Chapter 25

Migrants' Access to Social Protection in the Slovak Republic

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25.1 Overview of the Welfare System and Main Migration Features in the Slovak Republic

This chapter aims to analyse the social protection system in the Slovak Republic. In doing so, it offers an overview of the conditions of access to different social benefits (health care, unemployment, pensions, family benefits and guaranteed minimum resources) of national residents, non-national residents and non-resident nationals.

25.1.1 *Main Characteristics of the National Social Security System*

After 1989, the Slovak Republic faced important challenges related to the transformation of the socialist economy into a market-based economy and the change of the socialist social welfare system into a modern social security system. The country not only had to build a concept of social policy and define the specific state policies towards particular social groups, but it also had to define the main role of citizens' social needs in the social policy of the new state.

The social security system in the new Slovak Republic struggled to respond to changing socio-economic conditions derived from the transition to a market-based economy, and to properly address ongoing societal and demographic changes. The main aim of the transformation of social policy was to create a socially fair social security system based on citizens' personal participation, social solidarity and state guarantee. It was assumed that through economic activity, citizens would be able to

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provide for themselves, although the state's support was also expected in specific circumstances. Moreover, basic living conditions in case of material and social need also had to be ensured in accordance with the Slovak Constitution. During the 1990s, the development of the social policy was marked by the adoption of several conceptual documents, including the Social Reform Scenario (1990), the Rescue Social Network (1990) and the Concept of Transformation of the Social Policy (1996).¹ Between 1993 and 1998, the Government pursued an economic policy strategy of a gradual approach, while new institutions were created in the field of social policy (the Social Insurance Agency, the National Labour Office and a complex system of health insurance companies).

The Ministry of Labour, Social Affairs and Family continued this process of reforms and systemic changes in 2002, with new initiatives being launched on the basis of the "Strategy for promoting employment growth through changes in the social system and labour market". The year 2004 marked the last important social policy transformation in Slovakia, leading to the establishment of state administration bodies and the adoption of a series of new key legislative acts and measures.

Regarding the sickness and pension systems (designed during the 1950s and 1960s), the reform concentrated mainly on their financial and institutional management; and the decisive factor in the transformation of the existing social welfare system into a public social insurance system was the comprehensive tax reform of 1st of January 1993. As part of social security, a substantial share of the social assistance system for families with children was also implemented. These were elements of direct financial assistance based on a system of benefits, indirect aid, in-kind assistance and services. Social welfare included the provision of benefits in cash, in kind, and social welfare services, including institutional welfare, to citizens in vulnerable situations who were unable to provide for themselves.

The current social protection system in Slovakia comprises social insurance and health insurance system, state social support benefits and material need assistance. These three subsystems differ from each other in terms of the principles on which they are built, the type of coverage for specific risks, and their funding and management procedures. The Slovak public health insurance system includes all benefits in kind provided under the mandatory social security system that do not fall within the sphere of private health services, i.e. services for which the patient pays the doctor directly. It is a universal public healthcare scheme for all residents, funded by compulsory insurance contributions paid by employees, employers, and the self-employed.

The social insurance system covers all employees and self-employed individuals² and comprises:

- the sickness insurance against loss or reduction of income for health reasons, providing income in case of temporary loss of working capacity, pregnancy and childbirth;

¹Ministry of Labour, Social Affairs and Family of the Slovak Republic (1996). Concept of Transformation of the Social Policy of the Slovak Republic.

²Police officers, career soldiers and recruits have separate provisions for social protection.

- the pension insurance, including the old-age insurance (that guarantees an income for the elderly and pays pensions to survivors of deceased beneficiaries) and the invalidity insurance (that guaranteed a pension in the event of reduction or loss of a beneficiary's ability to engage in gainful employment or self-employment due to long-term health problems, and upon his/her death);
- the occupational injury insurance, covering damage to health or death following an accident at work, an injury in the performance of one's duties or an occupational disease;
- the unemployment insurance, providing insurance against loss of income in case of unemployment and ensuring an income to persons who lose their job;
- the guarantee fund, protecting an employee against the risk of an employer's inability to honour his/her commitments and paying old-age insurance contributions due by the employer to the basic old-age savings plan (Bednárík 2018).

