



Practices in Interviewing Immigrants: Legal Implications
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I.

INTRODUCTION

Procedures Related to the Foreigners

The stay of the foreigner in Slovakia could be determined by two different procedures – the asylum procedure or the procedure on granting the residence permit.

The asylum procedure is governed by the Act on Asylum¹ and could provide the applicant with the humanitarian protection in the form of asylum or subsidiary protection. According to the law, the foreigner is obliged to lodge the asylum application to the competent State authority – specialized asylum police department². The police have to register the asylum application and deliver it to the Migration office of the Ministry of the Interior (hereby referred to as “migration office”) along with the eventual additional documentation.

Migration office decides about the asylum application in the procedure called “the asylum procedure”. The most important part of the procedure is the interview, where the asylum seeker is requested to present his/her grounds for asking asylum. The outcome of the procedure is the decision of the migration office on granting/non-granting of the asylum or subsidiary protection. The decision of the Migration office could be appealed to the Regional Court in Bratislava or Košice³ and in the second instance to the Supreme Court of the Slovak Republic.

The conditions for being granted visa and residence permit in Slovakia as well as the provisions on the administrative expulsion and detention of the irregular migrants in Slovakia are stipulated in the Act on the Stay of the Foreigners⁴. According to the law, there are 3 types of residence permits: permanent residence, temporary residence and tolerated stay. In the case that the foreigner violates the law or enters/stays in the territory of Slovakia irregularly, s/he could be subjected to the administrative expulsion and/or detention. The authority responsible to deal with the visa and residence related issues is the Office of the Border and Immigration Police (hereby referred to as “OBIP”), which is the part of the Police Forces of Slovakia.

¹ The Act. No. 48/2002 Coll. On the Asylum and on the Amendments and Changes to the Other Acts as amended (hereby referred to as “Act on Asylum”)

² The competent police departments are: the departments of border control at the State borders (5 departments of border control at Slovak-Ukrainian border), the border police departments in the international airports in Slovakia (Bratislava, Košice); the police asylum department in Gbely (Western Slovakia, next to the Czech borders) and Humenné (next to the Reception centre for the asylum seekers in Humenné); or in the Detention centre for the foreigners in Sečovce or Medveďov.

³ The venue is dependent from the location of the Accommodation centre for the asylum seekers, where the asylum seeker is registered.

⁴ The Act No. 48/2002 Coll. On the Stay of the Foreigners and on the Amendments and Changes to other Law as amended

II.

FINDINGS

A. The Access to the Asylum Procedure

1.1. Overview

The right to seek asylum in Slovakia is the constitutional right⁵. It applies to every single foreigner within the jurisdiction of the Slovak Republic including the border area.

In order to benefit from the international protection, the crucial point for the potential asylum seeker is to have the access to the asylum procedure. The access to the asylum procedure means that every person interested in doing so has the real, available and effective possibility to lodge the application for asylum. Usually, the asylum application is lodged by the foreigner who does not speak Slovak language. Therefore, the involvement of the qualified interpreter in the process is essential.

According to the law, the asylum seeker shall apply for asylum to the competent asylum police department. If the potential asylum seeker lodge his application to the incompetent police department, the police, if does not decide about detention the foreigner, has to instruct him/her about the competent police authority.

In general, the police have to provide the asylum seeker with the interpreter *from the language in which s/he is able to communicate*⁶. The police make short interview with the asylum seeker about his identification data, the journey and grounds for seeking asylum and take his/her fingerprints. The documentation is forwarded to the migration office and the asylum seeker is sent to the reception centre in Humenné. The minutes of the interview must be signed by the police officer, interpreter and the asylum seeker; and the text has to be re-translated to the asylum seeker prior to his signature. The statements of the asylum seeker in this short interview are part of the case documentation reviewed by the migration office in the process of determination of the case.

In many cases, the asylum applications are lodged by the foreigners at the border police departments, right after crossing the border with Ukraine; or in the detention centres. The right to seek asylum is most vulnerable in the procedures at the borders and in the detention centres, usually. Therefore, these procedures are under the closer monitoring of the HRL and UNHCR since 2007, based on the AMAS project⁷. The project allows HRL lawyers to be present during the procedures with the persons in the interest of UNHCR and examine the file documentation. In 2010, HRL monitored 24 cases in which the asylum application had been

⁵ Art. 56 of the Constitutional Law No. 460/1990 Coll. Constitution of the Slovak Republic (hereby referred to as "Constitution")

⁶ §6 (2) of the Act on Asylum

⁷ Access Management And Support project, based on the Tripartite Memorandum between UNHCR, HRL and OABP.

lodged directly at the borders.⁸ The following text will provide the short description of the major findings that has come out of the monitoring at the border and in detention.

