Chapter 25

Diaspora Policies, Consular Services and Social Protection for Slovak Citizens Abroad

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25.1 Introduction

This chapter provides an overview of Slovak diaspora policies, by focusing on the main features and developments of policies in the area of cultural protection and identity building through education. It shows that the country's diaspora policy programs have given priority to educational and cultural engagement of ethnically defined Slovak nationals residing abroad. In particular, the chapter highlights how Slovakia's policies for citizens abroad are characterized by a focus on improving the knowledge of national culture and language of citizens abroad and are driven by symbolic ties between diaspora and homeland.

25.2 Diaspora Characteristics and Home Country Engagement

The issue of Slovaks living abroad has never been discussed in detail in Slovakia. The approach towards Slovaks living abroad, both at institutional and non-institutionalized levels, is influenced by the protection of the ethnicized Slovak primary group, no matter where Slovaks live and what is their recent citizenship status. Legal norms dealing with "foreign Slovaks" have been changed twice - after Hungary passed the Law on Hungarians living abroad (the so-called Status Law) in 2001 and after the country's entry into the European Union (EU) in 2004. Issues related to the diaspora were never widely discussed nor controversial at the national level. This is due to the essentialist consensus on the "natural connections" between

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Slovaks living in Slovakia and abroad that is supported by the active involvement of the so-called “foreign Slovaks” in homeland affairs.

The term “Slovaks living abroad” was used for the first time in 1992 in the Constitutional Act: “*The Slovak Republic shall support the national awareness and cultural identity of Slovaks living abroad, support the institutions established to achieve this purpose and relations with their home country*”.¹ However, the first legislation which dealt with the issues of Slovaks living abroad did not come into effect until 1997. The rights of “foreign Slovaks” are guaranteed by the National Council of the Slovak Republic, Act No. 70/1997 on Slovaks living abroad.² A Slovak living abroad (or so-called Expatriate Slovak) is a person to whom such status can be granted on the basis of the Slovak nationality of a person residing in a foreign country or the Slovak ethnic origin and Slovak cultural and language awareness of such person. If he/she is willing to hold such status, he/she needs to request for the special certificate of the status “Slovak living abroad”. For the purpose of this law, an expatriate Slovak is someone with direct ancestors up to the third generation that held Slovak nationality. Applicants to this status must prove their Slovak nationality or Slovak ethnic origin by presenting supporting documents (such as birth certificates, baptism certificates, registry office statements and/or a proof of nationality or permanent residency permit).

The last legislative act came into effect in 2005 as Act no. 474/2005 Coll.³ on Slovaks living abroad and it replaced Act no. 70/1997 Coll. on Slovaks abroad. The newest legislative act defines Slovaks living abroad according to two characteristics. Firstly, they can be individuals living abroad, without Slovak nationality, who are citizens of another country, but wish to claim Slovak nationality and show interest in promoting or maintaining the Slovak nationality abroad. Among them, there is also individuals claiming Slovak nationality through their direct ancestry. Secondly, this legislation defines as Slovaks living abroad also individuals residing abroad without citizenship, or those who are citizens of other countries, but who declare Slovak ethnicity, display Slovak identity or ancestry and are interested in it. However, these people do not need to demonstrate their willingness to apply for Slovak citizenship. According to the latest report of the Office for Slovaks Living Abroad, more than 2000 certificates of Slovaks living abroad were issued to non-nationals in 2017, mostly to individuals attracted by the possibility to enter the Slovak labour market (see below). Applicants were from Serbia (1646), Ukraine (355), the United States of America (6), Russia (5), and Bosnia and Herzegovina (4).

There are certain limitations to this definition. The applicant ought to be of Slovak ethnicity (up to the third generation), or he/she has to prove Slovak language

¹ Ústava Slovenskej republiky (Constitutions of Slovak Republic) č. 406/1992 v znení neskorších predpisov <http://www.nrsr.sk/web/default.aspx?SectionId=124>. Accessed May 4, 2018.

² Zákon 70/1997 o zahraničných Slovákoch (Act No. 70/1997, on Slovaks abroad). <http://www.uszz.sk/sk/zakon-701997-o-zahranicnych-slovakoch>. Accessed April 26, 2018.

