

Overview of legislative changes within the remit of the Ministry of the Interior of the Slovak Republic in connection with COVID-19 effective from 9th April 2020

On 07.04.2020, the National Council of the Slovak Republic approved a government draft law on some measures within the remit of the Ministry of the Interior of the Slovak Republic in connection with the disease COVID-19. With effect from 09.04.2020, 17 acts within the remit of the Ministry of the Interior have been amended, the purpose of which is to reduce the risk to public health while at the same time affecting citizens' rights the least under the restricted regime of certain public authorities.

In particular, the following changes were made:

- validity extension of some cards and documents
- changes in the commence of time limits
 - o in the field of trade business activity
 - o in the section of vehicle registration
 - o in relation to the residence of foreigners

A. Validity extension of some cards and documents

The validity of certain documents that shall expire during and after the withdrawal of the crisis situation, namely identity cards, driving licenses, firearms licenses, papers and licenses in the field of security services, certificates of proficiency in the field of fire protection, etc. For example, regarding the identity cards, the 180-day time limit for applying for an identity card due to its expiration does not apply anymore. Similarly, in order to limit the personal contact, it has been introduced that identity cards issued during the emergency situation are delivered directly to the citizen's address (there is no need to personally collect them at the Police department) and that shall be issued without paying the administrative fee for delivery.

On the contrary, the validity of passports is not extended. During the crisis situation, the Ministry of the Interior or the consular authority may also limit the receipt of applications for the passport issue, e.g. only for receipt of applications for the rapid issue of a passport till two days or ten working days.

B. Changes in the commence of time limits

i. Trade business activity

During the crisis period until its withdrawal, the minimum period for suspension of a trade is reduced from the original six months to one month. An entrepreneur may decide to suspend a trade during the crisis situation for any period, but no longer than for 3 years.

ii. Vehicle registration

During the crisis situation, vehicle owners/holders are not a subject to the vehicle registration obligations. For example, under the act in question, a vehicle owner who has not yet registered the vehicle in the vehicle register, does not have to register it within 30 days of its acquisition. Similarly, there are no time limits commence in relation to the obligation to notify a change in the vehicle ownership, to notify other changes in the vehicle registration, such as a change in colour, registration of a towing device, etc.). The time limits for fulfilling these obligations shall be extended for the period following the withdrawal of the crisis situation. The length of the time limits by which the obligations of vehicle owners/holders is extended depending on the end of the crisis (for example, in event of an end of the crisis by 30.4., the obligations have to be fulfilled within 1 month).

iii. The residence of foreigners

The adoption of the act in question also amended the Act on the Residence of Foreigners. Foreigners who are unable to travel due to the crisis situation and their residence in the territory of the Slovak Republic shall expire, are thus protected from the consequences that their unauthorized residence would otherwise cause.

All temporary residences, permanent residences or tolerated residences that shall expire during or within one month after the crisis situation, remain valid for two months from the end of the crisis (for example, if the crisis situation will end on 30.4, the residence remains valid until 30.6.). At the same time, any third-country national who has legally entered the territory of the Slovak Republic is entitled to stay in the territory of the Slovak Republic until one month after the end of the crisis situation.

In relation to the residence of foreigners, the following also applies temporarily:

- a) **the time limit of the validity of documents submitted in the procedure for granting a residence permit or in the renewal residence procedure shall be extended** - it is sufficient that the submitted documents fulfill the condition that they are not more than 90 days older at the time of the imposed measures related to the threat of the public health. This means that if a third-country national applies for a residence permit or a renewal of residence after the end of the imposed measures, in this case the police shall accept the submitted documents even if they are already older than 90 days. ATTENTION, at the same time there is a condition that the third-country national shall not leave the territory of the Slovak Republic from the end of the crisis situation to the moment when he will apply for the residence permit – that has to be fulfilled;
- b) for renewal of the residence for the purpose of business, a third-country national is not required to demonstrate income after tax of the company for the previous fiscal period during which the crisis situation lasted, at least in the amount of sixty times the subsistence minimum – the declaration on honor, stating that his business was affected by the duration of the crisis situation during the previous fiscal period is sufficient;
- c) **certain time limits laid down by the law on the duration of the crisis situation are extended** (for example, in the event of employment termination, the residence for the purpose of employment will not cease after 60 days);
- d) **during the crisis situation, the time limits do not commence for reporting the change** of name, surname, personal status, nationality, travel document data or identity card and exchange of travel document or identity card of an EU citizen and his family member (standard time limit: 5 working days from the day when the

change occurred), **for submitting** health insurance in the territory of the Slovak Republic, a medical report confirming that the third-country national does not suffer from any disease which could threaten public health (standard time limit: 30 days from the residence card receipt), **for announcing** the loss, theft or damage of a travel document or residence document for an EU citizen and his family member (standard time limit: 5 working days from the day on which the person became aware of the loss, theft or damage), etc.;

- e) **the duration period of the crisis situation is not counted in connection with the termination of the residence due to the non-arrival of the third-country national to the territory of the Slovak Republic within 180 days from the granting the residence permit**, i.e. temporary residence permit shall not expire if the third-country national does not enter the territory of the Slovak Republic within 180 days of the temporary residence;
- f) postponing the execution of the decision on administrative expulsion during the crisis situation;
- g) if a third-country national is staying outside the territory of the Slovak Republic during the crisis situation, he may submit an application for the renewal of temporary residence or an application for permanent residence for an unlimited time period to the consular authority of the Slovak Republic.