

Migration governance in Slovakia during the COVID-19 crisis

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Abstract

Foreign-born population in Slovakia has been growing steadily over recent years. Since 2018, foreigners from the so-called third countries have become dominant within the immigrant population. The migration crisis due to the Pandemic seems not affected the patterns of migration to Slovakia. We would argue that the need in Slovakia's domestic labour market affected immigration flows more than anything else. Before the outbreak of the COVID-19 Pandemic, due to emigration flows, there was a shortage of labour in the country. However, as a result of the restrictive measures taken by the government in response to the Pandemic, changes are taking place, which also has an impact on the employment of foreigners. During the Pandemic, several laws regulating the legal status of foreigners in the Slovak Republic have been amended. This article focuses on the legislative developments in shaping the Slovak migration policy in the near future.

Keywords: COVID-19; migration; labour market; Slovakia; unemployment

Introduction

The Slovak Republic (SR) is not one of the traditional immigration destinations. Until recently, it was rather a country of emigrants, i.e. a country whose inhabitants emigrated abroad for various reasons. Moreover, the volume of emigration from Slovakia has an impact on the labour market efficiency (Privara, 2020) and the competitiveness of the country (Koraus et al., 2018). Only the accession of the Slovak Republic to the European Union (EU) and its integration into the Schengen area caused significant changes in migration patterns as evidenced by statistics. Since 2004, the number of foreign-born in Slovakia has more than quadrupled (from 22,108 in 2004 to 150,012 in December 2020). Their share in the total population of Slovakia is 2.75% (ÚHCP P PZ, 2020).

In Slovakia, in addition to migration for family (such as family reunification or marriage with a Slovak citizen) and humanitarian reasons, economic (labour) migration is also recorded. It is currently the largest segment of regular immigration in the Slovak Republic (World Bank, 2020). This article focuses on recent changes in legislation and the legal framework of regular immigration. In this article, we discuss the development of immigration and immigration policy in Slovakia over the last decade and outline the most recent policy and legislative change. In a rapidly evolving world of immigration policy amid the ongoing COVID-19 Pandemic, it is important to monitor and reflect on the shifts in policies. We argue that these changes may be subject to further consideration due to the Pandemic and measures to contain it. As indicated clearly by earlier studies (Sirkeci and Yucesahin, 2020; Sirkeci and Cohen,

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2020), there is a clear link between international human mobility and the Pandemic and repercussions of the spread of the virus and the resultant number of cases and deaths do not recognise boundaries.

Labour migration in Slovakia from 2012 to 2021

The Center for Labor, Social Affairs, and Family (ÚPSVaR) monitors the employment of foreigners in the Slovak Republic on a monthly basis. We used the data published for February of each year. For the purposes of our analysis, we have divided all foreigners entering the Slovak labour market into two groups: citizens from EU / EEA countries and third-country nationals. The reason for such classification is their different legal statuses when entering the country. We derived the number of employed citizens from EU / EEA countries from the number of issued information cards. In contrast, the number of employed third-country nationals was obtained as the sum of granted work permits and issued information cards.³

Based on the data presented in Figures 1 and 2, it can be stated that the number of foreigners entering the Slovak labour market before the outbreak of the Covid-19 Pandemic increased almost constantly (Chakraborty, Maity, 2020). However, this development was not linear. In the observed period, there was a relatively sharp increase in the flow of work immigration to Slovakia since 2015. This increase is not related to the migration crisis⁴ but to the situation on the Slovak labour market, which in recent years before the Pandemic had experienced an extremely successful period, manifested by a significant decline in the unemployment rate (Urban et al., 2019).⁵ The main reason for such a development was the economic recovery (Chen et al., 2020; Cohen, 2020). The economy was in a situation where more and more companies had to refuse contracts due to a lack of workers and therefore showed an increased interest in work immigrants (Ďurček, 2020; Dandekar and Ghai, 2020; Baškot, 2020).

During this period, the structure of work immigrants also changed significantly. After Slovakia's accession to the EU (2004), highly qualified immigrants from EU / EEA member states came to the Slovak labour market (Klučka and Nováček, 2020; Mercan and Karakas, 2019). After 2015, the demand for lower-skilled labour in industry rose sharply, being a stimulus for the massive influx of economic immigrants from third countries. As a result, there was a significant structural change in 2018: the number of EU citizens living in Slovakia increased only minimally, while the number of people from third countries increased so significantly that they made up the majority for the first time of all foreigners living in Slovakia (Šveda et al., 2019, Smith and Wesselbaum, 2020). So it is citizens from outside the EU that are gradually beginning to take a dominant position in the structure of immigrants (Divinský, 2019; Ram et al., 2020).

