

## MIGRATION POLICIES OF THE CZECH AND SLOVAK REPUBLICS SINCE 1989 – RESTRICTIVE, LIBERAL, INTEGRATIVE OR CIRCULAR?\*

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### Abstract

The author compares the migration policies of the Czech Republic and Slovakia since 1993, including both immigration as well as integration. The text focuses mainly on the autochthonous policies of both countries in regards to labor migration as the main type of migration. Significant immigration is a recent phenomenon in both the Czech Republic as well as Slovakia and neither immigration, nor integration policy belong among the priorities of either state. The Czech Republic seems to be more mature in adopting regulations for better access of foreigners to the labor market. However, when comparing the Czech Republic with the rest of Europe, it belongs to the most restrictive countries in terms of integration as well as in terms of immigration. Given the extremely low ratio of non-EU born adults becoming Czech citizens, the Czech Republic will remain an exclusionary democracy unless it changes either the voting rights or increases the naturalization rates by reducing the conditions for foreigners. Quite interestingly, even though Slovakia lags behind the Czech Republic in terms of integration policies and naturalization rates, it is more inclusive in terms of political rights.

**Keywords:** migration policy, Czech Republic, Slovakia, foreigners, integration.

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## 1. Introduction

Czech and Slovak migration policies have gone through almost thirty years of development. In 2017, both countries amended their Alien Acts, which have significantly changed the up-to-date practices of migrants. Even though both countries went through common historical and cultural trajectories, they have not followed the same pattern since 1993 regarding the migration policies of their states, and they have shaped their migration policies differently. The aim of the article is to compare the migration policies of the Czech and Slovak republics since 1993.

The text will regard migration in its broader concept. Migration policy is therefore understood as a set of tools regulating entry to, exit from and residence in the country. It has two components: immigration policy and integration policy. Immigration policy is understood as the regulation of entry and exit, while integration policy is understood as a set of tools offering immigrants the opportunity to settle in the host country and incorporate into the majoritarian society's social-economic and civic systems. In addition to that, the author is aware of the fact that the migration policies of both states have been shaped by international obligations and EU directives. Integration is understood as a process through which immigrants become full and equal participants in the various facets of the society. The article focuses mainly on the autochthonous policies targeting labor migration from third countries adopted freely by the Czech Republic and Slovakia rather than those which were adopted because of EU accession or any other international regulations<sup>1</sup>.

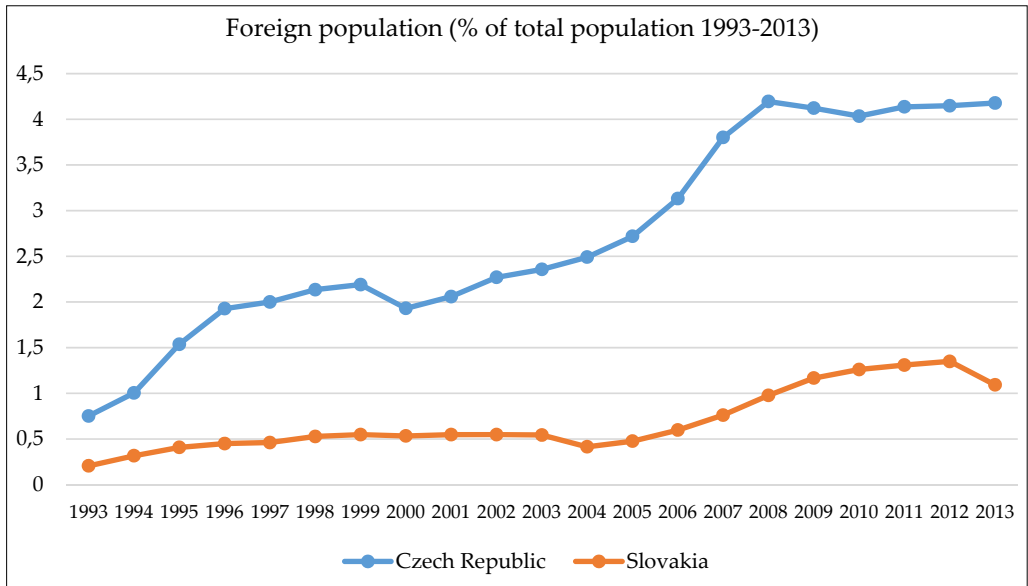
## 2. Migration flows in the Czech and Slovak republics

The two states of Czechoslovakia were ones of emigration rather than of immigration until the 1989 Velvet Revolution. The regime change constituted a milestone and both countries enjoyed a rise in immigration due to the liberal regime compared to both previous regime as well as later ones. Since 1993, the countries followed different paths – the Czech Republic became a country of immigration while Slovakia remained a country of emigration (Szczepanikova, 2013; Bolečková, 2014). The location of both countries in Central Europe, accompanied with not very favorable political opportunity structures, made them transit countries for migrants from the east and south. Figures from 2016 show that the percentage of foreign born nationals is higher in the Czech Republic – 4.4%, while in Slovakia it is 1.7%; the main acceleration of immigration was seen in the context of the EU accession.

