

This document was reproduced from
<http://www.uszz.sk/sk//act-on-the-slovaks-living-abroad-and-on-amendments-and-additions-to-certain-laws/> (accessed 1 August 2013)

*Please note that this translation does not include amendments to Act 474/2005 enacted by Acts 344/2007, 404/2011, 287/2012.

ACT on the Slovaks Living Abroad and on Amendments and Additions to Certain Laws

The National Council of the Slovak Republic has passed the following Act:

474

ACT

of 23 September 2005

on the Slovaks Living Abroad and on Amendments and Additions to Certain Laws

The National Council of the Slovak Republic has passed the following Act:

Art. I

Section 1

Scope

This Act provides for the competence of state administration authorities in matters concerning relations of the Slovak Republic and the Slovaks living abroad and the state support for the Slovaks living abroad.

Section 2

Definition of notions

For the purposes of the present Act

a) A Slovak living abroad is a person, who is not permanently resident) in the territory of the Slovak Republic and

1. is a citizen of the Slovak Republic,) or

2. is not a citizen of the Slovak Republic, but maintains his/her national awareness, and he/she or his/her direct ancestor) is of Slovak ethnic origin,

b) national awareness means active demonstrations of being part of the Slovak nation and recognition of values representing the Slovak language, Slovak cultural heritage and traditions,

c) state support of the Slovaks living abroad means a system of measures of the Slovak Republic as part of the state policy of care for the Slovaks living abroad focused on the support of national awareness and cultural identity of the Slovaks living abroad, on the support of their institutions to achieve this purpose, and on the support of relations between the Slovak Republic and the Slovaks living abroad.

Section 3

The Government of the Slovak Republic

(1) The basis and principles of the state policy in care for the Slovaks living abroad are determined by the Government of the Slovak Republic (hereinafter referred to as the "Government"). For this purpose, the Government may

- a) make international treaties assisting the state policy in care for the Slovaks living abroad and ensuring rights of the Slovaks living abroad,
- b) propose that persons, who have demonstrated extraordinary contributions to maintenance of the national awareness, cultural and language identity of the Slovaks living abroad and an effort connected with strengthening links between the Slovaks living abroad and the Slovak Republic, be rewarded with state awards.)

(2) The Government, annually before 1 September, submits a report to the National Council of the Slovak Republic for the previous calendar year on the state policy in care for the Slovaks living abroad and on the state assistance provided to the Slovaks living abroad along with a draft programme for the state policy in care for the Slovaks living abroad for the subsequent year including the presumed amount of budget resources necessary for its implementation.

(3) Ministries and other state administration authorities participate, within the scope of their competences, in the making and implementation of the state policy in care for the Slovaks living abroad and in implementation of the state support.

Section 4

Establishment and competence of the Office for the Slovaks Living Abroad

(1) The Office for the Slovaks Living Abroad (hereinafter the "Office") is hereby established.

(2) The Office is a state administration authority with the registered address in Bratislava. The Office is a budgetary organisation,) which is linked to the budget of the Slovak Republic Government Office.

(3) The Office is headed by a chairperson, who is appointed and removed by the Government. The term of the Office's chairperson is five years. During his/her absence, the chairperson is deputised, within the scope of his/her rights and obligations, by a deputy chairperson. The chairperson may authorise the deputy chairperson for deputising also in other cases within the scope of his/her rights and obligations. The deputy chairperson is appointed and removed by the Government upon chairperson's proposal.

(4) The Office's chairperson is, at the same time, a head of the Service Bureau.

(5) The chairperson of the Office must not be a member of a political party or a political movement, and must not act on their behalf or in their favour.

