

# COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

Year 2023

383

## GOVERNMENT REGULATION

of the Slovak Republic

of 27 September 2023

**on the interest of the Slovak Republic in granting national  
visas to selected groups of third-country nationals in selected  
occupations in the field of industry**

**in the wording of the Regulation No. 35/2024**

The Government of the Slovak Republic pursuant to Art. 120 (1) of the Constitution of the Slovak Republic for the implementation of 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 aliens and on amendments and supplements to certain acts, as amended (hereinafter referred to as the "Act on the Residence of Aliens") orders:

### Section 1

The granting of a national visa under these conditions and for this purpose is in the interest of the Slovak Republic pursuant to Section 15 (1) (d) of the Act on the Residence of Aliens (hereinafter referred to as "national visa"):

- a) a national visa is granted for the purpose of employment according to the statistical classification of occupations
  1. 8121999 – equipment operator in the metallurgical and foundry industry not listed elsewhere,
  2. 8141000 – machine operator for the production of rubber products,
  3. 8211000 – assembly worker (operator) in engineering production,
  4. 8219003 – assembly worker in chemical, rubber and plastic production,
  5. 8212002 – assembly worker (operator) of electronic equipment,
  6. 8344000 – forklift operator,
  7. 7212002 – metal welder,
  8. 7223001 – CNC machine adjuster,
  9. 7223003 – metal welder,
  10. 7411001 – construction and operation electrician, or
  11. 5153003 – maintenance worker,
- b) a third-country national
  1. is a citizen of the Republic of Armenia, the Republic of Azerbaijan, Bosnia and Herzegovina, Montenegro, the Republic of the Philippines, Georgia, the Republic of India, the Republic of Indonesia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Federal Democratic Republic of Nepal, the Republic of North Macedonia, the Republic of Serbia, the Republic of Tajikistan, Turkmenistan, Ukraine or the Republic of Uzbekistan and is listed under Section 2 (2),

2. at the time of applying for a national visa, has not been granted temporary residence for the purpose of employment pursuant to Section 23 of the Act on the Residence of Aliens, nor has an application for temporary residence for the purpose of employment pursuant to Section 23 of the Act on the Residence of Aliens been lodged,
  3. has not been granted a national visa,
- c) the employer with whom the third-country national is to be employed may be the employer,
1. who has been established in the territory of the Slovak Republic for at least three years,
  2. who has not been fined for a breach of the prohibition of illegal employment in the two years preceding the date of submission of the draft list referred to in Section 2(1),
  3. who, on the date of submission of the draft list pursuant to Section 2(1), has fulfilled the obligations of a taxpayer pursuant to a special regulation<sup>1)</sup> and has fulfilled the obligations to pay the advance payment for public health insurance premiums, social insurance premiums and compulsory contributions for old-age pension savings,
- d) the user employer fulfils the conditions under point (c) in the case of a temporary assignment of a third-country national,
- e) the national visa is granted for the duration of the employment, up to a maximum of one year; and
- f) the total number of national visas does not exceed 10,000 in a calendar year.

## **Section 2**

(1) The employer submits to the Central Office of Labour, Social Affairs and Family electronically via the central portal of public administration<sup>2)</sup>

- a) a draft list of third-country nationals signed with a qualified electronic signature,
- b) the consent of the user employer to the temporary assignment of the third-country national referred to in the draft list referred to in point (a), if the employer is a temporary employment agency.

(2) The Central Office of Labour, Social Affairs and Family, after verifying the fulfilment of the conditions pursuant to Section 1(c), shall submit the list of third-country nationals to which it agrees to the Ministry of Foreign and European Affairs of the Slovak Republic and the Ministry of the Interior of the Slovak Republic within ten working days from the date of submission of the draft list pursuant to paragraph 1.

(3) The list referred to in paragraph 2 shall contain the following data on the third-country national:

- a) name and surname,
- b) date of birth,
- c) nationality,
- d) type and number of valid travel document,
- e) the code and title of the occupation according to the statistical classification of occupations for which the national visa will be granted and the name and identification number of the organisation,
- f) identification of the embassy or the Aliens Police Department of the Police Force at which the application for a national visa will be lodged.

## **Section 3**

The document confirming the purpose of stay for the purposes of Section 17(2) of the Act on the

Residence of Aliens is

- a) an employment contract if the employment is employment under Section 1(a) (1) to (5),
- b) an employment contract and a copy of the educational qualifications required for the job performance or a copy of the professional qualifications required for the job performance, in the case of a job referred to in Section 1(a) (6) to (11).

#### **Section 4**

The national visa shall indicate the code of the occupation according to the statistical classification of occupations for which the national visa is granted and the name and identification number of the organisation.

#### **Section 5**

For the purposes of Section 17(8)(c) of the Act on the Residence of Aliens, failure to fulfil the purpose for which the national visa was granted shall be deemed if the third-country national, during the validity of the national visa granted

- a) has entered into an employment relationship with an employer other than that for which the national visa was granted, or has taken up employment other than that for which the national visa was granted,
- b) has applied for temporary residence for the purpose of employment with an employer other than the employer with whom the third-country national is employed on the basis of a national visa granted.

#### **Section 6**

Employment of a third-country national who has been granted a national visa is in the interest of the Slovak Republic pursuant to Section 23a(1)(ag) of the Employment Services Act.

#### **Section 7**

This Government Regulation shall enter into effect on the date of its promulgation.

**Ludovít Ódor own hand**

- 1) Act No. 595/2003 Coll. on income tax, as amended.
- 2) Section 6 of the e-Government Act.