

SOLVING RESIDENCE MATTERS OF FOREIGN NATIONALS IN THE TERRITORY OF THE CZECH REPUBLIC FROM 17 JULY 2020

In connection with the COVID-19 pandemic, state of emergency was declared by the Government of the Czech Republic on 12 March 2020 and lasted till 17 May 2020. At the same time, a lot of measures were accepted. These measures also significantly affected entry and residence of foreign nationals in the territory of the Czech Republic. The rest of agenda connected with residence of foreign nationals was affected too. There was 60-days period after the end of state of emergency (it means from 18 May 2020) for the purpose of mitigation of the negative effects. Public authorities solving residence matters of foreign nationals proceeded in transitional regime. 60-days period ended by 16 July 2020.

Residence of foreign nationals in the territory of the Czech Republic and with it connected matters returns to normal state from Friday 17 July 2020 (with exceptions). An overview of basic information on matters related to the residence of foreign nationals in the territory of the Czech Republic can be found below for better orientation.

I. RESIDENCE OF FOREIGN NATIONALS IN THE TERRITORY OF THE CZECH REPUBLIC

Generally applies, that only foreign national can reside in the territory of the Czech Republic, whose is entitled to it according to Act on the Residence of Foreign Nationals in the Czech Republic.

1. Foreign nationals, whose validity of residence permit ended in period between 12 March 2020 – 16 July 2020

If the validity of residence permit of foreign national ended in the state of emergency or in 60-days period, he/she could reside in the territory of the Czech Republic till 16 July 2020. This residence was unauthorized, but due to extraordinary measures it was tolerated residence and foreign national will not be punished.

If such a foreign national did not leave the territory of the Czech Republic until 16 July 2020 at the latest, from the next day (17 July 2020) he/she resides in the territory of the Czech Republic illegally and there is a risk of punishment from the public authorities. It is recommended to such a foreign nation to leave immediately the territory of the Czech Republic.

In case that foreign national resided in the territory of the Czech Republic on the basis of resident permit, whose validity may be extended (or from which it is possible to submit an application for issuing another residence permit in the territory of the Czech Republic), it applies, that if the validity of this residence permit ended and a foreign national did not apply for extension until 16 July 2020 at the latest, respectively for issuance of new residence permit, he/she resides in the territory of the Czech Republic illegally from 17 July 2020 and it is also recommended to him/her to leave immediately the Czech Republic.

An exception in this case will be made only to foreign nationals, who were prevented from submitting an application for the issue or extension of their residence permit, by **reasons**

beyond their control or will. It is necessary in this case to submit an application in five days after the cessation of these reasons and these reasons include to the application. They will be obliged to prove these reasons on request.

Exception are also foreign nationals who resided from 12 March 2020 to 16 July 2020 in the territory of the Czech Republic on the basis of **visa for a stay of up to 90 days for the purpose of work or seasonal work and on the basis of long-term visa of the purpose seasonal work or extraordinary work visa.** These foreign nationals can stay in the territory of the Czech Republic **till 16 November 2020.** This applies only in case, that employer extended work contract at least till 16 November 2020 or signed new valid work contract for this period. Validity of current decision about work permit is extended till 16 November 2020 on these conditions.

2. Foreign nationals who had already resided in the territory illegally before 12 March 2020

If the foreign national has been staying in the territory illegally on 12 March 2020 (the day when the state of emergency was declared in the Czech Republic) and if this illegally stay still lasts, it is recommended to leave the territory as soon as possible. A foreign national who remains in the territory without residence permit should be punished by the relevant public authorities.

II. ENTRY OF FOREIGN NATIONALS TO THE TERRITORY OF THE CZECH REPUBLIC

Despite the end of the state of emergency and the release of the measures taken, the entry of foreign nationals into the territory of the Czech Republic is still restricted, based on a protective measure of the Ministry of Health of Czech Republic.