The Slovak mandatory pension insurance regime is based on two foundations: the mandatory old-age insurance regime with defined contributions financed by redistribution and managed by the Social Insurance Agency (thereinafter SIA); and the mandatory pension savings system with defined contributions financed by capitalisation and managed by private pension fund management companies. The pension plan is based on savings invested in an individual account intended, together with the old-age insurance provided by the relevant legislation, to guarantee an income to the beneficiary in retirement or to his/her descendants in case of death.

The role of state social support is to provide targeted support to individuals or families (usually with dependent children). It provides family-related cash benefits and death grant which are financed by the state budget. All state social support benefits are non-contributory cash benefits (Gejdošová 2012). On the other hand, social assistance is used in situations where other resources that could help individuals or families to overcome a life-threatening situation are not available and citizens are unable to overcome this unfavorable situation by themselves. The social assistance scheme provides material need assistance, including benefits in cash and kind granted in cases of serious financial difficulties through the Labour, Social Affairs and Family Office (OLSAF) or local authorities/municipalities.

25.1.2 Migration History and Key Policy Developments

In August 2011, the Slovak Government approved a medium-term strategy in the area of migration.³ Covering the period until 2020, this policy strategy mainly aims to create adequate conditions for the reception and integration of migrants in the area of legal migration; strengthen the effectiveness of border control and fight against illegal migration; contribute to the adoption of a unified European asylum

³The migration policy of the Slovak Republic with a view to 2020 (2011). Ministry of Labour, Social Affairs and Family of the Slovak Republic. <https://www.employment.gov.sk/sk/informacie-cudzincov/dokumenty/>. Accessed 10 March 2019.

system; and participate in the development of global partnerships with countries of origin and transit. The implementation of this migration policy is based on the coordination between state authorities, local state administration bodies, and self-governments and it assumes a wide involvement of non-governmental actors developing activities in this area.

The current demographic developments show that the Slovak labour market and the system of social security are significantly dependent on the inflow of human capital from abroad. The basic criterion for the acceptance of foreigners within the controlled economic migration is their potential for the development of the Slovak economy, with certain preferences for migrants from culturally related countries and those having the necessary qualifications and competencies to satisfy labour market shortages.

Slovakia is not a traditional country of destination for migrants. It is a culturally homogeneous country which was not been affected by the dramatic increase of migration during the twentieth century. Until recently, Slovakia was almost exclusively a country of emigration, although the accession to the European Union (EU) started to change this pattern. Since 2004, legal migration to Slovakia has increased more than five times, from 22,108 migrants in 2004 to 121,264 in 2018. Although Slovakia registered the second highest increase of the foreign population across all EU countries during the period 2004–2008, the share of foreigners from the overall population still remains quite low - 2.2%. In fact, only Bulgaria, Croatia, Lithuania, Romania and Poland have lower proportions of foreigners in the total population.⁴

Despite of that, Table 25.1 shows that the number of foreigners residing in Slovakia has constantly increased since 2015; and in 2018, the number of third-country nationals living in Slovakia was even higher than the number of foreigners originating from other EU Member States.

During the period 2014–2017, most residence permits issued for third-country nationals were granted to nationals of Ukraine, followed by citizens of Serbia, Vietman and Russia, respectively (Table 25.2). Given the increased proportion of Serbian nationals working in Slovakia, especially in low-qualification jobs in manufacturing, the Slovak Republic and Serbia signed a Protocol on mutual cooperation on work and employment in November 2017.

Table 25.1 Foreigners with residence permits in Slovakia (2015–2018)

	31.12.2015	31.12.2016	31.12.2017	31.12.2018
Third-country nationals	35,261	41,232	50,395	65,381
EU nationals	49,526	52,015	54,056	55,883
Total	84,787	93,247	104,451	121,264

Source: Statistical Overview of Legal and Illegal Migration in the Slovak Republic, Presidium of the Police Force Bureau of Border and Foreign Policy, data extracted from the Statistical Overview in 2016–2018 on 22.03.2019. Available at: <http://www.minv.sk/?rocenky>

⁴International Organization for Migration. Migration in Slovakia. <https://www.iom.sk/en/migration/migration-in-slovakia.html>. Accessed 19 March 2019.

