Slovak Republic and published in the Collection of Acts of the Slovak Republic, stipulating that acceptance of such an alien in the employment is not contingent upon the issuance of a work permit
- j) is the member of the family of a diplomatic mission member, or of an employee of a consular office, or family member of the employee of an international governmental organisation whose registered office is in the territory of the Slovak Republic, providing mutuality guaranteed by an international agreement concluded on behalf of the Government of the Slovak Republic
- k) is a member of a rescue unit and provides assistance on the basis of an inter-state agreement on mutual assistance while eliminating the consequences of accidents and natural disasters, as well as in humanitarian assistance cases
- l) is a member of the Armed Forces or of a civilian branch of the Armed Forces of the delegating State
- m) performs work within his/her systematic vocational preparation at a school or at a schooling facility that is included in the system of schools, schooling facilities or pre-school establishments
- n) was assigned to perform activities in the territory of the Slovak Republic within the framework of services of an employer whose domicile is in another Member State of the European Union
- o) who is the partner of a commercial company or the authorised body of a commercial company or a member of the authorised body of a commercial company, performing the activity on behalf of the commercial company in the territory of the Slovak Republic or who is a member of a cooperative or a member of the authorised body of a cooperative or of another body of a cooperative, performing the activity on behalf of that cooperative in the territory of the Slovak Republic
- p) is employed in international mass transport and was posted by

In addition to those groups of foreigners from whom the work permit is not required, there is another category of foreigners in the case of whom the Offices of Labour, Social Affairs and Family grant work permits in a simplified procedure, without taking into account the current situation in the labour market. According to Section 22 paragraph 5 of the Employment Services Act, this group includes foreigners

- a) who are going to be employed in accordance with an international agreement binding the Slovak Republic, which was published in the Collection of Acts of the Slovak Republic
- b) who are going to be employed for a specific time period, not exceeding one year, in order to improve their qualification in their employment (interns)
- c) who are not older than 26 years of age and are performing occasional and time-restricted work within school exchange programmes or youth programmes, of which the Slovak Republic is a participant
- d) who are performing a systematic educative activity or scientific activities in the Slovak Republic as pedagogic employees or academic employees of a university or research employees or as development employees in research
- e) who are commissioned by a registered church or a religious society to perform clerical activities
- f) who were granted subsidiary protection
- g) whose permit for tolerated stay was extended because of the person concerned had been a victim of crime offence pertinent to trafficking with human beings
- h) who were granted a permit for tolerated stay for reasons of respect of his/her private and family life

In addition to temporary residence permits for employment purposes, Slovak law allows foreign nationals to obtain a temporary residence permits for a number of other purposes,

his/her foreign employer to perform the work in the territory of the Slovak Republic

- r) holds a mass media accreditation

e. g. maintaining family unity, special activities, education and so on. Some professional groups, such as artists, athletes or researchers are required to obtain residence permits for the purpose of carrying out activities falling within the scope of special activities in order to be allowed to pursue their profession in Slovakia. The issuance of this permit is by no means conditional upon the issuance of a work permit. On the basis of temporary residence permits for carrying out special activities one may carry out lecturing, artistic work, sports or voluntary work, or participate in voluntary activities, without formally entering into an employment relationship. Researchers also have the right to enter into an employment relationship or a similar type of relationship in which pedagogical activity is to be carried out for a maximum of 50 days per calendar year.

Another option for obtaining a temporary residence permit in accordance with Section 23 of the Act on the Stay of Aliens is family reunification. This legal concept can be used by spouses of foreigners holding a temporary residence permit or permanent residence permit if the spouse is at least 18 years old as well as persons dependent on the foreigner holding a temporary residence permit for the purpose of maintaining family unity. This category of foreigners may join the labour market without a work permit after residing in Slovakia for at least 12 consecutive months. The Slovak legal system does not include special provisions on the residence of economic migrants who have lost their jobs. The legislation does not define any specific legal instruments to facilitate the return of persons who had been previously granted a residence permit, and who, once the purpose of their stay was fulfilled, returned to their country of origin. The delay in the development of legal environment in Slovakia may be caused by the small number of economic migrants in comparison with the EU15 or the Czech Republic.

2.3 The Political Debate and the Involvement of Stakeholders

In 2009, the MoLSAF prepared the Concept of Foreigners' Integration in the Slovak Republic. As a part of the professional discussion to the aforementioned document, the Inter-departmental Commission on Labour Migration and Integration of Foreigners (MEKOMIC) organised a number of meetings with representatives of communities of migrants in December 2009, at which the participants analysed the possibilities of implementing integration measures as well as the responsibilities of various State authorities.

In 2009, the Steering Committee for Migration and Integration was created, (hereinafter referred to as 'the Steering Committee') which is responsible for the implementation and monitoring of tasks under the Concept of Foreigners' Integration in the Slovak Republic and the Concept of Migration Policy of the SR³². According to the statute of the Steering Committee, it is a co-ordinatory, inter-departmental, professional and pro-active body established by the Deputy Prime Minister, the Minister of Interior of the Slovak Republic, the Minister of Labour, Social Affairs and Family of the Slovak Republic, and the Minister of Foreign Affairs of the Slovak Republic. The following tasks may be identified as the main areas of activity of the Steering Committee:

- a) coordination of the tasks arising from the implementation of the Concept of Migration Policy and the Concept of Foreigners' Integration in the Slovak Republic
- b) coordination of activities aimed at building organisational and legal conditions related to the establishment of the Immigration and Naturalisation Office of the Slovak Republic
- c) ensure the coordination of the preparation of training materials, documents, opinions and other materials arising from the Concept of Migration Policy and the Concept of For-

32 Potočková, I.: Výročná správa o politikách v oblasti migrácie a azylu 2009 Slovenská republika. International Organization for Migration: Bratislava. 2010. pp. 12 [accessed on 2010-04-08].

- eigners' Integration in the Slovak Republic
- d) discussing disputed matters which are subjects of interdepartmental coordination in the field of migration policy
 - e) propose systemic and other measures in the field of migration policy

The Steering Committee, following its composition, serves as a forum for communication between different state institutions and institutions of public administration. The Ad Hoc Members of the Steering Committee include the representatives of the Association of Towns and Municipalities, the Association of the Self-Governing Regions SK8, the Confederation of the Trade Unions, IOM International Organization for Migration, etc.

In September 2007, the MoLSAF prepared a report upon the request of the NR SR on the measures on managed migration which have been realised by the MoLSAF itself. In September 2008, the MoLSAF hosted an international conference entitled 'From the Lack of Job Opportunities to Skilled Labour Shortages'. According to the MoLSAF, the impact of the economic crisis on the labour market affected the attitude of the SR towards labour migration, as it is no longer possible to approach this question based upon the economic situation of the middle of the year 2008, which has been radically altered by the crisis.

Despite the changes mentioned and the implementation of various initiatives by the State institutions, it is clear that the public discussion on labour migration in Slovakia is still relatively narrow. The activities of the International Organization for Migration may be identified as positive, as their publications (e. g. Vašečka 2009) contribute greatly to deepen the understanding of the relations between host society and foreigners. Another equally important contribution to the social discussion on labour migration was the workshop organised within the framework of the project 'Building the Expertise of Key Stakeholders in the Field of Integration, Labour Migration and Intercultural Dialogue',

which took place between 18th – 20th November 2009 and was organised by the IOM. The workshop included a number of presentations made by the representatives of central state administration bodies, as well as by experts from abroad. The aim of the workshop was to contribute to the development and successful implementation of the labour migration policy of the SR, by increasing the technical expertise of the key stakeholders of central government bodies, local government and the non-profit sector, as well as to strengthen the co-operation among these entities. The Institute of Employment (IZ)³³ is also active in promoting public discussion. On 7th April 2010, it organised a conference on forecasting the labour market needs.

33 www.iz.sk

03

Approach to Implementing Economic Migration Policy

During the transition era, Slovakia was perceived as a source country of economic migrants, rather than a target destination of labour migration. Since 1990, when the notion of migration was almost unknown and the number of migrants marginal, major changes have occurred in this area. The most significant factor causing a need for change in the immigration policy of the Slovak Republic was Slovakia's accession to the EU and the related free movement of persons. The citizens of the EU and EEA Member States do not need work permits when migrating for employment purposes (regarding the EU10 countries, since Austria, Germany and Switzerland still apply the 3rd phase of the transition period until 30th April 2010). In order to carry out regulated professions, the qualification of the migrants must be in compliance with the system for the recognition of professional qualifications introduced by the directives of the EU.

In 2005, Slovakia adopted the Concept of Migration Policy, which defines the approach of the State to legal migrants in order to simplify and facilitate the stay of foreigners on the territory of the Slovak Republic. Nevertheless, this short document provides only a basic framework for migration policy and requires further improvement of legislation in other areas. This also applies to the insufficient regulatory framework in the field of labour migration.

This problem is partly regulated in the Concept of Foreigners' Integration in the SR from 2009, which provides a wider definition of the framework for the integration of foreigners, as well as the underlying legislation related to the integration process (social and healthcare)³⁴. This material also defines the responsibilities of specific government bodies in providing for certain elements of integration policy and proposes to establish the Government Council of the SR on migration and integration. This task was not given a specific deadline. In connection with the unification of the European integration and migration policy, the document mentions the

³⁴ For further details, see Chapter 1.

creation of the Naturalisation and Immigration Office of the SR in 2010.

This section of the present study analyses the evolution of labour migration in Slovakia by socioeconomic groups from 2004 to 2009. It should be stressed again that the SR has not yet established policies and procedures to attract economic migrants to specific occupations, or people with specific educational and social status, in order to benefit from the migration policy (although healthcare professions, IT, employment in R&D and architecture could be successful in attracting migrants).

3.1 Implementation of Economic Migration Policy and Legislation

Under the term 'economic migration policy in Slovakia', we understand external and voluntary migration. From a macroeconomic perspective, this phenomenon brings about a number of positive and negative factors. Complementing the offer of labour force in specific sectors or occupations, or the return of migrants with experience gained abroad (labour, language, professional, etc.) could be listed among the positive factors, while the process of 'brain drain' and the loss of expenditure on education could be included among the negative ones. It would be appropriate to analyse the costs of a targeted economic migration policy together with the expected benefits to society arising from the introduction of such a policy, be they purely economic or social.

The SR lacks "a clearly formulated migration doctrine, i.e. an official straightforward attitude of the State and society towards foreign migration (more precisely immigration) in accordance with its interests and the European integration processes" (Divinský, 2007) in relation to the demographic and economic development and the needs of the labour market. From the perspective of the migrants, the Slo-

vak society is rather conservative and has a rather negative perception of them³⁵, mostly due to the lack of information. At the same time, it is necessary to understand that this conservative behaviour is also reflected in the low level of intra-state migration of the Slovak population.

a) Mechanisms for the identification, mapping and analysis of factors determining labour shortages in the labour market are not primarily followed in the SR. In the SR, just as in other EU Member States, there are problems with the lack of specific qualified labour force, such as nurses or dental surgeons. In the SR there are no specific conditions created in these areas in order to attract economic migrants, and, in addition, there is a strong language barrier as well. In terms of migration, there is a rather obvious exodus of skilled labour force to neighboring EU countries (because of low pay in the SR). Other sectors of the economy do not experience a significant shortage of skilled labour due to the increase in unemployment to nearly 400,000 jobless persons at the end of 2010 (the aftermath of the economic crisis). In the coming years, only slow growth in employment can be expected in Slovakia and this will not create stronger pressures on the labour market towards immigration.

