

## **A brief overview of the migration policy development in the Slovak Republic**

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### **Abstract**

*Until recently, the Slovak Republic was a country whose residents emigrated abroad for various reasons. The Slovak Republic's accession to the European Union, membership of the Schengen area and the shortage of labour demand brought about the most significant changes in the migration policy. The current article aims to analyse the development of the Slovak Republic's migration policy and examine its response to the external environment from the creation of the Slovak Republic (1 January 1993) to the present day. The authors refer to the documents adopted by the Slovak government in this respect. The official statistical data is used to examine the evolution of the number of migrants in the Slovak labour market, the effectiveness of Slovak migration policy measures and the evolution of the situation in the Slovak labour market. Conclusions on the current form of Slovak migration policy are drawn. Recommendations are developed for overcoming the problem of labour market shortages.*

**Keywords:** *migration policy, Slovak Republic, labour migrants, labour market.*

### **Introduction**

The Slovak Republic has not been a traditional final destination for migrants. Until recently, Slovakia was mostly the country of origin for migrants, i.e., whose residents emigrate abroad for various reasons.

The Slovak Republic's (SR) accession to the European Union (EU) and membership of the Schengen area have brought about some of the most significant changes. Since 2004, the number of foreigners legally residing in Slovakia has increased almost twelvefold (from 22,108 migrants in 2004 to 278,595 in 2022 (Štatistický úrad SR, 2022)). Currently, foreigners account for 5.13% of the population, and their numbers are increasing steadily.

In addition to migration for social reasons, such as family reunification or marriage to a Slovakian citizen, the most significant legal migration in Slovakia is migration for work, business and study. Currently, there is one foreign employee for every 28 national employees (Ústredie práce, 2022). Since Slovakia joined the EU, the number of foreign workers has increased twenty-six times, from 3,351 in 2004 to 87,998 in 2022, including 56,876 third-country nationals. In 2022, foreigners from around 130 countries were employed in Slovakia, with the majority coming from Ukraine, Serbia, Romania, the Czech Republic and Hungary (Ústredie práce, 2022).

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EU membership and entry into the Schengen area (2007) also meant the introduction of new legislation in line with EU law. The document entitled "Migration Policy of the Slovak Republic - Perspective to 2020" states that "From an international point of view, the political and legal framework of the European Union has been and will continue to be the decisive basis of the Slovak Republic's migration policy due to the causes linked to the nature of EU membership" (EMN, 2016).

The current article aims to describe the key stages in the development of Slovak migration policy from its inception to the present day. This development is influenced not only by the external environment but also by the situation in the labour market. Therefore, we can state that the migration profile of the SR is constantly changing.

## **Methodology**

The authors have applied standard research methods to prepare the article: observation, classification, analysis and synthesis, systemic and historical approaches. In addition, content analysis of mainly official textual documents was used. These included national and European documents published by the International Organisation for Migration (IOM), as part of the European Migration Network (EMN) activities, and academic publications.

The empirical research is based on analysing official data from national databases (Statistical Office of the Slovak Republic, Office of Labour, Social Affairs and Family) and international institutions (Eurostat, IOM). Consequently, the research does not include the collection of original data.

### **Fundamental milestones in Slovak migration policy**

Slovakia's migration policy does not have a long history, as the SR was only created in 1993.

The basic principles of migration policy were adopted at the government meeting in 1993 and shaped migration policy until 2005. The first important agreement was the bilateral agreement with the Czech Republic, a special, non-standard agreement on the mutual employment of citizens, which has been in force since 1994. This agreement mainly benefited Slovaks working in the Czech Republic and was valid until the country joined the EU. The second crucial bilateral agreement signed at that time was the one with Ukraine. It resulted from colossal emigration flows from this neighbouring country to Slovakia and had been in force since 1998, although it had imposed limits on the number of people. Despite pressure from employers and the Ukrainian authorities, the Slovakian government has repeatedly refused to increase the quotas. A foreigner with the status of Slovak foreigner has a specific position within Slovakian legal norms on migrants. The rights of such persons are guaranteed by Act no. 70/1997 of the National Council of the Slovak Republic on expatriate Slovaks (as amended by Act no. 403/2000) (Divinský, 2007; Přívara, 2019a, 2019b, 2021).