Only the following categories can enter the territory of the Czech Republic:

- a) all EU citizens,
- b) third-country nationals who are on the list of countries with a low risk of COVID – 19 specified in the Communication of the Ministry of Health of the Czech Republic and
- c) foreign nationals who have a temporary or permanent residence permit in the countries on the list above.

Other foreign nationals will be allowed to enter the territory of the Czech Republic only in cases to which (according to the protective measure of the Ministry of Health of the Czech Republic) an exceptions applies. In all cases, however, foreign nationals must be allowed to enter and stay in the territory – it means, they must hold a visa or residence permit, respectively they must be citizens of the state whose citizens are entitled to enter the territory of the Czech Republic without a visa.

ATTENTION! The list of countries with a low risk of COVID-19 and the rules of entry into the Czech Republic are changing very dynamically. We therefore recommended that you follow the current information on this link.

Foreign nationals who will be entitled to enter the territory of the Czech Republic, but who at the same time in the last 14 days before entering the territory stayed for more than 12 hours in

one of the countries NOT listed in the list of countries with the low risk of COVID-19, are also obliged to notify this fact to the regional hygienic station competent according to the place of their residence in the territory and immediately undergo an RT-PCR test for the presence of the coronavirus SARS-CoV-2 in the Czech Republic, unless other quarantine measures are decided by the relevant regional hygienic station. Until the submission of the RT-PCR test, respectively until the end of the quarantine measure, these foreign nationals are also restricted in their free movement within the territory of the Czech Republic. **At this time, they should not even visit a MOI office!**

ATTENTION! These rules are also changing very dynamically. We therefore recommend you to follow the current information on the website of the Ministry of the Interior, respectively on the websites of the Government of the Czech Republic.

III. SOLVING RESIDENCE AGENDA IN THE TERRITORY OF THE CZECH REPUBLIC

From 12 March 2020 to 16 July 2020 the solving of the residence agenda at the MOI offices was modified to the current situation with regard to the impacts of taken emergency measures. From the 17 July 2020 the office hours and agenda of MOI office is changing.

1. ENTRY TO THE MOI OFFICE

It will be possible to come to some of the MOI offices and solve residence matters here without the need to reserve appointment beforehand. During office hours, clients can come to these MOI offices at any time and for any purposes. However, some of the MOI offices remain accessible only to clients who pre-order their visit (and for a specific task), by telephone or electronically, through the appointment system. Making an appointment will be possible for all commonly performed operations.

At all MOI offices, without exceptions, it will be in any case possible without making an appointment:

- a) submission of an application, which according to the law must be submitted in person (see below), respectively personal confirmation of such a request sent to the data box or by post in the previous 5 days,
- b) issuance of an exit order
- c) issuance of a bridging label
- d) acceptance of a document delivered by a public notice.

An overview of MOI offices that can be visited without the need for making an appointment, an overview of MOI offices for which a prior order is still required to visit in advance, and contact details for these MOI offices can be found [here](#).

If the foreign national is invited to visit the relevant MOI office (for purpose of collecting biometric data, taking over the residence permit, acquaintance with the documents before issuing the decision, proving the missing details of the application, submitting the original registration document or other necessary personal participation in the operation in the

proceedings), he or she can come to this MOI office on the given date without the need for making an appointment.

2. APPLYING FOR RESIDENCE AT MINISTRY OF THE INTERIOR OFFICES

The Ministry of the Interior extended the possibility of impersonal applications during the state of emergency declared in the Czech Republic and also in the period of sixty days following its end. From 17 July 2020, it will be necessary, in cases stipulated by the Act on the Residence of Foreigners, to submit an application for a residence permit **in person**.

