

Housing among Persons of International Protection in the Slovak Republic

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Abstract

The present study² analyses the conditions and housing opportunities for Persons of Concern (PoCs) to the UNHCR (United Nations High Commissioner for Refugees), specifically refugees and persons who have been granted subsidiary protection in Slovakia. This study follows recent pilot studies conducted in Poland and Hungary, which examine the risks of homelessness for PoCs. However, the scope of this paper is wider and deals with issues of housing more thoroughly. The analysis includes risk assessment and the impact of housing policies and legislation is assessed and key issues are identified. It is also the first comprehensive analysis of housing issues among PoCs in Slovakia. Since 2010 the provision of their basic needs were passed from the state to an NGO which became the main service provider of their accommodation. Lack of education and an insufficient knowledge of Slovak language supported by stereotypes and prejudices of employers and the majority to foreigners (especially from Africa and Arab countries) greatly reduce their chances to find a job and support an adequate housing. The capacities of an NGO are limited and the state should rethink its approach towards this vulnerable group via a concrete implementation plan (not just through strategic or conceptual documents) for their integration into the society.

Keywords

right to housing, refugees, housing policies, legislation, accommodation

Introduction: The Right to Housing

Safe, quiet, and decent housing is a key factor and considered to be a fundamental human right when its impact is considered in terms of overall health and well-being of individuals and society as a whole. The right to housing is a fundamental right, a right that sustains human dignity and provides the possibility to access other basic rights. The term 'right to housing' can be broadly defined as 'the right to live somewhere in safety, peace and dignity.' Persons with

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international protection must first fulfill this right in order to have the possibility to seek employment, restore family relationships and establish links with the wider society. It is therefore important to consider the overall integration potential of housing sites at which persons with international protection can settle down. In addition to assessing the housing situation, other factors that are equally important include an in-depth analysis of the local labour market and employment prospects, educational possibilities, and the local attitudes towards foreigners as well as the access to social services.

The right to housing and its contents as part of the rights of refugees is directly enshrined in Article 21 of the Convention on Relating to the Status of Refugees of 1951 and its Protocol relating to the Status of Refugees of 1967. Specifically, the Contracting states, “shall accord to refugees lawfully staying in their territory treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances” (Convention Relating to the Status of Refugees, Article 21, 1951, p.26). The Convention of 1951 applies only to refugees; therefore, persons with subsidiary protection are not entitled to the same rights recognized in the Convention of 1951. Subsidiary protection is a product of EU law, notably in the Council Directive 2004/83/EC (the Qualification Directive). The Qualification Directive provides an obligation for the Member states to “ensure that beneficiaries of refugee or subsidiary protection status have access to accommodation under equivalent conditions as other third country nationals legally resident in their territories” (Qualification Directive 2004/83/EC, Article 31, 2004, p.11). The Slovak Constitution does not specifically provide for the right to housing. The problematic part for both foreigners and citizens of the Slovak Republic (SR) is the minimalist definition of basic living conditions, as set forth in the Act on Assistance in material need. This considers “one hot meal a day, necessary clothing and shelter” sufficient for those in need.

Methodology

This study was prepared in two stages (between March and May 2012). The first stage included the analysis of the legal framework and policies in the field of housing with an emphasis on beneficiaries of international protection. The next stage examined the possibilities and conditions for and the experiences with housing of persons with international protection. To this end, the information was collected through interviews with persons granted international protection themselves, and based on the experiences of NGOs that deal with the persons in question. The views of authorities and other institutions relevant to the given group were also considered.

A total of 25 semi-structured ethnographical interviews (lasting approximately 90 minutes each) were carried out with refugees and persons granted subsidiary protection from a variety of countries (Afghanistan, Somalia, Syria, Iran, Iraq and Chechnya). The interviews were conducted during several field visits with the respondents’ living in the quarters in Bratislava (capital city), Trnava, Nitra, Nové Zámky, Zvolen and Košice. The aim was to address a diverse sample of respondents. The sample included persons with short- and long-term residence, young and elderly, men and women, persons living alone, families with children, the employed and unemployed and persons living in lodging houses and rented flats.

Apart from the individual interviews three focus groups were carried out with persons granted subsidiary protection. Two of those groups lived within a Somali community and one within an Afghan community. The interviews covered three topics. The first included refugees’ experiences with housing during their stay in the SR. The second dealt with questions related to employment and joining the labour market in the SR. The last addressed services and support provided to persons granted international protection, especially concerning housing.