The second period of Slovak migration policy development (from 2002 to 2004/2005) was characterised by harmonising national legislation with EU laws. Slovakia had to adopt many legal standards, including migration regulation, as part of the pre-accession process.

Before 2004, Slovakia was one of the countries with the lowest number and proportion of foreign workers in relation to the total number of people employed in the national economy (Salt, 2007; Přívara & Přívarová, 2019). The main reason for the low immigration flows to the SR before 2004 was Slovakia's unfavourable labour market situation, which reflected the negative impact of the transformation process on the Slovak economy. The period in question was characterised by the very unfavourable structure of the economy. Slovak heavy industry was oversized - mainly metallurgical, chemical and

technical companies. These industries require raw materials, which had to be imported to Slovakia. In addition, the decision to convert military companies led to a sharp decline in the manufacturing industry, and around 160,000 people lost their jobs (Přívarová, 2001; Durana et al., 2021; Přívara, 2022a).

The third phase of Slovakia's migration policy development (2004/2005-2011) meant adapting to the increase in immigration - Slovakia opened up its labour market to all workers from the EU/EEA/Switzerland without imposing any restrictions.

Accession to the European Union in 2004 and the further enlargement of the Union in 2007 to include Romania and Bulgaria marked an essential step in developing labour migration in Slovakia.

Table 1. Percentage of foreigners employed in Slovakia

Year	2004	2005	2006	2007	2008	2009	2010	2011
Proportion of foreigners	0,13	0,26	0,26	0,43	0,57	0,65	0,79	0,96

Source: Own processing based on data from the Statistical Office of the Slovak Republic and the Office for Labour, Social Affairs and the Family.

The data in Table 1 clearly show that the share of foreign workers in the Slovakian labour market has systematically increased following Slovakia's accession to the EU.

Slovakia's accession to the EU also brings a qualitative change in labour migration to SR. Since 2004, we have seen a growing number of workers from the EU-15 employed as experts, consultants, scientists, researchers, lecturers, senior managers and highly qualified personnel in large foreign companies (Kellenbergerová, 2006; Ahmed et al., 2022; Přívara, 2022b).

Therefore, a surprisingly high level of education characterises labour migrants arriving in Slovakia after 2004 (Mihály & Divinský, 2011; Karas, 2022; Přívara et al., 2020). An overall view of their development shows that in 2004, over 50% of migrant workers in Slovakia had completed university education. This proportion has gradually been reduced to 34.1% in favour of those who have completed secondary education (Domonskos, 2010; Přívara et al., 2018).

The fourth period of Slovak migration policy development (since 2011) has been marked by the "migration crisis" and has put migration policy on the Slovak political agenda for the first time. Until then, immigration had rarely been the subject of political debate. Slovakia also adopted the European regulations on seasonal workers and mobility within an international company on the territory of Slovakia. It thus opened up the labour market to third-country migrants in these categories.

Since 2011, Slovakia's migration policy has been mainly visible at a political level. Immigration crowds have filled the media space and strongly influenced public opinion. According to a poll conducted by the Polis Slovakia agency between 8 and 14 June 2015 on a sample of 1,469 people over the age of 18, 70.1% of respondents answered "no" to the question of whether Slovakia should take in refugees from the Middle East or Africa based on quotas set by the European Union. Of these responses, 33.8% answered 'no', and 36.3% answered 'no rather than yes' (Borárosová & Filipec, 2017; Vavrečka et al., 2021; Přívara et al., 2019). These results reflect the general opinion on migrants and refugees in Slovakia.