The demand for specific skilled labour is solved on an ad hoc basis by the employers themselves rather than systematically. In connection with the commitment made in the European Pact on Immigration and Asylum, related to increasing the attractiveness of the EU for highly qualified workers, the SR is planning to allow third-country nationals who graduated from Slovak universities registered with the Ministry of Education of the SR to be employed without a work permit.

b) 'Job-matching' is ensured mainly by the employer. In Slovakia, work permits are issued for a particular job for which the potential migrant must have a preliminary work con-

³⁵ See Vašečka, 2009.

tract. The employer may be asked to submit a declaration that he/she did not find a suitable candidate from Slovakia³⁶. Employers can also contact Labour Offices, which publish lists of vacancies with their job offers for foreigners. Job offers, however, cannot require foreign workers exclusively. Migrant workers (third-country nationals) may turn to employment agencies authorised by the Central Office of Labour, Social Affairs and Family when searching for an employment in the SR or to specialised organisations such as the European Job Mobility Portal EURES. The conditions for legal or natural persons acting as private employment agencies are defined in the Employment Services Act, provided that the person was issued a permit by the Central Office for Labour, Social Affairs and Family in accordance with Section 25 paragraph 1 of the same Act³⁷.

- c) The mechanism of the evaluation and recognition of qualifications in Slovakia is governed by a number of statutory rules³⁸. The recognition of qualifications is not uniform, it depends on the country of origin of the foreigner, and the purpose for which the qualification should be recognised. For EU countries, EEA countries and some other countries (Switzerland), the recognition of qualifications is covered by the common EU legislation. For third countries it depends largely on mutual bilateral intergovernmental agreements on the recognition of qualifications. In the case of bilateral agreements the qualification document is recognised,

but not the qualification itself. In cases where the foreigner is interested in working in a particular profession, the professional qualification is recognised only if the activity falls within the scope of regulated activities in the SR. Regulated professions are the professions the practice of which is in some way regulated by the statute law or administrative regulations and rules. The regulation is generally subject to membership to or approval of a professional organisation (doctors, architects, lawyers, etc.).

The doctoral stage of education is automatically recognised if the alien is from an EEA country; degrees earned in a Master's programme are recognised if the foreigner is from a country with which Slovakia concluded a bilateral agreement. The recognition of Diplomas in non-regulated professions is governed by the same rules as the assessment of education of EU citizens. The assessment of qualifications for regulated and unregulated professions falls within the competence of the Ministry of Education, namely the Centre for Equivalence.

- d) The integration of migrants and various aid programmes (language courses, general information – 'orientation', course of integration, etc.) are specified in the Concept of Migration Policy and the Concept of Foreigners' Integration. Foreigners are generally offered language courses the costs of which are to be paid largely by the foreigners themselves. At present, there are several opportunities to learn Slovak, for example the programme at the Faculty of Philosophy of Comenius University (at the Department of Slovak Language and the Department of Slovak Literature and Literary Theory), entitled 'The Slovak Language as a Foreign Language'. This programme is funded entirely by the Ministry of Education. The education of foreigners in most of the developed countries takes place mainly in the form of evening language courses. The scope of such courses in Slovakia, however,

36 After Slovakia's accession to the EU, applicants from other Member States, as well as Slovak citizens have been given priority on the grounds of the Community Preference Principle: Member States will consider requests for admission to their territories for the purpose of employment only where vacancies in a Member State cannot be filled by national and Community manpower or by non-Community manpower resident on a permanent basis in that Member State and already forming part of that Member State's regular labour market.

37 The permit is issued after the agency proves that it complies with formal criteria, while the agency is periodically assessed by the CoLSAF. The permit can subsequently be revoked primarily for the breach of tax legislation, legislation on employment services, non-compliance with rules applicable in labour relations and safety rules or if citizens damaged by the activities of the agency submit official complaints.

38 National legislation is in compliance with EC Directives (89/48/EEC a 92/51/EEC) as amended by Directive 2001/19/EC and Directive 99/42/EC.

does not cover the actual need and demand from foreigners.

Free language courses to assist migrants are generally provided by non-governmental organisations, while they are often financed from EU funds. A significant assistance in this regard is provided by international organisations that provide information for foreigners, such as the IOM Migration Information Centre³⁹.

The children of foreigners with the residence permit are subject to the same conditions as the children of Slovak citizens, namely free education at primary and secondary schools (including language training).

3.2 Statistics and Trends

The analysis of labour migration is based on data from the Central Office of Labour, Social Affairs and Family. The figures provide the numbers of labour migrants, not the total number of foreigners in Slovakia.

In terms of monitoring labour migration, the topicality and complexity of information on labour migrants represents a considerable problem, primarily because of the way data are gathered. The directions of journeys of the migrant workers are not followed after their departure. Furthermore, it would be appropriate to analyse family ties and family migration. At present, there is no common European legislation on the statistical evaluation and monitoring of labour migration⁴⁰. Labour migration is therefore tracked by national statistics only, which are not comparable. Moreover, there are no precise figures concerning people (citizens of Slovakia)

leaving for work to other EU/EEA Member States or to third countries. The Constitution of the Slovak Republic as well as the Employment Services Act stipulates that a citizen of the SR may search for work abroad, and is not obliged to inform the authorities. The citizens of the SR are required by Act no. 253/1998 Coll. to cancel their permanent residence in the Slovak Republic in case their stay abroad exceeds 3 months. This obligation is very often not fulfilled by the citizens. The present analysis does not include detailed information on migrant workers in terms of seasonal work or blue-collar professions. This is due to the lack of specific data collection and methodology of data gathering.

The classification into groups is done in accordance with the national Classification of Occupations filled out by the employers when registering foreign nationals with the CoLSAF. The experience of the CoLSAF shows that this data is reliable only to the KZAM 3 level, so we completed information on specific groups only to the third level of specification. The classification into groups of highly qualified, skilled, low-skilled and research workers is in accordance with the specifications and definitions listed in Chapter 1.2. At present, seasonal work is not monitored statistically in Slovakia. The approximation of seasonal employment by using a short stay in Slovakia as a proxy has many methodological flaws. Similarly, keeping record of the number of seasonal workers is also problematic; data on the length of employment relations are closest methodologically, but the investigation of the latter is rather cumbersome and does not reflect reality. Given these methodological problems, we have decided not to include the statistics on seasonal work in the present study.

Data on Slovak nationals engaged in labour relations are from the Statistical Office and are prepared in compliance with the Labour Force Sample Survey methodology. The data on the inflow and outflow from the labour market have many methodological problems: there are no records of Slovak citizens working abroad (representing 5-15% of employed residents of the SR), thus it

39 The Migration Information Centre (MIC) is the Information Centre of the International Organization for Migration (IOM) in Bratislava. The MIC provides consultancy services for migrants who intend to come, live and work in Slovakia, or immigrants who already live and work here. The aim of the MIC is to provide information and advice to migrants concerning their integration into the work and social life of Slovakia.

40 The statistics on foreign migration is covered by the Regulation of the European Parliament and the Council 862/2007/EC on Community statistics on migration and international protection.

is impossible to simulate the outflow from the labour market of the SR abroad; and there are other problems which are not yet addressed in a satisfactory way in terms of methodology and statistical data. We therefore did not include this data in the tables. Data on job vacancies is published by the CoLSAF and the Statistical Office of the SR. Employers are under no obligation to report vacancies and often use alternative ways to fill vacant positions. Therefore, this number is an underestimation in comparison to reality.

3.2.1 Statistics on the Labour Market and Migration

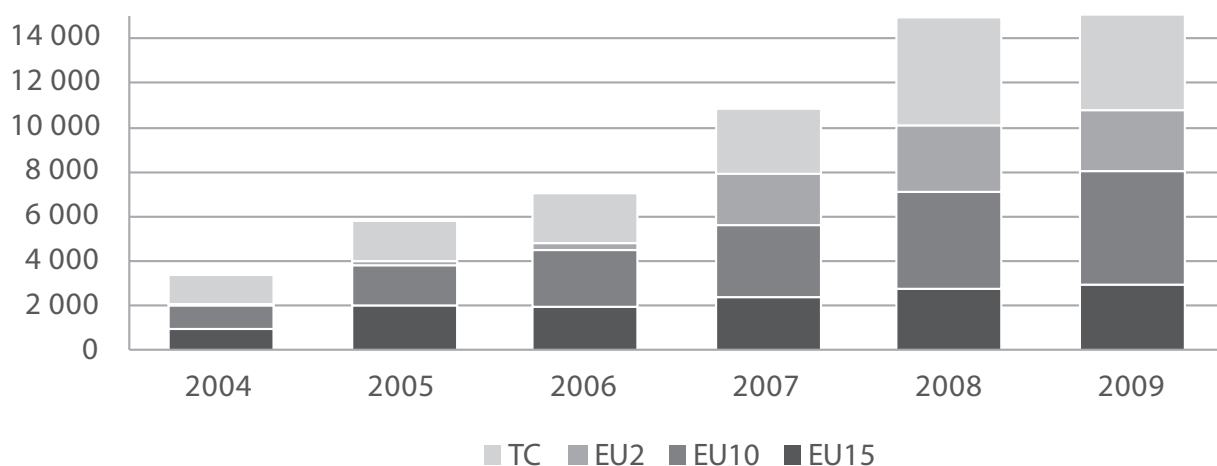
Just after 1990, there was an almost negligible number of foreign nationals settled in Slovakia. Before 1989, foreigners came (to the former Czechoslovakia) mostly from the former Eastern bloc and the 'friendly countries' (Vietnam, Mongolia, the former Soviet Union countries), while their stay was mostly motivated by training and study. Furthermore, various bilateral humanitarian agreements were concluded, the objective of which was to offer training and to develop skills through temporary employment (Vietnam, Angola, Cuba, Laos, Mongolia and the DPRK). In the years after 1990, the borders have been opened up, but labour migration re-

mained limited. The vast majority of foreigners were asylum seekers, and Slovakia was not their final destination. The standard of living and wages in Slovakia were not attractive enough for labour migration, compared to the more advanced countries. In 2009, migrant workers constituted less than 0.7% of workers in Slovakia.

The present study will focus on the analysis of foreign labour migration from the old EU Member States (EU15), new EU Member States (EU10), Romania and Bulgaria (EU2) and third countries, i.e. outside the EU (TC).

During the transition period, the standard of living was growing, while the most significant breakthrough in terms of simplification and promotion of labour migration is definitely Slovakia's accession to the EU and the Schengen Area. The standard of living and income in Purchasing Power Parity terms in the strongest region (Bratislava) exceeds the average of the EU. Therefore, the SR is becoming an increasingly interesting country in terms of labour migration. In Figure 3.1, we can see an increase in labour migration from 2004 to 2009. In the case of labour migration, the number of foreigners in the SR from the moment of its foundation (1993) to its accession to the EU (2004) was around five thousand persons, which

