



MINISTERSTVO VNITRA
ČESKÉ REPUBLIKY

2008 Status Report on Migration in the Czech Republic



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Report Executive Summary

The Report provides objective information on migration trends and should serve as a basis for further details of Czech Republic's migration policy.

Concerns about a possible deterioration of the security situation and an inflow of illegal immigrants as a result of the free movement of persons across the Czech national border have not come true. **The situation in the field of public order and internal security as regards migration is stable and developments correspond with trends which commenced in the previous period.**

1. Key 2008 Statistical Indicators

Visa

In 2008 the Czech Republic's embassies and consulates received 649,497 visa applications, and granted or stamped 584,688 visas, which was 68,553 visas less than in 2007. The largest numbers of visas were issued or granted by embassies in Moscow and Kiev, the Consulate General in St. Petersburg, the Consulate General in Lvov, the and the embassy in Beograd.

The largest numbers of visa applications in the year reviewed were filed by citizens of Russia (the number of applications filed was 320,048; the number of visas granted was 310,770); Ukraine (the number of applications filed was 214,314; the number of visas granted 193,245); and Vietnam (the number of applications filed was 33,742; number of visas granted 29,104).

Cross-border Traffic Across the External Schengen Border

At the external Schengen border of the Czech Republic (i.e. at international airports) 14.2 million persons were cleared in both directions. When this number is compared with the same number for 2007 it shows that the number of cleared persons increased by more than 860,000 persons (which is +6.4 %).

In the same period the police denied, pursuant to Section 9 of the Act on the Residence of Foreign Nationals, entry to the Czech Republic across the external Schengen border to 257 persons, which was 138 persons more (i.e. +116.0 %) than those denied entry in the previous year. Those denied entry were most frequently nationals of Russia (70 persons), Ukraine (29 persons), Turkey (20 persons), Egypt (19 persons), and Armenia (eight persons).

Foreign Nationals with Czech Residence Permits

Towards the end of 2008 the Directorate of the Alien Police of the Police of the Czech Republic registered in total 438,301 foreign nationals in the Czech Republic holding Czech residence permits. Of this number 172,927 foreign nationals were in possession of permanent residence permits and 265,374 foreigners had long-term residence permits (temporary residence with a visa for over 90 days, and temporary residence for citizens of the European Union). The statistical data unequivocally demonstrates a yearly increase in the number of foreign nationals resident in the Czech Republic. As regards the year reviewed, the aforementioned growth was the second highest since the Czech Republic came into being (+46,217 persons).

As in previous years, nationals of Ukraine (131,965 persons), followed by nationals of Slovakia (76,034 persons) and Vietnam (60,258 persons) were the most numerous groups in both categories of residence. This fact is also reflected in statistical records of economic activities of foreigners in the Czech Republic.

Foreign Nationals Employment and Entrepreneurship

According to data collected by the Ministry of Labour and Social Affairs as of 31 December 2008 in total 284,551 foreign workers were registered in the Czech labour market, of whom 128,934 persons were employed on the basis of valid work permits; there were a further 141,101 nationals of the EU/EEA and nationals of Switzerland, and 14,516 other foreign nationals not obliged to have work permits. The number of foreign labourers recorded by Labour Offices of the Czech Republic grew, in the course of the year reviewed, by 44,309 persons. Traditionally, the largest numbers of legally employed persons come to the Czech Republic from the Slovak Republic (100,223 persons), Ukraine (81,072 persons), and Poland (20,680 persons).

At the end of 2008 the Ministry of Industry and Trade registered in total 77,158 (+8,373) entrepreneurs – foreign nationals and 84,488 trades (-921) which were registered by foreign nationals in the Czech Republic. The above information implies that the number of registered entrepreneurs increased, as compared with 2007, whilst the number of registered business undertakings dropped.

The largest number of foreign entrepreneurs in the Czech Republic came from Vietnam (32,139 persons), followed by citizens of Ukraine (21,213 persons) and Slovakia (9,255 persons).

Studies

Each year the total numbers of foreign students at Czech higher education institutions increase, and so do the numbers of newly enrolled foreign students. Whilst in 2005 the proportion in the total number of students was 7.4 %, in 2008 this increased to 8.4 %.

The largest numbers of EU students come from Slovakia (20,657 persons), followed by students from the United Kingdom (418 persons), Portugal (411 persons), Poland (362 persons), and Germany (337 persons). Third country nationals are mostly represented by nationals of Russia (1,779 persons), Ukraine (1,046 persons), Vietnam (650 persons), Kazakhstan (496 persons), and Belarus (379 persons).

In 2008 foreign nationals also studied at conservatories, post-secondary vocational schools, and secondary schools.

International Protection Seekers in the Czech Republic

Since its accession to the European Union in 2004 the Czech Republic has exhibited a downward trend in the number of applications for international protection. This development corresponds with the number of applications for international protection filed in the territories of most EU Member States.

The proportion of the Czech Republic out of the total number of applications for international protection filed in EU-Member States (27) accounted in 2008 for approximately 0.7 % of all applications; in terms of the number of international protection seekers, the Czech Republic ranked 18th in the European Union.

In the course of 2008 the Czech Republic recorded in total 1,656 applications for international protection. If compared with 2007, there was a decline of 11.8 %.

In 2008 nationals of Ukraine represented the most numerous group of international protection seekers (321 seekers). These were followed by nationals of Turkey (251 seekers) and Mongolia (193 seekers).

157 persons were awarded international protection in the Czech Republic, with nationals of Myanmar (26 persons), Belarus (19 persons) and Russia (18 persons) representing the largest groups of recognised refugees.

The Ministry of the Interior granted subsidiary protection to 138 foreign nationals. This form of protection was most frequently granted to nationals of Cuba (61) and Iraq (22), however 17 stateless persons and 13 citizens of Belarus were also granted subsidiary protection.

Nationality of the Czech Republic

In 2008 Czech nationality was granted to 1,087 foreign nationals (the figure does not include Slovak citizens). Of these, Czech citizenship was granted to 85 persons who had previously been granted asylum in the Czech Republic.

Among those foreign nationals who acquired Czech citizenship, the largest nationality was that of Ukraine (388 persons), Kazakhstan 116 (persons), Romania (82 person). 521 Slovak citizens were granted Czech nationality or acquired Czech nationality by declaring it.

Illegal Migration in the Czech Republic

In the context of the Czech Republic's accession to the Schengen area it was necessary to radically change the definition of illegal migration in the Czech Republic. Since 2008 two basic categories of illegal migration in the Czech Republic have been monitored:

1. illegal migration across the external Schengen border of the Czech Republic (this category can include both foreign nationals and Czech citizens); and
2. illegal residence (only foreign nationals are recorded in this category).

In 2008 the downward trend in the number of persons who were detected as illegal migrants in the Czech Republic continued. Altogether 3,829 persons were detected as illegal migrants. Of the above stated number 168 persons (i.e. 4.4 %) were detected when attempting to cross the external Schengen border of the Czech Republic, and 3,661 persons (i.e. 9.6 %) were detected as illegal residents.

With respect to illegal migration across the external Schengen border, most persons apprehended as illegal migrants came from Moldova (30 persons), Syria (28 persons) and Iraq (14 persons). As regards the category of illegal residence, most illegal migrants were nationals of Ukraine (1,547 persons) followed at distance by citizens of Vietnam (316 persons) and Mongolia (269 persons).

In total 458 persons were detected as repeat illegal migrants in the Czech Republic. Most often these were third country nationals, in particular nationals of Ukraine (184 persons), Mongolia (54 persons) and Vietnam (50 persons).

In the year reviewed in total 216 persons were found to have used irregular travel documents in the Czech Republic for the purpose of illegal migration (i.e. false, forged, or another person's travels documents - unauthorised use of otherwise unaltered travel documents). Such persons accounted for 5.6 % of the total number of illegal migrants. The largest group among persons who were reported to have an irregular travel document was, contrary to previous years, that of citizens of Moldova (37 persons), followed by nationals of Ukraine (29 persons), and Syria (19 persons).

Some apprehended persons possessed more than one travel document. In total 224 irregular documents were seized (183 passports and 41 ID cards), of which 133 documents were seized when their holders attempted to illegally cross the external Schengen border, and 91 documents were found on persons who violated residence rules.

Of the above stated total number of irregular travel documents, 133 were travel documents of EU Member States (including travel documents of the Czech Republic). In the year reviewed predominantly travel documents of Romania (32 travel documents), Lithuania (21 travel documents), and Bulgaria (20 travel documents) were found among illegal migrants.

Inspection Activities

In 2008 the Alien Police Service of the Czech police carried out about 175,000 checks on whether residence rules had been violated, both on their own initiative or in cooperation with other state authorities. This section of the police also participated in interventions carried out in the Czech Republic in cooperation with other EU Member States. They also took part in regular road safety checks performed in cooperation with other police units.

The Alien Police Service units coped in total with 99,051 minor offences (+30,951) and imposed on-the-spot fines totalling CZK 57.3 million (+ CZK 15.6 million). Further they solved, in accordance with the Act on the Residence of Foreign Nationals, in total 1,682 (+1,030) administrative infractions where the total fines imposed amounted to CZK 39.9 million (+CZK 20.6 million).

In 2008 Labour Offices' inspection units carried out 11,724 inspections, of which 1,933 were inspections of employers employing foreign workers. In a number of cases the Customs Administration (335 cases) and the Alien Police Service (568 cases) were the authorities who chiefly participated in the inspections. During inspections, in total 24,203 foreign workers were checked, and of this number 6,515 illegalities were found; 2,342 persons were illegally employed, whilst employers did not satisfy their duty to report 4,173 cases. In total 1,002 fines amounting to CZK 30,213,400 were imposed.

Nationals of Ukraine (1,302 persons), Vietnam (1,183 persons) and Mongolia (149 persons) ranked among the most frequently illegally employed third country nationals.

From 1 January 2008 to 30 November 2008 Labour Offices also checked in total 498 job agencies. The total amount of imposed fines was CZK 5,866,400. Labour Inspectorates levied on job agencies during the first three quarters of 2008 fines totalling CZK 120,000.

In addition to inspection activities, prevention of illegal employment of foreign nationals is becoming more and more important. Therefore the Ministry of Labour and Social Affairs develops new tools such as providing information in several languages through leaflets, brochures and special integrated websites on the Ministry's portal, regarding the risks of illegal employment of foreigners.

Coordination and cooperation in the field of illegal employment of foreign nationals was ensured by the Inter-ministerial Body for Combating the Illegal Employment of Foreign Nationals, with the Ministry of Labour and Social Affairs being the responsible party for its activities.

The Unit for Combating Organised Crime within the Criminal Police and Investigation Service of the Police of the Czech Republic deals with the issue of forced labour and other forms of exploitation. Offenders are mainly foreigners residing in the Czech Republic and they are mainly members of those ethnic groups involved in the same type of crime, however they closely cooperate with citizens of the Czech Republic. In some cases labour exploitation may qualify as a criminal offence under Section 232a of the Criminal Code.

In 2008 Czech Trade Licensing Offices performed inspections of 5,906 foreign entities, of which 4,392 were foreign natural persons and 1,514 were legal entities with foreign participation in managing bodies, or legal entities belonging exclusively to foreign nationals.

With regard to inspections of 4,392 foreign natural persons, the inspections revealed 2,373 violations of the Trade Licensing Act and related acts, for which fines amounting to CZK 2,121,600 were imposed. Furthermore, in 142 cases trade licenses were withdrawn or suspended. With respect to inspections of 1,514 legal entities with foreign participation in managing bodies and also of foreign legal persons, the Trade Licensing Act was violated in 734 cases. Fines were imposed for such violations amounting to CZK 1,359,500. Moreover, 67 trade licences were withdrawn or suspended.

Inspections of foreign persons and respective sanctions imposed on them for violating legal regulations appear to be justified and to lead to the ongoing enhancement of awareness of duties resulting from business undertaking.

Administrative Expulsion and Sanction of Expulsion

In 2008 the decline in the number of persons who had imposed upon them administrative expulsion orders fell (2,909 persons; -1 720 persons). Some foreigners had imposed on them a decision on administrative expulsion more than once (4,995 decisions; -1,358 decisions). A prevailing reason for such decisions was the violation of residence rules (78.1 %) whilst not respecting a decision on administrative expulsion constituted another frequent reason for issuing such decisions (7.9 %). The predominant nationality among those issued with a decision on administrative expulsion was that of Ukraine (1,323 persons, i.e. 45.5 % of the yearly number of all decisions issued in 2008).

Ukrainians were followed by nationals of Vietnam (256 persons) and Mongolia (184 persons).

In 2008 courts imposed expulsion sentences, according to the provisions of Sec. 57 of Act No. 140/1961 Coll. (the Criminal Code), as amended and supplemented, as an independent punishment or along with another sentence, on 1,529 foreign nationals. Thus the number of imposed sanctions decreased, when compared to 2007, by 4.9% (i.e. by -80 expulsion sentences). Of all expulsions imposed by courts the majority were imposed upon citizens of Ukraine (512 persons), Slovakia (337 persons) and Poland (99 persons).

Prosecuted Foreign Nationals

In 2008 in total 8,572 foreigners were prosecuted which accounts for 7 % of all prosecuted persons. When compared with 2007, the number of prosecuted foreign nationals grew by 393 persons. The proportion of foreigners in the number of prosecuted persons has demonstrated an upward trend since 2002 (from 5 % to 7 %). Citizens of the Slovak Republic came top in the numbers of prosecuted foreign nationals with 3,663 persons, followed by citizens of Ukraine (1,601 persons), and Vietnam (901 persons).

With respect to the types of criminal offences committed by foreign nationals, miscellaneous crimes represent the most commonly committed crimes - 3,139 of prosecuted foreign nationals, which accounts for 3.6 % (in particular these were crimes pursuant to Sections 201 and 201a of the Criminal Code – endangering others under the influence of a narcotic substance or alcohol -1,129 foreign nationals). The second largest group is represented by crimes against property (1,711 persons), followed by other criminal offences (1,661 persons): mainly frustrating an official decision (1,066 persons); economic criminal offences (1,020 persons); and violent criminal offences (920 persons).

In the year reviewed in total 9,720 criminal offences committed by foreign nationals were detected (i.e. +458 criminal offences), which accounts for 7.6 % of the total number of criminal offences committed. The highest growth was seen in the category of thefts committed by foreigners (1,444 criminal offences) and crimes against property (2,338 criminal offences).

Convicted Foreign Nationals

According to the data of the Ministry of Justice of the Czech Republic, during the course of 2008 in total 5,498 foreign nationals (an increase of 810 persons) were lawfully sentenced and their share in the total number of persons convicted in the Czech Republic increased, when compared to 2007, from 6.2% to 7.3 %. This share corresponds with the share of foreign nationals in the total number of criminally prosecuted persons in the year reviewed.

Nationals of Slovakia were the most numerous group among convicted foreigners (2,368 persons). They were followed by nationals of Ukraine (1,077 persons) and Vietnam (487 persons).

2. Further Information Encompassed in the Report

By integration of the Czech Republic into **Schengen cooperation** in December 2007, a period of several years' intensive preparations climaxed and the country became part of the Schengen area and has been since co-responsible for its protection and security. One of the fundamental pillars of Schengen cooperation is the **Schengen Information System** which is used during border checks, registration of motor vehicles, checks on persons and so forth. When a record was found in the system it was in a number of cases a reason for not awarding the visa.

Full integration of the Czech Republic in Schengen cooperation required revision of and updating the fundamental document of the Czech Republic pertaining to protection for the external border of the European Union approved by Czech Government Resolution No. 394 of 18 April 2007. Therefore the **2008 National Plan of the Czech Republic's National Border Protection Management** was drawn up and it replaced the previous version of the plan from 2007. The new Plan was approved by Government Resolution No. 1479/2008.

A new multi-year programme of Schengen evaluation approved in June 2008 should also contribute to revealing respective incorrect implementation of the Schengen acquis. According to this programme each Schengen state will become at least every five years the subject of Schengen evaluation. **The Czech Republic will be evaluated again in 2012.**

The **Analysis Centre for the Protection of the Czech Republic's National Border and Migration** set under Government Resolution No. 933 of 22 August 2007 plays an important role in monitoring migration in the Czech Republic, including all its related phenomena. The Analysis Centre is an inter-ministerial entity and activities carried out by the Analysis Centre are divided in to four forums, distinguished by the topics they cover: Migration Forum Visa Forum, Security and Operations Forum, and Strategy Forum.

Operations of the Analysis Centre considerably accelerated the mutual delivery of information between involved authorities and institutions of the Czech Republic concerning the current situation in the area of migration and protection of the national border. Apart from exchanging information pertaining to the above-mentioned areas and findings on the actual development of measures adopted at the level of the European Union, the exchange of security information relating to the entry and residence of foreign nationals in the Czech Republic was sped up.

The reports produced by this inter-ministerial body can be used as supporting information for managing Czech migration policy and for adopting political decisions in this area.

*Harmonisation of **visa policy** is one of the prerequisites for the successful functioning of the Czech Republic within EU structures. It might be stated that the Czech Republic complies with Council Regulation (EC) No. 539/2001 of 15 March 2001 whose Annex provides a list of third countries whose citizens must be in possession of visas when crossing the external borders of the EU (the Black List), and those countries whose citizens are exempted from visa obligations for entry and residence in EU Member States not exceeding three months.*

In the year reviewed Czech diplomacy successfully completed negotiations on visa-free travel to the United States of America. On 17 November 2008 the Czech Republic was included in the US visa-free programme.

*By joining the Schengen area the Czech Republic became involved in the **VISION consultations**. This is a procedure where security screening is carried out not only by the country issuing the visa but, in the case of applicants from pre-defined countries, also by any other Schengen state which has requested such security clearance.*

*The **Visa Information System** plays an irreplaceable role in the framework of consular cooperation for issuing Schengen visas. The system is to enable the exchange of visa related data between Member States and to facilitate checks of persons at external borders as well as in Member States, to apply the Dublin Regulation, and to identify and return illegal migrants. Relevant entities of Member States, in particular embassies and consulates and authorities for the protection of national borders, will be able to continually enter and view the data concerning visa applications.*

*The Report describes **legislative activities** relating to the amendment of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic and on the amendment to some other acts, as amended (hereinafter referred to as the 'Act on the Residence of Foreign Nationals'); to Act No. 325/1999 Coll., on Asylum and on the amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Act on Asylum) in its currently valid version; and to Act No. 435/2004 Coll. on Employment, as amended.*

- ***Act on the Residence of Foreign Nationals** – legislative process did not concentrate, as a priority, on implementation of Union legal provisions. Essentially these were amendments derived from substantial alterations to other laws.*
- ***Act on Asylum** – the amendments to this Act can be described as inessential or partial; they are, more or less, connected to amendments to other laws concerning the Act on Asylum and which resulted in the need to amend the Act concerned.*
- ***Act on Employment** – as of 1 January 2009 the system of 'Green Cards' was introduced; as a consequence, permits for the employment of foreign nationals issued by Labour Offices was revoked; the maximum amount of a fine for illegal employment was changed; the category of foreign nationals who do not need work permits is being extended; and activities of job agencies will be strictly supervised.*

***Promotion of integration** of foreign nationals residing for a long period of time in the Czech Republic has been since 1999 part of active policy of the Czech Republic's Government. Issues concerning coordination of implementation of the 'Strategy for Integration of Foreigners in the Czech Republic' were, starting from August 2008, transferred back from the Ministry of Labour and Social Affairs to the Ministry of the Interior. The main priorities of the Strategy are measures aimed at four key areas: knowledge of the Czech language, mutual relations between foreigners and members of the majority society, social and cultural orientation of foreign nationals in the society, and economic self-sufficiency of foreign nationals.*

*An **effective return policy** is crucial for ensuring public support for elements such as legal migration and asylum. To this end, **readmission agreements** remain a priority. Currently the Czech Republic's activities are carried out in two directions. The Czech Republic, apart from its own initiatives under international obligations, as an EU Member State participates in the work of the European Commission in negotiating readmission agreements with certain third countries.*

*The Ministry of the Interior has also tackled for a long time the **issue of assisted returns of foreign nationals**. These are mainly unsuccessful international protection seekers, foreigners who were issued a decision of administrative expulsion and given a time limit for departing the Czech Republic, or foreign nationals who were, in the context of a decision on administrative expulsion, placed in a detention centre for foreign nationals.*

At the end of 2008 in relation to the impact of the economic crisis on termination of employment of foreign workers, the Ministry of the Interior submitted to the Government a document part of which was the 'Project on Assisting Foreign Nationals who, as a Consequence of the Crisis, Are Without Money and Work.' A voluntary return is, within this project, offered mainly as a measure to prevent a possible fall into illegality or following forced expulsion. It enables foreigners to return to the country of their origin under human conditions and without being deprived of the possibility to return to the Czech Republic in the future.

*Another way of combating illegal migration and fighting against its organisers within the European Union is, for example, the establishment of an agency for managing operative cooperation at the external borders of the EU Member States - **Frontex**, whose task is, inter alia, to help Member States with returning illegal migrants.*

In 2008 the activities of the Frontex agency continued to develop. EU Member States and countries applying Schengen standards are also involved in such activities. As with other states, the Czech Republic saw an increased growth in wide-ranging activities. The main party responsible for cooperation with the Frontex agency is the Police of the Czech Republic – the Alien Police Service.

*In the year reviewed **police cooperation** through a joint Czech-Austrian communication centre, at the former border crossing point Mikulov-Drasenhofen, **intensified**. In December 2007 a new joint office at the Czech-German border – Schwandorf border crossing point – was put into operation and replaced the office at Furth im Wald. Cooperation with Poland also deepened. Commencement of operations of two joint offices at Chotebuz-Cieszyn and Kudowa Slone-Nachod was commenced.*

Joint border guards at the national border with Germany, Austria, Slovakia and Poland can also be considered important. Border guards regularly participate in inspections of accommodation facilities and recreation areas, in preventive actions aimed at combating borderland and cross-border crime along the whole length of the national border and in the border zone.

*With regard to the fact that migration is in the common interest of EU Member States, the Czech Republic considers the closest possible **international cooperation** at bilateral as well as multilateral levels and active involvement in formulating asylum and migration policies within the European Union to be important. In the year reviewed the Czech Republic, when implementing its priorities in the field of asylum and migration, closely cooperated with international organisations dealing with immigration and asylum issues, in particular with the International Organisation for Migration and the International Centre for Migration Policy Development, as well as with the Office of the UN High Commissioner for Refugees.*

The Ministry of the Interior, namely the Department for Asylum and Migration Policy, is a national contact point for the European Migration Network in the Czech Republic. The European Migration Network aims to improve information on development in the area of asylum and migration in individual EU Member States. Provision of timely, objective, reliable and comparable information on migration and asylum serves as a support for formulating policies of the European Union in the fields of migration and asylum.

The following are important elements in the area of migration:

- *Humanitarian projects, among them the Programme of Humanitarian Evacuations of Disabled People (MEDEVAC);*
- *Projects of International Development Assistance;*
- *Migration projects;*
- *Projects of the Ministry of the Interior of the Czech Republic aimed at specific categories of foreign nationals;*
- *Framework Programme ‘Solidarity and Management of Migration Flows’ – focuses on tackling issues of fair sharing of responsibilities between EU Member States in relation to the financial burden resulting from the introduction of integrated management of control at the external borders of the European Union and from the implementation of a common asylum and migration policy.*

Evaluation of the aforementioned projects is described at the end of the 2008 Status Report on Migration in the Czech Republic.

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I. Introduction

The *2008 Status Report on Migration in the Czech Republic* maps out the development of trends in the migration of foreign nationals in the Czech Republic and compares them with some profile indicators from 2007 and/or previous years. The objective of the Report is to provide comprehensive information on migration and to summarise the positive and negative aspects of current migration movements. The Report was drawn up by the Ministry of the Interior of the Czech Republic, which utilised, in addition to the Ministry of the Interior's own findings, information and source materials provided by other ministries dealing with different aspects of migration.

In terms of migration, the Czech Republic is an attractive country and its importance as a target country for foreign nationals is increasing. This fact is documented by an ever growing number of foreigners in the Czech Republic in possession of residence permits. The level of foreigners' inclusion in society ranks among the main criteria of successful migration policy. **Promotion of integration** of foreign nationals residing for a long period of time in the Czech Republic has since 1999 formed an important part of policy for the government of the Czech Republic. Principal measures pertaining to the integration of foreigners include, in particular, knowledge of the Czech language, mutual relations between foreigners and members of the majority society, social and cultural orientation of foreign nationals in society, and economic self-sufficiency of foreign nationals.

Legal migration also entails a potential security risk and in some cases it can easily mix together with illegal migration. **Abuse of legal entry** into the Czech Republic, which can easily become illegal residence, or an effort to legalise residence or attempts to illegally cross the national border, are common forms of illegal migration. In a range of cases such migration is connected with transnational crime, organised smuggling or trafficking in human beings. Illegal employment, which is one form of illegal migration, also affects economic stability and, indirectly, the attitudes of the general public towards the integration of foreign nationals into our society. It must be stated that foreigners who stay in the Czech Republic illegally sometimes commit criminal offences and/or become victims of crime

The process of the Czech Republic's accession to the Schengen security area was completed by Council Decision 2007/801/EC of 6 December 2007. Accession was determined by this Decision on 21 December 2007.¹

The Czech Republic must, post its accession to the Schengen area, eliminate security risks resulting from illegal migration in new conditions through the means of new forms and methods of work of police bodies.

The **National Plan of the Czech Republic's National Border Protection Management**, encompassing the Integrated Model of Safeguarding the National Borders, is an essential strategic document. It is an important tool for ensuring internal security and, in particular, protection against illegal immigration.

The system of measures relating to the fight against illegal migration covers the whole territory of the Czech Republic. More intensive targeted inspections with check points which are changed on an ongoing basis is one type of measure aimed at combating illegal migration. A further

¹ Application of Article 20 of Regulation No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) means that since that date, protection of the land national border of the Czech Republic within the meaning of Act No. 216/2002 Coll. has been abolished. In addition, from 30 March 2008 the provisions of Article 20 regulating the movement of persons across the border will also apply to the air border.

measure is to carry out checks using more resources and means in the territory determined in advance and by creating a control ‘curtain’ with maximum utilisation of mobile guards. Last but not least, there are regular checks which take place in predetermined premises where foreign nationals involved in criminal offences may reside. In addition to targeted and regular checks, random inspections of motor vehicles and certain trains, in particular near the national border with the aim of preventing and eliminating illegal migration, are carried out.

One of the fundamental pillars of Schengen cooperation, and a key tool for combating crime and illegal migration, is the **Schengen Information System**. It is necessary to concentrate attention on the completion of projects which represent the Schengen Information System of the second generation (SIS II), the Visa Information System, and Eurodac.

The **Analysis Centre for the Protection of the Czech Republic’s National Border and Migration** plays an irreplaceable role in providing comprehensive information for adopting political decision in the area of migration and protection of the national border. The Analysis Centre is a respected inter-ministerial body.

Effective management of migration policy and efficient implementation of tools aimed at combating illegal migration also depends upon the **existence of a functional return policy**. To this end, **readmission agreements** remain a priority. They are put in place to ensure the return of illegal migrants to their countries of origin. The Ministry of the Interior has also for a long time tackled the **issue of assisted returns of foreign nationals**.² These are mainly unsuccessful international protection seekers, foreigners who have been issued a decision of administrative expulsion and who have been given a time limit for departing the Czech Republic, or foreign nationals who were, in the context of the decision on administrative expulsion, placed in a detention centre for foreign nationals.

In relation to the impacts of economic crises on dismissing foreign workers, the Ministry of the Interior submitted to the Government a document part of which was the ‘Project on Assisting Foreign Nationals who, as a Consequence of the Crisis, Are without Money and Work’.³ The main objective of this project is to facilitate the return of foreigners who would like to return home but are not able to cover all costs relating to the return by themselves. Its task is also to prevent possible security risks which relate to the residence of large numbers of foreign nationals without any work in the Czech Republic which then can have an adverse impact on public order and security in the Czech Republic as well as in other EU Member States.

The Czech Republic participates in building up the common European asylum system with the aim of ensuring access to international protection under equal conditions in all EU Member States for those who really need it whilst respecting the Dublin Regulation laying down criteria for specifying one state responsible for determining an application for international protection no matter in which Member State it was filed. It also enforces policy which **complements the issue of migration and asylum with the aim of effectively managing migration flows**. The Czech Republic considers that policy in this area should respond flexibly to changes in the situation of

² For the purpose of getting necessary documents and other pre-departure assistance for foreign nationals whose applications for covering travel expenses are accepted, the Ministry of the Interior established the **Programme of Voluntary Returns**. Assistant services provided within this Programme are ensured for the Ministry of the Interior by the International Organisation for Migration (IOM). Assistance provided focuses mainly on obtaining a needed travel document, communication with embassies and/or consulates of countries concerned and on arranging the most economical transport for a foreign national to leave the Czech Republic.

³ Under Government Resolution No. 171 of 9 February 2009 the project was launched on 16 February 2009. The Ministry of the Interior is a project manager, however, the project itself is implemented by the International Organisation for Migration (IOM).

migration in the European Union. With regard to the obvious trend of interconnecting internal and external security, the Czech Republic **strives to further strengthen cooperation with third countries and international organisations** in order to ensure the security of citizens of the European Union.

II. Institutional and Legislative Framework

II.1. INSTITUTIONAL FRAMEWORK

II.1.1. Central Governmental Authorities of the Czech Republic

Ministry of the Interior

Pursuant to Act No. 2/1969 Coll. on the Establishment of Ministries and other Institutions of Central Government of the Czech Republic, as amended, the Ministry of the Interior is the party responsible for international migration and asylum, both at legislative and strategic levels (international migration and asylum), and the level of implementation (asylum, residence permits, and travel documents).

Pursuant to the Act on the Residence of Foreign Nationals⁴, the Ministry executes state administration in the field of migration. To this end it closely cooperates with other ministries, and governmental as well as non-governmental organisations, including international organisations.

In addition to the extensive powers vested in it by the Act on the Residence of Foreign Nationals, the Ministry of the Interior was given under the Act cited above the position of superior body of the Police of the Czech Republic, the Directorate of the Alien and Border Police Service and thus, when carrying out state administration activities, the Ministry supervises the police. As a first instance administrative authority the Ministry decides on long-term residence permits for the purpose of protection in the Czech Republic. The Ministry originally made decisions on permanent residence permits only within a defined scope, however from 1 January 2009 it has taken over full responsibility for such decisions.⁵ From the same date, the Ministry has also decided on extension of ID cards for foreigners who have been issued permanent residence permits. It also collects biometric data in relation to foreigners' passports and it also decides, within its competence, on issuing and withdrawing travel identity cards. The Ministry also adopts decisions on conferring and on withdrawing the legal status of long-term residents in the Czech Republic.

In addition to the above, the Ministry of the Interior has been responsible, from 1 January 2009, for issuing 'Green Cards'⁶, and extending or terminating their validity. To this effect the Ministry of the Interior is entitled to complete data on decisions taken on applications for Green Cards in the central records of vacancies which can be filled by Green Card holders.

As regards decisions on administrative expulsion, the Ministry of the Interior issues binding opinions requested by the police.

The Ministry of the Interior establishes and operates detention facilities for foreigners under Chapter XII of the Act on the Residence of Foreign Nationals and takes all decisions on covering costs relating to the residence of detained foreign nationals in the Czech Republic and their departure from the country, and claims their reimbursement.

In compliance with the Act on the Residence of Foreign Nationals, the Ministry specifies those countries whose citizens are only entitled to stay in the transit zones of international airports provided they are holders of valid airport visas, and it also determines those countries whose nationals are entitled to apply for Green Cards.

⁴ Act No. 326/1999 Coll. on the Residence of Foreign Nationals and on Amendments to Some Other Acts, as amended.

⁵ Until **31 December 2008** the Ministry of the Interior had made decisions only on issuing permanent residence permits under Sec. 66 (1) (a) to (c), Sec. 67, Sec. 87g (2) and (3) and Sec.87h (2). However, all duties and responsibilities concerning permanent residence permits were transferred from the Czech police to the Ministry by Act No. 274/2008 Coll. on **1 January 2009**.

⁶ Under Act No. 382/2008 Coll.

The Ministry of the Interior, in accordance with the Act on Employment⁷, has issued, since 1 January 2009, and upon the request of the Ministry of Labour and Social Affairs, opinions on granting licences for intermediating employment according to the provisions of Section 14 (3) (b). In compliance with the same legal regulation the Ministry of the Interior may revoke an approval for issuing a licence for intermediating employment.

The Ministry of the Interior concludes or participates in the process of concluding international agreements relating to international migration. It is also responsible for the 'Schengen' chapter and it acts as a coordinating body for the implementation of the Schengen rules in the national legislative framework and in routine practice.

Under the Act on Asylum⁸ and the Act on Temporary Protection⁹ the Ministry of the Interior executes state administration competencies in the field of asylum and develops national integration programmes aimed at helping asylum seekers with their integration into society.

To this effect, the Ministry closely cooperates with other ministries and governmental bodies as well as non-governmental organisations (NGOs), including international organisations. In cooperation with the police and the International Organisation for Migration, the Ministry takes part in planning repatriation programmes and it directly organises repatriations (voluntary returns) of foreign nationals to their countries of origin.

According to Government Resolution No. 979 of 23 July 2008 the Ministry of the Interior was delegated the role of main coordinator of the *Strategy for Integration of Foreigners in the Czech Republic*.¹⁰

Within the Ministry of the Interior, issues relating to international migration, asylum and the integration of foreigners are exclusively dealt with by the Department for Asylum and Migration Policy and the Refugee Facilities Administration of the Ministry of the Interior, an organizational unit of the state as stated in the relevant Act, established by the Ministry of the Interior. Employees of both units work both in Prague and at their respective branch offices at asylum facilities. Employees of the Department for Asylum and Migration Policy have been also responsible, since 1 January 2009, for all issues relating to permanent residence permits and therefore they have their offices also in some regional capitals or district seats.

Police of the Czech Republic

1. Alien Police Service

As of 31 December 2008 the Alien Police Service of the Police of the Czech Republic (hereinafter referred to as 'APS') consisted of **the Directorate of the Alien Police Service** (hereinafter referred to as 'DAPS') and **seven Territorial Directorates** (hereinafter referred to as 'TD APS'). A Specialised Activities Department (hereinafter referred to as 'SAD'), part of which are an Investigation Unit (hereinafter referred to as 'IU') and a Group for Documentation (hereinafter referred to as 'GD') were established at each TD APS.

Further, as of 31 December 2008, the APS was made up of **48 Inspectorates of the Alien Police** (hereinafter referred to as 'IAP') which are divided into groups (units) for residence permits, units for controlling residence rules, and groups of specialists. In total **five Inspectorates of the**

⁷ The provisions of Sec. 60a) of Act No. 435/2004 Coll. on Employment, as amended

⁸ Act No. 325/1999 Coll. on Asylum and on the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Act on Asylum), as amended.

⁹ Act No. 221/2003 Coll., on Temporary Protection of Foreign Nationals (consolidated version)

¹⁰ The above-mentioned Resolution transferred all duties and responsibilities from the Ministry of Labour and Social Affairs to the Ministry of the Interior.

Alien Police are at international airports, namely at Prague-Ruzyne, Brno-Turany, Ostrava-Mosnov, Pardubice, and Karlovy Vary airports (hereinafter referred to as the 'IAO-I'). These Inspectorates are included in the organisational structure of the DAPS.

The TD APS of Prague includes also the **Unit for Accompanying Airplanes** (hereinafter referred to as 'AAU'), the activities of which comprise mainly accompanying selected airlines because of security reasons, airline escorts, ensuring aviation operations and other security measures at the Prague – Ruzyne Airport. Cooperation between the AAU and Czech Airlines (i.e. the civil sector) is evaluated very positively. Czech Airlines appreciate the professional conduct of police officers and request that flights to risk regions be accompanied by the police.

The **VISION** Group which within the process of issuing single Schengen visas operates as a central body for VISION consultations, is incorporated in the organisational structure of the DAPS.¹¹ The Group communicates, within the consultation procedure, with the National SIRENE Bureau with the aim of obtaining relevant information and cooperates with the respective IAP. The DAPS is responsible for building up the national project of NS-VIS ČR and CS-VIS.

Analytical teams working within the DAPS and different TD APS were set up. They regularly evaluate the situation in the area of legal and illegal migration and respond to negative phenomena, if these occur. The **Risk Analysis Sub-unit** is part of the Analysis Unit of the DAPS. This sub-unit channels both horizontal and vertical information flows within the APS. On their web pages information on events concerning illegal migration (focusing on the use of irregular travel documents, smuggling people and hiding migrants in motor vehicles) is published. They also publish findings gathered through their operations which could contribute to the elimination of negative phenomena relating to illegal migration in the Czech Republic.

Further, police officers of the APS carry out services in *detention facilities for foreigners* within the scope stipulated by the Act on the Residence of Foreign Nationals and Regulation of the Ministry of the Interior No. 2 of 11 January 2006 'laying down competences, procedures and conditions of mutual cooperation between the Refugee Facility Administration of the Ministry of the Interior, the ABPS of the Czech police and the Ministry of the Interior of the Czech Republic when running detention facilities for foreigners'.¹²

Activities of the IAP continued in 2008 focusing on verification of applications for visas for stays exceeding 90 days as a basic criterion for permitting foreign nationals to enter the Czech Republic. Further they also reviewed applications for permanent residence in the Czech Republic. Other tasks of the IAP as well as of the SAD include inspection activities, which mainly concentrate on checks on whether residence rules of the Czech Republic are respected by foreign nationals. Such checks and inspections are carried out in cooperation with other state administration bodies such as Labour Offices, Trade Licensing Offices, the Czech Trade Inspection Authority, and Customs Administration.

One measure which ought to help restrict illegal migration is sending police officers on **visits to embassies and consulates of the Czech Republic**. One police officer of the APS has been working at the Czech embassy in Cairo since 19 March 2008. During July 2008 more police officers were sent to Czech embassies and/or consulates in Hanoi (two police officers), Beijing, Moscow, Kiev, Lvov and Ulaanbaatar.

The Directorate of the Alien Police Service is responsible, within its scope of competence, for forwarding data on passengers of airlines to the Police of the Czech Republic (hereinafter referred

¹¹ VISION consultations have been conducted by this Group since the Czech Republic's accession to the Schengen Agreement. Applications for single Schengen visas are consulted on with Schengen partners pursuant to Article 17 (2) of the Schengen Implementing Convention and Annex 5B of the Common Consular Instructions.

¹² These are tasks relating to the reception of foreign nationals by facilities, surveillance within a strict regime, surveillance of foreigners in hospitals in open departments, and so forth.

to as the ‘Czech police’).¹³ From 1 June 2008 the Czech police can commence administrative proceedings with relevant air carriers which do not meet their obligations as stipulated in Sec. 68 (3) of the Act on Civil Aviation, having the option to impose sanctions within the meaning of Sec. 93 (3) of the Act on Civil Aviation.

At the beginning of 2008 the project of constructing an automated biometric check-in system at the external border (E-GATE) was launched. Towards the end of 2008 an external company selected within public procurement drew up a technical feasibility study for this project. The E-GATE project is expected to be completed and put into full operation at all external borders by 2012.

Police officers of APS (working groups for documentation) cooperate with other units of the Czech police in order to detect distributors of narcotic and psychotropic substances and car theft where involvement of foreign nationals is suspected. Members of Groups of Documentation further closely cooperate with the security forces of Germany, Austria, Slovakia and Poland, mainly as regards transnational crime. Groups of Documentation are now frequently used to cooperate with the Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Czech police and with the Security Intelligence Service and the Office for Foreign Relations and Information.

In 2008 units of APS detected in total 1,918 criminal offences. They documented in particular criminal offences of frustrating an official decision under Sec. 171 of the Criminal Code (about 43 %), other criminal offences under Sections 180d and 182 of the Criminal Code (about 28 %), endangering under the influence of a narcotic substance and/or alcohol under Section 201a of the Criminal Code (about 22 %), and forgery and falsifying an official document under the provisions of Sec. 176 of the Criminal Code (about 4 %). Criminal offences under Sections 171a, 171b and 171c of the Criminal Code – illegal border crossing (approximately 2 %) occurred in lower numbers.

Criminal offences - comparison of the same periods of 2007/2008

Period of a year	1 Jan.-31 Dec 2007	1 Jan-31 Dec 2008	Change in comparison with the previous period	
			%	Absolute figures
Criminal offences detected	1,622	1,918	18.2	296
Commencement of investigation of criminal offences in relation to crossing the national border *	256	29	-88.7	-227
Commencement of investigation of criminal offences in relation to violation of residence rules	512	565	10.4	53

Note: *accession to the Schengen area – i.e. decline in the number of criminal offences relative to illegal border crossing

2. Unit for Combating Organised Crime of the Criminal Police and Investigation Service

The **Criminal Police and Investigation Service**, having nationwide competence, and its special department, the **Unit for Combating Organised Crime** (hereinafter referred to as the ‘UCOC’) are also involved in carrying out tasks related to the combating of illegal migration and smuggling of people.

The above-mentioned police unit also deals with combating forced labour and labour exploitation. A unit focusing on meeting tasks relating to the collection of information and

¹³ This obligation arises from transposition of Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, into Act No. 49/1997 Coll. on Civil Aviation. From 1 June 2008 the police have required data on passengers from the following countries: Armenia, Belarus, Egypt, Georgia, Moldova, Lebanon, Russia, United Arab Emirates, Sri Lanka, Turkey, Ukraine, Kazakhstan, Syria, Macedonia, Croatia Serbia, South Korea, Bulgaria, Israel, and Kuwait.

concentration of findings on illegal employment and other forms of exploitation, the examination of such information, the detection of offenders and related activities within criminal proceedings, was established within the UCOC. They predominantly deal with criminal offences pursuant to Sec. 232a of the Criminal Code and similar criminal offences related to the aforementioned crimes.

Ministry of Foreign Affairs

The Ministry of Foreign Affairs of the Czech Republic is a central administration body of the Czech Republic for foreign policy, in the framework of which it develops strategies and coordinates foreign development aid.

The Ministry of Foreign Affairs exercises its state administration powers in affairs relating to residence permits granted to foreigners enjoying privileges and immunities in the Czech Republic in accordance with international law.

The Ministry of Foreign Affairs performs its state administration responsibilities relating to the issuing of visas through embassies and consulates, within the scope stipulated by the Act on the Residence of Aliens.

Ministry of Labour and Social Affairs

Under Act No. 435/2004 Coll. on Employment, the Ministry of Labour and Social Affairs (the MLSA) defines the categories of entities which act as employers, and with regard to foreign citizens, sets out labour market access criteria for each category of foreign nationals. With respect to the situation on the labour market, the MLSA lays down conditions regarding employment permits and is responsible for legal regulations governing the employment of foreigners in relation to relevant EU legal provisions.

In addition to national legal regulations, the sphere of labour migration is governed by bilateral international agreements regulating social security and employment and also by multilateral conventions on human rights, the status of refugees, and social rights, to all of which the Czech Republic is a party.

The phenomenon of illegal employment remains a problem in the Czech Republic. The Interdepartmental Agency for Combating the Illegal Employment of Foreigners in the Czech Republic deals with this particular area.¹⁴ Coordinated by the MLSA, the agency's operations are performed in close cooperation with the Ministry of the Interior and the Ministry of Industry and Trade.

Ministry of Industry and Trade

The responsibilities of the Ministry of Industry and Trade include regulation of the issuing of trade licenses under Act No. 455/1991 Coll. on Trade Licensing, as amended, covering a major part of entrepreneurial activities carried out by natural and legal persons.

Within the framework of its responsibilities the Ministry proposes legal amendments, in particular to conditions for the activities of entrepreneurs, while managing, in terms of guidance, the execution of state administration powers in this sphere and supporting the development of selected entrepreneurial activities. In connection with this, the Ministry also deals with issues concerning the business activities of foreigners.

¹⁴ The Interdepartmental Agency for Combating the Illegal Employment of Foreigners in the Czech Republic was established under Government Resolution No. 1044 of 23 October 2000.

Ministry of Justice

The Ministry of Justice is a central state administration body for courts and public prosecutors' offices. In extradition proceedings, the Minister of Justice decides upon the extradition of foreigners for criminal prosecution or to serve a sentence, but only provided that a regional court or the Supreme Court has decided that such extradition is permissible or where the respective foreign national has agreed to his/her extradition.

The Ministry is involved in the issue of migration also with respect to its competencies relating to legislative activities, drafting bills and other legal provisions regulating the sphere of justice and prison services, and with respect to its powers concerning monitoring, reviewing and evaluating the efficiency of the judicial system.

The Ministry of Justice of the Czech Republic is the party responsible for legislation relating to the Register of Companies, the establishment and status of commercial and cooperative companies, and contractual relationships and so forth which are regulated by the Commercial Code.

Ministry of Education, Youth and Sports

The Ministry of Education, Youth and Sports is the body responsible for learning and teaching at all types of schools, language courses accredited by the Ministry of Education, Youth and Sports, consultations and exchanges of experience, secondments, courses in art and courses focused on guidance of teachers as well as other specialised courses falling under the responsibility of the Ministry. The Ministry of Education, Youth and Sports is also responsible for vocational education and training projects the purpose of which are to provide foreigners with practical or professional skills and experience.

Moreover, the Ministry's competencies include providing access to education for the children of foreigners. The Ministry also organises secondments for foreign experts to work as lecturers or scientific professionals at Czech schools.

The Ministry of Education, Youth and Sports and higher education institutions recognise, on the basis of submitted documents of studies and competences laid down by the Act on Higher Education Institutions, higher education qualifications acquired at foreign higher education institutions.

Ministry for Regional Development

The Ministry for Regional Development is, as regards migration, responsible for implementing measures arising from the *ADS Memorandum* (the Memorandum of Understanding between the National Administration for Tourism of the People's Republic of China and the European Community on Visa and Related Issues Concerning Tourist Groups from the People's Republic of China).¹⁵

The Ministry for Regional Development also participates in meeting tasks concerning the integration of foreigners, recognised refugees and persons enjoying subsidiary protection in relation to assigning flats in order to integrate foreign nationals.

¹⁵ To ensure implementation of the ADS Memorandum the Czech Government adopted Resolution No. 1311 of 22 December 2004. In compliance with the Resolution a working group comprising representatives of the Ministry for Regional Development, the Ministry of the Interior, and the Ministry of Foreign Affairs was set up.

II.1.2. Inter-ministerial Bodies

Analysis Centre for the Protection of the Czech Republic's National Border and Migration

The Analysis Centre for the Protection of the Czech Republic's National Border and Migration (hereinafter referred to as 'Anacen') commenced their activities in compliance with Government Resolution No. 933 of 22 August 2007. It is a joint permanent centre working within the Ministry of the Interior. It evaluates the situation concerning not only the protection of the national border but it primarily pays attention to monitoring and analysing migration as a complex phenomenon. All entities involved in the system of national border protection management and international migration participate in its activities by means of close cooperation and exchange of information. The findings of Anacen serve as information for adopting long-term, medium-term and also short-term measures. The findings enable measures to be taken based on data obtained on the basis of all available information in order to contribute to effective policy of the Czech Republic in the field of migration and border protection.

Activities of Anacen are carried out in the framework of four forums, distinguished by the topics they cover. The Migration Forum monitors the situation pertaining to the residence of foreign nationals in the Czech Republic; the Visa Forum monitors visa policy and practice; and the Security and Operations Forum focuses on an operative evaluation of security risks relating to protection of the national border and illegal migration. Finally, the Strategy Forum functions as an umbrella organisation for the other three forums and concentrates on formulating comprehensive opinions concerning border protection and migration in the Czech Republic.

During a pilot phase of Anacen and subsequently from 1 July 2008, when full operations were commenced, a range of data and information was processed. These were addressed to the management of the ministries concerned and in several cases findings were provided to the Government of the Czech Republic. Several comprehensive reports describing the migration situation concerning nationals of Vietnam in the Czech Republic, the migration of citizens of Mongolia to the Czech Republic, the illegal migration of citizens of Russia, namely nationals of Chechnya, to the Schengen area, and the rise in the number of Turkish seekers of international protection at the end of 2007 and the beginning of 2008, have been completed. Further summarised reports dealing with studies on foreign nationals in the Czech Republic and foreigners who abused residence permits issued to allow their participation in Czech legal entities have been developed. In the summer of 2008 Anacen drew up a comprehensive report evaluating the security situation in the Czech Republic after the first six months post the Czech Republic's accession to the Schengen area. In the first half of 2009 Anacen will develop a study dealing with the issue of abuse of residence permits issued for the purpose of family reunification. Anacen actively participated in the selection of countries whose nationals should be eligible for applying for 'Green Cards'; whose nationals will be obliged to apply for visa or residence permits at the relevant embassy or consulate of the Czech Republic; and whose nationals can participate in the project 'selection of Qualified Foreign Staff'.

The operations of the Analysis Centre considerably accelerated the mutual delivery of information between involved authorities and institutions of the Czech Republic concerning the current situation in the area of migration and protection of the national border. Apart from exchanging information pertaining to the above-mentioned areas and findings on actual development and measures adopted at the level of the European Union, which were presented at regular meetings of the Strategy Forum, the exchange of security information relating to the entry and residence of foreign nationals in the Czech Republic was sped up within activities of the Security and Operations Forum (these were mainly findings arising from inspections of involved bodies, information concerning violations of legal regulations by foreign nationals, forms of illegal movement and residence of foreigners, smuggling people, falsifying and forging travel documents, and so forth.) The Migration Forum concentrated, inter alia, on mapping out the situation, exchange

and delivery of information pertaining to the area of residence permits, information on the impact of migration on the social and economic situation of the Czech Republic, and the consequences of the facilitation of entry of foreigners to the Czech labour market. In addition to other assignments, meetings of the Visa Forum evaluated and forwarded to relevant authorities particular findings and information provided by Czech embassies and consulates having seats in countries considered to be risk countries in terms of migration. In order to improve monitoring of the situation in migration-risk countries and to make use of new findings for analyses, Anacen prepared in 2008 the structure encompassing the scope, content, frequency and manner for forwarding information, the list of addressees, and regular information from immigration police officers seconded to certain embassies or consulates of the Czech Republic. Anacen also participated in setting and/or supplementing and extending the unified structure of reports on migration situation in individual countries and regions submitted by embassies or consulates so that these best conform to the needs of individual ministries.