Table 25.2 First residence permits granted in Slovakia: top three non-EU nationalities (2014–2017)

2014	2015	2016	2017
Ukraine (1592)	Ukraine (3340)	Ukraine (3016)	Ukraine (4286)
Serbia (830)	Serbia (1394)	Serbia (2076)	Serbia (4140)
Russia (494)	Syria (899)	Russia (743)	Vietnam (1114)

Source: Eurostat migration statistics (mig_resfirst), data extracted from the Factsheet – Slovak Republic – 2017 on 22.03.2019

Three ministries have competencies in terms of migration management: the Ministry of Interior, the Ministry of Foreign and European Affairs, and the Ministry of Labour, Social Affairs and Family. The Central Office of Labour, Social Affairs and Family coordinates and directs the work of 46 subordinate regional labour offices that are responsible, among others, for granting work permits to foreign residents. Granting residence permits, registering residence and detecting and preventing illegal migration is overseen by the Aliens Police Departments of the Bureau of Border and Alien Police of the Police Force Presidium. As for entry procedures, the legislation distinguishes between temporary residence and permanent residence.⁵ A temporary residence is generally granted for a period exceeding 90 days for different reasons (including employment, business, study, research and development, family reunification, etc.). On the other hand, the Act on Residence of Aliens differentiates between permanent residence for five years, permanent residence for unlimited period and long-term residence. The permanent residence for five years is mainly granted for the purpose of family reunification or if it is in the interest of the Slovak Republic. A foreigner may also apply for tolerated stay for specific purposes defined by the law. Moreover, it is important to highlight that all foreigners entering Slovakia have the obligation to report their place of stay in Slovakia at the Department of Foreign Police. EU citizens and their family members are obliged to report their stay no later than 10 working days, while third-country nationals must do so within three working days from the date of entry in Slovakia.⁶

Foreigners' access to the labour market consists of two steps: obtaining a work permit and subsequently a temporary residence permit for the purpose of employment. A work permit is not required if the foreigner holds a permanent residence permit, a temporary residence permit for the purpose of family reunification for more than 12 months, for the purpose of study or if he/she maintains the status of a Slovak living abroad. Given the lack of qualified workforce in several professions in the Slovak labour market, a simplification of the conditions for hiring third-country nationals was proposed in 2017 for sectors with ongoing labour shortages, and for

⁵The Organisation of Asylum and Migration Policies Factsheet: Slovak Republic. EMN study on Organisation of Asylum and Migration Policies in the Slovak Republic and was updated in February 2016. https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/slovakia_en. Accessed 19 March 2019.

⁶Ministry of Interior of the Slovak Republic. Residence of an Alien. <https://www.minv.sk/?reporting-residence>. Accessed 10 February 2018.

districts with registered unemployment rate lower than 5%. The list with ongoing labor shortages for districts concerned was elaborated and is updated and valid for limited time period. The approval of proposed measures is extended in 2018 and 2019.

25.2 Migration and Social Protection in the Slovak Republic

25.2.1 Unemployment

The unemployment benefit is a contributory benefit provided from the unemployment insurance (there is no special unemployment assistance scheme in Slovakia). The benefit is granted to unemployed individuals who have paid unemployment insurance contributions for at least two of the four years preceding their registration as jobseekers. The character of the employment or the reasons for its finalisation does not affect the entitlement to the unemployment benefit, its amount or the duration of payment. Unemployment benefit is paid for maximum six months. Provided that all eligibility criteria are met, the beneficiary will receive an unemployment benefit equal to 50% of the daily assessment basis. The unemployment benefit is provided by SIA and communication with local OLSAF regarding registration and availability for work is very important. Beneficiaries lose the right for unemployment benefit payment when they are removed from the jobseekers' register for non-cooperation with OLSAF, illegal work or the granting of an employment permit abroad. They can re-enter the jobseekers' register six months after the date of removal from the register.⁷

Foreigners residing in Slovakia are entitled to receive unemployment benefits under the same conditions as national residents. EU foreigners also need to register with the Department of Foreign Police. According to EU regulations, if a person who receives an unemployment benefit under the legislation of the Slovak Republic moves to another EU country to seek for a job, he/she shall retain the unemployment benefit entitlement if before leaving, is registered in the jobseeker's list for at least four weeks. Another condition is that the person asks to be registered with the employment services of the EU country in which he/she is seeking job within seven days. The insurance system is based on contributions paid by insured persons independently of their nationality. While receiving unemployment benefits, nationals and foreigners may leave Slovakia temporarily after communicating their stay abroad to OLSAF and SIA. Nationals residing in non-EU countries cannot access unemployment benefits or employment services from Slovakia.