Regarding the national representation of foreigners entering the Slovak labour market, we can state that the most numerous (up to 43%) group of foreigners are citizens of neighbouring countries (Czech Republic, Hungary, Poland, Austria, and Ukraine) (Murgaš and Petrovič, 2020, Barker et al., 2020). In quantitative terms, the second most important group are immigrants from southern and eastern Europe - Romanians, Bulgarians, Russians, and Serbs.

³ The information card is issued to employed EU / EEA citizens as well as to employed third-country nationals who are not EU / EEA citizens but are family members.

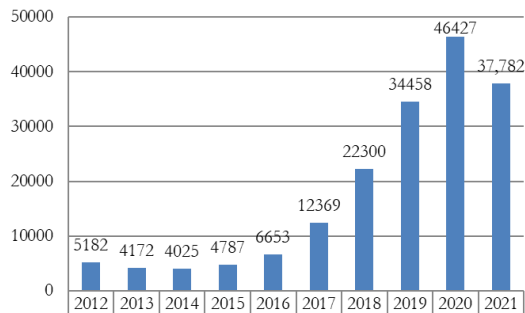
⁴ This is so for two reasons. Firstly, because the Slovak Republic has rejected migration quotas and also because our country does not figure as a destination for foreigners from third countries.

⁵ Before the outbreak of the pandemic, the registered unemployment rate in Slovakia was 5.37%.



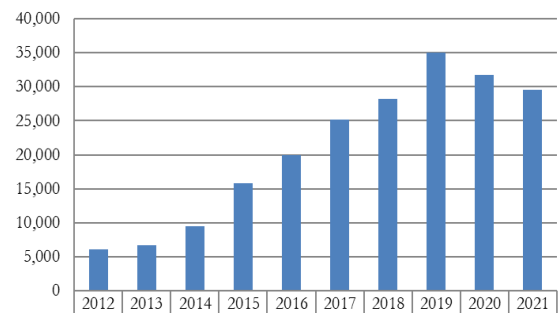
Their share reaches the value of 23.2%. In the past, the dynamically developing group in Slovakia were immigrants from Asian countries (Vietnam, China, the Republic of Korea, and Thailand), who currently make up 7.1% of all foreigners in the Slovak labour market (IOM, 2019, Lee et al., 2020).

Figure 1. Development of the number of employed third-country nationals in the Slovak Republic (2012-2021)



Source: own calculation based on data from ÚPSVa R.

Figure 2. Employment of citizens from EU / EEA countries in the Slovak Republic (2012-2021)



Source: ÚPSV and R.

Since 2017, we have seen a sharp increase in labour immigrants from Serbia and Ukraine. The motivation for their arrival in Slovakia is the significant differences in the average wage level and the unemployment rate between their country of origin and the Slovak Republic (Wang, 2019; Simionescu, 2019). In the case of Serbia, the monthly average wage at the end of 2018 was around 443.6 euros. In the case of Ukraine, it was around 329.6 euros, while the monthly average wage in Slovakia in the same period was 1,162 euros; the unemployment rate in Serbia was 11.3%, in Ukraine 8%, in Slovakia just over 5% (Bolečeková, 2019).

Legislative framework of Slovak migration policy

The primary legislative document for the management of labour migration in Slovakia is titled “Migration Policy of the Slovak Republic with a View to 2020” (hereinafter referred to as “the Migration Policy”), which was approved on 31 August 2011 by Government Resolution no. 574⁶. Although this document is not just about labour migration, it contains specific measures in this area. The idea that the Slovak labour market is dependent on the inflow of human capital from abroad due to negative demographic tendencies resonates strongly in the document. Therefore, the Slovak Republic must implement policies that will be oriented towards the recruitment, reception, employment and possible integration of migrants from third countries. The essential feature of the Migration Policy that needs highlighting is that it primarily focuses on the managed migration of highly qualified migrants and migrants from the so-called culturally close countries⁷. The tool to attract highly qualified migrants from third countries to Slovakia has been the European “Blue Card”. This special immigration permit enables migrants from third countries to enter, stay and work in Slovakia, travel abroad, and return (EU Blue Card).

⁶ The government has not yet approved the Migration Policy of the Slovak Republic with a view to 2025.

⁷ Regarding the fact that the migration policy of the Slovak Republic focuses mainly on migrants from the so-called culturally close countries, we agree with the opinion of Bolečeková and Olejárová, who understand its character as ethnocentric (Bolečeková and Olejárová, 2017).