Anacen is gradually entering into international cooperation with partner agencies abroad. Already during the pilot phase it started to cooperate with a partner analysis centre in Germany (GASIM). Representatives of Anacen from the Ministry of the Interior, the Ministry of Foreign Affairs and the Czech police visited the German centre at the end of 2007. At this meeting both centres presented their activities. As a follow up they jointly developed a questionnaire assessing the illegal migration of Vietnamese nationals. Anacen also ensures a long-term exchange of statistical data between the Czech Republic, Slovakia, Austria and Poland concerning Chechnyan migration (for example numbers of applications for asylum, information on wilful departures from asylum facilities, cases falling under the Dublin Convention and data concerning illegal migration). Currently such data is exchanged on a monthly basis and if it proves to be necessary the data can be exchanged at shorter intervals. Cooperation with other analysis centres abroad is expected in the future.

Anacen's activities can be evaluated as beneficial. The work of this centre can be used as supporting information for the management of Czech migration policy as well as for adopting political decisions pertaining to this area.

Inter-Ministerial Body for Combating the Illegal Employment of Foreign Nationals

Coordination and cooperation in the field of combating illegal employment of foreign nationals are ensured through the Inter-Ministerial Body for Combating the Illegal Employment of Foreign Nationals in the Czech Republic (hereinafter referred to as the 'Inter-ministerial Body'). The Ministry of Labour and Social Affairs is the responsible party for this cooperation. In 2008 the Inter-ministerial Body submitted to the Government of the Czech Republic *Summarised Information on 2007 Activities Implemented by Relevant Ministries or Executive Units in the Area of Combating Illegal Employment of Foreign Nationals Submitted by the Inter-Ministerial Body for Combating the Illegal Employment of Foreign Nationals in the Czech Republic* (hereinafter referred to as the 'Summarised Information').

In the course of 2008 three meetings of the Inter-Ministerial Body were held. The 17th meeting was held on 26 February 2008 and its main topic was how to make activities of the Inter-Ministerial Body more effective. The new statutes and Rules of Procedure of the Inter-Ministerial Body were approved by Government Resolution No. 813 of 2 July 2008. Its 18th meeting was held on 6 May 2008 and its 19th meeting was organised on 21st October 2008. The principal topics of these meetings were, in particular, the deepening of cooperation between all involved ministries, more effective mechanisms to be used in the field of employment of foreign nationals, and the issue of employment through agencies and enhancing communication with employers.

II.2. LEGISLATIVE FRAMEWORK

II.2.1. Act on the Residence of Foreign Nationals

Legislative activities concerning Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Czech Republic and on the Amendment to Some Other Acts (hereinafter referred to as the 'Act on the Residence of Foreign Nationals') continued also in 2008, however, when compared with previous years, these activities did not focus, as a priority, on the implementation of EU legal provisions. Basically, these were amendments derived from other legal regulations, namely the following laws, and part of which was also an amendment to the Act on the Residence of Foreign Nationals.

Act No. 124/2008 Coll., amending Act. No. 269/1994 Coll. on the Register of Criminal Records, as amended, and Some Other Acts.

In accordance with the said Act, foreign nationals have not been required, as of 1 July 2008, to submit an extract from the Criminal Records Register as one of the prerequisites for an application for a visa for over 90 days, a long-term residence permit or a permanent residence permit. Currently it is the Czech police and the Ministry of the Interior who verify whether the foreigner concerned is without a criminal record, as these two entities make decisions on granting the relevant residence permit (applications and extracts or copies from the Register of Criminal Records are transferred electronically).

Act No. 129/2008 Coll. on Executing Protective Detention and on the Amendment to Some Other Related Acts.

This Act took into account the introduction of a new protective measure encompassed in the Criminal Code – protective detention. Persons, including foreign nationals, who will have on them imposed such a protective detention by a court will be from 1 January 2009 placed in special institutes in which the measure will be implemented, i.e. institutes for the execution of protective detention.

Act No. 140/2008 Coll. amending Some Acts Relating to Travel Documents

Under this Act the start date for issuing machine readable travel documents furnished with biometric identifiers (fingerprints) was postponed. Travel documents containing fingerprints should be issued from 1 April 2009, as opposed to from 1 May 2008. As regards the Act on the Residence of Aliens, this measure applies to foreign nationals who will be issued with a foreigner's passport (*Laisser Passsez*).

Act No. 274/2008 Coll. amending some acts concerning the adoption of the Act on the Police of the Czech Republic

With regard to decreasing the burden on the Czech police and removing from them activities other than police activities, some administrative activities relating to the issue of relevant residence permits needed to be transferred to the Ministry of the Interior. In the first phase of transferral, the Ministry of the Interior took over the remaining part of the agenda of permanent residence permits (from 1 January 2009), whilst in the second phase (from 1 January 2013) it will take over the issuing of long-term residence permits. Thus the Ministry of the Interior, in addition to making decisions on the issuing of permanent residence permits on the basis of the special interest of the Czech Republic, owing to humanitarian and other similar reasons which need special consideration, is now also responsible for permanent residence permits where such residence may be permitted after five years of the uninterrupted legal stay of a foreign national in the Czech Republic and residence permits for citizens of the European Union and their family members where (if conditions stipulated by law are satisfied) permanent residence can be permitted within a time limit shorter than five years. At the same time the Ministry of the Interior will be newly responsible for issuing and extending the validity of relevant permanent residence permits, issuing passports for foreigners

and meeting tasks relating to the obligation of foreign nationals who are in possession of permanent residence permits to report any change of residence address.

Act No. 306/2008 Coll. amending Act No. 155/1995 Coll. on Pension Insurance, as amended, Act No. 582/1991 Coll. on Organisation and Implementation of Social Security, as amended, and Some Other Acts.

The act encompasses the interpretation of terms such as ‘full disability’ and ‘benefits in full disability’ which are one of the conditions upon which a national of the European Union may be granted permanent residence before five years of uninterrupted residence in the Czech Republic lapse (the amendment will come into effect on 1 January 2010). These are cases where an EU citizen may be granted permanent residence in the Czech Republic if he/she had to terminate employment, business undertaking or any other work through which he/she earned money due to full disability (newly termed ‘disability of the third degree’) and has been residing in the Czech Republic continuously for at least two years; the condition of such continuous stay in the Czech Republic will not apply to an EU national who is eligible for benefits in fully disability (newly termed ‘benefits due to disability of the third degree’) on account of work injury or an occupational disease.

Act No. 382/2008 Coll. amending Act No. 435/2004 Coll. on Employment, as amended, and Other Related Acts.

With effect from 1 January 2009, the Act lays down conditions for the issue of long-term residence permits for the purpose of employment - ‘Green Cards’ - and introduces a protective period.

The project of ‘Green Cards’ resulted from the needs of businesses and, at the time, when it was being prepared, it responded to the necessity of filling vacancies in compliance with the needs of employers.

A ‘Green Card’ is of a dual nature – it is a work permit and at the same time it serves as a document authorising a foreigner to reside in the Czech Republic. The reason for issuing Green Cards is to remove unnecessary administrative obstacles preventing foreigners from accessing the Czech labour market in professions which cannot be staffed by Czech nationals, EU citizens or their family members within 30 days from the date on which such a job vacancy is reported to the relevant Labour Office. To this end the Ministry of Labour and Social Affairs maintains central records of job vacancies suitable for Green Card holders. The data will be automatically transferred to these records from the registers of job vacancies 30 days after the date on which a job vacancy is reported. The records will also contain job vacancies marked by the Ministry of Industry and Trade as suitable for ‘key personnel’. A job suitable for key personnel will be, in particular, a job where an employer demands a university graduate and which is marked as a key job by the Ministry of Industry and Trade and, with regards to the requirements of the employer, it is desirable to fill it by employing a foreign national.

In the context of the process of issuing Green Cards, embassies or consulates (acceptance of an application for a Green Card) and the Ministry of the Interior (information whether the application was approved and information on the issuance of a Green Card) will enter necessary data in the central records of job vacancies appropriate for foreign nationals.

The Ministry of the Interior is an authority responsible for issuing Green Cards, however, it will closely cooperate with other ministries, in particular with the Ministry of Labour and Social Affairs, the Ministry of Trade and Industry, the Ministry of Education, Youth and Sports, and the Ministry of Health.

Those foreign nationals who are eligible for applying for Green Cards are stipulated by Decree No. 461/2008 Coll. laying down the list of countries whose nationals are eligible for applying for Green Cards.

Introduction of a protective period is a measure according to which the validity of long-term residence permits for the purpose of employment may be cancelled only if a foreign national worked in the Czech Republic for a certain period of time and lost his/her job and cannot be blamed for such loss upon the condition that, within six days from the date following the date on which the foreigner lost his/her job, he/she will not be issued a new labour permit (or a new Green Card). Proceedings for cancelling such a permit are subject to the Code of Administrative Procedure (including its second and third parts). The reasons for which a foreign national lost his/her job are understood to be reasons stipulated by the Labour Code, i.e. an employer may dismiss an employee due to organisational or health reasons or reasons for which an employee may immediately leave the employment. The protective period applies also to cases where employment is terminated by a mutual agreement between an employer and an employee.

Due to the fact that foreign nationals who lost their job will not meet legal conditions for health care in the Czech Republic covered by health insurance they will have to enter, during the protective period, into a commercial health insurance agreement. If a foreigner does not enter into such an agreement, costs for respective health care cannot be covered and this may be the reason for commencing proceedings on terminating the validity of a long-term residence permit in the Czech Republic even during the protective period.

In 2008 the Constitutional Court of the Czech Republic decided to repeal the provisions of Sec. 171 (1) (c) of the Act on the Residence of Foreign Nationals, according to which a decision on administrative expulsion, if a foreign national had been staying in the Czech Republic or in the transit zone of an international airport illegally before the proceedings on such expulsion was commenced, was excluded from reviews of courts. (The ruling of the Constitutional Court of 9 December 2008 will come into effect by its publication in the Collection of Laws). In accordance with the said ruling, decisions on administrative expulsions of foreign nationals illegally entering or illegally residing in the Czech Republic will be reviewed by courts.

In addition, in 2008 Decree No. 446/2005 Coll. laying down those countries whose nationals are permitted to stay in the transit zone of an international airport in the Czech Republic only on the basis of a granted airport transit visa, as amended, was newly amended as Turkey was added to the list of the countries (implemented by Decree No.111/2008 Coll.).

Currently **several other draft acts**, encompassing, *inter alia*, amendments to the Act on the Residence of Foreign Nationals, **are undergoing the legislative process**. They are as follows:

1. The Draft Act on the Basic Register of Inhabitants; the Draft Act on the Basic Register of Persons; the Draft Act on the Basic Register of Rights and Obligations; the Draft Act on the Register of Territorial Identification, Addresses and Real Estate; and the Draft Act amending Act No. 328/1999 Coll. on Identity Cards, as amended, and other acts relating to the adoption of acts on basic registers.

The Act on the Residence of Foreign Nationals will be amended due to the fact that primarily only citizens of the Czech Republic will be recorded in the register of inhabitants (foreign nationals only if they have a family relation with a Czech citizen). Data concerning other foreigners will not be entered into the register of inhabitants but will be included in a separate information system maintained by the police (an information system for specific purposes which will be defined in the Act on the Residence of Foreign Nationals). Therefore it is necessary for the Czech police to audit the current alien information system (CIS) and assess whether it will be better to build up a new

system (CIS2). To this end it is important to assess the costs of reconstruction of the current CIS and costs for establishing and operating a new CIS2.

2. The Draft Act on Control and the Draft Act Amending Some Acts Relating to the Adoption of the Act on Control.

The amendment to the Act on the Residence of Foreign Nationals should be part of the act accompanying the Act on Control. This amendment should help to organise smooth control activities carried out by the police and the Ministry of the Interior once this new legal regulation is adopted.

In the upcoming period it will be necessary to transpose the Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (the transposition deadline is 24 December 2010) and to implement Council Regulation EC No. 380/2008 of 18 April 2008, amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (in compliance with this Regulation the storage of facial images as a primary biometric identifier will be implemented at the latest two years after the adoption of the respective technical measures, and the storage of two fingerprint images at the latest three years after the adoption of the respective technical measures).

It will be necessary to take into account in the Act on the Residence of Foreign Nationals the judgment of the European Court of Justice (the Grand Chamber) of 25 July 2008 concerning case C-127/08, the subject of which is a request for a preliminary ruling under Article 234 EC submitted by the High Court (Ireland) of 14 March 2008 within the proceedings of the case of Blaise, Baheten, Metock and Others versus the Minister for Justice, Equality and Law Reform.

The current legal provisions do not correspond to this decision since the Act on the Residence of Foreign Nationals encompasses a condition that in order to issue a temporary residence permit for a family member of the EU citizen the person concerned cannot be included in the records of undesirable persons. However, a foreign national is included in such records for example after a final and conclusive decision on administrative expulsion from the Czech Republic is taken because the foreigner concerned entered the Czech Republic illegally or resided here without a valid residence permit. With regard to the judgement of the Court of Justice it is necessary to take into account cases where such a foreigner (a third country national) has become the family member of an EU citizen after the decision on his/her administrative expulsion came into legal effect. In such cases it is important to take into consideration that under Article 27 of Directive of the European Parliament and of the Council 2004/38/EC on the right of citizens of the European Union and their family members to move and reside freely within the territory of the Member States any Member State may, where this is justified, refuse entry and residence only on grounds of public policy, public security or public health.

With respect to the aforementioned decision of the Court of Justice and to ensure further smooth application of Directive 2004/38/EC, it will be necessary, until respective legislative amendments are adopted, to adjust procedures of the Czech police and the Alien Police Service, by an internal management act.¹⁶

¹⁶ Instruction of the Minister of the Interior No. 23 of 16 March 2009 to adjust procedures of the Police of the Czech Republic, the Alien Police Service, when ensuring the direct effect of Directive of the European Parliament and of the Council 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States in the context of the decision of the European Court of Justice (the Grand Chamber) of 25 July 2008 concerning case C-127/08. This instruction came into effect on 1 March 2009.

At the same time it will be important, as a follow up to the ruling of the Constitutional Court of 9 December 2008 repealing the provisions of Sec. 171 (1) (c) of the Act on the Residence of Foreign Nationals, to amend not only the Act in question but also the Code of Administrative Procedure.

Under the said ruling, foreign nationals will be, after a final and conclusive decision has been taken on their administrative expulsion due to illegal entry or illegal residence in the Czech Republic, entitled to request the court to review such a decision. If they challenge the decision before a court they cannot be expelled since such an action has a suspensive effect concerning the execution of the decision (that is why it will be necessary to legalise the residence of the foreigner concerned until the court makes its decision).

In order to eliminate negative consequences of the ruling of the Constitutional Court concerning the execution of administrative expulsion of foreign nationals from the Czech Republic, certain legislative amendments must be adopted not only to the Act on the Residence of Foreign Nationals but also to the Code of Administrative Procedures.

In this context it is important to take into account the fact the Act on the Residence of Foreign Nationals enables that foreigners to be placed in detention centres for foreign nationals for a necessary period however this period must not exceed 180 days (or 90 days in the case of a foreigner younger than 18 years). After this period lapses it is necessary to terminate the restriction on freedom of a foreign national and release him/her from the detention centre regardless of whether such a foreign national possesses financial resources for his/her residence in the Czech Republic or for covering medical care. Foreign nationals who stay here without any money represent a considerable security risk (for example they may become engaged in organised crime or they may commit other criminal offences).

As regards the Code of Administrative Procedure, it will be necessary to amend this legal regulation minimally to the extent that actions concerning decisions on the administrative expulsion of foreign nationals will be dealt with as a priority.

With regard to the fact that a decision on administrative expulsion was issued to a foreign national due to his/he illegal entry or illegal residence in the Czech Republic, it is not desirable to further legalise residence for such foreigners in the Czech Republic for the period until the court decides on the action lodged. These necessary legislative amendments will not prejudice the constitutional right of a foreigner to participate in person during the court proceedings (for this purpose it is possible, under Sec. 122 (1) of the Act on the Residence of Foreign Nationals, to grant to the foreigner concerned a short-term visa).

II.2.2. Act on Asylum

In comparison with previous years (especially the years between 2005 and 2007) which saw a lot of legislative alterations, since during that period the Act on Asylum was extensively and substantially amended, as a consequence of the necessity to gradually implement in the Czech legal framework all directives of the EU concerning asylum and other forms of international protection adopted with the aim of creating a common European Asylum System, the year 2008 was quite 'restful'. Amendments to the Act on Asylum adopted in the course of 2008 may be described as minor or partial and they were more or less linked to amendments to other acts which affected the Act on Asylum and resulted in the need for some partial alterations. In this context it is necessary to mention some of the acts which amended in 2008 the Act on Asylum.

Act No. 129/2008 Coll. on Executing Protective Detention and on the Amendment to Some Other Acts amended, by its Part 17, the Act on Asylum. On the basis of this amendment protective detention is one of the places (in addition to health care facilities where foreign nationals

are hospitalised, custody or prison) where a foreign national may demonstrate his/her intention to apply for international protection.

Act No. 140/2008 Coll. amending some acts relating to travel documents encompasses in its Part 2 an amendment to the Act on Asylum. This amendment affects provisions concerning travel documents issued under the Act on Asylum furnished with biometric identifiers.

Act No. 274/2008 Coll. amending some acts in relation to the adoption of the Act on the Police of the Czech Republic encompasses in its Part 17 the amendment to the Act on Asylum. In order to describe the impact of the said amendment on the Act on Asylum it is necessary to mention the fact that from 1 January 2009 the Ministry of the Interior, instead of the Czech police, will issue travel documents upon the request of recognised refugees and will maintain records of recognised refugees who were issued travel documents.

It should be mentioned that a new Decree was published in 2008. It is **Decree No. 198/2008 Coll.** amending Decree No. 376/2005 Coll. specifying the amount for food and accommodation provided in asylum facilities, the amount of allowances and dates of their payment as amended by Decree No. 174/2006 Coll. Under this Decree issued to implement the Act on Asylum, allowances were increased, as of 12 June 2008, for international protection seekers from an original CZK 16 to CZK 30 per calendar day.

II.2.3. Act on Employment

Newly adopted **Act No. 382/2008 Coll.** amending Act No. 435/2004 Coll. on Employment, as amended, Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Czech Republic and on the amendment to some other acts, as amended, and other related acts brought about a number of changes in the area of employment of foreign nationals and intermediation of employment of foreigners in the Czech Republic.

Under the aforementioned amendment **the system of ‘Green Cards’ was introduced** on 1 January 2009.¹⁷

This new legal regulation repeals the system of **approvals for acquiring employees abroad** which had been issued by Labour Offices.

The maximum amount of **finances for enabling foreign nationals to work illegally** (this is a fine imposed on either employers or brokers) was increased by the said amendment from CZK 2 million to CZK 5 million.

Categories of foreign nationals who do not need work permits were extended by this amendment to include foreigners who have been preparing in the Czech Republic for their future profession, foreigners who attained secondary or post-secondary vocational education at a conservatory under the Education Act or university education under the Act on Higher Education Institutions, as well as foreigners who reside in the Czech Republic on the basis of a long-term residence permit for the purpose of reunification of the family, if this is reunification of the family with a foreign national who enjoys the status of a long-term resident in the European Community in the Czech Republic or a long-term resident in the European Community living in another EU Member State and who has been, during this residence, employed in the Czech Republic under a work permit or Green Card minimally for a period of twelve months.

Legal regulations pertaining to the activities of **job agencies** have been made more stringent. A new condition to be granted a permit to intermediate employment either by natural person or a

¹⁷ See Charter .2.1. *Act on the Residence of Foreign Nationals and V.3.1.3. Green Cards.*

legal entity is the consent of the Ministry of the Interior. Such a permit may be withdrawn if the Ministry of the Interior revokes its consent to its issuance, if an agency violates obligations stipulated in Sec. 308 or Sec. 309 of Act No. 262/2006 Coll. (the Labour Code), or if an agency repeatedly does not meet its obligation of reporting laid down in Sec. 59 (2) of the Act on Employment. Pursuant to the new legal regulation a natural person may be established as a responsible representative of only one legal entity and at the same time such natural person must not be the holder of a certificate for intermediating employment. In the context of the introduction of Green Cards, the new legislative regulation does not permit job agencies to assign Green Card holders as employees.

III. Visa Policy of the Czech Republic

III.1. CONTRACTUAL RELATIONS

International public law stipulates, as a general legal principle of state sovereignty, *inter alia*, the right for the state to decide who can enter its territory. The document by which the state expresses its consent to the entry of a foreigner into and his/her residence in its territory, is a visa. In some cases states surrenders this sovereign right if they unilaterally decide not to apply the right in relation to a certain country or they decide under a bilateral agreement to permit the free entry and residence of a foreigner in its territory and the free entry of its citizens into the territory of the contracting state.

EU Member States coordinate their visa policy by means of EU legislation and by negotiating visa facilitating agreements with third countries.

Short-term Visa

Visa for Residence not Exceeding 90 Days

The basic legal regulation which harmonises the visa policy of the Czech Republic with that of the EU is Council Regulation (EC) No. 539/2001 of 15 March 2001 which, in its Annex, provides for a list of third countries whose citizens must be in possession of a visa (Black List) when crossing the external border of the EU, and countries whose citizens are exempted from any visa obligation if they reside in an EU Member State for a period not exceeding three months (White List). This Regulation is directly applicable in all EU Member States.

The fundamental document pertaining to the visa and consular practice of the Czech Republic/EU is the Common Consular Instruction. The Common Consular Instruction deals with lodging visa applications, examination of visa applications and decisions taken, filling in visa stickers, organization and administration of visa departments, filing, visa registers, fees to be charged for the issue of visas, and consular cooperation at local level. The last amendment to the Common Consular Instruction represents the legal basis for utilizing the Visa Information system by introducing rules for collecting biometric elements when an application for a visa is lodged. This new obligation is compensated by introducing new forms of cooperation between Member States, including the use of outsourcing. In 2008 there were negotiations on the Regulation of the European Parliament and of the Council concerning the Community Code on Visas (the Visa Code) which is based on the current Common Consular Instruction and the objective of which is to harmonise and clarify presently fragmented Community legal instruments in the field of visas, to describe actual development in this area, and to achieve equal treatment with visa applicants. Negotiations on the draft Visa Code will continue in 2009.

The issue of residence visas for a period of less than three months falls under the responsibility of the Ministry of Foreign Affairs, but the Ministry of the Interior, namely the Asylum and Migration Policy Department, participates in this area as a co-responsible party, assessing visa applications from a security point of view and in terms of the Schengen *acquis*. Therefore in 2008 the Ministry of the Interior also participated in tackling this issue, mainly in the following areas:

Visa Waiver Program

In the first months of **2008** the Czech Republic conducted intensive **negotiations** with the United States of America **on inclusion of the Czech Republic in the US visa free programme - the Visa Waiver Program (VWP)**. After the first phase of negotiations which culminated on 26 February 2008 by signing a **Memorandum on Understanding** concerning the conditions upon

which the Czech Republic may be included in the VWP, **the Czech Republic continued bilateral negotiations on mechanisms strengthening security cooperation between contracting parties** when the Czech Republic gradually met all required conditions for its participation in the Programme incorporated in the Memorandum on Understanding, and on **17 November 2008** the Czech Republic was, along with Slovakia, Hungary, Latvia, Lithuania, Estonia and South Korea, **included in the US visa free programme.**

The US visa free programme is maintained by the US Department of Homeland Security and it enables eligible nationals of certain countries to travel to the USA as **tourists** or for a **business trip** not exceeding **90 days** without any visa. Conditions for inclusion or remaining in the VWP are specified by Section 711 of Act 9/11 which also establishes a system of evaluation as to whether such conditions have been met by VWP participants.

Under current conditions of the programme, citizens of the country that is a participant to VWP – meaning also citizens of the Czech Republic – are only obliged **to complete**, before any journey to the USA, an **electronic form and prove their identity by a travel document furnished with advanced security identifiers (in the case of Czech nationals, an ePassport).**

An **ePassport** is a travel document with machine readable data, furnished with a medium with biometric data which has been issued in the Czech Republic since 1 September 2006. Nationals of the Czech Republic are not entitled to enter the USA within the visa free programme on the basis of any other travel documents. However, if a citizen wants to travel with a visa he/she may use older types of travel documents containing a valid visa entitling him/her to enter the USA.

The Electronic System for Travel Authorization (ESTA) represents modernisation of the previously used system whereby meeting of conditions for travelling within the US visa free programme was evaluated on the basis of required data which all travellers travelling within the VWP were obliged to fill in, onboard a carrier travelling to the USA, the I-94W arrival/departure form. The system of this hard copy forms is being replaced by the electronic system.

Although at the end of 2008 the programme was extended by seven EU Member States, still five EU Member States are not involved in the programme (they are: Bulgaria, Cyprus, Poland, Greece and Romania). On the other hand, thanks to Regulation (EC) 539/01 (White and Black Lists) US citizens do not have to be in possession of any visa when travelling to the European Union.

Abolishing Visa Obligations for Diplomatic Passport Holders

Council Regulation (EC) No. 539/2001 enables EU Member States to specify exceptions from visa obligations, *inter alia*, as regards nationals listed in Annex I to Council Regulation (EC) No. 539/2001 (Black List), provided that such persons are holders of diplomatic or business passports. However, to do so it is mandatory to consult regarding this option with other EU Member States. Such an option is ensured in the Czech Republic mainly by bilateral international agreements on mutual abolishment of visa obligations of limited scope or, only exceptionally, by unilateral measures taking the form of government regulations, especially in cases when the counterparty does not use other types of agreements on this matter.

In 2008 the Ministry of the Interior expressed its opinion on the option to enter into a limited visa free agreement with the United Arab Emirates, Cambodia, and Algeria.

Amendments to the Current Bilateral Visa-free Agreements with Countries from the ‘White List’

In 2008 further procedure concerning amendments to the Agreement between the Government of the Czech Republic and the Government of the Republic of Argentina on Abolishing Visa Obligations for Holders of National Passports was assessed. The objective of this amendment is, apart from removing incompatibility with Regulation (EC) No. 539/2001 concerning the definition

of the purpose of stay, to change the period of visa-free stay from 90 days to three months and to incorporate the 'Schengen provisions', i.e. the rule under which foreign nationals listed in the White List may have the right of free movement in the territory of the whole Schengen area for a period of a maximum of three months during six months from the date of entry into this area.

Union Agreements on Visa Facilitation

Member States of the European Union have decided to simplify visas for nationals coming from selected European countries from the Black List of Council Regulation (EC) No. 539/2001. They are: the Russian Federation, Ukraine, Bosnia and Herzegovina, Montenegro, Macedonia/FYROM, Serbia, and Moldova.

Draft Agreements with the above countries are based on the principle of reciprocity and cover short-term visas issued for a stay of a maximum of three months. Mandates for negotiations in general include harmonisation of fees for visas (to maintain EUR 35), shortening the length of procedure for visa applications, simplification of conditions for issuing visas for specific categories of persons, and visa-free relations for diplomatic passport holders. Agreements on the facilitation of a visa regime are linked to negotiations of readmission agreements. An agreement with the Russian Federation came into effect on 1 June 2007 and agreements with Ukraine, FYROM (Macedonia), Montenegro, Serbia, Bosnia and Herzegovina, and Moldova are effective as of 1 January 2008. Currently a similar agreement is being negotiated with Georgia and a mandate for negotiations with Cap Verde is being discussed.

The aim of the aforementioned countries is to achieve in the future full visa liberalisation with EU Member States. In mid-2008 the European Commission submitted to Serbia, FYROM (Macedonia), Montenegro, Bosnia and Herzegovina, and Albania proposals for roadmaps aimed at a visa free regime (Moldova was also a country which showed interest in participating in this initiative through the document 'Proposal for a Pragmatic Solution'). In autumn the countries in question delivered to the European Commission their 'readiness reports' in which they described how they have been meeting roadmaps. The European Commission evaluated the submitted reports and at present time expert missions are being sent to the countries of the West Balkans. These missions consist of experts of EU Member States and their aim is to map out the situation directly in the individual countries concerned. The Czech Republic selected for these evaluating missions in total eleven experts involved in border protection management, the fight against organised crime and terrorism, safe travel documents, and personal data protection.

In 2008 the European Union also began to talk about commencing a visa dialogue specifying visa liberalisation with the Russian Federation and Ukraine as a long-term perspective.

Airport Transit Visa

The Ministry of the Interior is also empowered to determine, through a legal regulation, those foreign nationals who are permitted to stay in the transit zone of an international airport in the Czech Republic only on the basis of a granted airport transit visa. The countries of such nationals or those countries issuing travel documents to such persons are currently listed in the Decree of the Ministry of the Interior No. 446/2005 Coll. In using this Decree the Ministry of the Interior strives, on an ongoing basis, to prevent cases where migrants from some countries abuse the fact that for their stay in the transit zone of an international airport in the Czech Republic they do not need an airport transit visa and when they fly via the Czech Republic they do not continue to the 'planned' destination but rather seek international protection. However, it is a very complex process which must take into account, apart from security interests, also international political and economic aspects.

Because of the danger of an increased inflow of nationals of Turkey to the Czech Republic at the end of 2007 and the beginning of 2008 who, when flying via the Prague Ruzyně airport, applied

for international protection in the Czech Republic, Decree No. 446/2005 Coll. (Decree No.111/2008 Coll.) was amended to the effect that nationals of Turkey and holders of passports issued by Turkey may stay in the transit zone of an international airport in the Czech Republic only on the basis of an airport transit visa.

Long-term Visa

Long-term visas are within the national competence of Member States whilst the Schengen *acquis* regulates only marginally the possibilities of movement for holders of such visas throughout the Schengen area. And these quite vague rules concerning free movement with this type of national visa in the context of the common Schengen area caused certain problems for their holders after the Czech Republic's accession to Schengen.

If the holders of Czech long-term visas wish to travel to other countries across Schengen Member States they were considered by the authorities of such states as persons who illegally entered and resided in their territories, expelled and even included in the SIS. As a consequence the Alien Police were obliged to cancel long-term visas for such foreign nationals (those included in the SIS) and to terminate their residence in the Czech Republic.

With regard to the above-mentioned problems, the European Commission initiated a proposal for a regulation amending the Convention implementing the Schengen Agreement which would mean that a long-term visa will have, as regards free movement, the same status as a residence permit.

Granting D+C Visas

After the Czech Republic's accession to the Schengen area it was found out that embassies and consulates, for different reasons, did not issue long-term visas of D+C types but only visas of D type, by which they substantially contradicted rules of Schengen *acquis*. The Ministry of the Interior initiated correction of this situation and in the first half of 2008 the situation changed to comply with the said rules.

Interpretation of the European Commission regarding Travelling with a Long-term visa

A temporary solution to the aforementioned situation was interpretation of the European Commission published in April 2008 which is valid until the amendment to the Convention implementing the Schengen Agreement is adopted. This interpretation, *inter alia*, sets out the rule that in order to count the period spent in a Schengen territory, the stay on long-term visa is not included. The Czech Republic applies this interpretation and informed all other Member States to this end.

Agreements on Youth Exchange Programmes

The Czech Republic is entering into agreements, with certain third countries, on youth exchange programmes whose purpose is to enable young people from the contracting states to spend up to one year of 'holiday,' with the additional purpose of such residence being short-term employment or studies under conditions specified in advance. It is the Ministry of Foreign Affairs which is responsible for such agreements. The Ministry of the Interior is a co-responsible party because young people who stay in the Czech Republic must be in possession of visas for over 90 days and these are issued within the competence of the Ministry of the Interior.

In 2005 the Agreement on the Programme of Working Holidays between the Government of the Czech Republic and the Government of New Zealand came into force; and in 2007 the Agreement between the Government of the Czech Republic and the Government of Canada on Facilitation of Temporary Work Holidays for Youth came into force. In 2008 negotiations on a similar agreement with Australia continued.

Other

Evaluation of Obligations in the ADS Memorandum

The Government of the Czech Republic adopted on 22 December 2004 Resolution No. 1311 to implement the Memorandum on Understanding concluded between the Chinese National Tourism Administration (CNTA) and the European Community on visas and related matters concerning tourist groups from the People's Republic of China.

This Resolution required the Minister for Regional Development to establish an Inter-ministerial Working Group which was to coordinate, monitor and evaluate how obligations arising from the ADS Memorandum were met. This Working Group, consisting of representatives of the Ministry for Regional Development, the Ministry of the Interior, and the Ministry of Foreign Affairs, meets only on a needs basis since there are no problems with the Memorandum.

In an effort to help organised groups to travel from the Chinese People's Republic to the European Community (Chinese citizens are permitted to travel only within a group of tourists) in compliance with a travel programme set in advance, the Ministry for Regional Development issues a List of Travel Agencies which have entered into an Agreement on Meeting Obligations Arising from the ADS Memorandum. The List also includes business undertakings which conform to conditions specified in advance (for example such businesses are in possession of relevant trade licences which must correspond to records in the Companies Register or Register of Trade Licences, are able to use foreign languages, and so on). After verification of such facts, an Agreement on Meeting Obligations Arising from the ADS Memorandum is concluded with individual travel agencies or offices. An integral part of such Agreement is the Annex containing fax numbers for the Czech police – the Directorate of the Alien Police Service - which are used in the case that a participant goes missing from a certain group. If a participant leaves a tourist group it is necessary to inform the aforementioned unit of the Czech police and provide copies of the data page of the passport and visa of the participant concerned. However, there has not so far been such a case. In 2008 the Czech Republic issued in the framework of the ADS Memorandum 2,349 visas to Chinese nationals which accounts for 0.47 % of the total number of visas issued for a stay for over 90 days in the year reviewed.

Currently the Ministry for Regional Development maintains a list of more than 100 travel agencies and offices. The list is published on the web sites of the Ministry for Regional Development and is updated twice a year (October and April) and sent to individual stakeholders.

III.2. EXECUTION OF VISA POLICY

Tasks pertaining to the area of issuing visas are, in compliance with EU standards, carried out through the System of Modernisation of Visa Process/Records of Foreign Nationals (hereinafter referred to as 'MVP/EVC'), which connects all embassies and consulates of the Czech Republic issuing visas. With the Czech Republic's accession to the Schengen area, a new version of this system¹⁸ was installed at embassies and consulates and the VISION system was put into operation enabling consultation in the case of visa applications with competent authorities of contracting parties to the Schengen Agreement.

As a follow up to adoption of the Regulation (EC) on the new visa information system of the European Union, work on adjusting of functions of the NS-VIS and CS-VIS systems (within the project 'Taking Biometric Identifiers for Processing Visa Applications at Embassies or Consulates of the Czech Republic,' i.e. VIS-MZV) has been completed.

¹⁸ MVP/EVC2b

In 2008 the Czech Republic's embassies and consulates received, via MVP/EVC, **649,497** (i.e. -52,146)¹⁹ visa applications, and granted or stamped **584,688** visas, which was 68,553 less visas than in 2007. The largest numbers of visas were issued or granted by embassies or consulates in Moscow and Kiev, the Consulate General in St. Petersburg, the Consulate General in Lvov, and the embassy in Beograd.

Embassy/consulate	Visa application total	Short-term visa granted	Long-term visa stamped
Moscow	230,293	221,574	2,291
Kiev	65,618	57,812	1,834
St. Petersburg	49,103	47,723	793
Lvov	31,113	13,740	6,842
Beograd	30,553	28,675	325

The **largest numbers of visa applications** in 2008 were filed, as in previous years, by citizens of **Russia** (the number of applications filed was 320,048; the number of visas granted 310,770). The second place has been occupied for several years by nationals of Ukraine (the number of applications filed was 214,314; the number of visas granted 193,245). The third most numerous group is represented by citizens of **Vietnam** (the number of applications filed was 33,742; the number of visas granted 29,104), and this group displayed a growth of 100 %. These groups were followed by nationals of **Serbia and Montenegro** (the number of applications filed was 27,595; the number of visas granted 26,423) and **Belarus** (the number of applications filed was 23,199; the number of visas granted 22,107). Both nationalities saw a decline in 2008.

The largest numbers of applications for visas for up to **90 days** were filed by citizens of **Russia** (the number of applications filed was 297,779; the number of visas granted 294,171), followed by nationals of **Ukraine** (the number of applications filed was 103,542; the number of visas granted 98,233), **Serbia and Montenegro** (the number of applications filed was 26,426; the number of visas granted 25,640), **Belarus** (the number of applications filed was 20,256; the number of visas granted 19,707), and **Taiwan** (the number of applications filed was 16,041; the number of visas granted 15,860).

As regards **visas for over 90 days**, the largest numbers of applications were filed by citizens of **Ukraine** (the number of applications filed was 110,772; the number of visas granted 95,012), **Vietnam** (the number of applications filed was 31,830; the number of visas granted 27,592); **Russia** (the number of applications filed was 22,269; the number of visas granted 16,599); **Mongolia** (the number of applications filed was 12,786; the number of visas granted 9,786), and **Moldova** (the number of applications filed was 11,096; the number of visas granted 9,517).²⁰

The most frequent purpose for granting this type of visa was employment (75,803, i.e. 42.5 %), participation in a legal entity, i.e. an executive manager (43,229, i.e. 24.3 %) and establishment of business undertaking (27,485, i.e. 15.4 %).

Each nationality prefers different purposes for long-term residence. The top 5 purposes for the following nationalities are as follows: as regards citizens of Russia, they mostly state as a reason for such a visa the post of executive manager (52.8 %); nationals of Ukraine prefer visas for employment (48.6 %); and the same applies to citizens of Mongolia (87.2 %) and Moldova

¹⁹ Data in parenthesis state the difference between 2007 and 2008.

²⁰ Data on increase or decrease in the number of foreign nationals in possession of permanent residence or long-term residence permits in the Czech Republic cannot be interchanged with the number of granted visas in the year reviewed. The number of applications processed with a positive decision was in the year reviewed higher since for example visas for over 90 days may be granted to one foreign national several times in a calendar year.

(66.0 %); whilst nationals of Vietnam apply for the establishment of business undertakings (71.7 %).

Nationality	Total	i.e. %	of which the purpose of residence	Number	as %
Ukraine	86,554	100.0	Employment	42,040	48.6
			Executive manager (participation in legal entities)	29,318	33.9
			Business undertaking	7,751	9.0
			Family reunification	6,373	7.4
			Other	1,072	1.2
Vietnam	24,856	100.0	Business undertaking	17,822	71.7
			Employment	4,016	16.2
			Family reunification	2,300	9.3
			Other	718	2.9
Russia	15,164	100.0	Executive manager (participation in legal entities)	8,013	52.8
			Family reunification	3,436	22.7
			Studies	1,459	9.6
			Employment	1,417	9.3
			Other	839	5.5
Mongolia	9,432	100.0	Employment	8,229	87.2
			Family reunification	833	8.8
			Studies	213	2.3
			Other	157	1.7
Moldova	8,999	100.0	Employment	5,935	66.0
			Executive manager (participation in legal entities)	1,698	18.9
			Business undertaking	726	8.1
			Other	640	7.1

Negative Phenomena Relating to Visa and Residence Permit Applications for Residence in the Czech Republic

As regards **visas for up to 90 days**, the Ministry of Foreign Affairs of the Czech Republic is fully responsible for granting these through embassies and consulates. Invitations concerning such visas were more strictly verified during the year reviewed as visas for up to 90 days are abused for unlawful employment. Foreign nationals arrive in the Czech Republic on the basis of the visa which they received with the help of a broker - 'client' and in some cases with the help of an employer. The client promises them that he/she will arrange all subsequent necessary approvals for working in the Czech Republic; nevertheless such documents are never arranged. Despite this fact foreign nationals continue to reside in the Czech Republic and transfer money earned to their home country, to their families. This means that such foreigners survive on the edge of poverty and without regular travel documents which they voluntarily gave to their 'client' as they were promised that they would receive new ones. Upon certain conditions, such foreign nationals have the option to be included in special programmes of the Ministry of the Interior.²¹

Experiences confirmed a trade in **forms for invitations to the Czech Republic**. Blank forms are signed by people who do not know a foreign national and sometimes they even do not know his/her nationality, and are not interested in what will happen to the form. Not only individuals but also companies are involved in this practice. They often react to internet offers for business

²¹ See Chapter X.4. PROJECTS OF THE MINISTRY OF THE INTERIOR FOCUSING ON SPECIFIC CATEGORIES OF FOREIGN NATIONALS

cooperation and they invite to the Czech Republic ‘dealers’ of foreign companies who, after having received a visa, arrive in the Czech Republic, however do not contact the company concerned but immediately continue their journey to other Schengen countries. Job and brokerage agencies were engaged in this legal form of migration in 2008. They, upon the lists of foreign nationals submitted to Labour Offices, obtain work permits. Such work permits are sent to their representatives in individual countries where the foreigners in question acquire valid visas to the Czech Republic. Foreign nationals pay for such visas directly in their home countries. However, after their arrival in the Czech Republic, such foreigners usually do not contact the relevant job agency and after buying bus/train tickets they continue to other countries of the Schengen area. These are cases of ‘latent’ illegal migration where the foreign national arrives in one of the Schengen states legally as the holder of a valid visa and continues to a destination country saying that they did not know that their visa is valid only in the state which issued it. In such cases these foreigners are returned to the Czech Republic.

In the course of 2008 intensive negotiations were conducted with the Ministry of Foreign Affairs on granting **D+C visa types**. D visas led to frequent cases of unlawful entry of foreign nationals to the territories of other Schengen states, which subsequently returned them to the Czech Republic under readmission agreements. Thus relevant measures were adopted in order to inform foreign nationals of the option to apply for D+C visas if they wish to travel to other Schengen Member States.

With regard to the importance of the information that an embassy or a consulate of the Czech Republic can obtain on the basis of an interview with a visa applicant and findings gathered by embassies and consulates on the basis of their official activities, considerable attention is paid to their opinions attached to applications for **visas for over 90 days**. The most frequent reason for denying such a visa is suspicion that the relevant visa will be used for a reason different from that stated in the application. Despite the fact that foreigners state a specific purpose for their stay in the Czech Republic, they often do not know what they are going to do in the Czech Republic and where they will stay, and show basic ignorance of other substantial acts. (These include cases where an arrival was arranged by a job agency and the foreign national concerned has no idea what is his/her purpose of residence). The aforementioned facts are revealed by interviews with visa applicants conducted by embassies or consulates which provide groups responsible for issuing residence with information on the content of such interviews and simultaneously attach their opinions on applicants. Good cooperation between IAPs and embassies appears to be a necessary prerequisite for effective decision-making on visa applications for residence of over 90 days. As a consequence this cooperation will be paid further attention.

A lot of entities are involved within the Czech Republic in providing and ensuring ‘**studies**’ for foreign nationals. It is apposite to generally think over whether the existence of some branches of foreign universities or other educational institutions going under the names of prestigious world cities, however functioning as limited liability companies without any accreditation of the Ministry of Education, Youth and Sports, is really necessary. It can be reasonably presumed that participation in ‘degree’ programmes of such institutions is only formal and studies are only a pretext for obtaining residence permits. New measures concerning studies of foreign nationals were adopted in September 2008 to comply with the instruction of DAPS No170/2008 stipulating that individual organisational units of APS are obliged to verify residence permits at individual entities providing education to find out whether applicants are really enrolled in programmes, whether they attend courses and if they meet the purpose of their residence in the Czech Republic.

Problems occurred also in relation to residence permits for the purpose of ‘**participation in a legal entity**.’ Residence permits granted for this purpose are often abused for other than originally stated purposes, for example for illegal work, for brokering work activities, for committing criminal offences, for investing in real estate (which frequently relates to money laundering). This type of

residence was most frequently abused by nationals of Ukraine followed by nationals of Russia, Moldova, and Belarus. In order to support this purpose of residence it was sufficient to submit, in addition to the extract from the Companies Register, a declaration by a foreign national or a respective legal entity that 'he/she does not carry out usual tasks'. So there is the question as to what activities are carried out by a foreign national in the Czech Republic and also the question whether participation in the legal entity should be a purpose for residence in the Czech Republic. This issue is currently regulated by the instruction of DAPS No. 223/2008 of 18 December 2008 which stipulates that 'participation in a legal entity can relate only to participation in its statutory bodies'.

Attention is also steadily devoted to applications for **permanent residence** filed after foreigners enter into a fake marriage or due to the fact that they become parents to children who are citizens of the Czech Republic

In the context of the amendment to Sec. 87h of Act No. 326/1999 Coll. implemented by Act No. 379/2007 Coll., the number of such applications dropped (suspicion that a fake marriage was concluded - '**special purpose marriages**') since conditions for issuing permanent residence permits were made stricter. Permanent residence permit may be granted to a family member after two years of continuous temporary residence in the Czech Republic if such a foreign national has been for at least one year a family member of a national of the Czech Republic who resides in the Czech Republic permanently.

In 2008 applications for permanent residence of third country nationals for the purpose of living with a citizen of the Czech Republic remained a problem. Investigations showed that some applications were supported by the birth certificate of a child born in the Czech Republic where additionally as the father of the child the applicant's name is entered on the birth certificate (cases of **paternity** determined by the agreement of both parents). However, it has been indicated that in some cases such paternity is confessed by a foreign national only for the purpose of obtaining the permanent residence permit. When the mothers of children were investigated, in the majority of cases they stated that the father entered in the birth certificate was an unknown person to her and that they had never met (before or after the foreign national's name was entered on the birth certificate). Such contacts were intermediated by other persons.

Probably due to the fact that new ways of legalising the residence of nationals of Vietnam in the Czech Republic were sought for, several applications for **temporary residence permits** of foreigners who are parents of children – citizens of Poland – occurred. Mothers are usually of Vietnamese origin who stated that fathers of their children were citizens of Poland (i.e. an EU citizen), and the child becomes a Polish national. However, investigation showed that the women concerned did not have any residence status in Poland. After that they apply for a temporary residence permit in the Czech Republic for the child (the age of the children is usually up to four years) who is a national of Poland, and whose mother can then apply for family reunification with such a child (in a particular field of the application form they state as the purpose of residence 'life in the Czech Republic').

Another problem which police officers of APS have had to cope with was the issue of applications for confirmations of temporary residence in the Czech Republic filed by EU citizens (mainly nationals of Germany and Austria). However, the purpose was **participation in the training course of a driving school**. Foreign nationals complete training at a Czech driving school in order to receive a Czech driving licence because their driving licence has been withdrawn for having committed either criminal offences or minor offences, or for having driven intoxicated. One of the conditions for acquiring a Czech driving licence is uninterrupted residence in the Czech Republic for at least 185 days (for example officers of the TD APC in Ceske Budejovice were requested by the City Council of Ceske Budejovice – the Traffic Department – to verify the residence of respective foreign nationals who applied for a Czech driving licence. After examining

such cases the police detected in 100% of the cases that the residence was fictitious and therefore the applications for Czech driving licences were rejected by the City Council).

A problem which occurs when foreigners apply for individual types of residence concerns **forged documents**, for example forged documents from vital records. In many cases, especially as regards Vietnamese nationals, there is a suspicion that foreigners submit forged documents from vital records, in particular birth certificates. Inspectorates of the Alien Police more frequently started to use an option to verify the authenticity of such documents through the embassy of the Czech Republic in Vietnam. Forged documents were confirmed in a number of cases. Increased attention was also paid to documents concerning health insurance submitted by foreigners applying for individual types of residence. Insurance companies with a registered seat abroad were examined with the aim of finding out whether insurance companies concerned were authorised to enter into such insurance policy. Inspectorates of the Alien Police also verified translator's clauses stamped on translated documents filed by third-country nationals with the aim of finding out whether these were false.

III.3. VISA INFORMATION SYSTEM

The Visa Information System (hereinafter referred to as 'VIS') was established by Council Decision No. 2004/512/EC of 8 June 2004, which determined a necessary framework for commencing work on this project. VIS is a Schengen electronic database system encompassing data on visa applicants including their biometric data and the 'history' of their previous applications for visas.

VIS is a tool supporting the common visa policy. The system should enable the exchange of visa data between Member States and facilitate checks of persons at both external Schengen borders and within Member States themselves, to apply the Dublin Regulation and to identify and help return illegal migrants. Relevant entities of Member States, in particular embassies, consulates and border protection authorities, will be able to constantly enter and view data concerning applications for visas.

During 2008 legal provisions regulating operations and utilisation of VIS were adopted at the level of the European Union. The provisions are as follows: Regulation of the European Parliament and of the Council (EC) No. 767/2008 of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas and Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. The group 'Friends of VIS' was established with the aim of tackling problems relating to VIS and its operations.

In 2008 within the contract concluded with IBM concerning implementation of the national part of the visa system (NS-VIS including connection to CS-VIS), further work was carried out with the **expectation of putting the national part, NS-VIS including VISION consultations, into routine operation in the first half of 2009**. At the same time connection to CS-VIS was being prepared. With regard to delay in the implementation of SIS II, checks will be made in SISone4all. Due to the fact that construction of the European central visa system (CS-VIS) will be delayed, NS-VIS will be connected to this European system in mid-2009 and CS-VIS should be put into operation in December 2009. With respect to using the Alien Information system (AIS) and a source database of SISone4all and the currently built NS-VIS, the Alien Information system was adjusted in 2008 so that it will enable good and safe two-way communication between the systems and will meet requirements for the protection of personal data.

IV. Schengen

IV.1. EVALUATION OF SCHENGEN COOPERATION

On 21 December 2007 the Czech Republic along with another eight new EU Member States²² joined the Schengen area. Since that date checks at internal land borders have been abolished. **On 30 March 2008 checks on international flights operated within the Schengen area were abolished too and thus the process of Czech Republic's integration into the Schengen area was completed.** With regard to the geographic location of the Czech Republic, international airports operating flights outside the Schengen area have remained the only external Schengen borders.²³

The Czech Republic's accession to the Schengen area and full application of Schengen standards required an essential change in strategic planning. As a result a new *Schengen Action Plan of the Czech Republic for 2008* was developed. It was approved in November 2008 by Government Resolution No. 1393/2008. The Plan responded to the lack of a strategic document to direct the meeting of Schengen standards in the Czech Republic after it became a part of the Schengen area and abolished border checks at its internal borders. Therefore the document does not represent an exhaustive overview of the current situation in meeting rules of Schengen cooperation. It encompasses only selected aspects which are crucial or show the need for change or further development. The *Schengen Action Plan of the Czech Republic for 2008* is a framework document presenting principal visions and aims which the Czech Republic will strive to achieve between 2008 and 2011.

1 September 2007 brought about another change as the **Schengen Information System (SIS)**²⁴ was launched in the Czech Republic, being a shared database of Schengen Member States which forms one of the basic pillars of Schengen cooperation. The competent Czech authorities (in particular the Czech police) acquired, by means of this system, access to records which are important for ensuring security and which were entered by other Schengen Member States. SIS forms a standard part of every day activities of competent authorities and is used for border controls, registration of motor vehicles, checks on persons, and so forth.

For example groups the Alien Police Service for permitting residence permits reviewed respective records of foreigners in SIS. On the basis of such records and after conducting consultations the number of visas for residence over 90 days were not granted. Where such records concerning foreign nationals in possession of permanent residence permits were found proceedings on cancelling residence were commenced.

²² Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia.

²³ International airports: Prague-Ruzyně, Ostrava-Mosnov, Karlovy Vary, Brno-Turany, Pardubice.

²⁴ SIS represents a key instrument for combating crime and illegal migration. It is the common information system of the countries in the Schengen area which includes a database of wanted persons and articles and a database of undesirable persons who are to be refused entry into the territory of EU Member States. SIS is utilised in Member States every day by relevant police, customs and judicial authorities responsible for the protection of the national border, and in a limited scope also by bodies responsible for issuing certificates proving the registration of vehicles and by authorities issuing visas.

Schengen Information System

Unit Period	Alien Police Service 1 Jan – 31 Dec 2008
Number of wanted persons found in SIS – Art. 95 of SIC	163
Entry refused to persons issued an alert in SIS - Art. 96 of SIC	126
Number of missing persons found in SIS Art. 97 of SIC	45
Persons summoned to appear before the judicial authorities found in SIS - Art. 98 of SIC	428
Objects sought for found in SIS - Art.100 of SIC	1,262

Note: data from SIS - Monthly Statements of selected activities monitored since 1 January .2008;
SIC- Schengen Implementation Convention

Supplementary information, i.e. information which is not directly saved in SIS, is exchanged through the SIRENE Bureau - each Member State establishes as a national focal point one SIRENE Bureau. Continuous operations and foreign language as well as technical knowledge of the SIRENE Bureau staff enable rapid exchange of information between Member States.

The National SIRENE Bureau of the Office of Criminal Police and Investigation Service of the Police Presidium (hereinafter referred to as the 'SIRENE Bureau') monitors, with regard to statistical data, positive interventions and hits with regards to individual article (95-100) of the Schengen Implementing Convention (hereinafter referred to as the 'SIC'). Of these articles Article 96 deals with the issue concerned as it deals with 'aliens for whom an alert has been issued for the purposes of refusing entry' into the Schengen area.

The Czech Republic entered data on about 30,000 records on undesirable foreign nationals who had already been included in the national source database (IS CIS-ENO).

An overview of hits realized on the basis of Czech records entered in the SIS:

Foreign countries and the number of recorded hits: *Poland 999, Hungary 252, Austria 127, Slovakia 119, Germany 108, France 87, Slovenia 68, Spain 61, Portugal 23, Greece 17, Switzerland 17, other Schengen Member States – less than 10 hits; total number of hits/total number of persons: 1922/1548.*

The aforementioned overview only supported the trend seen in 2007 which showed that most undesirable persons transit to the Czech Republic/Schengen area across the territory of Poland and that these persons come mainly from countries behind the eastern Schengen border. Furthermore, the overview logically demonstrates that the most hits concerning undesirable persons are made in those countries with an external Schengen border and in the largest countries of the Schengen area.

On the basis of Czech records in SIS, under Article 96 of the SIC, in total 552 third country nationals were not allowed to enter the Schengen area in 2008.

As regards a further 673 records entered by the Czech party under Article 96 of the SIC, the competent foreign authorities did not refuse or restrict the entry and movement of the persons concerned. The SIRENE Bureau further recorded correspondence regarding 323 foreign nationals who were recorded in SIS by any other Schengen Member State and at the same time they have a certain type of residence permit in the Czech Republic. Also these persons were allowed by competent foreign authorities to continue their residence in the Schengen area.

In 2008 preparatory work was carried out for putting into operation the second generation Schengen Information System (SIS II), which encompasses new functions and which, after it is launched, should replace the current SIS 1+. The JHA Council approved in June 2008 a new deadline for putting SIS II into operations (September 2009) and in October 2008 the JHA Council adopted relevant migration legislation. In an effort to give a new dynamic to the system development and to contribute to solving persisting problems a Senior Officials Group – FoSIS II –

Sherpa was established in the first half of 2008. The group meets once a month and its task is to coordinate preparations and take measures to remove any problems which might occur. At the end of 2008 the situation concerning SIS II development proved very serious. A series of tests demonstrated a number of persisting difficulties which precluded the start of global tests originally planned for the beginning of 2009.

During the year reviewed the Czech Republic ranked among the most active countries which participated within the Council Working Group – Schengen Evaluation (SCH-EVAL) – in adjusting the currently used Schengen evaluations. An active role of the Czech Republic related to close coordination and cooperation within three Presidency countries, i.e. together with France and Sweden. Activities carried out in the second half of 2008 culminated on 5 December with the approval of a new document which clarified and precisely specified the evaluation procedure, set out requirements for members of evaluating teams including leading experts, established a framework of gradual development of training courses for Schengen evaluators and, last but not least, provided guidance for a brand new type of evaluation – thematic/regional evaluations.

The latter method opened up the option to carry out Schengen evaluations in a different manner than that of classical evaluations which are targeted always at one state. The basic precondition for implementing this new type of evaluation is to identify the risks or threats which a certain state/region is facing and which create the need to send groups of experts in order to propose measures to be adopted with a view to eliminating such risks or threats. With regard to the need to clarify the method of this evaluation it was decided that the year 2009 will be devoted to implementation of the first evaluation of this type on a trial basis. During the Czech presidency such evaluation will be prepared and will be applied in the second half of 2009. Prevention of and the fight against trafficking in human beings were selected as topics for this first evaluation.

A new multi-annual programme of Schengen evaluations approved in June 2008 should also contribute to detecting incorrect implementation of the Schengen *acquis*. According to this programme every Schengen Member State will be at least every five years subject to Schengen evaluation. **The Czech Republic will be again evaluated in 2012.**

In 2008 the Working Group on Schengen Evaluation concentrated its activities mainly on preparing to extend the Schengen area with the addition of Switzerland, which became a Member State, as regards its land borders, on 12 December 2008. Controls at internal Schengen flights are expected to be abolished - upon repeated evaluations of airports – on 29 March 2009.

At the end of 2008 Schengen evaluation was formally commenced in relation to Bulgaria and Romania, which would like to enter into the Schengen area in March 2011. At the same time verification of whether the Schengen *acquis* is implemented properly by five countries involved in Schengen cooperation (the countries of Benelux, France and Germany) was launched.

IV.2. NATIONAL PLAN OF MANAGING PROTECTION OF THE CZECH REPUBLIC'S NATIONAL BORDER

Full integration of the Czech Republic in Schengen cooperation required a review and update of the fundamental document of the Czech Republic pertaining to the area of protection of the external border of the European Union approved by Czech Government Resolution No. 394 of 18 April 2007.

Therefore in 2008 the *2008 National Plan of Managing Protection of the Czech Republic's National Border* (hereinafter referred to as the 'National Plan') was developed and replaced the previous version of this document drawn up in 2007 and approved by Government Resolution No.1479/2008.

The updated version of the National Plan retains a four-tier concept of the protection of the national border which enables effective and wide-ranging protection of the national border. **The first tier** includes the National Plan of Activities of the Czech Republic Carried out outside the European Union - in countries of origin and in transit countries. These activities serve as a direct element of protection of the border as well as prevention. Such activities include, *inter alia*, secondments of liaisons and advisors for producing documents on third countries, processing visa applications, collating information by embassies and consulates, and consular cooperation at a local level. The national plan includes in **the second tier** of protection of external border multilateral, bilateral and local cooperation with both third countries neighbouring external Schengen borders and with EU Member States, or Schengen Member States. **The third tier** encompasses direct protection of the external borders of the Czech Republic which are, with respect to the Czech Republic, international airports operating external flights, i.e. non-Schengen flights. **The fourth tier** includes activities in the Czech Republic aimed against illegal migration and cross-border crime. Each tier is completed by a list of assignments, each having a deadline within which the tasks are to be met.

IV.3. CROSS-BORDER TRAFFIC AT THE EXTERNAL SCHENGEN BORDER

In 2008 in total 14.2 million persons were cleared at external Schengen borders of the Czech Republic²⁵ (i.e. at international airports) in both directions. When this number is compared with the numbers of 2007, an increase in the number of cleared person by more than 860,000 (i.e. +6.4 %) can be clearly seen.

During the year reviewed and in compliance with the provisions of Sec. 9 of the Act on the Residence of Foreign Nationals, the police **refused entry** at external Schengen borders of the Czech Republic **to 257 persons**. In comparison with 2007 a growth of 138 persons (i.e. +116.0 %) was recorded. Nationals of Russia (70 persons), followed by nationals of Ukraine (29 persons), Turkey (20 persons), Egypt (19 persons), and Armenia (8 persons) were among the nationalities who were most frequently refused entry.

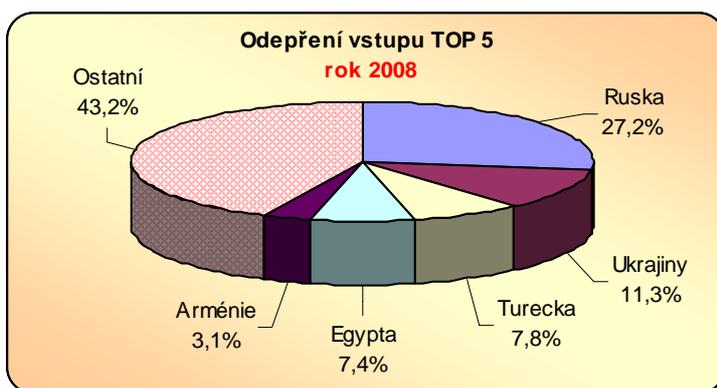


Fig. Refusal of Entry – TOP 5 in 2008

Ostatní = Other

The first five nationalities' share in the total number of persons who were refused entry was 56.8 %.

The most frequent reason for refusal of entry to the Czech Republic was the fact that a given person was not in possession of a valid visa (186 persons, i.e. 72.4 % of the total number of 257 persons who were refused entry).

Invalid visas were also found in the possession of members of the aforementioned TOP 5 nationalities (Russia 91.4 %, Ukraine 58.6 %, Turkey 75.0 %, Egypt 89.5 %, and Armenia 100.0 %).

²⁵ The national border is protected under legal provisions of Act No. 216/2002 Coll. on Protection of the National Border of the Czech Republic and a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);

V. Legal Migration in the Czech Republic

V.1. TYPES OF RESIDENCE

Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Czech Republic, as amended, and on the Amendment to Some Other Acts, as amended, divides, in terms of entry into and residence in the Czech Republic, foreign nationals into two categories.

Its current version, reflecting the directives and other documents of the EC Council, which as a result of its full membership in the European Union the Czech Republic is obliged to transpose into its national law, divides foreigners from the perspective of shared conditions of entry and residence in the Czech Republic into two categories.

The **first category** comprises EU nationals and nationals of other states which are parties to the Treaty on the European Economic Area (hereinafter referred to as 'EU nationals'). Upon certain conditions stipulated by law, family members of EU nationals enjoy a similar position with regard to the issuing of special residence permits, even though they are not citizens of the aforementioned states. **The second category** consists of citizens of other states generally known as 'third countries'.

Whilst foreign nationals falling under the **first category** are entitled to free movement and residence which is laid down in the Treaty establishing the European Community, **third country nationals** are obliged to apply for a permit to enter and to reside in the country unless a bilateral agreement on the revocation of visa obligation has been entered into with the home country of the foreign national concerned or if the visa obligation was abolished by a one-sided act of the Czech government. In all other cases third country nationals are obliged to always be in possession of a short-term residence permit (for up to three months) in the Czech Republic. For long-term residence they must be in possession of a visa (for over three months.) The range of states whose citizens are obliged, when crossing the Czech national border, to be in possession of a visa, as well as states for which a visa obligation was abolished, are specified within the single visa policy of the European Union.²⁶

Foreign nationals falling under the first category are permitted to enter into and to reside in the Czech Republic for an indefinite period on only the basis of a travel document, which may also be, in this case, their identity card, without being obliged to apply for any type of residence permit. However, the Act stipulates a residence provision even for this category of foreign nationals – a special residence certificate – which is further divided into a permit for temporary residence and a permit for permanent residence. EU nationals do not have any obligation to apply for any of the aforementioned types of residence, but it is their right to do so. If an EU national intends to stay in the Czech Republic for a period longer than three months he/she has the right, not the obligation, to apply for a confirmation of temporary residence. The family member of an EU national, who is not him/herself an EU national, and who intends to reside in the Czech Republic on a temporary basis for a period exceeding three months together with an EU national, is obliged to apply to the police for a temporary residence permit.

Foreign nationals coming from third countries may enter the country for the purpose of short-term residence only on the basis of a valid passport furnished with a visa unless the visa obligation in relation to the country concerned has been revoked. The period of short-term residence is specified as being for a maximum of three months. If the purpose of residence (for example

²⁶ Council Regulation 2001/539/EC determines those third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (referred to as the 'Black List') and the list of third countries whose nationals are exempted from visa duty (referred to as the 'White List').

employment, business undertaking or study) requires the presence of a foreign national in the country for a period longer than three months, the foreign national must be in possession of a visa for over 90 days. If the purpose of residence exceeds a year, the foreign national may apply for a long-term residence permit.

As a consequence of transposition of respective Council Directives²⁷ into national law, new conditions were created. Thus **a foreign national may apply for a long-term residence permit in the Czech Republic** without prior application for a visa for over 90 days for a specific purpose. To this end the following types of residence permits must be mentioned: **a long-term residence permit for the purpose of family reunification, a long-term residence permit for the purpose of studies, a long-term residence permit for the purpose of protection in the Czech Republic, and a long-term residence permit for a resident of another EU Member State**, i.e. a third-country national who permanently resides in an EU Member State and who has had conferred upon them the status of resident and who intends to stay in the Czech Republic for a period exceeding three months. In such a case they have the right to apply for a long-term residence permit.

A **special type of residence** was introduced in the Act on the Residence of Foreign Nationals - **'long-term residence permit for the purpose of scientific research'**. A foreign national who has concluded with a Czech research institute a 'hosting agreement' and who intends to reside in the Czech Republic for a period exceeding three months is entitled to apply for this type of residence at a Czech embassy or consulate. During their residence in the Czech Republic foreign nationals who are visa holders or any other residence permit holders may apply for this type of residence permit at the relevant department of the Alien Police.²⁸

The category of permanent residence for third-country nationals remains almost unchanged. With the aim of restricting the abuse by third-country nationals of a term contained within a legal provision - 'a family member of the Czech national' - to acquire permanent residence, **a new provision was incorporated, effective of 21 December 2007**, into the Act on the Residence of Foreign Nationals. **The family member of an EU citizen may obtain a permanent residence permit after two years of uninterrupted residence in the Czech Republic for which he/she must be for at least one year of such a period the said family member.**

As a result of implementation of relevant EC legal instruments into national law, a new category for third-country nationals was introduced: **'legal status of a long-term resident in an EU Member State'**. This status is granted automatically to foreigners applying for a permanent residence permit if they satisfy a condition of continuous residence in the Czech Republic for a period of five years (of course including some other criteria stipulated by law). If a foreign national was granted a permanent residence permit without meeting the condition of continuous residence for five years (for example due to humanitarian reasons) such a foreigner may, after meeting the condition of five years' residence, apply for the status in question. As regards national law this status is not significantly important. The status can become important however if its holder intends to reside in any other EU Member States. In such a case the status guarantees more favourable treatment than third-country nationals enjoy.

²⁷ For example: Council Directive No 2003/86/EC of 22 September 2003 on the right to family reunification, Council Directive 2004/114/EC of 13 December 2004 on the conditions for the admission of third country nationals for the purposes of study, student exchange, unremunerated training or voluntary service; Directive 2004/81/EC of 29 April 2004 on residence permits issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities; Council Directive No. 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents.

²⁸ Transposition of Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purpose of scientific research.

V.2. FOREIGN NATIONALS HAVING CZECH RESIDENCE PERMITS

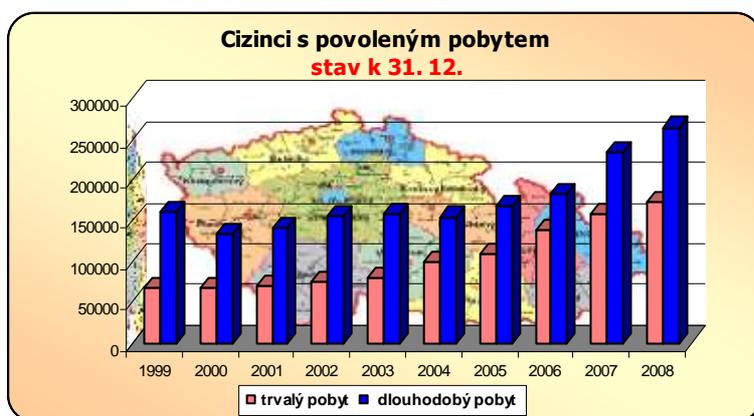
V.2.1. Foreign Nationals Having Czech Residence Permits

The Directorates of the Alien Police Service of the Czech police registered, as of 31 December, in total **438,301 foreign nationals** holding (Czech) residence permits in the Czech Republic.

Of this number **172,927 foreign nationals** were in possession of permanent residence permits, whereby an increase of 9.4 % was recorded (in absolute figures it is a growth by 14,909 persons) and **265,374 foreign nationals had long-term residence permits**²⁹ (+31,305 persons, i.e. +13.4 %).

Figure below: Foreign nationals having residence permits in the Czech Republic as of 31 December

Red = permanent residence, blue = long-term residence



When the growth in numbers in 2008 are compared (i.e. +46,214) with the same period of 2007 (i.e. +70,631), it is obvious that it is quite a low increase, however it is the second largest increase within the last ten years.

Of the total number of foreigners in possession of residence permits in the Czech Republic, **264,424 were males** (i.e. 60.3 %) and **173,877 were females** (i.e. 39.7 %).

As of 31 December 2008, **EU citizens represented almost one third**³⁰ of the total number of foreign nationals having residence permits (146,542 persons, i.e. 33.4%).³¹ The proportion of both categories of permitted residence was, contrary to the categories of third-country nationals, in balance. 53,897 citizens were recorded in the category of persons in possession of permanent residence permits (which accounted for about 31.2 % of the total number of foreign nationals) and 92,645 were registered as holders of temporary residency permits (also approximately 34.9 % of the total number of foreigners living in the Czech Republic on the basis of long-term residency permits).

The sequence of the TOP 10 countries in the statistics of residence permits in the Czech Republic has remained for a number of years unchanged with regard to the first seven places. In 2007 nationals of Mongolia appeared among the first ten nationalities, in particular on the basis of the ever increasing number of Mongolian nationals in the statistical records of long-term residence

²⁹ For statistical purposes, long-term residence is considered to be:

- residence upon a visa for over 90 days;
- the temporary residence of Slovak nationals under international agreement, who were, upon their application, issued confirmation of their temporary residence (until 30 April 2004);
- residence upon a long-term residence permit;

³⁰ Citizens of other countries to whom the same rules apply are included together with EU nationals. These are Norway, Iceland, Lichtenstein, and Switzerland.

³¹ Application of the right of EU citizens to freedom of movement and residence affects statistical records. Statistical surveys record only those EU citizens who applied for or who were issued with special residence permits, however those who enjoy their above-mentioned right are not included in statistical data. This is the reason why the number of EU citizens residing in the Czech Republic is higher than the number reflected in statistical registers.

permits, where they replaced citizens of the USA. In 2008 US nationals returned to be among the first ten nationalities and replaced at 10th place nationals of China.

Citizens of **Ukraine** were the most numerous group of citizens possessing a residence permit in the Czech Republic (131,965 persons), followed by citizens of **Slovakia** (76,034 persons), **Vietnam** (60,258 persons), **Russia** (27,176 persons), and **Poland** (21,710 persons). As of 31 December 2008 they accounted for about 73 % of the total number of foreigners in possession of residence permits in the Czech Republic. Nationals of Vietnam displayed the highest growth in the number of foreign nationals having residence permits (9,303 persons, i.e. +18.3 %), Ukraine (5,439 persons, i.e. +4.3 %) and Russia (3,875 persons, i.e. +16.6 %).

Citizens of Ukraine, who are the most numerous group among foreign nationals in possession of residence permits, were holders in particular of long-term residence permits (69.2 % of the total number of Ukrainian nationals having residence permits in the Czech Republic). On the other hand nationals of Vietnam are predominantly in possession of permanent residence permits (57.7 % of the total number of Vietnamese nationals having residence permits).

If we monitor the distribution of the TOP 10 nationalities included in the statistical records in individual regions we can see that nationals of Ukraine are mostly settled in Prague (36.0 % of the total number of Ukrainian nationals having residence permits in the Czech Republic) and in Central Bohemia (15.6 %). The same situation regards nationals of Slovakia, Russia, Moldova, and Bulgaria.

Most citizens of Vietnam having residence permits were registered in Prague, the Usti Region and the Karlovy Vary Region, and their distribution is more balanced (in these regions there are always about 15.0 % of them). Nationals of Mongolia reside primarily in the South Moravian Region (18.2 %), followed by Prague (11.1 %) and the Central Bohemian Region (10.6 %). Nationals of Poland are mainly in the Moravian-Silesian Region (30.7 %) and citizens of Germany reside predominantly in the Usti Region (30.6 %).

Foreign nationals having residence permits in the Czech Republic – as of 31 Dec 2008 – nationalities in regions – TOP 10

Situation as of 31 December											
Nationality	total	as %	of whom in the region	number	as %	Nationality	total	as %	of whom in the region	number	as %
Ukraine	131,965	100.0	Prague	47,571	36.0	Germany	17,496	100.0	Usti Region	5,362	30.6
			Central Bohemia	20,525	15.6				Prague	2,771	15.8
			South Moravia	13,096	9.9				Pilsen Region	2,599	14.9
Slovakia	76,034	100.0	Prague	19,754	26.0	Moldova	10,644	100.0	Prague	3,147	29.6
			Central Bohemia	13,703	18.0				Central Bohemia	2,153	20.2
			Moravian-Silesion Region	7,002	9.2				Pilsen Region	914	8.6
Vietnam	60,258	100.0	Prague	9,607	15.9	Mongolia	8,569	100.0	South Moravia	1,561	18.2
			Usti Region	9,345	15.5				Prague	953	11.1
			Karlovy Vary Region	9,214	15.3				Central Bohemia	910	10.6
Russia	27,176	100.0	Praha	15,492	57.0	Bulgaria	5,922	100.0	Prague	2,041	34.5
			Central Bohemia	3,509	12.9				Central Bohemia	976	16.5
			Karlovy Vary Region	2,641	9.7				Usti Region	488	8.2
Poland	21,710	100.0	Moravian-Silesion Region	6,657	30.7	USA	5,272	100.0	Prague	3,179	60.3
			Hradec Kralove Region	2,960	13.6				Central Bohemia	536	10.2
			Central Bohemia	2,919	13.4				South Moravia	347	6.6

Higher concentrations of foreign nationals legally residing in the Czech Republic are obvious especially in regions with larger cities where there are better conditions for employment and

business undertaking as well as greater anonymity. As city markets are polarised there is demand for both a qualified and an unqualified labour force. Foreign nationals also prefer the anonymous environment of large conglomerations.

In terms of the administrative structure of the Czech Republic, as of 31 December 2008 most foreign nationals in possession of Czech residence permits were registered in the capital city of Prague (142,085 persons; i.e. 32.4 %). Their number reached one third of all foreigners legally residing in the Czech Republic. Prague was followed by the Central Bohemian Region (60,164 persons; i.e. 13.7 %), the South Moravian Region (35,730 persons; i.e. 8.2 %), and the Usti Region (35,525 persons; i.e. 8.1 %). **The lowest number of foreign nationals** legally residing in the Czech Republic was reported from the Zlin Region (8,418 persons; i.e. 1.9 %), the Vysocina Region (9,780 persons; i.e. 2.2 %) and in the Olomouc Region (9,917 persons; i.e. 2.3 %).

Apart from the Olomouc Region (-148 persons) the number of foreign nationals grew in all other regions when compared with 2007, with the largest increase being in Prague (+12,924 persons), the Central Bohemian Region (+9,837 persons), and the Pilsen Region (+6,484 persons). The Pilsen Region displayed the highest percentage increase (+30.6 %).

V.2.2. *Temporary Residence with Long-Term Visas, Long-Term Residence, and Temporary Residence of EU Nationals*

As of 31 December 2008 the Directorate of the Alien Police Service of the Czech Police registered 265,374 foreign nationals (+31,305 persons, i.e. +13.4 %) foreigners staying in the Czech Republic on the basis of a long-term residence permit. Of the stated number there were 172,792 male foreigners and 92,582 female foreigners.

The prevailing purpose of stay for the category of foreigners residing in the Czech Republic with long-term residence permits was employment (45.8 %) and participation in a legal entity – executive manager (21.9 %). When compared with the situation of 31 December 2007, the category of ‘participation in a legal entity – executive manager’ - saw a considerable increase (+25,972 persons, i.e. +80.6 %); on the other hand the category of ‘employed’ displayed a decline (-7,506 persons, i.e. -5.8 %).

Foreigners having long-term residence permits in the Czech Republic – comparison of the same period of 2007/2008 – purpose of residence

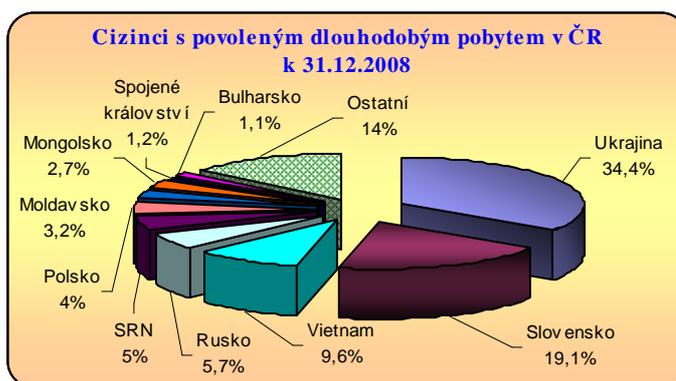
Situation of the year	as of 31 Dec 2007	as %	as of 31 Dec 2008	as %	Change in comparison with the previous period	
					as %	absolute figures
LONG-TERM RESIDENCE PERMITS - total	234,069	100.0	265,374	100.0	13.4	31,305
of these purpose of residence						
Employment	128,952	55.1	121,446	45.8	-5.8	-7,506
Participation in a legal entity – an executive manager	32,210	13.8	58,182	21.9	80.6	25,972
Business undertaking	33,291	14.2	36,035	13.6	8.2	2,744
Family reunification	20,181	8.6	25,082	9.5	24.3	4,901
Other	10,950	4.7	15,502	5.8	41.6	4,552
Studies	8,485	3.6	9,127	3.4	7.6	642

The most numerous nationalities within this category were citizens of **Ukraine** (91,291 persons; -2,616 persons, i.e. -2.8 %). Their share in the total number of foreigners who were long-term residence permit holders was 34.4 %. Ukrainian nationals were followed, at a far distance, by citizens of **Slovakia** (50,626 persons; +7,190 persons, i.e. +16.6 %), **Vietnam** (25,463 persons; +7,274 persons, i.e. +40.0 %), **Russia** (15,038 persons; +2,634 persons, i.e. +21.2 %),

Germany (13,068 persons; +1,790, i.e. +15.9 %), and **Poland** (10,573 persons; +1,254, i.e. +13.5 %).

Right hand figure: Foreign nationals holding long-term residence permits in the Czech Republic as of 31 December 2008

Nationals of Vietnam displayed the highest year-to-year growth (+7,274 persons; i.e. +40.0 %), followed by nationals of Slovakia (+7,190 persons; i.e. +16.6 %), Russia (+2,634 persons; i.e. +21.2 %), Mongolia (+2,234 persons; i.e. +45.9 %) and Moldova (+2,214 persons; i.e. +35.1 %).



If taking into account the administrative structure of the Czech Republic, **the highest number of foreign nationals possessing long-term residence permits** were, as of 31 December 2008, registered in the capital city of Prague (92,664; i.e. 34.9 %), followed by the Central Bohemian Region (38,630 persons; i.e. 14.6 %), the South Moravian Region (21,377 persons; i.e. 8.0 %), and the Usti Region (20,301 persons; i.e. 7.6 %). On the other hand the lowest number of foreigners **possessing long-term residence permits** were registered in the Czech Republic in the Zlin Region (4,098 persons; i.e. 1.5 %), the Olomouc Region (4,798 persons; i.e. 1.8 %), and the Vysocina Region (6,516 persons; i.e. 2.5 %).

With the exception of the Olomouc Region (-205 persons) all other regions saw a growth in the number of foreign nationals possessing long-term residence permits when compared with the numbers of 2007. The highest increase was reported in the Central Bohemian Region (+7,177 persons), in Prague (+5,702 persons), and in the Pilsen Region (+5,367 persons).

Units of APS received during the course of 2008 in total 62,106 (17,515, i.e. +39.3 %) **applications for long-term residence permits** and issued 57 (+18,693, i.e. +47.9 %) long-term residence permits to foreign nationals. In 817 cases (+496, i.e. +154.5 %) applications for long-term residence permits were rejected and in 1,977 cases (-115, i.e. -5.5 %) long-term residence permits were cancelled.

In 2008 **EU nationals** (and their family members) filed 23,267 (+914, +4.1 %) **applications for temporary residence permits**. Units of the APS processed and issued 24,675 (-2,157, i.e. -8.0 %) temporary residence confirmations for EU nationals and their family members, however 437 applications were rejected. Temporary residence permits were cancelled for EU citizens in 579 cases and in nine cases these were cancelled for family members of EU nationals. The validity of confirmations on temporary residence was cancelled in 1,322 cases.³²

V.2.3. Permanent Residence

By the end of 2008, the Directorate of the Alien Police Service of the Czech Police registered 172,927 (+14,909 persons, i.e. +9.4 %) foreigners holding permanent residence permits. The proportion of males and females was, within the said category, almost in balance as there were 91,632 male foreigners and 81,295 female foreigners.

³² This data is taken from the Information System 'Monthly Statements' and relates to selected activities of the Alien Police Service.

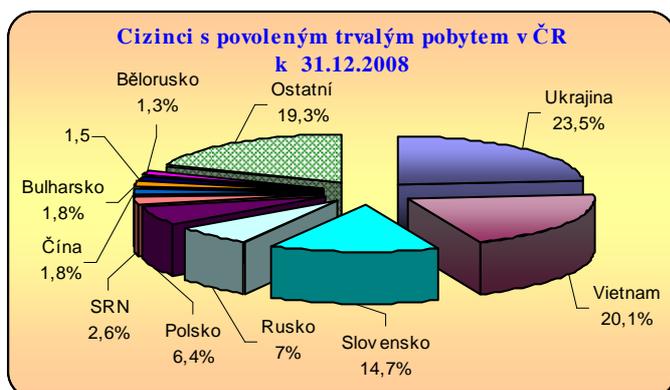
Foreign nationals having permanent residence permits in the Czech Republic – comparison of the same period of 2007/2008 – purpose of residence

Situation of the year	as of 31 Dec 2007	as %	as of 31 Dec 2008	as %	Change in comparison with the previous period	
					as %	absolute figures
PERMANENT RESIDENCE - total	158,018	100.0	172,927	100.0	9.4	14,909
of which purpose of residence						
Family reunification	88,848	56.2	92,527	53.5	4.1	3,679
Other	69,170	43.8	80,400	46.5	16.2	11,230

Note: * for example humanitarian reasons, reasons worth special consideration, cases in the interests of the Czech Republic, cases after four years of continuous residence in the Czech Republic and cases after proceedings on granting international protection were completed, or after five years of uninterrupted residence in the Czech Republic.

The prevailing reason for permitting permanent residence in the Czech Republic has been for a long time family reunification, which accounts for 53.5 %. When this percentage is compared with numbers recorded as of 31 December 2007, a growth of 4.1 % (in absolute numbers by 3,679 persons) can be seen.

Figure below: Foreign nationals holding permanent residence permits in the Czech Republic as of 31 December 2008



In 2008 a change in the first position occurred when nationals of **Ukraine** (40,674 persons; +8,055 persons, i.e. +24.7 %) replaced Vietnamese nationals and thus they became the most numerous group among foreign nationals in possession of permanent residence permits. Ukrainians were followed by citizens of **Vietnam** (34,795 persons; +2,029 persons, i.e. +6.2 %), **Slovakia** (25,408 persons; +964 persons, i.e. +3.9 %), **Russia** (12,138 persons; +1,241 persons, i.e. +11.4 %), and **Poland** (11,137 persons;

-151 persons, i.e. -1.3 %).

When numbers for the years 2007 and 2008 are compared, the largest increase was recorded with regard to nationals of Ukraine (+8,055 persons; i.e. +24.7 %), Vietnam (+2,029 persons; i.e. +6.2 %) and Russia (+1,241 persons; i.e. +11.4 %).

In accordance with the administrative structure of the Czech Republic, most citizens were recorded, as of 31 December 2008, in the capital city of Prague (49,421 persons; i.e. 28.6 %), in the Central Bohemian Region (21,534 persons; i.e. 12.5 %), in the Usti Region (15,224 persons; i.e. 8.8 %), and in the South Moravian Region (14,353 persons; i.e. 8.3 %). On the other hand, **the lowest number of foreign nationals in possession of permanent residence permits** in the Czech Republic were registered in the Vysocina Region (3,264 persons; i.e. 1.9 %), the Pardubice Region (3,913 persons; i.e. 2.3 %), and the Zlin Region (4,320 persons; i.e. 2.5 %).

Apart from the Karlovy Vary Region (-79 persons), all other regions displayed, when compared with 2007, a growth in the number of foreign nationals having permanent residence permits whereby the largest increase was reported from Prague (+7,222 persons). Prague was followed by the Central Bohemian Region (+2,660 persons) and the South Moravian Region (+1,246 persons).

In total **12,775** (-838, i.e. -6.2 %) applications for permanent residence were received during 2008, of which 1,058 (-558, i.e. -34.5 %) were received at embassies and consulates of the Czech Republic and 11,717 (-280, i.e. -2.3 %) directly in the Czech Republic. Positive decisions were

taken in the case of 12,644 (-1,736, i.e. -12.1 %) applications whilst 517 applications were rejected. Proceedings were discontinued in 283 cases. In compliance with Sec. 77 of the Act on the Residence of Foreign Nationals 91 (-61, i.e. -40.1 %) residence permits were invalidated and in accordance with Sec. 76 of the said Act, 1,300 (-88, -6.3 %) residence permits expired.

EU nationals filed 1,640 (-2,013, i.e. -55.1 %) applications for permanent residence permits and 1,979 (-4,730, i.e. -70.5 %) EU citizens and family members were issued permanent residence permits whilst 280 (-249, i.e. -47.1 %) applications were rejected. In 2008 in a total of 220 cases (-119, i.e. -35.1 %) a reason for cancelling or invalidating a permanent residence permit was discovered.

V.3. EMPLOYMENT AND ENTREPRENEURSHIP OF FOREIGN NATIONALS IN THE CZECH REPUBLIC

V.3.1. Employment of Foreign Nationals in the Czech Republic

According to the data provided by the Ministry of Labour and Social Affairs as of 31 December 2007 in total **284,551 foreign nationals** were employed in the Czech Republic, of whom 128,934 persons were employed on the basis of valid work permits issued for the employment of foreigners; further there were 141,101 nationals of the EU/EEA and nationals of Switzerland, and 14,516 other foreign nationals who were not obliged to hold work permits.

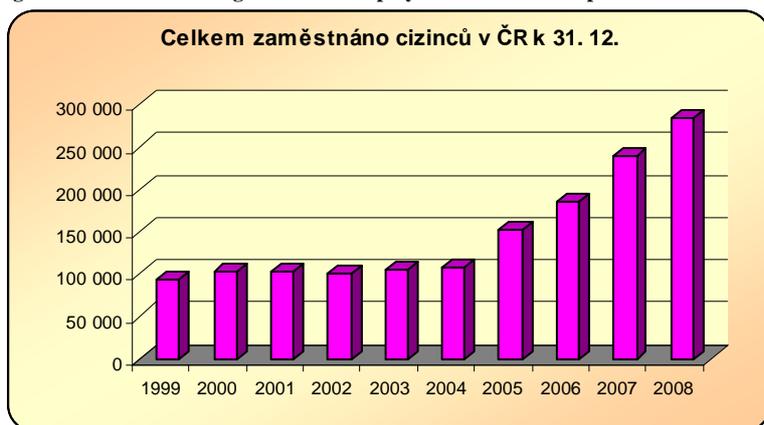
Employment of foreign nationals – development trends from 1999 to 2008

Year	Valid work permits for employment of foreign nationals	Information – third country nationals as employees	Registration/ information – Slovak citizens as employees	Information - EU EEA/ECFT (without Slovakia) as employees
1999	40,312	-	53,154	-
2000	40,080	-	63,567	-
2001	40,097	-	63,555	-
2002	44,621	-	56,558	-
2003	47,704	-	58,034	-
2004	34,397	747	-	72,840
2005	55,210	2,659	-	93,867
2006	61,452	6,777	-	116,846
2007	85,351	10,140	-	144,751
2008	128,934	14,516	-	141,101

Note: data was provided by the Ministry of Labour and Social Affairs

It is obvious that the numbers of foreign nationals employed in the Czech Republic in 2008 increased considerably, namely by 44,309 persons. The increase in 2008 as regards third country nationals in possession of valid job permits amounted to 43,583 persons, and the number of third country nationals who worked as employees increased by 4,376 persons. On the other hand, citizens of the EU/EEA and Switzerland displayed a decline, by 3,650 persons.

Fig. Total number of foreign nationals employed in the Czech Republic as of 31 December



Of the total number of 284,551 foreigners who were recorded by Labour Offices, women accounted for approximately 33.3 % (the absolute figure is 94,786 women). Thus we can say that the proportion of female foreign workers has been on the rise every year (in 2007 it accounted for 32.8 %, whilst in 2006 the share was 31.6 %).

Taking administrative regions into account, most foreigners were employed in Prague (94,102, foreigners, of whom 33,468 were women), followed by the Central Bohemian Region (45,572, foreigners, of whom 13,331 were women) and the South Moravian Region (29,524, foreigners, of whom 10,102 were women). The number of foreign nationals employed in the aforementioned three regions accounted for 59.5% of the total number.

Traditionally, the largest numbers of legally employed persons come to the Czech Republic from **Slovakia** (100,223 persons; i.e. -1,010 persons), followed by nationals of **Ukraine** (81,072 persons, i.e. +19,480 persons) and **Poland** (20,680 persons; i.e. -2,962 persons). These nationalities were followed by citizens of **Vietnam** (16,254 persons; i.e. +10,829 persons) and **Mongolia** (12,990 persons; i.e. +6,093 persons) who displayed considerably lower numbers. The first five nationalities accounted for about 81.3 % of the total number of foreign nationals employed in the Czech Republic.

V.3.1.1. Support of Mobility and Tackling Imbalance in the Labour Market - EURES

The European Information and Advisory System - EURES - aims at supporting mobility and helping to solve imbalances between the demand and supply in European, as well as national, labour markets. **The EURES CR** system is an integral part of the Employment Service Administration of the Ministry of Labour and Social Affairs. Three-year as well as annual plans of EURES CR result from strategic planning regarding the targets for Czech employment policy. At the present time when the economy is affected by global financial and economic crises, the EURES system substantially contributes to providing information to all job seekers as regards opportunities and conditions of work in individual European countries. Thus it helps citizens of the Czech Republic as well as foreign nationals to obtain adequate employment and to acquire a qualified labour force from abroad. And therefore it supports higher employment rates as well as the mobility of the labour force.³³

In the context of persistent transitional periods in some Member States and related administrative matters concerning access to labour markets, EURES advisors endeavour to provide EURES clients and officials of Labour Offices with complete information. EURES CR websites are a basic information source on transitional periods and respective changes in this area: www.eures.cz.³⁴ Information on these web pages is regularly updated and therefore clients are provided with detailed information on individual EU/EEA Member States, on job offers, and they also receive information on prepared recruitment and other practical information.

³³ More than 85,000 clients of all age categories contacted advisor of EURES.

³⁴ About 20,000 people interested in finding jobs abroad visit these web pages monthly.

In the course of 2008 activities relating to the development of borderland EURES-T projects were carried out intensively. The European Commission official recognised, in addition to an already existing partnership between Bohemia and Bavaria, a second partnership of EURES-T Beskydy (between the Czech Republic, Slovakia and Poland). Progress has also been achieved in the case of trilateral borderland cooperation - EURES-T TriRegio (Silesia, Bohemia, and Saxony). In 2008 the first negotiations on a newly prepared partnership between the Czech Republic, Austria and Slovakia were conducted.

With regards to the needs of the Czech labour market and EURES clients (job seekers and employers), labour immigration countries (Ireland, the United Kingdom, Germany, and Austria) and immigration countries (Poland, Slovakia, Bulgaria, and Romania) were defined within the three-year 'EURES 2007 – 2010 Plan of Activities' for future functioning of the system. The majority of EURES activities will in future years focus on developing cooperation with these states.

V.3.1.2. Selection of Qualified Foreign Staff

The project Selection of Qualified Foreign Staff (hereinafter referred to as the 'project') was launched on 28 July 2003 and its pilot phase had been planned for five years. Government Resolution No. 1316 of 20 October 2008 agreed to continue the project in its non-pilot phase. The objective of this project is to bring to the Czech Republic qualified foreign workers who are capable of contributing to the development of the Czech economy, who wish to settle here with their families and who are capable of integrating permanently into Czech society.³⁵

The application for inclusion into the pilot project is available only online on the website www.imigracecz.org. The condition upon which participants may be included in the selection procedure is, as well as being a citizen of one of the target countries³⁶ or having graduated from a Czech university or college or having accomplished Czech secondary education, a work permit and residence visa for over 90 days for the purpose of employment, or a long-term residency permit issued for the same purpose, and at least completion of secondary vocational education and the reaching of a sufficient score provided within the selection procedure. The condition upon which participants may be included in the category of highly qualified labourers is to get a job in the Czech Republic requiring university or college education and corresponds to the qualifications of the applicant. An invaluable service is provided to foreign nationals by the specialised application www.praceprocizince.cz, which is part of the Integrated Portal of the Ministry of Labour and Social Affairs and which provides comprehensive information on conditions and opportunities for employment in the Czech Republic.

³⁵ The project offers to grant permanent residence within a shortened period of two and half years (while current legislation requires five years of continuous residence) not only to successful participants of the project but also to their family members. In July 2007 a new category of highly qualified project participants was defined. They may apply for a permanent residence permit only after one a half year of having been a participant in the project. Participants in the project are eligible for a protective time limit to be able to find a new job in case they are made redundant.

³⁶ The target countries of the project have been so far as follows: Bulgaria, Croatia, Kazakhstan, Belarus, Moldova, Canada, Serbia, Montenegro, Ukraine, Bosnia and Herzegovina, Macedonia, the Russian Federation, and India. From 1 December 2008 the following countries were included in the project: Albania, Argentina, Armenia, Australia, Azerbaijan, Brazil, the Philippines, Georgia, Guatemala, Honduras, Chile, Indonesia, Israel, Japan, the Republic of South Africa, the Republic of Korea, Cambodia, Costa Rica, Cuba, Kyrgyzstan, Laos, Malaysia, Mexico, Myanmar, Nepal, Nicaragua, New Zealand, Panama, Paraguay, Salvador, Singapore, the USA, Sri Lanka, Tajikistan, Thailand, Turkey, Turkmenistan, Uruguay, Uzbekistan.

The project has been open to foreign graduates of Czech higher education institutions, regardless of their country of origin, who graduated in the academic year 1995 or later. Since 1 July 2005 the project has been open to foreign graduates of Czech secondary schools, irrespective of their country of origin, who finished their studies in 2000 and later, with the only exception being graduates who studied in the Czech Republic within international development aid programmes.

In total 1,281 participants were included in the project **as of 31 December 2008**. Together with their family members in total 2,595 persons may be granted permanent residence permits on the basis of being participants of this project. 1,014 participants are university or college graduates, while 267 participants completed secondary education. Most participants come from Ukraine, Russia Bulgaria, and Belarus. They most often work in the Czech Republic as IT specialists, technicians or administrative officers. In 2008 the trend of an increase in the number of foreign nationals who were participants of the project continued. It is a positive feature that the majority of applicants have a university or college education and they work in the Czech Republic in a job which corresponds to their qualifications. **As of 31 December 2008 in total 303 participants were granted permanent residence within the shortened period.**

V.3.1.3. Green Cards

The system of Green Cards was introduced in the Czech Republic on 1 January 2009 on the basis of the amendment to the Act on Employment and the amendment to the Act on the Residence of Foreign Nationals. The Green Card is a new type of long-term residence permit for the purpose of employment. Thus the Green Card is of a dual nature – it is a work permit and at the same time it serves as a document authorising a foreigner to reside in the Czech Republic. The reason for issuing Green Cards is to remove unnecessary administrative obstacles preventing foreigners from accessing the Czech labour market in professions which cannot be currently staffed by Czech nationals, EU/EEA citizens or Swiss nationals. Green Cards as long-term residence permits will be issued in three categories:

A – for highly qualified staff who completed university or college education and key personnel (it will be issued for a period of up to three years)

B – for workers in positions where they need an apprenticeship (it will be issued for a period of up to two years)

C – for other workers (it will be issued for a period of up to two years)

A foreign national who is interested in working in the Czech Republic will, first, find an appropriate vacancy in the central records of job vacancies eligible for Green Card holders. These central records are publicly accessible on the web pages of the Ministry of Labour and Social Affairs. Then the foreigner concerned will apply at the relevant Czech embassy or consulates to be issued a green card for the selected job. He/she is obliged, *inter alia*, to submit with the application certificates demonstrating that he/she satisfies professional qualifications if these are required for the job in question. The application will be submitted to the Ministry of the Interior which will take the decision on issuing the green card within 30 days. The foreign national, after submitting a document proving that he/she has entered into a health insurance agreement, will receive the relevant entry visa to obtain the Green Card in the Czech Republic. After doing so the foreigner will report on his/her residence address and may start to work.

From 1 January 2009 only nationals of twelve countries may apply for Green Cards. These countries are listed in the Decree of the Ministry of the Interior published in the Collection of Laws under the number of 461/2008 Coll. (Australia, Montenegro, Croatia, Japan, Canada, the Republic of Korea, New Zealand, Bosnia and Herzegovina, Macedonia, the USA, Serbia, and Ukraine). The selection of the countries was affected by the financial and economic crisis.

The Minister of Labour and Social Affairs sets aside from jobs eligible for Green Card holders those jobs which could affect local, sectoral or regional deformation of the labour market.

A foreign national – a Green Card holder – may take up only a job vacancy which is included in the central records of job vacancies which may be staffed by Green Card holders. These records will encompass only vacancies reported by employers to relevant Labour Offices and for which

nationals of the Czech Republic, EU/EEA and Switzerland will not apply within 30 days from their publication. A job vacancy suitable for a Green Card holder is also a job which is marked by the Ministry of Industry and Trade as a job for key personnel. Whilst taking into account the situation in the labour market, the category 'key personnel' will include senior managers, highly qualified workers for certain types of work and tasks, as well as staff who have know-how for running companies and professions, a lack of such persons could endanger the operations of certain companies or could cause economic loss. An employer must agree that the relevant job vacancy is included in the central records in question.

Green Cards may be extended for holders included in categories A and B, however unqualified staff will be issued a Green Card only for two years without any possibility to extend it.

The current rules for work permits issued by Labour Office remain unchanged and will exist along with the system of Green Cards.

V.3.2. Foreign Nationals Undertaking Business in the Czech Republic

At the end of 2008, the Ministry of Industry and Trade registered in total 1,826,928 (+39,871) entrepreneurs, of whom 77,158 (+8,373) were foreigners. The number of registered businesses was 2,315,748 (-587,040) out of which foreigners owned 84,488 businesses (-921). The above information implies that the number of registered entrepreneurs and foreigners' businesses increased in comparison with 2007.

Foreigners undertaking business in the Czech Republic – development trends from 1999 to 2008

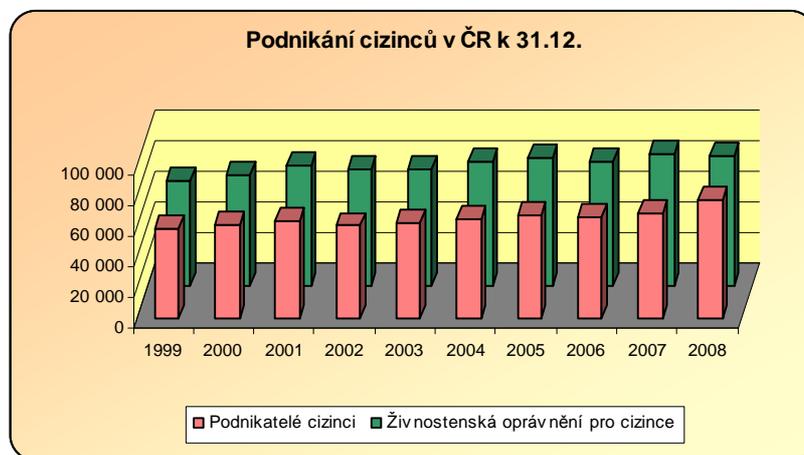
The situation as of 31 Dec of the relevant year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Entrepreneurs - foreigners	58,386	61,340	64,000	60,532	62,293	65,219	67,246	65,722	68,785	77,158
Foreigners possessing trade licences	68,586	72,471	78,423	75,661	76,057	80,827	83,841	80,724	85,409	84,488

Note: data was provided by the Ministry of Industry and Trade

The ratio of women to men among foreign entrepreneurs is less than one third (approximately 28.5 %, i.e. in absolute numbers 21,995 women). With regard to registered businesses the proportion of women is 27.9 % (in absolute numbers 23,570 women). As compared with the previous year the proportion of women among foreign national entrepreneurs has remained almost the same.

Fig: Business undertaking of foreign nationals in the Czech Republic as of 31 December
 Red: Entrepreneurs – foreign nationals
 Green: Trade licences – foreign nationals

As regards regions, the largest number of foreign entrepreneurs was registered in the capital city of Prague (20,682, of whom 6,389 were women), followed by the Central Bohemian Region (8,689, of whom 2,283 were women) and the Usti Region (8,013, of whom 2,255 were women). The number of foreign entrepreneurs in these three regions accounted for 48.5 % of the total number.



The ranking with regard to nationalities remained unchanged in 2008. The largest number of foreign entrepreneurs in the Czech Republic came from **Vietnam** (32,139 persons, i.e. +7,702 persons). The second largest group was citizens of **Ukraine** (21,213 persons, i.e. -714 persons) and the third largest group was represented by citizens of **Slovakia** (9,255 persons, i.e. +571 persons). The above three groups of foreign nationals accounted for about 81% of foreign entrepreneurs. These three groups were followed at a large distance by nationals of **Poland** (1,364 persons, i.e. +75 persons), and **Germany** (1,361 persons, i.e. +100 persons).