³ Zákon 474/2005 o Slovákoch žijúcich v zahraničí a o zmene a doplnení niektorých zákonov [Act No. 474/2005, Slovaks living abroad (1997)] http://uszz.sk/data/2016/ZZ_2005_474_20160101.pdf. Accessed April 26, 2018.

abilities and Slovak cultural awareness. These criteria can be demonstrated with official documents or testimony by a Slovak organization abroad or with a written testimony of at least two individuals with the status of Slovaks living abroad. With these official documents, there is a possibility to enter the procedure even though these criteria are clearly subjective.

25.2.1 The Slovak Diaspora and Its Relations with the Homeland

According to the Act No. 474/2005, state institutions recognize three groups of Slovaks living abroad. The first group is defined by their historical link with the Slovak nation. These Slovaks are dominantly “autochthonous Slovaks” living in Central and Eastern Europe (Hungary, the Czech Republic, Croatia, Serbia, Poland, Ukraine and Romania) (Table 25.1).

The second group of nationals living abroad reside predominantly overseas, especially in Canada and the United States (US). Large-scale migration from the Slovak Republic to these countries took place mostly in the period between 1880 and 1930. This older migration entails that third and fourth generation migrants have weaker ties with the Slovak Republic. Another factor influencing the weakening ties is also the difficult and unclear bureaucratic procedure to obtain Slovak citizenship with requirements almost impossible to achieve (Table 25.2).

The third group of Slovaks living abroad are communities living in EU15 countries (defined as “Western Europe”) that massively grew in the period of “modern migration” after the fall of the iron curtain and after the EU enlargement. Slovak communities are visible in the states where they never been active before - for example in Spain, Italy, the Netherlands, Ireland and the United Kingdom. It is common practice among Slovaks living in Western Europe to keep their temporary residency in the Slovak Republic, which means they are still counted as citizens of

Table 25.1 Number of Slovak national minorities in Central and Eastern Europe

Country	Counting of individuals 2001	Counting of individuals 2011	Estimation of Nationals
Czech Republic	193,190	148,000	350–400,000
Croatia	4713	4753	10,000
Hungary	17,693	29,647	100,000
Poland	1710	3500	12,000
Romania	19,000	17,199	25,000
Serbia	50,021	52,750	52,750
Ukraine	6397	6700	12,000

Source: Office of Slovaks living abroad, Report 2016

Table 25.2 Number of Slovaks living overseas

Country	Official data	Estimated data
Argentina	24,000	28,000
Canada	50,800	56,000
US	560,000	750,000
Australia	15,400	25,000

Source: Office of Slovaks living abroad, Report 2016

Table 25.3 Number of Slovaks living in Western Europe^a

Country	Official data	Estimated data
United Kingdom	90,000	110,000
Ireland	24,000	30,000
Germany	21,000	32,000
France	8500	10,000
Italy	3000	4500
Spain	1200	2000
Austria	3800	5500
Belgium	6000	7000

Source: Office of Slovaks living abroad, Report 2016

^aThe category is rather unclear, although the term “Western Europe” is officially used as such by the Office for Foreign Slovaks

the Slovak Republic and eventually might return at some point of their life in Slovakia (Table 25.3).

25.2.2 *Diaspora Infrastructure*

As noted above, Slovakia’s diaspora policies are mostly in the area of culture and identity. To implement those policies, different institutions co-exist. At the national level, the official institution responsible for engaging with Slovaks living abroad is the President of the Slovak Republic. The President’s role in interactions with Slovaks living abroad is to cooperate with the diaspora representatives in the area of cultural heritage protection and enhancement of cooperation with diaspora communities. For instance, the resident has the prerogative of granting state honours to Slovak personalities living abroad.

Like in other Member States, the consular network is a central institution in dealing with citizens abroad. Consulates are operating under the Ministry of Foreign Affairs and European Issues and are present in 57 countries. It is to be noted that, out of a total number of 72 consulates, nine do not yet fulfil the required technical conditions to function as consulates (built-in necessary transmission information networks). Next to the consular network, eight Slovak Institutes (institutionalized organizations responsible for the presentation of Slovak culture and art) operate in the Czech Republic, France, Hungary, Germany, Poland, Austria, Russia, and Italy.

