

Guide on How to Organize Life and Work of Democratic Exiles from Eurasian Countries in the Czech Republic:

Volume I of III: Individuals

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Guide on How to Organize Life and Work of Democratic Exiles from Eurasian Countries in the Czech Republic:

Volume I of III: Individuals



**C L I F F O R D
C H A N C E**

Clifford Chance Prague LLP, organizační složka (Clifford Chance)
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About this Guide

The Guide on How to Organize Life and Work of Democratic Exiles from Eurasian Countries in the Czech Republic: Volume I (“Guide”) was prepared by the Clifford Chance Prague LLP, organizační složka (“Clifford Chance”), with the support of the International Center for Not-for-Profit Law (“ICNL”).

The content of this publication is that of the author(s) and does not necessarily reflect the views, analysis, or policies of ICNL. The contents are the responsibility of Clifford Chance.

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Disclaimers:

This Guide is the first of three volumes. **Volume I** covers: legal residence for democratic exiles from Eurasian countries in the Czech Republic; and available international protection status for foreigners. **Volume II** covers: the conditions under which democratic exiles from Eurasian countries can legally work in the Czech Republic; peculiarities of taxation of foreign nationals; receiving grants of donations; opening a bank account; peculiarities of receiving or transferring funds from abroad; public health insurance; among others. **Volume III** covers: information relevant to democratic exiles from Eurasian countries on establishing, registering, operating, and managing companies in the Czech Republic.

The Guide has been prepared for education purposes for foreign nationals, with special reference to Russian and Belarusian activists, human rights defenders, and civil society organization (CSO) representatives, to advise them on issues relating to visa status, labor, corporate, tax, civil law matters, and other issues related to organizing their work after relocation to the Czech Republic. The Guide aims to help individuals comply with Czech legal requirements by providing an overview of the Czech legislative framework and practice, as of September 30, 2024.

Unless stated otherwise, all information contained in this Guide applies to both Russian and Belarusian nationals.

The information used in this Guide corresponds to the legislation as of September 30, 2024, and has been obtained from public sources. Please note that legislation and practices in the Czech Republic are continually changing; therefore, it is recommended to verify the information provided in the Guide and to consult with relevant Czech institutions and experts in each specific case when using the information provided in the Guide.

The authors would be grateful if local experts could e-mail us at nbourj@icnl.org if they notice any errors or inaccuracies when reading this Guide.

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Glossary

Visa	A permit that entitles a foreigner to enter and stay in the territory of the Czech Republic or the entire Schengen area under the conditions specified in it. The visa is issued in a valid passport in the form of a visa sticker. All applicants, including children, are granted a separate visa, even if the child is registered in the parent's passport - in which case two visa stickers are affixed to one passport.
The Schengen area	A designation for the territory of 29 European states – typically European Union (EU) member states, in which persons can cross the borders of the contracting states at any point without having to go through border control.
Family member of an EU citizen	<p>Persons considered a family member of an EU citizen can be:</p> <ul style="list-style-type: none">• their spouse;• their parent, in the case of a citizen of the EU under the age of 21, for whom the parent cares;• a descendant under the age of 21 or such a descendant of the spouse of a citizen of the EU;• a descendant or ancestor, or a descendant or ancestor of the spouse of a citizen of the EU, if he/she is dependent on maintenance or other necessary care provided by a citizen of the EU or his/her spouse for the purpose of meeting his/her basic needs, or was dependent on this maintenance or other necessary care immediately before entering the territory in the state of which he/she is a citizen, or in the state in which he/she was allowed to stay;• a relative of a citizen of the EU or a citizen of the Czech Republic registered for permanent residence in the territory if:<ul style="list-style-type: none">◦ he/she is, in the country from which he/she comes, a person supported by this citizen of the EU or a citizen of the Czech Republic,◦ he/she is, in the country from which he/she comes, a member of the household of this citizen of the EU or a citizen of the Czech Republic, or◦ his/her serious health reasons urgently require the personal care of this citizen of the EU or citizen of the Czech Republic, or◦ has a duly documented permanent partnership with a citizen of the EU or a citizen of the Czech Republic registered for permanent residence in the territory.

1. Legal Residence for Foreign Nationals in the Czech Republic

1.1. DIFFERENT FORMS OF RESIDENCE TITLES

A. Visa-free stay

You can temporarily stay in the Czech Republic without a visa only on the basis of a passport (or identity card for EU citizens), if you are:

- a citizen of the Czech Republic or another EU Member State¹,
- a holder of a residence permit document in the territory of another EU Member State and the period of stay in the territory does not exceed three (3) months (or one (1) year, if it is a long-term visa or a long-term residence permit and the purpose of the stay is scientific research², or if it is a long-term residence permit and the purpose of the stay is studies³),
- a family member of a citizen) of the EU, who is not himself/herself an EU citizenship, if you also have a residence card or permanent residence card in another EU Member State and the period of stay in the territory does not exceed three (3) months (or one (1) year, if you are a family member of a long-term visa or a long-term residence permit holder and the purpose of the stay is scientific research),
- a third-country national who is a pupil residing in another EU Member State and who is travelling on a school trip with a group of pupils accompanied by a teacher, provided you appear on a pupil list issued by the school on a single form, which includes the identity of the pupils and the purpose and duration of their stay or transit,
- a foreign national under 15 years of age for the period of hospitalization, if you arrived together with the foreigner in whose passport you are registered, and this foreigner has left the territory,
- a foreign national who is a minor child and have been placed in a facility for children in need of immediate assistance or in a childcare institution, or who has been entrusted to the care of a natural person on the basis of a provisional measure of the competent authority or a decision of a child welfare authority,

¹ Citizens of the EU can reside freely, i.e. live, study or work without the need for a residence or employment permit in any country of the EU – free movement of persons is one of the basic freedoms guaranteed to citizens based on EU law.

² "One-year Visa-free Stay for Holders of a Long-term Visa or a Long-term Residence Permit for the Purpose of Scientific Research Issued by Another EU Member State," Official Information Portal for Foreigners of the Ministry of the Interior of the Czech Republic, at <https://frs.gov.cz/en/visa-and-residence-permit-types/third-country-nationals/short-term-and-visa-free-stays/visa-free-stay-for-up-to-1-year-for-holders-of-a-long-term-residence-permit-for-scientific-research-issued-by-another-eu-member-state/>.

³ *Id.*

- a foreign national who is in detention, custody, or in the execution of a sentence, or who is placed in a police cell or in a detention facility for foreign nationals,
- a foreign national who is under a sentence of house arrest, or, in the case of a child who is in the custody of his or her mother in prison, for the duration of the sentence,
- a family member of an EU citizen and your short-term visa has expired – if you are staying in the territory with an EU citizen and the period of stay does not exceed three (3) months, or
- a citizen of a country with which the Czech Republic has concluded a bilateral treaty.⁴

More information is available on the website of the Ministry of the Interior of the Czech Republic.⁵

> Visa-free stay for one (1) year for holders of long-term residence for the purpose of study.

Holders of a valid long-term residence permit or long-term visa for the purpose of study issued by another EU Member State may stay in the territory of the Czech Republic without a visa, if the conditions are met, for a period of up to one (1) year from the first entry into the country.

Prerequisites:

- You hold a valid long-term visa or a long-term residence permit for the purpose of study issued by another EU Member State. This does not apply to residence permits issued by Ireland and Denmark.
- The permit was issued as part of an exchange program involving mobility (for example, ERASMUS+) or as part of agreements negotiated between higher education institutions (i.e., universities). A note about the exchange program must appear on your residence permit or visa card.
- You will be studying at a university in the Czech Republic; therefore your purpose of stay will be to study.

Throughout your stay, you have free access to the labor market and can thus work without restrictions.

⁴ The list of bilateral treaties concluded between the Czech Republic and other countries is available in Czech here: "úvodní stránka zahraniční vztahy události a media ekonomika cestujeme vstup a pobyt o ministerstvu," Ministry of Foreign Affairs of the Czech Republic, at https://mzv.gov.cz/jnp/cz/informace_pro_cizince/kratkodobe_vizum/seznam_statu_jejichz_obcane_nepodlehaji/index.html.

⁵ "Visa-free stay," Official Information Portal for Foreigners of the Ministry of the Interior of the Czech Republic, at <https://frs.gov.cz/typy-viz-a-pobyty/obcane-tretich-zemi/kratkodobe-a-bezvizove-pobyty/bezvizovy-pobyt/>.

At any time during your authorized stay, you can submit an application for a long-term residence permit in the territory for the purpose of study at the offices of the Ministry of the Interior.

More information is available on the website of the Ministry of the Interior of the Czech Republic.⁶

> Visa-free stay for up to One (1) year for holders of a long-term visa or long-term stay.

Holders of a valid long-term residence permit or a long-term visa for the purpose of scientific research issued by another EU Member State may stay in the territory of the Czech Republic without a visa if the conditions are met, up to one (1) year from the first entry into the country.⁷



Foreigners from third countries (outside the EU) can stay in the territory of the Czech Republic in one of three ways: short-term, long-term, and permanent.

B. Visa – Short-term Stay

A **short-term, so-called “Schengen visa,”** is intended for short-term stays (up to 90 days) in the Czech Republic or in the Schengen area.

The Schengen short-term visa is intended for citizens of third countries who want to stay in the Czech Republic **for a short time**.

It is:

- marked with the letter “C”.
- issued for the following purposes:
 - tourism;
 - medical;
 - commercial;
 - cultural;
 - sports;
 - visits – invitations;
 - official – political visa;
 - studies, training, internships;

⁶ “One-year Visa-free Stay for Holders of a Long-term Visa or a Long-term Residence Permit for the Purpose of Scientific Research Issued by Another EU Member State,” Official Information Portal for Foreigners of the Ministry of the Interior of the Czech Republic, at <https://frs.gov.cz/typy-viz-a-pobytu/obcane-tretich-zemi/kratkodobe-a-bezvizove-pobyty/bezvizovy-pobytna-1-rok-studium/>.

⁷ *Id.* “One-year Visa-free Stay for Holders of a Long-term Visa or a Long-term Residence Permit for the Purpose of Scientific Research Issued by Another EU Member State,” Ministry of the Interior of the Czech Republic.

- scientific research;
- employment;
- seasonal employment;
- training;
- other purposes.
- It is also possible to issue an airport transit visa (marked with the letter “A”).