Even though the figures from the Czech Republic are far behind those of older member states (average 8-10%), the country is one of the new member states with the highest number of foreign born nationals, whereas Slovakia remains in the tail of the

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1 The text avoids the question of the return of Czech compatriots as well as the question of asylum system, mentioning it only in terms of the access of asylum seekers and refugees to the labour market.



**Figure 1:** Foreign population (% of total population 1993-2013)

**Source:** OECD, 2013

EU statistics. In the Czech Republic, the main countries of origin are Ukraine, Slovakia, Vietnam and Russia, while Slovakia is one of the few EU countries where most of the foreign population consists of nationals of other EU countries – the Czech Republic, Hungary and Poland. The number of foreigners in both countries has been gradually rising with a few exceptions (related either to stricter Aliens Acts, as a result of the economic crisis, or as a reaction to the EU accession); hence, within ten years' time there were five times more foreigners in both countries than in 1993.

The main purposes of immigration in both countries are employment, education and family reunification. The majority of immigrants in the Czech Republic are employed in the low-skilled sector with the exception of the Slovaks. A large proportion of them are applicants for university studies, and the age and educational structure differs significantly from the immigrants from Ukraine or other countries. In the case of the Slovak university students, the situation can be even described as a brain drain from Slovakia's point of view and brain gain from the perspective of the Czech Republic (Frank, Procházka and Stojar, 2018, p. 3). In Slovakia, the majority of immigrants are employed in the high-skilled sector, which is being interpreted as a lack of domestic highly skilled labor. Slovakia saw a sharp drop in the share of persons from third countries and a rise in the proportion of persons from the EU since 2000, while the latter has prevailed since 2005. This implies the country's preference for immigration from other EU states. Greater representation of adult men also suggests a preference for labor migration as opposed to other types of migration, being concentrated in its capital, Bratislava, and other big cities. Labor migration became the

most rapidly developing of all migration flows to Slovakia in the 2000-2016 period (Divinský, 2017).

### **2.1. Migration policy of the Czech Republic and Slovakia since 1989**

Migration policies of both countries were formed by international treaties (UN, Council of Europe, and ILO) and were shaped by the EU accession in 2004 and the entry into the Schengen area in 2007. Last but not least, the 'migration crisis' contributed to the latest developments in the migration policies of both countries. The conceptualization of the migration policies is more or less the same as stemming from the international obligations, and includes both migration as well as integration (Ministerstvo vnitra České republiky, 2015; The Government of the Slovak Republic, 2011).

Czech scholars usually categorize the evolution of Czech migration policy into periods based on the changes in the migration legislation and the general stance towards migration in the context of the overall economic situation (Drbohlav *et al.*, 2010, p. 71). The first phase (1990-1996) is characterized by the fact that the migration policy was not among the priorities of the first post-communist governments. The first migration law valid for both parts of the Czech and Slovak federation was adopted in 1992 (Act no. 123/1992 Coll.). It basically enabled anyone to settle in the country without limiting any of his/her activities, and allowed an applicant to apply for both long-term and permanent visas directly in the country. Migrants could not apply for Czech citizenship. The permanent residence permit was granted, for the purpose of uniting a family, if the family member resided permanently in the ČSFR (Czech and Slovak Federal Republic), or in other humanitarian cases, or if justified by the foreign policy interests of the ČSFR (Act no. 123/1992 Coll.).

The second stage (1996-1999) was characterized by the institutionalization of the migration policy as a reaction to illegal migration and rising unemployment, and culminated in the adoption of the Migration Law. The most important change was the introduction of permanent residence after the fulfilment of ten years of consecutive residence, and it became possible to apply for the visa only outside the territory of the Czech Republic. The period culminated in the adoption of the new Aliens Act (no. 326/1999 Coll.). The Czech Republic also revoked its non-visa agreements with many of the post-Soviet countries, which were the main migrants' countries of origin. The Asylum Law (no. 325/1999) replaced the Refugee Law (no. 498/1990 Coll.) and meant to harmonize with the EU laws. For the asylum seekers, it meant to grant access to the labor market, free movement in the territory of the Czech Republic, provision of accommodation, food and pocket money.

The third stage (2000-2004), called the consolidating era, meant the convergence of Czech and EU laws, the mobilization of the civil society and institutionalization of the migration policy. The Czech state initiated a regulated migration with a new project focusing on qualified workers, initially from three countries (Bulgaria, Kazakhstan, and Croatia). Nevertheless, not many applications turned up, so the project was extended and more countries were included (Drbohlav *et al.*, 2010, p. 79).