1.2. Border procedures

Based on the AMAS project we can conclude that here has been significant improvement in the procedures related to the interpretation for the foreigners apprehended at the borders or placed in the detention centres recently. For example, the cases in which the police officers acted as interpreters in the proceedings were lowered up to 5 such cases reported in 2010.

However, there were reported several persisting problems:

1.2.1. Lack of Qualified Interpreters

The lack of qualified interpreters from languages considered to be rare (such as Somalis, Kurds, Tibetans, etc.) is problem which affects whole territory of Slovakia. The reasons are that 1. the number of foreigners residing in Slovakia is low (less than 1% of the population); and therefore there are only few or zero interpreters from certain languages; and 2. Because of the limited possibilities, the authorities use the services on unqualified interpreters.

According to the law, if it is not possible to appoint the interpreter from mother language, the procedure could be done in the language, which the foreigner *is able to understand*.

The case study:

The group of Somalis were apprehended by the border police guards in the Slovak border area and presented to the border police department in Michalovce. The border police knew that there is no interpreter from Somali language in the nearby area, so they called the local English language teacher. However, the ability of Somalis to speak and understand English was very limited. They testified that they are afraid to be returned to Somalia because of the war in their country and that this is the reason why they left the country of origin. However, due to their inability to speak in English, they did not present their will to apply for asylum and they were subjected to detention pending their administrative expulsion. Later on, in Detention centre, they applied for asylum. Soon after, the appellate court rejected the decisions on their detention based on the ground that the interpretation was not provided to them in the language they can understand ad they were released.

Problematic moments in the border practise:

The interpretation for the foreigners is provided in the language they do not understand due to wrong determination of their language ability of false presumption about the language they are supposed to understand.

⁸ Total number of the asylum applications lodged at the border as reported by the OABP is 67 in 2010.

The interpretation is provided by one of the foreigners apprehended for others in the group. The language ability of the foreigner could be questionable; the issues of confidence could be raised.

Possible consequences for the foreigners subjected to wrong interpretation:

The wrong interpretation could result in the discrepancies in the statements of the foreigners noted down in the minutes of the interview. This could lead to the low credibility of the asylum seeker in the view of the migration office.

One of the results of the wrong interpretation of the asylum seeker could be unlawful detention, expulsion, prohibition of re-entry for several years⁹, or expulsion of the alleged minors¹⁰.

1.2.2. Malpractice:

Case study:

The Afghan foreigner with his family was apprehended by the border police in the woods. The police officer interviews the head of the family with the Farsi interpreter, whom they use very often. Due to the fact that the interpreter knows the procedure, police officer lets the interpreter to interrogate the foreigner and limits his activity to write down the notes. During the break in the interview, the interpreter chats with the police officers in front of the foreigner, without explaining the content of the conversation to him. After the interview, the police officer instructs the foreigner about his rights, duties and further possibilities using formal language without checking if the interpreter and foreigner understand the terms. Also, police officer uses the term “refugee camp Sečovce” instead of “detention centre Sečovce” and speaks in formal language using terms such as “readmission”, “detention”, “administrative offence”, etc., without describing its meaning. Then he asks the foreigner what possibility he would choose (apply for asylum or readmission to Ukraine). The foreigner is confused and replies that his aim was to travel to Germany where does his brother live. He asks the police officer to decide about the best for him as he is under his disposal right now. The police officer concludes that the foreigner does not want to apply for asylum because he wants to travel to Germany only. He starts to prepare documents on his administrative expulsion and detention. Later on, when being placed in detention centre and after consultation with the lawyer, the foreigner applies for asylum in the detention centre.

Problematic moments in the border procedure:

The instruction on the rights and duties is provided in written form in formal language. It is difficult to estimate if the instruction could be properly understandable for foreigner who

⁹ There were cases reported, where foreigners returned to the Ukraine from Slovakia claimed that they were trying to apply for asylum in Slovakia, but their application had not been accepted and they were expelled to Ukraine with the ban against re-entry. AMAS case file documentation, HRL archive.