Consulates provide services for Slovak nationals living abroad, they collect and process applications for the status of Slovak national living abroad and grant the status of Slovaks living abroad. The application could be submitted either by mail or in person to the Office for Slovaks living abroad or to the Slovak embassies or consulates. One part of the application is the document verifying Slovak nationality (diploma, ID, certificates) or proof that some of the applicants’ direct ancestors (up to third generation) held Slovak nationality, and the document verifying applicant’s Slovak cultural and language awareness. The other official documents required for this process are clear criminal record statement from Slovakia, the proof of current residential place, passport, and birth and marriage certificates.

In addition to classic consular services offered to citizens abroad, Slovakia also offers electronic consular services since 2014. Slovak citizens can apply online for the following documents: driving license; passport; ID card; provision of substitute travel documents; extract from the criminal record; certificate of a Slovak living abroad and arrangement of a weapon transport document. It is to be noted however that, while citizens can apply for these documents online, they have to pick them up in person at the consulate.

As shown in Fig. 25.1, the Office of Slovaks living abroad— created in 2005— is the central actor in Slovakia’s diaspora infrastructure. In its status, the Office is considered as “the central government authority for relations between the Slovak

Fig. 25.1 Slovak diaspora infrastructure (Source: Office of Slovaks living abroad, 2016)

Republic and Slovaks living abroad, and state support to Slovaks living abroad" (2005). For this reason, coordinating diaspora policies with other ministries is one of its three core missions. The other two are conducting joint activities with associations of ethnic Slovaks in all countries and documenting the life and activities of Slovaks living abroad. The Office is located in Bratislava and its budget is directly connected to the budget of the Office of the Government of the Slovak Republic. The Office is led by a chairman, nominated by the Government of the Slovak Republic for a five-year term.

In spite of the diversification of the Slovak diaspora in recent years, the Office of Slovaks living abroad is still very much focused on the protection of traditions and the heritage of traditional Slovak diaspora living in neighbouring countries that constitute autochthonous minorities in those countries. The focus on this population has attracted criticism from non-governmental organizations, the academia and the media that point out to issues that may affect recent Slovak migration and that are not the Office's priority such as brain-drain or the depopulation of marginalized regions of Slovakia.

One of the Office's main action to support Slovaks abroad concerns the financing of activities abroad focusing on education, research, information, and culture. Organizations abroad can apply for subsidies to conduct activities in those areas. This focus on cultural and symbolic activities means that their impact on the socio-economic conditions of Slovaks abroad is not necessarily obvious. Indeed, supporting such kind of activities primarily aims to improve cultural relations and historical ties between the diaspora and the Slovak Republic. This perception is also reinforced by the Office's support for publishing activities, broadcasting in Slovak language abroad, education events, activities that support cooperation between Slovak nationals living abroad and the homeland, as well as promotion of cultural heritage. In the area of education, the Office finances the establishment and activities of Slovak schools, education centres, and pre-school equipment for Slovaks living abroad that can indeed respond to social needs of communities abroad.

25.2.3 Key Diaspora Policies

The previous discussion on diaspora infrastructure demonstrated that the main objective of diaspora policies is to encourage cultural, linguistic, and religious identity of Slovaks living abroad. Other policies and services in the field of social protection (health, employment, or social services) rely for the most part on international law, bilateral agreements with other states and EU legislation. Overall, it can be argued that the country's diaspora policies are not aimed at providing services to Slovak nationals living abroad, but rather at strengthening ties at the cultural level. In this section, we show that because they favour ethnic Slovaks abroad independently of their nationality, it can be argued that Slovak diaspora policies promote a

vision of citizens based on cultural affinities that resembles that of Hungary (Vašečka 2008).

Two main official documents regulate the relations between Slovakia and its diaspora. The first one is Act no. 474/2005 on Slovaks living abroad (often translated into English as Act on Expatriate Slovaks) that came into effect in 2005 and defines the involvement of the state institutions towards Slovaks abroad and the main policies of engagement with nationals living abroad.⁴ The second document is the Declaration of the State Policy of the Slovak Republic in relation to Slovaks living abroad for the period 2016–2020. This document does not contain *per se* any institutionalized commitment for the state organizations and institutions to create special policies, programs or services to respond to the needs of nationals living abroad. Yet, the document insists on the importance for Slovakia to engage in the areas of culture and education, and define key institutions, organizations, programs, and grant schemes that cover these areas of interest.