Status of Persons of International Protection

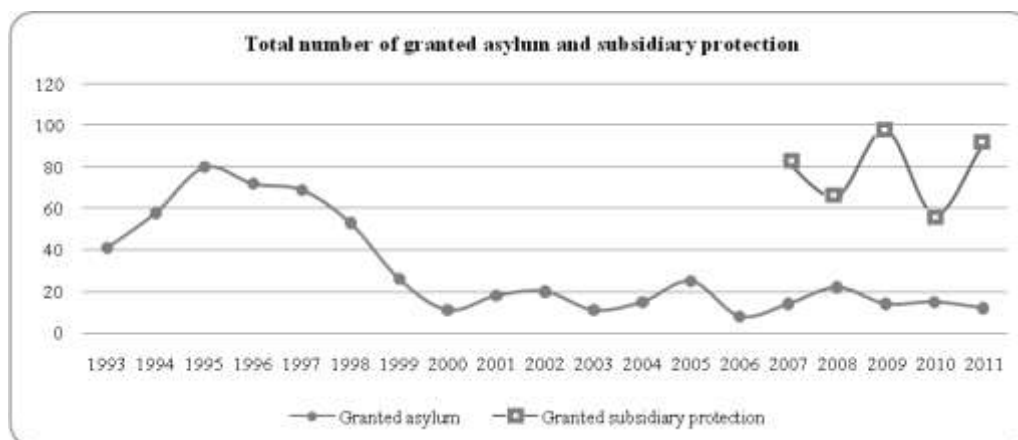
Third-Country Nationals (TCNs) who have been granted refugee status on the territory of the SR enjoy the widest range of rights among all foreigners, as their status is closest to the rights of citizens of the SR. Asylum is granted for an indefinite period. According to the Act on Asylum, the provision of accommodation to refugees in an accommodation centre is a possibility, not a responsibility of the Ministry of Interior. There is no legal requirement to placement of a refugee in an asylum centre. Accommodation is provided for the necessary time and the refugee is required to adequately cover the expenses associated with his/her stay. After being granted asylum and leaving the accommodation centre, the Migration Office provides accommodation for refugees in the Integration Centre in Zvolen. In order to support the integration process at the local level, the Ministry of Interior allocates financial support to the municipalities that are providing accommodation for refugees. However, during the investigations carried out, the research team found that no municipality has asked for this contribution.

According to the Act on Asylum, a TCN who is granted subsidiary protection is regarded as a foreigner that has been awarded temporary residence. Subsidiary protection is provided for a period of one year. The status is extended for another year if all conditions are fulfilled and there are no reasons for its rejection. In reference to the specific situation on housing, these persons are not eligible for housing provided by the Migration Office as stated in the wording of the Instructions of the Migration Office. In early 2010, the Ministry of Interior stopped providing accommodation on the grounds that the law imposed a possibility and not an obligation to provide accommodation and other basic needs. According to the opinion of several professionals working in the field, such interpretation of the current law by the Ministry of Interior is considered to be incorrect. The experts assert that the law gives the alien the possibility of being provided accommodation, not giving the public authorities the possibility of providing accommodation (Hrnčirová et.al., 2012). In this manner the responsibility to provide housing and other basic needs was swept away from the state to the NGO sector. NGOs have taken responsibility for the overall agenda of care for persons with international protection since 2009, while the Ministry of Interior acts only as a donor of financial support through the ERF (European Refugee Fund).

Trends in Asylum Applications

In the past years there has been a significant decrease in the number of applications for asylum. The applicants were mostly persons coming from Somalia, Georgia, Afghanistan, Moldova and Vietnam. The declining number of asylum applications can be the result of the increasing distrust of the system among asylum seekers or the impact of the EURODAC introduction (since May 2004) which, under the Dublin Regulation, provides that an asylum seeker can apply in only one EU country (Popper et.al., 2006). Between 1993 when the SR began providing international protection to refugees and 2011, the Migration Office received a total of 56,575 asylum applications, of which 592 were approved, representing approximately one per cent of the total. Subsidiary protection was granted for the first time in 2007, following the amendment to the Act 480/2002 of the Coll (Coll is acronym for collection of Acts. It is the terms of law written after the number of the Act) on asylum which transposed the Council Directive 2005/85/EC. Since 2007 the number of submitted applications follows a downward trend and this may be associated with the distrust of applicants towards receiving subsidiary protection or with their preference to obtain refugee status. The lowest number of submitted applications was recorded in 2011, which represents approximately a five-fold decrease compared to 2007.