Of the total number of 84,488 businesses registered in the names of foreigners, 34,744 (+6,359) were registered by nationals of **Vietnam**, 22,730 (-3,093) by citizens of **Ukraine**, 10,665 (-1,126) by citizens of **Slovakia**. The above implies that the said three groups of citizens accounted for 80.6 % of businesses registered in foreigners' names. The proportion within the total number was higher than in 2007. These three groups were followed by citizens of **Poland** who owned 1,577 (-321) businesses and citizens of **Germany** who were the owners of 1,500 (-312) businesses.

It is necessary to mention the problem of the abuse of residence permits issued for the purpose of undertaking business. Visas for the purpose of business undertaking are conditional upon the promise that a trade licence will be issued. Follow-up inspections regarding this purpose are almost impossible. As a consequence it is impossible to cancel such residence permits due to the fact that the declared purpose has not been met. Therefore it is important to stipulate new conditions upon which foreign nationals may be issued a visa or a long-term residence permits for the purpose of undertaking business, so that state authorities can control whether the stated purpose has been met. It is indefensible to leave this legislation unchanged in the future since it does not enable the possibility to regulate or otherwise govern the inflow of foreign nationals into the Czech Republic according to actual needs.³⁷ According to gathered information there is no other EU Member State whose business visas are set in the same, open way as in the Czech Republic..

V.3.3. *Studies*

The overall framework of studies in the Czech Republic, including studies of foreign nationals, is regulated by the Education Act³⁸. The system of studies at higher education institutions (universities and colleges) is laid out in the Act on Higher Education Institutions.³⁹ Particular conditions for entry and residence of foreign nationals in the Czech Republic for the purpose of studies are regulated by the Act on the Residence of Foreign Nationals. For the purpose of this Act it is precisely defined how studies should be understood.⁴⁰

³⁷ A Trade Licence as a supporting document for the issuance of a residence permit for the purpose of business undertaking certifying the purpose of residence certifies only eligibility for running a specific business and not the fact that the foreign national concerned really performs the given trade. **In compliance with Government Resolution No. 171 of 16 February 2009 the Ministry of the Interior** in cooperation with the Ministry of Industry and Trade and the Ministry of Finance will draw up relevant legislative measures and control mechanisms in order to check on the purpose of this type of residence of a foreign national in the Czech Republic (i.e. whether a foreign national is an entrepreneur in the Czech Republic).

³⁸ Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Professional Tertiary and Other Education (the Education Act), as amended

³⁹ Act No. 111/1998 Coll. on Higher Education Institutions and on the Amendment to Some Other Acts (the Act on Higher Education Institutions), as amended

⁴⁰ Other types of degree programmes do not exist within the meaning of the said Act and applications of residence for the purpose of studies are processed for the purpose marked as 'Other'.

Foreign Nationals Residing in the Czech Republic with a Residence permit for the Purpose of Studies

(The data herein was provided by the Directorate of the Alien Police Service of the Police of the Czech Republic.)

The total number of foreign nationals who were issued residence permits for the purpose of studies in the Czech Republic displays a steady upward trend. In 2008 the growth of a little less than 8 % was recorded, and thus it was lower than in previous years when it reached almost 20 %. In 2006 in total 7,208 foreigners in possession of residence permits for the purpose of studies were recorded and in 2007 this number increased to 8,488 persons, while in the year reviewed it reached 9,127 foreign nationals.

Despite the aforementioned facts this purpose of residence does not substantially affect the total number of long-term residence permits and its share displays a downward trend. While in 2005 the share of foreign nationals who stayed in the Czech Republic for the purpose of studies was 5.4 % among all foreigners in possession of long-term residence permits, in 2008 this share decreased to 3.4 %.⁴¹

Types of residence permits issued for the purpose of studies between 2005 and 2008 (situation as of 31 December)

Type of residence permits	2005		2006		2007		2008	
	Number	as %						
Long-term residence	2,648	44.1	3,869	53.7	4,226	49.8	4,733	51.9
Visa for over 90 days	1,861	31.0	1,685	23.4	2,002	23.6	1,702	18.6
Temporary residence - EU nationals	1,498	24.9	1,652	22.9	2,257	26.6	2,689	29.5
Temporary residence - family members of EU nationals	3	0.0	2	0.0	3	0.0	3	0.0
Total	6,010	100.0	7,208	100.0	8,488	100.0	9,127	100.0

Long-term residence permits prevail among individual types of residence permits issued for the purpose of studies (approximately 52.0 %). Visas for residence for over 90 days were, within the year reviewed, issued to only about 19% foreigners in question. Third country nationals represented in the year reviewed a 70.5 % share in the total number of foreign nationals residing in the Czech Republic for the purpose of studies. Thus they account for a lower proportion than in previous years. On the other hand the share of EU/EEA nationals increased to almost 29.5 %, from less than 27 % in 2007 and 23 % in 2006.

The highest number of foreign nationals having residence permits in the Czech Republic for the purpose of studies reside in Prague (approximately 50 %), followed, at a far distance, by the South Moravian Region (9.7 %), the Olomouc Region (7.9 %), and the South Bohemian Region (7.3 %).

With regard to gender, male students prevail among foreigners in possession of residence permits for the purpose of studies (about 53 %).

As regards age, the category of 19–25 years dominates followed by 26-35 years and finally the category of 16-18 years. It should be also mentioned that among foreigners having residence permits for the purpose of studies are also persons older than 60 years. In 2008 in total 32 persons older than 60 years were recorded; while in 2007 there were 60 such persons. All these people came from EU/EEA countries.

⁴¹ See Chapter V.2.2. *Temporary Residence with Long-Term Visas, Long-term Residence, and Temporary Residence of EU Nationals*

If nationality is taken into account, nationals of **Russia** dominate among third country nationals with residence permits for the purpose of studies. Their number goes up every year and in 2008 the number reached 1,173 (12.9 %). Second place is traditionally occupied by citizens of **Ukraine**. In 2008 for the purpose of studies 561 (6.1 %) Ukrainians stayed in the Czech Republic, which is a lower number than in 2007. Third position is occupied by nationals of **Kazakhstan** with the number of 450 persons (4.9 %). As regards EU Member States, the largest year-to-year increase was seen among nationals of **Slovakia** (1,728 persons, i.e. 18.9 %) and citizens of **Germany** (640 persons, i.e. 7.0 %). Nationals of **Vietnam** (436 persons, i.e. 4.8 %), the **USA** (376 persons, i.e. 4.1 %) and **Turkey** (271 persons, i.e. 3.0 %) rank among other numerous groups. Nationals of Slovakia (+393 persons), Malaysia (+91 persons), Russia (+72 persons), Turkey (+51 persons), and Vietnam (+47 persons) displayed a considerable growth in 2008.

The fact that it is impossible to precisely determine the numbers of foreign nationals who arrived in the Czech Republic for study purposes on a short-term or long-term visa remains a problem. Residence permits for the purpose of studies are provided only to those foreign nationals who enrol in accredited study programmes. However, a number of persons come to the Czech Republic with the aim of studying at education institutions who have not received the accreditation of the Ministry of Education, Youth and Sports. These persons do not obtain residence permits for the purpose of studies but their purpose is stated as 'Other'. Due to the fact that neither Institute for Information and Education nor DAPS nor embassies and consulates record studies at non-accredited institutions, and the purpose 'other' is not further broken down, it is impossible to calculate the numbers of foreign students falling under this category. According to the findings of embassies and consulates it is one of the most high-risk categories for the abuse of residence permits.

Although the abuse of residence permits for the purpose of studies is not massive, there is a reasonable possibility that this type of permit may be used for other activities in the Czech Republic or that it may be abused to enter into the Schengen area. Therefore it is important when residence permits are issued to thoroughly verify the eligibility and motivation of applicants for studies and then check whether they respect the stated purpose of residence. At the same time it is necessary to intensify the inter-ministerial as well as intra-ministerial cooperation of all stakeholders and exchange findings and information on education institutions, in particular about those in which risk 'students' are interested. A significant preventive measure is to provide information to higher education institutions on migration risks entailed by the efforts of some foreign national 'students' to legalise their residence in the Czech Republic by means of studies. In the case of students who receive governmental scholarships it is important to pay attention to whether the relevant study programme may be used in the state of origin and to evaluate the benefits of scholarships allocated for improving the situation in the country of origin. A study drawn up by the Analysis Centre for the Protection of the National Border and Migration contains proposed legislative amendments to, for example, the Act on the Residence of Foreign Nationals, by which they recommend the extension of reporting obligations to higher education institutions and post-secondary vocational schools, including sanctions for non-compliance. Reporting obligations should apply also to foreign higher education institutions not accredited in the Czech Republic. In the case of higher interest in studies at unknown education institutions it was recommended to verify the enrolment of applicants at the institutions in question and at the same time to review suspicious educational entities and those who intermediate studies in the Czech Republic.

Foreign Nationals Studying in the Czech Republic⁴²

(The data herein was provided by the Ministry of Education, Youth and Sports and the Institute for Information and Education.)

Foreign Nationals Studying at Czech Higher Education Institutions (data from the Institute for Information and Education)

Every year not only the total number of foreign nationals studying at Czech higher education institutions but also the numbers of newly enrolled foreign students increase. Whilst in 2005 the share of foreign nationals in the total number of students was 7.4 %, in 2008 this share increased to 8.4%.

Number of students at Czech higher education institutions between 2005 and 2008

Year	Total students		Total foreign nationals		Third country nationals	
	Number	Increase in comparison with the previous year	Number	Increase in comparison with the previous year	Number	Increase in comparison with the previous year
2005	289,838	9.3 %	21,500	25.6 %	5,191	25.4 %
2006	316,456	9.2 %	24,646	14.6 %	6,123	18.0 %
2007	344,180	8.8 %	28,285	14.8 %	7,427	21.3 %
2008	369,619	7.4 %	31,184	10.2 %	7,892	6.3 %

If we compare a trend vis-à-vis the increase in the number of students and the increase in the number of foreign nationals we can see that the growth of foreigners is almost twofold higher. The highest difference was registered in 2005, when the growth in the number of foreign nationals reached 25.6 % (when compared with a 9.3 % increase in the total number of foreigners). On the other hand, the lowest difference was recorded in 2008, when it accounted for 10.2 % (when compared with a 7.4 % increase in the total number of foreigners).

Even though students from 153 countries from all over the world currently study in the Czech Republic, the numbers of students from EU Member States are considerably higher than the numbers of students from third countries.

As regards the **European Union**, students from Slovakia (20,657 persons) represent the most numerous group. They are followed by students from the United Kingdom (418 persons), Portugal (411 persons), Poland (362 persons), and Germany (337 persons). As regards **third country nationals**, students from Russia (1,779 persons) prevail followed by nationals of Ukraine (1,046 persons), Vietnam (650 persons), Kazakhstan (496 persons), and Belarus (379 persons).

The vast majority (about 80 %) of foreign nationals study at public higher education institutions, however the share of private higher education institution is on the rise. Whilst in 2005 only 17.5 % foreigners were selected to study at private schools, in 2008, 25 % of foreign nationals were enrolled at private schools.

⁴² Statistical data on the number of foreign nationals studying in the Czech Republic cannot be compared to statistical data on the number of foreign nationals in possession of residence permits for the purpose of studies in the Czech Republic as foreigners who reside in the Czech Republic for other purposes may also study at Czech schools.

Education of Foreign Nationals at Post-Secondary Vocational Schools, Conservatories and Secondary Schools (data provided by the Ministry of Education, Youth and Sports)

In order to provide complete data it is important to mention that foreign nationals in 2008 also studied at conservatories, post-secondary vocational schools (professional tertiary schools), and secondary schools registered by the Ministry of Education, Youth and Sports.⁴³

Education of foreign nationals – TOP 5

Education	Nationality	Total foreigners	of whom female students
Conservatories 22 countries from all over the world represented Third countries: 45.0 % EU Member States: 55.0 %	Total	131	66
	of whom the majority from		
	Slovakia	54	24
	Ukraine	20	13
	Russia	16	11
	Japan	6	3
	Bulgaria	4	2
Post-secondary vocational schools 30 countries from all over the world represented Third countries: 37.1 % EU Member States: 72.9 %	Total	307	206
	of whom the majority from		
	Slovakia	179	119
	Ukraine	53	40
	Russia	18	13
	Croatia	8	5
	Belarus	6	4
Secondary schools 84 countries from all over the world represented Third countries: 76.5 % EU Member States: 23.5 %	Total	7,134	3,566
	of whom the majority from		
	Vietnam	1,906	925
	Ukraine	1,574	794
	Slovakia	1,220	621
	Russia	688	343
	Kazakhstan	160	91

V.4. INTEGRATION

V.4.1. Integration of Foreign Nationals

Promotion of integrating foreigners residing legally in the country for a long period of time has been since 1999 an active policy of the Czech government. Between 2000 and 2003 all issues related to the *Strategy for the Integration of Foreigners in the Czech Republic* (hereinafter referred to as the ‘Strategy’) were ensured by the Ministry of the Interior. In 2004 the Strategy was transferred to the Ministry of Labour and Social Affairs⁴⁴ and from August 2008 it was again the Ministry of the Interior which is responsible for coordination of the Strategy⁴⁵. The main reason for the re-transferral was to link immigration and integration policies as the Czech Republic is undergoing the highest year-to-year increase in its foreign population (in 2008 the number of legally

⁴³ See also Chapter *V.4.1. Integration of Foreign Nationals*

⁴⁴ Government Resolution No. 1252 of 10 December 2003 on the transfer of duties and responsibilities relating to coordination of the Strategy for Integration of Foreigners from the Ministry of the Interior to the Ministry of Labour and Social Affairs.

⁴⁵ Government Resolution No. of 23 July 2008 on the transfer of some activities carried out by the Ministry of Labour and Social Affairs. to the Ministry of the Interior.

residing foreign nationals increased to more than 438,000 foreigners⁴⁶, with the second highest increase in the amount of (mainly) labour migration).

The inter-ministerial *Commission of the Minister of Labour and Social Affairs* (hereinafter referred to as the 'Commission'), established within the Ministry of Labour and Social Affairs as an advisory body to the Minister of Labour and Social Affairs, works at the Ministry in question. The Commission assists the minister with creating conditions for preparing and implementing governmental policy in the field of integration of foreigners and meeting tasks resulting from Government Resolutions adopted in this area. In compliance with the transfer of the Strategy, the Ministry of Labour and Social Affairs terminated activities of the Commission and its expert consultative groups as well as cooperation with the regional coordinator of foreigners' integration, non-governmental organisations (NGOs) and other actors involved in the area of implementation of the Strategy.

The Strategy is implemented in accordance with Government Resolutions, approved on an annual basis; in 2008 the implementation was approved under Government Resolution No. 259 of 17 March 2008 on the 2007 Report on Implementation of the Strategy for Integration of Foreigners and on Further Procedure. As well as the Ministry of the Interior and the Ministry of Labour and Social Affairs, the Ministry of Culture, the Ministry of Education, Youth and Sports, the Ministry of Industry and Trade, the Ministry for Regional Development, the Ministry of Health, the Ministry of Finance, and other authorities and institutions (for example the Czech Statistical Office, social partners of the Council for Economic and Social Agreement, NGOs, the Association of Regions, the Unions of Towns and Municipalities, and the Academy of Sciences of the Czech Republic), are actively involved in implementation of the said Strategy.

The main priorities of the Strategy are measures targeting four key areas: knowledge of the Czech language, mutual relations between foreign nationals and members of the majority society, socio-cultural orientation of foreign nationals, and economic independence.

Knowledge of the Czech Language

In particular, the amendment to the Act on the Residence of Foreign Nationals⁴⁷, which is introduction of the condition (with effect from 1 January 2009) for foreign nationals to prove their knowledge of the Czech language as a necessary prerequisite for being issued a permanent residence permit in the Czech Republic, is considered to be the most significant legislative measure (this condition does not apply to EU nationals, their family members or some other specifically stipulated cases). In order to set rules for meeting this condition the Ministry of the Interior closely cooperated with the Ministry of Labour and Social Affairs and the Ministry of Education Youth and Sports. The Ministry of the Interior established an inter-ministerial working group which submitted to the Ministry of Education Youth and Sports requirements for the content of the document to be prepared and which also assisted the Ministry of Education Youth and Sports in drawing up the document. On 14 May 2008 the *System of Instruction of the Czech Language and Examinations for Foreign Nationals as a Condition for Granting Permanent Residence* was approved. Detailed information on the examination has been made available since July 2008 on the special web pages www.cestina-pro-cizince.cz; the Ministry of Education Youth and Sports also set up a free telephone line relating to the examination (information is provided in the Czech, Russian and English languages). Foreign nationals can sit this examination free of charge only on the basis of a

⁴⁶ See Chapter V.2.1. *Foreign Nationals Having Residence Permits in the Czech Republic*

⁴⁷ This amendment was published as Act No. 379/2007 Coll. amending Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Czech Republic and on the amendment to some other acts, as amended, Act No 325/1999 Coll. on Asylum and on the amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Act on Asylum), as amended, and some other acts.

card issued to them by the Ministry of the Interior. At the same time the Ministry of the Interior has issued and distributed information leaflets regarding the examination in the Czech language in six language versions – each leaflet is published in two languages.

Orientation of Foreign Nationals within Society

One of the priorities of the Strategy is to enhance the orientation of foreign nationals within Czech society and an emphasis is put on the provision of information especially to third country nationals. Basic tools for delivering information are the internet pages of the Ministry of Labour and Social Affairs <http://www.cizinci.cz>, whose content is a source of information both for civil servants and for officials of local and regional authorities, NGOs, scientists and academics, foreigners themselves, and the general public. Further information concerning integration of foreign nationals is to be found on the portal of the Ministry of Labour and Social Affairs <http://portal.mpsv.cz> - section 'Foreign employment,' and on the portal of the of the Czech Public Administration <http://portal.gov.cz> – section 'Foreigner'.

The transfer of full competence in decision-making as regards applications for permanent residence permits from the directorate of the Alien Police Service to the Ministry of the Interior (from 1 January 2009) can also be considered as an important legislative measure which may contribute, in the future, to more successful integration of foreign nationals. In this context the Ministry of the Interior updated and printed the publication *Information for Foreign Nationals with a Permanent Residence in the Czech Republic* which will be provided to foreigners when they receive their permanent residence permits. This handbook encompasses an updated address book of NGOs providing consultancy services to foreign nationals, broken down according to individual regions.

Individual ministries drew up information publications for foreign nationals: the Ministry for Regional Development published an information booklet informing foreigners about housing in the Czech Republic: *Living in the Czech Republic*. This booklet was published in three foreign language versions: in addition to the Czech language, it was published in Vietnamese, Ukrainian, and English. The objective of this publication is to provide information on practical problems and legal provisions concerning housing and on contacts for relevant authorities, organisations and occupational chambers. The Ministry of Industry and Trade developed *Information for Foreign Persons Undertaking Business in the Czech Republic under the Trade Licensing Act*. This publication is designed mainly for foreign nationals who intend to operate a business in the Czech Republic and it was published in English, Ukrainian, Vietnamese, Russian and German. Teaching materials for multicultural education within police training and police schools named *Can I Understand It?* were distributed to police schools of the Ministry of the Interior and training centres of territorial administrations of the Czech police. Further, a CD in Russian, English and German was distributed within the project 'Language Bridges'.

Economic Independence of Foreign Nationals

The Ministry of the Interior drew up an amendment to the Act on the Residence of Foreign Nationals which, *inter alia*, will allow (when stipulated conditions are met) foreign nationals whose employment is terminated due to their redundancy before their work permit expires, to continue their stay in the Czech Republic and to use a protection period of 60 days for finding a new job. At the same time the amendment to the Act on Employment, drawn up by the Ministry of Labour and Social Affairs, substantially simplified the administrative burden relating to the employment of foreign nationals (it came into effect on 1 January 2009).

Relations between Communities

In order to support further development of relations between foreigners, their communities, and citizens of the Czech Republic, individual ministries support a range of projects focused on mutual recognition of foreigners and the majority society, to make foreigners familiar with the values of the Czech Republic and/or the European Union, as well as focused on activities aimed at prevention of xenophobia and racism, and on intercultural dialogue. Seminars focused on enhancing intercultural competences of civil servants were also organised.

Financing

In 2008 implementation of the Strategy was supported from the state budget of the Czech Republic by the amount of CZK 25,000,000. These financial resources were transferred from the budget chapter 'General Treasury', namely from its an item 'Funds for Foreigners' Integration', to the budget chapters of individual ministries for projects aimed at the integration of foreign nationals. Projects implemented in particular by NGOs concentrated on providing free social and legal advisory services for foreigners (including assistance for their communication with authorities), supporting education, language skills and other qualifications of foreigners, promoting the competition of foreigners in the labour market, developing the cultural and social life of foreigners by promoting relationships between foreigners and foreign communities with Czech citizens, providing psychological assistance concerning the integration of foreigners, building and developing the activities of community and multicultural centres, supporting tolerance and human co-existence, and so forth.

Advisory projects ranked, in 2008, among the most important projects of the Ministry of the Interior. In compliance with the Strategy and Government Resolution No. 631/2007 *on Main Areas of State Subsidy Policy for Non-Governmental Non-Profit Making Organisations in 2008*, the Ministry of the Interior initiated the establishment of such projects and provided to NGOs subsidies from the state budget to implement them. The projects were efficiently focused on, in particular, continuing the development of free social and legal advisory services for foreigners.

Besides these projects the Ministry of the Interior, in compliance with the *Plan for Integration Policy of the Ministry of the Interior* and within *supplementary activities*, implemented its own projects: *An Analysis of Vietnamese Media in the Czech Republic*, *Development of Activities of Liaisons of the Czech Police for the Issue of Minorities with a Focus on Training*, and the project *Language Bridges*.

The Ministry of Education, Youth and Sports also meets tasks arising from the Strategy adopted by the Government Resolution. In 2008 the Ministry of Education, Youth and Sports approved the allocation of subsidies to 13 projects organised within the 'Programme on Promoting Activities in the Field of Foreigners' Integration in the Czech Republic in 2008'. Projects aimed at supporting *multicultural education of children and youth*, *supporting the instruction of the Czech language as a foreign language*, *studies on the issue of education of foreign migrants*, and a *seminar concerning the education of foreign nationals* was held.

The Ministry of Education, Youth and Sports is responsible for the education of minor recognised refugees,⁴⁸ minor persons enjoying subsidiary protection, minor international protection seekers in the Czech Republic, and the children of foreign nationals placed in detention centres for foreigners.

⁴⁸ Compulsory school attendance of the children of recognised refugees and asylum seekers is a part of international agreements to which the Czech Republic has acceded. The Act on Asylum assigns to the MEYS an obligation to create conditions for the education of international protection seekers.

The aim of the programme is to take into account the specific problems encountered by schools educating these groups of foreign nationals, which are usually located near asylum facilities and must have the capacity to be able to take children during the academic year and to adapt their instruction to their needs. The programme contributes to better functioning of classes for language preparation and a higher demand for teaching is also taken into account. A lower number of pupils attend classes as the children come and leave during the academic year, however, they are also able to attend school clubs and develop their personal interests. The purchase of textbooks and teaching aids as well as the further education of teachers are also supported.

Projects focusing on the integration of foreign nationals in the Czech Republic were also supported by some regions and municipalities.

As regards assistance provided by the European Union, currently six principal sources of EU funds are available in the Czech Republic. The following are generally used for subsidising programmes for the integration of foreigners:

- Programme of Community Initiative EQUAL – so-called 2nd round of Community Initiative EQUAL;
- Operational Programme Human Resources Development;
- Single Programming Document for Objective 3 of NUTS 2 region – Prague;
- European Refugee Fund;
- Joint Regional Operational Programme;
- INTI Programme - Pilot Project on Integration of Third Country Nationals.

The Research Institute of Labour and Social Affairs continued to implement *INTERFACE - Immigrants and National Integration Strategies: Developing a Trans-European Framework for Analysing Cultural and Employment-Related Integration*, which is supported by the European Commission from the INTI Programme (Integration of Third Country Nationals). The main objective of the INTERFACE project implemented in five selected EU Member States, including the Czech Republic, was to understand whether, and to what extent, a family can represent a successful strategy for facilitating the integration of immigrants and how it can help absorb and limit the impacts of the most difficult and the most painful migration experiences.

Another survey completed on 31 August 2008 is a project entitled *Efficiency of Services Provided by NGOs in the Area of Foreigners' Integration*. The aim of the project is to find out and evaluate the efficiency of services and activities provided by NGOs within the integration of foreign nationals and their accessibility by foreigners, and to define respective needs for changes to measures concerning foreigners' integration.

International Cooperation

In 2008 cooperation continued within *National Contact Points on Integration*, which is an expert group set up in 2002 within the European Commission under a Council Decision⁴⁹. A representative of the Ministry of the Interior was involved in activities carried out by this international expert group established to tackle the *issue of intercultural dialogue* as a means for strengthening integration⁵⁰. The Group is chaired by Germany. Meetings of this group of experts

⁴⁹ 2455th JHA Council in Luxembourg on 14 and 15 October 2002

⁵⁰ *The task to develop an intercultural dialogue was assigned to the EU Member States by the resolution of the Ministerial Conference in Potsdam (DE PRES). On the basis of the meeting of the group of experts and results of a survey in the form of questionnaires, Germany drew up the report 'Intercultural Dialogue as a Tool for Strengthening Integration,' which was presented as one of the conclusions of the ministerial conference in Vichy (FR PRES) held in November 2008.*

concentrated in particular on two areas of dialogue - on the system of regular exchange of information between Member States, and on the introduction of a flexible procedure (or the system of early warning) in order to solve intercultural problems or even conflicts having a potential transnational (cross-border) dimension.

Coordination of Integration Policy under the Responsibility of the Ministry of the Interior

Policy on foreigners' integration is perceived as an integral part of legal migration policy and must respond to migration development. The aim of integrating foreign nationals is not only to continue supporting the inclusion of legally residing foreign nationals within society, but in particular to prevent problems within communities of immigrants and in their relations with the majority society. Foreigners' integration policy will continue to consist mainly of the following principles.

- practical cooperation of all stakeholders who can contribute to successful integration;
- efficiency of integration measures;
- improving the flow of information to all actors involved in integration;
- clear and tangible results of all integration related activities;
- new tools (direct cooperation with municipalities, support for newly established integration centres);
- strengthening development of civil society – mainly in regions where there are newly established regional integration centres.

The aim of all activities concerning integration policy is to prevent the establishment of closed communities of immigrants, social isolation and social exclusion of foreign nationals.

With regard to the increasing number of foreigners in possession of residence permits in the Czech Republic and problems arising from dismissing foreign workers, the Ministry of the Interior initiated and supported in 2008 emergency integration projects implemented by the Municipal Council in Pilsen and the Multicultural Centre in Ceske Budejovice. The Ministry of the Interior also initiated in Mlada Boleslav and in Brno discussions on the problem in question. In the current situation it is very important to involve in implementation of the policy on foreigners' integration also local and regional authorities, as both domestic and international experience more and more show that integration is implemented mainly at local level.

The Ministry of the Interior as an authority responsible for the European Fund for Integration of Third-Country Nationals prepared in 2008 a draft multi-annual programme for 2007 – 2013 which was approved by the European Commission. The multi-annual programme is elaborated for individual years and annual programmes are also subject to the Commission's approval. The Ministry of the Interior published calls for submitting proposals for projects relating to two annual programmes of the Fund. In particular, measures aimed at gradually establishing and opening centres to support integration in individual regions of the Czech Republic will be of key importance.

The Ministry of the Interior drew up the *2008 Report on Implementation of the Strategy for the Integration of Foreigners*, which should be submitted to the government not later than on 31 January 2009. The objective of the policy of integration in 2009 is to prevent problems which can occur within immigration communities and as regards their relations with the majority society, and to implement integration policy at regional and local levels, in particular through *Integration Centres* which are to be established in upcoming years in individual regions. Further, an emphasis will be placed on practical cooperation with those who can contribute to successful integration (a platform), on the integration of persons of second and third generations – children and young people from among immigrants – and on the efficiency of adopted integration measures.

Education of Foreign Nationals

The Ministry of Education, Youth and Sports is competent for the issue of education of foreigners, since the preparedness of the education system and its ability to respond to changing conditions ranks unambiguously among the principal prerequisites for the successful integration of foreigners.⁵¹

Conditions for the education of foreign nationals are ensured under Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended. The Ministry of Education, Youth and Sports also met tasks in compliance with *the Plan for Integration Policy of the Ministry of Education, Youth, and Sports*.

As regards studies at higher education institutions under Act No. 111/1998 Coll., on Higher Education Institutions and on the amendment to some other acts (the Act on Higher Education Institutions), as amended, foreign nationals may study at public higher education institutions under the same conditions as their Czech counterparts.

A new group dealing with the issue of social programmes in education was set up at the Ministry of Education, Youth and Sports. Such social programmes focus on disabled or disadvantaged children, pupils and students, and also on foreign nationals, recognised refugees, minorities, the prevention of socio-pathological phenomena, social sciences, and multicultural issues.

In 2008 a Task Force Group for Multicultural Issues and Foreigners' Education was established to function within the aforementioned Group. The members of the Task Force Group are experts dealing with the issues of multicultural society and education of foreign nationals, representatives of NGOs and organisations directly managed by the Ministry of Education, Youth and Sports, the Czech School Inspectorate, asylum facilities, and teachers. This Task Force Group addresses multicultural issues and the education of foreign nationals.

One of the main tasks of the group, which results from Government Resolution No. 259 of 17 March 2008 and was assigned to the Ministry of Education, Youth and Sports, is to organise meetings and discussions of teachers, to improve their orientation regarding the issue of foreign national pupils, and to exchange experience and examples of good practice.

Topics for individual meetings are divided according to the areas of education, for example pre-school education in relation to foreign nationals.

Equal Opportunities for Education of Foreign Nationals at Basic and Secondary Schools in the Czech Republic⁵²

From December 2006 until February 2007 the Czech School Inspectorate carried out inspections at basic, secondary and tertiary professional schools (post-secondary vocational schools) as a follow up to inspections implemented in the academic year 2005/2006. This activity aimed at Equal Opportunities in Education of Foreign Nationals in the Czech Republic. In 2007/2008 the Czech School Inspectorate evaluated whether the objectives of equal opportunities in education were met and whether the atmosphere at schools and school facilities was improved and if measures aimed at removing barriers in education for all children, pupils and students at schools and school had been adopted.

⁵¹ As regards education, foreigners have in the Czech Republic access to basic, secondary, and post-secondary vocational education, including institutional and protective education, under the same conditions as nationals of the Czech Republic.

⁵² Source: Thematic Report of the Czech School Inspectorate

Within institutional evaluation of schools, inspections concentrated also on how to ensure that all have equal opportunities with regard to education, how to enable the development of their education potential in the environment of a safe school, and how to support individual educational needs. In the framework of the education process foreigners are included in all levels of education.

The proportion of foreign nationals in inspected schools in the academic year 2007/2008 was as follows: nursery schools - 1.0 %, basic schools - 1.2 %, and secondary schools - 1.1 %.

If we analyse the share of foreign pupils in inspected schools in individual regions in the given school years, the highest proportion of foreigners was reported in Prague - (4.86%)⁵³, followed by the Karlovy Vary Region (3.15 %), the Usti Region (1.63 %), the Liberec Region (1.46 %), the Pilsen Region (1.45 %), and the Central Bohemian Region (1.23 %). In other regions their proportion did not exceed 1 %.

Number of foreign nationals at kindergartens and basic schools

Kindergartens				Basic schools			
Nationality	Total foreigners	of them girls	Nationality	Total foreigners	of them girls		
Total	3,535	1,700	Total	13,583	6,477		
of whom the majority from			of whom the majority from				
Vietnam	1,102	514	Vietnam	3,270	1,499		
Ukraine		377	Ukraine	3,022	1,486		
Slovakia		278	Slovakia	2,729	1,337		
Russia	third	90	Russia	1,029	496		
Mongolia	EU countries: 24.9 %	40	Mongolia	445	221		
represented 76 countries			represented 105 countries				
third countries: 75.1 %			third countries: 72.8 %				
EU countries: 24.9 %			EU countries: 27.2 %				

Facilities for Unaccompanied Foreign Children

As of 1 November 2003 the Ministry of Education, Youth and Sports set up a facility for unaccompanied foreign children. It is an organisation receiving contributions from the state budget. The facility provides care to children who are not Czech nationals and who satisfy conditions stipulated in Sec. 2 (2) and (3) of Act No. 359/1999 Coll. on Social and Legal Protection of Children as amended by Act No. 381/2005 Coll. The purpose of the Facility is to take care of minors, usually from 13 to 18 years of age, or of adults up to 19 years of age (hereinafter referred to as a 'child') upon the decision of the court on institutional or protective education or on a preliminary measure for foster care in the interest of healthy development and due education.

This facility is designated for the whole Czech Republic and is not subordinate to other diagnostic institutes.⁵⁴

In 2008 clients of the facility shifted from unaccompanied foreign children to children residing in the Czech Republic with their statutory representatives and usually their residence status had been already solved. They are children whose parents violated the law, are in custody, or were imprisoned. In the past year there were also foreign children who themselves committed criminal offences, were truants, members of street gangs or were in active contact with narcotic substances. Usually there were problems with the family education of the children and therefore the court decided on placing the children concerned in the above facility.

⁵³ As regards **foreign national pupils** (84.5 % of the total number of foreign pupils), in Prague they were reported predominantly in **Prague 4** (11.8 % of the total number of foreign pupils), followed by **Prague 11** (8.3 %), and **Prague 12** (6.2 %).

⁵⁴ Territorial competence is given by Sec.15 of Decree No. 334/2003Coll. as amended by Decree No. 339/2005 Coll.

In the year reviewed there were two educational groups in the Facility for students who were preparing for their future profession. The groups consist of secondary and university/college students up to 26 years of age.⁵⁵

In 2008 in total 100 children were accepted at the facility. Of these 100 children, 73 were boys and 27 were girls. There were 27 children under 15 years and 73 children over 15 years.

Overview of children accepted in 2008 according to the records of the facility for foreign children

Total children accepted	100 children	According to the country of origin:	
		Nationality	Number
of whom children repeated more times due to escapes	21	Afghanistan	1
		Belarus	1
Boys	73	China	5
Girls	27	Congo	1
		Macedonia	2
Under 15 years	27	Mongolia	1
Over 15 years	73	Nigeria	1
		Republic of Gabon	1
International protection seekers	40	Romania	1
Recognised refugees	1	Russia	1
		Slovakia	24
		Turkey	31
		Ukraine	10
		USA	1
		United Kingdom	1
		Vietnam	14
		Not indicated	4

Most children were placed in the facility after being found unaccompanied on the street (52 children) or were transferred from the Refugee Facility Administration of the Ministry of the Interior of the Czech Republic, namely from a detention facility for foreign nationals in Bela Jezova - 5 children; from the reception centre in Vysni Lhoty - 27 children; from the reception centre at Prague-Ruzyně - 5 children; from the residence centre Straz pod Ralskem - 1 child; or from the residence centre Zastavka u Brna - 4 children. A further two children were accepted for diagnostic purposes from an orphanage with a school and from a reform house, and four children, who were removed from their parents, were accepted for voluntary diagnostic stay. After a two-month diagnosis in the facility, 16 children were transferred to Permon Facility – an orphanage with a school and a reform house,⁵⁶ 23 children were released to the care of parents, ten children were transported to a different facility, one child, having become adult, was transferred to the residence centre Kostelec nad Orlicí, one child left the facility on becoming adult, and 41 children escaped from the facility.

⁵⁵ The possibility to stay in the facility beyond 18 years is in compliance with Sec. 9 of Act No. 109/2002 Coll., as amended. Adult young people stay in the facility on the basis of an agreement with the facility since they want to finish their studies.

⁵⁶ As of 31 December 2008 in total 36 children, of whom seven were on the run, permanently resided in Permon (orphanage with school and a reform house). All children with the exception of pre-school children and babies (in the course of 2008 two minor mothers gave birth to two babies) attended basic school or secondary school at our Facility. Children who were able to study in the Czech language attended Czech schools within the reach of the Facility, primarily near Pribram and Dobris.

V.4.2. Integration of Recognised Refugees

The National Integration Programme for recognised refugees and for persons enjoying subsidiary protection was in 2008 implemented in accordance with Government Resolution No. 543 of 14 May 2008 and in compliance with the Principles for Providing Subsidies from the State Budget to the Benefit of Municipalities, according to three priorities:

- Czech language instruction;
- provision of accommodation;
- assistance to compete in the labour market.

Czech Language Instruction

The Association of Citizens Dealing with Immigrants (SOZE) Brno has been providing instruction of the Czech language within the National Integration Programme since 2002 under an agreement entered into with the Ministry of Education, Youth and Sports.

In the course of the year reviewed there were both group courses and one-to-one courses. Some courses which started in 2007 were taught according to the 'old concept.' Currently the number of lessons is provided in accordance with the 'new concept'. Under this new system one-to-one courses have 400 lessons, while group courses have 600 lessons.

In 2008, in total 10,045.5 lessons were taught, of which 6,066 lessons were in group courses and 3,979.5 lessons in one-to-one courses. If compared to 2007, the number of taught lessons increased, caused mainly by the transfer to new forms of instruction and more intensive instruction.

In total 150 recognised refugees and persons enjoying subsidiary protection attended courses in the Czech language. The whole course was completed by 48 recognised refugees. Of this number, 15 persons took a final examination (B1 according to the Common European Framework of Reference for Languages), whilst two persons took the examination without previously attending the course. The rest of recognised refugees participated in the courses or were just about to complete courses or were included in new courses. During 2008, 45 persons were re-examined (of whom 39 persons passed the exam).

In 2008 the amount of CZK 5,445,435 was provided for Czech language instruction for recognised refugees and persons enjoying subsidiary protection.

Provision of Accommodation

In 2008 municipalities were subsidised by the amount of CZK 8,836,342 to provide accommodation for 119 recognised refugees in 47 flats designated for recognised refugees (so-called integration flats) - variant No. I – II).⁵⁷ A further 34 recognised refugees were provided accommodation in 15 flats (so-called integration flats) which were released by previous tenants (also recognised refugees).

⁵⁷ Variant No. I – a flat in the ownership of municipality, funds are earmarked for the development of an infrastructure in the given municipality. Variant No. II - a flat in the ownership of a natural person or a legal entity funds are earmarked for the net rent of a tenant – recognised refugee or a part thereof and also for the development of an infrastructure in the municipality where the flat is in question.

Share of individual variants of accommodation and the total amount of subsidies between 2004 and 2008

Year	IB	var. I.	var. II	var. III	Persons	Amounts in CZK
2004	38	36	2	0	113	14,816,250,-
2005	40	33	7	0	102	13,482,407,-
2006	55	36	16	4	131	15,699,781,-
2007	50	22	21	6	147	11,922,244,-
2008	47	14	33	cancelled	119	8,836,342,-

In order to provide accommodation to recognised refugees the Ministry of the Interior cooperated with regions and NGOs.

In its Resolution the Government recommended to Heads of Regions to provide accommodation to recognised refugees according to percentage quotas for individual regions. The Hradec Kralove Region, the Usti Region, the Liberec Region, the South Moravian Region and Prague met or exceeded their quotas. As in the previous year, the Karlovy Vary Region and the Vysocina Region did not meet their quotas.

The Government agreed, in the year reviewed, to release resources amounting to CZK 500,000 to give to NGOs so that they can provide accommodation and employment for recognised refugees. However, only two non-governmental organisations satisfied in the course of 2008 the stipulated conditions and received a subsidy of CZK 220,000.

Assistance in Competing in the Labour Market

Job applicants who are recognised refugees were in 2008 included, on an ongoing basis, in re-qualifying programmes. If compared with the same period of the previous year, the number of recognised refugees in re-qualifying programmes increased. There were no substantial changes in such programmes; programmes aimed at work using personal computers prevailed.

Further, the offer of an individual action plan was provided on an ongoing basis. The aim of this instrument is in particular active cooperation with recognised refugees with a relevant labour office when seeking a job, which should enhance his/her chances in the labour market.

The Ministry of Labour and Social Affairs is a responsible party for meeting tasks in this area.

V.4.3. Relocation of Compatriots

The governmental Programme for the Relocation of Compatriots was completed in 2008. In the course of 2008 the Ministry of the Interior tackled some problems which relocated patriots met with.

The main problem solved in 2008 was the issue of pensions which are paid to compatriots in the Czech Republic and the amounts of which are absolutely insufficient. The Ministry of the Interior conducted intensive negotiations in this regard with the Ministry of Labour and Social Affairs as well as with the Czech Social Security Administration.

In 2008 mainly compatriots from Romania, Ukraine, Moldova and some other countries were relocated. Relocated compatriots were, after they had met all legal conditions and in compliance with the Act on the Residence of Foreign Nationals, granted permanent residence in the Czech Republic.

V.5. CZECH NATIONALITY (CITIZENSHIP)

The rules for granting, losing and confirming Czech nationality are laid down in Act No. 40/1993 Coll. on Acquiring and Removing Nationality of the Czech Republic, as amended. Special regulations are included in Act No. 193/1999 Coll. on Citizenship of Some Former Citizens of Czechoslovakia, as amended by Act No. 320/2002 Coll., and Act No. 46/2006 Coll. which enabled former Czech or Czechoslovak citizens who were deprived of their Czech or Czechoslovak citizenship during the totalitarian regime to acquire nationality of the Czech Republic by means of declaration.

The Ministry of the Interior in compliance with Government Resolutions No. 881 of 13 July 2005 and No. 113 of 5 February 2007 drew up on 21 December 2007 and submitted to the Government the initial draft of the Constitutional Act on Czech Nationality and the initial draft of the Act on Czech Nationality.

The Draft Act on Czech Nationality was drawn up in compliance with its last year's initial draft and in accordance with the aforementioned Government Resolution, and will be submitted to the Government in 2010.

Granting Czech nationality

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Number of foreigners who acquired Czech nationality	1,031	1,059	1,121	1,150	1,267	1,495	1,177	1,355	1,027	1,087

Note: The data in the table does not include nationals of Slovakia

In 2008, nationality of the Czech Republic was granted to **1,087** foreign nationals (the figure does not include Slovak citizens). Of these, Czech citizenship was granted to 85 persons who had previously been granted asylum in the Czech Republic.

Among those foreign nationals who acquired Czech citizenship in 2008, the largest nationality was that of Ukraine - 388 (in 2007 - 418). Ukrainian citizens were followed by citizens of Kazakhstan - 116 (in 2007 - 18), Romania - 82 (in 2007 - 34), Russia - 73 (in 2007 - 98), Poland - 53 (in 2007 - 50), Vietnam - 41 (in 2007 - 40), Serbia - 23 (in 2007 - 26), and Moldova - 21 (in 2007 - 33).

In 2008 the Ministry of the Interior turned down 633 applications for Czech nationality, i.e. 56 more than in 2007. 320 applicants lodged an appeal against a negative decision, and of these the Minister of the Interior accepted the application of 113 applicants. Further the Ministry of the Interior issued in the year reviewed 489 promises that Czech nationality would be granted, which means that the Ministry of the Interior suspended the process and required from applicants concerned documents proving that they had lost their previous nationality.

In 2008 altogether 103 Slovak citizens were granted Czech nationality. 227 Slovak citizens acquired Czech nationality by declaring it under Sec. 18a of Act No. 40/1993 Coll., 47 Slovak nationals acquired Czech nationality by declaring it under Sec. 18b of the same Act, and 144 Slovak nationals acquired Czech nationality by declaring it under Sec. 18c of the same Act. Thus in 2008 in total 521 Slovak citizens acquired Czech nationality (either by being granted nationality or by declaring it).

VI. Illegal Migration in the Czech Republic

VI.1. ILLEGAL MIGRATION IN THE CZECH REPUBLIC

After the Czech Republic joined the Schengen area, conditions for illegal migrants as well as for criminal offenders involved in crimes relating to illegal migration have changed. Nowadays, the priority of migrants is to reach a 'new state' in the Schengen area from where they can, more or less without any problems, continue travelling to other destination countries. The Czech Republic is not, as a matter of fact, a real destination country for a number of migrants, but with regard to the free movement within Europe it has become a sort of destination country.

In the past people who wanted to reside in the Czech Republic used smugglers to enter into the country outside a regular border crossing point across the 'green border', paying the smugglers directly. These were organised groups consisting of tens of members who provided migrants all necessary 'services' (documents, visas, accommodation, transportation and so forth). From the beginning of 2008 it has been obvious that the structure of such groups diminished as migrants needed neither accommodation nor transport.

After the Czech Republic joined the Schengen area migrants can now continue their journey to other EU Member States without problems. They migrate to such states individually after receiving contact with a person residing in the destination country. Currently there is a trend whereby a third country national arrives in the Czech Republic by air, can legally stay in the Czech Republic on the basis of a short-term visa, and after this visa expires such a foreigner still continues to reside in the Czech Republic. They will contact groups involved in smuggling and legalising residence and for pecuniary consideration these criminal groups either arrange residence permits or transport them to other European countries.

The Asian community is to a large extent involved in illegal migration in the Czech Republic. The manner of illegal migration of, in particular, Vietnamese nationals has not changed.

Applicants for entry visas to the Czech Republic often provide false information to get a particular type of visa (invitation to the Czech Republic by a third person, funds required for residence in the Czech Republic, account statements, documents proving that a foreign national has accommodation in the Czech Republic for the period of his/her stay, medical reports, or various travel and medical insurance).

Despite certain measures adopted at the end of 2008 in relation to visas granted to nationals of Vietnam, abuse of the Czech Republic's visa policy has remained a big problem.

Another influential group of foreigners involved in the Czech Republic in illegal migration is found within the Arab community, which uses to smuggle migrants forged travel documents of different EU Member States. In some cases criminal activities of these groups were detected in asylum and residence facilities for third country nationals who are provided forged travel documents and thus conditions for their transport to destination countries (Sweden, Belgium, France, and Italy) are facilitated.

To get a visa for citizens of 'risk' countries (Iraq or Syria) in a regular manner is quite difficult, and therefore criminal organisations concentrate mainly on acquiring false visas or changing the identity migrants. More thorough checks and records taken at the external Schengen border, including checks of fingerprints for third country nationals, could substantially restrict illegal entry on the basis of irregular travel documents.

In the year reviewed main migration routes more or less copied routes used in previous years, although currently illegal migrants strive to cross the external Schengen border at international airports (air routes from Russia, Turkey, Greece, Cyprus and so forth).

In the context of the Czech Republic's joining the Schengen area it was necessary to radically change the concept of definitions of illegal migration in the Czech Republic. As a consequence, it is not possible to compare statistical data on illegal migration in 2008 with that of previous years.⁵⁸

Since 2008 two basic categories of illegal migration in the Czech Republic have been monitored:

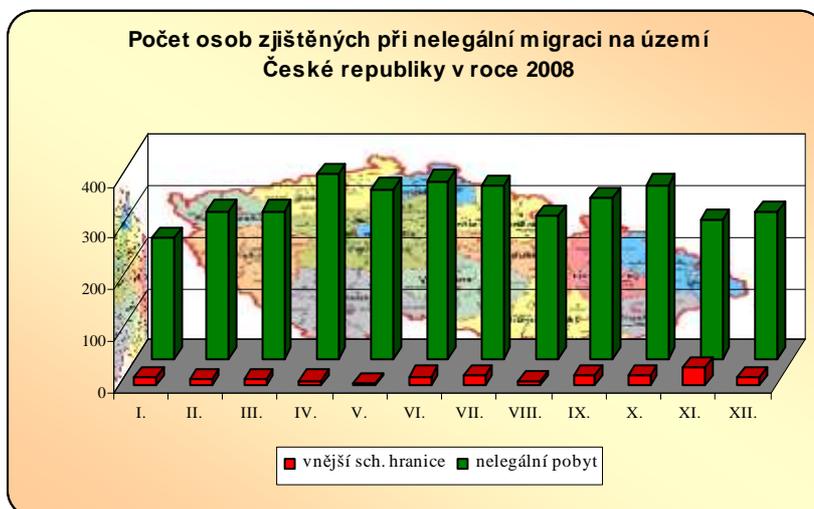
3. **Illegal crossing of the external Schengen border of the Czech Republic** – this category monitors persons who illegally crossed or attempted to illegally cross the external Schengen border (airports) of the Czech Republic (this category includes both foreign and Czech nationals).
4. **Illegal residence** – this category is divided into two subcategories which differ according to the reason for illegal residence in the Czech Republic (this category records only foreign nationals):
 - **Illegal residence – inland** (for example illegal employment) – this category includes foreign nationals detected in the Czech Republic, including transit zones of airports.
 - **Illegal residence – the internal Schengen border** (cases of illegal residence which directly relate to crossings of the internal Schengen border).

VI.1.1. Illegal Migration in the Czech Republic – Overall Situation

Fig: The number of persons detected as illegal migrants in the Czech Republic in 2008

Red: external border
Green: illegal residence

In 2008 the trend regarding illegal migration in the Czech Republic can be described, as in previous years, by a decrease in the numbers of persons detected as illegal migrants. One of the reasons for such a decrease is the accession of the Czech Republic, Poland and Slovakia to the Schengen area and total removal of controls at the national land border (today's internal Schengen border). This means that the Czech police lost a very important source of information concerning



⁵⁸ Statistical data and information included in the part describing illegal migration is based on findings and cases reported by basic units of the Czech police according to relevant regulations issued by the Ministry of the Interior and the Czech police. Migration statistics are, when compared with reality, lower with respect to the number of persons who illegally crossed the national border of the Czech Republic without being detected by the Czech police or by any other forces or authorities of neighbouring countries and with respect to the number of foreigners residing in the Czech Republic illegally without being detected. It is difficult to estimate the numbers of such persons.

movement and identification of persons. As a consequence, it is more complicated to detect illegal migration. Currently illegal migrants are detected at the external Schengen border, at international airports. Therefore it is impossible to compare the data concerning illegal migration across the national border or the external Schengen border of the Czech Republic.

Neither can the area of illegal migration – illegal residence – be unambiguously compared with that in 2007. Currently persons who entered the Czech Republic from a neighbouring country without all necessary requisites for their residence in the Czech Republic and who are detected by Czech police authorities are included in this category, however in the previous year these migrants were included in the category of illegal migration across the Czech national border – illegal entry. As a result illegal residence cannot be strictly compared with the previous year.