As for the bilateral social security agreements signed with the three largest countries of origin of foreigners in Slovakia and the three largest countries of destination

⁷Central Office of Labour, Social Affairs and Family. Employment Services. http://www.upsvar.sk/sluzby-zamestnanosti.html?page_id=213. Accessed 10 February 2018.

of Slovak nationals abroad, it is worth mentioning that the agreements with Ukraine, Australia, the United States of America (USA), and Canada do not cover unemployment benefits. However, the agreements with Serbia and the Union of Soviet Socialist Republics allow for an aggregation of insurance periods and ensure equal treatment.⁸

25.2.2 *Health Care*

All persons who have permanent residence in Slovakia or are self-employed or employed in Slovakia although they do not have permanent residence can access the healthcare system based on their insurance. The access to the health care system is granted once individuals present their health insurance card. Everyone with public health insurance has a national insurance card or the European health insurance card. Healthcare benefits are provided by medical services providers attached to the health insurance funds. This universal healthcare scheme is funded by compulsory contributions and state subsidies. In some cases, co-payments are required from insured individuals. Everyone has the right to emergency healthcare provided by a physician or a healthcare facility provider of their choice, regardless of whether they have public health insurance or not. However, the hospital or the physician has the right to demand the direct payment of incurred costs from patients. EU nationals and non-EU foreigners with permanent residence enjoy equal treatment with Slovak nationals as regards to the right to access healthcare (provided they are insured). In the case of EU foreigners, the principle of coordination of social security systems set out in the EU regulations in the field of healthcare applies.

Cash benefits in case of sickness are granted to nationals and foreigners living in Slovakia, who are temporarily incapacitated for work due to an illness or injury, have sickness insurance as employees or self-employed or are voluntarily insured in case of sickness. Self-employed individuals can access sickness cash benefits if they are compulsory insured and paid insurance contributions for the last five years. Individuals who are voluntarily insured can claim sickness benefits if they have been insured for 270 days in the last two years. The sickness benefit amount is determined based on income and it is paid by the employer during the first 10 days and afterwards by SIA. The benefit is paid for a maximum of 52 weeks. Resident EU and non-EU foreigners can access sickness cash benefits under the same eligibility conditions as national residents. The access to sickness cash benefits for nationals living in non-EU countries is limited, as they risk not to obtain the required insurance period for entitlement. Citizens living in other EU countries enjoy equal treatment with nationals of those countries. Nationals residing abroad have to meet the

⁸Ministry of Labour, Social Affairs and Family of the Slovak Republic. Bilateral agreements on social security. <http://www.employment.gov.sk/sk/ministerstvo/medzinarodna-spolupraca/euop-ska-unia/zmlu-vy-socialnom-zabezpeceni/>. Accessed 10 February 2018.

same conditions as resident citizens for entitlement to sickness cash benefit in accordance with the Slovak legislation.

As for invalidity benefits, an invalidity pension is granted to insured individuals who are unable to engage in gainful activity in the long term as a result of unfavourable health conditions. The law considers as disabled any person whose health is chronically impaired, resulting in a permanent loss of working capacity of at least 40%, whereas full invalidity is defined as the loss of working capacity for more than 70%. The invalidity pension amount is the same as for an old-age pension, it only differs in the degree of disability (between 41% and 70%). The amount of the disability pension is based on the period of insurance. There are no restrictions regarding the export of invalidity benefits and beneficiaries may leave Slovakia while receiving an invalidity pension. EU and non-EU foreigners can receive an invalidity pension from Slovakia under the same eligibility conditions as national residents. Nationals residing in other EU countries have to meet the same conditions for entitlement to invalidity insurance benefit as citizens residing in Slovakia. In the case of nationals living in non-EU countries, their access to invalidity benefits from Slovakia is limited due to the risk of not meeting the necessary requirements regarding years of insurance.