(6) The Office

a) is a coordinating and executive authority ensuring the process of the state policy making in care for the Slovaks living abroad and ensures performance of the state policy in care for Slovaks living abroad on the basis of the law or if authorised to do so by the Government,

b) in collaboration with other public authorities, natural persons or legal entities, ensures performance of measures aimed at support of the Slovaks living abroad,

c) in collaboration with other public administration authorities, develops draft concepts for support of the Slovaks living abroad and submits the same to Government sessions,

d) coordinates and ensures, within the framework of the state information system), the documentation activity on the Slovaks living abroad; supports and cooperates in collection, protection, scientific and expert evaluation of material and spiritual documents with a focus on the Slovaks living abroad; and ensures conveying information on the developments in Slovakia for the Slovaks living abroad,

e) collaborates in performance of its competences with organisations associating the Slovaks living abroad as well as with the Slovaks living abroad and maintains contacts therewith,

f) collaborates and maintains contacts with analogous authorities of other states ensuring care for their own expatriates,

g) makes decisions in the proceedings for issuing certificates pursuant to Section 7(h), maintains a registry of certificates issued pursuant to Section 7,

- i) makes decisions on provision of subsidies pursuant to Section 6,
- j) performs other tasks in matters concerning the Slovaks living abroad pursuant to special regulations.

(7) For the purposes of maintaining records pursuant to paragraph 6(h), the personal information processed includes the first and last names, citizenship and address of the person who was issued a certificate pursuant to Section 7.

(8) Details of Office's organisation shall be provided for by the organisational rules of the Office. Details of performance of the competence and tasks of the Office shall be provided for by a statute of the Office to be approved by the Government.

Section 5

Areas of state support

(1) The state support of the Slovaks living abroad is focused on the areas of

- a) education, science and research,
- b) culture,
- c) information,
- d) media.

(2) The basic principles of the state support include:

- a) the principle of equal treatment, which is deemed to mean a prohibition of discrimination in provision of the state assistance with regard to gender, race, skin colour, language, faith and religion, political or other thinking, social origin, wealth, descent or other status,
- b) the principle of territoriality, which is deemed to mean respecting 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,
- c) the principle of specific approach, which is deemed to mean taking into consideration the specific needs of the Slovaks living abroad in individual states with the objective of maintaining and developing the Slovak identity, culture, language, and cultural heritage in these states.

(3) Where a legal entity is involved, the principle of equal treatment is deemed to mean a prohibition of discrimination of such legal entity in provision of the state support from reasons pursuant to paragraph 2(a) concerning its members, associates, shareholders, members of its bodies, its employees, persons acting on its behalf or persons, on whose behalf this legal entity acts.

Section 6

Provision of subsidies

(1) As part of the state support for the Slovaks living abroad, the Office may provide a subsidy) for the purposes of financing of activities focused on the support of the Slovaks living abroad in the areas pursuant to Section 5(1). There is no legal title to provision of the subsidy.

(2) The subsidy is provided on the basis of a written application containing, in particular

- a) applicant's personal information in the following scope:
 - 1. if a natural person is involved, the first and last names, birth date, citizenship, address,
 - 2. if a legal entity is involved, the name, registered office, and information on the statutory body within the scope of the first item,
- b) the purpose of use of the requested subsidy,
- c) the name and description of the activity, for which the subsidy is requested,
- d) the amount of the requested subsidy and the manner of its use,
- e) a total itemised budget and proposed financial provisions for the activity, for which the subsidy is requested.

(3) The Office, when deciding the provision of the subsidy, considers in particular, whether

- a) the subsidy is targeted at an area pursuant to Section 5(1) and whether the provision of the

subsidy might be at variance with the principles of the state support pursuant to Section 5(2),
b) the amount of the subsidy provided is proportional to the benefit, which is likely to be brought by the activity, towards which the subsidy is being provided.

(4) The subsidy is provided to the applicant on the basis of a written contract.

(5) The contract pursuant to paragraph 4 includes, in particular:

a) information on the parties; for the applicant, in the scope pursuant to paragraph 2(a),

b) the purpose and amount of the subsidy provided,

c) conditions for use of the subsidy,

d) the manner of checking the use of the subsidy and compliance with the terms and conditions,

e) sanctions for violation of the terms and conditions.