2muse Agency conducted further opinion research as part of the "Call for Humanity" project, which reacted to negative views about migrants. The number of respondents was 1047, and the research was conducted between 9 September and 13 September 2015. One of the new research aims was to show the main problems Slovaks have with migrants and

to generalise them to a few key areas. According to the research, it is clear that almost 22% of Slovaks do not want to accept migrants in their country for fear that they will not be able to adapt to the culture, as they share different values and habits with Slovaks (Zemanova et al., 2022). It is directly linked to the other major fear of Slovaks - the fear of a different religion (19%). It is because the Islamic religion has been described for many years by European and world specialists as something very negative, based on stereotypes and prejudice. Shadid and Konigsveld state: "These are clearly observable in the various press reports in which Muslims are described as fanatical, irrational, primitive, bellicose and dangerous. Such generalisations and simplifications indicate that where knowledge is lacking, emotion plays a central role in regulating the course of mutual relations" (Shadid and Konigsveld, 2002; Miron et al., 2022; Sirkeci et al., 2017).

Another major fear among Slovaks is the economic cost of migrants (18%). It is also directly linked to the previous points, as the general opinion is that migrants will not want to work in Slovakia and will simply claim benefits. It is a very sensitive issue for Slovaks as they consider themselves to be as poor as other Eastern European countries and, therefore, do not feel that they should contribute to paying benefits to migrants. The fact that there is already a minority not very well integrated into society and considered to be the group receiving benefits may be at the root of these dubious feelings. Undoubtedly, the integration of a minority gives rise to resentment. At the same time, there is still no solution for the integration of minorities who have been living in Slovakia for a long time.

Security concerns (17%) stem from long-standing stereotypes about Muslims, but these ideas about migrants as a threat have long been supported by the media and politicians in Slovakia.

#### A brief analysis of conceptual documents

The fundamental document on which the labour migration regulation in Slovakia is currently based is "Migration Policy of the Slovak Republic: Perspective until the Year 2020" (hereinafter referred to as "Migration Policy"), adopted by Government Resolution No. 574 of 31 August 2011. Although this document does not focus solely on labour migration, it lists concrete measures in this area. The document highlights the fact that the Slovak labour market is dependent on the inflow of human capital from abroad due to negative demographic trends, so economic migration must be based on active and flexible management of the admission of foreigners in the coming years and must meet the challenges of global competition for talent. Therefore, the SR must implement policies that will focus on the admission and employment of migrants from third countries according to labour market needs, with an emphasis on highly skilled workers.

In this context, Slovakia has introduced the "Blue Card". It is a new type of temporary residence for third-country nationals likely to need highly qualified employment in Slovakia. The basic requirement is a higher professional qualification in the form of a university degree or proof of at least 5 years of professional experience. Another condition is an employment contract or a written promise from the employer to employ a foreigner for at least one year. The wages agreed must not be less than 1.5 times the average wage. The Blue Card authorises migrant workers from third countries to enter, reside and work in the territory of the Slovak Republic and to travel abroad and return. It is issued for a maximum of three years and may be renewed several times.

According to the above document, it will be necessary to improve and rationalise the collection and processing of data on the current state of the labour market and, consequently, to create lists of rare occupations that are regularly updated.

"Migration policy" has become a starting document for several ministries, which they have developed into action plans. The action plans contain a more detailed definition of the individual tasks. The time, material and financial fulfilment of the tasks and

objectives of migration policy are the subject of a summary report presented annually by the Minister of the Interior at the government meeting (Bachtíková, 2014).

The latest document in the field of migration policy of the Slovak Republic is the new migration policy of the Slovak Republic in view of 2025 (Migračná politika, 2020), which follows the already mentioned document in view of 2020. We consider the following facts to be its most outstanding positive points (Chužiková, 2020):

- Abandon the assimilationist conception of integration and recognise the specific cultural characteristics of foreigners.
- There are plans to provide information to foreigners in the international languages.
- Digitalisation of the process for obtaining residence permits.
- Optimise the number of staff at the foreign police's busiest workplaces.

The document's weaknesses include the following:

- Although the document mentions the need to concentrate the migration, integration and asylum agenda within a centralised office, it is not discussed in more detail.
- The financial resources needed to implement integration measures are not defined.

