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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LEGISLATION ON KIN-MINORITIES

SLOVAKIA

L A W No. 70/1997

from 14. February 1997

on Expatriate Slovaks and changing and complementing some laws

The National council of the Slovak Republic has decided by this law:

Art. I

§ 1

Subject of the law

This law regulates the status of expatriate Slovaks as well as their rights and duties in the territory of the Slovak Republic. It also defines the process for recognizing Expatriate Slovak Status and the competencies of the different state administration central bodies regarding Expatriate Slovaks.

§ 2

Expatriate Slovak

- (1) An Expatriate Slovak is a person, to whom expatriate status has been recognized in conformity with this law.
- (2) According to this law, Slovak Expatriate Status can be recognized to an individual without Slovak citizenship, if he/she has Slovak nationality or Slovak ethnic origin and Slovak cultural and language awareness.
- (3) For the aim of this law, a person applying for recognition of Slovak Expatriate Status (further on „applicant“), has Slovak ethnic origin, if he/she or any of his direct ancestors up to the third generation had Slovak nationality.
- (4) Applicants shall prove his/her Slovak nationality or Slovak ethnic origin presenting a supporting document. The main supporting documents are the applicant's birth certificate, baptism certificate, registry office statement, proof of nationality or permanent residence permit.
- (5) Applicants, who cannot present one of the documents mentioned in chapter 4, can identify themselves by a written testimony from the Slovak countrymen organization in the applicant's place of residence, or failing him, by the testimony of at least two Slovak Expatriates living in the applicant's country of residence.
- (6) For the purpose of this law, an applicant has Slovak cultural and language awareness if he/she has at least passive knowledge of the Slovak language and basic knowledge of Slovak culture or declares himself/herself actively for the Slovak ethnic.

- (7) Applicants shall document their Slovak cultural and language awareness by the results of their present activities, by testimony of the Slovak countrymen organization active in the place of residence of the applicant, or failing him, by the testimony of at least two Expatriate Slovaks living in the applicant's country of residence.

§ 3

Applications for Recognition of Slovak Expatriate Status

- (1) Applicants shall submit a written application for recognition of the Slovak Expatriate Status at the Foreign Affairs of the Slovak Republic (further on „MFA“), or abroad at the mission or the consular office of the Slovak Republic (further on „mission“).
- (2) Applications for recognition of Slovak Expatriate Status must be supported by documents proving that the applicant meets the requirements specified in § 2 para. 2,5 and 7; that in his/her country of residence, the applicant has not committed any act that is deemed by the laws of the Slovak Republic to be an intentional offense Republic (further on only „intentional offense“)and for which the applicant has been also legally sentenced; and that the applicant does not suffer from any contagious disease, the spread of which is deemed by the law to be an offense.¹
- (3) MFA shall decide on the application within 60 days from submission. In case the application is accepted, MFA, through the respective mission of the Slovak Republic, shall issue the applicant a document (further on „Expatriate card“), identifying him/her as a Slovak Expatriate. No separate decree on the recognition of Slovak Expatriate Status will be issued to accepted applicants.

§ 4

Expatriate card

- (1) The Expatriate card contains information on the identity of the holder, especially his/her forename, family name, date of birth, citizenship and permanent address. At the applicant's request it is possible to include in the Expatriate card the forename, family name and date of birth of his/her children (also adopted) under 15 years of age, if this is possible according to international agreements binding the Slovak Republic. The advantages that derive from this law concern also the applicant's children under 15 years of age included in the Expatriate card of a Slovak Expatriate.
- (2) Expatriate cards are valid indefinitely. Expatriate cards are valid only together with one of the person's valid identification document. The Expatriate card is issued in order to give the holder the possibility to make use of the advantages deriving from this law for an indefinite period of time.