The following table is just an *illustration* of the decline reported in the area of illegal migration:

Illegal migration in the Czech Republic from 1999

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Illegal migration (total number of persons detected)	44,295	55,075	42,143	34,314	34,556	27,391	15,489	11,488	8,096	3,829
Illegal migration across the external Schengen border	32,325	32,720	23,834	14,741	13,206	10,695	5,689	4,371	3,384	168
Illegal residence	*11,970	22,355	18,309	19,573	21,350	16,696	9,800	7,117	4,712	3,661

Key: * June to December

As was stated in the introduction to this chapter, according to the national methodology statistical data on illegal migration across the **external Schengen border** of the Czech Republic includes persons who were detected when illegally crossing the border or demonstrably attempting to do so. This category is divided into subcategories: illegal entry, illegal residence with the aim of crossing the external Schengen border, legal residence with the aim of crossing the external Schengen border, residence where the mode of entry was not detected and the aim was to cross the external Schengen border, and persons apprehended by other authorities. Persons violating rules of residence detected in inland are recorded in the **category of illegal residence**. This category also includes persons who were uncovered as migrants entering the Czech Republic from a neighbouring country without meeting the requirements for residence in the Czech Republic (the internal Schengen border).

According to reports by Alien Police Service units (or other bodies of the Czech police), in 2008 in total **3,829 persons were detected as being illegal migrants in the Czech Republic**. Of this number **168 persons** (i.e. 4.4 %) were detected when they attempted to illegally cross the external Schengen border of the Czech Republic and **3,661 persons** (i.e. 95.6 %) were detected residing illegally in the Czech Republic.

Illegal migration in the Czech Republic - trends in individual categories in 2008

2008	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total
Illegal migration (numbers of persons detected)	248	298	297	366	333	361	354	284	330	354	304	300	3,829
Illegal migration across the external Schengen border of the Czech Republic	13	11	10	8	3	16	18	6	17	17	34	15	168
Illegal residence	235	287	287	358	330	345	336	278	313	337	270	285	3,661

Of the total number of 3,661 persons included in the category of illegal residence 3,267 persons (i.e. 85.3 %) were detected as illegally residing in the territory of the Czech Republic and 394 persons (i.e. 10.3 %) were detected at the internal Schengen border.

Statistical data on illegal migration across the external Schengen border shows that most persons were apprehended when they attempted to illegally enter the Czech Republic (130 persons, i.e. 77.4 % of the total number of 168 persons detected as illegal migrants at the external Schengen border).

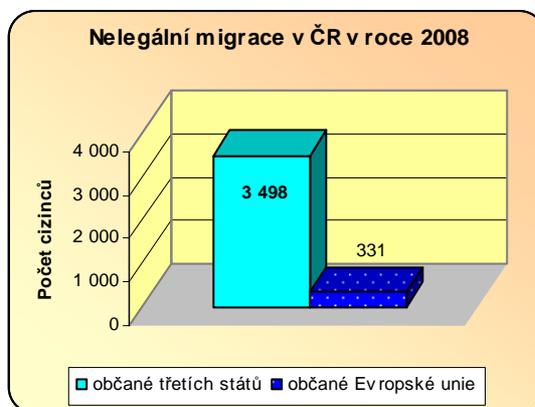
Due to the fact that the external Schengen border is only an air border, persons detected as illegal migrants across the external Schengen border are reported only by the Directorate of the Alien Police Service, which includes five Inspectorates of the Alien Police at international airports.

Most persons violating residence rules were detected by the TD APS of Prague (1,382 persons, i.e. 37.7 % of the total number of persons detected illegally residing in the Czech Republic), followed by the TD APS of Ostrava (456 persons, i.e. 12.5 %) and Brno (454 persons, i.e. 12.4 %). At international airports 431 persons (i.e. 11.8 %) illegally residing in the Czech Republic were detected when they were trying to leave the country.

Fig. Illegal migration in the Czech Republic in 2008
Light blue: third-country nationals Dark blue: EU nationals

Third country nationals' share in the total number of persons who were during the year reviewed detected as illegal migrants was 91.4 %. The proportion of EU citizens, including nationals of Norway, Iceland, Lichtenstein and Switzerland, who under the Act on the Residence of Foreign Nationals have the same status, was 8.6 %.

With respect to nationalities, as in previous years, nationals of **Ukraine** (1,557 persons, i.e. 0.7 %), followed by nationals of **Vietnam** (persons, i.e. 8.4 %), and citizens of **Mongolia** (269 persons, i.e. 7.0 %) were the largest groups among illegal migrants.



As the data of 2007 and 2008 regarding illegal migration cannot be strictly compared the below table is only to *illustrate* changes in shares of individual nationalities involved in illegal migration. Although nationals of Ukraine were, and still are, the most numerous group of foreign nationals registered as illegal migrants by basic units of the APS of the Czech police, they displayed the largest decline (-1,683 persons). In addition to Ukrainians, the largest drop was reported from among nationals of Vietnam (-442 persons), followed by citizens of China (-232 persons) and Moldova (-173 persons). On the other hand nationals of Armenia (+68 persons) displayed the largest increase.

A decline was also reported among citizens of neighbouring countries (Germany, Poland and Austria), who were often apprehended as 'illegal tourists,' meaning that they crossed the national border outside determined points and without necessary documents.

Illegal migration in the Czech Republic - comparison of nationalities - TOP 10, 2007/2008

Situation of the year	As of 31 Dec 2007	i.e.%	As of 31 Dec 2008	i.e.%	Change in comparison with the previous period	
					%	absolute figures
Total persons - illegal migrants	8,096	100.0	3,829	100.0	-52.7	-4,267
of whom the majority were from: *						
Ukraine	3,240	40.0	1,557	40.7	-51.9	-1,683
Vietnam	763	9.4	321	8.4	-57.9	-442
Mongolia	242	3.0	269	7.0	11.2	27
Slovakia	180	2.2	232	6.1	28.9	52
Russia	215	2.7	194	5.1	-9.8	-21
Moldova	300	3.76	127	3.3	-57.7	-173
Armenia	30	0.4	98	2.6	226.7	68
Georgia	102	1.3	97	2.5	-4.9	-5
Belarus	164	2.0	83	2.2	-49.4	-81
China	314	3.9	82	2.1	-73.9	-232

Key * sequence according to the highest number of foreign nationals with residence until 31 December 2008

Individual categories of illegal migration differ according to distribution of nationalities. As regards the category of illegal migration across the external Schengen border of the Czech Republic, nationals of **Moldova** (30 persons, i.e. 17.9 % of the total number of 168 persons detected as illegal migrants across the external Schengen border) predominate. The category of illegal residence is traditionally dominated by nationals of **Ukraine** (1,547 persons, i.e. 42.3 %).

Illegal migration in the Czech Republic – 2008 – TOP 10 according to individual categories

Illegal migration in the Czech Republic from 1 January to 31 December 2008					
Illegal residence	Persons detected	i.e.%	Illegal migration across the external Schengen border of the Czech Republic	Persons detected	i.e.%
Total	3,661	100.0	Total	168	100.0
of them the top 10 nationalities			of them the top 10 nationalities		
Ukraine	1,547	42.3	Moldova	30	17.9
Vietnam	316	8.6	Syria	28	16.7
Mongolia	269	7.3	Iraq	14	8.3
Slovakia	232	6.3	Not detected	11	6.5
Russia	190	5.2	Ukraine	10	6.0
Armenia	98	2.7	Nigeria	9	5.4
Moldova	97	2.6	Stateless persons	9	5.4
Georgia	94	2.6	Sri Lanka	7	4.2
Belarus	83	2.3	Vietnam	5	3.0
China	79	2.2	Turkey	5	3.0

Of the total number of 3,829 foreign nationals who were detected as illegal migrants in the Czech Republic, **2,714 were male foreigners** (which accounts approximately for 70.9 %), **1,054 were female foreigners** (which accounts approximately for 27.5 %), and **61 were children** (which accounts approximately for 1.6 %).⁵⁹

The Share of Authorities in Apprehending Illegal Migrants

In 2008 in total **3,472 persons** (i.e. 94.8 %) **were detected by Czech authorities** as being illegal residents. Of this number the Alien Police Service apprehended 2,675 persons (i.e. 77.0 % of the total number of persons apprehended by Czech authorities). **Bodies of neighbouring countries**

⁵⁹ Children up to 15 years of age are not recorded according to their gender.

apprehended **189 persons** (i.e. 5.2 %). Of them the largest numbers of illegal migrants were apprehended by German authorities (153 persons, i.e. 81.0 % of the total number of persons apprehended by neighbouring countries' authorities).

As regards **illegal migration across the external Schengen border**, it was units of the Alien Police Service that apprehended the largest numbers of illegal migrants (160 persons, i.e. 95.2 % of the total number of persons who attempted to illegally cross the external Schengen border).

VI.1.1.1. *Illegal Migration across the External Schengen Border of the Czech Republic*

From 1 January until 31 December 2008 basic units of the Alien Police Services reported **168 persons** who were detected as illegal migrants at the external Schengen border of the Czech Republic. The majority of persons were detected when they attempted to enter the Czech Republic (130 persons; i.e. 77.4 %), whilst 38 persons (i.e. 22.6 %) were detected when they attempted to depart from the Czech Republic.

Illegal migration across the external Schengen border of the Czech Republic – according to the DIRECTION

2008	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total
Total number of illegal migrants across the ESB of the Czech Rep.	13	11	10	8	3	16	18	6	17	17	34	15	168
of them from the Czech Rep.	4	4	2	8	1	1	4		1	1	4	8	38
to the Czech Rep.	9	7	8		2	15	14	6	16	16	30	7	130

Although the 2008 data concerning illegal migration across the external Schengen border cannot be strictly compared with the data from 2007, it may be said, with respect to numbers of persons who were apprehended in 2007 as illegal migrants at the air national border (446 persons), that the year 2008 saw a decline by 278 persons (i.e. -62.3 %). Information from abroad (Frontex agency) demonstrates that the air borders of EU Member States are used for illegal migration much less than sea borders.

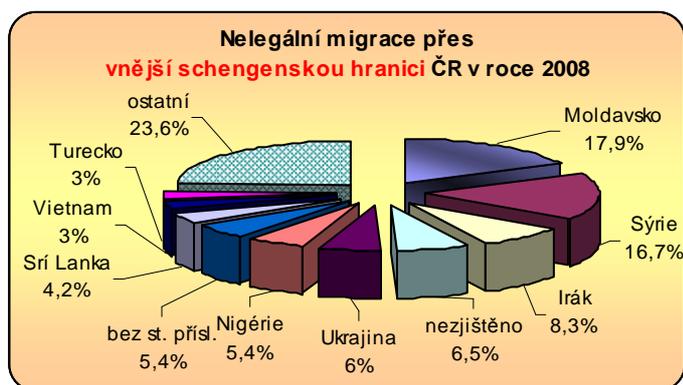
Illegal migration across the national border or across the external Schengen border of the Czech Republic - development

Year	2002	2003	2004	2005	2006	2007*	2008
Illegal migration across the national border or across the external Schengen border of the Czech Republic	14,741	13,206	10,695	5,689	4,371	3,384	168
of them at the air border	144	153	260	630	544	446	168
i.e.%	1.0	1.2	2.4	11.1	12.4	13.2	-

Note: *21 December 2007 – the Czech Republic's accession to the Schengen area (the external Schengen border = air border)

Apart from three persons detected by police officers of the Inspectorate of the Alien Police at the airport Brno-Turany airport all persons were reported by the IAP at the airport Prague-Ruzyně.

Fig. Illegal migration across the external Schengen border of the Czech Republic in 2008



also nationals of **Iraq** (14 persons, i.e. 8.3 %; 10 persons were apprehended when they attempted to enter the Czech Republic, i.e. 71.4 %).

No Czech national was detected illegally crossing the external Schengen border. Besides one EU citizen (a national of Bulgaria), all apprehended foreigners were from third countries.

The mode of entry into the Czech Republic was not detected in relation to less than a half of persons (40.0 %) who were apprehended when they attempting to leave the Czech Republic (38 persons). Of the total number of 168 persons, 127 persons (i.e. 75.6 %) proved their identity by means of an irregular travel document.⁶⁰

VI.1.1.2. *Illegal Migration in the Czech Republic – Illegal Residence*

In total **3,661 foreign nationals** were detected in the category of illegal migration – illegal residence (hereinafter referred to as ‘illegal residence’). Of this number 3,267 persons (i.e. 89.2 %) were detected as illegal residents within the territory of the Czech Republic, and 394 persons were detected in relation to illegal residence at the internal Schengen border

Illegal residence - subcategories

2008	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.	Total
Illegal residence (total number of persons)	235	287	287	358	330	345	336	278	313	337	270	285	3,661
of them													
within the Czech Republic	210	260	257	327	283	319	306	251	254	285	251	264	3,267
internal Schengen border	25	27	30	31	47	26	30	27	59	52	19	21	394

Although data concerning illegal residence cannot be fully compared with the same data from 2007 it may be stated that comparisons of the numbers of persons apprehended in 2007 as migrants violating residence rules (4,712 persons) show that the number of illegal migrants in this category dropped in 2008 by 1,051 persons (i.e. -22.3 %).

Not only units of APS but also other police units in cooperation with customs administration and labour offices were involved in detecting persons violating residence rules of the Czech Republic. These units usually transfer apprehended illegal migrants to APS units for further investigations (exceptions are for example cases where foreigners committed serious criminal offences for which they are prosecuted). Whilst Czech police units and other security forces detect violations of law by foreign nationals during their everyday activities, customs offices rank among

⁶⁰ For the purpose of this report irregular travel documents are understood as forged, altered or otherwise modified travel documents or documents belonging to other persons.

those units that carry out targeted checks on foreigners, mainly in the area of illegal employment of foreign nationals. Customs offices are entitled to carry out such checks on the basis of authorisation stipulated by the Act on Employment and the Act on State Control.⁶¹

In 2008 units of the APS detected 2,675 persons (i.e. 73.1 %) illegally residing in the Czech Republic. Such persons were found either during regular control activities or during targeted residence controls (1,338 persons, i.e. 50.0 %).

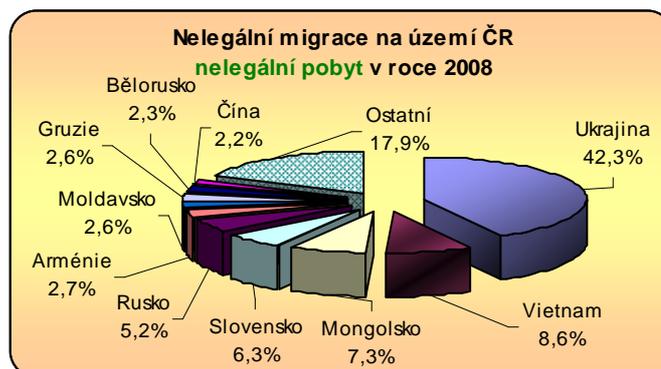
Some foreigners after having discovered that they were residing in the Czech Republic illegally approached the inland offices of the APS on their own initiative (905 persons, i.e. 24.7 % of the total number of persons detected as illegal residents). Some approached an asylum reception centre where they expressed a desire to apply for international protection.⁶²

After the Czech Republic's accession to the Schengen area a new form of illegal migration was seen at air borders (namely at Prague-Ruzyne airport). It was found that the Schengen visas of some foreign nationals who were transiting across our republic and arriving in the Czech Republic on an internal Schengen flight had expired (264 persons, i.e. 61.1 % of the total number of 432 persons who wanted to illegally depart across the external Schengen border).

As regards persons residing in the Czech Republic illegally and whose mode of entry to the Czech Republic was detected (2,720 persons, i.e. 74.3 % of the total number of 3,661 persons detected as violating residence rules) **it was discovered that they entered the country, in the vast majority of cases, legally** (1,931 persons, i.e. 70.9 % of 2,720 persons whose mode of entry was detected).

In 2008 most foreigners staying in the country illegally were traditionally registered in the territory administered by the TD APS of Prague (1,382 persons; i.e. 37.7 % of the total number of 3,661 discovered persons).

Fig: Illegal migration in the Czech Republic – illegal residence in 2008



As in previous years, in terms of nationalities, the prevailing group in the category of foreign nationals unlawfully residing in the Czech Republic was typically that of **Ukrainian nationals** (1,547 persons, i.e. 42.3 % of the total number). Ukrainians were followed, at a very far distance, by citizens of **Vietnam** (316 persons, i.e. 8.6 %), **Mongolia** (269 persons, i.e. 7.3 %), **Slovakia** (232 persons, i.e. 6.3 %), and **Russia** (190 persons, i.e. 5.2 %).

VI.1.2. Foreign Nationals Detected as Illegal Migrants More Than Once

In 2008 in total **458 persons** (i.e. 12.0 % of the total number of 3,829 persons uncovered as illegal migrants) were ascertained more than once to be staying in the Czech Republic unlawfully. Persons in the database 'Illegal Entry and Residence' are checked in the current as well as in the previous year. On the account of changes in reporting individual categories of illegal migration (change of definitions), it cannot be precisely determined who was repeatedly detected when

⁶¹ Act No. 552/1992 Coll. on the State Control, as amended

⁶² Foreigners who were issued a decision on administrative expulsion leading to deportation try to legalise their residence in the Czech Republic by applying for asylum (international protection) until a final decision on asylum is taken. The said administrative expulsion is enforceable after the asylum proceedings have been closed, in the case that a negative decision is issued.

attempting to illegally cross the external Schengen border or as an illegal resident. Therefore, in 2008 only the number of persons detected more than once can be recorded in the area of total illegal migration.

Illegal migration in the Czech Republic - persons detected more than once

Period	1 January - 31 December 2008						
Total number of persons detected as illegal migrants	of them more than once						
	Total number of repeat illegal migrants	i.e.%	of this number				
			once	twice	three times	four times	five times
3,829	458	12.0	394	47	13	3	1

Note: persons are checked in the current as well as in the previous year

According to nationalities, these were again **Ukrainian nationals** who headed this category (184 persons, i.e. 40.2 % of the total number of 458 persons detected as illegal migrants more than once) followed by nationals of **Slovakia** (57 persons, i.e. 12.4 %), **Mongolia** (54 persons, i.e. 11.8 %) and **Vietnam** (50 persons, i.e. 10.9 %).

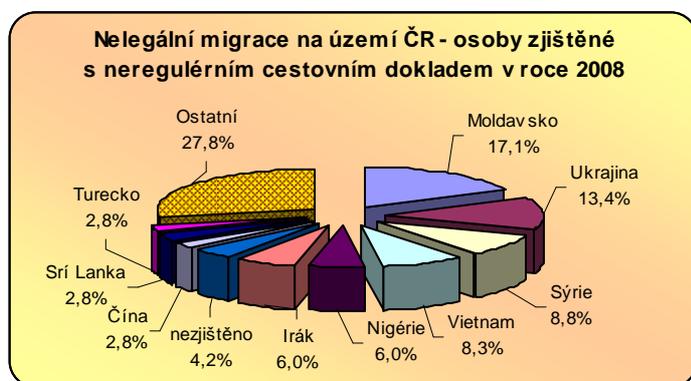
VI.1.3. Use of Irregular Travel Documents for Illegal Migration in the Czech Republic

Overall Situation Description

Use of another person's, falsified and forged travel documents is among security risks and threats. Currently the use of irregular travel documents relates primarily to economic migration but these can be used also by persons with links to international organised criminal structures or terrorism and thus they can hide their identity.

In 2008 in total **216 persons** who tried to use **irregular travel documents** (forged, falsified or another person's travel document – i.e. unlawfully using a document without any alterations) when illegally migrating across the territory of the Czech Republic were detected. Such persons' share in the total number of persons detected as illegal migrants was 5.6 %.

In the context of illegal migration across the external Schengen border 127 persons of the aforementioned number using irregular travel documents were reported. (In total 168 persons were detected as illegal migrants across the external Schengen border, which means that 75.6 % of this number proved their identity by an irregular travel document). A further 89 persons (i.e. 2.4 % of the total number of 3,661 persons detected when violating residence rules) proved their identity with an irregular travel document.



followed by nationals of **Ukraine** (29 persons), **Syria** (19 persons), **Vietnam** (18 persons), **Nigeria**, and **Iraq** (13 persons from each).

Fig: Illegal migration in the Czech Republic – persons detected when using an irregular travel document in 2008

Unlike previous years, the largest group among persons who were reported with an irregular travel document was made up of citizens of **Moldova** (37 persons)

followed by nationals of **Ukraine** (29 persons), **Syria** (19 persons), **Vietnam** (18 persons), **Nigeria**, and **Iraq** (13 persons from each).

In addition to irregular passports or irregular ID cards detected during the checks, sometimes more than one passport was seized from one person, therefore the number of confiscated irregular

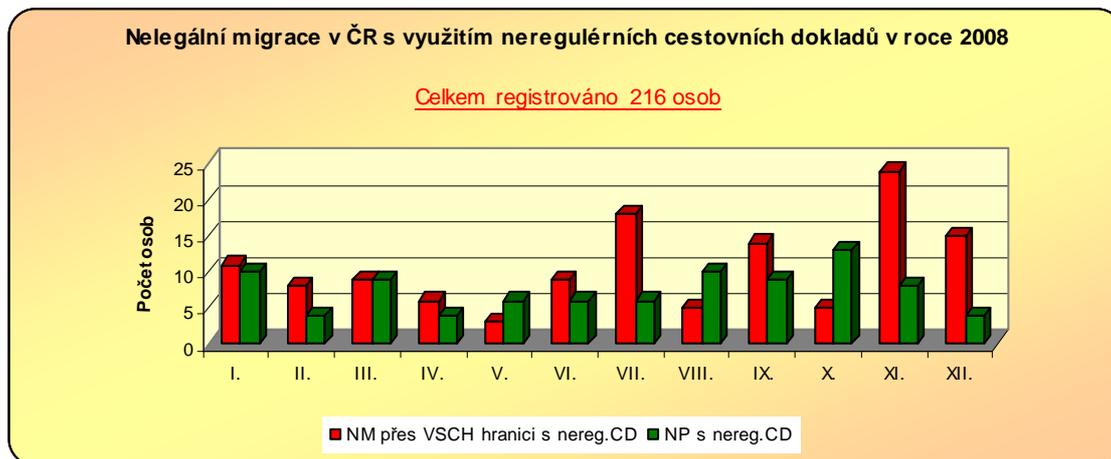
documents is higher than the number of apprehended persons. Some persons were in possession of other forged or falsified documents (for example driver's licences or residence permits); those however are not subject of this Report.

In the year reviewed altogether **224 travel documents** were seized, of which 133 were seized in relation to illegal migration across the external Schengen border (i.e. 59.4 %) and 91 documents were found on persons residing illegally in the Czech Republic (i.e. 40.6 %). Of the stated number of documents there were 183 passports (i.e. 81.7 %) and 41 were ID cards (i.e. 18.3 %).

Of the total number of travel documents detected as being unlawfully used by illegal migrants in the Czech Republic, 133 (i.e. 59.4 %) were travel documents for EU Member States (including travel documents for the Czech Republic).

During the year reviewed, most often **travel documents for Romania** (32 documents, i.e. 14.3 % of the total number of 224 documents) were used, followed by travel documents for **Lithuania** (21 documents, i.e. 9.4 %) and **Bulgaria** (20 documents, i.e. 8.9 %). In abusing travel documents, passports (183 passports, i.e. 81.7 %) were preferred to ID cards.

Fig: Illegal migration in the Czech Republic by means of irregular travel documents in 2008
In total 216 persons were registered



Irregular Travel Documents Used for Illegal Migration across the External Schengen Border

In 2008 in total **127 persons** were reported as illegal migrants who used, when trying to cross the external Schengen border (the air border), irregular travel documents (75.6 % of the total number of 168 persons detected as illegal migrants at the external Schengen border).

Although it is almost impossible to compare the data concerning illegal migration across the external Schengen border through the use of irregular travel documents with that of 2007, it may be said that comparisons of numbers of persons who were apprehended in 2007 as illegal migrants at air national borders when using irregular travel documents (279 persons) in the year 2008 saw a decline by 152 persons (i.e. -54.5 %).

Illegal migration across the national border and across the external Schengen border of the Czech Republic
- persons using irregular travel documents

Year	2002	2003**	2004	2005	2006	2007*	2008
Illegal migration across the national border of the Czech Republic and across the external Schengen border	14,741	13,206	10,695	5,689	4,371	3,384	168
of them using irregular travel documents	485	580	712	782	689	626	127
i.e. %	3.3	4.4	6.7	13.7	15.8	18.5	75.6
of them at the air border	115	119	182	280	291	279	127
i.e. %	23.7	20.5	25.6	35.8	42.2	44.6	-

Note: * 21 December 2007 – the Czech Republic's accession to the Schengen area (the external Schengen border = the air border)
** until 2003 only passports were reported

Most persons attempting to use irregular travel documents were apprehended **in the direction going to the Czech Republic** (94 persons, i.e. 74.0 %). As regards **the direction from the Czech Republic** (33 persons), it was most often persons who illegally resided in the Czech Republic who were apprehended (26 persons, i.e. 78.8 % of the total numbers of persons apprehended when departing the Czech Republic).

In 2008 the largest group among persons who were reported with an irregular travel document was made up of citizens of **Moldova** (25 persons, i.e. 19.7 %), mostly when they attempted to illegally enter the Czech Republic (21 persons). Nationals of Moldova were followed by nationals of **Syria** (19 persons, i.e. 15.0 %), **Ukraine** and **Iraq** (10 persons from each of these two countries, i.e. 7.9 %), and **Nigeria** (8 persons, i.e. 6.3 %).

In 2008 altogether **133 irregular travels documents were registered** (some persons submitted more than one irregular travel documents). Of the total number of irregular travel documents, 112 were passports (i.e. 84.2 %) and 21 were ID cards (i.e. 15.8 %). Travel documents for EU Member States were used most frequently (82 documents, i.e. 61.7 %); and of these travel documents for **Romania** (21 documents), **Bulgaria** and **Lithuania** (11 documents for each of these two countries) prevailed; as regards third countries documents for **Syria** (13 documents were primarily used).

Irregular Travel Documents Used for Illegal Residence

In the year reviewed **89 foreign nationals** proved their identity using an irregular travel document when their illegal residence in the Czech Republic was detected.

In addition to irregular travel documents, foreign nationals also submitted other forged documents such as asylum seeker cards, documents certifying their accommodation, duty stamps, certificates proving their residence based on forged documents issued for the purpose of a wedding, falsified residence permits of the Czech Republic, forged documents proving their legal capacity to marry, invalid medical insurance, and some others. The issue of irregular travel documents shifted from travel documents to the field of public instruments, duty stamps and so forth, by which foreign nationals try to prove they have met requirements stipulated by law for acquiring, for example, long-term residence permits. Uncovering such forged documents requires employees of the police of the Czech Republic as well as other civil servants to possess knowledge about such documents.

Due to ambiguous definitions (accession to the Schengen area) the following table serves only to illustrate the development of illegal migration through the use of irregular travel documents (this item has been monitored since 2004). The development displays an obvious growth in the use of irregular travel documents in 2008 when compared with the two previous years (when compared with 2007 the increase accounts for 17 persons, i.e. +23.6 %). The percentage share in the total number of persons detected as illegal residents increased as well (from 1.5 % to 2.4 %).

Illegal residence using irregular travel documents – number of persons

Years	2004	2005	2006	2007	2008
Illegal residence	16,696	9,800	7,117	4,712	3,661
Of whom with irregular travel documents*	141	107	76	72	89
i.e.%	0.8	1.1	1.1	1.5	2.4

Note: * reported from 1 January 2004

Most persons with irregular travel documents detected when illegally residing in the Czech Republic were detected by the TD APS of Pilsen (30 persons, i.e. 33.7 %) and Usti nad Labem (25 persons, i.e. 28.1 %).

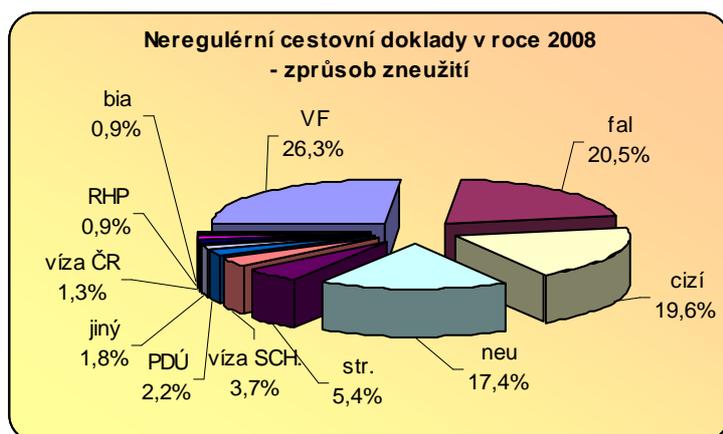
Nationals of **Ukraine** (19 persons, i.e. 21.3 %) followed by nationals of **Vietnam** (13 persons, i.e. 14.6 %), **Moldova** (12 persons, i.e. 13.5 %), **Mongolia** and **Nigeria** (5 persons from each of these two countries, i.e. 5.6 %) made up those persons who most frequently submitted irregular travel documents.

In 2008 in total **91 irregular travel documents** (some persons submitted more than one irregular document) were uncovered, among which there were irregular travel documents of both EU Member States (50 travel documents) and third countries (41 travel documents). As regards EU Member States, travel documents for **Romania** (11 documents), **Lithuania** (10 documents), and **Bulgaria** and **Slovakia** (9 documents for each of these two countries) were most frequently used. With regard to third countries, documents for **Vietnam** (12 documents) prevailed.

Analysis of Abused Travel Documents



As in previous years, also in 2008 travel documents which had a photograph replaced or a data page altered or even replaced were used (59 documents, i.e. 26.3 %). But in recent years totally false documents have been used more often (this means totally forged documents, 46 documents, i.e. 20.5 %), and the same applies to cases where persons use original documents, unchanged, belonging to other persons to prove their identity (44 documents, i.e. 19.6 %).



Key:

- fal** = false document
- bia** = TD stolen blank, and unlawfully completed
- VF** = replaced photograph or replaced whole data page
- PDU** = overwritten or new data included
- RHP** = forged or altered border crossing stamp
- str.** = falsified pages of passports
- víza ost.** = forged or altered visa of other countries
- více** = more alterations in the documents
- jiný** = other alteration
- neu** = manner of alteration is not stated
- cizí** = travel documents of other person without alterations
- víza CR** = forged or altered Czech visa

To reveal false and forged travel documents is more and more difficult since the quality of counterfeits and unauthorised alterations continues to improve and this means higher demands placed on police officers at basic units, and on their professional competencies, experience and skill at estimation.

Web pages of the DAPS of the Czech police - the Risk Analysis Unit are one source of information for police officers (in addition to the DATEX information system) not only in the area

of irregular documents. Photographs of irregular travel documents are published on these web pages.

VI.1.4. Facilitated Illegal Migration – ‘Smugglers’

As a consequence of the Czech Republic’s integration in the Schengen area in 2008, ‘facilitated unauthorised border crossing’ was reported in 2008 differently to how it was reported in previous years. In the year reviewed neither smuggled persons nor smugglers were directly apprehended as currently this type of criminal activity includes the facilitating of illegal residence in the Czech Republic (fictitious marriages, declaring paternity, procuring false documents required for residence and so forth).

Documentation Groups of the APS examined information on facilitating unauthorised residence, however, it was not always possible to prove criminal offences. In the year reviewed **Documentation Groups investigated 77 persons** who, one way or another, ‘assisted’ in illegal border crossings - i.e. they assisted foreign nationals to legalise their otherwise illegal residence (Section 171d of Act No. 140/1961 Coll.) or organised, and thus enabled, unauthorised crossing of the national border (Section 171a of Act No. 140/1961 Coll.). It is also necessary to emphasise that not all involved persons committed these criminal offences in 2008. Some of them carried out these illegal activities in previous years but the crimes were uncovered during 2008. 65 persons (i.e. 84.4 %) were subject to criminal prosecution.

A declaration of paternity (26 persons, i.e. 33.8 %) i.e. entering a foreign national as the father named in the birth certificate of a child, was the method used most frequently. Entering into fake marriages (24 persons, i.e. 31.2 %) and organisation and arrangement of journeys (transport, obtaining irregular documents) to other Schengen states (21 persons, i.e. 27.3 %) were other forms often used. Citizens of the Czech Republic were the most numerous among ‘smugglers’ (50 persons, i.e. 64.9 %), which corresponds to the forms of smuggling such as declared paternity and fake marriages.

In total **285 persons** were assisted with respect to illegal migration, and the dominant group consisted of nationals of **Vietnam** (127 persons, of whom 75 persons received forged documents to legalise their residence in the Czech Republic and 28 were assisted when they tried to illegally cross the national border). Vietnamese nationals were followed by citizens of **China** (42 persons of whom 35 persons declared paternity) and nationals of **Sri Lanka** (32 persons – all of them were assisted in illegal border crossing).

In the majority of cases Documentation Groups closely cooperated with the Unit for Combating Organised Crime of the Criminal Police and Investigation Service. Special teams are established to jointly solve the issue in question. As an example, the action ‘BORGIO,’ of 2 October 2008, can be mentioned. This action was held in cooperation with the Brno Unit for Combating Organised Crime, Brno Documentation Group and Hradec Kralove Documentation Group. Ten persons who organised illegal crossings across the national border were arrested.

I.2. INSPECTION ACTIVITIES AND SUPPRESSIVE MEASURES

VI.2.1. Inspection Activities of the Czech Police

1. Alien Police Service

More intensive inspections carried out both in inland and in border zones, focusing on whether foreign nationals respect residence rules, are one of the tools for combating illegal migration

Foreigners within the Czech Republic were detected during routine inspections, during targeted controls as well as by means of security actions. In the year reviewed such actions were

held in cooperation with other units of the Czech police and other state administration authorities. Such inspections are of both a repressive and preventive nature.

Police officers working for Special Activities Departments were engaged in control actions planned namely within their department, or were involved in actions implemented in cooperation with other police units and also with the Czech Trade Inspectorate, Customs Offices, Trade Licensing Offices, and Labour Offices. These were for example 'JARNÍ ÚKLID' (i.e. SPRING CLEANING), 'POBYT' (i.e. RESIDENCE), or 'CIZINEC' (i.e. FOREIGNER). Further, actions were implemented in the territory of the Czech Republic along with other EU Member States, in addition to actions being implemented that were important only for the Czech Republic. These were, for example, actions such as 'INBUS' (detecting drugs), 'MIKULÁŠ' (focused on criminal offences committed in the Prague market place known as Sapa), or measures adopted in connection with the threat of extremism and terrorism, for example 'TRANSPOLEXPRES' and 'HIO'. Furthermore, police officers took part, in the course of 2008, in cooperative actions aimed at traffic safety which were ordered by the Police President. During such actions police officers of the APS used special knowledge and skills.

In 2008 the APS carried out **175,000 residence controls** independently or in cooperation with other bodies. If this number is compared with that of 2007, the number of controls can be seen to have increased by 93,000 (+113.7 %). Thus the growth in records entered in the information system 'Kontrola' (+162,891 records, i.e. +111.8 %) corresponds to the increased number of controls. This considerable growth is one of the results of adaptation of the national border protection system to the changes related to the enlargement of the Schengen area.

Unit	Alien Police Service			
	1 Jan – 31 Dec		Change	
	2007	2008	As %	absolute figures
Total number of records in Kontrola inf. system (besides controls of HP and IAP when receiving applications)	145,724	308,615	111.8	162,891
The total number of residence controls	81,874	174,959	113.7	93,085
Of which residence controls carried out with other police units and other authorities	5,294	8,169	54.3	2,875
The number of controls in premises accommodating foreigners	25,434	42,321	66.4	16,887
The number of controls on businesses employing foreigners	24,908	27,319	9.7	2,411
The number of controls in other premises	27,672	86,861	213.9	59,189
The number of police actions	3,496	4,092	17.0	596
Of which the actions were carried out in cooperation with other police units and other authorities	1,764	2,745	55.6	981

Note: data is taken from the monthly statements of selected activities of the APS

Instruction of the Director of the APS No. 139/2008 on checks on foreign nationals aimed at whether the purpose of an issued residence permit is respected and on accommodation. The subject of this Instruction was to lay down the unified procedure of Inspectorates of Alien Police when checking foreign nationals. The instruction unified procedure in cases where any doubts about whether the purpose of residence is respected may arise.

2. Unit for Combating Organised Crime of the Criminal Police and Investigation Service

With regard to illegal work and other forms of exploitation, officers of the Unit for Combating Organised Crime examined findings and documented information on suspicion that the same criminal offences were committed in the same manner as in previous years. The Czech Republic is a destination country for persons from the former Soviet Union, Romania, Bulgaria, Vietnam, China, Mongolia, and other Asian countries. Under the pretext of having good work with high salary, people are lured to the Czech Republic through organised groups which arrange legal entry

to the Czech Republic. However, after they arrive their passports are taken and they are forced to carry out only second-rate work, mostly physically demanding, for a minimal wage. They often work more than 15 hours a day, seven days a week. Such people are forced to work and they are prevented from leaving their jobs since they have debts, they receive threats, or they or their families in their countries of origin are threatened with physical assaults.

Offenders are recruited from among foreigners of the same ethnic group who have resided in the Czech Republic for a long period of time and who cooperate with Czech citizens. With regard to the system established in the Czech Republic in the area of employment of foreign nationals, and options and conditions for legalising residence in the Czech Republic, forced labour has become an all-society problem. The system of intermediating work for foreign nationals, their employment and paying salaries through various agencies, represent an ideal environment for violations in paying salaries, mandatory taxes, and social and health insurance fees.

Labour exploitation of persons can be in some cases classified as the criminal offence of trafficking in human beings for the purpose of slavery, servitude, forced labour or other forms of exploitation (Section 232a of the Criminal Code).⁶³

Introduction of Green Cards and measures adopted towards the end of 2008 in relation to the global financial crisis (for example reviews and thorough inspections of job agencies) could improve the situation in this area. However, concerns that groups linked to organised crimes will profit from the mass redundancies of foreign labourers remain. Such groups will try to use such unemployed persons for illegal activities or will make money from their efforts to get to other countries.⁶⁴

VI.2.2 Inspections Carried out by the Ministry of Labour and Social Affairs and/or by Labour Offices

In 2008 inspection units of Labour Offices carried out 11,724 inspections, of which 1,933 were inspections of employers employing foreign workers. The highest number of inspections was initiated by Labour Offices (1,086), followed by the Customs Administration (319) and the Alien Police Service (357). The Customs Administration and the Alien Police Service were the authorities who most participated in inspections (the Customs Administration – 335 participations in inspections and the Alien Police Service – 568 participations in inspections). Further, other state administration authorities, although to a lesser extent, participated in such inspections (the Czech police – 42 times; and other bodies only rarely).

⁶³ Data gathered during the year 2008 shows that crimes of trafficking in human beings under the provisions of Sec. 232a of the Criminal Code were on the rise. In total 29 criminal offences of this kind were detected (in 2007 there were only 11 such crimes). Of the stated number, ten crimes related to forced labour and other forms of exploitation and 19 crimes were committed for the purpose of sexual exploitation.

The statistical data concerning victims of trafficking in human beings who were provided assistance within the Programme for Support and Protection of Victims of Trafficking in Human Beings shows that the number of victims of labour exploitation increased as well. In 2008 16 victims of trafficking for the purpose of forced labour were identified (in 2007 there were only three persons) along with eight persons who became victims of trafficking for the purpose of sexual exploitation (in 2007 there were in total 15 persons). – See Chapter X.4. PROJECTS OF THE MINISTRY OF THE INTERIOR OF THE CZECH REPUBLIC AIMED AT SPECIFIC CATEGORIES OF FOREIGN NATIONALS.

⁶⁴ A trend of gradual growth in trafficking in human beings for the purpose of labour exploitation is seen also in other EU Member States and it can be legitimately expected that this trend will continue also in 2009.

Evaluation of inspection activities in 2008

Total number of inspections	11,724
of which the number of inspections of employers employing foreign labourers	1,933
of which the number of inspections carried out in cooperation with Labour Offices and the APS	568
initiative of Labour Offices	1,086
initiative of the Alien Police Service	357
initiative of Trade Licensing Offices	13
initiative of Tax Offices	1
initiative of Labour Inspectorates	4
initiative of Customs Administration Offices	319
initiative of the Czech police	24
initiative of other bodies	127
Total number of checked persons	24,203
of whom illegally employed persons + employed persons not documented **	2,342 +4,173
Irregularities of Slovak nationals**	2,056

Note ** The employer did not respect the reporting obligation (Section 87)

During control actions carried out in 2008 in total 24,203 persons were checked, and of this number 6,515 illegalities were found; 2,342 persons were illegally employed whilst employers did not satisfy their reporting duty in 4,173 cases imposed under Section 87 of the Act on Employment. In total 1,002 fines, amounting to CZK 30,213,400, were imposed. Of this number employees had imposed up on them 168 fines totalling CZK 794,700, and employers had imposed upon them 834 fines amounting to CZK 29 418,700.

Ranking according to the numbers of illegally employed foreign workers (third country nationals + EU/EEA and Swiss nationals) – TOP 10

Year;sequence	2005		2006		2007		2008	
1.	Ukraine	1,452	Slovakia	1,836	Ukraine	1,418	Slovakia	2,056
2.	Slovakia	123	Ukraine	1,280	Slovakia	1,292	Ukraine	1,302
3.	Vietnam	109	Vietnam	147	Poland	380	Vietnam	1,183
4.	Bulgaria	98	Romania	123	Vietnam	296	Poland	707
5.	Moldova	86	Poland	88	Moldova,	105	Bulgaria	434
6.	Romania	54	Bulgaria	63	Romania	77	Romania	321
7.	Taiwan	36	Moldova	61	China	40	Mongolia	149
8.	Russia	35	China	59	Mongolia	19	Moldova	100
9.	China	27	USA, Belarus	22	Russia	16	China	50
10.	Macedonia	13	Germany	20	Germany	15	Uzbekistan	33

Source: MLSA (2008) – Evaluation of foreign labourers in the labour market of the Czech Republic in 2008

From 1 January 2008 to 30 November 2008, Labour Offices carried out 498 inspections of job agencies. The total amount of imposed fines was CZK 5,866,400. Labour Inspectorates during the first three quarters of 2008 imposed on six job agencies fines totalling CZK 120,000.

Checks are carried out on the basis of the results of monitoring performed, on an ongoing basis, by Labour Offices as well as on the basis of received information. Thanks to these sources Labour Offices are aware of in which sectors illegal work is most frequently performed. In the year reviewed most foreign labourers worked in the processing industry (641 persons, of whom 186 were women), in the construction industry (540 persons, of whom 49 were women), in administration (525 persons, of whom 167 were women), and in the wholesale and retail areas; they also worked in repair services and the maintenance of motor vehicles (248 persons, of whom 56

were women). A detailed overview of illegally employed workers divided according to the economic activities of their employers (CZ NACE) is included in tables attached to this Report.

In 2008 Labour Offices concentrated, in cooperation with other bodies, on **checks** on legal entities in which foreign nationals are partners, members of cooperatives, statutory bodies or members of statutory bodies, or any other bodies of a corporation or cooperative. **Section 89** of the Act on Employment stipulates that meeting tasks arising from the activities of a legal entity ensured by a partner, statutory body or a member by a statutory body or any other body for a corporation, or a member of a cooperative or a member of statutory or any other body of a cooperative, is considered to be employment which requires a job permit. A job permit is necessary if this employment is executed by a third-country national unless the Act on Employment stipulates otherwise. In 2008 inspections detected 464 persons who were proven to have violated the aforementioned provisions of the Act on Employment.

The following overview demonstrates the legal form of the employers and their inclusion within the classification of economic activities in individual sectors (CZ NACE). The most violations occurred in cooperatives ('co-ops' - 408 cases), followed by limited liability companies (42 cases). When classification of economic activities is taken into account, most illegalities were detected in the construction industry – 217 cases, in the processing industry – 151 cases, and in the area covering administration and supporting activities – 68 cases.

Employment of foreign nationals without valid labour permits in different legal entities:

CZ NACE of an employer		Legal form			
Section/part	Sector	Ltd.	Plc.	Joint stock company	Co-op
A 01	Forestry, hunting				8
A 02, 03	Forestry and fisheries				
B	Mining, extraction				
C	Processing industry	15		4	132
D	Production of electricity, gas, heat, air conditioning				
E	Water, gas, heat, air conditioning production				
F	Construction	14		10	193
G	Wholesale retail sectors, repairs and maintenance of motor vehicles	7			
H	Transport and storage				
I	Accommodation, running restaurants	3			10
J	Information and communication				
K	Financial and insurance services				
L	Real estate				
M	Science, research, technology				
N	Administrative and supporting services	3			65
O	Public administration, defence, social security				
P	Education				
Q	Health and social care				
R	Culture, entertainment, recreation				
S	Other activities				
T	Households employing personnel				
U	Exterritorial organisations and clubs				
Total -464 person of whom:		42	0	14	408

Source: MLASA (2008) – Evaluation of foreign labourers in the labour market of the Czech Republic in 2008

Besides inspections, also prevention of illegal employment of foreign nationals is becoming more and more important. Therefore the Ministry of Labour and Social Affairs develops instruments such as information provided in several languages on legal procedures to get employment in the Czech Republic and on the risks of illegal employment. Such information is

provided through information leaflets and the Integrated Portal (Gateway) of the Ministry of Labour and Social Affairs of the Czech Republic.⁶⁵

VI.2.3. Inspections Carried out by the Ministry of Industry and Trade and/or Trade Licensing Offices

Ongoing checks on foreigners registered in the Register of Trade Licenses are performed by the Ministry of Industry and Trade through Trade Licensing Offices. Foreign natural persons as well as legal entities where a foreign national is the member of a statutory body, and purely foreign legal entities are inspected. To this end, Trade Licensing Offices cooperate with all supervisory bodies and agencies; particularly appreciated is their cooperation with the Alien Police Service. Trade Licensing Offices perform their 'signalling' obligation in respective areas also in cooperation with units of Alien Police Service, Regional Commercial Courts, Tax Authorities, Social Security Offices, Labour Offices, and other authorities.

In 2008, i.e. from January 2008 to December 2008, Czech Trade Licensing Offices performed inspections of 4,392 of foreign individuals and of 1,514 legal entities having foreign participation in their managing bodies, or of legal entities belonging exclusively to foreign nationals. In 2008 altogether 5,906 entities were inspected. The largest number of inspections was performed in Prague where altogether 1,845 entities were inspected, followed by the Pilsen Region - 776 entities, and the Usti Region - 478 entities.

With regard to inspections of 4,392 foreign natural persons, inspections revealed 2,373 violations of the Trade Licensing Act, for which fines amounting to CZK 2,121,600 were imposed. Furthermore, in 142 cases trade licenses were withdrawn or suspended. The largest number of inspections was performed in Prague, where altogether 1,153 foreign natural persons were checked, followed by the Pilsen Region - 661 checks on foreign natural persons, and the Usti Region - 365 checks on foreign natural persons.

Inspections of foreign natural persons revealed 1,285 (alleged) breaches of other legal regulations, of which 498 cases were assigned to the Alien Police Service, 600 to Regional Courts, 24 to Revenue (Tax) Authorities, ten to Social Security Offices, 17 to Labour Offices, and 136 to other authorities.

With reference to inspections carried out in 2008 of 1,514 legal entities with foreign participation in managing bodies and also of foreign legal persons, the Trade Licensing Act was violated in 734 cases. For such violations fines were imposed amounting to CZK 1,359,500. Moreover, 67 trade licences were withdrawn or suspended. The largest number of checks of legal entities with foreign participation in managing bodies and of foreign legal persons was carried out in Prague – in total - 692 checks on the aforementioned legal persons, followed by the Central Bohemian Region - 133 checks on legal entities, and in the Pilsen Region - 115 legal entities checked. To this end 308 (alleged) violations of other legal provisions were detected, of which 34 were assigned to the Alien Police Service, 210 to Regional Courts, five to Revenue Authorities and 59 to other authorities.

⁶⁵ For example one preventive tool is the *'Assistance System for Employing Ukrainians Implemented under Support of the Ministry of Labour and Social Affairs and the Ministry of the Interior'* (hereinafter referred to as the *'Assistance System'*). Its pilot version was established by merging a project of the Ministry of the Interior *'Prevention of Abusing Labour Force in the European Labour Market with a Focus on the Czech Republic'* and a public contract awarded by the Ministry of Labour and Social Affairs *'Implementation of Preventive Activities against Illegal Labour Migration from Ukraine to the Czech Republic'*. The Assistance System included the network of advisory and assistance centres in the Czech Republic and in Ukraine. The system is to provide information on advantages to using legal procedures when entering the labour market of the Czech Republic and on the risks of an illegal conduct represented by a client system. The Assistance System was terminated mainly due to technical and security reasons.

Inspections of foreign persons and respective sanctions imposed on them for violating legal regulations appear to be justified and to lead to the ongoing enhancement of awareness of duties resulting from business undertaking, i.e. of obligations arising from the Trade Licensing Act and provisions relating to entrepreneurship, and thus such inspections support adherence by foreign entrepreneurs to legal regulations. As regards cooperation between Trade Licensing Offices and Courts maintaining Companies Registers, Trade Licensing Offices notify the courts on mismatches between the records in the Register and real legal status once they uncovered such incompliance. They are obliged to do so pursuant to Section 200b (3) of the Code of Civil Procedure. Further steps are within the scope of competence of courts and the Ministry of Justice.

VI.2.4. Minor Offences and Administrative Infractions

In Chapter XIV, Section 156, the Act on the Residence of Foreign Nationals defines **administrative infractions**, penalties, jurisdiction, and the rules of procedure for minor offences. Section 157 defines minor offences, penalties, jurisdiction, and other rules for **dealing with minor offences**. The minor offence procedure according to the Act on the Residence of Foreign Nationals is laid down by Act No. 200/1990 Coll. on Minor Offences, as amended, unless otherwise stipulated by the provisions of the Act on the Residence of Foreign Nationals. Minor offences are within the competence of the police.

In the case of minor offences, mainly the Act on the Residence of Foreign Nationals and provisions of Act No. 200/1990 Coll. on Minor Offences, as amended were violated.

In the year reviewed, basic units of the Alien Police Service dealt with a total of **99,051 minor offences** (+30,951, i.e. +45.5 %) and levied fines amounting to CZK 57.3 million (+ CZK 15.6 million, i.e. +37.4). Of these, 33,918 minor offences (+11,560, tj.+51.7 %) were dealt with in accordance with the Act on the Residence of Foreign Nationals (fixed penalties totalling CZK 26.0 million), and 65,133 minor offences (+19,398, i.e. +42.4 %) were settled under the Act on Minor Offences (fines to the amount of CZK 31.4 million were imposed).

In the equivalent period, the basic units of the Alien Police Service dealt with a total of **1,682** (+1,030, i.e. +158.0 %) **administrative infractions** where the total amount of fines was CZK 39.9 million (+20.6 million; i.e. +106.6 %).