Figure 1
Total number of applicants granted asylum and subsidiary protection



Source: Ministry of Interior SR, 2012, available online at: <http://www.minv.sk/?statistiky-20>, accessed: 12 April 2012.

Conditions and Housing Opportunities

The main document in the area of housing in SR is the Concept of State Housing Policy to 2015 which indicates the direction of the housing policy. The Concept of State Housing Policy obliges municipalities to invest in building low-cost housing that will be used in the public rental sector with appropriate standards and regulated prices. However, there has been a steady decline in the availability of financing for housing projects especially affecting the Housing Development Programme and the State Housing Development Fund. As a result of large-scale privatization in Slovakia, the municipal rental apartment market has largely shrunk. While in 1991 the share of municipal housing was 27 per cent of all types of apartments, currently only about three per cent of all types of apartments are municipality and/or state owned (Szolgayová, 2010). Of the total number of newly built apartments, the share of municipal housing is very small, averaging just 15 per cent for the period 2004-9 (Szolgayová, 2010). In EU countries, the share of rental apartments ranges from 19 to 62 per cent (Szolgayová, 2010). Low-income groups, which in many cases include persons with international protection, have difficulties accessing affordable and adequate housing in Slovakia.

After obtaining asylum, a refugee is usually placed by the Ministry of Interior in an Integration Centre. The options include integration flats in Bratislava (capital city) and Zvolen, or rental flats in Košice under the Migration Office's right of disposal. A refugee can reside at the Integration Centre for six months with an option to prolong it by six more months. It seems that, under the standard circumstances, it is the Migration Office's strategy to terminate refugees' stay at the integration flats after a period of nine months. Following this period refugees were usually relocated to Bratislava or Košice, and occasionally they stayed in Zvolen. Accommodation at this Centre has been, however, described very negatively by some refugees.

(Chechen family): "We were not allowed to search for a job while staying at the centre, and we experienced a very negative attitude of the management that discriminated us and treated us inadequately; we were deprived of our rights, e.g. we were not allowed to have visitors."

In Bratislava, the integration flats are managed by the Migration Office. There are nine one-

room apartments. At this location, refugees were also keen on utilizing the facilities for more than six months, since the rent paid here is very low. However, living in the apartments also had its negative features, as described by one of the refugees:

“It is a very tiny room with no TV or internet connection. The apartment at Pivonkova St. felt like prison to me with no one around, but me. If you’d opened the door, you would’ve thought you were in prison. There was no one to talk to.”

In Košice, refugees are able to rent an apartment from the Migration Office at very reasonable prices. The standard rental period for these apartments is five years. This period is normally used to the maximum by refugees, since it would be impossible for them to find cheaper accommodation of the same standard. An NGO contributes to the rent payments of vulnerable groups of refugees (the elderly, the sick, parents with children), sometimes the full amount if the project’s budget permits.

As determined from the interviews, refugees located in integration housing find themselves in an unstable situation. As their stay is generally short-term in character, this precludes their ability to find work, which in turn limits their ability to establish local social networks, thus hindering their integration within the local community (Antolová, 2011). Several refugees found themselves in a situation in which they had to relocate a few times after leaving an integration house as the work available to them was only short-term in each new location. Often, refugees were not able to find a job for a long period of time and had to rely on the benefits in material need after job contract terminations. One of our respondents, a mother with a child, has been depending on benefits in material need for as long as two years, during which she moved twice without any prospect of finding long-term work.

Social Housing

Rental accommodation is one of the key issues in Slovakia. Access to these apartments is very limited, although the Concept of National Housing Policy includes a mandate for municipalities to build public rental sector apartments of reasonable standards and with a regulated price. Rental houses provided by municipalities are preferably allotted to applicants with limited possibilities of finding accommodation by their own means; the conditions for providing the support define eligible applicants based on their income level. Apart from the state itself, municipalities, self-governing regions and NGOs are among the main players in the field of social housing. The majority of municipalities’ accommodation department staff confirmed that there have been no applications for social housing from refugees or persons granted subsidiary protection or there have been only a very small number of applications, however in none of the cases did applicants fulfill the specific conditions and, as a result, social housing was not granted.

