

COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

Year 2023

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Regulation of the Government of the Slovak Republic of 28 March 2023

on the interest of the Slovak Republic to grant a national visa to selected groups of third-country nationals

in the wording of the Regulations No. 520/2023 and No. 34/2024

The Government of the Slovak Republic pursuant to Article 120 of the Constitution of the Slovak Republic, in order to implement Act No. 5/2004 Coll. on Employment Services and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as the "Employment Services Act") and Act No. 404/2011 Coll. on the Residence of Foreigners and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as the "Act on the Residence of Foreigners"), hereby orders the following:

Section 1

(1) It is in the interest of the Slovak Republic to grant in 2023 a national visa pursuant to Section 15(1)(d) of the Act on the Residence of Foreigners (hereinafter referred to as the "national visa") to citizens of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Bosnia and Herzegovina, the Republic of Montenegro, the Republic of the Philippines, the Republic of Georgia, the Republic of India, the Republic of Indonesia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Republic of Nepal, the Federal Democratic Republic of Nepal, the Republic of North Macedonia, the Republic of Serbia, the Republic of Tajikistan, the Republic of Turkmenistan, Ukraine or the Republic of Uzbekistan listed in the list referred to in Section 2(2) who will be employed in an occupation according to the Statistical Classification of Occupations

a) 8331001 - bus driver, up to a total of 2 000 national visas,

b) 8332006 - heavy goods vehicle and lorry driver (international transport)

and 8332007 - heavy goods vehicle and lorry driver (domestic transport), up to a total of 5 000 national visas.

(2) A national visa may be issued for employment under paragraph 1 with an employer;

(a) who has been a carrier¹ established in the territory of the Slovak Republic for at least ten years,

(b) who, in the period of ten years prior to the submission of the draft list pursuant to Section 2(1), has not had a personal or property connection with a natural person who is not a citizen of the Slovak Republic or a personal or property connection with a legal person established outside the territory of the Slovak Republic,

(c) who is not in bankruptcy, liquidation or restructuring,

(d) who, as at the date of submission of the draft list referred to in § 2(1), has fulfilled its tax obligations under a special regulation and has fulfilled its obligations to pay the advance payment of insurance premiums for public health insurance, social insurance premiums and compulsory contributions for old-age pension savings,

(e) who has not been fined for a breach of the prohibition of illegal employment in the five years prior to the submission of the draft list referred to in § 2(1).

(3) A national visa may be granted to a third-country national if, at the time of applying for a national visa, he/she has not been granted temporary residence pursuant to Section 23 of the Act on the Residence of Foreigners or has not submitted an application for temporary residence pursuant to Section 23 of the Act on the Residence of Foreigners.

(4) The national visa is granted for the duration of the employment, up to a maximum of one year.

(5) The national visa cannot be reissued.

(6) For the duration of the validity of the granted national visa, the third-country national may not be employed with another employer or be in an employment other than that for which the national visa was granted.

Section 2

(6) The employer submits the draft list of third-country nationals to the Ministry of Transport of the Slovak Republic electronically through the central portal.²⁾

(7) After verifying the fulfilment of the conditions pursuant to Section 1(2), the Ministry of Transport of the Slovak Republic shall submit the list of third-country nationals to which it gives consent to the Ministry of Foreign and European Affairs of the Slovak Republic and the Ministry of Interior of the Slovak Republic.

(8) The list pursuant to paragraph 2 shall contain

a) name and surname,

b) date of birth,

c) the type and number of the relocated staff's valid travel document,

d) the number of the driving licence under which he is entitled to carry out the occupation referred to in paragraph 1(1),

e) the occupation code according to the statistical classification of the occupations for which the national visa will be used and the name and identification number of the employer by whom the employee will be employed,

f) identification of the diplomatic mission or foreign police department of the Police Force where the application for a national visa will be submitted.

Section 3

The document confirming the purpose of stay for the purposes of Section 17(2) of the Act on the Residence of Foreigners is the employment contract and the respective authorisation to drive a motor vehicle.

Section 4

A national visa shall contain the occupation code according to the statistical classification of occupations for which the national visa will be used and the name and identification

number of the employer with whom the third-country national will be employed.

Section 5

For the purposes of Section 17(8)(c) of the Act of the Residence of Foreigners, a violation of the prohibition under Section 1(7) shall be considered to be

- a) violation of the prohibition under Section 1(6),
- (b) submission of an application for temporary residence for the purpose of employment with an employer other than that with whom the third-country national is employed on the basis of the national visa issued.

Section 6

An employer may employ a third-country national who has been granted a national visa pursuant to Section 23a(1)(ag)(3) of the Employment Services Act.

Section 7

Regulation of the Government of the Slovak Republic No. 520/2021 Coll. on the interest of the Slovak Republic to grant a national visa to selected groups of third-country nationals, as amended by Regulation of the Government of the Slovak Republic No. 94/2022 Coll. and Regulation of the Government of the Slovak Republic No. 270/2022 Coll., is repealed.

Section 8

This Government Regulation shall enter into effect on the day of its publication.

Eduard Heger, own signature