C. Visa – Long-term Stay Over 90 Days

A **long-term visa** for long-term stays (over 90 days):

- is granted as needed, for a period of 91 days to one (1) year.
- entitles to movement and short-term non-earning residence in other countries of the Schengen area.
- is marked with the letter “D”.
- is issued for the following purposes:
 - medical;
 - cultural;
 - sports;
 - official (political visa);
 - family;
 - You can apply for this specific-purpose visa if you form a family in the narrower sense with a foreigner who has a permission to stay in the territory of the Czech Republic and you want to stay with him/her there for more than three (3) months. A family in the narrower sense means, depending on the circumstances:
 - Spouses or registered partners of the same sex
 - Parents and minor children
 - Relatives dependent on care
 - It is granted for a maximum of one (1) year.
 - If you want to work in the Czech Republic with a visa for family purposes, you must obtain an employment permit. With a valid residence permit, you can repeatedly leave and return to the Czech Republic. You can also travel within the Schengen area without the need for a visa.
 - studies, internships, language courses, volunteering;
 - working holidays;
 - seasonal employment;

- training;
- business;
- for other purposes, for example:
 - Studying at a secondary school, conservatory, or higher vocational school⁸, which is not carried out as part of an exchange program,
 - Education in a non-accredited study program at a university,
 - Education at a branch of a university that is not accredited in the Czech Republic, but in another EU Member State,
 - Post higher education or language and professional courses or programs, and
 - Educational background and other educational courses or programs.
- For the purpose of tolerating a stay (“strpění pobytu”) of the foreigner on the territory of the Czech Republic⁹, a long-term visa is granted to an applicant who:
 - is prevented from leaving the territory of the Czech Republic:
 - by an obstacle beyond his/her control,
 - if there is a reasonable suspicion that the foreigner has committed a crime against peace, a war crime or a crime against humanity; has committed a particularly serious crime; committed acts contrary to the principles and purposes of the United Nations; constitutes a danger to the security of the State; incites or participates in the commission of the above mentioned acts; or has committed one or more offences other than those above referred to outside the territory of the Czech Republic, or if he/she has left the State of which the foreigner is a citizen or, in the case of a stateless person, the State of his/her last permanent residence, with the aim of avoiding prosecution for those offences, provided that the offences in question are punishable by imprisonment in the Czech Republic, and he/she gives evidence of failure to obtain an admission in another country in 60 days.
 - is a witness or victim in criminal proceedings and whose participation in the proceedings is necessary,
 - during the period of validity of a residence permit which cannot be extended, has applied for a permanent residence permit in the territory of the Czech Republic, if he/she is entitled to do so and the application was

⁸ “vyšší odborné vzdělání”

⁹ Art. 33 of the Act. No. 326/1999 Coll., Act on the Residence of Foreigners on the Territory of the Czech Republic and on Amendments to Certain Acts, available in English in a non-consolidated version here: <https://www.zakonyprolidi.cz/translation/cs/1999-326?langid=1033>

not decided upon during the period of validity of the foreigner's residence permit in the territory of the Czech Republic,

- has brought an action against a decision of the Ministry which revoked the validity of a visa for a stay of more than 90 days, a long-term residence permit or a permanent residence permit, or rejected an application for the extension of the long-term residence permit, provided that he/she has at the same time brought an application for the granting of suspensive effect to that action, or
- as a minor child of a foreigner residing in the territory of the Czech Republic on the basis of a permanent residence permit, has brought an action against a decision of the Ministry rejecting his/her application for a permanent residence made in the territory of the Czech Republic, provided that he/she has also brought an action for the granting of suspensive effect to that action.

More information can be found here¹⁰.

D. Residence Permit – Long-term Stay

A long-term residence permit is a residence permit intended for citizens of third countries who wish to stay in the territory of the Czech Republic for a specific purpose for more than one year. It is granted for a maximum of two (2) years.

A long-term residence permit is always issued for a specific purpose. This permit can be applied for if the applicant holds a long-term visa (i.e. over 90 days) granted for the same purpose for which the long-term residence permit is requested, as long as this purpose continues.

The long-term residence permit can also be applied for if the applicant is a foreigner who:

- has stayed in the territory of the Czech Republic on a residence visa for a stay exceeding 90 days for the purpose of tolerating a stay (only in specific situations) and subsequently stays in the territory of the Czech Republic on a long-term residence permit for the purpose of tolerating a stay issued pursuant to Section 43 of the Act on the Residence of Foreigners on the Territory of the Czech Republic and on Amendments to Certain Acts, if he/she has stayed in the territory of the Czech Republic for at least three (3) years.

An application for a long-term residence permit **without** a prior condition of stay for a visa for a stay of more than 90 days can be submitted to the Embassy of the Czech Republic by an applicant who has obtained a permit for:

¹⁰ "Long-term Visa – General Information," Official Information Portal for Foreigners of the Ministry of the Interior of the Czech Republic, at <https://frs.gov.cz/en/visa-and-residence-permit-types/third-country-nationals/long-term-visa/long-term-visa-general-information/>.

- Long-term stay for the purpose of family coexistence in the territory of the Czech Republic;
- Long-term residence of a resident of another EU Member State;
- Long-term stay for the purpose of study;
- Long-term stay for the purpose of scientific research;
- Long-term residence for the purpose of investment;
- Employee card;
- Blue Card; and
- Cards of internally transferred employees.

More information here¹¹.

E. Permanent Residence

Third country nationals and citizens of other EU Member States can apply for a permanent residence permit. The holder of a permanent residence permit can reside permanently in the territory of the Czech Republic, and also has free access to the labor market, access to public health insurance and the right to social support benefits. If an individual meets the conditions of the Pension Insurance Act, he/she can also receive a pension.

The validity of the permit for permanent residence in the territory of the Czech Republic is not limited in time, so there is no need to extend its validity. Only the validity of physical proof of residence permit (biometric card) is extended.

You can apply for a permanent residence permit:

- after five (5) years of temporary residence in the Czech Republic;
- after five (5) years of continuous residence in the territory of the member states of the EU (only Blue Card holders and their family members who have been issued a long-term residence permit for the purpose of family coexistence in the territory); and
- without the need for prior residence in the Czech



The holder of a permanent residence permit can reside permanently in the territory of the Czech Republic, and also has free access to the labor market, access to public health insurance and the right to social support benefits.

¹¹ "Povolení k dlouhodobému pobytu na území – obecně," Official Information Portal for Foreigners of the Ministry of the Interior of the Czech Republic, at <https://frs.gov.cz/typy-viz-a-pobytu/obcane-tretich-zemi/dlouhodob-pobyt/povoleni-k-dlouhodobemu-pobytu-na-uzemi-obecne>.

Republic, if you are a child born on the territory of the Czech Republic or a minor of parents with permanent residence.

Further, you can apply for a permanent residence permit:

- for humanitarian reasons – especially as spouses or children of asylum seekers, or if they were citizens of the Czech Republic in the past,
- for reasons worthy of special consideration,
- if the individual's stay is in the interest of the Czech Republic, or
- as a minor child of a foreigner who resides in the Czech Republic on the basis of a permanent residence permit, and if these foreigners live together in the territory of the Czech Republic.

Physical residence permit cards are issued for a period of 10 years, or five (5) years for foreigners under the age of 15, and can be repeatedly extended.

More information here¹².

F. Peculiarities Applicable to Russian and Belarusian Citizens

Government Regulation No. 55/2024 Coll. dated February 21, 2024, with effect from April 1, 2024, stipulated that:

“For the purpose of protecting the foreign political interests of the Czech Republic in connection with the armed conflict on the territory of Ukraine caused by the invasion of the troops of the Russian Federation, **the request for a residence permit on the territory of the Czech Republic submitted at the embassy by a citizen of the Russian Federation or the Republic of Belarus is inadmissible.** This also applies to an application submitted by a citizen of the Russian Federation or the Republic of Belarus who is also a citizen of another state.”¹³

The government regulations in question were first adopted with the assumption of a possible end to the armed conflict in Ukraine by March 31, 2023. However, in view of the development of the situation in this conflict, it was necessary to extend the validity of these regulations permanently.

As a consequence, Russian and Belarus citizens cannot apply for a visa or residence permit at any embassy of the Czech Republic in the world. The Czech Republic also does not allow citizens of the Russian Federation who hold a Schengen visa to enter its territory for the purpose of tourism, sports or culture.

¹² “Trvalý pobyt - obecné informace,” Official Information Portal for Foreigners of the Ministry of the Interior of the Czech Republic, at <https://frs.gov.cz/typy-viz-a-pobytu/obcane-tretich-zemi/trvaly-pobyt/trvaly-pobyt-obecne-informace>.

¹³ Codified version in Czech of Act 55/2024 Sb: <https://www.zakonyprolidi.cz/cs/2024-55>.

An exception to the prohibition is allowed in the following cases:

- **Granting of a short-term visa:**

- if the applicant is a family member¹⁴ of a:
 - a citizen of the Czech Republic and accompanies or follows such a citizen; or
 - a citizen of the EU and accompanies or follows such a citizen.
- if the applicant is a citizen of the Republic of Belarus who is travelling for the purpose of studying and at the same time is a holder of one of the following types of scholarship¹⁵:
 - scholarship according to international agreements implemented by the Ministry of Education, Youth and Sports;
 - scholarship program of the Ministry of Education, Youth and Sports,
 - EU scholarship program; or
 - scholarship according to the decision of the government of the Czech Republic.



Valid for
Belarusian
citizens only

- **Granting of a long-term visa:**

- if the applicant is a family member of a person enjoying subsidiary protection in the territory of the Czech Republic;
- if the applicant is a citizen of the Republic of Belarus who is travelling for the purpose of studying and at the same time is a holder of one of the following types of scholarship¹⁶:
 - scholarship according to international agreements implemented by the Ministry of Education, Youth and Sports;
 - scholarship program of the Ministry of Education, Youth and Sports;
 - EU scholarship program; or
 - scholarship according to the decision of the government of the Czech Republic.



Valid for
Belarusian
citizens only

¹⁴ For the definition of “family member,” see Glossary above.

¹⁵ More information about scholarships, at <https://portal.gov.cz/sluzby-vs/priznani-stipendia-na-zaklade-mezinarodnich-smluv-a-usneseni-vlady-S8399>, and further at the Ministry of Education, Youth and Sports.

¹⁶ More information about scholarships, at <https://portal.gov.cz/sluzby-vs/priznani-stipendia-na-zaklade-mezinarodnich-smluv-a-usneseni-vlady-S8399>, and further at the Ministry of Education, Youth and Sports.