The obligation to submit an application in person applies to applications for the following residence permits:

- a) Applications for long-term residence (including employee cards),
- b) Applications for temporary residence for a family member of a citizen of the European Union/Czech Republic,
- c) Applications for permanent residence,
- d) Application for a visa for a stay of more than 90 days with a validity period corresponding to the expected duration of the application procedure (so-called bridging label),
- e) Application for extension of the period of stay and validity of a visa for a stay of more than 90 days with a validity period corresponding to the expected duration of the application procedure (extension of so-called bridging label),
- f) Application for the issuance of a long-term residence permit or an application for the issuance of a permanent residence permit submitted for a child born in the territory of the Czech Republic.

All the above mentioned applications must be submitted in person. If any of these requests is delivered to the Ministry of the Interior by post, via a data box, e-mail with a guaranteed electronic signature or otherwise specified in the Administrative Procedure Code, **it must be within five days personally confirmed** by the applicant, his legal representative or guardian at the relevant MOI office. In this case, it is not necessary to make an appointment in advance at the relevant MOI office to personally confirm the application. If there is no such personal confirmation, such a request is not submitted and will be returned to the applicant. In the case of an application for a visa for a stay of more than 90 days with a validity period corresponding to the expected duration of the application procedure or an application for an extension of its period of validity, the personal submission of the application may not be in justified cases required.

3. DEADLINES FOR SUBMISSION OF APPLICATIONS, NOTIFICATION OF CHANGES AND OTHER FACTS

The state of emergency declared in the Czech Republic and the extraordinary measures taken in connection with it were generally considered to be obstacles independent to the will of foreign national, which prevented him or her from submitting an application within the time limit set by the Act on the Residence of Foreign Nationals, without any necessity mentioning this situation as a reason for missing the deadline.

From 17 July 2020, the legal rules are already fully applied, i.e. if foreign national's application is submitted after the expiration of the statutory deadline, it must be submitted within 5 working days after the removal of the obstacle that prevented foreign national from submitting the application in time. The reasons for the late submission of the application must be stated by the foreign national himself or herself and proved at the latest upon request. These must be reasons independent of the will of the foreign national.

4. DEFECTS OF SUBMITTED APPLICATIONS AND DEADLINES FOR THEIR ELIMINATION

If the applications, submitted at the time of the declared state of emergency, suffered from defects, i.e. if all the required parts were not submitted or they did not meet the requirements imposed on them, and the foreign national was therefore called upon by MOI office to eliminate them, given the limited operation of MOI offices and the limited number of tasks performed on them, longer remedial times have been set.

As in the case of the other agenda, also in the case of the elimination of defects in the submitted applications, the MOI offices returns to normal practice on 17 July 2020, and thus also to the normal setting of deadlines. Therefore, if foreign national does not manage to remove the defects of the application within the set time limit, he or she may request its extension or suspension of the proceedings before its expiry. The application should state the reason for which he or she was not able to eliminate the defects within the set time limit.

5. SOME OTHER CASES CONNECTED WITH THE STAY OF FOREIGN NATIONALS IN THE TERRITORY OF THE CZECH REPUBLIC

a) Notification of change of registered place of residence in the territory

Foreign nationals can report a change of residence in the territory by post. If the foreign national holds a residence permit, he or she must at the same time apply for a new card. To do this, he or she can use the forms available on the website of the Ministry of the Interior. The Ministry of the Interior then contacts him or her and arrange an appointment at the MOI office.

b) Loss, theft or damage of the residence permit

Foreign nationals may report the loss or theft of a residence permit or temporary residence certificate in written form and at the same time may request the issuance of a new document. The same applies, if the card of residence permit was damaged. To do this, the foreign national can use the forms available on the website of the Ministry of the Interior. The Ministry of the Interior then contacts him or her and arrange an appointment at the MOI office.

c) Extension of the period of validity of the permanent residence permit

Foreign national can apply in written form for an extension of the validity of a permanent residence permit. To do this, the foreign national can use the forms available on the website of the Ministry of the Interior. The Ministry of the Interior then contacts him or her and arrange an appointment at the MOI office.