Another essential document concerning the employment of foreigners in Slovakia is the "Integration Policy of the Slovak Republic" (hereinafter referred to as "The Integration Policy"), which was approved by Government Resolution No. 45 of 29 January 2014. Its main objective is to influence the integration management and its quality to positively impact the economic, demographic and social life of foreigners in the Slovak Republic (Drozd et al., 2013). "Integration policy", therefore, aims to improve the multidimensional aspect of integration, influence its management across the board and improve its quality to positively impact the economic, demographic and social life of foreigners in Slovakia. Here are the key ideas in this document that should underpin SR immigration policy:

- Employment is one of the most essential factors in a foreigner's integration into society.
- The opportunity for a foreigner to work in Slovakia is primarily influenced by their education, previous work experience, language knowledge, the foreigner's ethnic origin, cultural "proximity", immigration, and social and labour market policies.
- The employment of foreigners in SR should not only cover the lack of profession in the labour market. Migration management of highly skilled labour from third countries should also be encouraged.
- It also emphasises that the conditions to ensure the long-term prosperity of the SR are necessary to engage in the global struggle both for talent and less skilled workers who have a foreign origin.

As regards the management of economic migration in SR, this is governed by Act no. 404/2011 Coll. on the Residence of Foreigners, which lays down the conditions for granting temporary residence permits for employment for third-country nationals (mentioned above) and by Act no. 5/2004 Coll. on Employment Services, which precisely defines the conditions under which third-country nationals may be employed on the territory of our country.

Under the Employment Services Act, an employer may only employ a third-country national who meets one of the following conditions:

- They are an EU Blue Card holder
- they are granted temporary residence for employment purposes based on confirmation of the possibility of filling a vacancy
- they have obtained a work permit and a temporary residence permit for employment
- they are granted a work permit and temporary residence for family reunification
- they have obtained a work permit and have been granted temporary residence as a third-country national with long-term resident status in an EU Member State.

Confirmation that a job can be filled by a third-country national is issued by the Central Office of Labour, Social Affairs and Family if jobseekers on the register cannot fill the vacancy. This certificate is issued for a maximum of two years and may be renewed several times. However, this extension is only possible on condition of paid employment with the same employer and in the same job.

Neither quotas nor points systems (as in many other countries), but only labour market tests, are used to control the influx of labour immigrants into SR. It proceeds as follows: an employer intending to recruit an immigrant from a third country must inform the Central Office of Labour, Social Affairs and Family about vacancies at least 30 working days before applying for temporary residence for employment purposes.<sup>2</sup> The Labour Office will advertise the vacancy and will also check its database of jobseekers for a suitable candidate. If, within 30 working days of the vacancy being announced, it is impossible to fill the vacancy with a person on the jobseekers register, the employer may conclude an employment contract with the third-country national. This employment contract is attached to the application for temporary residence for employment purposes.

Act no. 404/2011 Coll. on the residence of foreigners defines categories of third-country nationals for whom the aforementioned labour market test is not applicable. These are the following categories of workers:

- worker posted under a commercial contract between a national company and a foreign company outside the EU
- worker moved as part of an internal transfer
- a university researcher or artist
- a research or development agent in a research activity.

Analysis of the current labour market situation in SR

The Slovak labour market is currently enjoying a period of success. In the second quarter of 2023, the unemployment rate in the Slovak Republic reached 5.9%.<sup>3</sup>

The main reason for the significant fall in unemployment is current economic growth, which is characterised by high labour intensity, unlike at the beginning of the century. Previously, when massive investments were made to modernise production, there was an increase in labour productivity and, consequently, a reduction in labour intensity.

Our economy is currently in a situation where more and more companies have to reject orders due to labour shortages, which will undoubtedly harm the economic growth rate. The Central Labour Office has recorded more than 79,000 job vacancies. In reality, however, this number is considerably higher due to the failure of all companies to report vacancies.

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<sup>2</sup> In this respect, there have been positive developments since 1 May 2018 (see below).

<sup>3</sup> <https://slovak.statistics.sk/wps/portal/ext/home>

Regional disparities in terms of unemployment rates and the occupation of vacancies persist. In some districts south of central Slovakia and eastern Slovakia, there are more than ten unemployed people per vacancy. The most alarming situation is in the Poltár district, where there are almost 90 unemployed people per vacancy. In other districts, there are more than 30 unemployed people per vacancy, particularly in the Gelnica, Medzilaborce and Rimavská Sobota districts. On the other hand, in districts where the unemployment rate is below 3%, there is a critical situation concerning vacancies. The most significant issues in recruiting new employees are around Nitra, Trnava, Bratislava and the surrounding area, Záhorie and Považie.