¹⁰ There were cases reported, where foreigners returned to the Ukraine from Slovakia claimed that they are minors (under 18), but they were expelled to Ukraine as adults. AMAS case file documentation, HRL archive.

does not know the meaning of the formal terms and is stressed because of the long journey and the apprehension at the borders. In every situation, police shall make sure that the foreigner really understands the instruction and provide him with the unofficial explanation in less formal language as well. Also, the attention shall be paid to proper use of the terms in order to avoid confusion.

The police shall not use the interpreter as a person who interrogates the foreigner or confirms or negates the statements of the foreigner. The interpreter shall be strictly impartial and shall avoid any situation that can lower the confidence of the foreigner about his professionalism.

The statements of the foreigner shall be noted down exactly as they were presented, the shortening of paraphrasing shall be lowered to minimum. The foreigner shall receive the copy of the minutes, signed and stamped by the police and interpreter.

Consequences for the foreigner if s/he is subjected to above mentioned malpractices:

Wrong estimation of the intentions of the foreigner (s/he wants to apply for humanitarian protection but due to the lack of knowledge of the procedure s/he and malpractice of the police s/he is deprived of the access to the asylum procedure) could be the outcome of the malpractice.

The malpractice, both intentional as unintentional could result in the unlawful detention and administrative expulsion of the foreigner to the country of persecution.

The later application for asylum could be determined as manifestly unfounded due to the fact the foreigner did not apply directly at the borders; or because his statements were noted down with mistakes in the meaning.

1.3. Detention Centres

In general, the access to the asylum procedure in detention has been significantly better than the access at the borders. As reported, the average time for taking the asylum application has been 1 week maximum since the detained foreigner expressed his will to apply to the authorities in the detention. The major challenge for the process of accepting the application is to arrange interpretation.¹¹ In general, the detention centres face the very same problems as the other authorities dealing with the asylum application that is the lack of qualified interpreters from several languages (e.g. Somali language). In such situation, we recommend to develop the effective cooperation with the police/immigration authorities in other EU countries and benefit from the available technology to conduct the interview online.

1.4 Recommendations to the Border and Immigration Police Office:

Every document where the statements of the foreigner are noted down shall be **carefully re-translated in order to ensure that the statements were noted precisely**. The re-translation

¹¹ Based on the AMAS project monitoring outcomes.

of the statements provides the possibility to correct misinterpreted statements and to ensure that everything important for the asylum procedure had been noted down correctly.

Every single document signed by the foreigner shall be properly translated to him. The omission to do so may lead to the invalidity of the legal act due to the lack of the comprehension by the applicant.

The interpretation shall be provided by **the qualified interpreter**. Every document that was translated shall be signed (and stamped) by the interpreter and the foreigner (preferably every translated page). The interpretation by the **State appointed interpreters shall have priority**. In the case that this is not possible, the interpreter shall be carefully selected and the **system to verify the quality of the non-professional interpreters shall be developed**.

The police have to pay **special attention to the language of the interpretation**. The interpretation in **mother language** has the priority. In the cases, where such interpreter is not available, the language of the interpretation shall be **carefully selected** and the understanding and comprehension of the foreigner has to be ensured repeatedly during the proceedings.

We suggest developing the effective cooperation with immigration authorities in other EU member states in order to fight the constant lack of interpreters from several languages in Slovakia. The internet, video conference equipment and others could be used to provide the interpretation in such cases.

B. Migration Office

1.1. Overview

The legal basis and general rules for the interpretation in the asylum procedure are to be found in the Constitution and the Administrative Act. The Act on Asylum provides some specific rules for the interpretation during the asylum procedure.

The asylum seeker has the right for the interpreter in the asylum procedure. According to the law, the invitation for the asylum interview has to be delivered to the asylum seeker in writing and *in the language which is presumed that s/he could understand*.¹² The interview has to be performed in the language *s/he is able to communicate* and is noted down in written form.¹³

¹² § 6 (2) of the Act on Asylum

¹³ § 6 (2) of the Act on Asylum

Taking into account particular circumstances and with regard to the opportunities available, the migration office provides the interpretation by the person of the *same gender* as the asylum seeker.¹⁴

Usually, the migration office has to interview every asylum seeker with the exception that the decision could be based on the statements of the asylum seeker provided in the asylum application.¹⁵ The interview is held by the decision-maker from the migration office and could be repeated, if there are reasons to do so.¹⁶

The decision about the asylum application is based on the fact-finding of the migration office and information provided by the asylum seeker during the interview.