Minor offences, administrative infractions - comparison with the same periods of 2007/2008

Period of a year	1 Jan – 31 Dec 2007	1 Jan – 31 Dec 2008	Change in comparison with the previous period	
			%	Absolute figures
Minor offences detected under Act. No. 326/1999 Coll.	22,358	33,918	51.7	11,560
Total amount of levied fines (CZK)	17,972,100	26,028,602	44.8	8,056,502
Minor offences detected under Act. No. 200/1990 Coll.	45,735	65,133	42.4	19,398
Total amount of levied fines (CZK)	23,785,378	31,351,676	31.8	7,566,298
Administrative infractions detected under Act. No. 326/1999 Coll.	652	1,682	158.0	1,030
Total amount of levied fines (CZK)	19,328,300	39,934,000	106.6	20,605,700

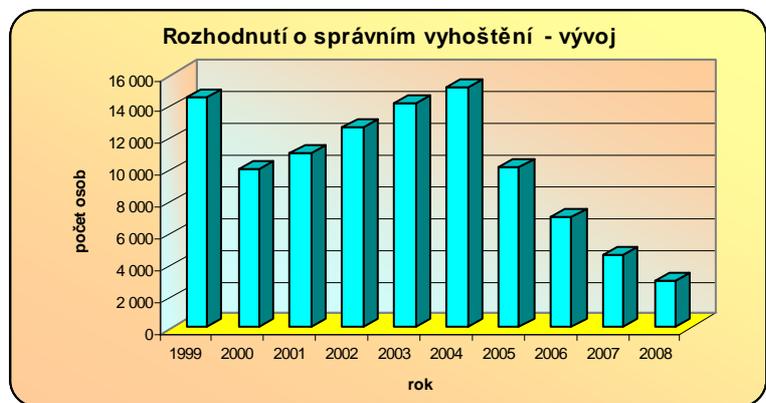
More intensive inspections carried out after the Czech Republic's joining the Schengen area led to growth in the number of detected minor offences when this number is compared to the numbers of the previous year.

VI.2.5. Administrative Expulsion

Administrative expulsion of foreigners is provided for in Chapter X of the Act on the Residence of Foreign Nationals. The term ‘administrative expulsion’ refers to the termination of a foreigner’s residence in the country, accompanied by the specification of a time by which he/she must leave the country and a time period during which the foreign national is not permitted to enter Czech territory. The time period during which the foreigner must not enter the country is set until the expiry of the expulsion. If the foreigner enters Czech territory before the administrative expulsion decision expires, or if he/she fails to leave the country and is detected by the police, he/she thus obstructs the expulsion decided upon by an administrative authority, and his/her action – provided that it represents a negligible threat to society - may be tried as a minor offence pursuant to the Act on the Residence of Foreign Nationals; if the situation meets the criteria laid down by the law, the administrative expulsion may be extended for a longer period. The Act on the Residence of Foreign Nationals and the Act on Asylum precisely define cases where a decision on administrative expulsion is unenforceable.

Fig. below. Decisions on administrative expulsion - development

The number of foreign nationals who received a decision on administrative expulsion reflects, to a certain extent, development in the situation of illegal migration. By issuing the decision in question, in accordance with the Act on the Residence of Foreign Nationals, 76 % foreign nationals were detected as illegal migrants.



If compared with 2007 the number of persons included in statistical data who **were issued a decision on administrative expulsion** decreased in 2008 (**2,909 persons**; -1,720 persons; i.e. -37.2 %).

In the year reviewed in total **4,995 decisions** (-1,358 decision, i.e. -21.4 %) were issued. Due to the fact that a decision on administrative expulsion may be issued to an individual foreigner more than once (for different reasons), the total number of issued decisions on administrative expulsion is always higher than the number of persons. A prevailing reason for taking such a decision in 2008 was violation of residence rules (78.1 %). Not respecting a decision on administrative expulsion constituted another frequent reason for issuing such a decision (7.9 %).

The predominant nationality among those issued with a decision on administrative expulsion was that of **Ukraine**, as in the previous year (1,323 persons, i.e. 45.5 % of the yearly number of all decisions issued in 2008). In line with the development of illegal migration in the Czech Republic, their year-on-year number substantially decreased (-1,218 persons, i.e. -47.9 %). Citizens of Ukraine were issued with decisions on administrative expulsion mainly because they violated residence rules (86.1 % of the total number of decisions on administrative expulsion issued to nationals of Ukraine). Ukrainians were followed, at a far distance, by nationals of **Vietnam** (256 persons), who also displayed a year-on-year decline (-170 persons, i.e. -39.9 %). The most frequent reason for issuing a decision on administrative expulsion was violation of residence rules. Citizens of Vietnam were followed by nationals of **Mongolia** (184 persons; +33 persons, i.e. +21.9 %), **Russia** (124 persons; +12 persons, i.e. 10.7 %), **Moldova** (106 persons; -133 persons, i.e. -55.6 %) and **China** (100 persons; -108 persons, i.e. -51.9 %). Nationals of Armenia displayed in the year revised the largest year-on-year increase (79 persons; +65 persons, i.e. +464.3 %).

Among 337 persons who were actually⁶⁶ removed on the basis of a final and enforceable administrative expulsion order, citizens of **Ukraine** were predominant, reaching the number of 135 (+51 persons, i.e. +60.7 %) expelled persons, which made up one third of all administratively expelled people. A year-on-year growth was reported also among nationals of **Vietnam** (71 persons; +43 persons, i.e. +153.6 %) and **Mongolia** (30 persons; +16 persons, i.e. +114.3 %).

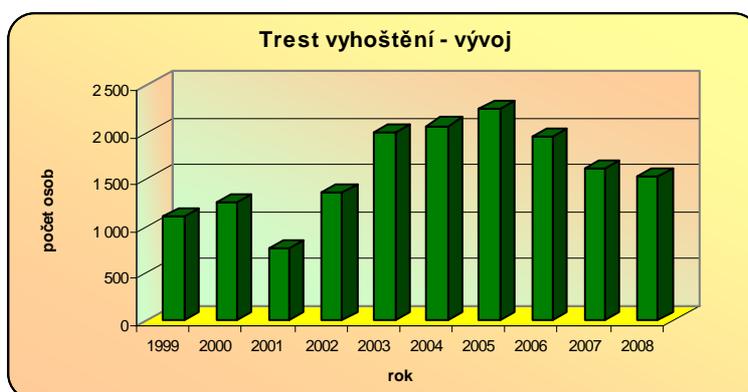
Of the total number of decisions issued on administrative expulsion in the year reviewed, 529 decisions were suspended since the foreigners concerned were party to proceedings on international protection.

VI.2.6. Expulsion Ordered by Courts

Expulsion of foreigners ordered by courts refers to an expulsion sentence imposed within criminal proceedings by a court with regard to one or more criminal offences for which the foreign national has been convicted. In accordance with criminal legislation, the court may impose an expulsion sentence either as an independent punishment or alongside another sentence. If the expulsion sentence is imposed along with unconditional imprisonment, the expulsion sentence will be executed after the prison term is partially or totally served. Data on foreigners' banished upon the order of a court is included in the Report as additional information supplementing data on foreigners expelled administratively. The Alien Police Service creates conditions for the enforcement of an expulsion sentence, issues travel documents for the foreigners concerned, and provides them with train, bus or flight tickets to return to their home country.

Fig. Sentences on expulsion - development

In 2008 courts imposed **expulsion sentences**, according to the provisions of Sec. 57 of the Criminal Code⁶⁷, as an independent punishment or along with another sentence, on **1,529 foreign nationals**. Thus the number of imposed sanctions decreased, when compared to 2007, by 4.9 % (in absolute numbers - 80 sentences of expulsion).



Of all expulsions imposed by courts in 2008, the majority (33.5 % of the total number of expulsions ordered by all courts) was imposed upon **citizens of Ukraine** (512 persons; - 68 persons, i.e. -11.7 %), followed by **citizens of the Slovak Republic** who accounted for 22.0 % (337 persons; +4 persons, i.e. +1.2 %) and **Poland** who accounted for 6.5 % (99 persons; +11 persons, i.e. +12.4 %). Although the share of nationals of **Mongolia** was only 3.3 %, they displayed the largest percentage growth of 35.1 % (in absolute numbers - 13 persons).

Expulsion sentences, in accordance with the above-mentioned provisions of the Criminal Code, were imposed upon 70 foreign nationals who did not appear in person at court (Section 350g of the Code of Criminal Procedure).⁶⁸

⁶⁶ The execution of administrative expulsion (meaning that the foreigner has been escorted by the members of the Alien Police, based on a final and conclusive administrative expulsion decision, to a Czech border crossing point).

⁶⁷ Act No. 140/1961 Coll., Criminal Code, as amended.

⁶⁸ Act No. 141/1961 Coll., the Code of Criminal Procedure, as amended and supplemented

Further expulsion sentences were imposed upon 1,092 foreign nationals who were released to leave the Czech Republic (Section 350b of the Code of Criminal Procedure).

During the course of the same year, the Alien and Border Police enforced 337 expulsions imposed by courts pursuant to a court injunction on an expulsion sentence, issued by the presiding judge (Sec. 350c – 350f of the Rules of Criminal Procedure).

Within a sentence of extradition so that the foreigner concerned would be deported from the Czech Republic to be prosecuted abroad, five persons were expelled, and within a sentence of deportation for imprisonment outside of the Czech Republic, five persons were expelled.

The Alien and Border Police enforced expulsions of 367 persons, the majority of whom were citizens of **Ukraine** (161 persons; -3 persons, i.e. -1.8 %), **Slovakia** (67 persons; -22 persons, i.e. -24.7 %) and **Vietnam** (30 persons; +1 person, i.e. +3.4 %).

VI.2.7. Foreigner Detention Facilities

Under Act No. 428/2005 Coll., amending the Act on the Residence of Foreign Nationals, authorisation to establish and operate Alien Detention Centres was transferred from the Czech police to the Ministry of the Interior of the Czech Republic, namely to the Refugee Facility Administration.



Figure above
FOREIGNER DETENTION FACILITIES IN THE CZECH REPUBLIC

As of 30 December 2008 the Refugee Facility Administration of the Ministry of the Interior run **two foreigner detention facilities** where foreign nationals who have been issued a decision on expulsion are obliged to stay. The facilities are located in **Postorna** (Breclav, the South Moravian Region) and **Bela pod Bezdezem** (the Central Bohemian Region).

As of the same date the capacity of foreigner detention facilities was in total 488 beds.

Police officers continue to carry out services in such facilities only within the scope stipulated by the amendment to the Act on the Residence of Foreign Nationals (admissions of foreigners to a

facility, surveillance within a stricter regime, surveillance of foreigners in hospitals in open departments, and so forth).

The statistical records of the Refugee Facility Administration demonstrate that in the year reviewed in total **688 foreign nationals were placed** in these facilities.

Numbers of foreigners placed in the foreigner detention facilities in 2008

Month 2008	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
Number of foreigners	33	43	52	46	65	54	69	42	74	89	66	55	688

Of the above stated number⁶⁹ 225 foreign nationals (+50 persons, i.e. +28.6 %) applied for international protection.

According to nationalities, the most common nationality detained in these facilities was citizens of **Ukraine** (217 persons, i.e. 31.5 % of the total number of foreign nationals placed in detention facilities in 2008), **Vietnam** (137 persons, i.e. 20 %), **Russia** (63 persons, i.e. 9.2 %), **Mongolia** (51 persons, i.e. 7.4 %), **China** (36 persons, i.e. 5.2 %), and **Moldova** (26 persons i.e. 3.8%).

The above statistical records show that within the given period **698 foreigners were released**.

Of the stated number, **441 foreigners were administratively expelled**. This group was dominated by citizens of Ukraine (136 persons), followed by nationals of Vietnam (85 persons), Russia (41 persons), Mongolia (31 persons), and Moldova (25 persons).

114 persons were released after the time limit stipulated by Section 125c of the Act on the Residence of Foreign Nationals for detention of foreigners had lapsed.⁷⁰ The most numerous groups comprised citizens of Vietnam (35 persons), Ukraine (31 persons) and China (23 persons)⁷¹.

Two children were transferred to facilities for foreign children. As regards nationalities, these were nationals of Afghanistan and China.

For the purpose of international protection proceedings, **97 foreign nationals** were transferred to **residence asylum facilities**. Among such foreigners were mainly citizens of Ukraine (29 persons), Vietnam (11 persons), Mongolia and China (8 persons from each of these two countries).

Foreigners who were prosecuted, passed away or escaped were also included among those who left foreigner detention facilities. In the year reviewed there were **seven such cases**.

The average number of days during which foreigners were detained was 85.9 days.

⁶⁹It should be added that the foreign nationals detained in the facilities are able to apply for asylum within seven days of being informed about the possibility to do so. Despite an application having been lodged, the foreign national will remain in the facility until a final and conclusive decision on asylum is issued, or rather until the end of the statutory detention period.

⁷⁰ Under the said provisions the period for the detention of a foreigner must not exceed 180 days and it starts from the moment the foreigner concerned is detained. In the case of a foreigner under 18 years the stated period must not exceed 90 days.

⁷¹ As regards verification of identity and issuing supplementary travel documents for foreigners in order to implement their expulsion, no substantial changes occurred in 2008 when compared with 2007. Still there are problems with embassies and consulates of some countries accredited in the Czech Republic as regards the verification of identity and issue of supplementary travel documents (for example China, Vietnam, Kosovo, and Afghanistan). Embassies and consulates of these countries do not respond to requests made by Directorates of the APS or they react only in a very limited way.

VI.3. ACTION PLAN FOR COMBATING ILLEGAL MIGRATION

To improve the situation in the area of illegal migration in the Czech Republic and to mitigate its negative impact on a number of spheres within society, is the objective of the *Action Plan on Combating Illegal Migration* which was approved by Czech Government Resolution No. 108 adopted in 2004, an integral part of which was the Schedule for Meeting the Plan of Measures for Combating Illegal Migration.

The Ministry of the Interior submits to the Government, on an annual basis, information on meeting individual tasks of this schedule. The Government took note of the *2007 Information on Meeting Tasks of the Action Plan on Combating Illegal Migration* in its Resolution No. 750 of 27 June 2008. At the same time the Government approved the *2008 Updated Schedule for Meeting the Plan of Measures for Combating Illegal Migration* (hereinafter referred to as the 'Updated Schedule'), which is an annex to the said Resolution. At the same time the Minister of the Interior was assigned a task to draw up and submit to the Government, by 30 June 2009 at the latest, information on meeting assignments arising from the *Updated Schedule*.

In the original document the measures were divided into five basic areas. With regard to the fact that legislative objectives have been met, the *Updated Schedule* is now divided into four areas: prevention, control and sanctions, inter-ministerial cooperation, and international cooperation.

The parties responsible for fulfilling individual points of the *Updated Schedule* are the following ministries: the Ministry of the Interior, the Ministry of Labour and Social Affairs, the Ministry of Industry and Trade, and the Ministry of Foreign Affairs.

In compliance with the aforementioned Resolution, the Ministry of the Interior drew up information⁷² resulting from the *Updated Schedule*. The information was drawn up on the basis of data provided by the aforementioned central governmental authorities.

Evaluation contained in the aforementioned information shows that *the Action Plan on Combating Illegal Migration* helped coordinate a joint action for all stakeholders and created an environment for their close cooperation. Results can be seen in all monitored areas.

The year 2008 was for embassies and consulates the year within which they had to implement Schengen standards in consular and visa practice. For the sake of improving the visa process and to combat illegal migration the Ministry of Foreign Affairs decided, in compliance with the conclusions of Schengen evaluations, to increase the number of personnel in visa issuing departments of embassies and consulates in countries displaying a higher risk of illegal migration and at embassies and consulates which issue high numbers of visas. An important tool for combating illegal migration is local consular cooperation, the aim of which is to maximally harmonise procedures of Union and Schengen Member States when fighting against illegal migration in the given region.

Czech diplomacy endeavours on its own as well as in cooperation with other EU Member States to be ahead of irregular intermediation of information. Both the Ministry of Foreign Affairs and embassies and/or consulates of the Czech Republic formulate official opinions, respond to false and/or inaccurate information concerning migration through press releases, and create presentations on the websites of the Ministry of Foreign Affairs.

The Ministry of Foreign Affairs actively monitors and evaluates the political, economic and social situation in problematic countries which may or already have had an impact on illegal migration to the Czech Republic. The Ministry also analyses the causes of such illegal migration for the purpose of adopting adequate measures towards restricting migration in its illegal form.

⁷² The *2008 Information on Meeting Tasks Arising from the Action Plan on Combating Illegal Migration* will be submitted to the Government of the Czech Republic by 30 June 2009.

Consulates and embassies of the Czech Republic in source and transit countries of illegal migration to the Czech Republic pay increased attention to information on organisation of illegal migration, smuggling people, recruitment of illegal migrants, and involvement of organised crime in illegal migration activities. This intelligence is sent not only to the Ministry of Foreign Affairs but also to the competent units of the Ministry of the Interior and/or other state administration bodies concerned, and newly also to the Analysis Centre.

As in the previous year, also in 2008, police officers of APS were seconded to Czech embassies and/or consulates (Hanoi, Cairo, Kiev, Ulaanbaatar, Lvov, Moscow, and Beijing).⁷³ This is a beneficial type of cooperation between the Ministry of Foreign Affairs and the Czech police, the aim of which is to enhance and speed up the decision-making process concerning the reception of applications for visas for over 90 days and to monitor whether such visa are abused for a purpose different from the purposes stated in the application. The fact that this cooperation has been beneficial for all parties is supported by the content of final reports drawn up by members of the Alien Police Service and by opinions drawn up by officials of relevant consulates and embassies.

The opinions drawn up by officials of relevant consulates and embassies show that activities carried out by officers of the Czech police at embassies and consulates contributed to more effective cooperation between the Alien Police Service and embassies and consulates, mainly in the area of enhancing the decision-making process concerning the reception of applications for visas for over 90 days and monitoring whether such visas are abused for a purpose different from the purposes stated in the application. Moreover, police officers acquired and delivered to the competent units of the Czech police topical information on migration movements, migration routes and methods used for unlawful border crossing.

Projects of International Development Cooperation of the Ministry of the Interior⁷⁴ rank among measures which contribute to restricting migration as they have an impact on development in target countries not only in the field of migration but also in the area of good governance and security policy. The whole issue is a specific part of development cooperation in particular as regards the security aspects of target countries, and also the analysis of the impact on the Czech Republic.

Coordination and cooperation in the field of combating illegal employment of foreign nationals is ensured through the Inter-Ministerial Body for Combating the Illegal Employment of Foreign Nationals in the Czech Republic. The Ministry of Labour and Social Affairs is the responsible party for this cooperation. The priority objective of this inter-ministerial body in 2008 remains to dismantle the 'client system' which often works on the basis of organised crime.

Inspection in the area of employment of foreign nationals was carried out in 2008, as in previous years, in the form of cooperation between relevant inspection authorities, such as customs administration and units of the Alien and Border Police Service, with the Ministry of Labour and Social Affairs being the responsible party.

According to information provided by Trade Licensing Offices, the frequency of inspections of foreign natural persons holding trade licences under the Trade Licensing Act and the respective sanctions for breaching legal provisions can be justified and should lead to the gradual enhancement of the awareness of such foreign persons' duties within business undertaking, i.e. duties arising from the Trade Licensing Act and other legal provisions relating to entrepreneurship. Thus such inspections foster respecting legal regulations by foreign entrepreneurs.

It may be said that the *Action Plan for Combating Illegal Migration* and the tasks resulting from it have been already met. Measures contained in the Action Plan have become an integral part

⁷³ These business trips/secondments are evaluated in the *Information on Meeting Tasks Arising from the 2008 Action Plan on Combating Illegal Migration*

⁷⁴ For more information see Chapter X.2. PROJECTS OF INTERNATIONAL DEVELOPMENT COOPERATION

of routine activities of relevant authorities. The Czech Republic has undergone in recent years a lot of changes, the most important of which is accession to the European Union and the Schengen area which affected legislation as well as political approach towards tackling problems related to illegal migration. It may be also said that adopted measures were effective in many ways. This is also supported by a steady decline in the number of cases of illegal migration detected in the Czech Republic.⁷⁵

⁷⁵ The situation in this area is described in full detail in Chapter VI. ILLEGAL MIGRATION

VII. Readmission Agreements and Voluntary Returns

VII.1. CONTRACTUAL RELATIONS

Negotiations on and conclusion of readmissions agreements is a prerequisite in the successful fight against illegal migration and it is at the forefront of the interest of the Ministry of the Interior.

Although countries should recognise the principle which states that every country must accept the return of its own citizens into its national territory (under the condition that the person concerned is a citizen of the said country and that the country may confirm such a person's identity and nationality), there is a small number of countries which might not fully apply this practice. Therefore it is desirable to define this obligation in a bilateral contractual document. Agreements also lay down other conditions for admitting/readmitting migrants and the whole process is thus easier and quicker (in particular as regards time limits and evidence proving the migrant's nationality). In general it means that freedom of persons in question is restricted only for the shortest time possible.

In the absence of a readmission agreement, there is no mechanism for bringing the country in question to verify and confirm the migrant's identity and to admit him/her into its territory.

Due to the fact that such 'ad hoc' cooperation through embassies and consulates is carried out at various levels, the Ministry of the Interior of the Czech Republic strives to enter into readmission agreements. It focuses mainly on countries which do not cooperate when such illegal migrants are being returned.

In addition to the above-mentioned time limits and evidence, readmission agreements focus on conditions for return /taking over of third-country nationals (i.e. persons who are not nationals of contracting states) who entered the territory of one contracting state illegally from the territory of the other contracting state. As regards own nationals and third-country nationals included in the agreement, readmission agreements cover also cases where such persons entered the territory of the other contracting state legally but however ceased to satisfy residence condition (residence permit expired). The majority of readmission agreements then also solve issues of police escorts. Thus the aim of readmission agreements is to simplify and accelerate the process of verification of identities of person or the conditions for return of third-country nationals, and their repatriation.

Currently there are two streams of activities of the Czech Republic in this regard. The Czech Republic endeavours to enter into bilateral readmission agreements and it also participates in the work of the European Commission on concluding readmission agreements with certain third countries.

At the moment the Czech Republic has entered into readmission agreements with thirteen countries. They are all the neighbouring states (Germany, Poland, Austria, and Slovakia) and also Slovenia, Hungary, Bulgaria, Romania, Croatia, Moldova, Canada, and France. The agreement with France was signed, however, has not yet come into effect due to the fact that an implementing protocol has not been signed so far.

Currently the Czech Republic is conducting bilateral negotiations with Armenia. A readmission agreement with Switzerland is at the stage where the text of the agreement is being approved in both countries. However, negotiations with France concerning the text of the protocol have not been yet completed.

Negotiations with other source countries are conducted at the Community level. A number of agreements have already entered into force. The Czech Republic welcomed especially agreements with Russia, Ukraine and countries of the West Balkans.

Georgia - negotiations on the readmission agreement with Georgia were discontinued in Autumn 2008 as the European Commission was empowered to conduct negotiations on the readmission agreement at the level of the EU. The Czech Republic came to the conclusion that the ratification process in the Czech Republic would, in the case that the bilateral readmission agreement was entered into, take longer than an approval procedure for a Community agreement. In other words, the efforts would not achieve the expected affect since the Community readmission agreement would probably enter into effect earlier than the bilateral agreement between the Czech Republic and Armenia. Furthermore, the Czech Republic must also respect EU rules which lay down that if the Commission is empowered to conduct negotiations on an agreement, all EU Member States are obliged to give up further activities if these pertain to the same area.

Switzerland - it was Switzerland which made the move to negotiate a readmission agreement. The first and second rounds of negotiations were held in June and November 2006. In March 2007 the last round was held where the text of the agreement and the implementing protocol were approved. However, the agreement has not yet been signed. After an original initiative to include in the readmission agreements also Lichtenstein, Switzerland decided to give up this objective and requested the Czech Republic to alter the text accordingly. The Czech Republic understood this request and agreed to adjust the text. After the new text has been discussed by both the Czech and Swiss parties, signature of the agreement can be expected.

France - after a pause for several years, France showed its interest in starting negotiations on the implementing protocol to the readmission agreement. During the year 2007 the Ministry of the Interior drew up a draft text which was sent to the French party together with an invitation to enter into negotiations at the end of 2007. Two dates for negotiations were proposed to the French party (both in January 2008). However, France did not express its opinion on these proposals and did not react to the invitation (this was justified by an administrative burden in relation to the French Presidency). In the course of 2008 there was no further communication with France concerning the issue of the implementing protocol.

Armenia - during 2008 several meetings of the Ministry of the Interior's officials with officials of the Armenian embassy (the office in Prague) were held. The Armenian party was requested to reassess the already approved text of an agreement which does not correspond to current needs as it was negotiated quite a long time ago. The Czech Republic sent a modified draft text to the Armenian party. Armenia together with its response to the Czech proposals delivered also some comments and its own proposals. With the aim of clarifying the position of the Czech Republic concerning some Armenian comments, a meeting was arranged in the autumn time. It was decided that the Czech Republic would send another amended draft document which would encompass the Czech proposals as well as the Armenian proposals acceptable to the Czech Republic.

In 2008 the main topic of meetings of expert working groups was implementation of the readmission agreement with Russia. When implementing the readmission agreement it was found out that the European Union and Russia interpret some provisions of the agreement differently and therefore both parties concentrated, in the course of 2008, on drawing up the Recommendation of the Joint Readmission Committee which would reconcile all different views (mainly regarding the time limit for an interview if there is no reasonable evidence available). Agreement concerning the wording of the text of the Recommendation was reached at the November meeting of the Joint Readmission Committee. This Recommendation will be signed on the occasion of the 5th meeting of the Joint Readmission Committee which will be held either in April or May 2009.

In 2008 there were negotiations by Joint Readmission Committees with Ukraine, countries of the West Balkan, Albania, and Moldova which evaluated the implementation of agreements and tried to solve respective problems which occurred during implementation.

In addition to preparations and meetings of Joint Readmission Committees, a readmission agreement with Pakistan was signed in 2008. In Autumn 2008 mandates for the Commission were proposed in order to negotiate readmission agreements with Georgia and the Republic of Cap Verde. Authorisation for negotiations with Georgia was approved before the end of 2008.

Towards the end of 2008 the Commission launched a discussion on its proposal to include in an agreement on partnership and cooperation with China, which is being prepared, relevant provisions on readmission. The Commission decided on this step as it is currently unrealistic to negotiate a separate readmission agreement with China while the inclusion of readmission articles in a wider framework might be successful. With the aim of achieving success in the area of readmission the Commission suggested incorporating in the text of the relevant article some provisions concerning visa facilitation with China. There are no unified opinions of EU member States on this proposal and the issue of the range of visa facilitation will be the subject of further negotiations 2009.

Readmission agreements with Morocco, Turkey and Algeria were only partially finalised. However, no substantial progress in the field of readmission agreements was reached with any of these countries in the course of 2008.

In 2009 the Ministry of the Interior will strive to finalise still open readmission agreements, to commence negotiations on readmission agreements in particular with Mongolia and India, and to commence negotiations on implementing protocols to the readmission agreements with Russia, Ukraine and the countries of West Balkan. Such protocols are prerequisites for flexible application of the agreements concerned.

The Ministry of the Interior will continue to participate through its representative in expert negotiations on preparing agreements to be concluded within the European Union.

VII.2. IMPLEMENTATION OF READMISSION AGREEMENTS

Policy aiming at the return of illegal migrants to their countries of origin is considered one of the primary interests of the Czech Republic as well as of the European Union. And readmission agreements are a principal instrument of this policy.

In 2008 in accordance with readmission agreements with neighbouring countries, **demands were made for the (re)admission** of a total of **1,415 persons** (+296 persons, i.e. +26.5 %). As in previous years the number of requests regarding readmission made by neighbouring countries prevailed. Neighbouring countries requested the Czech party to accept 1,323 persons (+307 persons, i.e. +30.2 %) whilst the Czech Republic requested neighbouring countries to receive 92 persons (-11 persons, i.e. -10.7 %).

1,374 persons were readmitted under readmission agreements, which accounted for 97.1 % of the total number of persons for whom admission was demanded. The Czech party accepted 1,283 persons (+363 persons, i.e. +39.5 %), while neighbouring countries took 91 persons (-9 persons, i.e. -9.9 %).

Contracting parties may **refuse** to admit some of the persons concerned. There were for example cases where a state party did not prove sufficiently that a person had illegally entered its territory from the territory of the other party, or cases when the admitting party refused to take over such persons within readmission agreements with regard to the Dublin Convention (**41 persons** were refused, of whom the Czech Republic did not admit 40 persons).

In 2008 among the total number of persons admitted/readmitted within readmission agreements, foreigners from countries which do not neighbour the Czech Republic prevailed (this means that they were third country nationals). However, individual sections of the national border of the Czech Republic were specific in terms of implementation of readmission agreements.

Authorities of neighbouring countries admitted mostly nationals of **Vietnam** (385 persons; +34 persons if compared with 2007, i.e. +9.7 %), **Ukraine** (328 persons; +190 persons, i.e. +94.2 %) and **Russia** (117 persons; +104, i.e. +800.0 %). The largest growth was seen among citizens of Ukraine and Russia. Nationals of Vietnam and Russia were most frequently admitted by Germany whilst nationals of Ukraine were admitted by Polish authorities.

Foreigners ADMITTED under readmission agreements from authorities of neighbouring countries in 2008 - TOP 10

Nationality	Poland	Austria	Slovakia	Germany	Total
Vietnam	74		1	310	385
Ukraine	249	1		78	328
Russia	9			108	117
Mongolia	4	1		52	57
Moldova	11	3		25	39
Serbia				36	36
China	1			34	35
Turkey				35	35
Czech Republic	2	5		17	24
Belarus	16	1		6	23

Authorities of neighbouring countries admitted mostly nationals of **Poland** (16 persons, +10 persons) and **Ukraine** (16 persons, -5 persons).

Foreigners READMITTED under readmission agreements from authorities of neighbouring countries - TOP 10

Nationality	Poland	Austria	Slovakia	Germany	Total
Poland	15	1			16
Ukraine	16				16
Russia	9				9
Vietnam	3			6	9
Bosnia and Herzegovina		4			4
Afghanistan			3		3
Georgia	3				3
Jordan	1	2			3
Serbia		2	1		3
Turkey				3	3

The Czech Republic (69.8 %) *admitted* most persons in the framework of readmission agreements from Germany (895 persons; +205 persons, i.e. +29.7 %). Such a growth was caused by the Czech Republic's joining the Schengen area, when third country nationals entered Germany with a Czech visa. The largest percentage year-on-year increase was reported within readmission from Poland (373 persons; +349 persons, i.e. +1,454.2 %), which was a consequence of non-recognition of an exit order by Poland (these were in particular nationals of Ukraine).

The Czech Republic (59.3 %) *readmitted* most persons in the framework of readmission agreements to Poland (54 persons; +34 persons, i.e. +170.0 %).

VII.3. ASSISTED VOLUNTARY RETURNS

Thanks to its geographic location the Czech Republic is, in terms of migration, both a transit and a destination country. Migration policy is based on international obligations of the Czech Republic, internationally recognised principles, standards, experience and recommendations of expert bodies of the Council of Europe. It is therefore part of the active policy of the Government of the Czech Republic. An integral part of migration policy is the policy of returns of illegal migrants

to their countries of origin where the Czech Republic, as with other EU Member States, always prefers the possibility of voluntary return as opposed to forced return – expulsion.

The issue of **voluntary returns** has been tackled in the Czech Republic for a long period of time not only in relation to unsuccessful international protection seekers but also in relation to third country nationals who unlawfully reside in the Czech Republic. The programme of voluntary repatriations for third country nationals who applied in the Czech Republic for international protection is regulated by the provisions of Section 54a of the Act on Asylum. All foreign nationals can apply in writing for voluntary repatriation during proceedings on international protection including the period during which relevant courts decide on his/her appeal. An unsuccessful applicant for international protection may file an application for voluntary repatriation not later than 24 hours post the time of the decision on a cassation complaint becoming legally effective. If it is in the public interest, the Ministry can bear the costs. The Ministry pays full costs related to the voluntary return while the foreigner concerned is obliged to refund such costs later.

The second category of persons who can use the option of voluntary return are third country nationals who were by means of the decision on administrative expulsion specified a time limit for leaving the Czech Republic, or foreign nationals who were detained for the purpose of administrative expulsion. Since 21 December 2007 the option of voluntary return has been regulated by the provisions of Section 123a of the Act on the Residence of Foreign Nationals. Within the meaning of these provisions the Ministry may, if it is in the public interest, bear the costs associated with the voluntary return of a foreign national who has been detained for the purpose of administrative expulsion; or who has been given, by a decision on administrative expulsion, a time limit for leaving the Czech Republic and who is not the holder of a valid travel document. If an application for a voluntary return filed by such foreigner is approved the foreigner is obliged to additionally refund to the Ministry half of the amount of such transport costs. Until such costs are paid, the foreign national is recorded in the register of *personae non gratae* and is not permitted to enter the Czech Republic.

In order to implement voluntary returns the Ministry of the Interior has entered into an agreement with the International Organisation for Migration (IOM) which provides third country nationals, who show the interest, with advisory services regarding voluntary return, and personal assistance for getting all necessary documents, in particular with respect to communication with relevant embassies and consulates of their home countries, with the aim of obtaining all travel documents necessary for departing the Czech Republic.

VIII. International Protection

VIII.1. INTERNATIONAL PROTECTION SEEKERS IN THE CZECH REPUBLIC

The Act on Asylum governs conditions under which a foreign national who showed an intention to request the Czech Republic for international protection in the form of asylum or subsidiary protection may enter and reside in the Czech Republic. It also regulates recognised refugee residence and the residence of persons enjoying subsidiary protection in the country.

An **applicant requesting international protection** under the Act on Asylum is a foreign national who has requested the Czech Republic for international protection or a foreign national who applied for international protection in any other EU Member State but where the Czech Republic is competent to assess such application. A foreign national has the status of asylum seeker during proceedings on granting international protection and during court proceedings on an action filed against a decision of the Ministry under a special legal regulation, provided that such appeal has a suspensive effect.

A **recognised refugee** is a foreign national who has been granted asylum under the Act cited, for the period specified in the relevant decision.

A **person enjoying subsidiary protection** means a foreign national who does not satisfy conditions for being granted asylum under the said Act and therefore he/she has been granted subsidiary protection for the period during which such decision on subsidiary protection has effect.

VIII.1.1. The Number of International Protection Seekers

In 2008 the Czech Republic registered in total 1,656 new applications for international protection. As compared with 2007, when there were 1,878 people applying for a certain type of international protection, the number of applications decreased by about 11.8%. Thus in 2008 the trend of a decline in the number of international protection seekers, which started after the Czech Republic's accession to the European Union in May 2004, continued.

In 2008 international protection development in the Czech Republic was affected by several factors. The first of such factors related to quite essential legislative changes. The Directive of the European Union was implemented in the Act of Asylum as of 1 January 2008. This Directive repealed a previously applied time limit of two years for filing a subsequent application. This means that an applicant may now file a subsequent application for international protection immediately after a decision has been made on the previous application. This amendment affected the number of filed applications. In 2008 in total 596 repeat applications for international protection were recorded which accounts for more than one third of all applications. Approximately one fifth of these subsequent applications were filed more than once.

In addition to legislative changes the development in international protection was also affected by a massive wave of international protections seekers from Turkey. The high number of applicants from this country relates to the situation at the end of 2007 and the beginning of 2008 when predominantly young nationals of Turkey applied for international protection in the transit zone of the Prague – Ruzyne airport. When they were flying via Prague they did not continue to the 'planned' destination – mainly to Russia, Ukraine, Belarus, and Serbia - but they sought international protection. The situation led to the introduction of airport visas for nationals of Turkey in April 2008. Due to this measure the inflow of Turkish applicants, as a matter of fact, ended. Despite this, nationals of Turkey became the second most numerous group of international protection seekers in the Czech Republic.

Last but not least, the Czech Republic's joining the Schengen area must be mentioned in relation to the issue of international protection. After the enlargement of the Schengen area, international protection has become the only tool enabling persons coming illegally to cross the external Schengen border and reside in Schengen Member States. One year after the Czech Republic joined the Schengen area it is, however, obvious, that the development in the number of international protection seekers did not see any change when compared with previous years.

Number of international protection seekers in the Czech Republic - development and changes in percentage from 1999 to 2008

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Number of international protection seekers	7,220	8,788	18,094	8,484	11,400	5,459	4,021	3,016	1,878	1,656
Year-on-year change %	76.7	21.7	105.9	- 53.1	34.4	- 52.1	- 26.3	-25.0	-37.7	-11.8

In terms of the number of international protection seekers, the Czech Republic ranked (in 2008) the 18th in Europe, which is confirmed by the table annexed to this document, based on the data of the Secretariat of the UN High Commissioner for Refugees

An upward trend was typical regarding the number of international protection seekers in the Czech Republic in the 1990s. The absolute highest number of applications lodged was reached in 2001 when the total number of applications was 18,094. On the other hand in 2002, with regard to the adopted amendment to the Act on Asylum, the number of applications filed decreased. This decline did not, however, continue in 2003, in particular because of the increased immigration of Chechnyan nationals who were citizens of the Russian Federation.

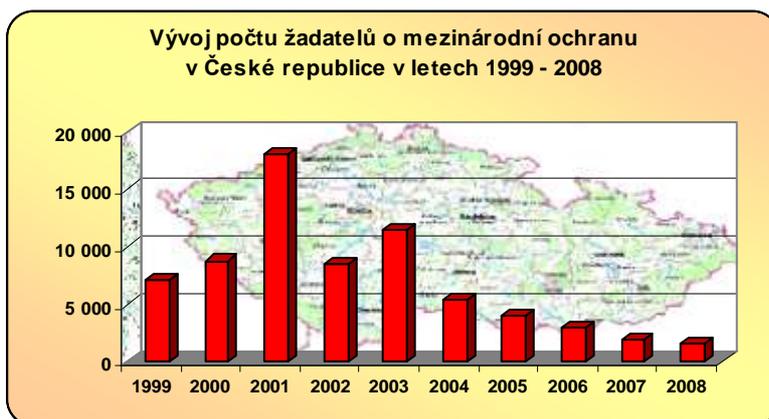


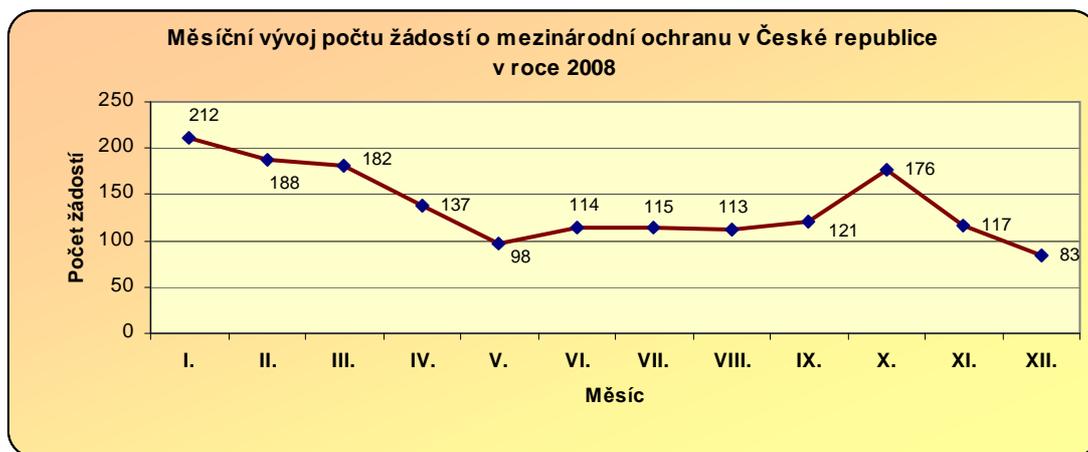
Fig. Development of the number of international protection seekers in the Czech Republic from 1999 to 2008.

The high numbers of applications lodged by these foreigners continued until April 2004, when after the Czech Republic's accession to the EU and the introduction of the Dublin system⁷⁶ with respect to international protection proceedings, the migration flow of asylum seekers from Chechnya stopped (June 2004) and the total number of international protection seekers decreased as well. The development of the number of applications for asylum recorded in the Czech Republic since June 2004 can be described as stable and slightly decreasing. In the years 2005 and 2006 the numbers of international protection seekers demonstrated a year-to-to year decrease of approximately 25 %. In 2007 this fall was even sharper, when the number of applications decreased by almost 38%. In 2008 the number of international protection seekers levelled off and reached more or less the same figure as in the previous year.

⁷⁶ Accession of the Czech Republic to the Convention determining the state responsible for examining applications for asylum lodged in one of the Member States of the European Communities (referred to as Dublin I), and application of Council Regulation No. 343/2003, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (generally called Dublin II).

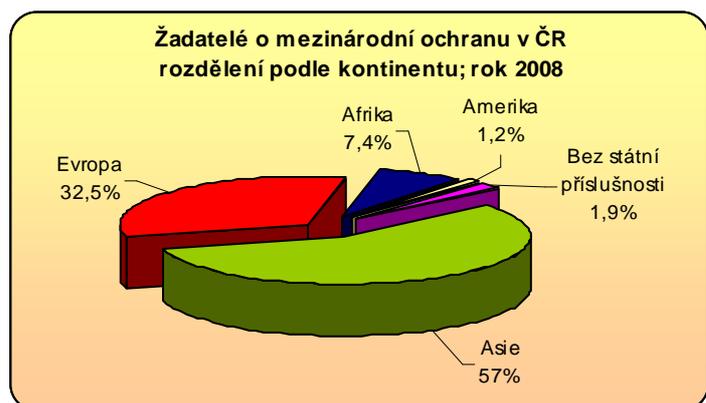
The average number of international protection applications filed in 2008 was 138. As mentioned above, the development in the number of international protection seekers in the Czech Republic was in the first months of 2008 affected by an influx of applicants from Turkey. Of the total number of 251 applications filed by nationals of Turkey in the year reviewed, 212 were filed in the first quarter of the year concerned (January – March). After the introduction of airport transit visas for nationals of Turkey in April 2008, a considerable month-to-month decline in the number of applications filed was seen. The subsequent development can be described as stable. The number of applications for international protection filed in **October 2008** relates to **relocation of groups of 23 nationals of Myanmar** within a pilot resettlement project. These refugees were subsequently granted asylum in the Czech Republic. Lower numbers of applicants towards the end of the year relate to the seasonal development of migration.

Fig: Month-by-month development in the number of international protection seekers in the Czech Republic in 2008



In terms of proportions of international protection seekers according to individual continents, in 2008 applicants who came from Asia (57.1% of the total number of applicants) dominated as in previous years. The proportions of asylum seekers from European countries remained in the year reviewed, when compared with 2007, approximately the same (32.5%). The same applies to international protection seekers from the African continent (7.4%). As regards long-term records, the number of international protection seekers from Europe has been falling whilst the number of applicants from Asia has been on the rise.

Fig. Division of international protection seekers according to individual continents in 2008



In the course of 2008 in total members of 58 nationalities filed applications for international protection. In 2008, as in the previous year, such applicants were mainly from **Ukraine** (321 applicants), **Turkey** (251 applicants), **Mongolia** (193 applicants), and **Vietnam** (108 applicants), which together accounted for more than 50% of the total number of applications for international protection filed in the Czech Republic.

The highest percentage increase was reported among international protection seekers from Kazakhstan (+143.3 %), Afghanistan (80.0%) and Mongolia (+20.6%). As regards absolute numbers, the most substantial year-to-year increase was reported from among international protection seekers from Kazakhstan (+43 applicants), followed by Turkey (+38 applicants)

and Mongolia (+33 applicants). On the other hand, when compared with the previous year, the number of international protection seekers from Cuba considerably dropped. In 2007 Cubans were the seventh most numerous nationality among international protection seekers (-75 applicants). The same applies to applicants from Serbia (-40 applicants).

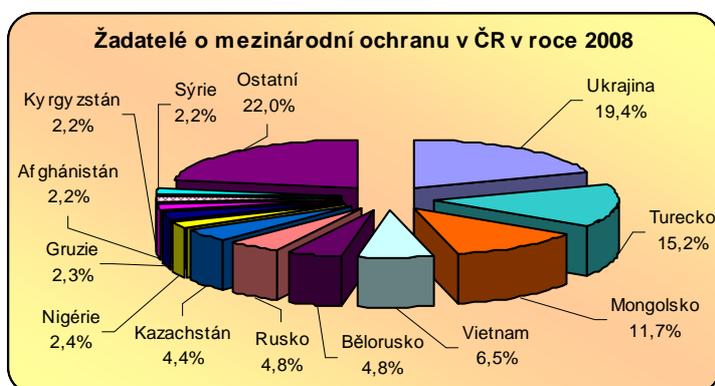
TOP 10 groups of international protection seekers in the Czech Republic in terms of nationality – comparison of the same periods of 2007/2008

Nationality	2007			2008			Change in comparison with the previous period	
	Number of international protection seekers	%	Order	Number of international protection seekers	%	Order	Absolute figures	%
Ukraine	293	15.6	1.	321	19.4	1.	28	9.6
Turkey	213	11.3	2.	251	15.2	2.	38	17.8
Mongolia	160	8.5	3.	193	11.7	3.	33	20.6
Vietnam	100	5.3	5.	108	6.5	4.	8	8.0
Belarus	130	6.9	4.	79	4.8	5.	-51	-39.2
Russia	99	5.3	6.	79	4.8	6.	-20	-20.2
Kazakhstan	30	1.6	19.	73	4.4	7.	43	143.3
Nigeria	69	3.7	8.	39	2.4	8.	-30	-43.5
Georgia	45	2.4	13.	38	2.3	9.	-7	-15.6
Afghanistan	20	1.1	23.	36	2.2	10.	16	80.0
Kyrgyzstan	63	3.4	10.	36	2.2	10.	-27	-42.9
Syria	31	1.7	18.	36	2.2	10.	5	16.1
Other	625	33.3	-	367	22.2	-	-258	-41.3
Total	1,878	100.0		1,656	100.0		-222	-11.8

As stated above, nationals of **Ukraine** made up in 2008 the largest group of international protection seekers. Ukraine has typically been among the main source countries of asylum seekers in the Czech Republic.

The numbers of Ukrainian international protection seekers displayed a downward trend in past years, however in 2008 a moderate increase in the number of Ukrainian applicants was reported.

Fig. International protection seekers in the Czech Republic in 2008



In 2008 nationals of Ukraine filed 321 applications for international protection which is, when compared with 2007, a growth of 9.6%. This increase can be, to a large extent, ascribed to the change in the Act on Asylum which, from 1 January 2008, has allowed international protection seekers to file a subsequent application immediately after a decision refusing the granting of international protection has come into effect. As regards Ukrainian nationals, more than

50% applied for international protection in 2008 more than once.

Citizens of Ukraine, in the majority of cases, consider the Czech Republic to be a target country, and use applications for international protection to legalise their residence in the Czech Republic. It is typical that they apply for international protection after having resided in the Czech Republic for several years – only about 40 % of Ukrainian applicants in 2008 filed an application in the year of their arrival in the Czech Republic. Nationals of Ukraine enter the Czech Republic, as a rule, legally; only after they start to reside here illegally (for example when their visa expires) do they file their application with the aim of legalising their residence or avoiding expulsion.

In 2008, as in the previous year, the second most frequent country of origin among international protection seekers in the Czech Republic was **Turkey** (251 applicants). In the past, nationals of Turkey had never been among the most numerous groups of international protection seekers in the Czech Republic. Their annual numbers oscillated at the level of tens. The turnaround situation came in the last months of 2007 when the Czech Republic was confronted with quite a considerable growth in the number of applications filed. As was mentioned above, some nationals of Turkey started to use, to a large extent, a stopover at Prague-Ruzyně airport to file an application for international protection. As there was reasoned suspicion that Turkish citizens only used such residence for illegal migration to other EU Member States and as the increased influx of Turkish international protection seekers did not stop in the first months of 2008, the Czech Republic took measures to solve the situation and introduced airport visas for Turkish citizens (April 2008).

In 2008 **Mongolians** became the third most numerous group of international protection seekers. Thus Mongolia has become, with regard to migration, an important source country for the Czech Republic. With the community of Mongolians residing in the Czech Republic expanding, the number of applications for international protection filed by Mongolian nationals is on the rise. In 2008 the Czech Republic recorded 193 international protection seekers from Mongolia which means that the number of applications increased by more than one fifth when compared with numbers of 2007. However, of the total number of applications almost 40 % were subsequent applications.

Contrary to the total number of applications for international protection in the Czech Republic, which displays a downward trend, applications for international protection filed by Mongolians demonstrate an upward trend. In 2005 and 2006 the share of Mongolian international protection seekers in the Czech Republic accounted for about 3 % of the total number of international protection seekers. In 2007 this proportion increased substantially and reached 9 %. In 2008 the share reached nearly 12 %. Thus it is obvious that the proportion of Mongolian international protection seekers has been growing both in terms of absolute figures and in terms of percentage.

It is typical for Mongolian international protection seekers to arrive in the Czech Republic as Czech visa-holders and file their applications for international protection in order to legalise their residence in the Czech Republic after the validity of their visa or residence permit expires. Only approximately a half of Mongolian international protection seekers filed their applications during the year of their arrival in the Czech Republic.

In 2008 **Vietnam** was the fifth most important country as regards the numbers of international protection seekers in the Czech Republic, and nationals of Vietnam exchanged place with nationals of Belarus who were fourth in the last year. In the course of 2008 in total 108 nationals of Vietnam applied for international protection. The number of international protection seekers from this country slightly increased – by 8 % – when compared with 2007. And again for Vietnamese nationals it is typical that they file their applications after having lived in the Czech Republic for a longer time. About 30 % of Vietnamese applicants filed their applications after five years of residence in the Czech Republic; applications filed after ten years are not exceptional either. Vietnamese continue to use international protection in order to legalise their residence in the Czech Republic. In 2008 50 % of applications by Vietnamese nationals were filed more than once.

Fifth and sixth places as regards the most important source countries of international protection seekers in the Czech Republic were occupied in 2008 by nationals of **Belarus** and **Russia** (there were 79 applicants from each of these two countries).

The number of asylum seekers from **Belarus** can be considered, from the long-term point of view, as steadily falling. When compared with 2007 the number of international protection seekers from Belarus decreased by almost 40 % in 2008. Before 2007 each year approximately 200 nationals of Belarus applying for international protection in the Czech Republic were recorded. Of the total number of 79 applications for international protection filed by nationals of Belarus in 2008, nearly 38 % were subsequent applications.

