

Instruments of migration policy: A case of the Slovak Republic

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Abstract. Unpredictability of the migration movements; efforts to protect the state's territory from irregular and illegal activities; as well as tendency to fill in the gaps on the labour market in the receiving countries are only few out of many pre-conditions which stimulate attempts of the nation states to coordinate and influence migration on their territories using the instruments of the migration policy. However, the instruments as proposed in the strategic documents do not always meet the practical demands emerging from the migration profile of the particular state, or they are not applied properly – from different reasons. Our paper analyses the cited discrepancy in the Slovak Republic. The main aim is to identify instruments of the Slovak migration policy as presented in the latest strategic documents and compare the theoretical framework with the practical reality. The paper concludes by analysing reasons of existing gaps between the theory and practice in the Slovak settings.

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1. INTRODUCTION

Despite the ongoing processes of globalisation and increasing importance of the non-state actors, sovereign states remain the basic actors of international relations. They have (although limited by the unpredictability of population movements and international obligations including human rights concerns) capacities and possibilities to regulate migration movements on their own territories, whether we speak of

the emigration of their own citizens, legal immigration of foreign nationals – both for economic or humanitarian reasons, or irregular movements across the state borders (Mihi-Ramirez, 2013). The tools and measures used by any state actors to influence migration flows are known as instruments of the migration policy. The main goal of the presented paper is to identify key instruments of the Slovak migration policy and compare the theoretical framework of these instruments as presented by the strategic documents in the country with the critical experience.

Regarding the methodology, we use the qualitative content analysis as a text interpretation method in case study research, as suggested by Kohlbacher (2006). In accordance with conducting the case study, respective parts of the paper comply with the collection and analyzing of the evidence, and reporting findings in the conclusion part. We chose instruments of migration policy as the analyzed category. From various possible sources of evidence, we analyze one policy document and conduct inquiries, which additionally enable to compare strategy framework with its implications.

This paper is structured as follows: First section of the paper gives the theoretical framework and deals with the concept of migration policy itself and the meaning of the term. Regarding absence of a universal definition of the term migration policy, the chapter explains this concept by summing up different attitudes of the IR and migration experts and follows up by developing our own conceptual definition. Consequently, the chapter proceeds with categorisation of instruments of migration policy. Reflecting wide scope of migration processes, the paper presents a unique categorization of instruments, taking into concern different types of migration, phases of the migration processes and the country (of origin, transit or destination of migrants) using particular instruments.

Second section of the paper is based on the document analysis, particularly the latest strategic document of the Slovak Republic in the field of migration called *Migration policy of the Slovak Republic – Perspective until the year 2020* was analysed. Verification of the practical application of instruments of migration policy as presented in the abovementioned document was carried out in cooperation with the actors active in the field of migration in the Slovak Republic and it was methodologically tested on the basis of the semi-opened questions directed to the relevant governmental ministries which deal with particular phases of the migration process. The ministries were identified with regard to the European Migration Network's (EMN) study *The Organisation of Asylum and Migration Policies in the Slovak Republic* (December 2008, updated in May 2010, July 2012 and July 2014). As the theoretical framework included in the *Migration policy of the Slovak Republic – Perspective until the year 2020* was elaborated by the state institutions only, we deliberately excluded non-governmental organizations from the survey to keep the unity of the actors who identified instruments of migration policy on the theoretical level on one hand, with the actors who responded in the survey regarding their practical application, on the other hand. Following confrontation of the theoretical framework stated in the afore-mentioned strategic document with the practical experience of the relevant actors of the Slovak migration policy, the paper concludes by identifying conformities and gaps in application of the migration policy instruments in the Slovak Republic.

2. LITERATURE REVIEW: MIGRATION POLICY AND ITS INSTRUMENTS

When looking to the past, regarding historical attempts of states to influence the migratory flows, Castles (2004) claims, that “*the picture of an era of laissez-faire in migration that ended with World War I*” is not correct and migration control by the state which goes “*far beyond mere border control*” has a longer history. He points to a variety of state's roles in influencing migratory flows, e.g. emigration countries have often tried to prohibit departures, since “*European monarchs saw their wealth as consisting mainly of people*”. On the other hand, “*capitalism has always needed unfree labour*”, i.e. slaves, and after the prohibition of the slave trade, indentured

labour system emerged, finally replaced by (free) labour force recruitment. Nevertheless, Castles also labelled the nineteenth century as “*an age of experimentation in migration control*” (Castles, 2004, pp. 854 – 856).