(6) The subsidy may be used only for the purpose, for which it was provided.

(7) The procedure in provision of the subsidy is not subject to the regulation on administrative proceedings.¹⁰⁾

Certificate

Section 7

(1) The status of a Slovak living abroad, for the purposes of exercising the rights or benefits laid down in special laws) for the Slovaks living abroad, is evidenced using a certificate issued by the Office.

(2) The certificate may be issued on the basis of a written application to a person, who

a) fulfils conditions pursuant to Section 2(a), first or second item,

b) has not been validly sentenced for an intentional criminal offence or for an offence, which constitutes an intentional criminal offence under the Slovak law,

c) does not conduct an activity damaging the interests of the Slovak Republic.

(3) Slovak ethnic origin is evidenced using an official document confirming this fact, which document may be, in particular, a birth certificate or a certificate of baptism, an extract from the register, certificate of citizenship or a certificate of permanent residence of the applicant, if the same contains a record of ethnic origin pursuant to the law of the state, whose authority issued the certificate.

(4) National awareness is evidenced through an applicant's declaration of the results of his/her public activity confirming his/her national awareness, or through a written testimonial of a compatriots' organisation operating at the place of his/her residence, and if there is no such organisation, through a written testimony of at least two Slovaks living abroad, who have domiciles in the same state as the applicant.

(5) Compliance with the condition pursuant to paragraph 2(b) shall be evidenced using an extract from the Register of Previous Convictions) not older than six months or using a similar certificate issued by a competent authority of the state, in which the applicant has a domicile.

(6) The application is to be filed by the applicant with the Office or abroad at a representation or at a consular office of the Slovak Republic (hereinafter the "representation") in the state of applicant's domicile.

(7) The applicant shall enclose the application with the documents evidencing compliance with the conditions pursuant to paragraph 2.

(8) The application shall be decided by the Office within 60 days of the delivery day of the application, which includes all details pursuant to this Act and pursuant to the general regulation of administrative procedure.)

(9) If the Office accommodates the application, it shall issue the certificate to the applicant; special administrative decision is not issued. If the applicant requests so, the Office shall deliver the certificate through a representation in the applicant's domicile.

Section 8

The certificate includes

- a) personal information of the Slovak living abroad, to whom it was issued, particularly the first and last names, birth date, citizenship, and address.
- b) the purpose, for which it is issued.

Section 9

(1) The certificate becomes invalid

- a) after use of the certificate for the purpose, for which it was issued,
- b) upon effect of a court verdict sentencing the certificate holder for an intentional criminal offence or for an offence, which constitutes an intentional criminal offence under the Slovak law, or
- c) on the day of certificate holder's application for permanent residence in the territory of the Slovak Republic or on the day of permitting the permanent residence in the territory of the Slovak Republic.¹⁾

(2) The Office may, including upon its own initiative, decide to revoke the certificate provided that it has found that it was issued on the basis of false information or at variance with the law.

Common, temporary and cancellation provisions

Section 10

(1) The provisions of this Act shall not be used where an international treaty binding for the Slovak Republic provides otherwise.

(2) This Act is without prejudice to the provisions of regulations on state assistance).

Section 11

Unless otherwise provided for by this Act, the general regulation on administrative proceedings¹⁰⁾ shall apply to proceedings under this Act.

Section 12

(1) The certificate of a Slovak living abroad issued pursuant to the previous Act shall be deemed to constitute a certificate issued pursuant to the present Act until 1 August 2007. The certificate of a Slovak living abroad is valid only with a travel document or a valid document of identity of the holder of the certificate of a Slovak living abroad. The holder of a certificate of a Slovak living abroad is obliged to ensure that information stated therein reflect the truth. Provided that circumstances indicated in the certificate change or provided that the certificate is lost or damaged, a new certificate shall not be issued.