¹ § 189 of the Criminal code. The law of the National Council of the Slovak Republic No. 272/1994 Coll. on Health Protection of the Population in the wording of the law of the National Council of the Slovak Republic No. 222/1996 Coll. The ordinance of the Ministry of Justice of the Slovak Republic No. 105 1987 Coll., defining the diseases considered to be contagious in the sense of the Criminal code.

(3) The holder of an Expatriate card is responsible for the accuracy of the information it includes. The holder of the Expatriate card has to give MFA notice of any changes in his forename, family name, citizenship and permanent address, and MFA shall issue him/her a new Expatriate card.

(4) Expatriate cards are not issued to persons:

- a) under 15 years of age,
- b) who carry out activities which go against the interests of the Slovak Republic and which go present signs of offenses included in the Criminal code,²
- c) who have committed an international offense.

(5) A person, who in the territory of the Slovak Republic commits an intentional offense for which he/she is deported, loses Slovak Expatriate Status.³

§ 5

Entrance and Stay of Expatriates in the Territory of the Slovak Republic

(1) Expatriates entering the territory of the Slovak Republic do not required written invitation nor visa, if this is possible according to bilateral interstate agreements.

(2) Expatriates have the right to stay for a long period in the territory of the Slovak Republic under the conditions defined in the pertinent regulation.⁴

(3) Expatriates shall apply for permanent residence in the territory of the Slovak Republic at the respective Slovak mission abroad or at the competent departement of the Police Forces in the Slovak Republic.

§ 6

Expatriates` Rights in the Territory of the Slovak Republic

(1) During their stay in the territory of the Slovak Republic expatriates have the right to

- a) apply for admission⁵ at any educational institution in the territory of the Slovak Republic,

² *The Criminal code in the wording of later regulations.*

³ *§ 27 letter h) of the Criminal code.*

⁴ *§ 6 of the law of the National Council of the Slovak Republic No. 73/1995 Coll. on Stay of Foreigners in the Territory of the Slovak Republic.*

⁵ *Law No. 29/1984 Coll. on Basic and Secondary School System (School Act) in the wording of later regulations. Law No. 172/1990 Coll. on universities in the wording of later regulations.*

- b) apply for employment without working permit and without permanent residence status in the territory of the Slovak Republic,⁶
- c) apply for state citizenship of the Slovak Republic for outstanding personality reasons,⁷
- d) request exception from Social Security payments abroad,⁸ if he/she meets the conditions giving him/her the right for their provision in the territory of the Slovak Republic.

(2) Expatriates in the territory of the Slovak Republic have the right to own and acquire real estate under the conditions established in the pertinent regulation.⁹

(3) In conformity with the pertinent regulations¹⁰ the state provides,

- a) 50 percent fares reduction in local public transport as well as in regular domestic railroad and bus transport to retired expatriates or expatriates with disability pension,
- b) free transportation in local public transport as well as in domestic railroad and bus transport to expatriates of over 70 years of age.

Competencies of State Administration Central Bodies

§ 7

The Ministry of Foreign Affairs of the Slovak Republic

- a) decides on the recognition of Slovak Expatriate Status and on its cancelation,
- b) runs an evidence of Expatriate card holders,
- c) directs and coordinates the elaboration and execution of the state foreign policy in relation to Slovak Expatriates,
- d) elaborates the long-term state policy conception in relation to Slovak Expatriates in cooperation with the state administration central bodies.

⁶ § 116 para 2 of the law of the National Council of the Slovak Republic No. 387/1996 Coll. on Employment in the wording of later regulations..

⁷ § 7 para 3 letter b) of the law of the National Council of the Slovak Republic No. 40/1993 Coll. on State Citizenship of the Slovak Republic

⁸ § 103 of Law No. 100/1988 Coll. on Social Security in the wording of later regulations

⁹ § 19 of the law of the National Council of the Slovak Republic No. 202/1995 Coll. Foreign Exchange Law and the Law changing and complementing law of the Slovak National Council No. 372/1990 Coll. on Offenses in the wording of later regulations..