2.1. Definition of the migration policy

The term “migration policy” relates to attempts of states to control migration. Freeman defines migration policy as „*an attempt of the state to regulate and control the entry to its national territory and to determine the conditions of the stay for people who are looking for permanent residence, seasonal work or political asylum*” (Freeman, 1992, p. 1145). According to Štefančík, the migration policy is „*a complex of state instruments in the area of migration regulating the entry of foreigners to the state territory, conditions of the stay, and the integration to the society*” (Štefančík, 2011, p. 8). Nevertheless, the connection between politics and migration can be the subject of a research in three basic lines. The first line sees in politics the cause of the migration phenomenon; the second perception vice versa sees the migration policy as the reaction to the movements of people across borders; the third one examines politics as institutional framework and normative discourse which legitimise state regulation of migration and integration (Bauböck, 2004; Simionescu et al., 2017). Quite often, mass media as well as religious institutions might also play their part in this debate (Čábelková et al., 2015; Strielkowski et al., 2016; Strielkowski et al., 2017).

In order to define the migration policy in the most comprehensive way, we looked up for the definitions of the key terms in the area of migration developed by the International Organization for Migration (IOM) - an internationally recognized institutional authority in this area. Surprisingly, there was no definition of migration policy available. The only relevant term we could find in the list was the term “migration management” defined as “*A term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the state and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues.*” (IOM, 2004, p. 41) According to Divinský (2005), the Slovak expert on migration issues, “migration management” is a term which is hierarchically superior to the term “migration policy”. In his understanding, the migration policy constitutes one of the three basic pillars of migration management; the others two being migration legislature and institutions acting in this field (Divinský, 2005; Bargerová & Divinský, 2008; Bilan & Strielkowski, 2016; Dudzeviciute & Cekanauskas, 2014; Strielkowski et al., 2017). It is obvious at the first sight that defining migration policy is not as easy as it seems.

The difficulty of generally accepted migration policy definition firstly lies in the complexity of migration processes, which are object of this policy. Most of the theorists, as well as practitioners agree on the definition of “migration” as: “*The movement of a person or a group of persons, either across an international border, or within a state. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes.*” (IOM, 2004, p. 41). Based on the cited definition of migration, the object of migration policy than should be “*any kind of movement of people, whatever its length, composition and causes*”. Currently, the movements of people across international borders attract more attention than the movements within the states. Baršová and Barša also define the term migration policy as „*policies focusing on direct or indirect regulation and management of population movements across international borders*” (Baršová & Barša, 2005, pp. 9-11; Vasile & Androniceanu, 2016). From this reason, international migration is meant when talking about migration in this paper.

Moreover, when defining migration policy, the next difficulty can be caused by non-existence of unambiguous “policy” interpretation. The term policy, in its broad sense, means “*a set of ideas or a plan of what to do in particular situations that has been agreed to officially by a group of people, a business organization, a government, or a political party.*” (Cambridge dictionary) Undoubtedly, policies are outcomes of political process; while the

policy process can be divided into four different stages: initiation, formulation, implementation, and evaluation (Heywood, 2004; Gallardo et al., 2016).

After linking both components of the term, it is possible to define migration policy as the result of the process comprising initiation and formulation of a plan to influence population movements including the implementation of the plan and its evaluation. Nevertheless, such general definition still cannot display the complexity of the migration processes properly and it needs to be further developed.

Most authors agree that the term migration policy is generally used to describe three areas of migration: immigration, asylum, and integration. We fully agree with Divinský who claims that the mentioned areas are closely connected (Divinský, 2005). However, some authors see asylum policy and/or integration policy as separate public policies, different from migration policy. In our opinion, these three areas cannot be treated separately since they are closely connected; they influence each other; as well as they are connected to and have extensive impacts on the same societies.

To understand correctly the creation and implementation of migration policy, it is necessary to identify the decision-makers in the whole process. When the main decision-maker is a government, such as in our case, we can talk about migration policy of respective states. Similarly, Kritz sees in migration policy „*the view of national states on population movements across their borders.*” (Kritz, 1987, p. 947) Heywood also points to the fact, that policies (in general) display the influence of the government on the society (Heywood, 2004).