Figure 3.1 – Total number of migrant workers (foreigners) by country of origin



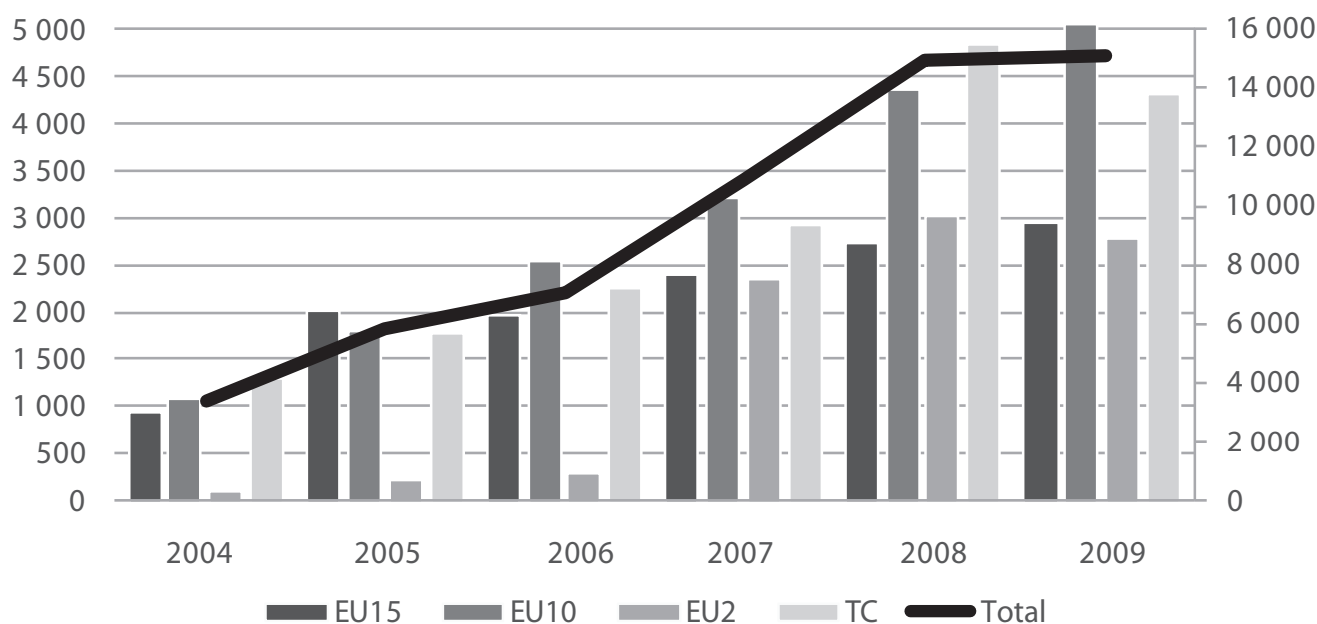
Source: CoLSAF

also included citizens of the EU Member States and the citizens of the Czech Republic whose employment was realised through registering, i.e. without a work permit, based upon the treaty between the Slovak Republic and the Czech Republic on mutual employment of citizens. In contrast, 70 to 90 thousand Slovak nationals worked abroad, mainly in the Czech Republic, Hungary and Germany. The number of foreigners gradually grew from 3,405 persons in 2004 to more than a quadruple of that figure in 2008 (14,977 persons). In 2009, there was a slight decline in the number of foreigners from certain countries (Romania, Bulgaria and countries outside the EU), mainly due to the global economic crisis and the sharp increases in unemployment in Slovakia. Nevertheless, the number of labour migrants in 2009 rose moderately to 15,130.

The structure of migrant workers (foreigners) broken down by countries of origin can be better seen in Figure 3.2. It can be seen that in the years 2006-2009, workers from new Member States (EU10) constituted the largest group of foreigners; these were mainly the citizens of the Czech Republic. In the years 2004-2005,

they constituted the second largest group of foreigners. At present, third-country nationals, the greatest percentage of whom come from Ukraine, South Korea and Vietnam, constitute the second largest group of migrant workers. In 2008, this group was the most numerous one, yet the consequences of the crisis and the outflow of foreign labour force had a significant impact on this group. The number of foreigners from the old Member States (EU15) is gradually increasing as well. A specific evolution can be seen in the development of labour migration from the newest members of the European Union, Romania and Bulgaria (EU2). After these countries joined the EU in 2007, the number of foreigners from Romania and Bulgaria increased almost eightfold. In the case of migrants from third countries, a mixed development can be detected based on economic development and labour migration or the allocation of investments (most migrants come from Ukraine, South Korea, Vietnam and the U.S. respectively).

Figure 3.2 – The number of labour migrants (foreigners) by country of origin (left axis) and total number of migrants (right axis)



Source: CoLSAF

The development of labour migration by gender

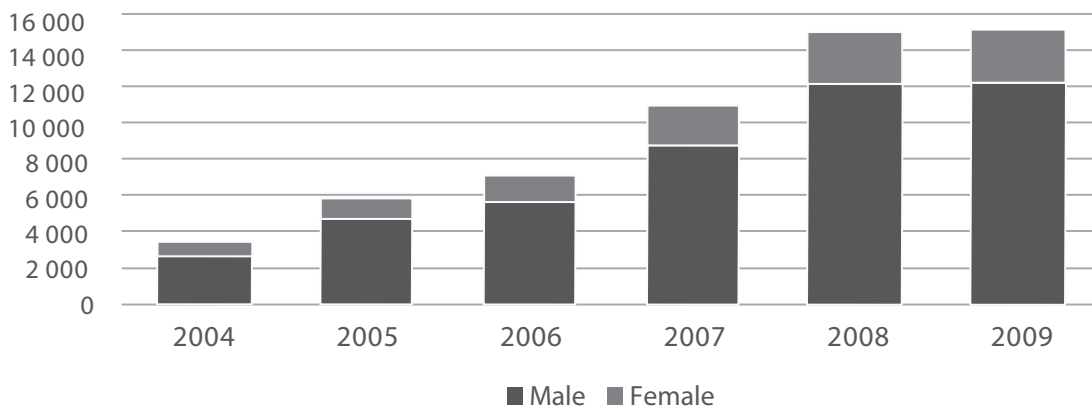
In Figure 3.3, we can follow the overall progress in the number of migrant workers (foreigners) by gender. The high number of males increased even further between the years 2004-2009. In 2004, 77.7% of foreigners were men and 22.3% were women. In 2009, the proportion of men exceeded 80 % of all migrant workers. A change in the job structure of foreigners, such as an increase in persons taking up nursing positions, may reduce this ratio.

Furthermore, we analysed the proportion of men and women among migrant workers by the country of origin. Foreigners from the old EU15 Member States (Fig. 3.4) include the highest proportion of men out of all geographic areas

(87.6% in 2004, increased to 88.3% in 2009). This is due to the specific structure of migrants from these countries, especially in terms of specialisation and education. According to estimates, this group has a more significant proportion of highly qualified people heading towards the middle and senior management positions. This is related to the beginning of the allocation of foreign direct investment (FDI) and foreign production in Slovakia.

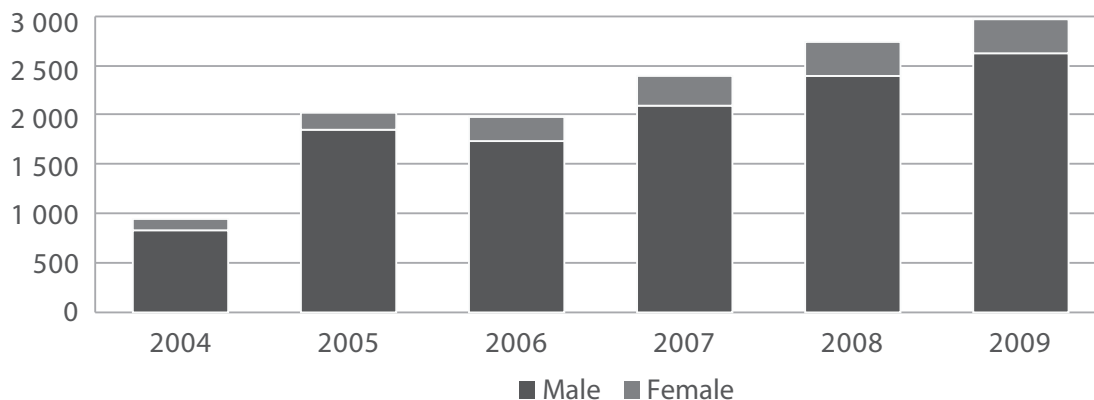
As for the new Member States (Fig. 3.5), the share of women is slightly above average with a downward trend (24.5% in 2004 and 21.8% in 2009). The total number of migrants (foreigners) from these countries has increased almost fivefold over the past six years. We ex-

Figure 3.3 – Total number of migrant workers (foreigners) by gender



Source: CoLSAF

Figure 3.4 – Total number of migrant workers (foreigners) from old Member States – EU15



Source: CoLSAF

pect that the share of women from these countries will not decrease further significantly.

The specific increase in the number of citizens from the newest Member States (Bulgaria and Romania) shows a highly positive influence of the simplification of labour migration on the movement of labour force. It also had a significant impact on the structure of migrants by gender. While in 2004, at low migration levels, the proportion of women was the highest in this group (more than 30%), in 2009 this proportion was less than 18% (Fig. 3.6). After the decline of the proportion of women in the group EU2, third-country migrants became the group with the highest proportion of women among migrant workers (see Fig. 3.7). The

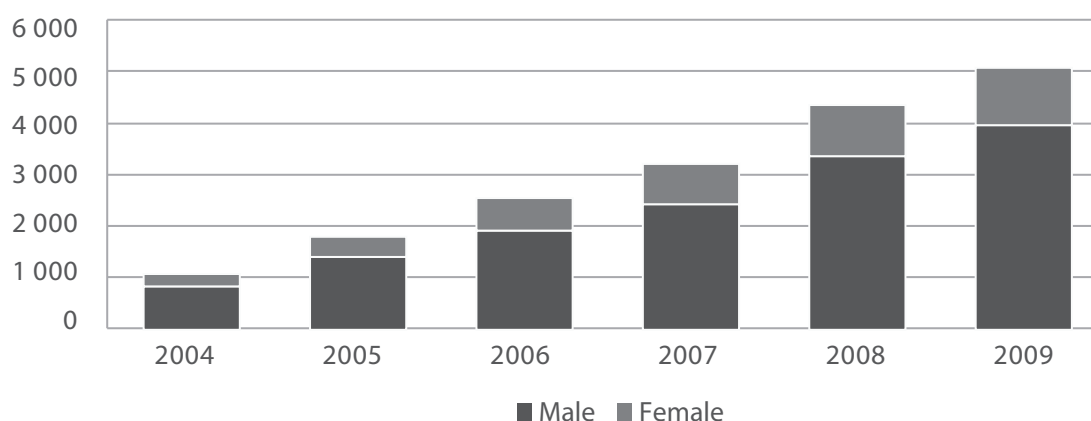
proportion of women in this group is oscillating at around 25%. This can be explained in part by the fact that in the case of the more distant countries of origin, more couples migrate, or family members come to join the migrants and then enter the labour market.

The Development of Labour Migration by Categories of Employment (Education)⁴¹

In terms of the structure of migrant workers by categories of employment, the situation is relatively good, even without any major legislative support for higher value-added migration. In the present study, the notion of education refers to various types of employment requiring

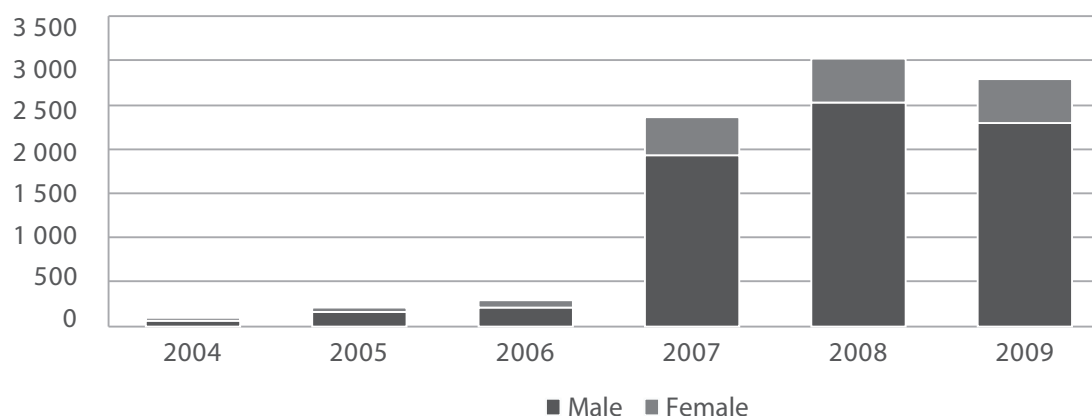
⁴¹ The division of the level of education into categories of low level education, secondary education and higher education is explained in more details in chapter 1.2. The category higher education comprises

Figure 3.5 – Total number of migrant workers (foreigners) from new Member States – EU10



Source: CoLSAF

Figure 3.6 – Total number of migrant workers (foreigners) from new Member States – EU2



Source: CoLSAF

higher, secondary, or lower education (qualification). Therefore, it does not refer to the level of education attained, but rather, to the education required for the type of work performed by the migrant worker.

In total, foreigners with higher and secondary education prevail over other groups. Focusing on the development over time (Fig.3.8), we can see a rather significant decline in the share of foreigners with higher education (from 72.7% in 2004 to 46.7% in 2009). The proportion of foreigners with secondary education increased significantly from a share of one fourth in 2004 to 45% in 2009. The almost negligible percentage of foreigners with low skills, not exceeding

1% in 2004, increased to almost 10% in 2009.