1.2. Asylum Interviews:

1.2.1. *Lack of qualified interpreters from several languages*

In general, the interpretation in the asylum procedure shares several common problems with the interpretation in the process of the asylum application. This is merely due to the overall lack of the qualified and professional interpreters from “rare” languages spoken by the asylum seekers in Slovakia.

1.2.2. *Malpractice:*

It is the common and well-proved practise to re-translate the minutes of the interview before the interview form is signed by the persons present. The re-translation of the interview helps to correct eventual mistakes that occur during the process of translation and writing and results in the proper, accurate and credible record of the interview.

However, in everyday practise there were experienced situations, in which the re-translation had been done in hurry, not precisely, or was not provided at all.

It is important to notice that eventhough the re-translation prolongs the length of the interview; its importance for the case-finding is significant. The interviewer/decision maker shall bear in mind that he shall ensure that the applicant had been provided with the possibility to correct any eventual mistakes in the writing, before the interview is ended. The asylum seeker has to be informed that he would have the possibility to review the statements that were noted down and correct the possible mistakes at the end of the interview. The interviewer shall not refuse the correction of the mistakes that are found in the process of retranslation. In the case that the interviewer does not agree with the correction, he is obliged to record the request for correction and the reason for refusal. Any additional statements of the persons present during the interview shall be noted down as well. The interpreter shall be informed about the importance of the retranslation and explicitly asked not to shorten the statements during the retranslation. Regular breaks in the interview shall be given to the participants of the interview in order to fight the exhaustion from the long interviews.

¹⁴ § 6 (4) of the Act on Asylum

¹⁵ § 6 (1) of the Act on Asylum in con. with § 4(1) of the Act on Asylum

¹⁶ § 6 (1) of the Act on Asylum

1.2.3. Role of the interpreter

Case study:

During the asylum interview, the decision maker asks the asylum seeker about his grounds for claiming the asylum. The asylum seeker starts to describe his story that is based on the fact that he has been the bodyguard to the former speaker of the parliament named X.Y. After the change of the government, the X.Y. went missing and the applicant is afraid of the same fate. The decision maker asks the interpreter, who is from the same country as the asylum seeker, to verify, if the facts presented by the applicant are true. They speak in Slovak, so the asylum seeker does not understand the content. The interpreter says that the X.Y. had been the chief of the parliament. The interview lasts for several hours and everyone is tired, but the decision maker does not make any breaks in order to speed up the process. At the end, the interpreter shortens the statements of the applicant in order to proceed quicker. When the text of the interview is being re-translated, the asylum seeker is afraid to change anything because he can see both the interpreter and decision maker to be nervous about the unexpected length of the interview. The decision on the asylum application is negative based on the fact that the missing X.Y. had been the chief, not a speaker, of the parliament. However, the decision is rejected by the appellate court for the reasons that the research showed that in the country of origin of the asylum seeker, both terms could be used in general to describe the position of the X.Y.

Problems regarding the role of the interpreter and recommendations:

In general, the practise in conducting the asylum interviews by migration office improved over the last few years. The problems that could be identified nowadays usually concern the quality of the interpretation and role of the interpreter in the interview.

The decision makers shall be aware that the role of interpreter in the interview is to interpret the statements of the applicant. They shall not ask the interpreter for the verification of the statements of the applicant. Also, interpreters shall understand their role and avoid any situation in which their impartiality shall be questioned. Specifically they shall not comment the statements of the applicant or shorten or change the statements. The applicant has the right that every comment raised during the interview would be translated to him so he can fully and comprehensively understand the situation during the interview. The statements of the applicant shall be verified by careful country of origin research done by the qualified researchers. The regular breaks during the lengthy interviews are desirable. The interpretation shall be provided by qualified and credible interpreters only.