In terms of coverage of healthcare in social security agreements, the agreement with Ukraine does not cover healthcare, but it does cover invalidity and sickness cash benefits. The agreements with Serbia and the Union of Soviet Socialist Republics offer access to healthcare, invalidity and sickness cash benefits. The agreements with the USA and Canada offer only access to invalidity pensions, whereas the agreement with Australia does not cover any of these health-related benefits.

25.2.3 *Pensions*

An insured person is entitled to an old-age pension under the mandatory social insurance system if he/she has at least 15 years of insurance and reached the retirement age of 62.⁹ Mandatory and voluntary periods of affiliation count equally as insurance periods. Periods of exemption from payment of pension insurance contributions for one of the reasons accepted by the social legislation (e.g. temporary incapacity, maternity leave, the first 10 days of caring for a family member, etc.) are also taken into account. The Slovak legislation does not prohibit old-age pensioners from engaging in gainful employment. There is no public non-contributory pension scheme in the country.

EU foreigners can enjoy equal treatment with Slovak nationals in terms of access to an old-age pension. Non-EU foreigners enjoy equal treatment with Slovak

⁹Ministry of Labour, Social Affairs and Family of the Slovak Republic. Social Insurance and Pension Scheme. <http://www.employment.gov.sk/sk/socialne-poistenie-dochodkovy-system/>. Accessed 15 March 2018.

nationals only if they originate from a country that has signed a bilateral social security agreement with Slovakia covering old-age pensions. Those receiving a pension from Slovakia may live abroad. Non-resident nationals are required to meet the same conditions for entitlement to an old-age pension as citizens residing in Slovakia.

The social security agreements with Ukraine, the Union of Soviet Socialist Republics, Serbia, the USA, Australia and Canada cover access to old-age pensions by providing for aggregation of insurance periods and equal treatment.

25.2.4 *Family Benefits*

There are several types of family-related benefits in Slovakia. The maternity benefit is a benefit from compulsory sickness insurance scheme for employees and self-employed.¹⁰ The amount of maternity benefit depends on beneficiary's income. There is no specific scheme for paternity benefits, but fathers may also receive the maternity benefit. Family benefits are non-contributory benefits provided from the State's social support scheme and financed from general taxation. Their amount does not depend on the income of the beneficiary or the child's age. The child benefit is paid to parents independently if they are employed, self-employed or unemployed. The parental allowance is paid in two levels. The amount depends on whether prior to applying the beneficiary was paid maternity benefit. EU citizens and nationals of non-EU countries that have signed bilateral agreements with Slovakia covering access to maternity and family benefits have the same rights with regard to maternity and family benefits as nationals of Slovakia.

The maternity benefit is granted to all insured women who have paid 270 days of contributions in the last two years. The maternity leave lasts 34 weeks (37 weeks for single mothers and 43 weeks for multiple births). The maternity leave cannot be less than 14 weeks and must include the first six weeks after childbirth. The benefit is paid by SIA through the social insurance scheme for employees, the self-employed and voluntarily insured persons. EU and non-EU foreigners living in Slovakia enjoy equal treatment with Slovak nationals in terms of accessing the maternity benefit. Nationals residing in other EU countries have to meet the same conditions for entitlement to maternity benefit as citizens residing in Slovakia. Nationals residing in non-EU countries have limited access to maternity benefit (no aggregation).

The parental allowance¹¹ is paid to parents for the education and maintenance of children under the age of three (up to the age of six, in case of long-term unfavourable health conditions of a child). This is a two levels flat-rate benefit for all residents with children. Parents can work full time or part time while receiving the

¹⁰ Ministry of Labour, Social Affairs and Family of the Slovak Republic. Family and Social Assistance. <http://www.employment.gov.sk/sk/rodina-socialna-pomoc/>. Accessed 15 March 2018.

¹¹ Central Office of Labour, Social Affairs and Family. Social Affairs and Family. http://www.ups-var.sk/socialne-veci-a-rodina-2.html?page_id=237. Accessed 10 February 2018.

parental allowance. Eligible groups for parental allowance are residents or persons temporary staying in Slovakia who are parents, adoptive parents, are exercising substitute care, or are the spouse of the child's parent and sharing the same household. The amount of the parental allowance depends on the beneficiary's economic status. All EU and non-EU foreign residents enjoy equal treatment with nationals regarding entitlement to parental allowance. Nationals residing abroad may also receive this allowance from Slovakia if they meet the same conditions for entitlement as resident nationals.