The short fourth period (2005-2007) started with the EU accession and is sometimes labelled as the neoliberal period. It was accompanied by low unemployment, economic rise and the steady rise in the immigration. The minimum period of consecutive residence needed for the permanent residence dropped to five years, and the migrants with permanent visas gained a more secure position. The neo-restrictive (since 2008) period has been typified by restrictive state policies based on security arguments (Kušniráková and Čížinský, 2011, p. 71). The revision of the Asylum and Migration Law (no. 314/2015 Coll.) was planned in order to comply with the Common European Asylum System (CEAS), but the parliamentary debate and the outcome were also influenced by the 2015 migration wave. On one hand, this meant that asylum seekers had more open access to the labor market (the time limit dropped from 12 to 6 months), nonetheless, on the other hand, the time period for the decision was extended from 90 days up to 6 months, while the Ministry of Interior (MoI) was able to interrupt the procedure when the situation in the origin country was 'unstable'. Human rights activists criticized the 2015-2016 amendments for, among other things, extending the maximum time limit needed for the procedure, for not fully transposing the EU directive on the judicial review *ex nunc*, and for restricting lawyers from participating in the asylum seeker interviews with the MoI. However, the amendments offered more liberal access to the labor market than did the EU laws (an asylum seeker is granted a work permit only after 9 months of residence, according to the EU regulations).

Czech migration law continued on its restrictive path. The new law was passed two years later (in 2017) and resulted in more restricted conditions for residence. It was met with opposition from human rights activists, lawyers, and business unions, and it was returned by the Senate to the Parliament as not being in line with the Constitution. In the end, however, it was passed and signed by the Czech president. The new law meant lack of judicial review over the asylum procedure, more restrictions for both reuniting families and requests for permanent residence as such (Consortium of Migrants Assisting Organizations in the Czech Republic, 2017).

Czech migration policy focuses on qualified workers with higher prospects of integration (cultural, religious, linguistic factors). The proclaimed aim of the state is to integrate legal migrants into all aspects of society (economic, legal, social, cultural, language knowledge, health care, participation in the public life) (Vláda České republiky 2017, p. 7; Macáková, 2013). Illegal migration and poor integration of legal migrants, which can cause social tensions, were defined as security threats to the Czech Republic (Ministerstvo vnitra České republiky, 2016, p. 200).

The Slovak migration policy followed a somewhat similar pattern to its Czech counterpart, though with a bit of delay, and for a long time it lacked a comprehensive strategy on migration. The very first, federal, and very liberal Alien Act of 1992 (Act no. 123/1992 Coll.) was in place for four years. The second stage (1995-2002) meant the institutionalization of the migration policy. The first Slovak Alien Act and Refugee Act were adopted in 1995 (no. 73/1995 and no. 283/1995), and introduced the term

asylum to replace the term 'refugee'. The Slovak authorities introduced a change in the application for permanent residence, which could then be applied for only from abroad. Unification of family or foreign interest in Slovakia were the only reasons for granting permanent residence, and naturalization was not mentioned. The first important agreement was the bilateral one with the Czech Republic, a special and non-standard one, on mutual employment of citizens, in force since 1994 and mainly beneficial for the Slovaks working in the Czech Republic and valid until the accession of the countries into the EU. The second most important bilateral agreement signed in this time was the one with Ukraine. It was the result of huge emigration flows from this neighboring country to Slovakia and had been in force since 1998, though it had imposed limits on the number of persons. Despite the pressure from the Slovak employers and Ukrainian authorities, the Slovak state repeatedly refused to increase the quotas. The new and more comprehensive legislation came out only in 2002 (no. 48/2002 and no. 480/2002), and permanent residence was granted due to reasons of family unification or Slovak special interest. An alien with the status of foreign Slovak has a specific position within the Slovak legal norms on migrants. The rights of such persons are guaranteed by the National Council of the Slovak Republic Act no. 70/1997 on Expatriate Slovaks (as amended by the Act no. 403/2000) (Divinský, 2004, p. 71). The basic principles of the migration policy were adopted at the governmental level in 1993 and shaped the migration policy until 2005. The first government document dealing with integration was the Comprehensive Solution of the Process of Integration of Aliens with Granted Refugee Status, which was adopted in 1996 (Government Resolution no. 105/1996). However, this dealt only with integration of aliens with refugee status, therefore with a very tiny group, leaving apart a far bigger community of other migrants. This group was addressed only due to the opening of the accession process with the EU and due to the rise in migration flow into Slovakia (Galanská, 2014).