From a sectoral point of view, the most considerable labour shortage is in information technology, electrical engineering, power engineering and mechanical engineering. According to Slovakian labour market estimates, there is a shortage of around 30,000 IT-trained specialists. They are in demand practically throughout Slovakia, whether they have experience or are recent graduates. Jobseekers are aware of this, which is also reflected in their salary expectations, which are often excessive.

Another profession in short supply is electromechanics. This job requires relatively demanding training and, in regions with low unemployment, there are virtually no free people available with this qualification.

However, low-skilled jobs are also on the shortage list. These include jobs such as storekeeper, baker or care worker. Unemployed people aren't very interested in these jobs because the general feeling is that they don't pay well enough. A growing issue is that craft jobs (in general) do not attract young people. They are particularly interested in business schools and avoid vocational secondary schools. In choosing their profession, they are often influenced by parents who want their children to have a good education and a job in which they do not have to do manual work.

Given the current shortage of workers in the Slovakian labour market, companies are likely to be increasingly interested in labour migrants. Not only will the number of citizens of other EU countries working in Slovakia increase, but also those from third countries. It is predicted that, in the near future, the number of foreign workers will approach 100,000. At first glance, this number may seem high, but on the other hand, the Czech Republic, which has a fairly similar economy, employs over half a million foreigners. It means that the possibilities for massive employment of foreigners in our country are still relatively more than conceivable.

Even though (as mentioned above) Slovakia has had a migration policy since 2011, it is still tricky for third-country nationals to enter its labour market.

In practice, this is reflected in companies' inability to find suitable candidates for certain positions. Since 1 May 2018, the admission of non-EU workers to rare professions has been simplified.

The government has approved a draft strategy for foreign labour mobility in Slovakia. It was stated that the aim was to create an environment where the labour market would not be a brake but a catalyst for more sustainable economic growth thanks to highly qualified human resources, enabling Slovakia to compete for high value-added investments. Short-term measures include shortening the period for granting a temporary residence permit in the event of a labour shortage from 90 to 30 days from the date of application so that it does not exceed 30 days. Employers will be required to report a vacancy to the employment agency. The list of jobs in short supply and the districts concerned should be updated quarterly rather than annually as is currently the case. Another measure is to reduce the administrative burden on jobseekers when they submit proof of training. The requirement for information on the training received would be maintained only for regulated professions, such as the health, legal or teaching.

However, the simplified procedure for admitting third-country workers applies to districts with an average registered unemployment rate of less than 5%.

## **Conclusion**

Based on a brief overview of the main features of migration policies, Slovakia is becoming increasingly open to foreigners. After overcoming the issues associated with the transformation process and following SR's accession to the EU, the direction of migration policy has been defined.

At present, international migration is becoming an increasingly important phenomenon because the labour market in Slovakia is developing positively, in parallel with the improvements recorded in the labour markets of other European countries. It is, therefore, necessary to create an economic environment in which the labour market will encourage sustainable economic growth thanks to qualified human resources, enabling Slovakia to compete for investment in high-value-added sectors. One way of achieving this is to implement an effective migration policy.

As far as the spatial aspect of SR migration policy is concerned, we believe that in the case of third countries, it should focus more on Ukraine and the Balkan countries (i.e. Serbia, Bosnia-Herzegovina) because of the easier integration of immigrants due to their linguistic and cultural proximity.

Of course, employing foreigners is no panacea. There are undoubtedly more reasons for such an attitude. One of them is that many jobs that are difficult to fill with immigrants are also rare in today's Slovakian labour market. These are professions such as sales representative, assistant or accountant. In these cases, knowledge of the Slovak language at a relatively high level is necessary.

So, besides modernising migration policy, it will also be necessary to make better use of the potential of the domestic workforce. The prerequisite for this is improving the quality of the Slovak education system. We see improving the quality of universities as a way of reducing the outflow of young people abroad and attracting more international students to the country.

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