Another essential document that deals with the employment of foreigners in Slovakia is the Integration Policy of the Slovak Republic, which was approved by the Resolution of the Government of the Slovak Republic no. 45 of 29 January 2014. Its main goal is to cross-sectionally influence the management of integration and its improvement in order to have a positive impact on the economic, demographic and social life of foreigners in the Slovak Republic (Drozd et al., 2013). We consider the following to be the central ideas of this document:

- Employment is one of the crucial elements of a foreigner's integration into society.
- To ensure the conditions of the long-term prosperity of the Slovak Republic, it has to participate in the global struggle for both talent and a lower-skilled workforce from abroad.

Regarding the management of economic migration in the Slovak Republic, this is regulated by Act no. 404/2011 Coll. on the stay of aliens, which governs the conditions for granting temporary residence for employment of third-country nationals in the territory of the Slovak Republic and Act no. 5/2004 Coll. on employment services, which precisely defines the conditions under which third-country citizens may be employed in Slovakia.

EU / EEA citizens have the same legal status as Slovak citizens. They, therefore, do not have to apply for a temporary residence permit or a work permit. However, when entering the labour market, they must undergo an EU citizen registration process. A foreigner who is not an EU / EEA resident usually has to go through a work permit process. Upon receipt, he may obtain a temporary residence permit to pursue a work activity. A foreigner who has obtained permanent residence does not have to apply for a work permit. He enters the labour market in the same way as a Slovak citizen.

Neither quotas nor a points system is used in the Slovak Republic to control the inflow of labour immigrants, but only labour market testing. However, this was quite complicated and time-consuming for many years⁸.

In connection with the exceptionally favourable development of the Slovak labour market in the period preceding the outbreak of the COVID-19 Pandemic, the recruitment of workers from third countries filling vacancies has been significantly simplified since 1 May 2018. Among the measures taken, it is necessary to mention in particular the shortening of the period for granting temporary residence in the case of a vacancy from 90 to a maximum of 30 days from the submission of the application. Employers must report a vacancy to the ÚPSVaR. The list of vacancies as well as the relevant districts is updated on a quarterly and not on an annual basis, as was the case before 1 May 2018. Another measure is to reduce the administrative burden associated with obtaining diplomas for third-country nationals. However, it should be added that this simplified recruitment procedure for third-country workers only applies to districts with an average registered unemployment rate of less than 5%.

Labour migrants in Slovakia in the context of the COVID-19 Pandemic

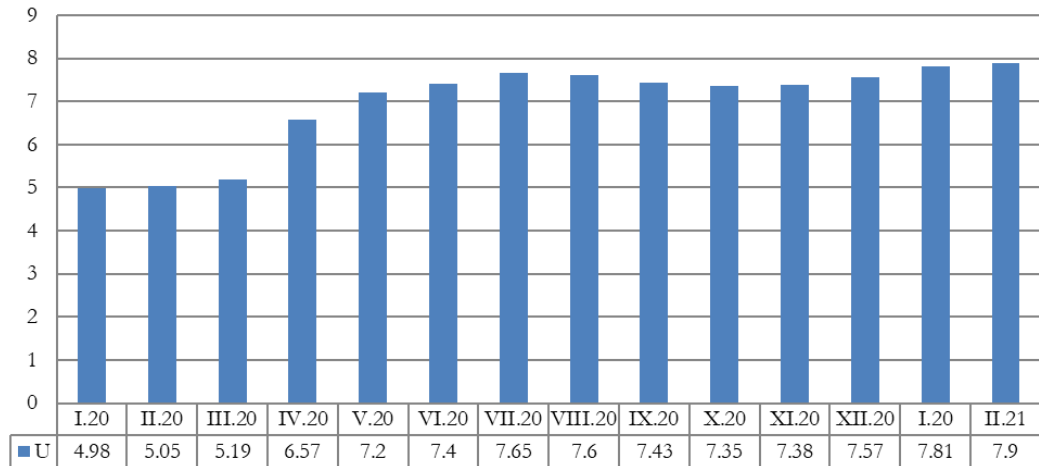
The year 2020 was marked by a pandemic, which also affected the Slovak labour market. Before the outbreak of the COVID-19 Pandemic (beginning of 2020), unemployment in

⁸ Due to lengthy administrative measures, the employer had to wait an average of 145 days for a third-country employee.



Slovakia was at a historically low level⁹. Its sharp month-on-month increase occurred in April 2020 (Figure 3). We see the cause of this negative development in the onset of the first wave of the Pandemic, more precisely in sudden and fundamental restrictive measures by the state and the slow implementation of economic support.

Figure 3. The unemployment rate in Slovakia, Jan. 2020 to Feb. 2021



Source: ÚPSVaR.