- **Issuance of a long-term residence permit for the purpose of family co-existence to a family member**, specifically to a:
 - a spouse of a foreigner with a residence permit;
 - a minor or an adult dependent child of a foreigner with a residence permit;
 - a minor or an adult dependent child of the spouse of a foreigner with a residence permit;
 - a minor child who (1) has been placed in substitute family care by a resident foreigner or his/her spouse, (2) has been adopted, or (3) whose guardian or guardian's spouse is a resident foreigner, if custody apply for a child in the Czech Republic;
 - a single foreigner over the age of 65 or a foreigner, regardless of age, who is unable to take care of himself due to health reasons, in the case of family reunification with a parent or child with a residence permit; or
 - spouse of the asylum seeker (the marriage was established before the asylum seeker entered the territory of the Czech Republic); minor or adult dependent child of the asylum seeker or spouse of the seeker; a minor child who was entrusted to the asylum seeker or the asylum seeker's spouse in substitute family care or who was adopted or whose guardian or whose guardian's spouse is the asylum seeker, if the care of the child will be performed in the Czech Republic; a parent of a child who has been granted asylum.
- **Issuance of a permanent residence permit:**
 - if the applicant is a foreigner who applies for the issuance of this permit as a minor child of a foreigner residing in the territory of the Czech Republic on the basis of a permanent residence permit, if the reason for the request is the cohabitation of these foreigners in the territory of the Czech Republic; or
 - holder of a certificate of membership of the expatriate community.
- **Granting a visa or issuing a permit for long-term or permanent residence:**
 - if the applicant is a person whose stay is in the interest of the Czech Republic, and this interest is certified by the Minister of Foreign Affairs, exclusively in cases worthy of special consideration, if this interest is duly proven and documented by a reliable source. In practice, these are applicants who are:
 - demonstrably in danger of life, i.e. security, as a result



Valid for
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citizens only

of repression by the Russian Federation or the Republic of Belarus, opposition to the regime or criticism of it, or in the case where there is an acute danger of persecution for political or other reasons, if the applicant is not in a safe country - in such a situation, the granting of an exemption must be confirmed by a credible source and sufficiently proven; or

- holders of the Certificate of Membership of the Expatriate Community issued by the Ministry of Foreign Affairs pursuant to Government Resolution No. 1014 dated December 8, 2014.
- if the applicant is a **participant in the Civic Society Program**;
- if the applicant is a citizen of the Republic of Belarus who is travelling for the purpose of studying and at the same time is a holder of one of the following types of scholarship¹⁷:
 - scholarship according to international agreements implemented by the Ministry of Education, Youth and Sports;
 - scholarship program of the Ministry of Education, Youth and Sports;
 - EU scholarship program; or
 - scholarship according to the decision of the government of the Czech Republic.

Furthermore, the prohibition does not apply to such an application on the basis of which the applicant has already been granted a visa for a stay of more than 90 days in order to receive a residence permit.

In all other cases, no embassies of the Czech Republic accept visa and residence applications from any citizens (including those with dual citizenship, if one of them is the citizenship of the Russian Federation or the Republic of Belarus) of the Russian Federation and the Republic of Belarus.

As of October 2024, an amendment to Act No. 65/2022 Coll., nicknamed “Lex Ukrajina VII”¹⁸, passed its third reading in the Chamber of Deputies and is, therefore, likely to be adopted. The amendment would stipulate that Russian citizens could obtain Czech citizenship only if they first renounce their Russian citizenship¹⁹.

¹⁷ More information about scholarships at <https://portal.gov.cz/sluzby-vs/priznani-stipendia-na-zaklade-mezinarodnich-smluv-a-usneseni-vlady-S8399> and further at the Ministry of Education, Youth and Sports.

¹⁸ Act No 65/2022 Coll., Act on certain measures in connection with the armed conflict on the territory of Ukraine caused by the invasion of the troops of the Russian Federation, available in Czech here: <https://www.zakonyprolidi.cz/cs/2022-65>.

¹⁹ An article in Czech by the Ministry of Interior available here: <https://www.mvcr.cz/clanek/novela-lex-ukrajina-7-postoupila-ve-snemovne-do-3-cteni-rusove-na-zaklade-poslaneckeho-navrhu-ziskaji-ceske-obcanstvi-jen-kdyz-se-vzdaji-ruskeho.aspx>.

1.2. REQUIRED DOCUMENTS FOR LONG-TERM STAY IN THE CZECH REPUBLIC, INCLUDING TEMPORARY AND PERMANENT RESIDENCE

A. Necessary Documents for Long-term and Permanent Residence:

1. Passport

With effect from July 3, 2024, the Czech Republic does not issue visas to non-biometric passports issued by the Russian Federation and recognizes only biometric passports. This does not apply to:

- children under 15 years of age;
- persons enrolled in the Civic Society Program; and
- visas and residence permits granted in the interest of the Czech Republic.

Until September 15, 2024, a transitional period was established, when the Czech Republic will allow holders of non-biometric passports of the Russian Federation to enter its territory via arrival at the international airport of the Czech Republic from the non-Schengen area in order to secure a biometric passport.

2. Photo

One (1) photo, unless a video recording is taken.

3. Biometric data (i.e., fingerprints) - collected when applying

4. Supporting documents

- A document confirming the purpose of the stay (e.g., an invitation from the inviting entity, a document proving the business activities of the company, a document proving the existence of business relations, a document on registration in the trade register or entry in the commercial register);
- Proof of accommodation for the duration of your stay in the Czech Republic;
- Securing the means to stay in the Czech Republic, which is proven by submitting funds at least 50 times the amount of the subsistence minimum, for example by an account statement;
- Information allowing to assess the intention to return (most often the reservation of an air ticket/ticket); and
- Travel health insurance.

Documents must be submitted as originals or certified copies. All submitted documents, with the exception of the passport, must be drawn up in the Czech language or officially translated and certified in Czech.

1.3. ELIGIBILITY CRITERIA AND PROCEDURES FOR OBTAINING THE RESIDENCE PERMIT

1.3.1. Eligibility Criteria

Long-Term Stay:

A long-term residence permit can be applied for by a citizen of a third country who is:

- A holder of a long-term visa, who intends to stay in the territory of the Czech Republic for longer than 90 days, if the purpose of the requested long-term stay permit is the same as for the visa, or
- A holder staying in the territory as a member of a foreign embassy or representation of an international governmental organization accredited in the Czech Republic or as a family member registered with the Ministry of Foreign Affairs.

Holders of a long-term visa for the purpose of tolerating the stay can apply for the long-term residence permit only in certain situations²⁰.

Permanent Stay:

A permanent residence permit is issued upon request to citizens of third countries:

- who have resided in the territory of the Czech Republic continuously for a period of at least five (5) years as of the date of submission of the application;
- after five (5) years of continuous residence in the territory of the member states of the EU (this only applies to Blue Card holders and their family members who have been issued a long-term residence permit for the purpose of family coexistence in the territory); and
- without the need for prior residence in the Czech Republic, if these are children born on the territory of the Czech Republic or minor children of parents with permanent residence.

Further, a permanent residence permit is issued upon request to citizens of third countries:

for humanitarian reasons – especially as spouses or children of asylum seekers, or if they were citizens of the Czech Republic in the past;

- for reasons worthy of special consideration;
- if the individual's stay is in the interest of the Czech Republic; and
- as a minor child of a foreigner who resides in the Czech Republic on the basis of a permanent residence permit, and if these foreigners live together in the territory.

²⁰ Only in situations, where the visa has been granted pursuant to Section 33(1)(a) to (c) or Section 33(3) of the Act No. 326/1999 Coll., Act on the Residence of Foreigners on the Territory of the Czech Republic and on Amendments to Certain Acts, and subsequently stays in the territory on a long-term residence permit for the purpose of tolerating a stay issued pursuant to Section 43 of the same act, if he/she has been staying in the territory for at least three (3) years.

With the following exceptions, their entire duration is counted towards the period of continuous stay:

- length of stay in the territory with a long-term visa and with a long-term residence permit;
- the period of stay in the territory with a long-term visa and with a long-term residence permit (including the time during which the foreigner stayed in the territory legally on the basis of a fiction of a residence²¹);
- period of stay as an asylum seeker or with subsidiary protection in the Czech Republic;
- period of stay as a Blue Card holder in another EU Member State, if:
 - the applicant is a holder of a Blue Card in the Czech Republic, and on the basis of this authorization he/she has resided here for at least two (2) years, and at the same time his/her stay in the territory of another state of the EU as a holder of a Blue Card was longer than one (1) year.
 - in the case of Blue Card holders, the period of stay for the purpose of scientific research or study in another EU Member State.
- the period of stay on the basis of a temporary residence permit of a family member of a citizen of the EU, including the period during which the application procedure was conducted, if the Ministry of the Interior terminated the temporary stay and the applicant subsequently:
 - obtained long-term residence or
 - he immediately applied for a permanent residence permit.

If the Ministry of the Interior has not terminated the applicant's temporary residence, it is possible to apply for permanent residence as a family member of a citizen of the EU.

1.3.2. Application Procedure

Visa application

The application is submitted directly at the consulate or at the visa center, in the applicant's consular district, most often in person, not at the border crossing or in the territory.

When submitting an application for a **short-term Schengen visa**, submit the application at the embassy of the Czech Republic:

- in the country of which you are a citizen or in which you have a residence permit; or

²¹ A fiction of residence is a term describing a situation when a foreigner's stay in the territory of the Czech Republic is deemed to be legal even without any physical residence permit or visa. This situation occurs most often if in the given time limit and in line with the law, the foreigner applies for an extension of his/her long-term residence permit's or visa's validity, or he/she applies for a new long-term residence permit for another purpose, and at the same time, the validity of the current biometric card or visa expires, and at the same time the decision on the application has not become final yet.

- if the embassy of the Czech Republic is not located in this state, but is located in another state of your consular district, submit the application at the embassy of the Czech Republic that is accredited for the state where you reside.
- If there are multiple consulates on the territory of one country (e.g. a consulate at an embassy and then a general consulate/s), submit your application at the consulate in whose consular district you reside.

The application for a **long-term visa** must be submitted at an embassy of the Czech Republic abroad, and only in the country of which the applicant is a citizen, or in the country that issued the passport, or in the country in which long-term or permanent residence was permitted. Quotas for the number of applications for a given year are set for individual offices.

Consulates order applicants in their own competence, mostly by e-mail or telephone; you can find out how to order directly on the website of the consulate.

Applications are usually made in person and biometric data (fingerprints) are taken.

- Children under the age of 12 do not submit their fingerprints and therefore do not have to appear in person to submit the application. Children between the ages of 12 and 15 must be accompanied by a parent/guardian who will apply on their behalf.

A short-term Schengen visa is requested no earlier than six (6) months and no later than 15 days before the trip.

The completed application is accompanied by the following:

- Passport;
 - With effect from July 3, 2024, the Czech Republic does not issue visas to non-biometric passports issued by the Russian Federation and recognizes only biometric passports. This does not apply to:
 - Children under 15 years of age
 - Persons enrolled in the Civic Society Program,
 - Visas and residence permits granted in the interest of the Czech Republic.