Finally, the child benefit is paid to anyone providing for the education and maintenance of a dependent child. The entitled person must be permanent or temporary resident in Slovakia. Child benefit is a flat-rate benefit paid monthly for each dependent child until the end of compulsory school, 16 years, maximum up to 25 years. All EU and non-EU foreigners residing in Slovakia have access to the child benefit under the same conditions as national residents. To receive this benefit from Slovakia, nationals residing abroad have to meet the same eligibility conditions as national residents.

The social security agreements with Ukraine, the Union of Soviet Socialist Republics and Serbia offer access to the maternity insurance benefit to the nationals of these countries residing in Slovakia. However, the agreement with Ukraine does not cover access to the parental allowance and child benefits, whereas the agreements with the USA, Canada and Australia do not cover family-related benefits.

25.2.5 Guaranteed Minimum Resources

In Slovakia, the assistance in material need is a universal, non-contributory scheme financed by taxation, whose aim is to ensure a minimum income for those unable to maintain their basic living conditions. The assistance is granted on the basis of a subjective right (non-discretionary) as a means-tested benefit provided to persons residing in Slovakia who are in a situation of material need, i.e. when their income is lower than the subsistence minimum and they cannot secure an income themselves. The amount received varies according to the family composition. EU nationals and non-EU citizens are entitled to stay in Slovakia for more than three months if they have sufficient financial means so that they do not become a burden for the social assistance system. Non-resident citizens do not have access to this benefit from Slovakia. The social security agreements with Ukraine, Serbia, the USA, Canada, and Australia do not cover the area of social assistance benefits. However, the agreement with the Union of Soviet Socialist Republics offers access to the benefits from the material need assistance system to the nationals of this country residing in Slovakia.

25.3 Conclusions

In the Slovak Republic, the basic legal framework guaranteeing citizens' social rights is the Slovak Constitution which enshrines a number of social rights and social assistance. Every citizen in a socially disadvantaged situation has the right to such assistance to ensure basic living conditions. The social assistance benefits and the state social support system are pillars for combating social exclusion and social inequalities. The system applies the principle of solidarity with those who are in specific situations heavily relying on certain form of help and have also strong merit component and personal participation especially in the field of social insurance.

As shown in this chapter, the Slovak welfare system is based on social and health insurance, state social support – in principle, financial support for families with children and social assistance, in particular, material need assistance, allowances for compensation of social consequences of severe health disability and social services. The social protection system is based on aggregation of insurance periods, as well as the principles of equal treatment and protection against discrimination on grounds of nationality.

Social insurance benefits depend on the length of payment and the amount of social security contributions. The social insurance system is open for all insured individuals regardless of their nationality and it covers sickness, maternity, paternity, unemployment and invalidity benefits, as well as old-age pensions, survivors' benefits and benefits for accidents at work and occupational diseases. The health-care insurance system is based on the principle of solidarity even though in some cases, co-payments are required. The benefits within the state social support system are also provided to all persons regardless of their nationality. Currently, the state social support system includes the child benefit and supplement, the parental and childcare allowance, as well as birth grants. As for social assistance, this scheme is defined in Slovakia as the last safety net for those who are not able to ensure their living standards by themselves. Measures in the social assistance areas reflect specific national conditions and are fit and oriented to specific groups of beneficiaries. In this specific policy area, Slovakia allowed to introduce provisions that can limit the access to social assistance benefits of EU or non-EU foreigners. Furthermore, the social assistance area is not generally covered by bilateral social security agreements and not available to non-resident nationals.

The accession of the Slovak Republic to the European Union has had a significant impact on the country's economic policy and social security system. The EU membership also led to new challenges in terms of how to adapt the domestic social protection system to the free movement of the persons guaranteed in the EU. The legal conditions defined in the national legislation and the principle of equal treatment derived from the European social security coordination and bilateral agreements are applied for all beneficiaries or persons concerned in Slovakia. The coordination rules ensure that all EU foreigners and their family members enjoy equal treatment as regards to the access to social security benefits in Slovakia. On the other hand, nationals residing abroad in countries not covered by bilateral agreements with Slovakia often may have limited or no access to social protection from Slovakia.

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