In order to avoid the malpractice, the UNHCR office in Slovakia in cooperation with the Migration office prepared the Codex of Ethic for the Interpreters in the Asylum Procedure. During the initial workshops where the Codex has been presented, more than 60% of the interpreters cooperating with the Migration office signed the Code. The Migration office and UNHCR expect other interpreters to sign the Codex as well.¹⁷

¹⁷ Source: website of the UNHCR Slovakia: http://www.unhcr-centraleurope.org/sk/news/2010/migracnemu-uradu-a-unhcr-sa-dari-zvysovat-kvalitu-azyloveho-konania.html?searched=tlmo%C4%8Dn%C3%ADci&advsearch=allwords&highlight=ajaxSearch_highlight+ajaxSearch_highlight1

1.3. Decisions in the Asylum Procedure

Even though the asylum seeker has a right for interpreter in the asylum procedure, the decisions are written in Slovak language only. They are delivered to the asylum seekers in the reception/accommodation/detention centre where the asylum seeker is placed. Here, the decision is translated to the asylum seeker by the interpreter. In practice, more decisions are collected and distributed together based on the language that is spoken by the asylum seekers to whom the decisions are going to be delivered (e.g. the decisions for Vietnamese asylum seekers are delivered together) and translation is arranged respectively. Usually, this translation is very short and limited on the translation of the result (“positive” or “negative”) and formal instruction on the possibility to lodge the appeal. The asylum seeker is advised to seek the assistance of the lawyer for the detailed explanation.

In the case that the asylum seeker is represented by the lawyer, the decision is delivered to the lawyer only and the translation of the decision depends on the agreement between lawyer and the asylum seeker.

Consequences:

Receiving the decision in Slovak language only limits the possibilities of the asylum seeker to enjoy the procedural rights in the asylum procedure. This practice increases his dependency on the service providers (NGOs, lawyers, authorities) and gives him/her minimal possibilities to take the well-informed decision about his future actions. Also, being without translation of the decision to the language s/he understands deprives him/her of the possibility to understand the reasons behind the decision.

1.4. Recommendations to the Migration office

The interpretation in the asylum procedure shall be conducted by the qualified interpreters who are aware of the Codex of Ethics for Interpreters in the Asylum Procedure.

In order to avoid any discrepancies and for the reasons of review, every interview shall be recorded on the tape-recorder or video-recorder and enclosed to the file of the asylum seeker.

The statements and facts presented by the applicant shall be verified by the careful COI research. The interpreter in the interview shall never be asked for the verification.

The asylum seekers shall be provided by the written translation of the result, summary of the reasoning and instruction on the appeal enclosed to the decision.

C. Asylum Courts

1.1. Overview

According to the law, the decision of the migration office could be appealed to the Regional court. In the second instance, the judgement of the Regional Court could be appealed to the

Supreme Court. In general, the asylum seeker is interviewed only in the first instance procedure by the Regional Court; the hearings in front of the Supreme Court are very rare.

The proceedings in the Regional Court are held in the Slovak language; however the asylum seeker has the right for the interpreter if s/he does not understand the Slovak language. According to the law, the asylum seeker is allowed to act in his mother language or language s/he understands¹⁸ in front of the Court.

The judgement is always written in Slovak language and delivered to the asylum seeker or to his legal representative.

1.2. Practice

In general, the right to act in mother language or language the asylum seeker understands is respected by the asylum courts. When planning the hearing, the court sends the notification in which the asylum seeker is requested to inform the court about the language in which s/he is able to act. Then the court appoints the interpreter – the official one is appointed in the case where there is official interpreter available; or unofficial in the other cases. The asylum seeker is notified about the appointment of the interpreter in writing and has the possibility to object to the appointment in writing within 3 days since delivery of the notification if s/he does not agree with the appointed interpreter. The asylum seeker is notified about every change in the person of the interpreter and has the right for objections to the appointment every time.

During the hearing, the interpreter translates the course of the hearing to the asylum seeker according to the instructions of the judge. In the case that the asylum seeker is represented by the lawyer, the practise is that only the parts relevant directly to the asylum seeker (questions posed to the asylum seeker, instructions, judgement, etc.) are translated, however the asylum seeker has the possibility to ask for the translation of the complete hearing.

Even though the level of translation and interpretation in the judicial procedure in general is better than in the asylum procedure, there have been some problems identified in the practise.

1.2.1. *Written communication in Slovak language*

In many cases, the court communicates with the asylum seeker in Slovak language in writing, including the notification about the possibility to be provided with the interpreter, information about the appointment of the interpreter, information about the date of the hearing and judgement.