The application for a long-term visa must be submitted at an embassy of the Czech Republic abroad, and only in the country of which the applicant is a citizen, or in the country that issued the passport, or in the country in which long-term or permanent residence was permitted.

- Until September 15, 2024, a transitional period was established, when the Czech Republic will allow holders of non-biometric passports of the Russian Federation to enter its territory via arrival at the international airport of the Czech Republic from the non-Schengen area in order to obtain a biometric passport.
- One (1) photo, unless a video recording is taken;
- Biometric data (fingerprints) - collected when applying;
- Supporting documents:
 - A document confirming the purpose of the stay (e.g. an invitation from the inviting entity, a document proving the business activities of the company, a document proving the existence of business relations, a document on registration in the trade register or entry in the commercial register);
 - Proof of accommodation for the duration of your stay in the Czech Republic;
 - Provision of funds for residence on the territory of the Czech Republic, which is proven by presenting funds at least in the amount of 50 times the amount of the subsistence minimum, for example by an account statement; and
 - information allowing to assess the intention to return (most often the reservation of an air ticket/ticket).
- Travel health insurance.

Documents must be submitted as originals or certified copies. All submitted documents, with the exception of the passport, must be drawn up in the Czech language or officially certified in Czech.

The administrative fee for accepting a visa application costs CZK 1,000.

To stay on the territory of the Czech Republic (also for the purposes of the visa above), you must :

- Have the following funds:
 - 0.5 times the **subsistence minimum amount*** established by a special legal regulation for one (1) day of stay, if this stay is not to exceed a total of 30 days;
 - 15 times the amount of the subsistence minimum, if the stay in the territory is to exceed a period of 30 days, with the fact that this amount is increased by 2 times the amount of the subsistence minimum for each full month of the expected stay in the territory;
 - 50 times the amount of the subsistence minimum, if it is a stay for the

purpose of doing business, which should exceed 90 days in total; or

- Submit a document confirming the payment of services connected with the foreigner's stay in the territory (water, electricity, gas) or a document confirming that the services will be provided free of charge.

*** The amount of the subsistence minimum is CZK 3,130 for the year 2024.**

Application for long-term residence

The fee is CZK 2,500. For persons under 15, the fee is CZK 1,000.

Fill out the form online or on paper and make an appointment online or by phone at the office of the Ministry of the Interior.

It is necessary to submit:

- Travel document;
- A photo;
- Proof of accommodation;
- Proof of securing the means to stay in the territory (finances) or proof that all costs associated with the stay will be covered by a state authority, legal entity or host organization;
- Comprehensive health insurance (information on children under 18 can be found here); and
- Proof of purpose of stay.
- Upon request, it is necessary to submit:
 - Proof of payment of the insurance premium, indicated on the comprehensive (travel) health insurance document.

Application for permanent stay

The fee is CZK 2,500. For persons under 15, it is CZK 1,000. The fee is CZK 2,500 if the application is submitted outside the Czech Republic.

Fill out the form online or on paper and make an appointment online or by phone at the office of the Ministry of the Interior.

It is necessary to submit:

- Travel document;
- A photo;
- Proof of accommodation;
- Proof of provision of funds for stay in the territory (finances);
- Parental consent if you are under 18. For children under 15 years of age, the

application must be submitted by a parent (or other legal representative, or guardian), in which case parental consent is not required; and

- Proof of the Czech language test (you do not need to provide proof if you meet one of the exceptions).
- At the request of the Ministry of the Interior, it is necessary to submit:
 - A document similar to an extract from the records of the Criminal Register; and
 - A declaration on the release of confidentiality of the tax office, or declaration on the release of confidentiality of the person jointly assessed with the person of the party to the proceedings, if the latter submitted proof of the income of the person jointly assessed with him to the application.

1.3.3. General Timeline for Processing

Application for long-term residence

The processing period is 60 days. This period does not run if the proceedings are interrupted (usually due to the addition of documents and the removal of defects) or if there is a legal reason for it.

Once the decision has been made, the applicant must make an appointment for biometric data scanning and appear for this scanning.

Within 60 days of scanning, the applicant will pick up the completed residence permit card.

Application for permanent residence

The deadline for processing is 60 days (180 days when applying outside the Czech Republic); the deadline does not run if the proceedings are interrupted (usually due to supplementing documents and removing defects) or there is a legal reason for it.

After the decision, the applicant must make an appointment for biometric data scanning and appear for this scanning.

Within 60 days of scanning, the applicant will pick up the completed residence permit card.

1.3.4. Procedure for Extending the Residence Permit

Extension of long-term stay

A person who has been granted a residence permit can request an extension of the validity period of the long-term residence permit repeatedly if he/she plans to stay in the Czech Republic for the same purpose as before. A long-term stay can be extended repeatedly, for a maximum of two (2) years.

The application must be submitted no later than the last day of validity of your existing

long-term residence, no earlier than 120 days before the end of validity. The applicant can stay in the Czech Republic legally for the duration of the application process, even if a current residence permit or visa expires. The fee is 2,500 CZK.

Extension of permanent residence

The residence permit itself is not extended, but only the validity of the card (valid for 10 years or five (5) years for persons under the age of 15).

The application can be submitted no later than the last day of validity of an existing card, no earlier than 90 days before its expiry.

1.3.5. Administrative Appeals Process or Other Actions in Case of Denial of Residence Permit Application

Applicants may file an appeal to the Ministry of Interior against the decision to reject the application within 15 days of its delivery. Applicants can submit an appeal in person, by Digital Data Box, by mail, or electronically to the relevant department of the Ministry of the Interior of the Czech Republic, or to the headquarters of the Ministry of the Interior. The address of the Ministry of the Interior is: Ministry of the Interior, Nad Štolou 3, PO Box 21, 170 34 Praha 7. the Ministry's e-mail address is: posta@mvr.cz. The Digital Data Box ID is 6bnaawp.

After the appeal, the decision to reject the application will become final only on the day of delivery of the decision of the Commission for Decisions on the Residence of Foreigners whose appeal was rejected or changed. The Commission's decision cannot be further appealed.

The administrative authority which made the contested decision may annul or modify the decision if it fully upholds the appeal and if no prejudice is likely to be caused to any of the parties unless all those concerned have consented to it. An appeal may be brought against that decision. If the administrative authority which issued the contested decision does not find that the conditions for proceeding annulment or modification are met, it shall forward the file with its opinion to the administrative authority of appeal within 30 days of the date of receipt of the appeal. The appeal body has up to 30 days to decide.

If the applicant does not file an appeal, the decision to reject the application becomes final on the day following the last day of the 15-day period for filing an appeal. If the applicant waives his/her right to appeal, the decision becomes final on the day of the waiver.

The applicant can also appeal against the decision of interruption of the proceedings. Submit the appeal in writing to the address of the workplace that issued the contested decision, or via a mailbox. If the applicant decides to file an appeal by mail, the date it was mailed is important. Therefore, if an applicant submits an appeal to the holder of

the postal license (Czech Post) on the last day of the deadline, the deadline for submitting an appeal is preserved.

The appeal must include information about:

- the decision the applicant is contesting;
- to what extent the decision impacts the applicant; and
- in which there is a contradiction with legal regulations or the incorrectness of the decision or procedure that preceded it.

If the appeal does not specify to what extent the petitioner challenges it, it is valid that the annulment of the entire decision is sought.

If the Commission concludes that the contested decision is contrary to the law or is incorrect, this conclusion:

- cancels the contested decision or part of it and stops the proceedings;
- cancels the contested decision or part of it and returns the matter to the administrative body that issued the decision for a new hearing; or
- changes the contested decision or part of it.

If the Commission does not find reasons for any of the above procedures, it will reject the appeal and confirm the contested decision.

If it changes or cancels the decision only in part, it confirms it in the rest.

The Commission will reject a late or inadmissible appeal.

If the decision has already acquired legal force, it then examines whether the prerequisites for reviewing the decision in the review procedure or for renewing the procedure are not met.

If the Commission finds grounds for the initiation of review proceedings, for retrial or for the issuance of a new decision, delayed or inadmissible appeals are considered as motions for review proceedings or requests for retrial or requests for the issuance of a new decision.

The time limit for the decision by the Commission starts to run from the opening of the proceedings. As a general rule, the decision should be given without delay, or, if this is not possible, the general 30-day period, starting from the initiation of the proceedings, applies for the decision.

Appealing against an administrative body's decision is subject to payment of a legal fee for the proceedings. All legal fees are states in the relevant legal regulation: the Act on legal fees²².

²² Act No. 549/1991 Coll. Act of the Czech National Council on Court Fees, available in English in a non-consolidated version here: <https://www.zakonyprolidi.cz/translation/cs/1991-549?langid=1033>.

1.4. TERMS OF STAYING IN THE CZECH REPUBLIC UNDER PERMANENT AND TEMPORARY RESIDENCY

Citizens of third countries who hold a residence permit issued by the authorities of the Czech Republic can travel within the Schengen states for a maximum of three (3) months on the basis of a valid passport and this permit - they do not need an additional visa.

If you are not subject to a visa requirement, you can also travel without a visa in the Schengen states for up to three (3) months from the moment when the validity of your residence permit issued by the Czech Republic or another Schengen state expires.

A record of a foreigner in the Schengen information system who applies for a residence permit in the Czech Republic may be a reason for the rejection of such an application. In the same way, the police can decide on its basis to reject the request to extend the current stay and, in extreme cases, even to cancel it.

1.5. BENEFITS AND LIMITATIONS OF TEMPORARY VERSUS PERMANENT RESIDENCY STATUS

Long-term Residence

With a valid residence permit, it is possible to repeatedly leave the Czech Republic and return. It is also possible to travel within the Schengen area without the need for a visa.

The long-term stay can be extended repeatedly, but for a maximum of two (2) years.

Permanent Residence

With a valid residence permit, it is possible to repeatedly leave the Czech Republic and return. It is also possible to travel within the Schengen area without the need for a visa.

The permanent residence permit is permanent and the validity of only the physical card is extended, even repeatedly.

The holder of a permanent residence permit also has free access to the labor market, access to public health insurance, and the right to social support benefits. If you meet the conditions of the Pension Insurance Act, the permit holder can also receive a retirement pension.



With a valid residence permit, it is possible to repeatedly leave the Czech Republic and return. It is also possible to travel within the Schengen area without the need for a visa.

