



STEPS TO A SUCCESSFUL RETURN



2018

This brochure is meant for foreigners and persons without a nationality who serve their remand or imprisonment sentence in the remand or correctional facilities of the Slovak Republic.

In the course of the execution of the custodial remand or the imprisonment sentence the same rules and duties apply to you as to the citizens of the Slovak Republic. However, your national specificities are also taken into consideration.

Some basic advice

The way to a successful sojourn in the correctional facility starts right on the first day of the custodial remand/imprisonment sentence. The correctional facility staff is going to accompany and guide you on how you can solve your problems during your stay there.

The basis of a problemless custodial remand is the observance of certain duties and prohibitions.

The details on the duties and prohibitions concerning foreigners and persons without a nationality are postulated in the Law on the Execution of the Pre-trial Detention and the Policy of Pre-trial Detention¹.

When entering pre-trial detention the staff is going to instruct you on:

- (1) your right as a foreign country citizen to turn to the diplomatic mission or consular authorities of the state whose citizen you are; your right as a person without a nationality to turn to the diplomatic mission, consular authorities or international organs whose mission it is to protect your interests,
- (2) as a foreigner or a person without a nationality on the right to receive the representatives of organs mentioned in paragraph 1 above; if you are in collusive custody the permission of the organ of criminal investigation or the court is necessary before the visit. Such a visit is not considered as a visit and is done as a rule by means of direct contact in the presence of a member of the staff,
- (3) on your right, as stated in § 27 section 3 of the law, to receive the daily press, magazines or books from the representatives of the organs mentioned in paragraph 1,
- (4) on your rights, duties and conditions of the execution of the custodial remand in a language that you understand,
- (5) on the right to get an immediate medical treatment by the remand facility.

As a foreigner immediately inform the corresponding consular authorities of the state whose citizen you are about the commencement of your **custodial remand** or **your transfer to another remand facility**. If, as a foreigner or a person without a nationality, you are found guilty by the court, you are obliged to pay to the state for the expenses related to the first 180 calendar days of your pre-trial detention. Upon being lawfully convicted to unconditional

¹ The Law on the Execution of Pre-Trial Detention No 221/2006 as amended by Act No 127/2008 and the Edict of the Ministry of Justice of the Slovak Republic No 437/2006 by means of which the Policy of the Execution of the Pre-Trial Detention is issued as amended by the Edict of the Ministry of Justice of the Slovak Republic No 361/2008.

sentence of imprisonment the correctional facility informs immediately about it the consular authorities of the state whose citizen you are **only if you ask for it.**

In case you have only been convicted to **extradition** or to extradition in combination with the prohibition to sojourn in the territory of the Slovak Republic the remand facility will inform you about the date and procedure of the extradition process. This will be done by means of escorting you by the foreign police on the day of your release to the corresponding border crossing.

Entering the Imprisonment Sentence

The basis of a problemless execution of an imprisonment sentence and the possibility of an earlier release is the observance of certain duties and prohibitions.

The details on the duties and prohibitions are stated in the law on the execution of the imprisonment, in the Policy of the Execution of the Imprisonment Sentence and the Constitutional Policy.²

Who can help you in solving specific problems:

The professional prison staff:

- the physician of the correctional facility – health problems,
- the psychologist/psychiatrist of the correctional facility – personal (psychological) problems,
- the social worker of the correctional facility – family and social problems,
- the pedagogue of the correctional facility - matters related to penal code, the possibility of an earlier release, starting work, other problems related to everyday life issues in the framework of the imprisonment sentence.

By means of written communication:

- to the diplomatic mission, consular authorities or international organs;
- personal acquaintances.



If you had any obligations as a foreigner or a person without a nationality resulting from your sojourn in the territory of the Slovak Republic prior to your entering the imprisonment sentence, these remain valid for you during your imprisonment sentence as well.

² The Law on the Execution of the Imprisonment Sentence and on the Amendment and Supplement of some Laws No 475/2005 as amended by the Law No 93/2008 and the Edict of the Ministry of Justice of the Slovak Republic No 368/2008 by means of which the Policy of the Execution of the Imprisonment Sentence is issued.

1. Parental duties

If you are a father or a mother of underage children (up to the age of 15) or uncared for children (over the age of 15 that are preparing for their future vocation) report your child maintenance duty even if the court has not established the sum to pay yet. The social worker will give you a form „*Request to do deductions from net work salary of convict to pay for maintenance of children*“.



By non-fulfilling the child maintenance duty you commit a criminal act (the criminal of „neglecting compulsory maintenance“).