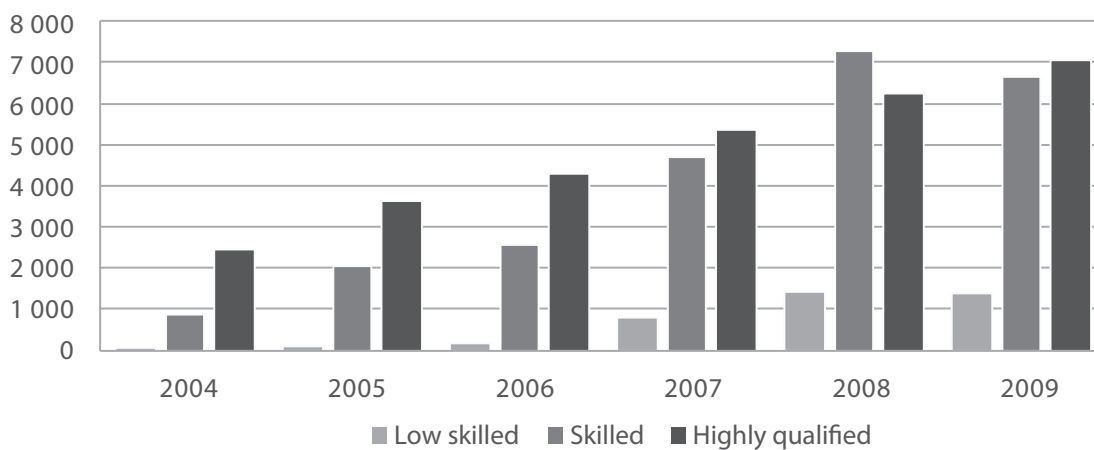
There is a slightly different educational structure of migrant workers (foreigners) when disaggregated by to country of origin. As mentioned above, the SR is not a particularly attractive country in terms of economic migration for migrants from the old EU Member States (Fig.3.9). Foreigners are therefore more motivated to start FDI projects and fill highly specialised and specific managerial positions in the Slovak branches of corporations from parent countries. The share of foreigners with higher education is the highest compared with other territorial groups, although it decreased slightly in 2004-2009, from 91% to 77.6%. This decrease

Figure 3.7 – Total number of migrant workers (foreigners) from third countries



Source: CoLSAF

Figure 3.8 – Total number of migrant workers (foreigners) by education



Source: CoLSAF

was caused by a moderate increase in the number of foreigners with secondary education, which grew to 22%. Foreigners with a low level of education account for less than 1% of the total number of foreigners from these countries.

Looking at the distribution of the educational structure of migrant workers (foreigners) from new Member States (EU10 – Fig. 3.10), we see a slight predominance of persons with secondary education, with a share of more than a half (50.1% in 2009). A relatively high proportion of foreigners has a higher education (43.3%), while the share of low-skilled foreigners is very low (6.6%).

A fundamentally different picture appears when analysing the structure of migrant workers (foreigners) from Romania and Bulgaria (EU2), Figure 3.11. After the accession to the Union, these foreigners began to move into mainly the manufacturing and blue-collar occupations, with a high proportion of them possessing secondary education only (66%), and with the highest proportion of low-skilled workers (25.3%). A similar development can be expected after the accession of other Southeast European countries into the EU.

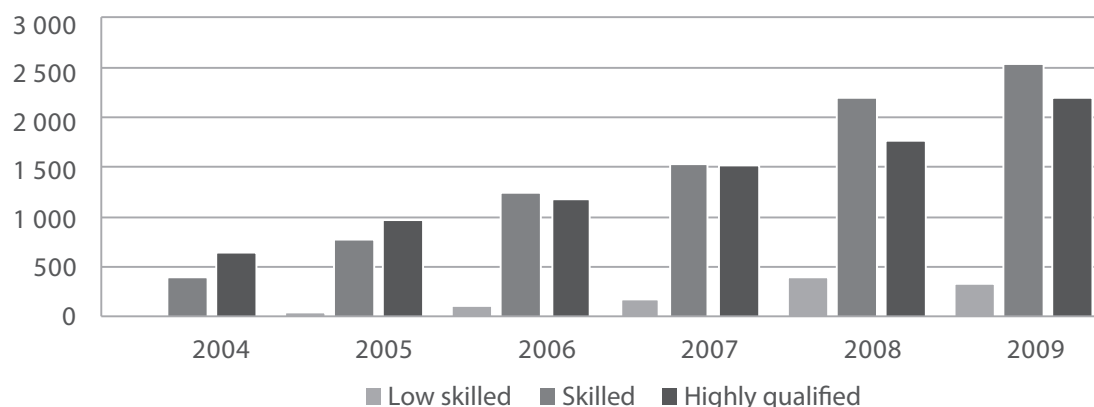
For third countries, the diversity of educational structure is slightly larger (Fig. 3.12). The educational structure varies by the different countries of origin. For example, it includes a relatively

Figure 3.9 – Total number of migrant workers (foreigners) by education – EU15



Source: CoLSAF

Figure 3.10 – Total number of migrant workers (foreigners) by education – EU10



Source: CoLSAF

high proportion of less educated migrant workers (foreigners) from Ukraine and other countries from which students come to Slovakia to study at universities, and then they stay here to work, having acquired higher education. Overall, however, foreign nationals with higher education (more than 50%) and secondary education prevail (varies around 40%). The share of foreigners with lower education varies within the range of 5-8%.

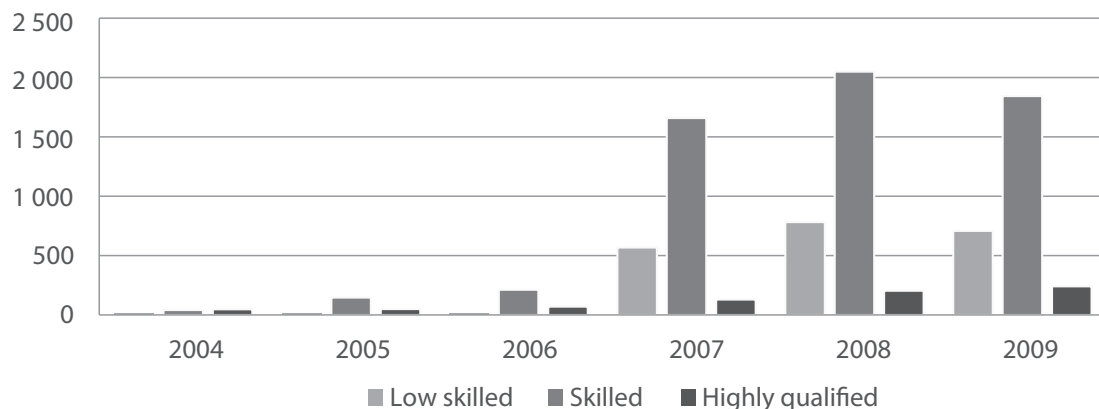
Overview of Migration Flows

The comparison of the development of migration and the possible changes in the structure of migrant workers are better reflected in the total flows. The legislation is, however, causing uncertainty, because work permits are usually

given only for a certain period, thus migrants are forced to re-apply for residence and work permits in Slovakia. This has an impact on the migration flows. The inflows and outflows of migrant workers almost reach the volume of the total number of migrant workers in Slovakia. From this, it would appear that the majority of foreigners are staying in Slovakia for less than a year. The legislation currently in force on the renewal of work permits does not allow a closer monitoring of inflows and outflows of labour migration in Slovakia.

It should also be noted that the work permit is granted independently of the residence permit. Obtaining a work permit, therefore, does not automatically guarantee a residence per-

Figure 3.11-The number of migrant workers (foreigners) by education – EU2



Source: CoLSAF

Figure 3.12-Total number of migrant workers (foreigners) by education – third countries



Source: CoLSAF

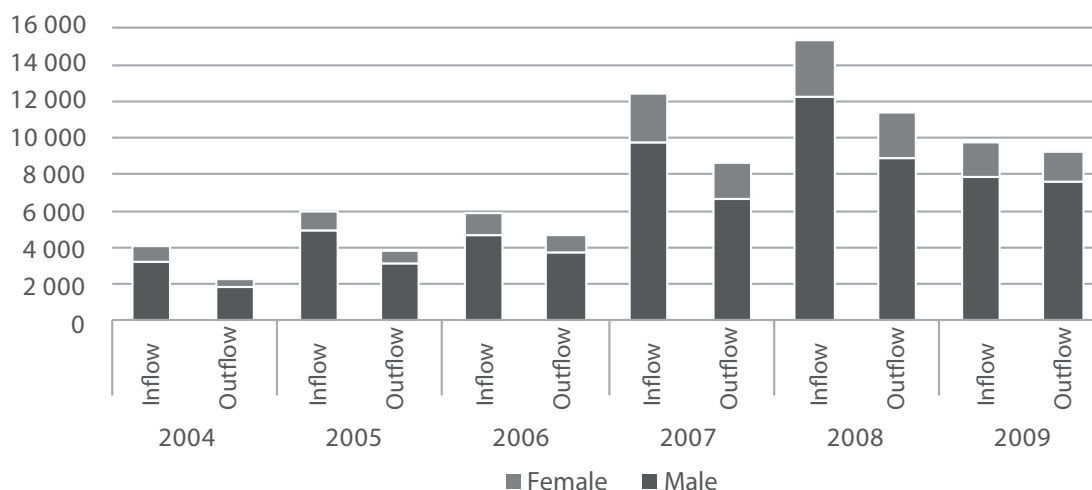
mit. The exact number of migrants with work permits who did not receive a residence permit is not known. The cross-checking of the databases between the CoLSAF and the Bureau of the Border and Aliens Police of the Ministry of Interior is being run since December 2009 and is in its early stages.

Figure 3.13 describes the inflows and outflows of migrants by gender. In 2007 and 2008, the total inflow and outflow was higher than the number of migrant workers, implying that the majority of foreigners stayed in Slovakia for sig-

nificantly less than one year. There was a significant decrease in the mobility of foreigners in 2009, mainly due to the economic crisis and lower demand for seasonal workers because of rapidly increasing unemployment.

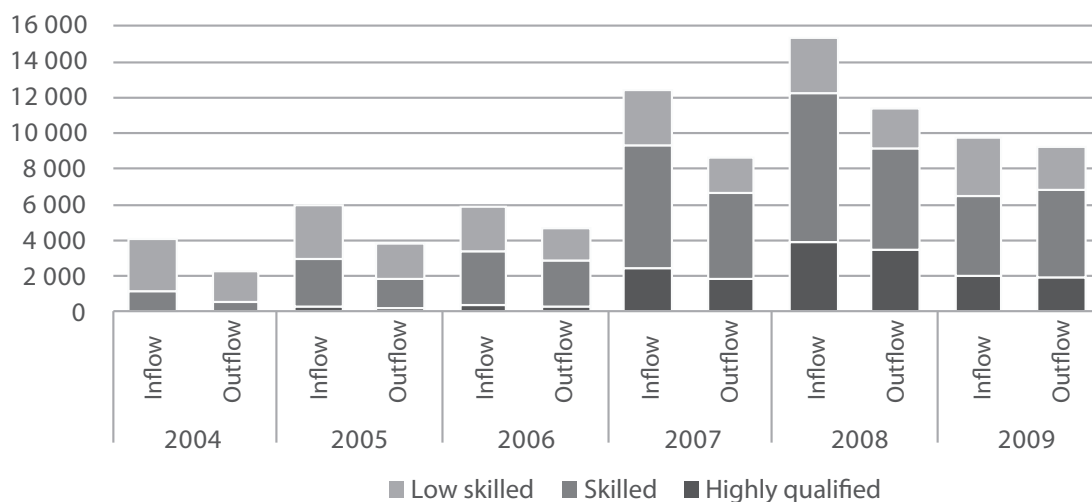
The development of migration flows in Slovakia in terms of education is shown in Figure 3.14. From this perspective, a significant structural change can be seen in the flow of migration between 2006 and 2007. While in 2006, the total inflows and outflows were relatively low, compared to the overall level, i.e. migrant

Figure 3.13 – Total inflow and outflow of migrant workers (foreigners) by gender



Source: CoLSAF

Figure 3.14 – Inflows and outflows of migrant workers (foreigners) by education



Source: CoLSAF

workers (foreigners) stayed longer in Slovakia, after 2007 the flow of migrants in Slovakia accelerated. This may be due to e. g. migrants from Bulgaria and Romania, who mostly came for seasonal work or who migrated to other EU Member States. The second important element is related to the increase in the migration of people with lower education, which represents a greater share of the flows than is the overall share of migrants with lower levels of education (on the total number of migrants).