1.6. THE DIFFERENCE BETWEEN THE CZECH REPUBLIC AND EU RESIDENCE PERMITS

The EU Residence Permit – Long-term Resident Status in the European Community

Only third-country nationals can apply for this status and are granted this status if they meet these conditions:

- Five (5) years of continuous residence in the territory;
 - The applicant may accumulate periods of residence in different EU Member States of up to two (2) years to meet the five-year residence requirement.
- There has been no serious disturbance of public order or threat to the security of the state or another EU Member State, and
- They proved that they have the means to reside permanently in the territory, or
- If a family member of an EU citizen applies for a permanent residence permit after five (5) years of continuous temporary residence, and the applicant states in the purpose of the application that they also want to apply for long-term resident status, or
- If a Blue Card holder has fulfilled the condition of five (5) years of continuous residence on the territory of the Member States of the EU and have resided continuously on the territory of the Czech Republic for two years as a Blue Card holder.

Long-term EU residents are treated in the same way as Czech nationals, for example, as regards access to employment and self-employment, education and training, and tax benefits. They are given an advantage over other third-country nationals if they wish to settle in another EU Member State. However, not all rights of residents are on a par with EU citizens.

A family member of an EU citizen - a third-country national who applies for a permanent residence permit after five (5) years of continuous temporary residence - will be granted by the Ministry of the Interior of the Czech Republic the legal status of a long-term resident of the European Community in the territory if the applicant explicitly requests it in his/her application for a permanent residence permit.

- This status can be granted subsequently after being granted the permanent residence permit, once the conditions for granting it have been met.
- The administrative fee is 500 CZK, in the form of stamps.
- The application can be submitted for an extension of the period of validity of the stay at an office of the Ministry of the Interior, by post, by Digital Data Box, by e-mail with a guaranteed electronic signature or by an authorized representative.

Long-term Residence of a Resident of Another EU Member State (“Povolení k Dlouhodobému Pobytu Rezidenta Jiného Členského Státu Evropské Unie”)

Third-country nationals who have a permanent residence permit in another EU Member State who wish to stay in the Czech Republic for more than three (3) months and who have been granted long-term resident status in the European Community may apply for long-term residence of a resident of another EU Member State (“povolení k dlouhodobému pobytu rezidenta jiného členského státu evropské unie”).

- The permit is issued for a maximum of two (2) years.
- The application must be submitted exclusively in person at a Ministry of the Interior office within 90 days from the date of entry into the Czech Republic.
- The administrative fee is CZK 2,500, in the form of stamps.
- The processing time is 120 days. This time limit does not run if the proceedings are suspended or there is a legal reason for it.
- The applicant is residing in the Czech Republic legally for the duration of the application process, even if his/her current residence permit or visa expires.
- Their family members can also apply for long-term residence in the Czech Republic. This is provided that they are authorized to stay with the applicant in another EU Member State for the purpose of family cohabitation or have also been granted legal resident status.
- The applicant must fulfil the purpose of his/her residence permit for the duration of its validity. He/she is also subject to the obligations imposed on foreigners by law.
- If the state in which he/she has been granted legal residence status in another EU Member State revokes his/her permanent residence permit and legal residence status, the Ministry of the Interior will also revoke his/her long-term residence permit in the Czech Republic.

1.7. STAYING IN THE CZECH REPUBLIC WITHOUT LEGAL STATUS

1.7.1. Consequences of Staying in the Czech Republic Without Legal Status

If a foreigner stays in the territory of the Czech Republic a) after the expiration of the visa, b) after the expiration of the period of stay in the territory determined by the visa, c) without a visa, or d) is not authorized to stay at all, he/she commits an administrative offense or, in some cases, a criminal offense. The foreigner may face these consequences:

1. Fine of up to CZK 5,000

The law imposes a fine of up to CZK 5,000 for an administrative offense such as this one. These offenses are dealt with by the Foreign and Border Police Service, specifically by the regional directorates of this service. Negligence is sufficient.

2. Administrative expulsion

The state might impose administrative expulsion on this foreigner. This action is a state measure and therefore the state is not obliged to prove that the foreigner committed illegal stay culpably; such a situation automatically means for the state the right or interest or even the necessity to order foreigner to leave the territory of the Czech Republic, and to prohibit him from staying in the Czech Republic even for a certain period specified in the decision in the future. In case of illegal stay, foreigners are subject to administrative expulsion for a maximum period of three (3) years.

However, the limitation to this measure is that a foreigner may not be properly deported if the result of the deportation would be unreasonable interference with the foreigner's private and family life. When assessing the appropriateness of an intervention in a foreigner's life, it is therefore necessary to evaluate all relevant aspects of the foreigner's life, both aspects related to his/her life in the Czech Republic and aspects related to his/her country of origin or to the country to which he/she would be in the event of administrative expulsion forced to travel; the existence and degree of culpability of the foreigner for his/her illegal stay should also be assessed.

During the duration of validity of the expulsion, the foreigner may not travel to the Czech Republic, and neither the state authorities – with exceptions – may allow the foreigner to enter the Czech territory. Administrative expulsion can be cancelled if the following two conditions are met:

- 1) "the reasons for issuing" the decision on administrative expulsion have expired; and
- 2) half of the period during which the foreigner cannot be allowed to enter the territory has passed (in the case of citizens of other EU states and family members of citizens of the Czech Republic and citizens of other EU states can be exempted from administrative expulsion after 3 years at the latest).

Besides the administrative expulsion, the state may also impose an expulsion penalty. The court can only impose this penalty on a foreigner, and only on a person who is not a recognized refugee. The penalty is imposed for a period of between one and ten years, depending on the degree of social danger of the offense, the possibilities of rehabilitation and the circumstances of the offender, and the degree of threat to the safety of people, property or other general interest. It cannot be imposed in the following cases:

- it was not possible to determine the nationality of the offender,
- the offender has a long-term residence permit in the territory of the Czech Republic, has a work and social background here, and the imposition of the penalty of deportation would be contrary to the interest in family reunification, or
- there is a risk that the offender will be persecuted in the country to which he/she should be deported because of his/her race, nationality, membership of a certain social group, political or religious opinion, or if deportation would expose the offender to torture or inhuman or degrading treatment or punishment.

3. Detention

In some cases, the state authorities may limit the foreigner's personal freedom by detaining them. There are five instances under which authorities may detain a foreigner:

(1) The basic institution of restricting the personal freedom of a foreigner is the detention of a foreigner for the purpose of administrative deportation, which reads: "the police are authorized to detain a foreigner over the age of 15 who has been notified of the initiation of administrative deportation proceedings or whose administrative deportation has already been legally decided, if the danger that he/she could threaten the security of the state, seriously disturb public order or thwart or make it difficult to enforce the decision on administrative expulsion."

(2) The second security institute is the mandatory security of a foreigner who "has not traveled from the territory within the specified period after a previous final decision on administrative expulsion or after the termination of the provision of temporary protection in the territory."

In these cases, it is not at the administrative discretion of the police whether to secure the foreigner, but the security is automatic, except in cases where such a foreigner is detected during border control during his/her departure. In both cases, if the insured foreigner is a person under the age of 18, a guardian must be appointed.

(3) Another institute for limiting the personal freedom of foreigners is the so-called detention for the purpose of departure. A foreigner who, firstly, did not take advantage of the option of voluntary repatriation according to the Asylum Act and, secondly, be-

longs to one of the following groups, must be insured in this way if:

- He/she did not submit an application for international protection, although he/she was invited to do so;
- He/she did not leave the territory after the legal termination of proceedings in the matter of international protection within the period specified by the departure order or within 30 days, if the foreigner was not granted an exit order;
- the period of authorization to stay in the territory granted to a person enjoying subsidiary protection has expired.

This detention may last a maximum of 48 hours, while administrative expulsion is not decided here, nor is a decision on detention issued. After 48 hours from the seizure, the seizure decision must be issued.

All of these detention institutes have a common maximum duration of restriction of the freedom of movement of a foreigner, namely 180 days, and for foreigners under the age of 18, detention may last only 90 days in most cases.

(4) A foreigner who has applied for asylum/international protection will be interned by the Ministry of the Interior if the applicant's identity has not been reliably established, or if the applicant presents himself with forged or altered identity documents, or if it is reasonable to believe that the applicant could pose a danger to the security of the state.(5) An applicant for asylum/international protection who is an unaccompanied minor, a parent or family with minor or adult disabled children, a person with a serious disability, a pregnant woman or a person who has been tortured, raped or subjected to other serious forms cannot be interned psychological, physical or sexual violence. This provision can therefore affect those foreigners who are staying illegally, who, for example, do not have identity documents. The guarantee period can last a maximum of 120 days. A lawsuit can be brought to court against the restriction of personal freedom.

All the above-mentioned five security institutes are issued by administrative authorities (that is, not by a court), they are issued outside of administrative proceedings and they cannot therefore be appealed against. The authority deciding on the review is the court.

The execution of the decision on administrative expulsion is also associated with the obligation to reimburse the Czech state for the costs of this expulsion, including the costs of accommodation and meals. These costs are for food 112 CZK per day, for accommodation 130 CZK per day and for transport 1.55 CZK per km or actual costs. If the foreigner does not cover these costs and if other persons (the foreigner's employer, inviting person or carrier) do not cover them either, the foreigner will be designated as an undesirable person for a period of up to six (6) years.

In addition to the foreigner himself, who resides in the territory of the Czech Republic without authorization, the person who invited the foreigner to the Czech Republic, foreigner's accommodation provider, the foreigner's carrier, the person who found the foreigner's travel document and has submitted it as his/her own, or the person who found the foreigner's travel document and has not immediately turned it in to the Police, among others, also risk the imposition of a sanction²³.

1.7.2. Obtaining Legal Status if Residing in the Country Illegally, but Meeting Certain Requirements (Living in the Country for Several Consecutive Years, Giving Birth to a Child on the Territory of the country, etc.)

It is not possible to overcome the illegality of residence by fulfilling certain conditions for granting a residence permit. Years spent in the Czech Republic, when the applicant did not have any of the residence permits, cannot be taken into account in the procedure for granting a residence permit.

To obtain citizenship by birth: a child acquires citizenship of the Czech Republic by birth if at least one of the child's parents is a citizen of the Czech Republic on the day of his/her birth. The place of birth of the child has no influence on the acquisition of Czech citizenship by birth. The fact that a child automatically acquires Czech citizenship by law in addition to the citizenship of a foreign state does not change the acquisition of Czech citizenship by the child. The Czech legal order allows for a child to have dual or multiple citizenship in such a case. In this case, there is no need to apply for the acquisition of Czech citizenship; the child acquires it automatically by law at birth.

There are only two other ways to obtain citizenship by birth, that is:

- a. when a child, who would otherwise become a stateless person:
 - is born in the territory of the Czech Republic,
 - both of his/her parents are stateless, or

²³ All of the possible sanctions are listed in Art. 156 of the Act. No. 326/1999 Coll., Act on the Residence of Foreigners on the Territory of the Czech Republic and on Amendments to Certain Acts, available in English in a non-consolidated version here: <https://www.zakonyprolidi.cz/translation/cs/1999-326?langid=1033>.