2. The duties against the Office of Labour, Social Affairs and Family and the Social Insurance Company

If you were before you started serving your imprisonment sentence:

- registered at the Office of Labour, Social Affairs and Family as a job applicant,
- a recipient of social benefits³,
- a recipient of the contribution for an independent employment activity,
- a recipient of the contribution for commuting,
- a recipient of parental benefits and child benefits,
- or eventually a recipient of another contribution or benefit,

you have according to some laws the responsibility to inform about the commencement of the imprisonment sentence.

The social worker will give you the necessary forms. Fill them out within 8 calendar days starting from the first day of your imprisonment sentence and send them to the Office of Labour, Social Affairs and Family or the Social Insurance Company in the locality of permanent residence. The social worker will give you the addresses of the office and company.



In case you fail to report these facts the unrightfully paid amounts of money will be reclaimed from you.

For the first month of the execution of the imprisonment sentence or custodial remand the citizen is entitled to a full monthly amount of the social benefits as the condition of the registration for the given month is met.

³ According to the § 3 of the Law No 599/2006 **on help in material need** with the purpose to secure the basic life conditions and help in material need foreigners or persons without a nationality have the same position as citizens in the territory of the Slovak Republic on the basis of the permission of a corresponding organ.

3. Duties against employers

If the employer learns at latest on the day when you are supposed to show up at work that you have started to serve a prison sentence, they can dismiss you only if you were lawfully sentenced for **an intentional criminal act**.

At your own request the social worker will give you a form by means of which you can formally ask the director of the correctional facility for permission to make a phone call to your employer.

4. Duties resulting from employment activities



Suspending (at least for a period of six months and to the utmost for a period of three years) or completely terminating your licence for trade.

The act is charged.

The tax office, the medical insurance company as well as the social insurance company will be automatically notified about the fact that your licence for trade has been suspended or terminated.

The social worker will give you at your own request forms that you can send filled to the trade licensing office in the locality of your permanent residence. The social worker will give you the addresses of the corresponding offices and companies as well.

5. Duties against the municipality

It is appropriate to notify the municipality that for a period exceeding 90 days you will not reside in its territory and will not pay for the disposal of communal garbage.

Repeat this duty in each calendar year of your imprisonment sentence!



Avoid the duty to pay for the disposal of communal garbage.

The social worker will give you the corresponding forms. Send them filled by post as soon as possible after you've started your imprisonment sentence to the municipal office in the place of your permanent or temporary residence.

6. Other duties

You are supposed to report to your social worker if:

- you are a recipient of any pension (invalid, orphan...)

- a claim to any pension or its payment to you arises during your imprisonment sentence, if any pension has been granted to you with retroactive effect or if the time arises for you to be paid your retirement pension payments.
- you have been deprived by the court of your legal capacity or if you have a reduced legal capacity In such a case you will be appointed a custodian during your imprisonment sentence.



In communication with the authorities always state true, precise and complete information. Intentional stating of false or incomplete information which intention is to gain unrightful advantage in the exercise of the law is in accordance with the constitutional order a disciplinary misdemeanour.

The End of the Imprisonment Sentence is Approaching

Parole

You have the right to submit a request for parole in case the conditions stated by the law have been fulfilled.

The request for parole is submitted at the regional court in the locality of the correctional facility or at the court closest to the correctional facility in which you are serving your imprisonment sentence.

Do not forget that from the beginning of the imprisonment sentence your behaviour is evaluated. The results of the evaluation can decide to your advantage or disadvantage.

You will obtain a positive evaluation:

- by fulfilling the treatment program,
- for activities related to general personal development,
- for a long-term exemplary approach to regular work at the workplace,
- for activities organised in the framework of cultural and edifying activities (edifying activities, hobbies and sport activities, cultural, educational and entertainment activities),
- for an active and exemplary performance of functions in the convict community (e.g. member of the self-government, member of the unit service, the chief of the cell or room).

You will obtain a negative evaluation:

- for the non-fulfilment of your duties,
- for the violation of prohibitions,
- for the non-fulfilment of some points of the treatment program.

In case you have been sentenced to extradition from the territory of the Slovak Republic⁴ or extradition in combination with the prohibition to sojourn in the territory of the Slovak Republic, the correctional facility will notify you about the date and the procedure of the extradition process. This will be done by escorting you on the day of your release from the imprisonment sentence by the foreign police to the corresponding border crossing.



Because you are not a state citizen of the Slovak Republic, the valid legislation of the SR adjusts your rights and duties especially after release from the imprisonment sentence depending on whether you are:

- a citizen of a European Union country,
- a state citizen of a third country;
- a person without a nationality (a person that no state according to its laws considers to be its own citizen).