Nowadays, decisions with the impact on population movements are often made within international organizations, so that we can talk about migration policy of respective international organization, as well. According to Štefančík, the migration policy also includes instruments which emerged as the result of cooperation among states in the process of regulation of the cross-border movements of people. Štefančík calls this area “foreign migration policy”; nevertheless, he admits that the acceptance of this area as a part of migration policy is questionable (Štefančík, 2011). Instruments which are developed and applied by governments of states are greatly influenced by international environment. According to Castles, the conflicts of interest between domestic and international politics may lead to migration policies with contradictory objectives or hidden agendas (Castles, 2004).

2.2 Categorizing instruments

The study of policy instruments dates from the early seventies: the classical approach to the study of policy instruments (1970 – 1985) was rooted in the instrumentalist school of thought; the instrument-context approach (1985 – 1995) was concentrated on the theory of policy instruments that would enable policy makers to select the appropriate policy instrument; finally, the contextual approach considers instruments to be one of the many variables in the policy implementation. Nowadays, probably the most popular classification of policy instruments has distinguished between three “families” of policy instruments: regulatory instruments – orders and prohibitions (e.g. licenses, permits); financial instruments (positive, e.g. grants, as well as negative, e.g. fees); and communicative instruments (positive – information, as well as negative – propaganda). These three groups of policy instruments are often referred to as “sticks, carrots and sermons” (Nispen, 2011).

When dealing with the instruments of the migration policy, we necessarily need to distinguish between different types of migration flows. Not to forget that the migration policy can be oriented differently towards distinct migration flows. To use very common example, migration policies are usually open towards immigration of high-skilled labour force on one hand, and the migration policy of the same government can be closed to low-skilled labour immigration on the other hand.

Therefore, we suggest dividing the instruments of migration policies in two basic groups: firstly, instruments which are applicable to influence any kind of migration flows; secondly, specific instruments

connected to particular type of migration. Both “universal”, as well as “specific” instruments are either applicable in short-term, medium-term or long-term perspective. Quite often, cultural values and norms are important and should be considered within this context (Čábelková & Strielkowski, 2013; Wróblewski, 2015). One can also divide the instruments of the migration policy according to the phases of the migration processes. Every process of migration has the phase “before the movement” or the “planning phase” which is closely connected with the causes of migrations; followed by “a phase of movement”; and finally, at least in case of permanent immigration, “integration phase”. In case of irregular immigration, the third phase of integration is replaced by “return”. Obviously, both suggested divisions can be combined as needed. Additionally, every process of migration comprises at least two countries. For the receiving country it is the immigration, and for the country of origin it is the emigration.

As already mentioned above, states do not only regulate immigration flows - sometimes they try to avoid outflow of their citizens, too. On the other hand, we found examples of states, which encouraged their own citizens or foreigners present on the state’s territory to emigrate in order to achieve some economic or foreign policy goals. As noted by Greenhill, this behaviour of states is known as coercive engineered migration defined as “*those cross-border population movements that are deliberately created or manipulated in order to induce political, military and/or economic concessions from a target state or states.*” An example includes the 1972 Idi Amin’s decision to expel 50,000 British passport-holders at the time that Amin was trying to convince the British to halt their drawdown of military assistance to his country; 1980 Mariel Boatlift of Cubans to the USA supported by President Castro aiming to settle housing and job shortages and internal tension on the island caused by the economic regression; or the Turkish support to emigration of thousands of Kurds to Italy in 1998 to gain Italian support for Turkish EU membership efforts (Greenhill, 2010).

3. INSTRUMENTS OF THE SLOVAK MIGRATION POLICY

Migration profile of the Slovak Republic has been changing constantly since the establishment of the sovereign state in 1993. The country has been transforming gradually and the previously prevalent trend of emigration of the Slovak citizens abroad was replaced by transit migration and immigration of foreign nationals to the state’s territory. However, Slovakia has never become main destination for the third-countries migrants and even the outbreak of the migration crisis in the EU has not changed the dominantly transit character of the state.

Most important milestones in the history of the modern Slovakia in terms of migration policy were the EU membership beginning on 1 May 2004 and joining the Schengen Area on 21 December 2007, which prompted introduction of new legislation in accordance with the law of the EU. The document *Migration Policy of the Slovak Republic – Perspective until the Year 2020* states that “*From the international point of view, the political and legal framework of the European Union has been, and it will remain also in the future, the determining basis for the Slovak Republic in respect of the migration policy due to the reasons given by the character of the EU membership.*” (EMN, 2017, p. 5) Moreover, the geopolitical location of Slovakia brought new obligation for the country – protection of the external border of the EU with Ukraine.