A child acquires citizenship of the Czech Republic by birth if at least one of the child's parents is a citizen of the Czech Republic on the day of his/her birth.

- at least one of the parents is authorized to stay for a period longer than 90 days.

b. if a child is found in the territory of the Czech Republic without parents.

If a child is born on the territory of the Czech Republic to foreign parents, or to a foreign mother without a declared father, the child does not automatically obtain the citizenship. There is, however, a simplified proceedings for such cases of granting of Czech citizenship for the child of a foreign mother whose paternity has been established by a Czech citizen²⁴. In the event that a Czech national establishes paternity of an already born child whose mother is stateless, this child acquires the citizenship of the Czech Republic on the day when the consent declaration of the parents was made. In this situation, the mother of the child does not have to have any type of residence permit in the territory of the Czech Republic, and the parents do not have to prove paternity through a genetic test.

In all situations when a child does not automatically obtain a citizenship, it can temporarily stay in the country for a maximum period of 60 days. Within this period, he/she must either leave the country, or the parent/parents can apply for a residence permit or a visa for the child at a Ministry of the Interior office²⁵.

1.7.3. Obtaining, Without Leaving the Country, a New Passport (or Another Travel Document) in Case of Loss, Damage (in Whole or Just Several Pages Thereof), or Expiration

The possibility of obtaining a new passport or another travel document in case of loss, partial or entire damage or expiration, without leaving the Czech Republic, depends on the services each country provides in the Czech Republic, and whether there is a consulate.

Russian passports:

- In accordance with the Federal Law No. 114-FZ “On the Procedure for Leaving the Russian Federation and Entering the Russian Federation,” dated 15.08.1996, a passport is issued to a citizen of the Russian Federation residing outside the territory of the Russian Federation by a diplomatic mission or consular office of the Russian Federation in the state of residence of the said citizen.
- In case of loss, damage or expiration of a Russian foreign passport, it is possible to apply and obtain a new one at the Consular Department of the Embassy of the Russian Federation in the Czech Republic, located in Prague at Korunovační 34, 160 00 Praha 6 - Bubeneč²⁶.

24 More information available in Czech here: <https://portal.gov.cz/sluzby-vs/udeleni-statniho-obcanstvi-cr-pro-dite-cizinky-ke-steremu-urcil-otcovstvi-statni-obcan-cr-S25056>.

25 Further information provided here: <https://frs.gov.cz/en/visa-and-residence-permit-types/third-country-nationals/residence-of-a-child-born-in-the-czech-republic/>.

26 More information available in Russian on the website of the Russian Embassy in the Czech Republic here: <https://czech.mid.ru/ru/consular-services/russia/international-passport/>.

- The application and the documents may be submitted to the consular section by appointment in person made in advance through the relevant website (<https://praha.kdmid.ru/>) only. Appointments may not be made in person, by phone, or by e-mail.
- The period for issuing a passport by a diplomatic mission or consular office of the Russian Federation can last a maximum of three (3) months from the date of filing an application for a passport.
- If the passport has expired on the day of submitting the documents, the original of a valid internal passport of a Russian citizen (for Russian citizens aged 14 and older) or a birth certificate with a note on Russian citizenship (for Russian citizens aged under 14) is also required to issue a new document. If the originals of these documents are missing or the internal passport of a Russian citizen is invalid, then the documents for a new passport cannot be accepted. In this case, it is necessary to issue a certificate of return to Russia or submit documents to prove Russian citizenship. If a Russian citizen under the age of 14 was born outside of Russia and acquired citizenship at one of the Russian foreign institutions, but there is no note on the birth certificate on the presence of Russian citizenship, the Embassy recommends to apply for this note to be placed at the place of registration of citizenship.
- A citizen of the Russian Federation has the right to choose a passport with a validity period of five (5) years or a passport containing an electronic data carrier with a validity period of 10 years. During the validity period of a passport issued to a citizen of the Russian Federation, a second passport containing an electronic data carrier with a validity period of 10 years may be issued to the citizen in accordance with the said Federal Law.
- It is not permissible to issue a new passport without declaring the previously issued passport invalid if it is lost by the owner; in the presence of two valid passports, issuance of a new passport without confiscating one of the previously issued passports, if its validity period has not expired.
- After changing personal data (last name, first name, patronymic), it is necessary to change the passport within six (6) months. After this period, the passport (foreign and domestic) with outdated personal data is automatically recognized as invalid and in order to obtain a new passport, it is necessary to submit documents to prove Russian citizenship.
- An internal passport (for internal travel within the federation) of a citizen of the Russian Federation can only be issued at the territorial bodies of the Ministry of Internal Affairs of the Russian Federation on the territory of the Russian Federation.

Belarusian passports:

- In case of loss, damage, or expiration of a Belarusian foreign passport, it is possible to apply and obtain a new one at the Consular Department of the Embassy of the Republic of Belarus in the Czech Republic, located in Prague at Sádky 626, 171 00 Praha 7 – Troja²⁷.
- The period for issuing a passport by a diplomatic mission or consular office of the Republic of Belarus can last maximum 15 working days from the date of filing an application for a passport.

Czech passports:

- In case of loss, theft, or destruction of the passport, or its discovery, the holder must fulfil his/her legal obligation to immediately notify the relevant authority, which can be any authority responsible for issuing a travel document, or to any municipal office of a municipality with extended jurisdiction, the registry office or the nearest unit of the Police of the Czech Republic. You can report loss or theft to the Ministry of the Interior if you also request the issuance of a passport within a reduced period of 24 hours or five (5) working days.
- The office where you made the report will issue you a confirmation of the loss, theft or destruction of the travel document.
- If the validity of the passport has expired for any reason or the travel document is filled with records, the holder is **obliged to surrender** the travel document so that another record cannot be marked in it, e.g. a record of crossing national borders or recording a visa to the embassy of the Czech Republic abroad, or to the authorities of the Police of the Czech Republic upon request.
- The holder can submit the travel document filled with records to the Ministry of the Interior, but only if he/she applies for a passport within 24 hours of a working day or within five (5) working days.
- Any authority responsible for issuing a travel document, the Czech Embassy or the Police of the Czech Republic may withhold an invalid travel document from the holder if he/she has not fulfilled the obligation to surrender it.
- The authority that detained the travel document is obliged to issue the holder with a confirmation of the detention of the travel document and immediately send the travel document to the authority that issued it, stating the reason for the detention.

²⁷ More information available in Belarusian on the website of the Belarusian Embassy in the Czech Republic here: <https://belarusfacts.by/be/belarus/consul/out/>.

1.8. OBTAINING A VISA AND/OR A DOCUMENT FOR LONG-TERM STAY FOR FAMILY MEMBERS OF A FOREIGN NATIONAL WITH THE RESIDENCY STATUS

A visa for a stay of more than 90 days for family purposes can be requested if you form a family in the narrower sense with a foreigner with permission to stay in the territory and you want to stay with him in the territory of the Czech Republic for more than three months.

Depending on the circumstances, a family in the narrower sense can consist of, for example:

- Spouses or registered partners of the same sex
- Parents and minor children
- Relatives dependent on care

A visa for family purposes can also be granted to other family members, but it always depends on the assessment of the given case by the Ministry of the Interior.

The visa is issued for a maximum period of one (1) year.

During the period of validity of your residence permit, you must fulfill the purpose of your stay. You are also subject to the obligations for foreigners given by law.

If you want to work in the Czech Republic with a visa for family purposes, you must obtain an employment permit.

With a valid residence permit, you can repeatedly leave and return to the Czech Republic. You can also travel within the Schengen area without the need for a visa.

If you have a valid long-term visa issued for a period of less than one (1) year and you will be staying in the Czech Republic for the same purpose as before.

The validity of a long-term visa with an extension can be **a maximum of one (1) year**.

- a. If the validity of your current long-term visa is **less than one (1) year**, you can repeatedly extend the validity of your visa, but for a maximum of one (1) year remaining.
- b. If you want to stay in the Czech Republic for **more than one (1) year**, you must apply for a long-term residence permit.

1.9. “OBČANSKÁ SPOLEČNOST” PROGRAMME – “THE CIVIC SOCIETY” PROGRAM

The Ministry of Foreign Affairs and the Ministry of the Interior, in cooperation with the non-governmental sector, launched the “Občanská společnost” program for citizens of the Russian Federation and the Republic of Belarus who are at risk due to political persecution in their country of origin²⁸. Persons who will be included in the program based on their open attitudes and activities will be given the opportunity to stay in the Czech Republic for a long time on the basis of an appropriate long-term visa or residence permit.

The program is implemented from May 20, 2022. The annual quota is 500 applicants.

Conditions for applicants:

- Applicant is a citizen of the Russian Federation or the Republic of Belarus who:
 - proves to be a freedom fighter, human rights defender, representative of civic society, independent media or academia; or
 - is a person who is subject to persecution by state power and who is forced to leave his/her country of origin for security reasons, because of the active defense of democratic principles and in particular freedom of expression, because of the impossibility of practicing his/her profession freely and with impunity; or
 - for other reasons worthy of special attention associated with limiting or threatening human rights and freedoms.
- Immediate family members can also be included in the program: spouse, minor children or adult dependent children, partners permanently living in the same household, including partners of LGBTQIA persons.
- No other applicants or persons travelling to the Czech Republic on a short-term basis will be included in the program.

²⁸ All available information is in Czech on the website of the Ministry of the Interior, here: https://mzv.gov.cz/jnp/cz/informace_pro_cizince/aktuality/program_obcanska_spolecnost.html.



The Ministry of Foreign Affairs and the Ministry of the Interior, in cooperation with the non-governmental sector, launched the “Občanská společnost” program for citizens of the Russian Federation and the Republic of Belarus who are at risk due to political persecution in their country of origin.