This study concludes that building social housing is not a priority for the municipalities. Even in towns where social housing is available the number is insufficient. According to the accommodation department staff, the waiting lists are so extensive that refugees or persons granted subsidiary protection would have a very low chance of fulfilling the conditions and being granted this type of housing. Generally, families with children and single mothers with children are given preference (Suchalová and Staroňová, 2010).

Housing in Lodges

Living in lodging houses provides the possibility to avoid the problematic searching for private housing; however, it is only a temporary solution. As such, the vast majority of persons with newly granted subsidiary protection is forced to live in lodging houses mediated through NGO projects, as the SR has not enacted a programme for the integration of persons granted subsidiary protection and the social housing system does not work. Due to the current interpretation of the provisions of the Act on Asylum by respective authorities, persons granted subsidiary protection

have found themselves in a precarious situation regarding accommodation possibilities. The state has delegated the provision of accommodation to NGOs on the basis of (European Refugee Fund) project activities. The danger is that this model does not guarantee anything to persons granted subsidiary protection and in the case of problems with the grant, persons with newly granted subsidiary protection face a real risk of homelessness. Accommodation for those with newly assigned subsidiary protection is fully covered by the NGOs. After the termination of project support, the PoCs can receive subsequent support from the NGOs for the next four months. After this period, they have to secure finances for housing on their own.

Due to the inadequate conditions present in lodging houses, NGOs attempt to provide private housing, outside of lodging houses, for families with newly provided subsidiary protection and for mothers with children. NGOs try to find independent housing for families, which often depends on the number of family members. When an apartment is assigned, the social workers try to provide the basic necessities for the apartment (couch, bed, table, chairs, etc.).

Private Housing

Persons granted subsidiary protection become self-payers for accommodation, a) when they become employed or b) when the support from the NGO project expires after 12 months. After the termination of NGO support self-payers are dependent on state social benefits. These benefits are relatively small and cannot usually even cover half of the rent. Typically, right before the conclusion of support provided from NGOs, PoCs start to interact intensively with the social workers who in turn help them find and communicate with the providers of private accommodations and the social workers may very well assist them in negotiating terms and conditions of the rent. A social worker often represents a guarantee to property owners/renters.

“...For example, it is not possible to say that it is a renter from Afghanistan as the landlord would refuse further communication, it is necessary to choose an appropriate name, so that people do not get scared“. (NGO social worker)

Those looking for private housing often form groups of three or four people to look for accommodation together. They are usually either colleagues at work or they knew each other from the lodging house. Findings show that they are successfully able to pay the rent for the entire period of their employment. Sharing the accommodation cost allowed respondents to create a financial reserve, and thus also cover the costs in difficult periods, such as during their document renewal.

Housing for refugees is always closely linked to their employment. When living in private homes, the risks related to loss of income / work and the subsequent lack of funds to pay the rent are high. When a loss of income occurs, the PoCs receive only material need benefits. In such cases, refugees are forced to move to cheaper apartments or lodging houses. For our respondents, the loss of accommodation came within one month after the job loss. All of the refugees with whom we interviewed reported problems with rent paying because of a low monthly income.

In Slovakia there are some employers who provide employment for persons of concern and currently they provide accommodation for them as well. These are car manufacturers in Bratislava and Trnava, and production factories in other regions of the country, such as Galanta, Šaľa and Sládkovičovo. When families with children are considered, even though a family member has gained employment, this type of accommodation is not conducive to family living. Considering the night arrivals of employees from shift-work, noise, and in many cases alcohol consumption, it all combines to make the hostel environment not suitable for raising children and also may pose a direct threat to women. The respondents classified this accommodation as many times worse than in the asylum centres.

From the employer side some misunderstandings in the employment of PoCs were noted.

Frequently, the problems were associated with cultural differences (for example problems with work absence on religious grounds, such as in observance of holy days), or payments for accommodation (for example, the accommodation provider had to explain to employees why they must pay for accommodation despite their inability to work or holidays). Distrust is growing against such workers for several reasons, which creates a negative image of the group of PoCs as a whole. Research found that they often last in a work place only for a very short time, and occasionally they leave the job without giving notice.