The third period of Slovak migration policy (since 2002-2004/2005) was characterized by the harmonization of the national legislation to the EU laws. Within the pre-accession process, Slovakia was obliged to pass a multitude of legal standards, including on migration. The first somewhat comprehensive Concept of the Migration of the Slovak Republic was approved in 2005. It dealt with all kinds of migration, and also partially addressed the integration of migrants. Nevertheless, it still failed to address many issues related to both migration as well as integration. The fourth phase (2004/2005-2011) meant the adaptation of the rise in immigration – Slovakia opened its labor market to all workers from the EU/EEA/Switzerland without imposing any restrictions. This era was marked by the absence of a coherent migration strategy, idea or plan, no precedents of labor migration policy existed in that time in Slovakia, and the state was looking for a new conception of migration policy (Divinský, 2007, pp. 204-205). The comprehensive policy on migration came only in 2009 in the Concept of the Integration of Foreigners in the Slovak Republic (Uznesenie vlády Slovenskej republiky č. 338/2009). It dealt with all aspects of integration (education, social secu-

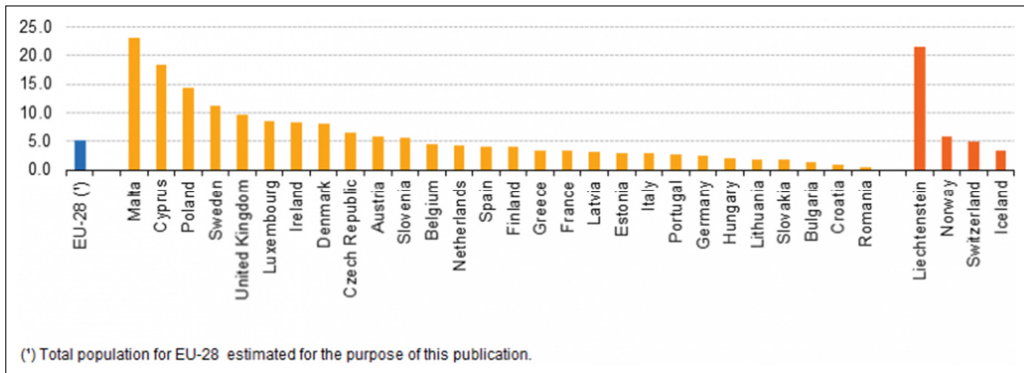
rity, health care, naturalization, civic participation, local participation, etc.). This era culminated in 2011 when the Act on Residence of Aliens was passed (no. 404/2011). It included various aspects on issues regarding foreigners. The most important and comprehensive tool of the Act was the Government Resolution no. 574/2011, which touched upon every detail of migration and integration policy with the perspectives until the year 2020. Although the document is not detailed, it presents a large shift towards some comprehensive migration and integration policies (Galanská, 2014).

Much like the Czech Republic, Slovakia decided to follow the path of regulated migration. The country focused on highly skilled EU workers while neglecting the workers from third countries, leaving them restricted access to the labor market, public employment services, the social safety net or access to self-employment. The lack of access to unemployment, maternity or housing benefits also hinders long-term integration, and non-EU migrant workers must leave Slovakia if unemployed.

The fifth era of Slovak migration policy (since 2011) was marked by the 'migration crisis', and for the first time has put migration policy on the Slovak political agenda. Until then, immigration was rarely the subject of political debates, similarly to the situation in the Czech Republic. Slovakia adopted an amendment to the Alien Act in 2017 (the 8<sup>th</sup> amendment in row); the changes targeted the definition of some terms, as well as rules for invitations' verification. The proceedings for temporary residence for specific categories of migrants from third countries, working in strategic services or planning to realize an innovative business plan in Slovakia, have been shortened. Slovakia also adopted the European regulations dealing with seasonal workers and the mobility within an international company into the territory of Slovakia, and thus opened the labor market for the migrants from third countries within these categories. Much like in the neighboring Czech Republic where the European regulation tackling seasonal workers and mobility within international company has been already adopted, these workers nowadays only need a visa and a work permit. The amendment also paved the path for the integration of the long term migrants and workers from third countries who lose their jobs. These days they have sixty days to find a new job. The validity of the blue card (work permission for highly skilled workers) was prolonged from three to four years, whereas in the Czech Republic the permit is issued for two years. Foreigners with a long term permit can now register at the state agency for employment.

The Czech Republic hosted 493,000 foreigners altogether in 2016, while those with permanent residence reached 221,000, and those on long term residence 272,000 (Český statistický úřad, 2017). In Slovakia, there were 97,934 foreigners with legal permit in 2017, while the permanent residence of migrants from third countries reached 14,942 (Odbor analýzy rizík a koordinácie, 2017; Ministerstvo vnútra SR, 2018). The labor market in the Czech Republic is less restrictive for third country nationals than in Slovakia and non-EU immigrants are more active in the Czech Republic than in any of the 24 other European countries (MIPEX, 2011). Slovakia slightly opened its labor market to third country nationals while adopting EU regulations regarding sea-

sonal workers, inter-company mobility, innovative projects and migrants working in strategic services.