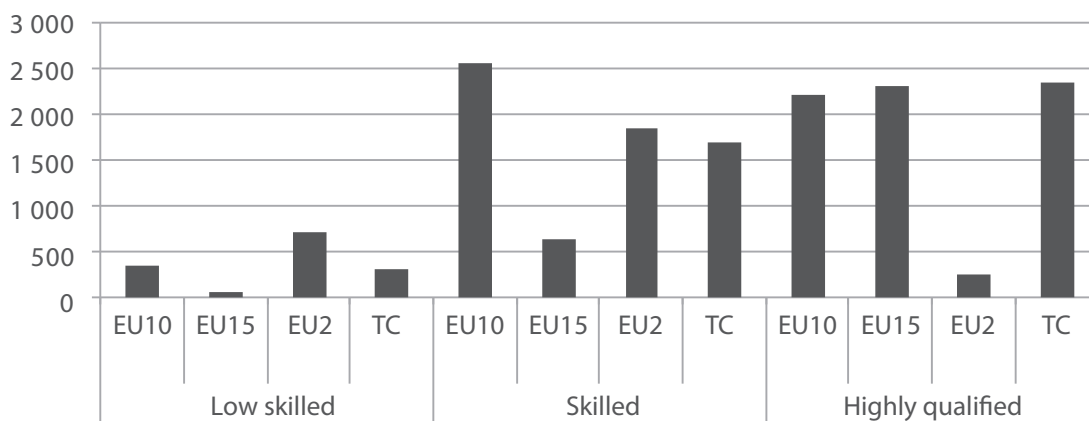
Comparing the Structure of Labour Migrants by Education and Country of Origin

An overview of the number of migrant workers (foreigners) by education and country of origin, i.e. an overview of the composition of workers

from abroad, is shown in Figure 3.15. This chart shows clearly that foreigners with lower education represent the smallest group of foreigners in Slovakia, while in absolute terms most of them came from EU2 and the EU10 countries. As far as the secondary level of education is concerned, the highest number of foreigners comes from the new EU Member States (EU10), EU2 and third countries. In the case of higher education, the number of foreigners in terms of total numbers is almost balanced for all of the EU Member States except the EU2 group.

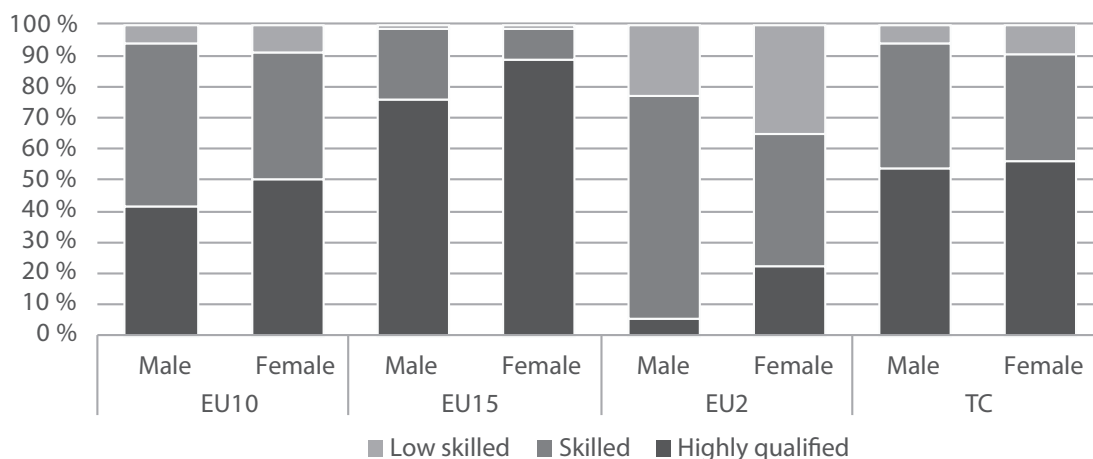
The difference in the structure of labour migrants (foreigners) by country of origin, gender, and education is shown in Figure 3.16. It is clear that in certain cases, the gender structure

Figure 3.15 – Number of migrant workers (foreigners) by education (2009)



Source: CoLSAF

Figure 3.16 – The structure of migrant workers (foreigners) by country of origin, gender and education (year 2009)



Source: CoLSAF

of foreigners is significantly different. In general, it can be said that there is a significantly higher proportion of highly educated migrants among women than men. The difference is the least manifest among third-country nationals. On the other hand, the same goes for the group of less educated people, where women also have a slightly higher proportion. This is most evident in the EU2 group. This results in a smaller share of women with secondary education than of men.

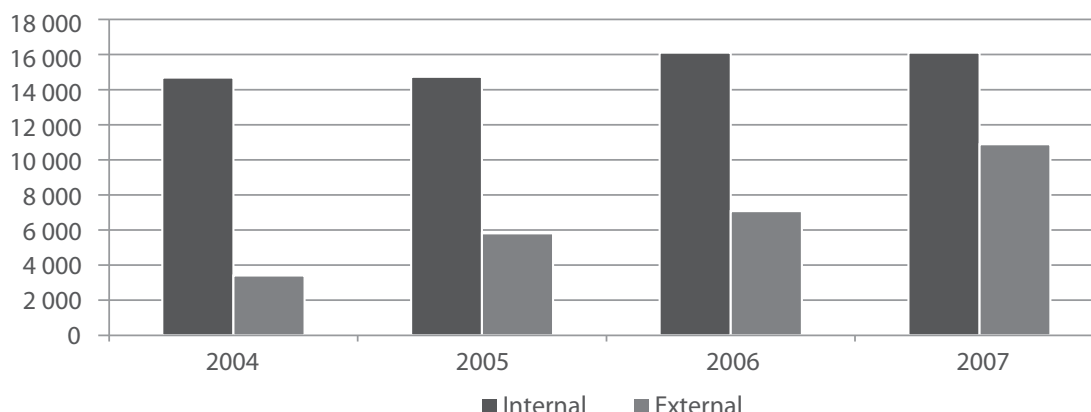
Comparison of External and Internal Migration

For a comprehensive analysis of labour migration, it is necessary to analyse the ability of peo-

ple to migrate for work, be it internal migration within the country or external migration. According to the analysis of mobility in Europe, based on the results of the Eurobarometer survey in 2005⁴², Slovakia is one of the countries with the lowest willingness to migrate for work. This stems partly from the historical development before 1989 and strong bonds to one's dwelling. According to the Eurobarometer, more than 40% of Slovaks did not move again after leaving their parental home. The possession of an apartment or a house is considered to be basic life security in Slovakia, the housing

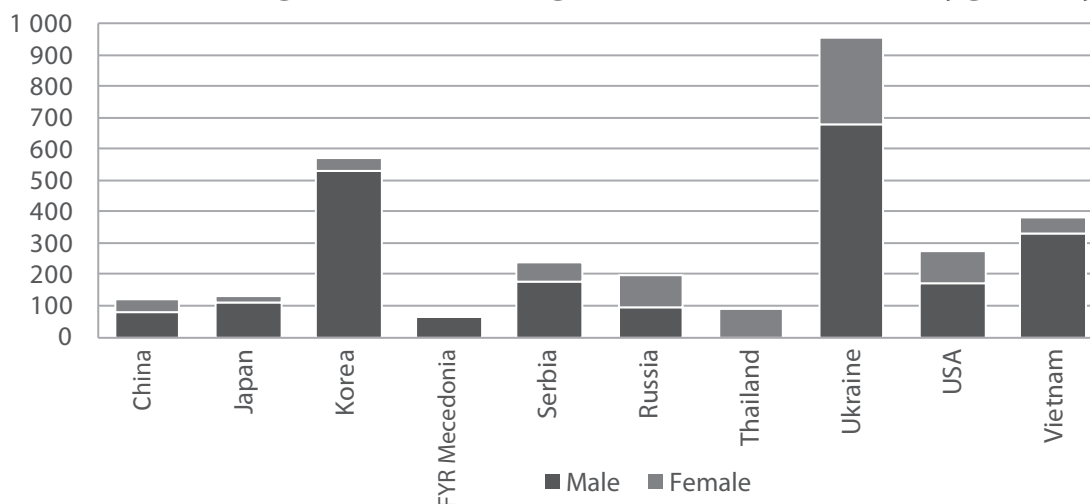
42 Mobility in Europe. Dublin 2006. European Foundation for the Improvement of the Living and Working Conditions

Figure 3.17 – Comparison of external and internal migration (NUTS 2) in the SR



Source: CoLSAF and EUROSTAT

Figure 3.18 – Number of migrant workers (foreigners) from third countries by gender (year 2009)



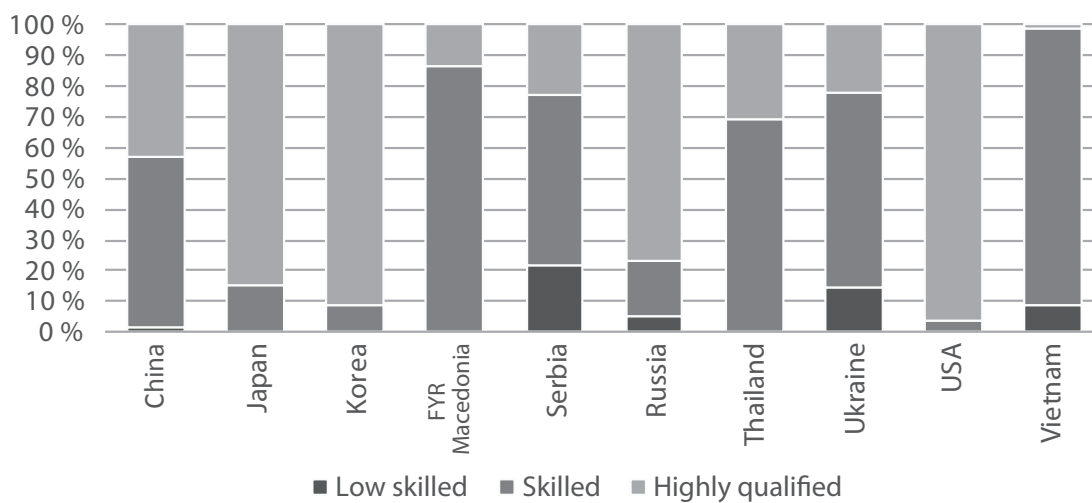
Source: CoLSAF

market with rented property is very limited. For this reason, Slovaks change jobs at their place of residence or commute within the region. The comparison of external and internal (inter-regional – NUTS 2) migration can be seen in Figure 3.17.