Case study no. 1:

The Arabic speaking asylum seeker who lives in private accommodation received notification from the court about the date of hearing in Slovak language. He does not understand Slovak language at all, he only speaks Arabic. That time, he could not contact lawyer or anyone else in order to translate the letter for him. When he contacted the lawyer, they realized that the

¹⁸ § 18 of the Law No. 99/1963 Coll. Code on Civil Procedure as amended

*date of the hearing had passed and the court had taken decision without his presence. He appealed the decision to the Supreme Court. The Supreme Court rejected the decision of the Regional Court saying that the court had the obligation to send the invitation for the hearing in the Arabic language based on the fact that the case file included the evidences that the applicant did not understand Slovak language.*¹⁹

Case study no. 2:

*The asylum seeker received the request from the Regional court asking her to notify court about her will the hearing to be appointed within 15 days since the delivery; otherwise the Court will decide based only on written submissions of the parties. The request was written in Slovak language. The applicant did not reply to the request so the court decided without hearing. The asylum seeker appealed the judgement and the Supreme Court decided in favour of the applicant and ruled that the court has the obligation to ask the applicant whether or not s/he agrees that the case would be decided without the hearing **in the language s/he understands if the court finds out or had the mere possibility to find out that the applicant does not understand the language in which the Court proceeds.***²⁰

Consequences of writing to the asylum seekers in Slovak:

Receiving the important information about the procedure in Slovak language even though the asylum seeker does not understand the language of the court violates the right of the asylum seeker for the interpreter. This right is not limited to the hearing only, but shall be understand in the way that includes every communication between the court and the asylum seeker.

The Supreme Court ruled in several cases that the court is obliged to communicate with the asylum seeker in language s/he understands including the written communication such as notification about the hearing. The omission to do so seriously violates the procedural rights of the applicant.

Similar to the asylum procedure, the judgement is written in Slovak. If the asylum seeker is present to the public announcement of the judgement, the result, instruction on the appeal and short summary of the reasons are translated to him. However, the practise in other EU member states is different. For example, in Austria the judgment includes the written translation of the result, instruction and short summary of the reasons. Providing the applicant with the short translation of the judgement helps to lower the dependency of the applicant on the service providers and enables him to fully enjoy his/her procedural rights.

1.3. Recommendations to the courts

The courts shall acknowledge the right for interpreter in its full meaning including the written communication between the court and the asylum seeker. The obligation to translate every

¹⁹ Decision of the Supreme Court of the Slovak Republic no. 1S6a/1/2011 dated on 25. January 2011

²⁰ In: Babiaková, E., Berthotyová, E., *Rozhodnutia Najvyššieho súdu Slovenskej republiky v azylových veciach, výber 17 rozhodnutí*, Bratislava, Eurokodex, December 2008, ISBN 978-80-89363-25-4, p. 64

written communication between courts and the asylum seeker into the language s/he understands shall become a routine.

Also, the inspiration shall be taken from the other countries and the judgements (at least the result, instruction and summary of the arguments) shall be translated to the language the asylum seeker understands.

Eventhough that the priority shall be given to the professional interpreters, the courts shall appoint the interpreters based on their experience with translation and interpretation in the asylum- and immigration-related matters in order to benefit from the routine use of the appropriate vocabulary on the side of interpreter. The hearing, where the interpretation is provided, shall be recorded on tape or video and enclosed to the file in order to serve as the evidence in following procedure.

D. Other Procedures Related to the Foreigners

1.1. Lack of information in the foreign languages

The general problem in Slovakia, affecting the whole territory is the lack of information important for the foreigners in English or other languages. These include the official website of embassies, of the Ministry of Interior of Slovak Republic (www.minv.sk), the immigration police departments and other public authorities. The foreigner is forced to seek the assistance of the friends, service providers, NGOs, lawyers and agencies in order to succeed in the bureaucratic procedure on granting the residence permit.

Such situation could result in the dependency of the foreigner on the assistance of the service providers, deprivation of his/her rights in the procedure, loss of the residence permit or visa, administrative expulsion and detention.

Therefore, it is highly recommended that the State authorities would improve their information system including the accuracy of the official website, information leaflets and brochures available in the offices and language ability of the officers.