The share of foreign nationals in the population of Slovakia is still very low. Actually, it is one of the lowest within the EU member states. On the other hand, many Slovak nationals – mainly from the regions with a high unemployment rate, migrate abroad to engage in all forms of labour. Since Slovakia’s accession to the EU, the trend of labour emigration to other EU countries has continued, and today it is clear that these losses of productive labour force will have substantial demographic and social consequences in the future.

Concerning the general framework of the Slovak migration policy, laws – including the laws related to migration, are passed by the Parliament which is called the National Council, and signed by the President

of the Slovak Republic. The highest executive body is the Government. All of the thirteen Government's Ministries have at least a marginal relation to some aspect of migration. Nevertheless, the migration issues mainly fall under the auspices of the Ministry of the Interior who implements its agenda in the field of migration and asylum mainly through two bodies – the Migration Office and the Bureau of the Border and Aliens Police; the Ministry of Foreign and European Affairs, and the Ministry of Labour, Social Affairs and Family who e. g. establishes legal norms and determines legal regulations for employing foreigners, sets up criteria for the entry of different categories of foreign nationals into the Slovak labor market, including conditions for granting work permits, establishes legal norms regarding social care for foreigners, asylum seekers, repatriated persons, Slovaks living abroad, etc. (Bachtíková et al., 2012)

The direction of the migration policy for the next period (short to medium term) is commonly set by the Government through strategic documents. The current strategic document is the Resolution No. 574 - *Migration Policy of the Slovak Republic – Perspective until the Year 2020*, adopted by the Government of the Slovak Republic on 31 August 2011. In the following section we analyze its content. With regard to the scope of the paper, we focus exclusively on the identification and systematization of the instruments of the Slovak migration policy.

3.1. Content analysis of the strategic migration policy document

Concerning the structure of the document, except for the introduction and conclusion, the document is divided into seven parts. The first chapter deals with legal migration; the second chapter focuses on the integration of immigrants; the third chapter concentrates on the emigration of qualified labour force; and the focus of the fourth chapter is illegal migration, returns, and human trafficking. The content of the last three parts is focused on protection of borders; international protection and the migration-development nexus; and the last chapter is dedicated to institutions. In fact, we could not distinguish the reasoning for the order of the individual chapters, however, in our opinion, the chapters are not ordered according to the importance of the issues they are dealing with. The overall appearance of the document gives the impression that all of the subjects are considered equally important.

Neither the document as a whole, nor the respective parts reserve special space for the instruments of the migration policy. The instruments and measures are only mentioned as components of broader statements. Additionally, the character of the document (plan or concept) determines that the document contents only few examples of instruments or measures, which have been already implemented. Rather it focuses on proposals of instruments and measures which should be applied in the near future, to make the migration policy more efficient.

Despite of this fact, we have tried to identify as many of the instruments as possible. In the following overview, we will present the instruments contained in the document *Migration policy of the Slovak Republic – Perspective until the year 2020* in the structure suggested in the previous chapter of this paper.

Before movement

Slovakia as immigration country to attract immigrants:

- a. - Search and create preconditions (including “*an attractive environment for foreigners*”) for arrival of “talents” (i.e. highly qualified employees, scientific workers, and other qualified migrants in compliance with the needs of the national economy and labour market) in Slovakia. (Interestingly, in this context not only qualifications and competencies of migrants are stressed as important, but also the cultural proximity of the country of origin should be taken into consideration, as stated in the document.)

- Improve the collection and processing of data concerning the labour market, including regularly updated list of shortage professions. (Besides, development of activities in the area of residence eligibility, employment of migrants, business activities, education of migrants, and provision of health care to migrants are mentioned.) Except for the general reference to the state administration bodies which are responsible for individual areas, there are not mentioned any further guidelines for how to achieve this goal in the text.

Following instruments were identified in the second part of the “Legal migration” chapter; however, this part is focused on recommendations and not all of the stated instruments have been implemented, yet:

- Visa and residence permits (yet, this instrument can be considered also as a tool for limiting immigration).