**Figure 2:** Total first residence permits issued to non-EU citizens per 1,000 inhabitants

Source: Eurostat, 2015

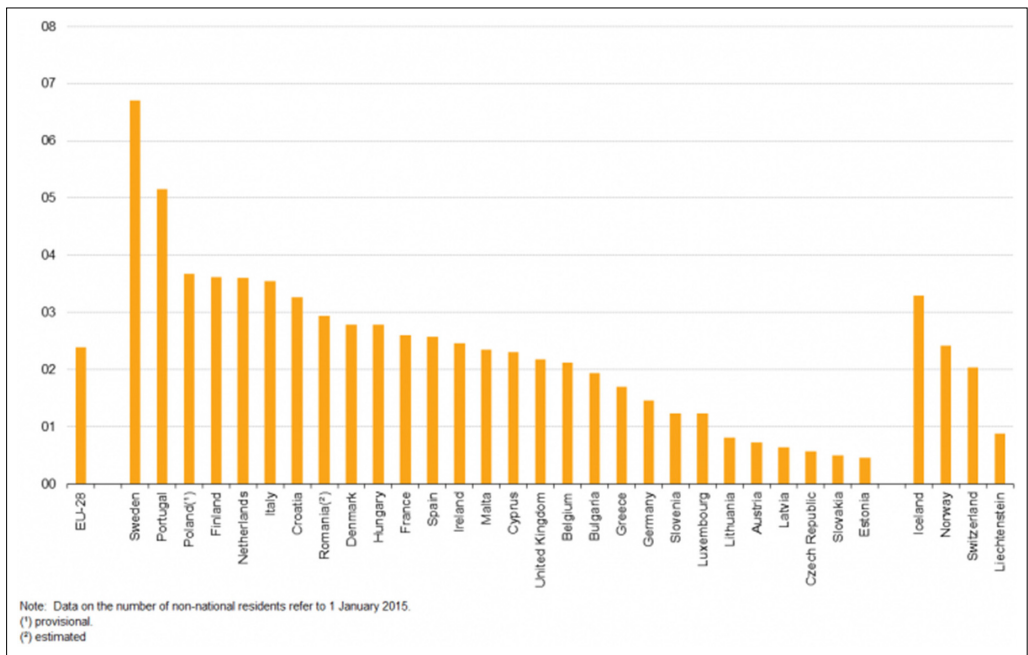
Most temporary residents have the right to become permanent residents after five years in the Czech Republic if they reach the slightly restrictive requirements. They must have a fairly high income, proof of accommodation, a clean record and they must pay the fee for the A1 level language test. There are similar requirements in Slovakia (five years of legal stay, proof of income, accommodation, health insurance, but no language test). Czech permanent residence is granted for ten years, while in Slovakia it is granted only for five years. Foreign nationals also have to submit a medical assessment within 30 days proving that they do not have a disease which poses a threat to public health. An estimated 64% of the non-EU citizens became permanent residents in Slovakia, which is similar to the results in the Czech Republic (MIPEX, 2013).

The citizenship of both countries is based on the *ius sanguinis* principle, so naturalization is related to blood line. However, both countries allow naturalization if certain conditions are fulfilled – minimum of five years of permanent stay in the Czech Republic (8 consecutive years of permanent stay for Slovakia, with some exceptions – e.g., recognized refugees and spouses, and minors), good command of the language and of the historical/ social/ economic/ geographical/ cultural facts, clean criminal record, proof of income, proof of not misusing the social systems. Compared to other European countries, the conditions are stricter – a foreigner can ask for naturalization after ten years of legal residence in the Czech Republic (five years of temporary plus five years of permanent residence), while in Slovakia it is after thirteen years of legal stay (five years of temporary and eight years of permanent residence). This is one of the strictest restrictions in Europe regarding naturalization.

While the Czech Republic renounced to the principle of a singular citizenship in 2014, and moved towards the principle of dual citizenship, Slovakia went the other direction and banned the dual citizenship in 2010. This change was a reaction to a Hungarian law which enabled dual citizenship and focused on Hungarians living



outside of Hungarian borders – in Slovakia, Serbia and Romania. There have been several attempts to reverse the existing law and allow dual citizenship, and in 2015 a new regulation came up as a solution for those who had already lost their Slovak citizenship in favor of another citizenship. Dual citizenship could be applied for and granted ‘when in the interest of Slovakia’ or for other reasons, such as ‘family unification, health reasons, humanitarian reasons or the fact that the applicant is a former citizen of Slovakia’ (cf. Act no. 186/2013 and Act no. 40/1993 Coll. as amended in 2015; Ministerstvo vnútra SR, 2015). Both countries follow the European trends in requiring the fulfilment of several conditions, including a good command of language and knowledge about the host state. Czech Republic chosen a liberal option regarding the length requirement, and decided on a five year minimum residence requirement (as did Poland), while Slovakia chose the middle ground of eight rather than ten years (as did Spain). However, a comparison of naturalization rates (acquisition of citizenship per 100 resident foreigners) shows that both countries are at the tail of the EU-28, with the Czech Republic, Slovakia and Estonia having the lowest naturalization rates in Europe.