The foreign police will take charge of you after your release from the imprisonment sentence if you are a person without a nationality. If you do not fulfil the basic legal conditions to be granted the temporary or permanent residence in the territory of the SR (especially if you do not own a valid passport) the foreign police will investigate the possibilities of granting the tolerated sojourn. In case you do not fulfil the conditions for its conferment, the foreign police will start the process of administrative expulsion. However, being a person without a nationality with a tolerated sojourn does not entitle you to the advantages resulting from the conferment of the temporary or permanent sojourn in the territory of the SR.

First Steps after Release

1. The Office of Labour, Social Affairs and Family

If you are a foreigner with a permanent residence in the territory of the Slovak Republic your first steps should lead to the Office of Labour, Social Affairs and Family. You should visit:

The social guardian for adults at the department of social and legal protection of children and social guardianship which decides on granting or not granting **the resocialization contribution**, can help:

- in facilitating the return to your family,
- in finding a job,
- in search for accommodation,

⁴ You could be sentenced to extradition if you are not a citizen of a member state of the European Union or a citizen of a contract state of the Agreement on European Economic Space or a person who has been awarded asylum or provided with supplementary protection.

- in finding possibilities to continue in further preparation for a profession and in solving personal problems and relationship problems.

The resocialization contribution – is a one-off contribution meant for obtaining one's documents and procurement of necessary things of personal need after release.

The entitlement to the contribution does not arise automatically and depends on the overall life situations of the minor or adult person.

Who can it be provided to?

- To a minor or an adult person with a permanent residence in the territory of the Slovak Republic after their release from the imprisonment sentence, custodial remand or protective institutional treatment if they were executed in the territory of the Slovak Republic
- **to a foreigner with a permanent residence in the territory of the Slovak Republic** after they release from the imprisonment sentence, custodial remand or a protective institutional treatment.

2. Social Insurance Company

The Social Insurance Company, in which catchment area you reside permanently:

- will decide if you are **entitled to unemployment benefits**. You will be given the corresponding forms which you will have to fill out and submit.
- Here you will also obtain information on your eventual debts against the social insurance company.

3. Medical Insurance Company

- in case of loss of the medical insurance card, you will get a new one at the Medical Insurance Company in which catchment area you reside permanently. You will need your personal identity card in order to have a new medical insurance card issued.
- when visiting the medical insurance company you can also ask about your eventual debts relative to your medical insurance and about the possibilities of their payment.

4. Village, Municipality

The conditions of providing social services and social help are stated in the generally binding regulations published at the corresponding web page of the village or the municipality.

The social worker of the correctional facility or the social guardian can contact the department of social affairs or family of the corresponding town office to get information about your possible return and get more information about the possibilities and conditions of help from the side of the town.

The town:

- decides according to the law on providing help in case of material need by means of granting a one-off contribution meant for the partial payment of exceptional expenses of the household members for whom the material help is meant,
- provides various kinds of social services according to the needs of the citizens,
- provides basic social counselling part of which is guiding the client and professional help towards self-help,
- cooperates with various institutions in solving unfavourable social situation.

5. Doctor

Within the first days of your release you should renew contacts with your general practitioner. You will need your medical insurance card when visiting him/her. In case you do not have an appointed doctor yet it is necessary to get registered at a new general practitioner. Ask your social guardian for advice in choosing one.



The regular yearly preventive check-ups at the dentist and gynecologist guarantee the reimbursement of this medical treatment by the Medical Insurance Company. If left out, the medical treatment has to be paid in full by the patient.

6. Employer, Employment, Employment Relationship

You will need a valid personal identity card in order to conclude an employment relationship (employment contract, agreement on the performance of work, agreement on work activity). It is necessary to provide the employer with your personal data: your name and surname, the address of your permanent residence, date and place of birth, birth number, the name of your medical insurance company and the number of your bank account.



By working illegally you risk the exclusion from the register of the Office of Labour, Social Affairs and Family as well as the suspension of the payment of your employment benefits and contributions and at the same time you and your employer run the risk of being fined. By seeking only legal employment the protection of your rights by the employer, your legal income and old-age insurance is guaranteed.

This publication was issued in the framework of the project MY CHANCE financed from a donation of the Ministry of Justice of the Slovak Republic for the support and protection of human rights and freedoms and for the prevention of all forms of discrimination, racism, xenophobia and other forms of intolerance according to the contract No D021/2018/13.



Collective of authors:

PhDr. Štefan Ronec

Ing. Miroslav Špánik, PhD.

Ing. Eva Vajzerová

Translation:

Michal Čipka

Issued by: the Consultation and Information Center EDUKOS Dolný Kubín in cooperation with the General Directorate of the Body of the Justice and Prison Guards

Year of publication: 2018