Procedure for enrolling an applicant in the program:

- The **guarantor** requests the applicant's inclusion in the program.
 - *Who is the guarantor?* A guarantor is a legal entity that has met the conditions for inclusion in the program and that nominates a specific individual for it.
 - A guarantor who is a non-governmental non-profit organization and simultaneously meets the following criteria can be included in the program:
 - is a legal entity, on budget rules, and at the same time a non-governmental non-profit organization; they may not be territorial self-governing units, international organizations or voluntary associations of municipalities at the same time;
 - is a tax resident or a taxpayer in the Czech Republic;
 - does not have past-due obligations with the local tax authority, the district social security administration and health insurance companies;
 - has no overdue obligations to the state budget;
 - upon request, they will provide evidence of sufficient financial security for the program participant's stay;
 - is the implementer of the transformation cooperation project within the framework of foreign development cooperation with the contribution of funds from the state budget with a positive assessment of the subsidy provider; or
 - is really active in the field of protection and support of human rights, civic society and independent media.
- A guarantor who is interested in being included in the program should contact the Department of Human Rights and Transformational Cooperation ("Odbor lidských práv a transformační spolupráce") by e-mail (pos@mzv.cz). In the subsequent communication, he/she will be sent an application form upon request and will be asked to document the mandatory attachments, which are:
 - A certified copy of the document of legal personality in accordance with the legal form of the applicant;
 - confirmation from the tax office about the absence of tax arrears (must not be older than six (6) months);
 - confirmation from the Czech Social Security Administration that there are no arrears of social security contributions and contributions to the state employment policy (must not be older than six (6) months);

- a sworn statement about the absence of arrears or penalties in public health insurance;
- an affidavit on the absence of overdue obligations to the state budget;
- a sworn declaration of sufficient financial resources to ensure the foreigner's stay in the Czech Republic (this document is submitted only on request)²⁹;
- simultaneously with the application for inclusion in the program, the guarantor sends a request for the inclusion of at least one applicant.
- The guarantor, who has already been included in the program, subsequently sends the Ministry of Foreign Affairs only requests for the inclusion of the applicant.
- The guarantor forwards the applicant's application to the Ministry of Foreign Affairs.
- The Ministry of Foreign Affairs will receive from the guarantor information about the inclusion of the participant in the program and at the same time indicate what residence permit he/she will apply for. The Ministry of Foreign Affairs immediately informs the relevant embassy that the program participant will submit a visa/residence application here. At this stage, the Ministry of Foreign Affairs communicates with the applicant, a participant in the program, and informs him of the conditions for submitting a visa/residence application and its requirements.
- Participants in the Civic Society Program can apply for the following residence permits, depending on the nature of their stay in the territory:
 - employee card;
 - Blue Card;
 - a long-term visa for the purpose of study or a long-term residence permit for the purpose of study;
 - long-term residence permit for the purpose of scientific research;
 - long-term visa for the purpose of doing business;
 - long-term visa for other purposes.
- In addition to the above, the following residence permits are available **to family members**:
 - long-term visa for family purposes,
 - long-term residence permit for the purpose of family reunification, and

²⁹ At the time of publication of this Guide, there is no available information on the documents required to prove sufficient financial resources, or on how sufficiency will be calculated. The authors presuppose the assessment of the sufficiency of the foreigner's financial resources, and the calculation of such resources, will be assessed on an individual basis.

- Solutions for citizens of Ukraine - temporary protection under Act No. 65/2022 Coll.

Solutions for Citizens of Ukraine - Temporary Protection under Act No. 65/2022 Coll.

Provided in particular to:

- Citizens of Ukraine who lived in Ukraine before February 24, 2022, and subsequently left Ukraine.
- Foreigners from third countries and stateless persons who were granted international protection or equivalent national protection in Ukraine before February 24, 2022.
- Family members³⁰ of the persons listed above, who together with them, stayed in Ukraine before February 24, 2022, and subsequently left Ukraine together.
- Foreigners who held a valid permanent residence permit on the territory of Ukraine as of February 24, 2022, and their departure to the state of which they are a citizen or part of its territory are not possible due to the threat of real danger.

Who is not eligible?

- Foreigners who have applied for temporary protection or international protection in another EU Member State.
- Foreigners who have a currently valid residence permit (long-term visa, long-term/permanent residence) issued in another state.
- Foreigners who had a valid long-term residence permit in the Czech Republic or another country as of February 24, 2022, and after February 24, 2022, did not extend their stay or had it revoked. These foreigners are not persons who lived/stayed on the territory of Ukraine before February 24, 2022.

The necessary documents include:

- a completed form;
- a valid passport, if he/she has one;
- proof that he/she resided in the territory of Ukraine on February 24, 2022, and left Ukraine after February 24, 2022 (for example, data in the passport, a humanitarian entry certificate or another document issued in his/her name that would testify to his/her stay in Ukraine); and
- proof of accommodation, which can be:

³⁰ A family member means the spouse, registered partner, minor unmarried child of the person listed in points 1-2 or the minor unmarried child of the spouse of such a person or another so-called close relative dependent on care and living in the family of such a person.

- Confirmation of accommodation provision: If the applicant provides written confirmation of accommodation provision, it must be accompanied by an officially verified signature of the owner or authorized user of the apartment/property.
- Lease or sublease agreement: If you are documenting a lease or sublease agreement, an officially certified signature is not required. Your documents will be filed, so we recommend that you submit an officially certified copy of the contract.

You do not need to submit proof of accommodation if you are accommodated within the state humanitarian accommodation system.

If the person is not entitled to temporary protection:

- 3. Then he/she has the possibility to apply for a visa for a stay of more than 90 days to endure a stay in the territory at the office of the Ministry of the Interior. The application can only be submitted in person.**

2. International Protection Status

2.1. TYPES OF INTERNATIONAL PROTECTION STATUS: REFUGEE STATUS, HUMANITARIAN PROTECTION, AND OTHERS

The Czech Republic offers two (2) types of international protection, i.e. a protection offered to a foreigner on Czech territory: asylum (“azyl”) and subsidiary protection (“doplňková ochrana”).

A. Asylum (“Azyl”)

Asylum is a form of international legal protection for a person outside the territory of the country of his/her nationality or outside the territory of the country of his/her last habitual residence if he/she is a stateless person who is persecuted in his/her home country for exercising political rights and freedoms or has a well-founded fear of being persecuted on account of his/her race, religion, nationality, membership of a particular social group or political opinion.

B. Subsidiary Protection (“Doplňková Ochrana”)

Subsidiary protection is an international protection granted to a foreigner who does not meet the grounds for asylum, but does meet the conditions for granting the subsidiary protection (i.e. is in a danger of serious harm if he/she ever returns to the original State).

2.2. ELIGIBILITY FOR INTERNATIONAL PROTECTION STATUS

Generally speaking, international protection is granted in those cases where the applicant proves that he/she is at risk of persecution in the country of his/her nationality because of his/her political beliefs, race, nationality, religion or membership of a particular social group, or if he/she proves that he/she is at risk of serious harm there in the form of the death penalty, torture or inhumane treatment or violence as a result of war.

Eligibility Specific to Asylum:

This form of international protection is granted in those cases where the applicant proves that he/she:

- is persecuted for exercising political rights and freedoms, or
- has a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or for holding certain political opinions in the state of which he/she is a citizen or, in the case of a stateless person, in the state of his/her last permanent residence

Asylum for the purpose of family reunification is granted in cases when:

- A family member of an asylum seeker who has been granted asylum shall, in a case worthy of special consideration, be granted asylum for the purpose

of family reunification, even if the reason for granting international protection is not established in his/her case in the proceedings for the granting of international protection.

- Such a family member is:
 - a spouse or registered partner of the asylum seeker,
 - an unmarried child of an asylum seeker under the age of 18,
 - a parent of an asylum seeker under the age of 18,
 - an adult responsible for an unaccompanied minor, or
 - an unmarried sibling of an asylum seeker under the age of 18.

National humanitarian asylum is granted in cases when:

- in the procedure for the granting of international protection, no reason for the granting of international protection will be found, in a case worthy of special consideration, national humanitarian asylum may be granted for humanitarian reasons. A family member of an asylum seeker who has been granted humanitarian asylum shall, in a case worthy of special consideration, be granted humanitarian asylum for the purpose of family reunification.

Eligibility Specific to Subsidiary Protection:

Subsidiary protection is granted in the above-mentioned situations. In other cases, subsidiary protection can also be granted for the purpose of family reunification when:

- a family member of a person enjoying subsidiary protection will be granted subsidiary protection for the purpose of family reunification in a case worthy of special consideration, even if the reason for granting it is not found in his/her case in the proceedings for the granting of international protection.

Family member here means:

- a spouse or registered partner of a person enjoying subsidiary protection,
- an unmarried child of a person enjoying subsidiary protection who is under 18 years of age,
- the parent of a person benefiting from subsidiary protection who is under 18 years of age,
- an adult responsible for an unaccompanied minor, or
- an unmarried sibling of a person enjoying subsidiary protection who is under 18 years of age.

2.3. PROCEDURES FOR OBTAINING EACH TYPE OF INTERNATIONAL PROTECTION STATUS

The application for international protection is lodged with the Czech Police. The Ministry of the Interior of the Czech Republic registers this application, conducts the administrative procedure for granting international protection, including interviews, and decides on the application.

Application for the grant of international protection is lodged with the Police:

- at the border crossing, if it is not a foreigner handed over according to an international agreement or a regulation of the EU,
- in an admission center,
- at the foreign police department of the regional police headquarters on the condition that he/she appeared voluntarily,
- in a facility for the detention of foreigners in the case of a foreigner detained or accommodated there, with the exception of a foreigner detained for the purpose of his/her handover or transit pursuant to an international agreement negotiated with other member states of the EU before January 13, 2009, or a directly applicable regulation of the EU, or
- in the Ministry of the Interior, if he/she is serving preventive detention (“zabezpečovací detence”)³¹, protective therapy (“ochranné léčení”)³², detention (“vazba”)³³ or a prison sentence (“odnětí svobody”), or if he/she is placed in a school facility for institutional care or protective care, or in a facility for children requiring immediate assistance (“školské zařízení pro výkon ústavní výchovy nebo ochranné výchovy anebo zařízení pro děti vyžadující okamžité pomoci”)³⁴.

The right of a foreigner to apply for international protection in a facility for the detention of foreigners expires seven (7) days from the day on which he/she was informed by

31 Preventive detention is a type of protective measure that is carried out in special institutions where various psychological, therapeutic, pedagogical and other programmes are implemented for persons placed there who are dangerous to society. These institutions are guarded by the Prison Service. Preventive detention was enshrined in the Czech law order by the Act No. 129/2008 Coll., Act on the Execution of Preventive Detention and on Amendments to Certain Related Acts, available in Czech here: <https://www.zakonyprolidi.cz/cs/2008-129>.

32 Protective therapy is a protective measure imposed on offenders of an otherwise criminal offence who cannot be prosecuted because of their insanity, mental disorder or substance abuse and/or offenders who are criminally responsible and who have committed their offence in a state induced by mental disorder and whose stay at liberty is dangerous, or offenders who abuse a substance and who have committed an offence under the influence of or in connection with the abuse of a substance. Protective therapy is regulated in Czech law in the Act No. 40/2009 Coll., the Criminal Code (available in English in a non-consolidated version here: <https://www.zakonyprolidi.cz/translation/cs/2009-40?langid=1033>) and in the Act No. 141/1961 Coll., the Criminal Procedure Code (available in English in a non-consolidated version here: <https://www.zakonyprolidi.cz/translation/cs/1961-141?langid=1033>).