**Figure 3:** Naturalization rate (acquisition of citizenship per 100 resident foreigners)

**Source:** Eurostat

As regards the political rights, foreigners from EU countries are the only ones entitled to vote and run in municipal council elections once they have met the age and residence requirements. A citizen of another EU member state also has passive as well as active voting rights in elections for the European Parliament. Other nationals

are excluded both from the passive as well as active voting rights despite the fact that the country ratified the Convention on the participation of foreigners in public life at the local level by the Council of Europe, valid from November 2015. Very few Czech politicians support voting rights for foreigners, the only enduring voice is the one of the ex-minister for human rights and equal opportunities, Jiří Dientsbier. All foreigners, including EU nationals, are also banned from joining Czech political parties or from forming their own. Having a large group of foreign nationals in the country, an estimated 225,000 non-EU adults (aged 15+) are disenfranchised in elections; this makes 2.6% of the total adult population with the highest level of disenfranchisement in Central Europe<sup>2</sup>. On the other hand, Slovakia established more inclusive and extensive voting rights for non-nationals. Non-EU nationals with permanent residence have the right to vote in local elections, stand in local elections and vote in regional elections. So, only non-EU adults with temporary permits are disenfranchised. They make up 36% of all Slovak non-EU citizens. As in Czech Republic, non-nationals cannot form, join or donate to the political parties that they vote or stand for as candidates (MIPEX, 2015).

Our findings show that Slovak integration policies are more restrictive for foreigners than the Czech policies, with the exception of suffrage. According to MIPEX, the integration policy of the Czech Republic is the second best (23<sup>rd</sup> place, after Estonia) of the post-communist countries, whereas Slovakia remains in the tail, ranking 34<sup>th</sup> out of 38 countries. Still, the Czech Republic is described as only half-way favorable to migrants as compared to other countries. Education and political participation of the migrants was identified as the weakest link of the Czech Republic, whereas Slovakia has shortages in five out of eight policy areas – labor market mobility, education, health, political participation, and access to citizenship (Huddleston *et al.*, 2015; Štefančík, 2010; Uherek and Černík, 2004).

### **3. Two-dimensional restrictive-liberal and integrative-circular framework of Czech and Slovak migration policies**

As Kušniráková and Čížinský (2011) point out, the discussion regarding Czech migration policy has been channeled into two conceptual frameworks: one is measured in the liberal-restrictive framework, and the other in the transparent/non-transparent perceptions of the policy. The liberal-restrictive framework focuses primarily on discussions concerning the reasons for migration and the number of immigrants received, regardless of the level of rights acquired by immigrants during their tenure. As the terms 'liberal' and 'restrictive' cannot adequately describe all the aspects of the ongoing development, they suggest that the liberal-restrictive dichotomy should be extended to circular-integration oriented so as to better describe the stability of migrants' tenure. The scholars propose a four-pole model for graphical illustration, where the axis integration/circular is completely independent of the axis restrictive/

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2 Non-EU nationals can stand as local candidates in 14 countries and vote in 21.

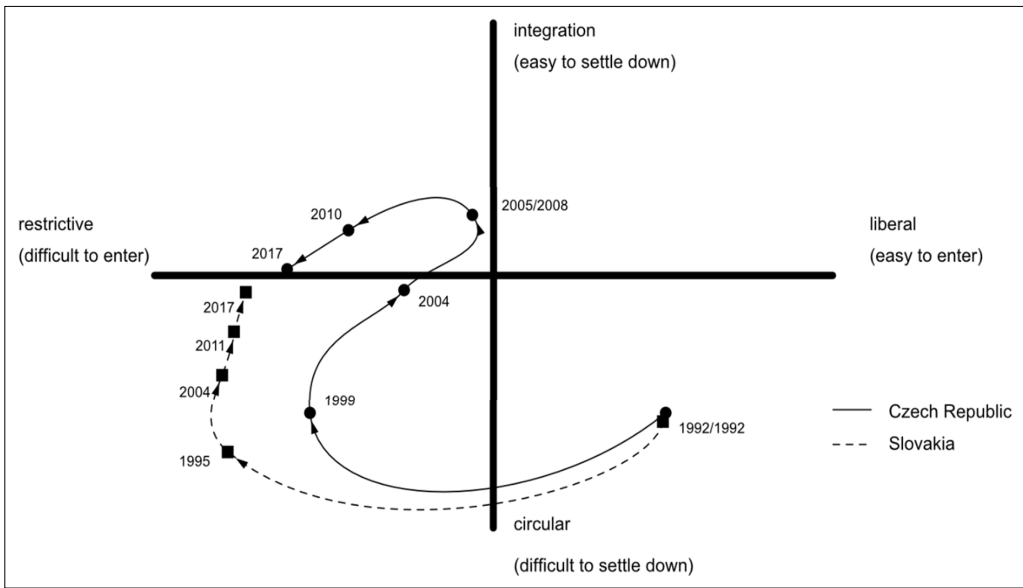
liberal. The restrictive/liberal axis is related to the immigration policies (difficult entry/easy entry). The integrational/circular axis represents the integration policy where the integration pole demonstrates the integration of foreigners into the majoritarian society while circular migration means temporary migration without the aim to settle down (easy to settle/difficult to settle). The position of the countries is displayed in a diachronic manner (Kušniráková and Čížinský, 2011).