(2) Proceedings in acknowledging the status of a Slovak living abroad not completed validly before effect of this Act shall be completed pursuant to the previous Act.

(3) Where the expression "Slovak expatriate" is used in a generally binding legal regulation in any form, it is deemed to mean a "Slovak living abroad" in the corresponding form.

(4) Where rights are acknowledged to a person who has been granted the status of a Slovak expatriate in a generally binding legal regulation, it is understood that such person is a Slovak living abroad, the exercise of such rights being governed by Section 7(1).

(5) The Ministry of Foreign Affairs of the Slovak Republic shall maintain a registry of holders of the certificate of a Slovak living abroad pursuant to the previous Act until 31 December 2007.

Section 13

(1) In connection with the transfer of competences concerning the Slovaks living abroad, as of 1 January 2006, the rights and obligations stemming from labour and other legal relations of employees providing performance of these competences are transferred from the Ministry of Culture of the Slovak Republic and from the Slovak Republic Government Office to the Office for the Slovaks Living Abroad. The state property, which was administered by the Ministry of Culture of the Slovak Republic and by the Slovak Republic Government Office as at 31 December 2005 and which serves performance of competences with respect to the

Slovaks living abroad, shall be transferred to the administration of the Office for the Slovaks Living Abroad as of 1 January 2006.

(2) The details of the transfer of these rights and obligations and of the transfer of administration of the state property shall be provided for by an agreement between the Ministry of Culture of the Slovak Republic, the Slovak Republic Government Office, and the Office for the Slovaks Living Abroad, which agreement shall lay down, in particular, the type and scope of property, rights, and obligations transferred.

(3) In connection with the transfer of competences in the field of support of culture of the Slovaks living abroad, as of 1 January 2006, the institutor's function with respect to the semi-budgetary organisation of the House of Slovak Expatriates shall be transferred from the Ministry of Culture of the Slovak Republic to the Office for the Slovaks Living Abroad.

Section 14

Act No. 70/1997 on Slovak Expatriates and on Amendments and Additions to Certain Laws as amended by Act No. 403/2002 is hereby cancelled.

Art. II

Act No. 575/2001 on the Organisation of Government Activities and Organisation of Central State Administration as amended by Act No. 143/2002, Act No. 411/2002, Act No. 465/2002, Act No. 139/2003, Act No. 453/2003, Act No. 523/2003, Act No. 215/2004, Act No. 351/2004, Act No. 405/2004, Act No. 585/2004, Act No. 654/2004, Act No. 78/2005, and Act No. 172/2005 is hereby amended and added to as follows:

1. Item (g) shall be omitted from Article 18(1).

Present items h) to j) are indicated as items g) to i).

2. Paragraph (7) shall be inserted to Section 35, which shall read as follows:

“(7) Ministries and other central state administration authorities perform, within the scope of the defined competences, the information and notification obligation with respect to European Communities and European Union authorities, which obligation is imposed thereon by legally binding acts of these authorities.”.

Art. III

Act No. 68/1997 on Matica slovenská as amended by Act No. 183/2000 is amended as follows:

Subparagraph (h) shall be omitted from Article 2(1).

Present items i) to o) are indicated as items h) to n).

Art. IV

Act No. 48/2002 on Residence of Foreigners and on Amendments and Additions to Certain Laws as amended by Act No. 408/2002, Act No 480/2002, Act No. 606/2003, and Act No. 69/2005 is amended as follows:

Section 17(2) has the following wording:

“(2) Temporary residence permit is not required for a foreign national, who has been issued a certificate of a Slovak living abroad.8)“.

The footnote to reference 8 has the following wording:

“8) Act No. 474/2005 on the Slovaks Living Abroad and on Amendments and Additions to Certain Laws.”.

Art. V

Effect

This Act shall become effective on 1 January 2006.

Ivan Gašparovič, manu propria
Pavol Hrušovský, manu propria
Mikuláš Dzurinda, manu propria