Similar to the trend typical for Belarusian seekers, the number of international protection seekers from **Russia** displayed a downward trend. In the course of 2008 in total 79 nationals of Russia filed applications for international protection in the Czech Republic which was 20.2 % less than in 2007. When this situation is compared to the years 2003 and 2004, when, as a consequence of a mass Chechnyan migration wave nationals of Chechnya prevailed among citizens of the Russian Federation, from 2006 the share of such persons among international protection seekers has been substantially lower and nationals of Chechnya occur in the Czech Republic only in very limited numbers as protection seekers.

The largest increase in the number of applications for international protection was, in terms of both absolute and relative figures, reported from among nationals of **Kazakhstan**. Citizens of this central Asian country did not represent in the past a very numerous group of international protection seekers in the Czech Republic. The exception was the year 2006 when quite a high number of applications for international protection filed by nationals of Kazakhstan was registered – in the course of 2006 in total 236 international protection seekers from Kazakhstan were recorded which was seven times more than in 2005. The flow of asylum seekers from Kazakhstan was significantly restricted after airports visas were introduced.

The growth in the number of international protection seekers from Kazakhstan in 2008, when in total 73 nationals of Kazakhstan (+143.3% when compared with 2007) filed applications for international protection, was caused mainly by the option to file a subsequent application for international protection; almost 70 % of the total number of nationals of Kazakhstan applied more than once in 2008. The first application for international protection is filed by nationals of Kazakhstan usually immediately after they enter the Czech Republic.

In 2008 only one African country, however, the traditional one – **Nigeria** – fell among the twelve largest groups of international protection seekers in the Czech Republic. Nigeria has ranked among the ten main source countries for several years. In 2008 in total 39 Nigerian nationals filed applications for international protection in the Czech Republic. In comparison with the previous year there was a decline by 43.5%, nevertheless Nigerian international protection seekers still retained eight place on the scale of the most numerous groups of international protection seekers.

Nationals of **Georgia** became in 2008, with the number of 38 applicants, the ninth most numerous group among international protection seekers in the Czech Republic. When this number is compared to that of 2007, the number of international protection seekers from Georgia dropped by 6 %. The development in the number of applications filed by citizens of this country has appeared in recent years to be very balanced.

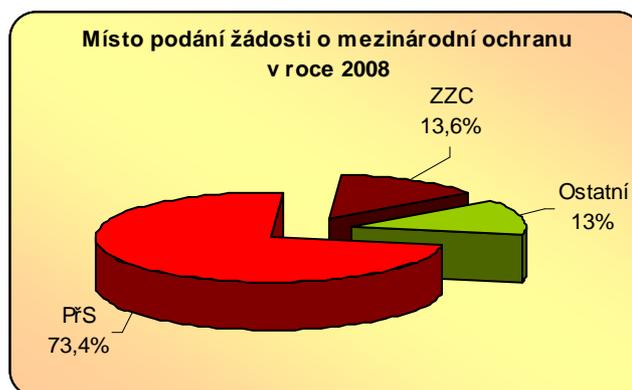
Nationals of **Afghanistan**, **Kyrgyzstan** and **Syria**, with the same number each of 36 international protection seekers, became in 2008 the tenth, eleventh and twelfth most numerous groups among international protection seekers in the Czech Republic.

Nationals of **Kyrgyzstan**, whose number considerably decreased when compared with 2007, by 42.9 %, filed applications in 2008 in particular as subsequent applications – this applies to two thirds of all cases. At first sight a very high growth, i.e. 80 %, in the number of applications for

international protection filed by nationals of **Afghanistan** does not in fact seem to be so high when absolute numbers are taken into account. In 2008 only 16 more applicants from this country filed applications. International protection seekers from **Syria** filed in 2008 16.1 % applications more than in 2007. Contrary to applications filed by international protection seekers from Kyrgyzstan, where subsequent applications accounted for a high share, the vast majority of nationals of Afghanistan and Syria applied for the first time.

The share of applications for international protection filed at the Prague - Ruzyně reception centre (RC) in 2008 moderately decreased by 16.1%; exactly half of all applications (266) for international protection filed at Prague - Ruzyně airport were filed by nationals of Turkey.

Fig. Place where applications for international protection were lodged in 2008



13.6 % of all foreign nationals who applied for international protection in the Czech Republic in 2008 filed their applications in detention centres for foreigners. When compared to previous years, when such a share accounted for approximately 9.3 %, the year

2008 saw a moderate increase (+50 applications). Such an increase can be ascribed to efforts of some foreign nationals to legalise their residence in the Czech Republic by means of filing an application for international protection. While in 2006 in total 409 foreigners applied for international protection in detention centres for foreigners, in 2007 only 175 persons filed applications and in 2008 in total 225 persons applied for international protection. The most numerous group among those who filed an application in detention centres for foreigners was represented by citizens of Ukraine (95 persons), Mongolia (23 persons), and Vietnam (21 persons).

In 2008 altogether 73 foreign nationals applied for asylum while serving a prison term, which approximately corresponds to the situation in 2007. In 2008, as in the previous year, the highest numbers of applications filed in prisons were filed by nationals of Ukraine (43 applications). Persons who applied for international protection when serving a prison sentence fall under the category 'Other,' which accounts for 12.7 % of all applications. This category also includes international protection seekers who applied for international protection while in hospital, children who were born in the Czech Republic to international protection seekers during asylum proceedings, and applications lodged in asylum facilities.

VIII.1.2. International Protection Procedure in the Czech Republic

In 2008 the Ministry of the Interior of the Czech Republic issued in total 2,026 decisions. As of 1 January 2008 in total 776 persons were party to international protection proceedings, whilst at the end of 2008 the Ministry recorded 431 applications.

In 2008 the Ministry of the Interior granted international protection to 295 persons. Although the number of persons who were granted international protection decreased by 87 persons when compared with 2007, it is one of the highest numbers in the modern history of the Czech Republic. The Czech Republic is among those countries which, if relative figures are taken into account, awards quite a high number of asylum or subsidiary protection. The total rate of granted forms of

protection⁷⁷ reached 21.9 %, which, if compared to 2007, accounts for a moderate increase (+2.3 %).

Asylum, as one of the forms of international protection, was in 2008 granted to **157 persons** in total, which was 34 less than in 2007. The highest number of persons granted asylum (26 persons) were nationals of Myanmar. Within a pilot resettlement project the Czech Republic resettled the group of 23 nationals of **Myanmar**, who were subsequently granted asylum. As in previous years a relatively high number of persons granted asylum were nationals of the **Belarus** (19 persons) and **Russia** (18 persons). The following countries also ranked among those whose citizens quite frequently applied for asylum in the Czech Republic and who were granted asylum in 2008: **Ukraine** (17 persons) and **Kazakhstan** (14 persons).

The highest numbers of persons granted asylum in 2008 were granted asylum for the purpose of family reunification. This reason for granting asylum applied mainly to nationals of the Russian Federation, Belarus, Iraq and Uzbekistan. 31 % of all persons who were granted asylum were granted asylum under reasons defined in the Convention on the Legal Status of Refugees. This was the reason why asylum was granted mainly to citizens of Belarus and Iraq. The remaining 26 % of those who were granted asylum received it for humanitarian reasons and most frequently these people were nationals of Ukraine and the Russian Federation

A subsidiary form of protection was granted by the Ministry of the Interior in 2008 in **138 cases**. When compared with 2007, when subsidiary protection was granted in 191 cases, this constituted a decline by 53 cases. In more than 40 % of cases subsidiary protection was granted to nationals of **Cuba** (61). In 22 cases subsidiary protection was awarded to citizens of **Iraq**, in 17 cases **to stateless persons**, and in 13 cases to nationals of **Belarus**.

In 2008 the Ministry of the Interior turned down 1,052 applications, which accounts for 51.9 % of the total number of decisions taken at the first instance of asylum proceedings in 2008. A further 22.2 % of decisions taken by the Ministry of the Interior within international protection procedures are applications rejected as inadmissible. In such cases accelerated procedure for determining international protection was used. When compared with previous years, when this form of decision was applied to a lower degree, in 2008 the number of rejected applications increased. While in 2007 133 applications were found to be inadmissible, in 2008 this number increased to 449.

Of the total number of 2,026 decisions taken at first instance in 2008, proceedings were discontinued in 11.4 % cases.

Actions and Cassation Complaints Filed with Courts

In general, it may be said that the year 2008 followed the trend seen in this area in previous years. In the year reviewed a further decline in the number of international protection seekers was also reflected in the lower number of lodged actions and cassation complaints. As a consequence, the number of still not closed actions and cassation complaints lodged by foreigners to appeal against decisions of the Ministry of the Interior with administrative courts (i.e. at regional court and the Supreme Administrative Court in Brno) is getting lower. The number of open cassation complaints lodged at this court by foreigners against decisions of Regional Courts decreases not only as a consequence of the lower number of foreign nationals who apply in the Czech Republic for international protection but also as a result of positive effects of the impermissibility of filing a cassation complaint, which undoubtedly contributes to accelerated cassation proceedings.

⁷⁷ The total rate of granted forms of protection = the number of people who were granted asylum and leave to remain (the total number of persons who were granted asylum + the number of decisions on not granting asylum) multiplied by 100.

In 2008 regional courts received, within international protection proceedings in the Czech Republic, in total 1,008 appeals against decisions of the Ministry of the Interior in asylum proceedings. Regional courts issued during this period altogether 1,456 decisions. In 852 cases (58.5 %) appeals were rejected, by which Regional Courts confirmed the decisions of the Ministry of the Interior. The courts discontinued proceedings in 451 cases (31.0 %). Only in 63 cases (4.3 %) did the courts discharge the decision taken by the Ministry of the Interior, returning the case to be assessed again at first instance. In the case of actions not having a suspensive effect, Regional Courts received in 2008 in total 172 actions, whilst decisions were taken in 94 cases. In the majority of cases (57, i.e. 60.6 %) the proceedings were discontinued.

In 2008 in total 760 persons lodged cassation complaints with the Supreme Administrative Court in Brno. The Supreme Administrative Court issued 813 decisions during the year reviewed. The Supreme Administrative Court rejected 615 cassation complaints (75.6 %) and dismissed 37 cassation complaints (4.5 %), by which the Supreme Administrative Court confirmed the decisions taken by Regional Courts. In a further 110 (13.5 %) cases cassation complaints proceedings were discontinued and 30 cases (3.6 %) were returned for new proceedings to be commenced by a relevant Regional Court. In 2008 the Ministry of the Interior lodged cassation complaints with the Supreme Administrative Court in 28 cases.

VIII.1.3. Minor Asylum Seekers Unaccompanied by Parents or Statutory Representatives

In 2008 in total 36 unaccompanied minors (hereinafter referred to as ‘minors’) applied for international protection in the form of asylum in the Czech Republic. When compared to 2007, when 56 minors applied for international protection, a further decline in the number of applications was recorded.

Of the total number of arriving minors five Ukrainian babies, who had been abandoned by their mothers after they had given birth, were accepted within facilities for international protection. Other minors arrived, for example, from Turkey, Russia, Afghanistan, Kosovo, Ghana, China, and Mongolia, however, their numbers were very low. The most numerous group among them consisted of minors of Kurdish nationality from Turkey, 23 of whom entered the Czech Republic via Prague-Ruzyně international airport. This group, contrary to all others, was the only one who was in possession of valid travel documents.

The majority of minors were, at the time when they lodged their application, between 15 and 18 years of age, in other words approximately 56 %; 25 % of were 9 -15 years old; and 19 % were 0-8 years old. Only three minors applied for international protection in the standard manner, i.e. through the reception centre in Vysni Lhoty. 25 minors filed their applications at Prague - Ruzyně international airport, and at diagnostic centres where minors are placed by courts’ decisions six minors filed applications; in detention centres for foreigners this option was exercised by two minors.

In 2008 the Department for Asylum and Migration Policy of the Ministry of the Interior did not have any findings as regards this category of international protection seekers proving that human rights were violated in relation to international protection proceedings. No cases of abuse or violation committed against minors were detected.

Minor international protection seekers entering the Czech Republic in 2008 unaccompanied by statutory representatives

According to nationality

According to place of entry into an asylum facility

Month Nationality	According to nationality												According to place of entry into an asylum facility				
	January	February	March	April	May	June	July	August	September	October	November	December	Total	DCF	Airport Prague Ruzyně	RCs	Diagnostic centres
Turkey	6	9	7	1									23		23		
Afghanistan (Medevac)				2									2		2		
Ukraine				1		2			1	1			5				5
Russia					1								1			1	
Afghanistan						1							1	1			
Kosovo							1						1		1		
Ghana										1			1	1			
China										1			1				1
Mongolia										1			1			1	
Total	6	9	7	4	1	3	1	0	1	4	0	0	36	2	25	3	6

According to age

According to gender

Age category Nationality	According to age													According to gender	
	0-2	3	5	8	9	10	12	13	14	15	16	17	Total	Female	Male
Turkey							1		2	4	7	9	23	2	21
Afghanistan (Medevac)				1		1							2	1	1
Ukraine	4			1									5	4	2
Russia	1												1		1
Afghanistan											1		1		1
Kosovo												1	1		
Ghana												1	1		1
China												1	1		1
Mongolia					1								1	1	
Total	5	0	0	2	1	1	1	0	2	4	8	12	36	8	28

Key: DCF – detention centre for foreigners
RCs = reception centres

VIII.1.4. The Share of the Czech Republic in the Number of International Protection Applications Filed in the European Union in 2008

The Czech Republic has recorded a downward trend in the number of applications for international protection since its accession to the European Union in 2004, but this development has been recorded for a long period of time in other EU Member States.

The European Union as a whole recorded in 2008, as in 2007, a moderate increase in the number of applications (+6 %). The increased number of applicants was seen, however, only in some EU Member States.

Whilst in 2007 Iraq became for EU Member States the main source country of international protection seekers in 2008, the influx of migrants can be linked mainly to migration from the African continent (a high growth in the number of applicants from Somalia, Nigeria, and Zimbabwe). African countries were followed by Afghanistan.

In EU Member States (27) in total 238,080 applications for international protection were filed in 2008 whereas a higher number of applications was reported in the second half of the year. In the year reviewed Iraq became for EU Member States, as in the previous year, the main source country of international protection seekers (27,607 applications). Other important source countries for the European Union in 2008 were Russia (18,183), Somalia (17,093), Afghanistan (13,497), and Serbia (12,633).

Whilst the numbers of applicants from Iraq, Serbia and Pakistan decreased, when compared with 2007, the numbers of international protection seekers from countries of the African continent and Afghanistan substantially increased. Three African countries – Somalia, Nigeria and Eritrea - ranked among the ten most important source countries.

The highest number of applications for asylum within EU Member States (27) was recorded in France (35,160 applications). Second place was occupied by Italy (31,160), followed by the United Kingdom (30,550), Sweden (24,350), and Germany (21,370).

In 2008 the share of the Czech Republic in the total number of applications for international protection filed in EU Member States (27) was approximately 0.7% (in 2007 the share accounted for 0.8%). According to the number of applications filed in EU Member States, the Czech Republic occupied 18th position in 2008.

VIII.1.5. Asylum Facilities

The Refugee Facility Administration of the Ministry of the Interior provides services to applicants for international protection and recognised refugees (i.e. to those who have already been granted asylum) who stay in nine asylum facilities which are divided into three types. A **reception centre (RC)** serves for the accommodation of foreign nationals until steps provided for in Section 46⁷⁸ are completed, or for the period specified by the Act on Asylum. A **residence centre (RC)** serves for the accommodation of applicants for international protection until a relevant decision concerning his/her asylum application comes into legal force. An **integration asylum centre (IAC)** serves for the temporary accommodation of recognised refugees.

The Ministry of the Interior is, under Section 80 of the Act on Asylum, the body for establishing asylum facilities and is also the exclusive administrator of reception centres. Residence centres and integration asylum centres are operated either by the Ministry of the Interior or a legal person with powers authorised by the Ministry of the Interior, and who operates the centres on the basis of an agreement and is paid for doing so.

⁷⁸ 1) An asylum seeker is not permitted to leave the reception centre until:

- a) identification procedure pursuant to Section 47 of the Act on Asylum is completed,
 - b) a medical examination aimed at establishing whether the participant suffers from an illness which endangers his/her life or health or the life or health of other persons is completed,
 - c) a visa is issued to him/her in order to remain for the purpose of proceedings on the granting of asylum, until a certificate confirming the granting of asylum is issued (Section 57 of the Act on Asylum), and
 - d) quarantine or other measures relating to the protection of public health are completed, provided that these can take place in the reception centre.
- 2) An asylum seeker is not permitted to leave a reception centre in the transit zone of an international airport even after the acts referred to in paragraph 1 are completed.

AZYLOVÁ ZAŘÍZENÍ NA ÚZEMÍ ČESKÉ REPUBLIKY



Figure above

ASYLUM FACILITIES IN THE CZECH REPUBLIC

The Refugee Facility Administration of the Ministry of the Interior operates **two reception centres**, namely a reception centre in Vysni Lhoty, and a reception centre in the transit zone of Prague-Ruzyně international airport.

The below overview shows that as of 31 December 2008 **the full capacity of reception and residence centres was 1,279 beds**

Capacity of reception and residence centres

Type of asylum facility	Number of beds
Reception centres	
Vyšní Lhoty	585
Praxe-Ruzyně	45
Reception centres - total	630
Residence centres	
Zastávka	227
Havířov	112
Kostelec nad Orlicí	275
Stráž pod Ralskem	35
Residence centres - total	649

The most frequent arrivals in asylum facilities, if nationalities are taken into account, correspond to the most numerous groups of international protection seekers. These are predominantly international protection seekers from **Turkey** (240 person, i.e. 17 %), **Ukraine** (209 persons, i.e. 15 %), and **Mongolia** (179 persons, i.e. 13 %).

Integration asylum centres serve as the first phase of integration for temporarily accommodated persons who have been granted asylum. As of 31 December 2008 the Refugee Facility Administration of the Ministry of the Interior operated five integration asylum centres having a total capacity of 90 accommodation units (these are filled according to the size and the nature of the families to be accommodated), having a maximum capacity of 259 beds.

Capacity of integration asylum centres

Integration asylum centres	Number of accommodation units	Number of beds
Havirov	6	33
Jaromer	10	36
Predlice	12	44
Straz pod Ralskem	38	83
Zastavka	24	63
Total	90	259

Utilisation of Accommodation Capacity in 2008

In 2008 altogether 1,199 international protection seekers (newcomers including babies born during their mother's residence in asylum facilities) were accommodated in asylum facilities. In total, if basic capacity is taken into account, reception and residence centres were utilised by 21 %, however this figure includes only persons physically present in asylum facilities.

International protection seekers accommodated in a residence centre may, if they so request, leave the centre for a long period of time. In 2008 this option was used by on average 57% of registered international protection seekers.

VIII.2. PROCEDURE ACCORDING TO THE DUBLIN REGULATION

The Ministry of the Interior of the Czech Republic is responsible for implementing Council Regulation (EC) No. 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States (the Dublin Regulation) by a third country national. The said Regulation lays down that only one EU Member State will assess an application for international protection no matter in which EU Member State it is lodged. The objective is to eliminate the situation whereby a third country national applies for international protection in several EU Member States either at the same time or subsequently. The EU Member State which is determined to be responsible for assessing the application is obliged to examine the core of the application. On the other hand, other Member States are obliged to transport the foreigner in question to the competent Member State if he/she subsequently applies for international protection in their territory. The criteria for determining the EU Member State responsible for assessing an application for international protection are as follows: family relations of the international protection seeker; whether the applicant is in possession of a visa or a residence document in an EU Member State; whether the international protection seeker irregularly crossed the border into a Member State; a third-country national is entitled to enter into the territory of a Member State in which the need for him or her to have a visa is waived; and last but not least, the first Member State where the application for asylum was lodged is the most important criterion for deciding which state is responsible for examining the application.

An important role in the process of determining the responsible EU Member State is played by the System for the Comparison of Fingerprints – EURODAC. This is a system which stores fingerprints of all international protection seekers and some other categories of foreigners in order

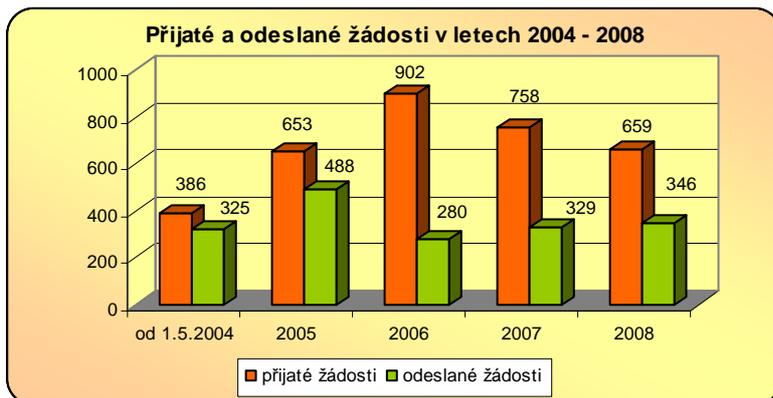
to compare them if needed. The system enables reliable detection of whether the person concerned had applied for international protection before in any other EU Member State or whether the person has been apprehended by any other Member States when attempting to illegally cross the external border of the European Union.

The Ministry of the Interior closely cooperates with the Alien Police Service of the Czech police and with the Refugee Facilities Administration in procedures according to the Dublin Regulation.

Fig below. Received and dispatched requests from 2004 to 2008

Orange: received request

Green: dispatched requests



In 2008 the Ministry of the Interior adopted in total 659 requests according to which other Member States asked the Czech Republic to take back third country nationals under the Dublin Regulation. The Ministry of the Interior accepted 442 cases where the Czech Republic was responsible for assessing an application for international protection and the Czech Republic agreed to admit such foreign

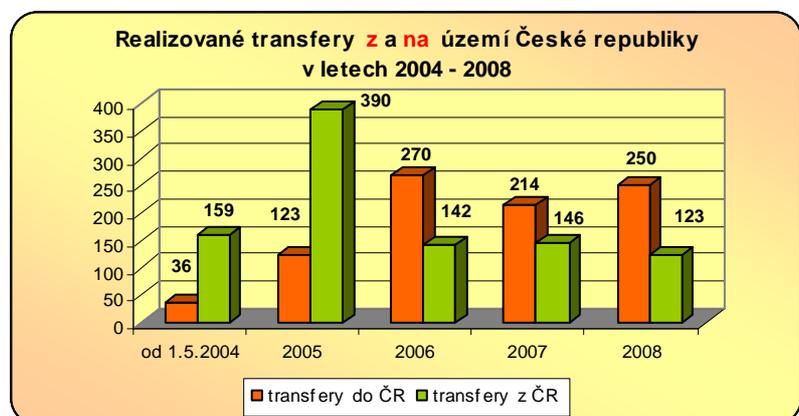
nationals. Of this number, the Ministry of the Interior received 238 requests for information under Article 21 of the Dublin Regulation. Such requests were primarily sent by Austria (in total 212 requests, of which 162 requests were for information), Germany (in total 203 requests, of which 6 requests were for information) and Sweden (in total 82 requests, of which 46 requests were for information).

On the other hand, in 2008 the Ministry of the Interior sent to other EU Member States requests concerning 346 persons (international protection seekers of third country nationals) and requests to take back the international protection seekers or third country nationals in question. In 114 cases the requested Member State recognised its responsibility and agreed to take back the third country nationals concerned. In addition, the Ministry of the Interior sent to other Member States in the year reviewed 212 requests for information under Article 21 of the Dublin Regulation. The Ministry of the Interior sent the majority of requests to Poland (in total 77 requests, of which 38 requests were for information), followed by Germany (in total 38 requests, of which 20 requests were for information) and Slovakia (in total 32 requests, of which 28 requests were for information).

Fig: Transfers Carried Out From and To the Czech Republic from 2004 to 2008.

Orange: transfers to the Czech Republic;
Green: transfers from the Czech Republic

The final and at the same time the most demanding phase of the whole procedure under the Dublin Regulation is the transfer of an international protection seeker to the Member State responsible for assessing his/her application for international protection. The Czech Republic is a Member State which is capable of carrying out transfers effectively.



In total 123 persons were transferred in 2008 to another Member State (in the case of 114 persons the Czech Republic received the agreement of another Member States to take them back in 2008; it was agreed during the previous year to take back 9 persons). On the other hand the Ministry of the Interior recognised the responsibility of the Czech Republic for assessing applications for international protection in 442 cases; however, other Member States were able to carry out transfers only in 250 cases.

The above stated data indicates that the Czech Republic accepts, according to the procedure under the Dublin Regulation, more persons than it can transfer to other Member States. The geographic location of the Czech Republic would, however, rather support a reverse trend. This situation is caused by the following facts. More than half of the persons (about 58 %) who apply for international protection in the Czech Republic arrived on the basis of a visa granted by an embassy or consulate of the Czech Republic or were in possession of a Czech residence permit. With regard to the granted visa or residence permits, the Czech Republic is automatically responsible for assessing the application for international protection. A further 19 % of the total number of applications for international protection were lodged, in the past year, in the transit zone of Prague-Ruzyne airport. The vast majority of applicants arrived directly from a third country without any document authorising them to stay in an EU Member State or in the Czech Republic. Thus the Czech Republic became the first Member State where a third country national could contact the authorities of a Member State and apply for international protection.

VIII.3. COMMON EUROPEAN ASYLUM SYSTEM

The Commission submitted in June 2007 a Green Paper the aim of which was to identify possibilities for drawing up the second phase of the Common European Asylum System. On 23 June 2008 the Commission published the *Policy Plan for Asylum – an Integrated Approach to Protection across the European Union* (hereinafter referred to as the ‘Policy Plan’). The Policy Plan is an implementing document concerning the Green Paper on the future Common European Asylum System. The Policy Plan is based on current as well as on future legal framework, defines the plan for future years and lays down measures which the Commission intends to propose in order to complete the second phase of the Common Asylum System.

The Policy Plan consists of four main parts:

1. The Overarching Objectives of the Common Asylum System

It describes how the Common Asylum System should look: namely it should ensure access to those in need of protection, provide for a single, common procedure, establish uniform status for asylum and for subsidiary protection, incorporate gender considerations, determine responsibility, and support solidarity.

2. Better Quality and Enhanced Harmonisation of Standards of International Protection

The objective of the Commission is to achieve better quality and enhanced harmonisation standards for accepting international protection seekers, an enhanced level of compliance between asylum procedures in Member States, and specification of common criteria for granting international protection.

3. Practical Cooperation

One of the main goals of practical cooperation is to improve convergence in asylum decision-making by Member States, within the EU legislative framework. The idea is also to create a dedicated structure in order to support and coordinate such activities in the form of a European Asylum Support Office (EASO).

4. Promoting Responsibility and Solidarity

One of the objectives is to assist those Member States which, notably because of their geographical position, are faced with particular pressures on their national asylum systems. It is the Union's responsibility to find a common response, based on the principle of solidarity, to the challenges faced by specific Member States. The European Union is also obliged to share responsibility for managing the situation of refugees together with that of third countries and countries of first asylum. The EU will continue to integrate capacity building for asylum in development cooperation with third countries, placing the emphasis on a long term, comprehensive approach.

IX. Criminal Activities of Foreign Nationals

IX.1. FOREIGN NATIONALS PROSECUTED IN THE CZECH REPUBLIC

In previous years the number of prosecuted foreign nationals oscillated around 7,000 persons per year. A substantial increase was seen in 2007. This fact undoubtedly reflects the amendment to the Act on Road Traffic, effective as of 1 July 2006. Driving under the influence of addictive substances became a criminal offence from that date. The amendment to the said Act introduced also a new crime – driving without a driving licence - Section 180d of the Criminal Code

The numbers of prosecuted foreigners reflect the situation pertaining to legal and illegal migration in the Czech Republic.



In 2008, of the total number of 122,053 prosecuted persons, **8,572 were foreign nationals which accounts for 7 % of the total number of prosecuted persons.** When this number is compared with the numbers of 2007 the number of prosecuted foreigners increased by 393 persons (i.e. +4.8 %). The share of foreign nationals in the number of criminal offences has since 2002 displayed a continuous upward trend (from 5 % to 7 %). This relates mainly to the steady increase of foreigners in possession of residence permits in the Czech Republic.⁷⁹

Persons prosecuted

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total number of prosecuted persons	127,887	130,234	127,856	123,964	121,393	121,531	121,511	122,753	127,718	122,053
of whom foreigners prosecuted in the Czech Republic	7,491	7,261	6,166	6,238	6,923	7,215	6,994	7,284	8,179	8,572
% share in total persons prosecuted in the Czech Republic	5.9	5.6	4.8	5.0	5.7	5.9	5.8	5.9	6.4	7.0

If we compare the share of male and female offenders among prosecuted foreigners then the share of men accounted for 90.4 % (which is in absolute numbers 7,752 persons) while the proportion of women was 9.6 % (which is in absolute numbers 820 persons). In comparison with 2007 the number of prosecuted male foreigners increased by 311 persons, whilst the number of prosecuted female foreigners displayed a lower increase, by 82 persons.

The **structure of criminal offences** for which foreigners are prosecuted in the Czech Republic depends on a range of factors, such as nationality, the type of residence in the Czech Republic, as well as conditions in the regions where these persons reside or where a given criminal offence was committed. Each nationality or each region demonstrates certain specificities as regards the committing of criminal offences.

With regard to groups of criminal offences committed by foreign nationals, in 2008 so-called ‘remaining’ offences were most often seen - 3,139 prosecuted foreign nationals, i.e. 36.6 % (in particular, crimes under Sections 201 and 201a of the Criminal Code – endangering under the

⁷⁹ Details are described in Chapter V.2.1. *Foreign Nationals Having Residence Permits in the Czech Republic*

influence of addictive substances, drunkenness - 1,129 foreign nationals, i.e. 36 % of this category of criminal offences). Most foreign nationals (550) were prosecuted for the aforementioned criminal offence in the South Moravian Region.

The second largest group of criminal offences committed by foreign nationals is represented by crimes against property, for which 1,711 persons, i.e. 20.0 % were prosecuted. Of the total number of crimes against property committed by foreign nationals, almost one third was reported by the administration of the Czech police in Prague. This category is followed by a category known as 'other' criminal offences (1,661 persons, i.e. 19.4 %). Such offences were mainly the frustration of an official decision (1,066 persons, i.e. 64.2 % of this type of criminal offences). The majority of economic crimes (1,020 persons, i.e. 11.9 %) committed by foreigners were committed in the territory of the capital city of Prague (26.8 %). 920 foreign nationals, i.e. 10.7 % of the total number of prosecuted foreign nationals, were prosecuted for violent crimes and most of these crimes were again committed in Prague (213 persons, i.e. 23.2 %).

The number of investigated and prosecuted foreign nationals in the Czech Republic;
The number of criminal offences committed by foreign nationals according to individual types of crimes

Criminal offence	Foreign nationals investigated and prosecuted				Criminal offences committed by foreign nationals			
	2007	2008	Year-on-year change		2007	2008	Year-on-year change	
			Absolute figures	%			Absolute figures	%
Murders - total	45	41	-4	-8.9	35	34	-1	-2.9
Robberies	309	221	-88	-28.5	286	209	-77	-27.0
Wilful bodily injury	333	306	-27	-8.1	308	289	-19	-6.2
Violent crime	1,038	920	-118	-11.4	1,043	915	-128	-12.3
Vice crime	105	121	16	15.2	105	119	14	13.3
Burglaries	361	329	-32	-8.9	626	572	-54	-8.6
Pickpocketing	138	120	-18	-13.0	132	165	33	25.0
Theft	1,116	1,094	-22	-2.0	1,330	1,444	114	8.6
Crimes against property	1,748	1,711	-37	-2.1	2,297	2,338	41	1.8
Frustration of an official decision	1,065	1,066	1	0.1	1,204	1,213	9	0.7
Economic crime - total	1,128	1,020	-108	-9.6	1,250	1,161	-89	-7.1
TOTAL CRIME	8,179	8,572	393	4.8	9,262	9,720	458	4.9

In the year reviewed in total **9,720 criminal offences committed by foreign nationals** (+458 crimes, i.e. +4.9 %) were reported which accounts for about 7.6 % of the total number of solved crimes. Theft displayed the largest increase (1,444 crimes; +114, i.e. +8.6 %) followed by crimes against property (2,338 crimes; +41, i.e. +1.8 %). The highest number of solved crimes reported by the Czech police administration was in Prague.

As regards type of residence, the share of prosecuted foreigners in possession of long-term residence permits has been increasing. In 2008 in total 1,851 such foreigners were prosecuted which is, when compared with the previous year, a growth by 1,041 persons, i.e. 128.5 %. On the other hand foreign nationals who resided in the Czech Republic unlawfully, who were in possession of a short-term visa, or who enjoyed or were in the process of applying or who applied for international protection when they committed a criminal offence, showed a downward trend. Of the total number of 8,572 foreign nationals involved in criminal activities, the category of citizens of the European Union residing in the Czech Republic without temporary residence permits accounted for 39.6 %, whilst the category of foreign nationals in possession of permanent residence permits represented 21.6 % and foreign nationals who resided illegally in the Czech Republic accounted for only 11.1 %.

In the year reviewed, as in previous years, citizens of **Slovakia** came top in the numbers of prosecuted foreign nationals and, with the number of 3,663 prosecuted persons, accounted for almost 43 % of the total number of prosecuted foreign nationals. Their share both in absolute numbers and with regard to the percentage share has been growing since 2002. Most Slovaks were in 2008, as in the previous year, prosecuted for crimes falling in the category of 'remaining' crimes; the category of 'other general crimes' saw also an upward trend.

Slovakians were, in criminal statistics, followed, at a far distance, by citizens of **Ukraine** (nearly 19 % of the total number of prosecuted foreign nationals) who were during the last year prosecuted for crimes in the category of 'remaining' crimes. Since 2002 the numbers of prosecuted nationals of Ukraine have been irregularly falling and rising (they oscillated yearly between 1,300 and 1,700 crimes).

These two nationalities were followed, at a far distance, by nationals of **Vietnam**, with the number of 901 prosecuted persons. When this number is compared with the numbers of 2007, nationals of Vietnam displayed a growth by 21 %. Most nationals of Vietnam (303 persons) were in 2008 prosecuted for economic crimes. Vietnamese mainly committed criminal offences such as infringement of copyright and trademarks and tax-related offences. These criminal offences are followed by crimes falling into the category of other general crimes (244 persons), which also includes drug addiction. Nationals of Vietnam committed similar criminal offences also in 2006 and in 2007.

As regards EU Member States, apart from nationals of Slovakia, among the TOP 10 nationalities prosecuted for criminal offences were citizens of **Poland** (482 persons; a growth of 2.8 %), **Romania** (202 persons; a growth of 38.4 %), **Germany** (176 persons; a growth of 4.1 %), and **Bulgaria** (144 persons; a growth of 17.1 %). Among TOP 10 third country nationals prosecuted for criminal offences were nationals of **Russia** (172 persons; a decline of 21.5 %). Russians were followed by nationals of **Mongolia**; in 2008 in total 146 Mongolians were prosecuted which represents, when compared with 2007, an increase of 57 %. Since 2002 the numbers of nationals of Mongolia prosecuted in the Czech Republic have been growing, with the exception of 2005. With regard to regional distribution it may be said that nationals of Mongolia committed most crimes in the South Moravian Region which corresponds to their numbers in this region, mainly in the district of Blansko. Nationals of **Moldova** occupied tenth place as regards the numbers of foreign nationals prosecuted in the Czech Republic, with 102 (-18.4%) prosecuted.

Although some nationalities displayed in statistical data on foreign nationals prosecuted low numbers, the type of crimes they commit poses a certain security risk from the side of the given nationality. As an example, nationals of Algeria can be mentioned, whose numbers have been on the rise and who committed predominantly crimes against property. Not very high numbers of prosecuted persons were reported from among nationals of Uzbekistan, Croatia, Lithuania, Kazakhstan, the United Kingdom, the Netherlands, and Macedonia, however, their share in violent crime is very high. Further countries whose citizens do not display very high numbers of persons prosecuted in the Czech Republic but which, however, since 2006 have displayed an upward trend should be mentioned. These are in particular Austria, Macedonia, Kazakhstan, and the United Kingdom.

Criminal offences committed by foreign nationals have in recent years been concentrated mainly in border zone districts along the border between the Czech Republic and Germany – Saxony, and in districts located near the border between the Czech Republic, Germany and Poland, followed by the South Moravian region, especially in districts neighbouring Slovakia but also inland districts with a high concentrations of inhabitants.

Of the total number of 8,572 prosecuted foreigners 2,869 (i.e. 33.5 %) were prosecuted in districts located near the national border. As regards nationalities, nationals of Slovakia (1,227),

Vietnam (456), Ukraine (325), Poland (257), and Germany (118) were most frequently prosecuted in borderland districts. Other nationalities did not reach one hundred.

When comparing various indicators relating to the movement of foreigners in the Czech Republic, a certain link between illegal migration in the Czech Republic, the concentration of foreign nationals possessing residence permits, and the share of prosecuted foreigners, can be seen. With a decline in illegal migration across the national border of the Czech Republic the number of foreigners prosecuted in borderland districts saw a moderate decline, whilst in Prague and some inland districts their number increased. This trend continued also after the Czech Republic's joining the Schengen area, when systematic border checks were abolished.

The capital city of Prague has been, for a long period of time, the most affected territory in the Czech Republic with respect to criminal offences committed. In total 2,220 foreign nationals were prosecuted in Prague which accounts for more than one quarter of the total number of foreign nationals prosecuted in the Czech Republic. This fact relates to the high concentration of foreigners due to tourism, and due to foreigners holding residence permits.⁸⁰ Prague is followed by the South Bohemian Region with the number of 1,412 prosecuted foreign nationals (i.e. 16.5 %), and the Central Bohemian Region (1,119 prosecuted foreign nationals, i.e. 13.1 %).

If details are considered in terms of territorial division (if Prague is not taken into account), most foreign nationals were prosecuted in the districts of Brno, Pilsen, Mlada Boleslav, Liberec, Prague – venkov, Ostrava, and Pardubice.

After the Czech Republic joined the Schengen area and after systematic border checks were abolished the Czech police lost a tool for control and information source as regards the movement and identification of persons crossing the national border. It is obvious on the basis of operative findings gathered by special units of the Czech police that the activities of organised crime did not increase with border opening, but they became more latent and conspiratorial. Organised crime has a number of common points and similar features with illegal migration, the production and distribution of narcotic substances, and trafficking in human beings.

Serious Crime

In 2008 the Unit for Combating Corruption and Financial Crime of the Criminal Police and Investigation Service of the Police of the Czech Republic (hereinafter referred to as the 'UCOC') commenced or extended prosecution against 28 foreign nationals. In comparison with 2007 when UCOC prosecuted 21 foreigners, the number of prosecuted foreign nationals increased by seven persons, which accounts for 33.3 %. Prosecuted foreign nationals were of following nationalities: Vietnam (21 persons), Slovakia (3 persons), Israel, Egypt, and the United Kingdom and India (one person from each of these countries). The criminal activities of such foreigners, as in 2007, related to tax crime and other similar criminal offences (curtailment of taxes, fees and similar mandatory charges – Section 148 of the Criminal Code), violation of regulations pertaining to the import and export of goods (Section 124 of the Criminal Code), forging and falsifying labels on goods (Section 145a of the Criminal Code), violations of regulations concerning labels on goods (Section 148a of the Criminal Code), and infringement of rights to a trademark (Section 150 of the Criminal Code). In total 20 nationals of Vietnam committed the aforementioned criminal offences when illegally importing tobacco and cigarettes, and one Vietnamese committed tax offences when importing and re-exporting goods. Two nationals of Slovakia illegally traded in cigarettes; one national of Israel illegally purchased and sold ferroalloys; and one national of India falsified accounting documents. Further, one Slovak national was prosecuted for participating in trade in unlabeled spirits. Officers of the UCOC investigated in 2008 in Prague a complicated case

⁸⁰ Of the total number of foreigners with Czech residence permits, one third was registered in the capital city of Prague. (*Chapter V.2.1., Foreign Nationals Having Czech Residence Permits*)

concerning the legalisation of criminal proceeds (Section 252a of the Criminal Code) the damage caused in such case being very high. It was a crime based on the legalisation of criminal proceeds through a large number of bank transfers to target destinations in Vietnam and China. One national of the United Kingdom and one national of Egypt were also prosecuted for the same type of crime.

The Department of Taxes at the UCOC started in 2008 to deal with the case of an Ukrainian national who executed suspicious transactions via his bank account and who was suspected of money-laundering (Section 252a/1.4c of the Criminal Code). With regard to the competence of the UCOC it may be said that crime committed by the Ukrainian community is closely related to the activities of Ukrainian nationals in the Czech Republic who work as cheap labour in construction industry. These persons are in some cases abused as brokers or holders of bank accounts through which criminal proceeds are legalised.

Foreign nationals are mostly involved in cases relating to tax evasion. Foreigners stay usually in the 'background' and leave Czech nationals to deal on their behalf. This applies mainly to Vietnamese nationals residing in the Czech Republic.

According to gathered findings, the activities of Vietnamese nationals are shifting to the area of illegal production or import of tobacco products. These products are imported to the Czech Republic without the payment of excise tax and they are then furnished with fake duty stamps or are furnished with duty stamps of other countries or sold without any duty stamps. Further, there are criminal offences based on the evasion of customs duties and VAT where offenders use duplicate accounting documents for goods. One set of documents serves for payments for imported goods and the second set of documents, with an obviously lower price, is submitted for the purpose of customs and tax proceedings. In 2008 officers of UCOC dealt with several extensive cases of production and distribution of tobacco products – criminal offences under Sections 148 and 150 of the Criminal Code. Criminal offences of illegal production of tobacco products are committed mainly in the Central Bohemian Region, the Karlovy Vary Region, the South Moravian Region, and the Usti Region.

In the future, national diversity among offenders will be seen to a greater extent. Offenders will come not only from the East and South-East of Europe or Asia, but also from traditional EU Member States. On the basis of the amount of requested and provided legal assistance within UCOC it is obvious that the elimination of trade barriers and free movement of persons between states has and will have in the future a negative impact on transnational crime.

With regard to international trafficking in drugs, the transportation of drugs from neighbouring EU countries to the Czech Republic and vice versa was made easier after the Czech Republic joined the Schengen area. This applies mainly to couriers with smaller contingents and so called 'drug tourists'. They transport a relatively negligible amount of drugs, however what is dangerous is the high frequency of couriers.

Joining the Schengen area visibly eased the position of illegal growers of cannabis in closed facilities in the Czech Republic. This type of drug production considerably increased in 2008, which corresponds a past trend. This area is dominated by Vietnamese nationals. They transport from the Netherlands across Germany to the Czech Republic the equipment for such production, seeds and nutrient solutions, and then they export to the Netherlands the ready marijuana. The described method of committing this crime clearly demonstrates that the new situation without border guards is favourable to such criminal activities.

IX.2. CONVICTED FOREIGN NATIONALS

In 2008 the number of foreign nationals, as also the number of foreigners residing in the Czech Republic, who were prosecuted in the Czech Republic for committing criminal offences increased. The growth was by 810 foreign nationals.

Fig: Development of the number of convicted foreign nationals in the Czech Republic

According to the data of the Ministry of Justice, during the course of 2008 in total 5,498 foreigners were lawfully sentenced and their share in the total number of persons convicted in the Czech Republic (75,751 persons) increased, when compared to 2007, from 6.2 % to 7.3 %. This share corresponds with the share of foreign nationals in the total number of criminally prosecuted persons in the year reviewed.



The structure of nationalities that were most often among prosecuted foreigners in the Czech Republic corresponds with the structure of **convicted** foreign nationals. As in the group of criminally prosecuted foreigners, also in this group (convicted foreigners) nationals of **Slovakia** occupied first place with the number of 2,368 convicted persons, and their numbers displayed a year-on-year increase (+479 persons, i.e. +25.4 %). The second place was occupied by citizens of **Ukraine** with the number of 1,077 convicted persons (+52 persons, i.e. +5.1 %). These two nationalities were followed, at a far distance, by citizens of **Vietnam** (487 persons; +54 persons, i.e. +12.5 %), **Poland** (299 persons; +57 persons, i.e. +23.6 %), and **Romania** (125 persons; +26 persons, i.e. +26.3 %).

Among EU nationals who occupied top position among convicted foreigners were, in particular, nationals of Germany (98 persons; +21 persons, i.e. +27.3 %), and Bulgaria (94 persons; +32 persons, i.e. +51.7%).

The share of the first ten nationalities in the total number of convicted foreigners was as follows: citizens of Slovakia 43.1 %, Ukraine 19.6 %, Vietnam 8.9 %, Poland 5.5 %, Romania 2.3 %, Russia 2.2 %, Mongolia 1.8 %, Germany 1.8 %, Bulgaria 1.7 %, and Moldova also 1.7 %.

The above-mentioned statistical records demonstrate that in 2008, when compared to the previous year, citizens of Mongolia reached into the first ten nationalities and occupied seventh place (in 2007 they were eleventh). On the other hand, nationals of Belarus dropped from eighth position to eleventh place.

Convicted foreign nationals - comparison of the same periods of 2007/2008

Period of the year	1 Jan-31 Dec 2007	%	1 Jan-31 Dec 2008	%	Change in comparison with the previous period	
					%	Absolute figures
Convicted persons in the Czech Republic (data of the Ministry of Justice)						
Total convicted persons	75,728	100.0	75,751	100.0	0.03	23
of whom						
Nationals of the Czech Republic	71,038	93.8	70,253	92.7	-11.0	-785
Foreign nationals	4,688	6.2	5,498	7.3	17.3	810
Other *	2	0.0	0	0.0	-100	-2

Key: * the Czech Republic + other nationality

In 2008 in total 234 foreign nationals were placed in deportation (expulsion) custody of District Courts, and of these foreigners 185 were deported while 49 attempts to deport foreigners were unsuccessful.

In the same period, in total two foreigners were placed in deportation (expulsion) custody of Regional Courts, and both were deported.

Extradition and custody facilities accommodated a total of ten foreign nationals and eight of these foreigners were extradited.

Convicted persons – according to courts in individual regions, 2008

Region ^{1/}	Prague	CBR	SBR	WBR	NBR	EBR	SMR	NMR	Total – Czech Rep.
Number of convicted persons	9,251	8,121	4,767	7,136	12,576	7,355	12,995	13,550	75,751
Of them									
Nationals of the Czech Republic	7,734	7,419	4,511	6,537	12,052	6,907	12,100	12,993	70,253
Foreign nationals	1,517	702	256	599	524	448	895	557	5,498

Key: ^{1/} According to the structure of courts.

Courts in the capital city of Prague sentenced the most foreigners (1,517 persons), followed by courts in the South Moravian Region (895 persons), the Central Bohemian Region (702 persons), and the West Bohemian region (599 persons).⁸¹

⁸¹ According to the structure of courts.

X. Specific Projects Pertaining to Migration and Asylum

X.1. HUMANITARIAN PROJECTS

1. MEDEVAC Programme

The Programme of Humanitarian Evacuations of Disabled People (MEDEVAC = Medical Evacuation) – hereinafter referred to as the ‘MEDEVAC Programme’) is mainly determined for seriously ill children from war-torn or otherwise affected regions who cannot be cured under local conditions and whose health condition is so serious that their lives are endangered.

The MEDEVAC Programme, which is implemented by the Ministry of the Interior in cooperation with the Ministry of Defence and the Ministry of Health, primarily serves patients for whom medical care in their country is, under the current circumstances, unavailable.

The principal criteria for the selection of patients to participate in the MEDEVAC Programme are as follows:

- they must be patients for whom the treatment in the Czech Republic means an essential change to their health condition (saving their life or substantial enhancement of life quality);
- patients cannot be provided adequate medical care in their home country;
- patients must be selected on the basis of relevant medical reports which will be assessed by medical experts in the Czech Republic (in an ideal situation a medical report should be drawn up by a Czech physician or any other physician from the EU).

The main condition for satisfying a request for inclusion of a patient in the MEDEVAC Programme is assessment of the diagnosis and possibilities of medical treatment in the Czech Republic. The MEDEVAC programme prefers child patients suffering from such a disease which does not require intensive treatment which would take several years (for example leukaemia, epilepsy and so forth). Another condition is obvious non-discrimination against other patients who might need the medical care even more, in their country of origin.

The Ministry of the Interior offers the technology and the means to cure such seriously ill and/or injured patients in the Czech Republic.

At the same time the Ministry of the Interior guarantees to provide such persons with legal residence in the Czech Republic and to cover all related medical costs.

In order to operate on a child patient the written consent of the statutory representative of the child approving the necessary medical intervention, whose exact scope is ascertained after special examinations carried out by the relevant medical facility in the Czech Republic have been conducted, is required. Consequently, it is necessary for child patients to be accompanied by their statutory representatives.

The patients, together with those who accompany them, are granted legal residence in the Czech Republic, and their medical care and transportation back to their country of origin (in the majority of cases in cooperation with the Czech army) are fully covered.

Patients have been, with two exceptions from Chechnya and Kosovo, selected in cooperation with the Czech army, as army members possessed appropriate equipment and information necessary for specifying basic diagnoses.

The MEDEVAC Programme was established to react to the conflict in Bosnia and Herzegovina several year ago followed by the conflict in Kosovo (patients were mainly children who suffered serious injuries caused by the war). After the war in Iraq broke out the Programme began to focus mainly on the treatment of heart diseases of Iraqi child patients who had been treated by doctors of the 7th Mobile Hospital of the Army of the Czech Republic in Basra but whose health condition was so serious that it was not possible to help them in the conditions of the mobile hospital.

At the time when the 7th Mobile Hospital was fulfilling its mission in Iraq in 2003 the MEDEVAC Programme was closely linked with the Czech army and the Child Cardio-centre of the Faculty Hospital in Motol.

The Government of the Czech Republic provided for this programme to be continued in 2008 through resources amounting to CZK 5,000,000 under Government Resolution No. 494 of 28 April 2008.

In the course of 2008 in total **13 patients from Afghanistan** were cured in the Czech Republic. These ill people were included in the MEDEVAC Programme due to close cooperation between the Ministry of the Interior and the Army of the Czech Republic, Prague faculty hospitals and Czech non-profit making organisations operating abroad. **They were, in particular, child patients suffering from congenital heart diseases and orthopaedic defects.**

From 1993 to 2008 **altogether 124 patients from localities affected by war or natural disasters** (the majority children from Bosnia and Herzegovina - 17, Kosovo - 40, Chechnya - 1, Iraq - 42, Pakistan - 10 and Afghanistan -14) **were transported** and cured in the Czech Republic under the MEDEVAC Programme). They were predominantly child patients who underwent surgeries on cleft upper palates, surgeries on arms and legs, heart defects, and hypospadias. They also suffered from defects of locomotive organs as a result of earthquake (dislocations and fractures, and post-traumatic amputations of extremities).