The immigration policy of the Czech Republic was very liberal in the 1990s. It was easy to enter the country, and the non-visa regime with the post-Soviet countries was still in place. Nevertheless, the country was not prepared for the permanent residence of foreigners, and it preferred a circular policy. The foreigners had to ask every year for new permission without any prospects for staying permanently. Both the immigration and the integration policies were being built from scratch. The restriction of the immigration rules culminated in the Aliens Act in 1999, where the main change introduced was the inability to apply for permanent residence within the territory of the Czech Republic, and so the liberal approach where the foreigner was able to apply in the territory of the Czech Republic was revoked. This resulted in a decline in the number of foreigners. What's more, foreigners also had to apply to the change of purpose of their stay from abroad. Foreigners applying for a visa had to demonstrate that they had health insurance and enough financial means for their stay when inquired at the borders. A criminal record statement was required for visas of over 90 days. On the other hand, the Aliens Act meant a sharp move towards the integration pole, as it envisaged the institution of permanent residency for foreigners who had lived in the country for ten years. The New Asylum Act also inclined more towards integration – asylum seekers were allowed to work immediately, live outside of the refugee camps and the integration program for recognized refugees became part of the law.

The 2001 amendments of the Aliens Act meant to introduce some minor liberalization acts (the length of temporary residence was to be counted in the period of time needed for permanent residence) and also a move towards more integration. The accession to the EU meant a slight liberalization and higher legal assurance for the foreigners due to the adoption of the EU regulations. We observe also a slight move towards the integration pole – the foreigners could apply for permanent residence after only five years of temporary residence. The country also launched a new pro-active policy targeting qualified workers from selected countries (though without prospects for their further settlement and also without much success). The Ministry of Labor and Social Affairs became the main provider of integration of foreigners, which also meant a slight retreat from presenting migrants as a security threat. Nevertheless, in 2008 the competences regarding the integration of foreigners were transferred back to the MoI, and a sharp turn towards the restriction pole via a reduction in work permits and a decrease of foreigners with permanent residence was observed (Kušniráková and Čížinský, 2011; Drbohlav *et al.*, 2010; Vašečka and Košťál, 2009).

The 2015 Asylum Law meant on the one hand to achieve the liberalization in terms of access to the labor market for the asylum seekers, and, on the other hand,

it meant a tighter control by the MoI, because of its position as an absolute arbiter. The 2017 Aliens Act meant another move towards the restriction pole, while at the same time a move towards circular migration and the repressive notion of legal migration. Besides the already mentioned restrictions, the Act introduces the category of ‘unreliable employer’. Unreliable employers are those who are in debt, who do not pay for social insurance for their employees or who hire illegal employees. As such, they are prohibited from employing foreigners. The Czech Republic is in line with the countries which employ rigid employment protection legislation. A very significant move towards easier access to the Czech labor market meant the introduction of the non-visa regime for Ukrainians as of June 2017. Although this is an EU regulation it has a large impact on the Czech Republic, as most of its migrant workers come from Ukraine. Figure 4 shows a graphical illustration of both the Czech Republic and Slovakia in terms of migration and integration policies. The author is aware of the subjectivity of the matter, and that the portrayal of moves is very approximate, as all phases were marked by the adoption of both restrictive as well as liberal regulations, and the same is valid for the integration/circular axis.



**Figure 4:** The development of migration policies in the Czech Republic and Slovakia in 1989-2017

**Source:** Author's work

In Slovakia, the Alien Act of 1995 saw the first restrictions imposed on the previously liberal 1992 law that had placed no restraints on foreigners. This move towards restrictiveness meant that foreigners could now solely apply for permanent residence only from abroad. We observed that some regulations have focused on integration and dealt with permanent stay (unification of family, special foreign interest of Slovakia), though the concept of naturalization was still not introduced in the Act itself and

nor was there a coherent migration policy in terms of immigration or integration until 2011. The only milestone was the accession of the country to the EU which meant the transposition of the EU regulations and opening of the labor market for EU nationals. The country started to focus on EU workers while neglecting the long-term integration of non-EU nationals. The new comprehensive Alien Law (no. 404/2011) introduced temporary residence for many purposes (business, employment, study, unification of family, etc.) though tied to one of those without the possibility to change the reason. The migrants could apply from Slovakia when being there legally. The new law introduced also the new Blue card for highly qualified workers, and expanded the labor market for foreigners. The law newly introduced permanent residence after five years of legal residence as proof of more pro-integration policy, though the 2010 Citizenship Act banned dual citizenship in a move which restricted integration. The 2017 amended Aliens Act meant a move towards both the liberal and integration poles which improved both access to the labor market as well as integration policies for migrants from third countries. Nevertheless, one has to keep in mind that these were only EU regulations which the Czech Republic had adopted long before.