It is necessary to stress out several measures in this context: coordination of activities; the use of information and communication technologies; improvement of language skills of the officers who are in direct contact with foreigners; creation of more flexible forms of entry and residence in respect to educational and economic activities (including the “au pair” issue); creation of the legal framework allowing seasonal work, temporary and circular migration, short-term forms, etc.

- Rules for qualified and highly qualified immigrants (in the form of so called “Slovak Card” – a modification of the EU Blue Card); implementation of the point system (similarly to the previous point; this instrument can be considered as a tool for limiting immigration, too).

- Regular analyses of the needs of the national economy and the possible economic contribution of immigrants, followed by the adoption of regulatory and control measures (which is, in our view, similar point to the previous one, new are “*the measures aimed at the motivation of the aliens who represent an asset for the Slovak economy*” (p. 7), with no further specification).

- Defining the rights and obligations of migrants (enable full-bodied status within society); application of equal terms and conditions of work, including wages and social security, in order to protect migrants. (Relates to all three phases.)

- Recognition of achieved education and qualification (prevention of the phenomenon of so called “brain waste”).

- Control of submitted documents (detection of forged documents – we could include this instrument to the next category, as well).

- Creation and implementation of the housing policy.

- Uplift of information about entry, residence, living and working conditions in Slovakia: creation of information and consultancy centres for migrants in the countries of their origin, an active involvement of consular offices, immigration portals of involved departments (we can include these instruments to the next category, as well).

b. Slovakia as immigration country to prevent unwanted immigration / to discourage immigrants:

Some of the instruments from this category had been already mentioned in the previous part of the overview, however, it is possible to identify more preventive instruments in the part dedicated to the fight against illegal migration and the fight against human trafficking and smuggling of migrants (in line with the *National Program of Fight against Human Trafficking*).

- Monitoring of employment agencies and regulation of their activities (granting of licences).
- Efficient international cooperation and information exchange.
- Raising of general awareness through information campaigns (possible risks and assistance).

All the instruments, due to the specific character of activities, are related to migration flows in both directions (trafficking and smuggling of persons to the Slovak territory, as well as trafficking and smuggling of Slovak citizens to foreign states), and they can be included to next category of instruments, too.

c. Slovakia as emigration country to avoid emigration:

According to the document, the Slovak Republic was not sufficiently prepared for the emigration of qualified labour force (i.e. people with tertiary education and shortage worker professions) from the state's territory. To improve the situation, the drafters of the document suggest preparation of the concept of migration for citizens who migrate to other countries and programs for integration for returnees, enabling the use of acquired knowledge, experience, skills and contacts. However, the document does not mention any specific instruments in terms of prevention of emigration.

Arrival

a. Slovakia as immigration country to let (or not to let) immigrants in:

The first above mentioned category of instruments is connected to all forms of legal immigration and we have already mentioned many of these instruments in the part dedicated to instruments to attract immigrants, which were derived mostly from the first chapter of the document dealing with legal migrations.

On the contrary, instruments to restrain immigrations are connected above all to illegal migration and human trafficking and these are included in the fourth chapter of the document. In this part of the document, the instruments are divided into preventive and repressive measures.

- It is stressed that the measures aimed at the fight against illegal migration are to be adopted in cooperation with the EU member states, transit countries, and countries of origin of migrants.
- The document mentions in particular adoption of legislative, organisational and administrative measures of control, as well as sanctions (e.g. in case of illegal employment of migrants).
- Important is the adoption of measures to increase security and protection of documents (e.g. implementation of technical means revealing forging), and security reviews of immigrants.

The issue of security is closely connected to the protection of borders which is contained in the fifth chapter. (The protection of borders should prevent illegal border crossings, but must not prevent an access to the forms of international protection – asylum and subsidiary protection.) In this chapter, again, the attention is not only paid to the instruments which have been already implemented, but also to the future tasks, such as:

- The need for definition of national plan for management of border control.

- Further development of the technical security system and application of modern technologies enabling interoperability of systems.

- Strengthening of cooperation with the other EU member states (including the cooperation among consular officers) as well as cooperation with the FRONTEX agency; issuing of biometric visas; and preparation of officers. (We consider the suggestion for the adoption of measures enabling the control of movement across the internal borders between the EU member states also mentioned in this part as an important point, anyway, such instrument is overreaching the competence of a single member state of the EU.)

- The will to make use of the potential of temporary and circular migration as well as the return policy within the elimination of illegal migration is clearly underlined in the final parts of the document.