2. Resettlement

The Czech Republic believes that the solution of global refugee problems is not only at the national level but also at the international level. The Czech Republic has, with regard to its social and economic situation, potential for providing protection to categories of people other than spontaneously arriving refugees. After the Czech Republic's accession to the European Union the number of international protection seekers considerably decreased. Although the number of persons who were awarded international protection in the form of asylum in the Czech Republic and their share in the total number of filed application has been on the rise in recent years, the number of persons who in the Czech Republic awarded one or another form of international protection is still relatively low. The Czech Republic possesses a well-developed asylum structure including reception, residence and integration centres as well as trained staff. The range of NGOs aiming at legal assistance and social work with refugees is also very wide.

Policy of the National Resettlement Programme

The Ministry of the Interior submitted a theoretical framework for the implementation of resettlement programmes in the form of the Strategy for the National Resettlement Programme which was approved by the Government of the Czech Republic on 27 June 2008. This conceptual document defines possibilities for the Czech Republic pertaining to resettlement, with regard to both theory and practice, and lays down basic mechanisms for the implementation of resettlement projects at all phases. Part of the approved conceptual material was also a draft pilot resettlement programme for a group of Myanmar refugees from Malaysia on the basis of which future options and limits of the Czech Republic in the area of resettlement will be defined.

The Czech Republic, by the Government Decision of 27 June 2008 approving the Strategy for the National Resettlement Programme based on annual quotas, officially joined the group of countries, such as Sweden, Finland, the United Kingdom, and the Netherlands, which within the European Union carry out resettlement activities arising from their annual resettlement programmes.

Resettlement of Myanmar Refugees

Implementation of the National Resettlement Programme was commenced with a pilot programme of **resettlement of a group of 23 Myanmar refugees from Malaysia** in October 2008. Resettlement itself was preceded by a visit to Malaysia in July 2008.

Malaysia has ranked for a long period among target countries for Myanmar refugees where currently thousands of them reside. The situation of Myanmar refugees in this country is very problematic since Malaysia is not a signatory country to the 1951 Convention relating to the Status of Refugees and therefore it does not ensure that refugees have access to fundamental human, social, cultural and economic rights.

The purpose of the visit to Malaysia was to understand the cases of Myanmar refugees of the ethnic group Chin who were UNHCR mandated refugees of the and at the same time requested resettlement to another country, and to carry out asylum and integration interviews with these migrants. After this trip 37 Myanmar refugees were selected and 23 of them were resettled in October 2008 to the Czech Republic.

The group of Myanmar refugees was, for implementation of the pilot resettlement programme, selected after careful consideration of all current options taking into account number of circumstances such as a problematic humanitarian situation in the country which had worsened after a recent natural disaster. The long-term and active position of the Czech Republic with regard to the current political situation in Myanmar was taken into account.

After 23 Myanmar refugees arrived in the Czech Republic they were awarded international protection in the form of asylum and they were transported to an asylum integration centre where they were included in several-month long integration programmes which will prepare them for their future life in the Czech Republic.

This was not the first experience with the resettlement of refugees to the Czech Republic. As regards resettlement the Czech Republic followed up several similar successful projects, for example a multi-year resettlement programme of compatriots, i.e. foreign nationals with proven Czech origin living abroad. These were projects of resettlement of compatriots from the countries of the former Soviet Union, in addition to a group of Uzbekistan refugees in December 2005 as well as of group of Cuban refugees in March 2007.

International Resettlement Cooperation

In May 2008 the Ministry of the Interior participated in an 'Expert Meeting on Resettlement' which was organised in Brussels by the European Commission. EU Member States exchanged information on the current situation and plans concerning resettlement.

In June 2008 the Czech Republic was invited to join in Geneva the 'Annual Trilateral Consultations' on resettlement where procedures pertaining to the area of resettlement between the UNHCR, IOM and countries having resettlement programmes were consulted on.

In October 2008 the Ministry of the Interior participated in Geneva in the meeting of the 'Working Group for Resettlement Issues' functioning within the UNHCR, at which the Czech

Republic participated as a country with an approved National Resettlement Programme, which was different from past meetings where the Czech Republic was only an observing country.

In December 2008 the European Commission invited the Czech Republic and other EU Member States to join a meeting on a possible common resettlement scheme, the establishment of which could contribute to facilitating and making resettlement programmes at European level more effective.

X.2. PROJECTS OF INTERNATIONAL DEVELOPMENT ASSISTANCE

In 2008 in total ten **bilateral projects** were implemented under the responsibility of the Ministry of the Interior, under Czech Government Resolution No. 847 of 25 July 2007 concerning international development cooperation in 2008 and the medium term outlook for financing such cooperation until 2010 for carrying out in total ten bilateral projects in cooperation with the International Organisation for Migration (4 projects), with the People in Need organisation (3 projects), and with Berkat – a civic association (one project). One project was implemented by the department for Migration and Asylum Policy of the Ministry of the Interior (hereinafter referred to as ‘DMAP’) and one project was completed by the Security Policy Department (hereinafter referred to as the ‘SPD’).

The Ministry of the Interior supported project activities of the aforementioned NGOs with the aim of affecting migration, good governance and public and security policy development in target countries. DMAP was the coordinator of all projects.

Projects focused, according to sectors, on the prevention of illegal migration, and asylum infrastructure and public administration capacity building. Territorial priorities reflected security aspects of target countries and an analysis of their impact on the Czech Republic.

Countries of the Southern Caucasus (Georgia and Armenia), Russia (Chechnya), Central Asia (Kazakhstan, Tajikistan and Kyrgyzstan), countries of the West Balkans (Albania, Bosnia and Herzegovina, Montenegro), and Moldova ranked among the selected source and transit countries of migration which were supported by projects promoted by the Ministry of the Interior.

Individual Projects:

➤ *Community Centre Doezal (Berkat Civic Association)*

The project focused on the improvement of the socio-economic status of women, in particular those who are breadwinners and who come from the lowest social layers. The main activity of the project was to support the current initiative of establishing a self-assisting community centre in Grozny.

➤ *Preventing Illegal Migration from Armenia to the Czech Republic – Support for the Development of Selected Communities and Improving the Economic Situation of Displaced Persons in the Kotaya Region (People in Need)*

The subsidy granted for this project was used to implement the following activities: implementation of information and preventive strategies, development of the target area – Kotayk, and for capacity building of public administration authorities and local NGOs.

➤ *Integration of Socially Weak People – Operations of a Sheltered Workshop and Re-Qualification Centre in Grozny (People in Need)*

Activities of the project primarily focused on providing requalification for young people affected by war and on assisting them in their following inclusion in the labour market, on supporting the renewal of education capacities leading to increasing abilities to compete in the labour market, on assisting in capacity building of the local non-governmental organisation CHA, and on informing selected target groups about the risks of illegal migration.

➤ ***Preventing Illegal Migration from Georgia and the Development of Economic and Social Activities of Inhabitants of the Selected Region (People in Need)***

The subsidy granted for this project was used to implement the following activities: implementation of information and education activities within the project prevention strategy and on the development of the target area - Tkibuli - through supporting the development of small businesses, agriculture and education, and, last but not least, capacity building of the local partner NGO.

➤ ***Supporting Migration Management in Moldova with an Emphasis Placed on Labour Migration (International Organisation for Migration)***

The objective of the project implementation was to strengthen the capacities of migration organisation structures in Moldova by means of experience sharing with Czech experts in the field of migration management with a special emphasis put on labour migration. The project also focused on collecting data and its analysis and on supporting active employment policy. The project was to contribute to removing the pressure on emigration and to help reintegrate, in a sustainable manner, returned migrants into the Moldovan labour market.

➤ ***Supporting the System of Reintegration in the Labour Market for People Endangered by Migration in Georgia (International Organisation for Migration)***

The main activity of the project was to continue to support and develop an effective system of labour consultancy and intermediating work in Georgia. The project should contribute to removing the pressure on migration and to help reintegrate, in a sustainable manner, returned migrants in the Georgian labour market. The project was a follow up to last year's projects of the Ministry of the Interior, implemented by IOM. The project led to the establishment of a functional labour advisory and intermediation centre in Tbilisi, to drawing up a study about the Georgian labour market; to creating a database of vacancies and guidelines concerning labour consultancy; and training the staff of the above-mentioned centre.

➤ ***Supporting Migration Management in Georgia and Moldova (International Organisation for Migration)***

The fundamental objective of the project was to support the development of structures of migration and border management in Georgia and Moldova through experience exchange, training for trainers, the provision of technical equipment, and cooperation between training centres for border guards. The project aimed to contribute to increasing control over illegal movements of migrants inside as well as outside these countries and to establishing an innovative migration management structure.

➤ ***Supporting Migration Management in Central Asia (International Organisation for Migration)***

The aim was to implement a project whose activities were to contribute to increasing control over illegal movements of migrants in both source and transit migration countries such as Kyrgyzstan, Kazakhstan, and Tajikistan. Further it should contribute to creating a contemporary migration infrastructure in these countries through enhancing the qualification of their migration

management and border structures by means of experience exchange, training trainers, and providing training materials which should, *inter alia*, lead in the future to permanent cooperation between the Czech Police School (Holesov) and training centres for border guards in the relevant countries. Experience exchanges targeted border checks, the fight against illegal migration and organised crime structures.

➤ ***Assistance in Building Migration and Asylum Infrastructure in Bosnia and Herzegovina (DAMP)***

The project was implemented by the Department for Asylum and Migration Policy while supporting assistance is provided by the International Organisation for Migration. In 2008 this multi-annual project aimed at improving technical equipment of units of the Ministry of Security of Bosnia and Herzegovina which deal with migration, at training Bosnian officials, by Czech experts, in collecting information, and in analytical work with information from the field of migration. Establishment of the Team for Analysis and Strategic Planning and furnishing it with technical equipment was important. This team worked within the Section for Immigration of the Ministry of Security of Bosnia and Herzegovina.

➤ ***Training Middle and Top Management of the Police of the Countries of the West Balkans in the Field of Management and Organised Crime (Security Policy Department)***

This project was implemented by the Security Policy Department which develops, on an ongoing basis, cooperation with the countries of the West Balkans through expert missions of representatives of the Ministry of the Interior and the Czech police sent to target countries whose representatives are then trained in the Czech Republic. In 2008 expert mission were sent to Albania and Montenegro. Police officers of these two countries were then trained in the Czech Republic. Cooperation concentrated, in the year reviewed, on the following issues: combating structures of organised crime, terrorism, trafficking in drugs, financial crime, police reform, and community policing. The main objective of such cooperation was, in particular, to provide Czech experience concerning the area in question to all stakeholders and to understand the situation in the countries of the West Balkans in the fields covered by the cooperation.

Information on Involvement of the Ministry of the Interior in Multilateral Cooperation

In 2008 the Ministry of the Interior was involved in implementing two multilateral projects aimed at strengthening migration and border management in Ukraine.

➤ ***‘GDISC ERIT Programme for Ukraine’ – a multilateral project***

In July 2007 the results of public procurement concerning the Community fund AENEAS 2006 were published.

The multilateral project ‘GDISC ERIT Programme for Ukraine,’ submitted in April 2007 by the Ministry of the Interior, was among the selected projects.

The project was launched on 1 January 2008 and will last for two years. The Czech Republic will co-finance the project by about EU 80,000. This amount was partially covered by funds for international development cooperation.

In addition to the Czech Republic, other partner countries are involved in the project (namely Hungary, Poland, Romania, and Slovakia) and the international organisation ‘International Centre for Migration Policy Development’ (ICMPD) functions as a project administrator.

The aim of the project is to strengthen the capacities of Ukrainian migration offices by providing them with know-how and technical equipment. The project covers migration issues as a

whole, i.e. from asylum management to systems of detaining illegal migrants and organisation of returns.

➤ ***Strengthening Capacities and Cooperation in Identifying Forged and Falsified Documents in Ukraine – multilateral project***

In addition to ICMPD (a project guarantor), migration offices or border protection services of the Czech Republic, Finland, the Netherlands, Hungary, Poland, and Slovakia participate in the project.

The objective of the project is to improve the capability of relevant Ukrainian institutions to uncover forged and falsified documents and thus prevent illegal transit migration across Ukraine to the European Union. The project consists of two thematic modules.

The first module focuses on implementing a training model – ‘training the trainers’. Trainers will be trained on skills necessary for uncovering forged and falsified documents.

The aim of the second module is to increase the effectiveness of cooperation and communication between individual institutions as regards exchanges of information on forged and falsified documents. The project considers establishing a functional mechanism of cooperation between partner institutions including preparation of legislation concerning the given cooperation. Technical equipment for selected border crossing points should be purchased within this project.

The project was selected through public procurement organised within the Community programme of the European Union - AENEAS 2005. Thanks to this programme 80 % of the total expenditure, which amounts to EUR 783,000, was paid from EU funds. The remaining 20 % of expenditure totalling EUR 156,600 was covered by co-financing from all involved countries. The Czech Republic contributed by the amount of EUR 27,500. This amount was paid from resources earmarked for international development cooperation.

The project was launched in December 2006 and originally it should have lasted for two years, however upon the request of the Ukrainian party the implementation of the project was extended by six months without increasing the costs of the project.

X.3. MIGRATION PROJECTS

1. Capacity Building in the Area of Iraqi Migration Management

In 2006 the project *Capacity Building in the Area of Iraqi Migration Management* was implemented in cooperation between the International Organisation for Migration, the Ministry of Foreign Affairs, and the Ministry of the Interior. It was built on three study trips made by Iraqi migration officers to the Czech Republic. In 2007 training for trainers was carried out in Jordan and in the Czech Republic. Iraqi immigration officials, who currently continue training of employees of the Iraqi Ministry of the Interior, focused on checks of documents, in particular exposing forged and falsified travel documents. In the same year the Czech Republic financed 49 devices for checking the authenticity of documents for training purposes in the training centre in Baghdad and for checking documents at border crossing points in Iraq. The project also focused on building a systematic database of documents and on supporting a newly established Data Analysis and Forensic Examination Centre (DAFEC) at Basra airport and in Baghdad. DAFEC is equipped with all important technological means, and training courses lectured by Czech experts concentrated on collection, protection and exchange of data, building of a database to be used by different institutions and on risk analysis based on obtained data. Another task of DAFEC will be carried out a pilot project on data management – data collection - and its subsequent analysis, and exchange of the data between agencies in Basra and Baghdad with a view to supporting local capacities for risk

analysis in order to increase security and protection at border crossing points in the southern part of Iraq and in Baghdad. The system should be, in its later phase, implemented in other Iraqi regions.

2. Project of Preventive and Information Campaign Aimed at Mongolian Labour Migrants

At the end of 2008 and the beginning of 2009 the Ministry of the Interior in cooperation with the International Organisation for Migration launched a project aimed at providing information to Mongolian labour migrants on conditions in the labour market and living expenses in the Czech Republic, on obligations and rights of migrants as well as on options for assistance in solving issues concerning residence rules in the Czech Republic. The campaign is held simultaneously in Mongolia and in the Czech Republic and is built on four basic pillars:

1. Web pages in Mongolian summarising information on the labour market, residence rules, obligations and rights, and the network of NGOs in the Czech Republic working with foreign nationals.
2. A media campaign in Mongolia running both through TV channels and printed media. Its main topic will be to describe the real conditions in the labour market, rights and obligations of migrants, authentic stories of labour migrants in the Czech Republic and warning about practices adopted by intermediating agencies and individuals.
3. Information brochures placed by the Czech embassy in Mongolia in the passports of labour permit holders and holders of long-term visas. The brochures contain information on the labour market and labour law rules, information concerning residence rules, contacts for NGOs, and a warning about practices adopted by intermediating agencies and individuals.
4. Information brochures distributed among members of the Mongolian community in the Czech Republic encompassing the information described above and also information on the programme of volunteer returns and the Programme on Supporting and Protecting Victims of Trafficking in Human Beings.

X.4. PROJECTS OF THE MINISTRY OF THE INTERIOR AIMED AT SPECIFIC CATEGORIES OF FOREIGN NATIONALS

1. 1. Programme on Supporting and Protecting Victims of Trafficking in Human Beings in the Czech Republic

The Crime Prevention Department of the Ministry of the Interior (hereinafter referred to as the 'CPD') is responsible (on behalf of the Ministry of the Interior) for a specific programme aimed at assistance and care for victims of trafficking in human beings - *the 'Programme on Supporting and Protecting Victims of Trafficking in Human Beings in the Czech Republic'* (hereinafter referred to as the 'Programme'), which has been functioning since 2003.

In 2008 this nation-wide Programme continued and was successfully developed. So far only two NGOs are involved in the Programme (La Strada Czech Republic and the Archdiocese Charity Prague) and one intergovernmental organisation (the International Organisation for Migration). Updated agreements on cooperation within the Programme were signed with these organisations.

The coordination group composed of representatives of all cooperating institutions and organisations meets, as a rule, once every two months.

An interdisciplinary working group for the support and protection of victims (hereinafter referred to as the 'interdisciplinary working group'), managed by the first Deputy of the Minister of the Interior, was replaced in 2008 by the Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings. It was established on the basis of Czech Government Resolution No. 1006 of 20 August 2008. It is assumed that the Interdisciplinary Group will be called only in situations which will require the adoption of an immediate solution pertaining to the area of care for victims of trafficking in human beings.

Cooperation between individual actors of the coordinating mechanism, whether it is inclusion of victims (UCOC, the Ministry of the Interior, NGOs) or regulations concerning the residence of trafficked persons, can be described as smooth and rapid

Programme funding corresponds with current needs and services provided in the framework of the Programme.

The aim of this Programme is to provide victims of trafficking in human beings support and at the same time to motivate them to cooperate with law enforcement authorities and thus to contribute to the punishing of offenders.⁸² The Programme is implemented through a national reference mechanism which involves public and inter-governmental organisations and, on the basis of an agreement, also NGOs helping persons engaged in prostitution, supporting identified victims of trafficking in human beings and implementing preventive activities relating to the issue in question

NGOs offer to trafficked persons crisis psychological, social and health care, accommodation, support in their integration into daily life, and so forth. If foreigners reside in the Czech Republic illegally their residence status is adjusted.

In 2008 the number of victims of trafficking for the purpose of forced labour increased. In total 16 victims of trafficking in human beings for the purpose of forced labour and eight victims for the purpose of sexual exploitation were identified. It is also obvious that Czech nationals have also become victims of trafficking in human beings therefore it is necessary to adopt in cooperation with other institutions and organisations preventive and information activities in the Czech Republic. Participation in the Programme was terminated in nine cases through repatriation to the country of origin and one female Czech national was repatriated from Denmark. In the course of 2008 in total the participation of 19 victims in the Programme was terminated and thus five victims identified in 2008 continue to participate in the Programmes.

The CPD coordinates and pays for voluntary returns of victims of trafficking in human beings

⁸² More about the Programme: All victims of trafficking in human beings, both women and men who were trafficked for the purpose of enforced prostitution or labour, can be included in the Programme. The procedure for inclusion in the Programme is as follows:

- the police, NGOs or any other institution (for example a consulate) identifies a victim of trafficking and submits a proposal to include her/him in the Programme to the national coordinator through the Crime Prevention Department;
- after a victim is included in the Programme there is a time limit of 30 days during which the victim, if necessary, receives intensive care (crisis prevention) and at the same time he/she must decide whether he/she will cooperate with law enforcement bodies;
- after the time limit (30 days) lapses a 'non-cooperating victim' is offered a programme of voluntary return to the country of origin, while a 'cooperating victim' receives a visa for the purpose of tolerated stay under the provisions of Section 33 of the Act on the Residence of Foreign Nationals in the Czech Republic, which can be extended until the final and conclusive closure of criminal proceedings;
- if a victim breaches the conditions of the Programme he/she shall be excluded from the Programme;
- after the close of criminal proceedings the victim may voluntarily return to the country of origin or, in the case that her/his return to the country of origin may endanger her/his life or freedom, he/she may, upon his/her application, be awarded a residence permit under Section 65 of Act on the Residence of Foreign Nationals, which is a permanent residence on the basis of reasons requiring special consideration.

and thus enables these persons to return with dignity, safe and free to their country of origin. In the year reviewed in total ten returns were implemented (three to Brazil, one to Ukraine, one to Slovakia, four to Romania, and one from Denmark to the Czech Republic).

In 2008 the CPD published a call for submitting applications for a state subsidy under the name *'Prevention of Trafficking in Human Beings and Assistance to Victims'*. In 2008 funds granted to NGOs within this subsidy programme amounted to CZK 1,300,000 to La Strada, CZK 2,310,000 to the Archdiocese Charity Prague, and CZK 310,000 to the Organisation for Assistance to Refugees.

In 2007 the Campaign against Trafficking in Human Beings focused on the clients of prostitutes was launched, which was a follow up to the pilot project carried out in 2006. The campaign continued also in 2008. This campaign aimed at the target group of clients of prostitution and indirectly at victims of trafficking in human beings for the purpose of sexual exploitation. Partner organisations created, for the purpose of the campaign, a platform called *'Together against Trafficking in Human Beings'*. The slogan of the campaign is **'Say it on Her Behalf'**. Web pages in the Czech, English and German languages were used during the campaign: (www.rekni-to.cz; www.sage-es.cz; www.say-it.cz). Telephone lines were established to be operated by partner organisations.

In 2008 the CPD supported, through subsidies titled *'Prevention of Trafficking in Human Beings and Assistance to Victims'*, La Strada Czech Republic, namely its project dealing with the street work focused on foreign nationals (both males and females) working in Czech factories as employees of intermediating agencies, with a special emphasis placed on the Vietnamese community. La Strada intends to continue such activities under the support of the Ministry of the Interior.

The CPD prepared a brochure on the Programme on Supporting and Protecting Victims of Trafficking in Human Beings published in two language versions. The brochure can be used by experts as well as by the general public. The objective is to increase the provision of information concerning the area of trafficking in human beings and to inform the general public about the Programme.

Representatives of the CPD participated also in 2008 in lectures and other training activities in cooperation with other state institutions and NGOs and at the same time they held training seminars focusing on the issue of trafficking in human beings. The objective of such seminars was to provide information on activities of the CPD in the field of trafficking in human beings, and on the Programme.

In 2008 the Ministry of the Interior managed to enter into cooperation with representatives of the University of Defence in Brno. The organised seminars focused on the issue of trafficking in human beings for the needs of the Czech army and scientific activities to the benefit of the Ministry of Defence. In the year reviewed a lecture was held which was a follow up to regular seminars organised for soldiers studying at the higher ranked officer candidate school and for general staff.

Representatives of the CPD actively participate in cooperation with various international organisations involved in the issue in question (for example UN - UNODC, the Council of Europe, institutions of the European Union and so forth).

The CPD is responsible for the international project *'International Reference Mechanism for Victims of Trafficking in Human Beings in Source and target Countries'* which is coordinated by ICMPD.

The aim of the project is to bring together existing national coordinating mechanisms for protection and assistance to victims of trafficking in human beings, to unify standards of services provided to victims, and in particular, to strengthen international as well as bilateral cooperation in

the area of repatriation and reintegration of victims.

The main output of the project will be to specify principles of care for victims in trafficking in human beings and their return to their countries of origin.

Italy is a guarantor of the project and in addition to the Czech Republic, also Portugal, Bulgaria, Romania, Albania, Hungary, Macedonia and a number of non-profit making organisations cooperate in this project. ICMPD is responsible for the implementation of the project. The expected duration of the project is 18 months (from May 2008 – to October 2009).

For the purpose of project implementation the CPD set up an implementing team composed of representatives of the CPD and the Security Policy Department, non-profit making organisations and NGOs, the police and judicial bodies who will participate in meeting individual project goals. These experts will also participate in regular meetings of the implementing team according to the specified schedule and project phases. Experts will be able to participate in study trips abroad which will be coordinated by the manager, i.e. ICMPD.

In 2008 the CPD approved a project objective for an information system called 'A Trafficked Person'. Until now the CPD has maintained records of victims included in the Programme manually. The new information system is a software database designated for the collection of data from clients included in the Programme within the rule for gathering personal data issued by the Office for the Protection of Personal Data. The information system is being tested now.

The objective of the information system 'A Trafficked Person' is to collate data concerning victims of trafficking in human beings included in the Programme and victims who were enabled to return to their country of origin. The register should provide outputs and classification on the basis of different filters and process data in the form of comprehensive statistical summaries.

Apart from the aforementioned, there are a number of activities in the Czech Republic a comprehensive overview of which is included, inter alia, in the '2008 Status Report on Trafficking in Human Beings in the Czech Republic'.⁸³

2. Programme on Support for Combating Illegal Migration

In compliance with the *Principles of Governmental Policy for the Area of Migration of Foreign Nationals* defined in Government Resolution No. 55 of 13 January 2003, the Department for Asylum and Migration Policy of the Ministry of the Interior developed the '**Programme on Support for Combating Illegal Migration**' (hereinafter referred to as the 'Programme').

This non-legislative measure was approved by Government Resolution No. 502 of 16 May 2007 (as amended and supplemented) and focused on the fight against illegal migration. It was implemented from June to December 2007. The above-mentioned *Programme* arises from individual provisions of *Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*, and related legislative provisions of the Czech Republic⁸⁴. Its primary aim is to ensure

⁸³ The Report provides not only an overview of preventive and information activities but also a description of the situation in trafficking in human beings and its different forms occurring in the Czech Republic, statistical data, examples of successful police actions, an overview of relevant legislative amendments, and available data on victims of trafficking in human beings. The report is available on the web pages of the Ministry of the Interior, in the section 'About us, security and prevention, crime, trafficking in human beings, documents'. It is available in both Czech and English versions.

⁸⁴ Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Czech Republic and on the Amendment to Some Other Acts, as amended; Act No. 140/1961 Coll., the Criminal Code, as amended; Act No. 141/1961 Coll., the Code of Criminal Procedure, as amended.

effective cooperation between persons who were provided assistance leading to illegal immigration, law enforcing authorities and other parties involved in uncovering and clarifying and at the same preventing the crime concerned. Simultaneously it is important to ensure appropriate care for such migrants and their family members staying in the Czech Republic, with emphasis to be placed on their personal safety.

For this purpose the system of cooperation between individual involved entities was set out within the Programme. Its first phase focuses on detecting respective witnesses who are provided, on an ongoing basis, comprehensive information on the Programme, legal assistance and, if applicable, social and psychological assistance so that they are able to make a decision on cooperation with law enforcement agencies or on voluntary return. Such decisions must be taken within maximally objective conditions. The second phase is oriented toward a smooth course of criminal proceedings and the support of witnesses, focusing on their social integration and involvement in everyday life.

Relevant law enforcement authorities, NGOs, the International Organisation for Migration, the Alien Police Service of the Police of the Czech Republic, the Refugee Facilities Administration of the Ministry of the Interior, and last but not least DAMP, all participate in the established system. The latter is at the same time a main coordinator of activities carried out within the Programme.

Within the pilot phase of the Programme in 2007 and in 2008 the Department for Asylum and Migration Policy received in total 146 indications concerning foreign nationals who could provide information concerning illegal migration relevant for law enforcement authorities. On the basis of such information nine persons were detected who cooperated or still cooperate with law enforcement authorities with respect to the criminal offences concerned and who are in the position of being an important witness.

During the pilot phase all detected foreign nationals were provided, on an ongoing basis, consultancy aimed particularly at legal regulation of the residence of foreign nationals in the Czech Republic, at possibilities of legal entry or voluntary return, and so on. As a follow up to the aforementioned, as of 31 December 2008 14 persons accepted the offer of voluntary return to their countries of origin.

The results achieved during the pilot phase of the Programme (2007-2008) showed that the Programme was an effective and efficient supplement to current legislative instruments for combating illegal migration. The Programme has had positive results both in the area of prevention and suppression, achieved in a cost-effective way. As a consequence, the pilot phase of the Programme was duly terminated in 2008.

The related **Final Evaluation of the Pilot Phase** of the Programme on Support Combating Illegal Migration including a financial analysis for its implementation in 2009 **was approved by Czech Government Resolution No. 1601 of 16 December 2008.**

X.5. SOLIDARITY AND MANAGEMENT OF MIGRATION FLOWS

In its Communication to the Council and the European Parliament determining strategic dimensions for financial outlooks for the period of 2007 – 2013, the Commission laid down the **Framework Programme on Solidarity and Management of Migration Flows** which focuses on solving the issue of a fair sharing of responsibility between Member States as regards the financial burden resulting from the introduction of integrated management and surveillance of external borders of the Union and from implementation of the common asylum and migration policy. The document is generally based on the Hague Programme and its goal is to promote the strengthening of the area of freedom, security and justice.

The Framework Programme lays down financial mechanisms of solidarity (funds) covering four areas:

- checks on and surveillance of external borders ('integrated border management'), and visa policy, which will be pursued together with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX);
- the return of third-country nationals residing illegally in the EU;
- the integration of legally resident third-country nationals; and
- asylum (developing the current European Fund for Refugees).

Towards the end of the first half of 2007 the Council of the EU approved four decisions as part of the above-mentioned framework programme *Solidarity and Management of Migration Flows* establishing individual funds. These decisions form an entire framework:

1. Decision No 2007/435/EC establishing **the European Fund for the Integration of Third-Country Nationals** for the period 2007 to 2013;
2. Decision No 574/2007/EC establishing **the External Borders Fund** for the period 2007 to 2013,
3. Decision No 573/2007/EC establishing **the European Refugee Fund** for the period 2008 to 2013;
4. Decision No 575/2007/EC establishing **the European Return Fund** for the period 2008 to 2013.

Moreover, the European Commission issued, along with each of the aforementioned Decisions, an implementing document – Implementing Rules and Strategic Principles. The principles focus on priorities of individual funds. Such principles serve for drawing up annual as well as multi-annual programmes concerning individual funds. Both multi-annual and annual programmes are fundamental documents submitted by Member States to the European Commission and such programmes are subject to the Commission's approval. The programmes set out the framework for drawing on financial assistance.

In compliance with the conditions laid down in the Decisions, individual funds will be administered by the responsible authority of an EU Member State. In the Czech Republic this is the Ministry of the Interior, namely its Department for Asylum and Migration Policy.

1. European Fund for Refugees III.

The European Fund for Refugees (hereinafter referred to as the 'EFR III') is a follow up to the functioning the ERF II (hereinafter referred to as the 'EFR II') implemented between 2005 and 2007.

The general objective of the EFR III is to support and encourage the efforts of EU Member States when accepting refugees and displaced persons and to bear the consequences of such acceptances with regard to legal regulations of the Community covering the area of co-financing.

The main aim of the EFR III is to gradually create an area of security, freedom and justice and to adopt measures for ensuring the free movement of persons in connection with additional measures concerning surveillance of the external border, asylum and immigration.

2. External Borders Fund

The purpose of the External Borders Fund (hereinafter referred to as the 'EBF') is to provide through solidarity between Member States, i.e. by the means of financial assistance, a harmonised level of the protection of the external border in the relevant EU member States.

The main aims of the EBF are as follows: efficient organisation focusing particularly on the surveillance of external borders; efficient management of flows of persons at external borders with a view to ensuring a high level of external border protection; and enhancing the activity of consular services and other services of EU Member States in third countries.

3. European Fund for the Integration of Third-Country Nationals

The European Fund for the Integration of Third-Country Nationals (hereinafter referred to as the 'EIF') is a financial instrument which should facilitate the integration of third-country nationals in EU Member States and should cover different actions aimed at supporting such integration.

The main objective of the EIF is to provide support to EU Member States so that they are able to facilitate the integration of third-country nationals with different cultural, religious, ethnic and language backgrounds into the society of individual Member States.

4. European Return Fund

The establishment of the European Return Fund (hereinafter referred to as the 'ERF') was proposed in order to support EU Member States in combating illegal migration or in their efforts to effectively implement the return of third country nationals who do not satisfy or who have ceased to satisfy conditions for residing in the territory of a Member State.

The general aim of the ERF is to support the efforts of EU Member States to enhance return management in all its aspects, mainly by means of using strategies of integrated management and organising joint actions or national action within the principle of solidarity.

Total amounts for individual funds

(1 January 2008 – 31 December 2013)

- EFR – **EUR 628 M**;
- ERF – **EUR 676 M**;
- EIF - **EUR 825 M**;
- EBF (1 January 2007 – 31 December 2013) – **EUR 1, 820 M**

The European Commission has already provided information on estimates of allocations concerning individual funds for a multi-annual period for all Member States. **The following amounts were earmarked for the Czech Republic:**

	2007	2008	2009	2010	2011	2012	2013	Total
EBF	1,973,113.72	1,813,238.85	2,188,000.00	2,260,000.00	2,807,000.00	4,003,000.00	5,636,000.00	20,680,352.57
ERF	-	1,105,615.11	1,255,000.00	1,473,000.00	1,894,000.00	2,561,000.00	2,969,000.00	11,257,615.11
EIF	1,323,425.91	1,793,443.34	2,026,000.00	2,172,000.00	2,647,000.00	3,213,000.00	3,578,000.00	16,752,869.25
EFR	-	1,131,906.61	1,357,000.00	1,357,000.00	1,507,000.00	1,507,000.00	1,763,000.00	10,088,966.25
Total	4,762,599.27	5,844,203.91	6,826,000.00	7,262,000.00	8,855,000.00	11,284,000.00	13,946,000.00	58,779,803.18

Note: Amounts are stated in Euros.

In 2008 the implementation of the EFR 2005 – 2007 (EFR II) was closed in its third year. This implementation was followed by EFR III (2008 – 2013) as part of the general programme Solidarity and Management of Migration Flows.

In 2007 the Czech Republic was allocated the amount of approximately EUR 1.13 million. In total 28 applications out of 37 were approved within the call for proposals (18 for the area of reception, seven for the area of integration and three for voluntary returns). Kostelec nad Orlicí withdrew from the agreement during project implementation. Allocated financial support for such projects amounted to CZK 27,656,923.

In 2009 projects for the implementation of EFR 2008 and EIF 2007 and 2008 will be selected. A call for submitting proposals for the annual programme ERF 2008 and for the annual programme of EBF 2007 and 2008 will be published.

XI. International Cooperation

International cooperation in the field of asylum and migration continued in 2008 trends commenced in previous years. In the framework of relations with the EU and Schengen Member States the Czech Republic concentrated, at the level of EU institutions, on strengthening practical and operative cooperation on all aspects of migration, national border protection and asylum⁸⁵, whilst special attention was devoted to the extension of activities within the informal General Directors' Immigration Services Conference - GDISC – where the Ministry of the Interior continued to have their representative in the Steering Group. The Czech Republic further cooperated within the International Conference of Border Police Managers and the Frontex agency, and also within regional cooperation – the Salzburg Forum, and as well the Visegrad Group.

Within GDISC the Ministry of the Interior participated in projects in the area of asylum (the European Asylum Handbook project), migration management and managed migration (Ukraine, Bosnia and Herzegovina), and the *Interpreters' Pool Project*, the aim of which was to provide interpreters for interviews with asylum seekers.

Cooperation with principal transit and source countries of migration to the Czech Republic, especially in the region of the Commonwealth of Independent States, continued to be reinforced. At the level of the European Union the Czech Republic actively supported the application of tools of the Global Approach (of the European Union) to Migration on its east and south-east dimension, and entered into negotiated Partnership for Mobility with Moldova. Further steps to deepen political dialogue and the establishment of real migration partnerships between the European Union and the aforementioned countries are planned as priority actions during the Czech presidency of the Council of the EU, during which the Czech Republic will follow up current support for the Budapest process as a main platform for cooperation between the EU Member States, countries of the West Balkans, and the Commonwealth of Independent States. It is the Czech Republic which, within this platform, presides over the Working Group dealing with the relation between asylum and irregular migration

The Ministry of the Interior also extended its activities towards strengthening cooperation with non-EU countries in managing migration and assisting them to enhance their national capacities for migration management, with the largest project financed by the European Commission being the multilateral project: *GDISC Ukraine - Capacity Building and Technical Support to Ukrainian Authorities to Effectively Respond to Irregular Transit-Migration (ERIT)*. The project was prepared in cooperation with the Ministries of the Interior and Ministries of Justice of the Netherlands, Hungary, Poland, Slovakia, and the United Kingdom, and is supported by the International Centre for Migration Policy Development (ICMPD). The aim of the project is to strengthen Ukrainian migration capacities through the transfer of know-how and the provision of technical assistance in the framework of six mutually interconnected modules which comprehensively cover the different aspects of migration issues. The project will be launched at the beginning of 2008 and will last for two years. The merits of the project are, apart from its being comprehensive, mainly its inter-governmental approach which should effectively complement current activities carried out by NGOs and other international organisations working in Ukraine. The Ministry of the Interior, in addition to managing the whole project, is also responsible for a module entitled 'Detention Capacity'. Projects organised within international development cooperation were implemented at the national level alongside Czech NGOs and the International Organisation for Migration.

⁸⁵ In the year reviewed representatives of the Ministry of the Interior and the Alien Police Service of the Czech police regularly participated in meetings of working groups of the Council of the European Union - SCIFA, Migration and Extradition Asylum, Frontiers, VISA, CIREFI – Schengen Evaluation, SIS/Sirene, and some others, at which issues relating to asylum and migration are discussed.

Within the external dimension of asylum the Ministry of the Interior actively supported measures aimed at strengthening the protection of refugees in source regions, and tried to find permanent solutions for refugees. The Ministry, in particular, implemented the resettlement of Myanmar refugees from Malaysia.

In order to implement its priorities pertaining to the area of asylum and migration, the Czech Republic closely cooperated with international organisations, mainly with the International Organisation for Migration (IOM), the International Centre for Migration Policy Development (ICMPD), the UN High Commissioner for Refugees (UNHCR), and the Council of Europe.

Several projects implemented abroad (Iraq, Moldova, and Georgia) were organised in cooperation with the IOM. The IOM is at the same time the main partner for the area of voluntary returns to countries of origin

In addition to the above-mentioned ERIT project carried out in Ukraine, the Czech Republic worked within the Budapest Process with the ICMPD whose secretariat is in the Czech Republic, on a project entitled *Identification of Forged and Falsified Documents in Ukraine*.

In the case of the UNHCR, cooperation is oriented toward the issue of assisting refugees from countries and regions of origin and their resettlement

The Czech Republic, represented by the Ministry of the Interior, regularly participates in meetings of the European (Steering) Committee on Migration of the Council of Europe (CDMG), which focus, in particular, on integration and relations between communities. Meetings are attended by representatives of the majority of Council of Europe member states, international and inter-governmental organisations, international NGOs, and officers from the Secretariat of the Council of Europe. The Parliamentary Assembly of the Council of Europe is represented as well. There are several expert working groups working within the CDMG. In 2008 the representative of the Czech Republic was re-elected a member of the CDMG Bureau for a renewal period of two years.

The CDMG prepared two projects of the Council of Europe to be implemented. They are as follows: *a Project on Empowering Migrants and Strengthening Social Cohesion* and *a Project on Protecting Human Rights and the Dignity of Vulnerable Migrants*.

The CDMG also organised a ministerial conference focusing on migration and the labour market which was held in Kiev in September 2008.

The European Migration Network is being built within the European Union. The overall objective of the network is to improve the availability of, and access to, information concerning migration and asylum in individual Member State⁸⁶. This will involve providing objective, reliable and comparable information on the migration and asylum situation.

The European Migration Network is composed of National Contact Points designated by Member States and the Commission. The National Contact Point in the Czech Republic has been since 2004 the Department for Asylum and Migration Policy of the Ministry of the Interior. During the preparatory phase, which was launched in 2002, the Czech Republic participated in selected activities carried out within the network and after the Council adopted a decision on establishing the European Migration Network the Czech Republic was fully involved in all its activities.

In 2008 development of the activities of Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) in which EU Member States are involved as well as states applying Schengen standards, continued. As with other Member States, the Czech Republic saw an increased growth in a full range of activities. The main party responsible for cooperation with Frontex is the Alien Police Service of the Czech Republic.

⁸⁶ The Council Decision on establishing the European Migration Network was adopted on 14 May 2008.

Frontex coordinated joint operations at external maritime, land and air borders of the EU Member States and other countries applying Schengen agreements. Joint operations are based on risk assessment drawn up by the Risk Assessment Unit of Frontex. The Agency develops and elaborates procedures for improving joint actions. An example of the new concept of operative cooperation is the HAMMER project which includes several different operations and regulates cooperation in the course of the whole project.

The Alien Police Service of the Czech police was actively involved mainly in joint actions at external land and air borders. As regards such participation, the APS was actively involved through sending members of the APS (codenames: SO GORDIUS, SO ATLAS I., SO EURO CUP 2008, SO HAMMER) to areas known to be areas with a higher degree of illegal migration. In the case of participation in joint actions at external air borders, the Czech Republic was also a host country (ZORBA, ZARATHUSTRA, and HAMMER) and measures were taken and tasks were carried out within the given action at Czech Republic's airports. Police officers of the APS participated in field exercises with the code name RABIT in Romania and Slovenia. The RABIT exercises are aimed at exercise procedures and mechanisms for dispatching officers under Regulation of the Council and the European Parliament No. 863/2007, the purpose of which is to provide assistance to a Member State facing urgent and exceptional pressure from illegal migration at its external border.

Police authorities of the Czech Republic, Austria and Switzerland intensively cooperated in relation to the EURO 2008 football championship and the APS played an important role in such cooperation. The Director of the APS was designated the main coordinator for security measures. He established teams, made up also of members of the APS, which were subsequently sent to the cities where EURO 2008 took place. In this context the Austrian party decided to engage Article 23 of Regulation of the European Parliament and the Council (EC) No. 562/2006 of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and introduced the protection of its national border. At selected former border crossing points the Austrian party began to carry out border checks. Officers of the APS were also active at roads leading to the Austrian border and exchanged information concerning EURO 2008 within international cooperation with their foreign counterparts.

In the year reviewed cooperation within the joint Czech-Austrian Communication Centre at the former border crossing point Mikulov-Drasenhofen was intensified. In December 2007 a new joint office at the Czech-German border – Schwandorf border crossing point – was put into operation and replaced the office at Furth im Wald. In the context of the Czech Republic's joining the Schengen area, cooperation with Poland also intensified. Commencement of pilot operations of two joint offices in Chotebuz-Cieszyn and Kudowa Slone-Nachod was prepared.

Joint border patrols can be also considered as important. These joint forms of protection are regularly organised at the national borders with Germany, Austria, Slovakia and Poland. Joint border patrols regularly participate in inspections of accommodation facilities and recreational areas, and preventive actions aimed at combating cross-border and borderland criminal activities along the whole length of the border and in the border zone. Police cooperated, in particular in the field of training and joint border patrols, within the IFAREG project whose participants were the Czech Republic, represented by the TD APS in Usti nad Labem and in Pilsen, and Germany, represented by the relevant organisational units of the Saxony police.

International cooperation relating to the European Union, Schengen cooperation, the conclusion of readmission agreements and development projects is described in more detail in relevant chapter.

XII. Conclusion

The Czech Republic's joining the Schengen area did not bring about substantial changes in the field of migration if security is taken into account. Total removal of controls at land national border (today's internal Schengen borders), however, means that it is more difficult for the Czech Republic to expose illegal migration. Illegal migrants are now detected at the external Schengen border or during residence inspections.

Protection of the external border is one of the pillars for combating illegal immigration and trafficking in human beings and as such is part of the four-tier model of the fight against illegal migration. The Czech Republic is aware of the importance of illegal migration across the external Schengen border and therefore it will pay attention mainly to the security of international airports.⁸⁷

Inspection activities carried out inland of the Czech Republic must be implemented with an emphasis placed on searching for illegally residing persons and thoroughly verifying the legality of the residence of checked foreign nationals in the Czech Republic. It is important to fully utilise local knowledge of border zones and to control selected roads leading to the national border. Inspections carried out in cooperation between the APS of the Czech police and Labour Offices, Trade Licensing Offices, the Customs Administration and other inspection and audit bodies play an irreplaceable role in detecting illegally residing and illegally employed foreign nationals as well as foreigners violating obligations stipulated by the Trade Licensing Act. It may be said that checks of foreign nationals and their respective sanctioning for violating legal provisions of the Czech Republic are justifiable. The aim is not only suppression but also has a preventive nature, but such checks should also enhance awareness of obligations and the respecting of legal regulations of the Czech Republic among such persons.

Legal migration also brings about potential security risks since in some cases it can be easily linked to illegal migration. Abuse of legal entry to the Czech Republic after which illegal residence in the Czech Republic or efforts to legalise the residence follow, are currently forms of illegal migration. In recent years it has been difficult to unambiguously differ legal form illegal migration in particular because of the utilisation of many ways of legalising residence in the Czech Republic (for example fake marriages, joint households or declaration of paternity, abuse of temporary residence by some EU citizens and so forth).

Use of other person's travel documents or falsified and forged travel documents also represents a security risk. Irregular travel documents are used in the Czech Republic in particular in the context of economic migration, however by using false identity and travelling with irregular travel documents some persons with links to international organised crime or terrorism can hide in the Czech Republic.

The current situation requires effective 'weapons' for fighting undesirable forms of migration. These new forms **strengthen the importance of the Analysis Centre for the Protection of the National Border and Migration** in coordinating inter-ministerial cooperation, the exchange of information and analytical as well as guidance activities.

A cornerstone of EU migration policy remains the return of migrants while respecting their fundamental rights. An effective return policy is crucial for ensuring public support for elements such as legal migration and asylum. To this end, **readmission agreements** remain a priority.

⁸⁷ Protection of the external border is ensured by inspectorates at international airports: Prague - Ruzyně, Brno - Turany, Ostrava - Mosnov, Karlovy Vary, and Pardubice. At all other international airports security is ensured by the Territorial Directorates of the Alien Police Service within whose competence the airport concerned is located.

As regards negotiations of readmission agreement, the Czech Republic's activities are carried out in two directions. The Czech Republic, apart from its own initiatives under international obligations, as an EU Member State participates in the work of the European Commission in negotiating readmission agreements with certain third countries.

In 2009 the Czech Republic, namely the Ministry of the Interior, will strive to finalise still open readmission agreements, to commence negotiations on readmission agreements in particular with Mongolia and India, and to commence negotiations on the implementing protocol to the readmission agreement with Russia, Ukraine and the countries of the West Balkans. Such protocols are prerequisites for flexible application of the agreements concerned. The Ministry of the Interior will continue to participate through its representative in expert negotiations on preparing agreements to be concluded within the European Union.

Projects of International Development Cooperation of the Ministry of the Interior rank among those measures which contribute to restricting migration as they have an impact on development in target countries not only in the field of migration but also in the area of good governance and security policy. The whole issue is a specific part of development cooperation in particular as regards the security aspects of target countries, and also analysis of the impact on the Czech Republic.

The priority of national activities of the Czech Republic in the field of migration, in the year reviewed, is to formulate effective measures which will support managed legal migration and simultaneously minimise illegal migration. The project aimed at selection of qualified foreign workers, the Green Card project, and the Plan for Combating Illegal Migration rank among such measures. While the objective of the first measure is to fill gaps in the Czech labour market and to bring to the Czech Republic qualified foreign workers who are capable of contributing to the development of the Czech economy, the introduction of Green Cards will help the rapid and effective acquisition of labour. The aim of the third activity is to influence migration trends so that foreign nationals prefer legal migration. All described activities are mutually related and therefore it may be said that the mentioned projects can serve as tools for combating illegal migration.

The integration of the Czech Republic into the European Union and its structures did not mean the termination of legislative work, since **ongoing implementation of all EU documents pertaining to the area of migration within** the prescribed transposition time limits was reviewed during the year and **has remained since then a permanent task in the legislative area.**

Harmonisation of visa policy a prerequisites for the successful functioning of the Czech Republic within EU structures. It might be stated that **the Czech Republic is in compliance with Council Regulation (EC) No. 539/2001.**⁸⁸

With the Czech Republic's accession to the European Union and with a transfer to using visa methodology of Schengen states, a new version of this system - MVP/EVC2b – was installed at embassies and consulates. The system is being further developed. All embassies and consulates regularly use an electronic system of consultations with a central body prior to granting visas.

The Visa Information System (VIS) plays an irreplaceable role in the framework of consular cooperation in issuing Schengen visas. VIS is, alongside the Schengen Information System, one of the tools for creating an area of freedom, security and justice.

The Czech Republic was connected to VISION consultations as soon as it joined the Schengen area. This is a procedure for issuing Schengen visas where a security screening is made

⁸⁸ Council Regulation 2001/539/EC determines those third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (referred to as the 'Black List') and the list of third countries whose nationals are exempted from visa duty (referred to as the 'White List') if they reside in an EU Member State for a period not exceeding three months.

not only by the state issuing the respective visa but, in the case of applicants from certain pre-defined countries, also another Schengen state who requested to do so.

Supporting the integration of foreigners legally residing in the Czech Republic for a long period of time is part of the active policy of the Government.⁸⁹ Policy on foreigners' integration is perceived as an integral part of legal migration policy and must respond to developments in migration. The aim of the integration of foreign nationals is to continue supporting the inclusion of legally residing foreign nationals into society and in particular to prevent problems within closed communities of immigrants, their social isolation, or social exclusion of foreign nationals.

In the year reviewed, the Czech Republic continued its closed cooperation with international organisations and participated in a range of international activities concerning individual aspects of migration. Due to the fact that migration is of common interest to all EU Member States, the Czech Republic considers the closest possible cooperation at both bilateral and multilateral levels and active involvement in formulating asylum and migration policy within the European Union to be of considerable importance.

When drawing up the *2008 Status Report on Migration in the Czech Republic* the Ministry of the Interior of the Czech Republic used not only its own findings but also documents elaborated by the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Industry and Trade, the Ministry of Justice, the Ministry for Regional Development, the Ministry of Education, Youth and Sports, and the Security Intelligence Service.

The submitted *2008 Status Report on Migration in the Czech Republic* evaluates the level of migration in the Czech Republic in 2008 from various points of view and provides an analysis of migration trends. In the upcoming period the Report should function as a basic introductory document for further fine-tuning of the Czech Republic's migration policy and its coordination between specified ministries and the police, namely in the area of active immigration policy, as well as an introduction to other issues relating to illegal migration, the monitoring of migration trends, and migration control in general carried out by respective public administration authorities.

⁸⁹ The Czech Republic saw the highest year-on-year increase in its population of foreign nationals. As of 31 December 2007 the alien police registered 392,087 foreigners in possession of long-term or permanent residence permits in the Czech Republic (the year-on-year growth was 70,631 persons; as of 31 December 2008 there were 438,301 foreign nationals (the year-on-year growth was 46,214 persons, which was the second largest growth during the last ten years).