

COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

Year 2022

269

Regulation of the Government of the Slovak Republic of 20 July 2022

on the interest of the Slovak Republic to issue a national visa to relocated third-country nationals and their family members

The Government of the Slovak Republic, in order to implement Act No. 5/2004 Coll. on Employment Services and on Amendments and Supplements to Certain Acts (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 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 the nationals of third countries, who

- a) on the basis of a transfer from the enterprise of a foreign person or an organizational branch of the enterprise of a foreign person established outside the territory of the Slovak Republic will be employed with an employer who is an undertaking of the same foreign person or an organisational branch of the enterprise of the same foreign person established in the territory of the Slovak Republic and who will perform the function of a senior official or expert requiring exceptional professional knowledge, skills, abilities, knowledge, qualifications and experience necessary for operation or management (hereinafter referred to as "relocated employee")
- b) are family members of the relocated employee.

(2) A family member of the relocated employee for the purposes of this Government Regulation shall be their

- a) spouse,
- b) direct descendant who is under 21 years of age or who is a dependant person, and such descendant of the spouse.

(3) A national visa may be issued to a relocated employee if he or she is in the employment relationship and the agreed salary will reach at least twice the average salary of an employee in the economy of the Slovak Republic published by the Statistical Office of the Slovak Republic of the Republic for the calendar year two years preceding the calendar year in which the relocated employee applies for a national visa.

(4) A national visa may be issued to a third-country national as referred to in paragraph 1 if he or she is not granted a valid residence permit under the Act on the Residence of Foreigners at the time of applying for a national visa.

(5) A national visa is issued

- a) for the duration of the employment, up to a maximum of one year in the case of a relocated employee;
- (b) for the duration of the national visa of the relocated employee, in the case of the family member of a relocated employee.

(6) A national visa can be issued repeatedly. Paragraph 2 applies also to the the renewal of a national visa.

(7) For the duration of the validity of the granted national visa a relocated employee may not be employed by or have any other employment relationship with different employer or in in an employment oher than that for which the national visa was granted.

(8) For the duration of the validity of the granted national visa a family member of a relocated employee may study or be employed.

Section 2

(1) A national visa may be issued to a third-country national who is listed in the list of relocated employees and their family members (hereinafter referred to as 'the list').

(2) The list is submitted to the Ministry of Foreign and European Affairs of the Slovak Republic and to the Ministry of Interior of the Slovak Republic by the Ministry of Economy of the Slovak Republic with the prior consent of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

(3) The Ministry of Economy of the Slovak Republic shall attach to the list submitted to the Ministry of Labour, Social Affairs and Family of the Slovak Republic an employment contract or employer's written promise of employment of the relocated employee.

(4) The list shall contain, in the case of

a) a relocated staff member;

1. name and surname,
2. date of birth,
3. the type and number of the relocated staff's valid travel document,
4. 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 relocated employee will be employed,
5. the agreed salary,

b) a family member of the relocated employee:

1. name and surname,
2. name and surname of the relocated employee of whom he or she is a family member;
3. date of birth,
4. the type and number of valid travel document.

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

a) the employment contract or the employer's written promise of employment, in the case of a relocated employee,

b) a registry document proving the family relationship with the relocated employee, in the case of a family member of the relocated employee.

Section 3

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 deemed to be a failure to fulfil the purpose for which the national visa was granted.

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, in the case of a national visa granted under Section 1 (5) (a).

Section 5

An employer may employ a relocated employee or a family member of a relocated employee pursuant to Section 23a(1)(ag)(3) of the Employment Services Act.

Section 6

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

Eduard Heger, own signature