Post-arrival – integration in Slovakia

- Control of immigrants, focusing on prevention of illegal residence, employment or business activities, was identified as an important instrument of the migration policy during their stay in the territory. (From our point of view, including of this instrument within the first chapter dealing with legal migration is not quite logical.)

Concerning the integration in the Slovak Republic, “*The Slovak Republic deems foreigners communities to be an integral part of the society and appreciates their contribution in the areas of economy, culture, education, and social issues.*” (p. 9). On the other hand, it is admitted in the next following lines, that the Slovak Republic “*inclines to an integration model*” expecting from migrants “*full acceptance of the current situation in the Slovak Republic*” (p. 9). The practical implementation of integration activities is carried out in compliance with *The Concept of Foreigner Integration in the Slovak Republic*, under auspices of the Ministry of Labour, Social Affairs, and Family of the Slovak Republic; while the aim of the efficient integration of immigrants is to “*eliminate their marginalization and increase their individual motivation to become integrated*” (p. 9).

- Coordination and interconnection of tools and measures is stressed out, which will enable immigrants to become a part of the labour market, learn the language, have an access to education, health care, social services, and housing; but also to have their specific cultural features recognized, and to obtain a legal status and the citizenship of the Slovak Republic, which will enable them to participate in the civic and political life.

- We could also identify statements in the document which point to the instruments of the integration policy in form of general formulations, such as “*preparation and creation of legislation, creation of departmental policies, legal regulations*”, etc. Yet, some of the instruments applicable within the integration policy are formulated more precisely, e.g. in the area of human rights and tolerance: “*the fight against discrimination and intolerance through the creation of a coordinated communication strategy that includes both the current and the new activities focusing on an increase in the awareness of the public, comprehensive cooperation with public service media and initiation of broad discussion as concerns both the contribution and negative impacts of integration of aliens*” (p. 9).

- The document formulates several other goals, such as: monitoring of migrant integration; (available, comparable, and compatible) data collection; implementation of the integration policy on the regional and local levels (including coordination of entities/organizations participating in the integration of immigrants); involvement of migrant associations and communities; and the last, but not least – extension of possibilities and forms of funding.

We consider granting of international protection to be unique part of Slovak migration policy.

- The Slovak Republic provides the protection in the form of asylum and subsidiary protection (provision of a temporary protection/shelter for de facto refugees), and it is declared in the document that Slovakia supports new forms of provisions of protection in reaction to new initiatives of the international community, as well.

Post-arrival – return

Regarding the return and re-integration of migrants in the countries of origin, the Slovak Republic declares compliance with the legislation and recommendations of the European Union, with emphasis on transparency and humanity. The Slovak Republic prefers assisted voluntary returns (in cooperation with non-governmental organizations and the International Organization for Migration) to forced returns; nevertheless, it pays attention to the “*consistent enforcement of judicial and administrative expulsions*” (p. 12).

- Readmission treaties are very important tool concerning both – the assisted voluntary returns, as well as the forced returns of irregular immigrants.

It is quite understandable from the text of the document that interconnecting of migration policy with other policies (especially development policy and employment policy) is very important. Yet, it is also stressed out that development cooperation represents only one of the tools supporting limitation of unwanted immigration.

There are two levels of institutions mentioned in the document – international and national; while on the national level, these include all bodies and institutions “*having the contact with migration*” – ministries, higher territorial units, self-governments of towns and villages, trade unions, associations, religious groups, academia, non-governmental organisations, etc. It is admitted in the document that, currently, there is no unified interdepartmental body allowing fulfilment of the tasks related to implementation of the migration policy of the Slovak Republic from one centre, however, creation of such centre (Immigration and Naturalization Office) is planed (but still not in place). So far, the coordination between institutions dealing with migration is provided by the Steering Committee for Migration and Integration of Foreigners.