Examining it in more details, Act No 474/2005 sets important principles on the way Slovak institutions ought to treat the diaspora. First, the principle of equal treatment entails a prohibition of discrimination in provision of the state assistance with regards to gender, race, skin colour, language, faith and religion, political or other beliefs, social origin, wealth, descent, or other status. Second, the principle of territoriality states that institutions have to respect the territorial sovereignty and integrity of the state, of which the Slovak living abroad is a citizen, or in the territory of which the Slovak living abroad has a domicile. Third, the principle of “specific approach” means that the cultural objectives of Slovak diaspora policies have to be adapted to the specific needs of Slovaks living in different countries of residence.

In addition, the central feature of the Act on Slovaks living abroad is the creation of a preferential treatment for foreign Slovaks. This entails a series of exceptions and specific benefits that their holders can enjoy only on the territory of the Slovak Republic even when they do not hold Slovak nationality. To begin with, foreign Slovaks do not require a visa to enter the territory of the Slovak Republic and have the right to permanent residence. Similarly, the status of foreign Slovaks gives one the right to apply for admission to any educational institution in Slovakia, apply for employment without a work permit and apply for the Slovak citizenship. Foreign Slovaks also benefit from a waiver on the specific restriction to acquisition of property that applies to foreigners in Slovakia. Overall, holders of this status use it as an instrument to obtain legal residence and employment in Slovakia.⁵

⁴ *Koncepcia štátnej politiky starostlivosti o Slovákov žijúcich v zahraničí do roku 2015* (The general vision of state policy of care for Slovaks living abroad till the year 2015). http://www.uszz.sk/data/files/519_koncepcia_do-r-2015.pdf. Accessed May 4, 2018.

⁵ *Správa za rok 2016 o štátnej politike vo vzťahu k Slovákom žijúcim v zahraničí* (Report 2016 on state policies in relation to Slovaks living abroad). <http://www.uszz.sk/sprava%2D%2Dza-rok-2016-o%2D%2Dstatnej-politike-vo-vztahu-k%2D%2Dslovakom-zijucim-v-zahranici>. Accessed May 4, 2018.

Over the years, ethnic Slovaks have inserted themselves in different economic sectors of the Slovak economy whether they came from Romania (e.g. agriculture, mining, and construction), former Yugoslavia (e.g. higher education) or Ukraine (construction, service industry). As the Slovak Republic has faced shortage of labour force since 2017 and unemployment has reached historical low figures, discussions have also started on the necessity to motivate Slovaks living abroad to return. Consequently, the Government of the Slovak Republic prepared a strategic document called “Complex action plan for the return of Slovaks working abroad to return back to Slovakia”. The document focuses mainly on promotion of the state portal for seeking employment on the official websites of the Slovak consulates abroad. This service intends to provide Slovaks living abroad with easier access to employment offers. Nevertheless, the document has been criticized to be very vague and formal and not considering the practical solutions and measures. Therefore, although activities described in the document were supposed to start at some point in 2018, the document has never been introduced to the Parliament and was not followed by any further actions. Similarly, the financial stimuli out in place by the Government to attract Slovaks back home only met the interest of a handful of Slovaks living abroad.

In addition to the two above-mentioned documents, the Act of Foreign Service No 151/2010 is of specific interest only for holders of Slovak nationality living abroad. This Act regulates the missions of consulates towards nationals living abroad in the areas of birth, marriage, death, and inheritance. This legislation also defines consular protection which is accessible to nationals residing abroad in situation of danger by providing loans to nationals abroad (only in cases of emergency) or financing transportation back to Slovakia. In cases of war, natural disasters, war or violent/armed conflicts, consulates also take measures to inform and inquire about Slovak citizens affected and continuously evaluate the situation. Beyond these basic services than can be found in many chapters discussed in this volume, it is to be noted that, since 2012, the Slovak Ministry of Foreign Affairs and European Issues and the Slovak telecom providers have set up a service by which a holder of a Slovak SIM card who is abroad can receive information about consular services in destination countries.