Labour Migration from Third Countries

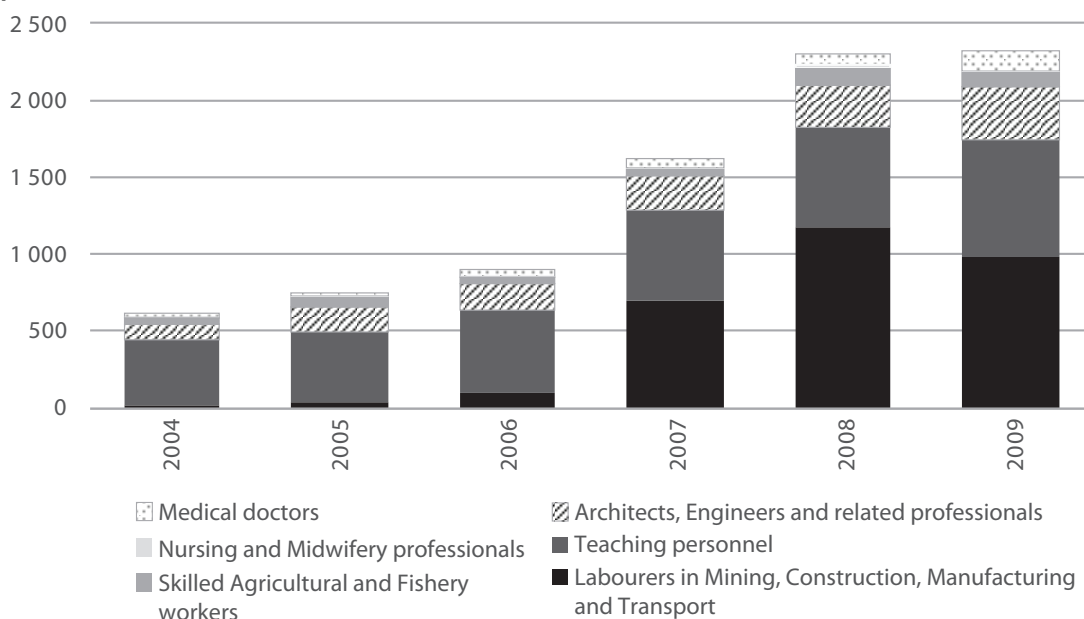
In this section, we take a closer look at the 10 countries which have been the most important sources of labour migrants (foreigners) settled in Slovakia. It can be seen in Figure 3.18 that the highest number of foreigners from third countries comes from Ukraine, followed by South Korea (especially in relation to investment activities of this country in Slovakia in recent years),

Figure 3.19 – Number of migrant workers (foreigners) from third countries by education (year 2009)



Source: CoLSAF

Figure 3.20 – Number of migrant workers (foreigners) employed in selected professions (total)



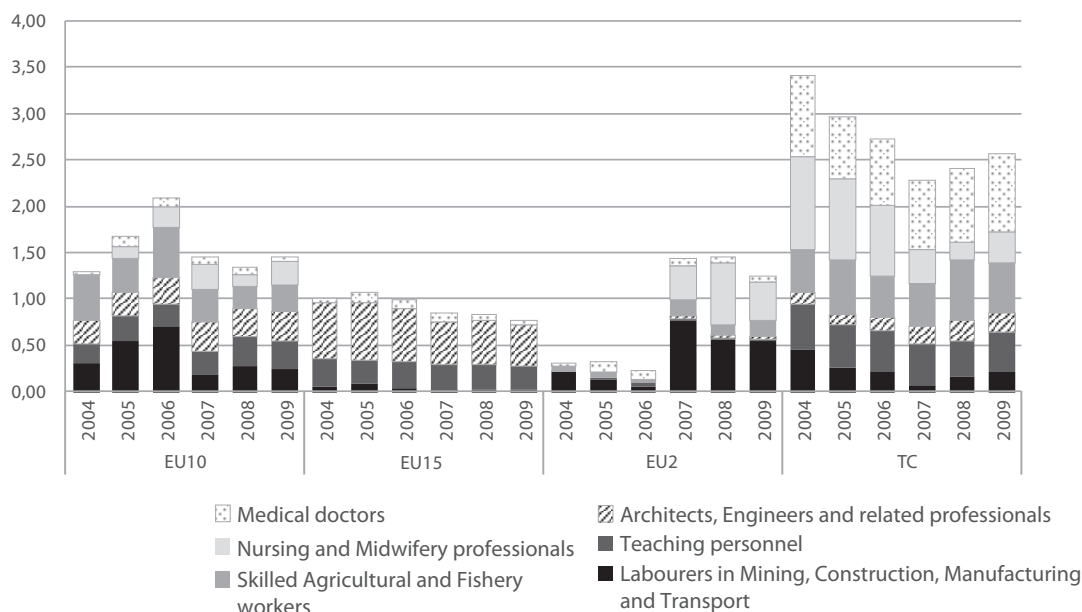
Source: CoLSAF

and Vietnam. Foreigners from other countries not listed in the table are represented only marginally in the labour market of the SR.

As far as gender is concerned, migrant workers from Russia represent the most evenly divided group, where the proportion of women is almost the same as that of men. Roughly one

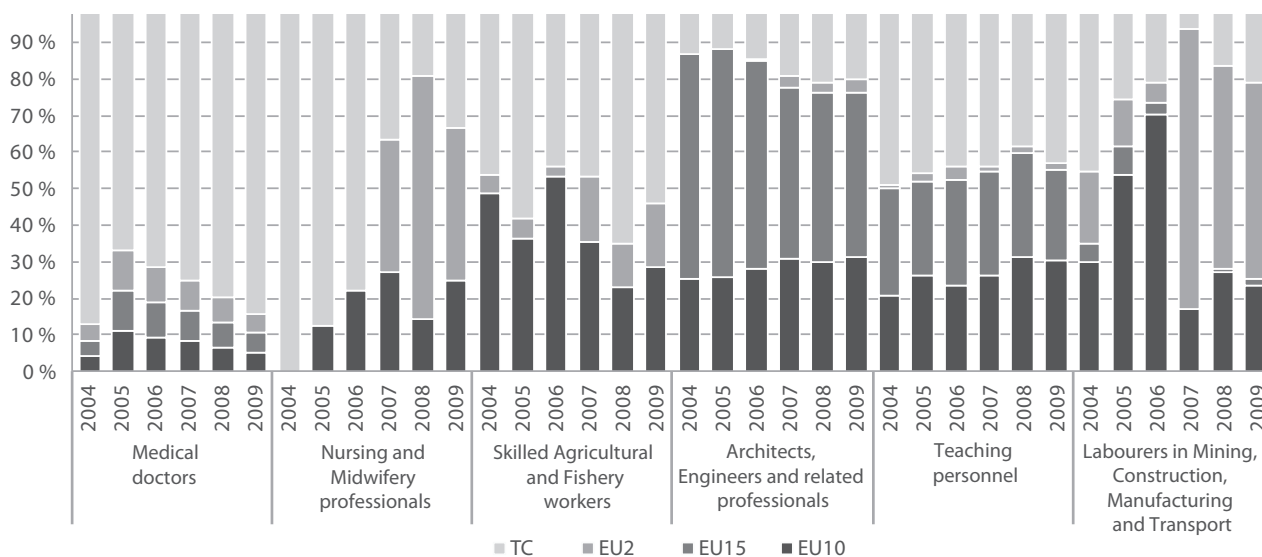
third of female migrant workers are from the U.S. (38%) and Ukraine (29%). As far as other third countries are concerned, the share of women is minimal. The only exception is foreigners from Thailand, among whom the proportion of women exceeds 90%.

Figure 3.21 – Share of selected professions in the total number of foreigners by country of origin.



Source: CoLSAF

Figure 3.22 – Comparison of the structure of professions by country of origin of the foreigner

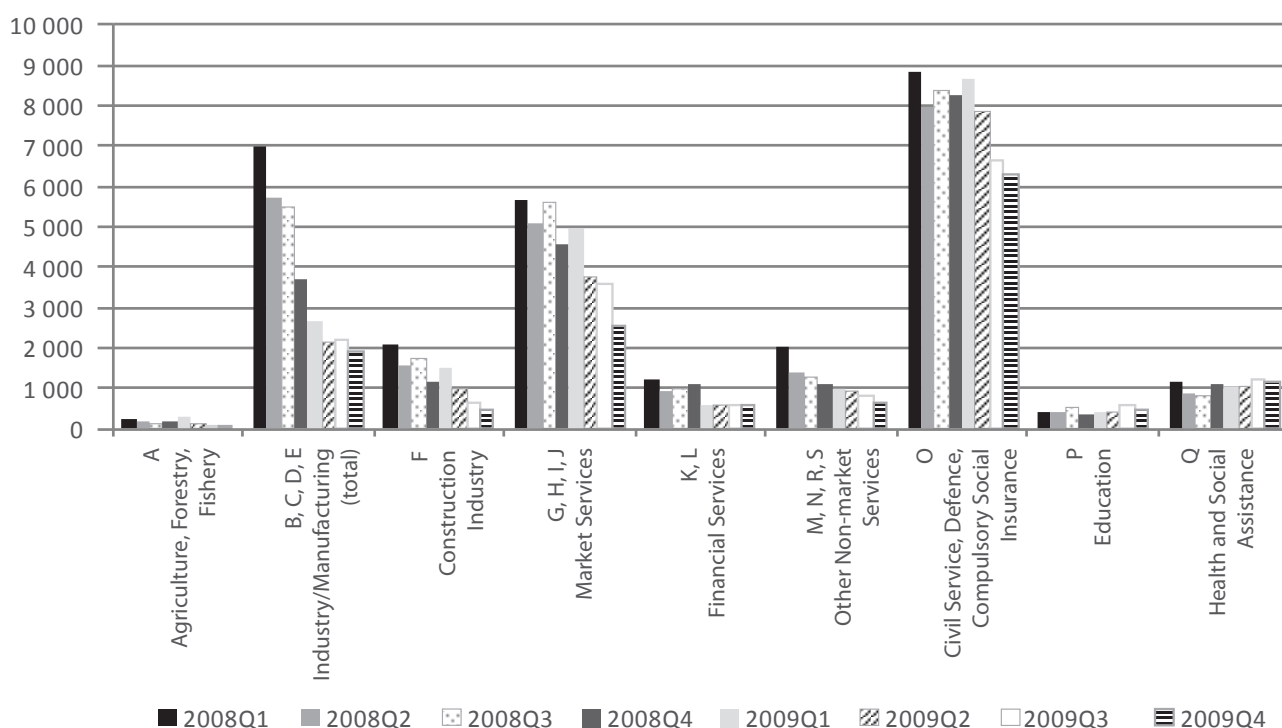


Source: CoLSAF

In the case of employment by level of education, the situation is significantly different (Fig. 3.19). The highest proportion of low-skilled migrant workers (foreigners) comes from Serbia, Ukraine and Vietnam, while their share even in this group is relatively low (the 20% threshold

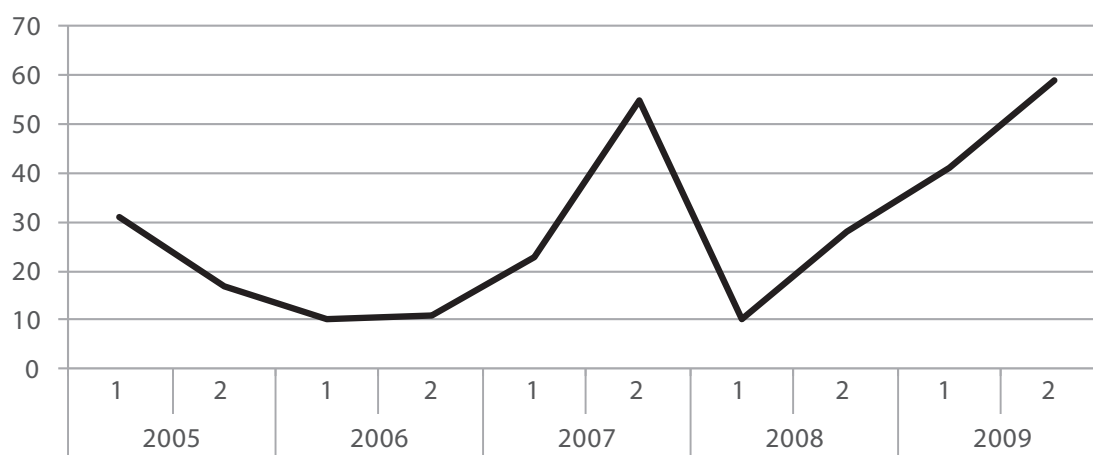
is only exceeded by migrants from Serbia). Foreigners with secondary education constitute the largest part of labour migrants from Vietnam (90.3%), the former Yugoslav Republic of Macedonia (86%) and Thailand (69%). The share of migrant workers with higher education in

Figure 3.23 – Vacancies in the SR by the Statistical Classification of the Branch of Economic Activity



Source: Statistical Office of the Slovak Republic

Figure 3.24 – Total number of illegally employed foreigners in the SR



Source: Labour Inspectorate of the SR (1-1st Semester, 2 – 2nd Semester)

Slovakia is much greater than that of lower educated people, which means that foreigners from third countries do not come to fill the gap in blue-collar professions. The share of foreigners with higher education is greatest among workers from developed countries, mainly because of the transfers within companies in accordance with the WTO agreement (managers, specialists). In terms of countries, it is mainly the U.S.A. (97%), South Korea (92%) and Japan (85%).