3.2. Inquiry

With regard to the European Migration Network’s (EMN) study *The Organisation of Asylum and Migration Policies in the Slovak Republic* (December 2008, updated in May 2010, July 2012 and July 2014), we identified three governmental institutions as the most important stakeholders regarding creation and implementation of the Slovak migration policy: the Ministry of Interior; the Ministry of Foreign and European Affairs; and the Ministry of Labour, Social Affairs and Family. With an aim to compare the content of the key strategic document of the Slovak migration policy and its practical application, we addressed these institutions with two questions via electronic means of communication. The questions were formulated as follows: 1. Which instruments do you consider to be the main instruments of the Slovak migration policy? (In general, or in relation to different types of migration.); 2. Which other instruments of influencing migration flows can be identified within the implementation of the Slovak migration policy? We did not address the questions to any specific organisational unit within the Ministries deliberately, so that the institutions were free to detect responsible units within their structure to respond to our queries by themselves. We received three answers: two answers from the Ministry of Interior – from the Migration Office and from the Bureau of Border and Alien Police of the Presidium of the Police Force, and one answer from the Ministry of Labour, Social

Affairs and Family – from the Migration and Integration of Foreigners Section at the Department of International and European Affairs. We did not receive any answer from the Ministry of Foreign and European Affairs.

The Migration Office - Department of Migration and Integration

The most comprehensive response came from the Department of Migration and Integration of the Migration Office. Since the Migration Office deals in particular with asylum, their answers were focused on this specific type of migration. Concerning the first question, the instruments of the migration policy were divided into two groups:

1. Legislation. The *Act on Asylum* was mentioned as the most important law in this area. The legislation was described as “*flexible instrument of migration policy*”, and the harmonisation with the European legislation was stressed out in this context. On the other hand, the integration of persons with granted international protection was described as less covered by the legislation – the *Act on Asylum* deals with this issue only partially. An information was added, that currently, the *state integration programme for persons with granted international protection* is under preparation which would expect engagement of another three important government departments: The Ministry of Education; The Ministry of Labour; and The Ministry of Health; because housing, education (including learning of the Slovak language), and employment are considered to be the most important areas of integration.

2. Financing. Economy and finances were indicated as one of the most important factors for accepting immigrants, which is visible in case of persons with granted international protection more than in other cases. Usually, such persons come to the receiving country with no financial sources, and the financial support is therefore an important part of integration. In this context, not only financing from the state budget, but also from the EU sources was marked as significant.

The Migration Office is responsible for the entire asylum procedure which is in the first phase connected to the stay of asylum seekers in facilities for asylum seekers. In the next phase, after granting asylum or other forms of international protection, refugees’ integration program continues. Integration projects are implemented by non-governmental organisations, the Migration Office oversees the whole process.

Concerning the second question about other instruments influencing the migration flows, the border protection and dealing with illegal immigration were identified, as well as the cooperation with the other EU member states. In relation to the border protection, we were directed to the Bureau of Border and Alien Police.

The Bureau of Border and Alien Police

As already mentioned above, the Bureau of Border and Alien Police was also one our respondents. Yet, their answer was rather brief and unspecific, restricted to citation of several lines from the official legislative documents without explanation of any own standpoints or practical measures. The Bureau of Border and Alien Police pointed to the fact that (based on the document *Migration policy of the Slovak Republic – Perspective until the year 2020*) the main coordinator of the Slovak migration policy is the Migration Office. As such, the Migration Office develops *Action Plans of Migration Policy*, usually for two-year periods. Action plans are schedules of tasks in respective areas of migration policy, which are expected to be implemented by respective subjects/institutions. Consequently, the Bureau of Border and Alien Police, in line with the *Action Plan of Migration Policy*, fulfils tasks which can be described as “*instruments influencing the migration policy*”

of the Slovak Republic, which may subsequently result in a change in migration flows". The core of their tasks is "the legitimate regulation of the foreigner's regime and the integration of foreigners in the Slovak Republic".

The Ministry of Labour, Social Affairs and Family

The answer of the Ministry of Labour, Social Affairs and Family also confirmed that the main governmental institution in charge of the migration policy in the state is the Ministry of Interior of the Slovak Republic. On the other hand, they confirmed that the Ministry of Labour, Social Affairs and Family is the main actor of the integration policy. From this statement, it is possible to deduce that in their view, the integration policy is considered to be a separate policy, different from the migration policy. They directed our attention to the "key document in the area of integration of foreigners", which is *The Integration Policy of the Slovak Republic*.