Looking at electoral rights, Slovak nationals living abroad can vote by mail and stand as candidate in parliamentary elections, and vote in referendums. Citizens who reside permanently abroad must request their registration on a dedicated electoral register by mail to the Department of election, referendum, and political parties of the Ministry of Interior. With the application, one needs also to send a photocopy of the Slovak nationality certificate, a photocopy of a part of the Slovak Pass, and a statement in the national language that one does not have a permanent residence in Slovakia.

25.3 Diaspora Policies and Social Protection in Slovakia

In this section, we show that Slovak policies in the area of social protection for citizens living abroad are rather weak and rarely exceed the obligations set by the EU framework. Yet, we will show that, for a number of dimensions, ethnic Slovaks have a preferential access to welfare provided that they move to Slovakia. This confirms that Slovakia's diaspora policies rely mostly on ethnic affinities and consider return as a preliminary condition to access most rights. Similarly, Slovak consulates are providing limited services in the area of social protection abroad. Their role is mostly informative as they frequently provide Slovaks living abroad with necessary information about home and host country benefits, even though they are not obliged to do so by law. Discretion is thus a key feature of consulates' intervention in this area. Lastly, while its activities are focused on cultural and educational issues, the Office of Slovaks living abroad also provides very general information on social security, family benefits or other benefits.

25.3.1 *Unemployment*

Beyond EU regulations, there are no specific programs or policies for Slovaks living abroad in the area of unemployment. Consulate may help Slovak nationals abroad in situation of unemployment but, as stated earlier, this is not a legal obligation and consists mostly in the provision of information or in helping nationals to contact their family.

In destination countries, several diasporas organizations have the mission to help their nationals living abroad with employment issues and may also receive financial support from the Office of Slovaks living abroad to do so. For instance, the Slovak Centre in London is a non-governmental organization that helps Slovaks living abroad with job search, mostly by providing information.

As mentioned earlier, emigration from Slovakia combined with the country's low level of unemployment has created labour shortages in certain economic sectors, which have created employment opportunities for third-country nationals including ethnic Slovaks and potential holders of the status of Slovaks living abroad. As discussed, the latter category of individuals have guaranteed access to social services and to the labour market, but this requires their physical relocation to the Slovak territory.

25.3.2 *Health Care*

The Slovak health care system is based on mandatory health insurance contributions. Every individual with permanent residence in Slovakia is obliged to contribute to the system and Slovak nationals who reside in another EU Member State naturally benefits from EU provisions in this area. Compared to other social protection dimensions, ethnic Slovaks holding the certificate with the Status of Slovaks living abroad have no preferential access to health and need to be insured in commercial insurance company as public insurance is reserved to residence holders. This entails that the holder of the Certificate of Foreign Slovak who comes to Slovakia and does not have health insurance is obliged to pay for all the medical procedures in the Slovak Republic. This policy has not changed in any way for years and individuals who have the status of Slovak living abroad need to rely on the destination country or private insurance company that may allow them to retain access to the Slovak health system. There are, however, certain exceptions, as set by Law No. 250/2011 about health insurance. Students who hold the status of Slovaks living abroad and study at Slovak schools and universities can access public health insurance. Lastly, it is to be noted that urgent medical care is also provided to everyone independently on their legal status in Slovakia, but it is not free of charge.

25.3.3 *Pensions*

In Slovakia, pensions are accessible to individuals who reached 62 years old and have been insured for at least 15 years. Slovaks living abroad, in the same way as any other EU nationals, are entitled to live and work in another EU country and may accordingly draw on a pension of other Member States or export their Slovak pension abroad.

In Slovakia, no regulation obliges state institutions and consulates to help Slovaks living abroad, nor do they offer them any special benefits. On a discretionary basis, consulates may, however, provide information and administrative support to applicants seeking information about social services or rights to apply for pension in home and host country.

Nationals residing abroad who meet the criteria and wish to claim a Slovak pension abroad are required to submit a large number of documents (birth certificate, valid identity document, certificate of completed education, military service book or another document issued by the competent military administration, decision of the Social Insurance Agency on the spouse's pension, proof of employment confirming the period of employment abroad prior to May, 1 1990 in countries, with which Slovakia has not concluded an international agreement on social insurance, etc.).