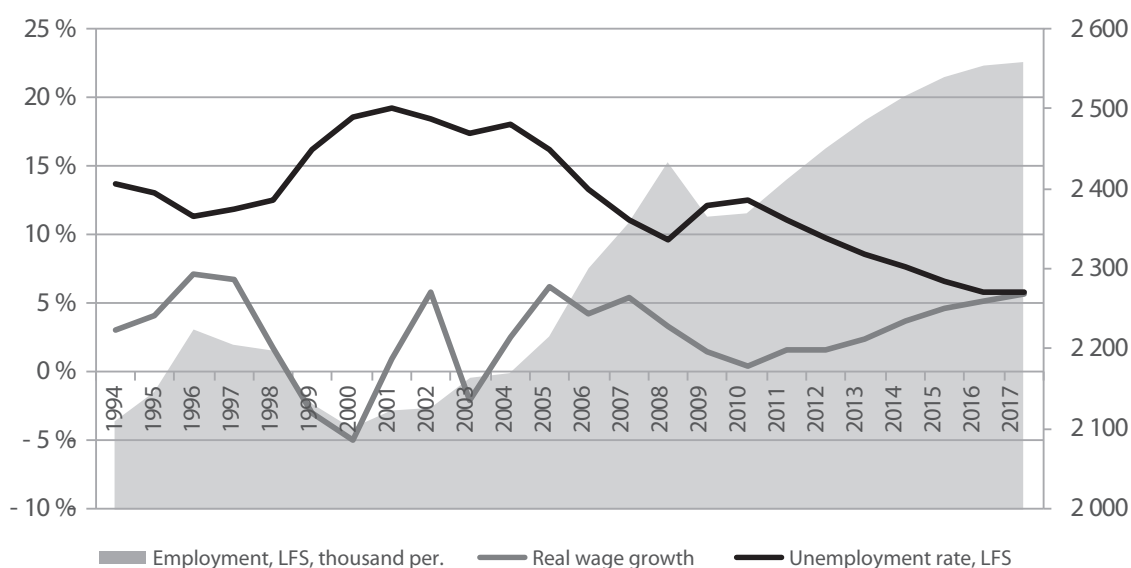
Labour Migration in Terms of Labour Market Structure

As far as the employment of migrant workers (foreigners) is concerned, there are some specific (scarce) occupations monitored in Slovakia. In terms of the overall structure of employment of foreigners, these categories of occupations do not exceed 20%. In terms of economic sectors selected for being surveyed, the highest proportion of workers is in mining, engineering and manufacturing, which grew rapidly in 2007 (EU2). The second most important profession are teachers, followed by architects and other professionals, whose share is constantly increasing. A very significant increase occurred between 2008 and 2009 in the medical profession (Fig. 3.20). Some specific occupations (such

as seasonal migrants) have not been included in the table, as they are not included in national statistics either.

The share of selected occupations in the total number of migrant workers (foreigners) by country of origin is shown in Figure 3.21. These professions have the most significant proportion of foreigners from third countries. Many of these work as doctors and skilled workers in agriculture. The number of migrant nurses and midwives / assistants has significantly decreased. This drop-off has been compensated by foreigners from the EU2 countries. The structure of foreigners in the old Member States includes the highest proportion of skilled professionals, engineers and teachers. Other occupations, e. g. seasonal workers are not being monitored, because of insufficient statistical data on the length of labour migration in the SR (see chapter 3.1). Another view in terms of comparing the structure of monitored occupations broken down by country of origin of foreigners is shown in Figure 3.22. As far as the statistics is concerned, the fact that certain specific types of employment, e. g. seasonal work, are not covered, represents a problem.

Figure 3.25 – Expected development in the labour market (thousands of persons)



Source: Slovak Academy of Sciences

3.2.2 Analysis of Trends and Future Developments

In recent years, the demand for labour in Slovakia has been considerably affected by the economic crisis. In the Slovak labour market, only a slow return is expected to the unemployment rate reached at beginning of 2008.

Such a decrease in the average unemployment rate from the current 13% (LFS⁴³) to less than 10% may according to some estimates take over three years.. The gradual decline in the number of vacancies since 2008 can be observed in Figure 3.23. The most significant decline in the demand for labour force was in the manufacturing sector, which is one of the largest employers in Slovakia. From this point of view, we do not expect significant growth in the number of migrants in the coming years.

There is a specific situation in some sectors that suffer from a long-term lack of professionals, such as medical and nursing positions, IT specialists and specific experts. However, the extent to which foreigners fill the gap in the professions with insufficient labour supply has not been a matter of close attention in Slovakia.

Neither has much attention been paid in Slovakia to the analysis of the future needs of the labour market from the point of view of labour migration. For this reason, we cannot identify the main trends in this area, apart from the main trend of a gradually increasing volume of labour migration in Slovakia and in EU countries.

Illegal Work of Foreign Nationals

An important element in terms of labour migration is illegal employment of foreigners and the related protective measures in the labour market. In Slovakia, the safety at work and illegal employment checks fall within the authority of the Labour Inspectorate. The number of detected illegal aliens employed from 2005 to 2009 is shown in Figure 3.24. The actual number is estimated to be several times higher. Although

the number of legally employed foreigners and the openness of the labour market is increasing, Slovakia did not record a significant increase in the number of illegally employed foreigners. The total number of cases reaches only tens per year.

In the medium run, there will be a decrease in the supply of labour due to rapidly aging population (Fig. 3.25). If there are no significant socio-economic changes (moving the retirement age; adaptation of the taxation, health insurance and social insurance contributions system), there will be a strong need to compensate the supply shortages in the labour market also by migration. Since a similar demographic change is expected in all EU countries, we expect an increase in migration especially from third countries.

In view of the increasing needs of the European labour markets, we expect a need for specific pro-migration policies in the SR. In connection with this, a wider public discussion and education on the topic will have to take place, as the population still perceives foreign migration as a threat to their employment, rather than a contribution to the overall growth of social welfare. It is interesting that no significant lack of low-skilled workers is felt in Slovakia, despite the relatively good educational structure of the population. Low-skilled work, however, is mostly done by older workers and marginalised groups, which may lead to severe imbalances in the demand and the supply side of the labour market in future. The possibilities of covering these jobs by foreigners have not been thoroughly enough analysed and have not yet been identified as targets of the migration policy of Slovakia.

The impact of internal mobility within the European labour market is still very small in Slovakia. Since the total labour migration in Slovakia constitutes only a marginal part of the labour market, no particular attention is attached to this issue.

⁴³ Labour Force Survey (Výberové zisťovanie pracovných síl).



Co-operation with Third Countries for Economic Migration

This part of the present study aims to characterise the co-operation of the Slovak Republic with third countries in the field of satisfying the demand for labour through migration. Circular migration and temporary migration reflect the impact of globalisation, demographic changes, new forms of mobility and the growing demand for flexible labour markets. Circular migration is phenomenon which is hard to identify and quantify. At present, there is no comprehensive overview of existing proposals and legislation on this subject in Europe. The concept of circular migration is most commonly explained as a flow of migrants from third countries to and from the EU, which is recurrent in nature.

The EMN defines two main types of circular migration in its glossary, which is based on the document of the European Commission COM (2007) 248 on circular migration and mobility partnerships between the EU and third countries⁴⁴:

1. *Circular migration of third-country nationals settled in the EU.* This category of circular migration gives people an opportunity to participate in activities (business, professional, volunteering etc.) in their country of origin while retaining their residence in a Member State. It includes various groups, such as:
 - Businesspeople operating in the EU intending to start up a business in their country of origin (or another non-Member State)
 - Doctors, professors and other experts willing to support their country of origin by carrying out professional activities in their country of origin.
2. *Circular migration of persons resident in third countries who were also staying in third countries.* Circular migration could create conditions and opportunities for people living in third countries for entering the EU for a limited period of time, to work, study, participate in training, or a combination of these activities, provided, however, that at the end of the period for which they were given the op-

⁴⁴ EMN Glossary. Accessible through <http://emn.sarenet.es/Downloads/prepareShowFiles.do;jsessionid=1623A2E22F0D9111443EAE-63036B8DEA?directoryID=117> [accessed on 2010-05-05].

portunity to enter they return to their country of origin, re-establish their original place of residence and work in the country of origin. Circular migration can be supported i.e. by granting migrants privileges in the form of simplified entry and exit to and from the Member State where they were formally residing. The second group of circular migrants consists of:

- Migrants from third countries who intend to work in the EU temporarily, such as seasonal workers,
- Migrants from third countries who intend to study or gain experience in Europe before returning to their country of origin,
- Migrants from third countries who intend to find employment after graduation in the EU (such as trainees) before returning home, to gain professional experience that would be difficult to obtain in their country of origin,
- Researchers from third countries who want to work on research projects in the EU,
- Migrants from third countries interested in participating in exchange programmes in culture, active citizenship and youth education (e. g. training, seminars, events, internships),
- Migrants from third countries who wish to carry out unpaid voluntary service, and to pursue common goals and interests.

Temporary migration is defined by the EMN as migration with a particular motivation, and/or with the intention to later return to the country of origin.

After Slovakia's accession to the EU, certain changes occurred in migration, which significantly influenced the future direction of policy in the field of migration and asylum in Slovakia⁴⁵. One of the goals of Slovak migration policy is to ensure proper conditions in the hu-

45 The Slovak Republic opened up its labour market to the new Member States that entered the EU (EU10) on 1 May, 2004, as well as to the old Member States (EU15) and EEA countries on 1 May, 2004. Citizens of Switzerland were granted the same privilege on 1 May, 2005, while citizens of the Member States that joined the EU on 1 January, 2007 have been able to enter the Slovak labour market without restrictions from 1 January, 2007 (Source: MoLSAF of the SR).

man, material and financial resources and the coordination of competent institutions in this field. The Ministry of Labour, Social Affairs and Family states⁴⁶: "In the past two decades, migration has influenced the socio-economic development in Slovakia, especially after the accession to the EU. With increasing globalisation and free movement of the labour force, the Slovak Republic is starting to join the European target countries, and not only for asylum seekers, but also for immigrants in search of employment and occupation on our territory."

At present, Slovakia has ten bilateral agreements on employment of people or trainees, mainly with EU countries. These include Belgium, the Czech Republic, France, Germany, Luxembourg, Poland, Finland and Hungary. In addition, this list includes Switzerland as well. Slovakia has a similar agreement with certain third countries, e. g. the Russian Federation. The agreement with the Russian Federation has not been honoured for a long time due to Russia's non-co-operation, and its cancellation is being considered. The agreement with Ukraine was unilaterally terminated by the SR and expired on 5 January, 2008. The agreement on the training of citizens of Vietnam expired on 24 January, 2004. From 1 May, 2005, most bilateral agreements on the employment of nationals of EU Member States are not carried out on the territory of the SR due to the implementation of the principle of free movement for work purposes in accordance with Council Regulation 1612/68/EEC on the freedom of movement for workers within the Community. At present, the agreements with Germany and Switzerland are being fulfilled unilaterally. The Agreement between the Government of the Slovak Republic and the Swiss Federal Government on the Exchange of Trainees⁴⁷ was concluded on 8 December, 1995, and came into force on 14 June, 1996. The Agreement is continuously being fulfilled and the quota of 100 persons annually is filled by the SR. The request to increase the annual number of persons

46 <http://www.employment.gov.sk/index.php?SMC=1&id=17188> [accessed on 2010-05-01].