#### **4. Conclusions**

Significant immigration is a recent phenomenon both in the Czech Republic as well as Slovakia, and neither immigration, nor integration policy are among the priorities of the two states. For a long time, both countries lacked coherent immigration and integration policies, and these policies developed slowly (2009 in the Czech Republic and 2011 in Slovakia) with the rise of immigration and were accompanied by the need to adapt to EU regulations. Legal practices towards EU and non-EU citizens are quite different in both countries. Third country nationals face the greatest restrictions on their employment; they are not entitled to have access to the social support system during temporary residence. Unlike elsewhere in Europe, both countries lack a coherent integration program for newly arrived immigrants, and there are no systematic language courses or trainings.

The Czech and Slovak Republics have gone through almost thirty years of migration policies set up in the new democratic era. We observe that the development of migration policies of both states was dependent upon EU accession as well as a rise in immigration. The key dates regarding migration in both countries were EU accession in 2004 and joining the Schengen zone in 2007, and therefore both countries comply with the basic minimum legislative migration framework. The Czech Republic is among the most important immigration countries in Central and Eastern Europe (CEE), though still with a very small immigration community when compared to Western European countries. Slovakia, on the other hand, has a very low immigration rate compared to the Czech Republic and a high rate of emigration of highly skilled Slovaks. This detail contributes to the fact that emigration (threat of brain drain vs. economic gain) is included in every migration policy of the Slovak Republic. The Czech Republic has low emigration of natives, and therefore does not face the problem of brain drain.

This paper presented an overview of the most important developments in the field of migration policies in its broader sense in the Czech Republic and Slovakia. Both countries built their migration policies from a blank slate, and the migration policies had to be invented from scratch. The Czech Republic seems to be more mature when compared to its neighbor. Both countries employed initially very liberal policies in terms of migration but became more restrictive over time. Both countries had initially no integration policies and tended to circularity, adopting integration policies only on the EU path. It seems that the rise of immigration also meant a U-turn in the Czech migration policy, returning to the restrictive pole in terms of immigration and to the circular pole in terms of permanent settlement, though Slovakia is very well behind Czech development. The Czech Republic is more systematic in the field of integration and admits foreigners in the labor market, though it is still criticized by human rights activists. The Czech labor market is more open to the foreigners, unlike Slovakia where EU regulations dealing with seasonal workers were adopted only recently. As for the integration of foreigners, Slovakia inclines towards circular migration, enacting stricter conditions for temporary residence and naturalization. On the other hand, Slovakia is more inclusive in giving foreigners more extensive political rights. Unlike in Slovakia, Czech law is up to date with adopting the possibility of dual citizenship, though upon the condition that the applicant has not been a burden to the state social support system so far.

Both countries employ a highly centralized approach, with the Ministry of Interior playing a key role. Integration of foreigners in Slovakia is managed by the Ministry of Labor, Social Affairs and Family; in the Czech Republic, this was only temporarily the case (Ministry of Labor and Social Affairs, 2014). This temporary provision was seen as a symbolic change of public discourse, where migration was understood from the perspective of demographic changes and not security threats. Nevertheless, in 2008, the coordination role in the implementation of the integration of foreigners was transferred back to the Ministry of Interior, and the security discourse became prevalent while a human rights discourse is lacking.

The Czech Republic is more mature in the sense that civil society is highly engaged in lobbying for, drafting and commenting on new legislation – the Consortium of Migrants Assisting Organizations was set up in 2003, and currently works as an umbrella for 18 NGOs working with and assisting migrants. Slovakia offers a very different picture – migration policy was more or less a marginal topic until the EU accession, and it has only slowly accelerated and the few civil organizations do not have much to say in the legislative process.

What kind of migration policies do the Czech Republic and Slovakia have, therefore? The policies of both countries have been shaped by EU regulations and by increasing immigration. The starting point was the same for both, and both states had to create the migration policies from a blank slate. When comparing the Czech Republic with Slovakia, the Czech Republic seems to be more grown up, adopting regulations for better access of foreigners to the labor market. However, when we compare the

Czech Republic with the rest of Europe, it belongs among the most restrictive countries in terms of integration as well as in terms of immigration. Given the extremely low ratio of non-EU born adults that become Czech citizens, the Czech Republic will remain an exclusionary democracy unless it either changes its voting rights or increases the naturalization rates by decreasing the conditions for naturalization. Interestingly enough, even though Slovakia lags behind the Czech Republic in terms of both integration policies and naturalization rate, it is more inclusive in terms of political rights. It would therefore be worth comparing the migration policies of all of the European states, which is unfortunately beyond the scope of this article.

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