33 Detention is an extraordinary measure based on evidence in criminal proceedings which serves to detain an accused person for a period of time strictly necessary for purposes relating to the criminal proceedings and the subsequent execution of the sentence. The relevant legal regulation is Act No. 293/1993 Coll., available in Czech here: <https://www.zakonyprolidi.cz/cs/1993-293> and the Criminal Code and the Criminal Procedure Code.

34 Institutional care and protective care

the police about the possibility of applying for the granting of international protection in the territory and the consequences associated with the expiration of this period.

The Ministry of the Interior will upon request issue a passport to an asylum seeker who has been granted asylum. A person enjoying subsidiary protection and an asylum seeker who has been granted humanitarian asylum will be given a foreigner's passport.

The Czech Embassy will upon request issue a "travel identity card" to an asylum seeker or a person enjoying subsidiary protection who has lost a travel document abroad for the purpose returning back to the Czech Republic.

2.4. ADMINISTRATIVE APPEALS PROCESS OR OTHER ACTIONS IN CASE OF DENIAL OF INTERNATIONAL PROTECTION STATUS APPLICATION

The administrative procedure for the granting of international protection is carried out by the Ministry of the Interior as a first-level authority. A lawsuit against the decision of the Ministry of the Interior can be filed with the relevant regional court. A cassation complaint can be submitted to the Supreme Administrative Court against the decision of the regional court on the action against the decision of the Ministry of the Interior in the matter of international protection.

2.5. RIGHTS AND OBLIGATIONS OF PERSONS RESIDING IN THE CZECH REPUBLIC UNDER EACH STATUS

Asylum

When the decision to grant asylum becomes legally valid, you acquire the legal status of an asylum seeker and permanent residence in the Czech Republic for the duration of the asylum.

For the purposes of employment or access to social services and benefits, you are considered a permanent resident of the Czech Republic for the duration of your asylum. This means that you have the same rights and obligations as Czech citizens in these areas for the duration of your residence permit.



When the decision to grant asylum becomes legally valid, you acquire the legal status of an asylum seeker and permanent residence in the Czech Republic for the duration of the asylum.

You are obliged to notify the Ministry of facts relevant to the maintenance of asylum, such as the granting of citizenship of the Czech Republic or citizenship of another state.

If a child is born in the territory of the Czech Republic, you are obliged to submit an application for international protection, an application for tolerating the stay³⁵ or an application for another type of residence in the territory of the Czech Republic within 60 days from the date of the child's birth in the territory. If you do not do so, your child will be staying in the Czech Republic illegally, which means, in particular, that he/she will not be insured.

Your continued stay in the Czech Republic will be governed by the requirements of Act No. 325/1999 Coll., on Asylum, as amended, and Act No. 326/1999 Coll., on the Residence of Foreigners in the Czech Republic, as amended, but you are also obliged to respect other laws of the Czech Republic and its legal order.

Subsidiary Protection

When the decision to grant subsidiary protection becomes final, you acquire the legal status of a person enjoying subsidiary protection and the associated permit to stay in the Czech Republic for the period of time specified in the decision.

For the purposes of health care, employment or access to social services and benefits, you are considered a permanent resident of the Czech Republic for the duration of the subsidiary protection. This means that you have the same rights and obligations as Czech citizens in these areas for the duration of your residence permit.

You are obliged to notify the Ministry of facts relevant to the maintenance of subsidiary protection, for example, the granting of Czech citizenship or citizenship of another state.

You have the right to apply for an extension of your subsidiary protection before it expires. If you do not do so, the subsidiary protection granted to you will expire on the last day, cannot be renewed and you will lose your right of residence in the Czech Republic.

If a child is born in the Czech Republic, you are obliged to apply for international protection for the child within 60 days from the date of the child's birth in the Czech Republic, or to apply for toleration in the Czech Republic under this Act, or to apply for another type of residence in the Czech Republic under the Act on the Residence of Foreigners in the Czech Republic. If you do not do so,

Your child will be staying in the Czech Republic illegally, which means, in particular, that he/she will not be insured.

Your continued stay in the Czech Republic will be governed by the requirements of Act No. 325/1999 Coll., on Asylum, as amended, and Act No. 326/1999 Coll., on the Res-

³⁵ See section 1.1. – C above.

idence of Foreigners in the Czech Republic, as amended, but you are also obliged to respect other laws of the Czech Republic and its legal order.

Other Relevant Information:

The Ministry of the Interior concluded a contract for legal services with the Volopich, Tomšíček & spol., s.r.o. law firm, based on which foreigners are guaranteed the opportunity to use free legal services from 1 January 2024. The legal services are available to:

- applicants for international protection under the Asylum Act who are reported to be staying in an asylum facility,
- applicants for international protection under the Asylum Act who are placed in a facility for the detention of foreigners,
- foreigners admitted to the territory under the Asylum Act, including foreigners applying for this tolerance who are accommodated in an asylum facility, and
- foreigners who are detained or accommodated in a facility for the detention of foreigners.

The Ministry shall provide you with a one-off financial contribution in the amount of the minimum subsistence level of the person and the persons assessed together with him/her upon written request submitted within five (5) working days of the date of entry into force of the decision granting asylum/subsidiary protection; the Ministry shall not provide this contribution if you are also a holder of a residence permit under the Act on the Residence of Foreigners in the Czech Republic.

- Your application for a one-off financial contribution, together with a copy of your application for entry into the State Integration Program, should be addressed to the staff of the Administration of Refugee Facilities, which is responsible for this type of assistance, at the residence centre if you are staying there, or sent to Lhotecká 7, 143 01 Prague 12.

The State Integration Programme - Státní integrační program can offer integration services within the first year after you have been granted international protection. This will help you to get to know and navigate your new environment. The main aim of SIP is to assist you in particular in the areas of housing, employment, social security, health and education and in acquiring basic Czech language skills. You can only be included in the SIP on your own application. Participation in the SIP is voluntary. If you decide to join the program, you are bound by its rules.

The Ministry grants an asylum seeker who has been granted asylum, or a person enjoying subsidiary protection, the legal status of long-term resident in the territory of the EU, if he/she requests it in writing and

- meets the condition of five (5) years of continuous residence in the territory,
- did not seriously disturb public order or threaten the security of the Czech Republic or another EU Member State, and
- has proven that he/she has the means to stay in the territory in an amount corresponding to the funds required for a permanent residence permit.

More information on travelling for persons with international protection is available on the website of the Ministry of the Interior.

If you have been issued with an international arrest warrant and this was the reason for granting asylum/subsidiary protection, it is strongly warned against any travel outside the Czech Republic. An international arrest warrant for your person does not expire when asylum is granted, it can only be revoked by the country that issued it, and other countries are not obliged to respect the asylum status granted in the Czech Republic. You could be detained and forcibly extradited to your country of nationality.

2.6. BENEFITS AND DISADVANTAGES OF RECEIVING DIFFERENT TYPES OF INTERNATIONAL PROTECTION STATUS

Asylum

Asylum gives one the right to stay in the Czech Republic, free access to the labor market, public health insurance, education and other social benefits.

Asylum is granted for an unlimited period of time.

Subsidiary Protection

Subsidiary protection is a form of international protection granted to persons who, although they do not meet the criteria for asylum, would face a real risk of serious harm if returned to their country of origin, such as the imposition of the death penalty, torture, inhuman or degrading treatment or serious threat to life due to armed conflict.

Persons with subsidiary protection also have free access to the labor market and are entitled to public health insurance, education and other social benefits, but the possibilities for family reunification are much more limited.

Subsidiary protection is granted for the period of time for which the person is at risk of serious harm, but for a minimum of one (1) year, and an extension must be applied for thereafter.

2.7. CURRENT CZECH POLICY OF GRANTING INTERNATIONAL PROTECTION TO FOREIGN NATIONALS

The Home Office's International Protection Summary Report 2023 reported the following cases on international protection to foreign nationals:

Russian Federation:

- 120 applications for international protection
- 110 decisions
- Asylum granted 8 times
- Additional protection granted 4 times
- 48 times a negative decision was granted
- 50 times the proceedings were terminated
- Number of persons enjoying asylum status: 177
- Number of persons enjoying subsidiary protection: 29

Republic of Belarus

- 46 applications for international protection
- 60 decisions
- Asylum granted 4 times
- Additional protection granted 12 times
- A negative decision was granted 23 times
- 21 times the proceedings were terminated
- Number of persons enjoying asylum status: 147
- Number of persons enjoying subsidiary protection: 53

2.8. CAN A FOREIGN NATIONAL WORK AFTER SUBMITTING DOCUMENTS FOR INTERNATIONAL PROTECTION STATUS, AND IF SO, UNDER WHAT CONDITIONS?

Applicants for international protection and recognized refugees can be employed in the Czech Republic under the following conditions depending on their legal status:

- A person granted international protection does not need an employment permit, an employment card, an intra-corporate transfer card or a Blue Card to be employed. Persons granted international protection have the same status as citizens of the Czech Republic with regard to employment.
- The employer of a person granted international protection has only an information obligation towards the regional branch of the Labor Office of the Czech Republic and an obligation to keep records.

- An applicant for international protection may be only employed after the expiry of six (6) months from the date of the application for international protection; however, such a foreigner must have a valid employment permit issued by a regional branch of the Labor Office of the Czech Republic.
- One of the conditions for the issuance of an employment permit is the reporting of a vacancy to the regional branch of the Labor Office of the Czech Republic by the employer. Subsequently, the employer of the applicant for international protection has an information obligation towards the regional branch of the Labor Office of the Czech Republic and an obligation to keep records.
- A foreigner who has not applied for international protection or has not been granted international protection but has obtained a visa for a stay of over 90 days or a long-term residence permit for the purpose of tolerating stay in the territory, may be employed if he/she has a valid employment permit issued by a regional branch of the Labor Office of the Czech Republic.
- In order for the employment permit to be issued, the employer must report the vacancy to the regional branch of the Labor Office of the Czech Republic. Subsequently, the employer of the holder of a visa to stay for more than 90 days or a long-term residence permit to stay in the territory has an information obligation towards the regional branch of the Labor Office of the Czech Republic and an obligation to keep records.
- In addition, all employers, regardless if of nationals or foreigners, have standard obligations under the legislation in force towards the ČSSA - Czech Social Security Administration, health insurance company, the Financial Administration, etc., and standard obligations towards the employee, in particular under Act No. 262/2006 Coll., the Labor Code.



It is **not** possible to employ an applicant for international protection within six (6) months from the date of the application for international protection. In the event of a breach of the legislation, the employer commits an administrative offense or a criminal offense and exposes him/herself to the risk of relevant sanctions.

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