47 <http://www.employment.gov.sk/index.php?SMC=1&id=335> [accessed on 2010-05-01].

in 2001 was rejected by Switzerland, because traineeships are mainly directed towards the catering industry. The agreement was changed by an exchange of notes in August 2000, which increased the age limit for trainees to 35 years. A change in the structure of trainees applying for a traineeship was made in favour of those specialisations which are scarce in their labour market, such as nursing.

We consider it important to mention the bilateral Agreement between the Government of the SR and the Government of the German Federal Republic on the employment of workers for Broadening their Professional and Language Skills, concluded on 18 March, 1996, even though it is not a bilateral agreement with a third country. According to the sources of the MoLSAF, the aforementioned agreement is currently being fulfilled as the only agreement concluded with an EU Member State. The annual number of workers was set at 700 people, which has always been reached. On 7 September, 2001 an amendment of this Agreement entered into force increasing the annual number of persons to 1,000⁴⁸.

It should be noted that the Slovak Republic does not in its concept of migration policy mention explicitly the intention to conclude bilateral agreements on co-operation in the field of economic migration with third countries. Generally speaking, it can be said that it is important to start updating international bilateral agreements, so that they reflect the current needs of the SR in the field of employment, even if, according to the MoLSAF, the general conditions defined in the laws of the SR are a better tool for managing labour migration than bilateral agreements with third countries. Experience has shown that the authorities of other States have different plans for the implementation of these agreements than what is in accordance with the needs and wishes of the SR, and they also create an administrative burden.

48 Bilateral agreements on mutual employment. Accessible through http://hnonline.sk/c3-21698245-k00000_detail-bilateralne-zmluvy-ovzajomnom-zamestnavani. [accessed on 2010-05-01].

At present, the measurement and monitoring of 'brain drain' in the Slovak Republic is a very difficult task. This is due to the lack of comprehensive research addressing this issue. Based on available information, we can assume that 'brain drain' is a serious problem in Slovakia. Emigrants with higher education are a significant proportion of the total number of emigrants from Slovakia. It is assumed that their number ranges from 7,000 to 10,000 persons per year, representing about one quarter to one third of university graduates per year⁴⁹. It is rather difficult to draw clear conclusions in the circumstances of the Slovak economy on the issue of migrant workers trying to settle down in the host country, together with the interests of employers, and the fight against 'brain drain'. Slovak legislation in this field does not include specific regulations, neither is there a clearly defined position on this issue in Slovakia. In the context of best practices, one could mention the internships of medical nurses in Switzerland, which have been called into being by an insufficient supply of skilled labour force in the Swiss labour market. It is important to mention the possibility of professional and language training in Germany on the basis of the aforementioned bilateral agreement.

The Agreement between the Slovak Republic and Canada Concerning the Facilitation of Temporary Stay of Youth and the draft Agreement on a Working Holiday Scheme between the Government of the Slovak Republic and the Government of New Zealand are being prepared for signature, or are currently being drafted. These agreements, in addition to allowing young people to stay and become acquainted with the country, allow them to find temporary employment to cover the cost of their stay.

Furthermore, there are many agencies supporting exchanges of students studying abroad or foreign students studying in Slovakia⁵⁰.

49 Permanent or Circular Migration? Policy Choices to address Demographic Decline and Labour Shortages in Europe. Budapest 2008. IOM a Regional Mission for Central and South Eastern Europe.

50 Such agencies are the SAAIC (<http://www.saaic.sk/>), the Visegrad fund (<http://www.visegradfund.org/>), the Open Society Fund (<http://www.osf.org/>)

At present, there is no legislation or procedure which would regulate the co-operation of the SR with third-countries (non-Member States) to ensure the inflow of skilled workforce for the purposes of meeting the demand for labour force in Slovakia. Issues linked to labour migration in Slovakia are being addressed through national legislation in accordance with the approved EU legislation on legal migration. For this reason, it is highly important to take steps to promote the attractiveness of the SR for preferred groups of migrants, to identify those areas of the labour market, the economic sectors, the professions, the educational levels and the regions of the country for which labour migration might yield the highest benefit⁵¹. A simplification of the administrative procedures related to the acquisition of work permits and residence permits would be helpful, especially if these measures were aimed at persons holding university degrees from Slovak universities. The same simplified rules could apply to persons employed in those sectors of the national economy that suffer from labour shortages.

Another important issue is called 'brain waste', which means that highly qualified immigrants perform work that does not require their level of qualification. This phenomenon is also significant among migrants from Slovakia who often work abroad at a level inappropriate to their qualification. This is often due to the fact that the qualification gained in the SR is not recognised abroad. Although the European Economic and Social Committee emphasises that host countries should take action to prevent the waste of professional potential, there are no official measures introduced to address this undesirable phenomenon in Slovakia.

www.osf.sk/) and others.

⁵¹ According to the MoLSAF, the SR could be made more attractive by raising the level of remuneration for work, which should apply to everybody in the labour market. The differences between the interests of the State, the labour market and the employers concerning the solution for the lack of labour force and the level of remuneration represent an impediment.

A large, stylized number '05' rendered in a light purple outline font. The '0' is a simple oval shape, and the '5' is a blocky, geometric shape. The numbers are positioned above a thick, solid purple horizontal bar.

Conclusion

At present, the phenomenon of foreign migration is regarded as one of the fundamental challenges of our civilisation, due to its economic, cultural, social, political, security and other implications, as well as its impact on population, while it is also often perceived as a natural and positive phenomenon. If considered in the context of the expected decline in the share of working-age population in the EU, migration may be one of the tools used to mitigate this negative phenomenon; therefore, it is important to deal with this issue.

The preparation of this study was subject to the decision of the Management Committee of the European Migration Network within the framework of its programme for 2010. The national study of the SR will be a part of a comprehensive study on the same topic at the EU level, summarising the results of national studies prepared by the EU Member States. The present study aims to characterise the strategy of the Slovak Republic in dealing with the issue of meeting the demand for labour force in the SR and to point out its potential weaknesses. Furthermore, it aims to examine the general perceptions and changes made or planned in these strategies in response to recent developments in the economic environment.

In this context, the European Pact on Immigration and Asylum, which was adopted by the European Council in October 2008, has, as one of its five commitments, the goal of organising legal immigration with regard to the priorities, needs and capacities of each Member State and to promote integration. It is important to note that it is at the discretion of each Member State how it will create the conditions for the admission of legal migrants and whether it will set limits to their number. It is recommended that the use of quotas be made in co-operation with the countries of origin. The European Council also invited the Member States to implement an immigration policy which would take into account the needs of the labour market and their consequences for other Member States. The European Council stressed the importance of imple-

menting a policy that promotes fair treatment of migrants and their harmonious integration into the host country's society.

The Stockholm Programme aims to encourage a closer co-operation in the area of labour migration between EU Member States and third countries in managing migration flows. If analysed in the context of the EU 2020 strategy and the Communication of the Commission *Europe 2010* (COM (2010) 2020), as a result of the recent economic and financial crisis an initiative is being developed which calls for the creation of a new, more ecological, sustainable social market economy, where innovation and a better use of resources will bring prosperity and where knowledge (education) is expected to be the key input. The Commission working document entitled *Consultation on the Future EU 2020 Strategy* (COM (2009) 647) opens up this debate and argues that despite its significant contribution to growth, the potential of migration is not fully reflected in policy making at the EU level and the national level, and the employment rate of immigrants can be improved for certain categories, such as low-skilled migrants and women. It is interesting that the first reaction to this public call (the EU Strategy for 2020 (Europe 2020) – Public consultation, SEC (2010) 116) makes no mention of the role of migration.

After Slovakia's accession to the EU on 1 May, 2004, certain changes occurred in migration that determined the future direction of the policies on migration and asylum in the Slovak Republic. Generally speaking, solving the problem of labour shortages in certain fields or professions through labour migration is one of the possible approaches. The successful operation of such a procedure must be anchored in and supported by specific policies, legislation, institutional and operational frameworks in the SR. A detailed analysis of the situation in the labour market, and a harmonisation of the activities of the offices of employment, social affairs and family, which issue work permits, with the Bureau of the Border and Aliens Police of the Min-

istry of Interior, which issues residence permits, is required in order to put such a mechanism in motion. Based upon the analysis, it can be concluded that no exact strategy for tackling labour shortages through labour migration or controlled labour migration is outlined in the policies, legislation, institutional and operational frameworks in the Slovak Republic. These documents deal with the issue only marginally, i.e. in proportion to the number of migrants. Moreover, if we set out from the principles of admission of labour force from third countries, it can be concluded that given the economic level of the SR and its needs, the Slovak Republic has so far not established any programmes of organised (controlled) labour immigration.

If we set out from the current trend of economic recession in Slovakia and the world, the migration policy of the SR has not reacted more intensely to negative economic developments in the labour market, which may be explained by the relatively small number of foreigners in Slovakia, whose presence does not have a greater impact on the economic and social stability. The changes implemented have not made the status of foreigners worse; on the contrary, the rules have been slightly liberalised in some areas. The public discussion on the possibilities of meeting the needs of the labour markets through migrants, as well as organising their return to their country of origin, is marked by low public interest in the topic. According to available information, the SR is currently considering changes in existing policies in response to EU legislation passed in the plan for legal migration policy. The current legislation regulating economic migration in Slovakia does not yet include institutions that would promote satisfying of the demand for labour in SR by sources from abroad.

In terms of co-operation with third countries, it should be noted that the Slovak Republic does not mention in its Concept of Migration Policy that it would seek to develop bilateral agreements on co-operation with third countries in the field of economic migration. We expect the

need for a more specific pro-migration policy in the SR. A broader public discussion and education will be needed in connection with this policy, as the population of the SR still perceives foreign migration as a threat to their employment, rather than a contribution to the overall growth of public welfare. It is interesting that no significant lack of low-skilled workers is felt in Slovakia, despite the relatively good educational structure of the population. Unskilled work, however, is mostly done by older workers and marginalised groups, which may lead to severe imbalances between the demand and supply side of the labour market in the future. This fact indicates that labour migration will become a more timely topic even in the SR as a tool for solving certain problems concerning the labour market.

As mentioned above, there is only marginal attention devoted in the SR to the issue of satisfying demand for labour force through migration; thus it is not possible to clearly identify problems in this area. At the same time, we would like to note that this issue already requires much more attention, without which the SR will not be ready to address the potential problems and challenges related to the future development of the labour market in the SR.

In future, it will be important to reflect upon the increased consolidation of existing policies and legislation at the European level and those at the national level to facilitate and promote economic migration, thus enhancing the satisfaction of the demand for labour. It will also be important to address, aside from the issue of labour migration, also the topic of circular and temporary migration and the 'brain drain' and 'brain waste' phenomena. Based on available information, it can be inferred that 'brain drain' is a serious problem in Slovakia. Emigrants with higher education contribute significantly to the total number of emigrants from Slovakia. It is estimated that their number is within the range of 7000 to 10,000 persons per year, representing about one quarter to one third of university graduates per year. It is rather difficult to draw

clear conclusions in the circumstances of the Slovak economy on the issues of migrant workers trying to settle down in the host country, together with the interests of employers, and the fight against 'brain drain'. Slovak legislation does not deal with these issues explicitly, therefore it can be said that the SR has no clearly defined opinion on them. 'Brain waste' is a serious problem which frequently occurs among migrants from Slovakia who often work abroad at levels inappropriate to the level of their skills. Although the European Economic and Social Committee emphasises that host States should take action in order to prevent the waste of professional potential, at present there have been no formal measures undertaken to deal with this phenomenon in Slovakia.

In conclusion, it can be stated that up to this point neither the law nor strategic documents contain procedures that would regulate the co-operation of the SR with third countries (non-Member States) with regard to attracting qualified workforce to the labour market of the SR. Issues linked to migration in Slovakia have been dealt with only marginally and not enough attention is being paid to them. It is therefore important to support research activities in order to identify those areas of the labour market, the economic sectors, the professions, the education levels and the regions, for which labour migration might yield the greatest benefit, and identify activities that would attract skilled and highly qualified migrants in line with the needs of the SR.

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