Root Causes of the Current Situation

Increased social exclusion: In connection with PoCs, a general disadvantage with regard to education, employment, accommodation and financial resources is apparent, which is reflected in their social exclusion. This exclusion is largely created and maintained by prejudice and stereotypical attitudes of the majority. The results of a recent representative research study concerning the attitude of the public towards foreigners shows that a significant part of the population of Slovakia is not ready to accept foreigners and has a problem accepting others, even though the majority of Slovaks do not dismiss the idea of a successful and conflict-free co-habitation of people from different cultures (Vašečka, 2009). This cautiousness and common refusal of foreigners originates from the fact that Slovaks consider themselves poor and thus do not have the resources to “take care” of others.

Absence of complex integration programme: In Slovakia, there is a lack of a focused state integration programme for PoCs. There is a lack of clear-cut standards, rules and scope of integration activities for these target groups. This is then reflected in several legislative limitations (labour, education, accommodation, etc.), especially concerning persons granted subsidiary protection. As a result of this situation there is an enormous dependence of many PoCs on the aid of NGOs. NGOs are subsequently overloaded by securing basic life conditions for refugees and do not have the necessary resources (financial, as well as personnel) for more specific, targeted aid. The implementation of an integration policy (which is not even formalized) exclusively via projects of NGOs is risky due to the possibility of discontinuation of funding at any time, for any reason.

Barriers in labour market and language: The integration programme should prepare PoCs sufficiently for the fastest possible adaptation to society and employment, with which two additional key issues of provision of adequate accommodation are connected: barriers of entry to the labour market and the language barrier. Persons granted subsidiary protection, in contrast to asylum seekers, are limited by several legislative barriers in entering the labour market. The Act on Employment Services No.5/2004 Coll. enables them to find work only after being issued a work permit by the competent labour office. Moreover, persons granted subsidiary protection (same as other citizens of third countries) should provide adequate qualification to perform work. Another major obstacle is the practice of labour offices to not issue work permits to persons granted subsidiary protection for jobs performed outside the employment relationship, which makes it impossible for them to perform seasonal work or temporary work. It is especially temporary and seasonal work that is the most accessible type of legal work for persons granted subsidiary protection and that is why they are often forced to perform this work illegally. Furthermore, many employers consider the period of time for which a person is granted subsidiary protection is granted temporary residency to be too short to consider the person to be an ‘attractive’ candidate and prefer applicants with a longer career perspective.

One of the main conditions of successful integration into society is also an adequate level of proficiency in the Slovak language. The better the knowledge of the language, the more independent the refugees will be to solve their own situations and problems. Despite this fact, language proficiency of PoCs is, generally, relatively low. On the one hand, this is a result of a

lower intensity of language teaching (refugee centres provide a course schedule of 90-minute meetings two to three times a week, which is about 12 hours per month), this is considerably less than in other countries. Finally, there is certain unwillingness from the side of some PoCs to learn a difficult foreign language. This is often connected to a feeling of insecurity in relation to their future, as subsidiary protection is only temporary and is not renewed automatically. This then leads to a sense of pointlessness in learning a language which they may never need to speak and which is not used anywhere else in the world.

Conclusion

Persons granted international protection within the territory of the SR face discrimination in many areas, particularly employment. We have identified several problematic areas connected to the housing situation of persons of concern to UNHCR. The provision of housing and other basic needs of persons of international protection in Slovakia have been passed from the state to NGOs, financed from the European Refugee Fund. From a wider perspective, we may summarize that the barriers of acquiring adequate housing into an internal and external even though both are interconnected. Internal limitations are those originating mainly from the persons social, economic and cultural capital and result in the limited possibility of employment, which, in the long run, significantly affects the possibility to acquire adequate accommodation (low proficiency in the Slovak language, age over 50 years, insufficient education). Many problems are related with a low proficiency of Slovak language of these persons, despite that it is one of the most important conditions for a successful integration into society. Many of them do not see the point in learning a difficult language, which they may never practically use, or need and which is not used anywhere else in the world. External limitations are mainly on the part of the society, its norms, institutions and organization. (legislative provisions, high unemployment rates in regions where integration flats and shelters are situated, discrimination on the labour market and accommodation providers, and prejudice of the majority.) In addition to the complicated process of acquiring a work permit, employers and recruitment agencies are not sufficiently aware of what subsidiary protection is. The negative attitudes towards foreigners and the implications therein do not stop with just the employers and colleagues, but are perpetuated by their neighbours and many other Slovaks with whom they meet regularly (Bargerová et.al., 2011). The owners of flats or other accommodation facilities (particularly lodging houses) are often not willing to rent them to foreigners. These problems then strongly influence the housing and living strategies of persons of international protection.

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