After receiving this incomplete answer, we contacted the ministry again, pointing to the fact that the Ministry of Labour, Social Affairs and Family is also responsible for the area of employment of foreigners in the Slovak Republic. After this intervention, the answer from the ministry was more elaborated: firstly they quoted the respective parts of the document *Migration Policy of the Slovak Republic – Perspective until the year 2020* dealing with (legal) labour immigration and integration of foreigners (the need for human capital because of the negative demographic developments; an active and flexible management of receiving of foreigners corresponding with the needs of the national economy and the labour market; employment as one of the most important factors of immigrants' integration in society). Consequently, they briefly pointed to the existence of the action plans.

In the second part of the answer from the ministry, specific instruments of migration policy in the area of labour immigration were mentioned, as well. Examining the labour market situation was identified as the main principle in management of labour immigration, with introduction of a particular example of *labour market testing*, which means that foreigners from the third countries who want to enter Slovak labour market need to undergo the test of labour market – before the work permit is issued, it needs to be proven that there are no qualified unemployed Slovaks suitable for the positions, and the current (and also near future) situation on the labour market is taken into consideration. *Act No. 5/2004 on Employment Services* is relevant in this context.

Inflows and outflows of third country nationals as well as EU citizens on the Slovak labour market are monitored on the monthly basis. Until now, their intensity was marked as "slight" and from this reason, the impact of labour immigration on Slovak labour market is currently not deeper analysed by the authorities. Nevertheless, the results of the project *Prognosis of Labour Market Development* implemented by the Central Office of Labour, Social Affairs and Family predicted the prognosis of particular insufficient professions till 2019. Therefore, we do not consider the statement of the Ministry up-to-date, especially concerning the latest development of the public discussion in regard to opening of the Slovak labour market for the third-country nationals.

Bilateral and multilateral treaties were also mentioned as instruments of migration policy in the area of labour migration. And last but not least, Slovak laws have been changed due to transposition of the EU legislature, e.g. from 1 May 2017 new law came into force which changes and amends *Act No. 404/2011 Coll. On Residence of Aliens* as a consequence of the transposition of two EU directives – the *Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers* and the *Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer*.

4. CONCLUSIONS AND DISCUSSIONS

The Slovak republic forms its own migration profile by regulating quantity and character of people coming into its territory by means of allowing or restricting their entry to the country; creating legislative pre-conditions regarding the stay of foreigners on the state's territory; their employment and also their integration into the Slovak society. On the other hand, the measures to prevent undesired emigration are much more limited. The most effective way assumes creation of a positive economic environment able to offer adequate financial assessment to the qualified workforce and thus, prevent them from leaving the country. Yet, this is undermined by a set of economic and political factors, as well as international economic development, which cannot be changed by a single legislative act of the government.

The key strategic document of the Slovak migration policy does not include an individual separate part dealing with the instruments of the migration policy. Therefore, the identification of particular measures and instruments used by Slovakia to reach its goals in the area of migration is possible only by deducing and merging respective sections of the document, as well as statements of the representatives from the selected governmental ministries and institutions. A detailed analysis of the document indicates, that the formal framework of the migration policy instruments in Slovakia is quite complex. Although there is no separate part of the document that would include a list of all instruments used in the country, we were able to identify particular instruments for every phase of the migration movement (i.e. in the sending countries, in the phase of transit, but obviously most intensively, while crossing the Slovak borders and staying on the Slovak territory) and classify them in line with the introduced scheme. However, not all of the three families of instruments ("sticks, carrots and sermons") are represented to the same extent, as the regulatory instruments outweigh the positive financial and communicative ones.

Non-existence of the logical classification of the instruments of migration policy in the document may be one of the reasons of their ineffective application in the day-to-day running of the migration policy in the Slovak Republic. Despite the fact, that the respondents were asked not only about the most important instruments of the Slovak migration policy, but also about the other instrument they are able to identify; the relevant actors mentioned only several instruments applicable in the country out of dozens included in the analysed strategic document, which is visible when comparing the answers with the aforesaid table. Following the time frame of the document (until 2020), it is regularly specified by more precise Action plans, which include more detailed measures applied in the Slovak environment.

Concerning the implementation of the Slovak migration policy, we have identified the Ministry of the Interior of the Slovak Republic as the key actor. It is probably connected to the fact that the security aspects of migration flows (mainly border protection against irregular immigration) and asylum (which is also under the auspices of the Ministry of Interior) have been always perceived as the central parts of the Slovak migration policy. Nowadays, the situation has been changing, and the immigration of the workforce from the third countries is being more and more the topic of discussions. In our opinion, this might cause a significant shift of priorities in a short-term horizon.

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