25.3.4 *Family-Related Benefits*

Like in previous social protection areas, the role of the consulates is discretionary and mostly limited to providing information about family benefits. Similarly, Slovakia's provisions for the diaspora are focused on ethnic Slovaks willing to return to the homeland.

As mentioned, the certificate on the status of Slovaks living abroad offers the opportunity to apply for temporary residence in Slovakia (up to 5 years with the possibility of renewal) without giving the reason for the stay, as it is required for nationals from other countries. Altogether with this provision comes another one usually perceived as an important one by Slovak authorities – those who hold the status of Slovaks living abroad do not have to prove any other administrative permits or financial capacity for their stay in Slovakia. Unlike third-country nationals who need to hold permanent residence, ethnic Slovaks have immediate access to two type of benefits after receiving the right to temporary residence. First, they get free access to state kindergartens and can study free of charge at public schools and universities (the same conditions apply to all EU citizens living in Slovakia). Second, they get immediate access to the children allowance scheme.

In addition, according to Act no. 474/ 2005 Coll., on Slovaks living abroad, families willing to send their children to study in Slovakia can benefit from the Act and get subsidies (provided that they hold the certificate of status of Slovaks living abroad). As stated above, this type of provision concerns people with the status of Slovak living abroad who are nationals of third countries. For them, the state institution upon request pays the whole fees for children, including accommodation, meals, and school fees. This provision concerns mostly people from autochthonous minorities from neighbouring countries that are not members of the EU (Ukraine, Serbia, and Macedonia).

25.3.5 *Economic Hardship*

As a general rule, there is there is no policy by which consulates ought to provide financial help to nationals abroad in case of economic hardship or homelessness. Consulates do not provide in-kind benefits, such as access to material goods or services. Unlike what we showed for employment and family-related benefits, ethnic Slovaks do not benefit from any preferential treatment in this area. In case of economic hardship, Slovak consulates can only intervene for Slovak nationals and this in a very limited way. Their mission includes the issuance of a travel document to facilitate return to Slovakia, helping nationals to contact relatives to secure funds to return to Slovakia, advising on how to receive financial assistance from the Slovak Republic or informing charitable organizations that could provide emergency assistance (e.g. short-term accommodation). However, Slovak consulates do not pay

travel tickets, provide accommodation nor pay any kind of bills for Slovak citizens abroad.

In spite of these strict rules, some consulates, on a discretionary basis, do offer medical help in exceptional medical circumstances, repatriate nationals in countries affected by natural disasters or in exceptional circumstances that receive significant media attention (e.g. the repatriation of Slovak paragliders captured and held in Iran for alleged spying in 2013).

25.4 Conclusions

This chapter has highlighted a central feature of the Slovak diaspora policy: it grants preferential treatment of Slovak autochthonous communities abroad. Together with the Hungarian status law, it is the best example of ethicized understanding of a “core group” and broadly of citizenship as well. We showed that through the laws on “foreign Slovaks”, this group has become a privileged subgroup within the diaspora that benefits from most of the homeland’s attention. In this sense, the fact that their unique status within the Slovak legal system has not been criticized by any relevant political or social group within the Slovak society is very revealing of the ethnical definition of the nation that is widely shared.

As Svetluša Surová (2016) highlighted, diaspora is holding the same status as Slovaks living in homeland and benefits from a clear recognition in the Constitution. This status is rather symbolic and aims to stimulate feelings of belonging to the nation, rather than addressing their social needs. This is certainly true for ethnic Slovaks who are nationals of another EU Member State who are protected by their EU citizenship status. For ethnic Slovaks coming from third countries, on the contrary, the recognition of their status grants them with preferential access to the Slovak territory and with limited privileges in the area of welfare compared to other third-country nationals.

Most importantly, we showed that Slovak diaspora policies aim primarily at reinforcing the cultural belonging of the diaspora by funding activities in the areas of education and culture. This approach granting favourable treatment to ethnically defined groups abroad is however revealing of a vision of citizenship that is not in line with the evolution of contemporary mobilities to and from the Slovak Republic.

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