¹⁰ § 20 of the law of the National Council of the Slovak Republic No. 258/1993 Coll. on Railroads of the Slovak Republic § 30 of the law of the National Council of the Slovak Republic No. 164/1996 Coll. on Ways and changing law No. 455/1991 Coll. on Self-employment (Self-Employers law) in the wording of later regulations. § 15 of the law of the National Council of the Slovak Republic No. 168/1996 Coll. on Road Transport.

§ 8

The Ministry of Culture of the Slovak Republic

- a) coordinates and provides assistance by state and non-state institutions of the Slovak Republic to Slovak Expatriates oriented to maintain their Slovak identity,
- b) coordinates and secures documentary activities providing Slovak Expatriates information on the happenings in Slovakia by means of the State Information System.

§ 9

Other State Administration Central Bodies cooperate in the elaboration and execution of the state policy of the Slovak Republic in relation to Slovak Expatriates within their field of competence.¹¹

§ 10

Common and Final Resolutions

- (1) In case not otherwise established by this law, this law is to be enforced in conformity with the generally valid regulations on administration.¹²
- (2) MFA does not apply any fee to applications for recognition of Slovak Expatriate Status.¹³
- (3) according to § 7 para. 1, applications are to be submitted in official forms issued by MFA.

Art. II

The law of the National Council of the Slovak Republic No. 40/1993 Coll. on State Citizenship of the Slovak Republic is complemented as follows:

At the end of § 7 para. 3 letter b) a comma is introduced and the following words added: „or a person to whom Slovak Expatriate Status has been recognized.^{4a)“}

The wording of the footnote to reference ^{4a)} is:

„^{4a)} Law No. 70/1997 Coll. on Slovak Expatriates and changing and complementing some laws.“

Art. III

The law of the National Council of the Slovak Republic No. 387/1996 Coll. on employment is complemented as follows:

¹¹ *The law of the National Council of the Slovak Republic No. 347/1990 Coll. on the Organization of Ministries and Other State Administration Central Bodies of the Slovak Republic in the wording of later regulations.*

¹² *Law No. 71/1967 Coll. on Administration (Administration Order).*

¹³ *§ 4 para. 1 letter c) of the law of the National Council of the Slovak Republic No. 145/1995 Coll. on Administration Fees in the wording of later regulations.*

at the end of § 116 para. 2 a comma and the following words are added: „or if it is the case of a Slovak Expatriate.^{2a)}“

The wording of the footnote to reference ^{2a)} is:
„^{2a)} Law No. 70/1997 Coll. on Slovak Expatriates and changing and complementing some laws.“

Art. IV

The law of the National Council of the Slovak Republic No. 73/1995 Coll. on the Stay of Foreigners in the Territory of the Slovak Republic is complemented as follows:

at the end of § 6 para. 1 the following sentence is added:
„a person, who has been recognized Slovak Expatriate Status does not require permanent residence permit.^{4a)}“

The wording of the footnote to reference ^{4a)} is:
„^{4a)} Law No. 70/1997 Coll. on Slovak Expatriates and changing and complementing some laws.“

Art. V

The law of the National Council of the Slovak Republic No. 145/1995 Coll. on Administration Fees in the wording of the law of the National Council of the Slovak Republic No. 123/1996 Coll. and of the law of the National Council of the Slovak Republic No. 224/1996 Coll. is complemented as follows:

In § 4 para. 1 letter b) a comma replaces the period and paragraph 1 is complemented by letter c), the wording of which is:

„c) a person, who has been recognized Slovak Expatriate Status.^{2a)}“

The wording of the footnote to reference ^{2a)} is:
„^{2a)} Law No. 70/1997 Coll. on Slovak Expatriate and changing and complementing some laws.“

Art. VI

This law comes in force July 5, 1997.

Michal Kováč in his own hand

Ivan Gašparovič in his own hand

Vladimír Mečiar in his own hand