Looking at the statistics, it is clear that the situation had worsened until July 2020, when it stabilised slightly. However, since November 2020, unemployment has been rising steadily again. The second wave of the Pandemic, which was associated with a return to many restrictive measures, can be identified as the cause of this deterioration in the labour market. However, during the second wave of COVID-19, unemployment grew at a significantly slower pace. The explanation for this can be found in the improvement of the state aid programme.

It is understandable that the fluctuations and changes in the Slovak labour market also impacted the employment of foreigners in the country. The data presented in Figure 1 indicate that the last year-on-year increase in the number of third-country nationals employed in Slovakia was recorded in February 2019 - February 2020. In that period, the volume of third-country nationals in the country increased by more than half. We believe that such a sharp increase has been linked to the above-mentioned legislative changes, which have helped simplify granting work permits to third-country workers. On the other hand, from 2020 to 2021, we record a significant decrease in the number of foreigners in the country (by 9.51%), which is almost certainly related to the COVID-19 Pandemic and the subsequent deterioration of the Slovak labour market.

Regarding the employment of foreigners from EU / EEA countries, based on the data shown in Figure 2, we can state that the decline in their number in the Slovak labour market occurred between February 2019 and February 2020. It is clear that this development can not be associated with pandemic COVID-19, given that the first case of this disease did not appear in the Slovak Republic until March 2020, and the country felt its adverse economic effects in

⁹ In January 2020, it reached the level of 4.98%. In the era of independent Slovakia, ie since 1993, this is the second lowest value. We recorded an even lower value in December 2019 (4.92%).

April. In a more detailed examination of the development of the number of employed foreigners from EU / EEA countries in the Slovak Republic in individual months of 2019, we state that the decline occurred continuously month-on-month since March 2019. We see the cause of this development because it is associated with an increase in demand for lower-skilled labour (mainly from third countries).

Legislative changes in the field of Slovak migration policy

At the beginning of the COVID-19 Pandemic, the Slovak government decided to close the Border and Foreign Police offices, while migrants from third countries could not extend their stay in Slovakia. However, exceeding the validity of the residence permit has serious consequences. The NGO Platform responded promptly to this situation. Its members have initiated changes in the laws concerning migrants. These changes, which entered into force on 9 April 2020, made it possible to extend the period of validity of stays for third-country nationals who came to Slovakia legally before the pandemic outbreak. The statutory protection period was set at 60 days after the lifting of the state of emergency. Foreigners who entered the territory of the Slovak Republic legally, but were not yet granted residence, could stay in the territory of the Slovak Republic until one month after the abolition of the state of emergency (Bargerová, 2020).

Foreigners living in the Slovak Republic certainly appreciated the amendment to the Health Insurance Act (May 2020), which allowed foreigners whose income fell below the minimum wage during the corona crisis (and were unable to pay health insurance contributions) from falling out of the public health insurance system (Výboš'ok and Michalek, 2020).

In addition to the mentioned amendments to the laws, which were an immediate reaction to the corona crisis, it is necessary to note at least briefly the new Migration Policy of the Slovak Republic with a view to 2025 (Migration Policy, 2020). It is a material prepared by the Ministry of the Interior of the Slovak Republic and is currently awaiting approval by the Government of the Slovak Republic.

The new migration policy follows on from the already mentioned Migration Policy of the Slovak Republic with a view to 2020. We consider the following facts to be its most significant positive sides:¹⁰

- Abandonment of the assimilative understanding of integration and recognition of the cultural specifics of foreigners.
- It is assumed to provide information for foreigners in world languages.
- Digitisation of the process of obtaining a residence permit.
- Optimisation of the number of employees at the most congested workplaces of the foreign police.

Among the weaknesses of the present proposal are the following:

- Although the document mentions the need to concentrate on migration, integration, and asylum agendas within one centralised office, it is not addressed in more detail.

¹⁰ For more details, see Chužíková, 2020.



- The financial resources needed to implement integration measures are not defined.

Conclusion

International labour migration is of growing importance for the Slovak economy. The factors influencing national immigration policies are numerous, and surely for a member state, the European Union level shifts and adjustments will have an effect for good or worse. The recent changes in Slovak immigration policies have some promising features which are likely to align the nation's practices with their western European neighbours. The progress with the COVID-19 Pandemic in the coming months and years will have significant impact on the implementation of the new legislation. Depending on the moves in the international migration corridors in Central and Eastern Europe after the Pandemic, there may be new adjustments required or nuances in practice can be seen. Nevertheless, creation of an Immigration and Naturalization Office aiming to bring together all migration processing and provision of related services, we believe, is a necessary and welcomed step forward. Such integration of services would eliminate the existing legislative and competence fragmentation in the area of migration policy management. However, there are lessons to be learnt from similar shifts and moves in other countries in Europe and beyond.

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