

EMN FOCUSSED STUDY 2012

Intra-EU mobility of third-country nationals

National Contribution from the Czech Republic¹

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Top-line 'Factsheet'
(National Contribution)
[Executive Summary
(Synthesis Report)]

National Contribution (one page only)

Overview of the National Contribution – drawing out key facts and figures from across all sections of the Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

This third EMN Focussed Study 2012 covers the topic of mobility of third-country nationals within the EU countries.

The purpose of the study is to map the key elements of legal mobility within the EU, barriers affecting such mobility, national legislation and the availability of statistics concerning legal mobility. The question of possible facilitation of mobility of third-country nationals (TCNs) within the EU and its support in connection with increase of the growth of the EU are further issues explored by the study.

The study focuses particularly on the mobility of TCNs among the individual Member States for the purpose of employment. The area of misuse of mobility within the EU on the part of TCNs is not addressed by this paper.

The relevant units of the Ministry of the Interior of the CR (MoI CR) Department of Asylum and Migration Policy and other members of the EMN national network (Directorate of the Foreign Police Service (DFPS) and the Ministry of Labour and Social Affairs) participated in preparation of the presented national report.

The first section of the study focuses specifically on the following categories of third-country nationals: 1. *long-term residents in other EU Member States*; 2. *European "Blue Card" holders*; 3. *researchers*; 4. *students*; 5. *posted workers*; 6. *cross-border workers*; 7. *seasonal workers*; 8. *workers in regulated professions*; 9.

¹ Insert your (Member) State name here.

other categories (foreign nationals not included in categories 1-9) and 10. all mobile TCNs. This introductory section covers both **a) residence-related issues** (answers given by the Asylum and Migration Legislation Unit of the MoI CR, blue text) and **b) labour market issues** – access to the labour market and general permits (answers of the Unit of International Cooperation of the MoLSA CR, red text).

The second section of the study pays attention primarily to the inter-state movement of TCNs (within the EU) for the purpose of employment, the availability of statistics and the existing resources relating to legal residence of TCNs. The area of movement of EU citizens among the individual Member States is also covered and presented in statistics. Due to the fact that the relevant statistics of the CR are divided among different ministerial sectors (the MoI CR, or rather, the DFPS is responsible for residence; MoLSA and the Ministry of Industry and Trade are responsible for employment; the Ministry of Education, Youth and Sports is responsible for studies, etc.), which maintain statistics with respect to their needs, the informational value of this data for the study is limited. Only data on employed foreign nationals with work permits or without a permit until 2011 and statistics on trade licence holders is available. The study also focuses on the information regarding the previous country of residence of the foreign national but systematic records for this area do not exist. The previous country of residence of a foreign national was established in the last Population and Housing Census (2011) but for persons who had already been in the CR exactly one year before the Census, such data is not available.

The third and last section of the study deals with possible barriers affecting the mobility of TCNs within the EU and their motivation for moving between Member States. This chapter provides information concerning the minimum wage in the CR, the process of evaluating the situation on the labour market, the foreign national's obligation to present a proof of funds if they come to the CR for the purpose of carrying on business, the recognition of professional qualifications and the welfare system for foreign nationals in the CR.]

Synthesis Report (up to 3 pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1

The National Legislative Framework: Visas and Residence Permits

(National Contribution: Maximum 8 pages)

*This section reviews the national rules and procedures which third-country nationals who are resident in one Member State need to follow in order to acquire a **visa and/or a residence permit** to reside in another Member State. It also includes any conditions that mobile third-country nationals need to fulfil in order to acquire a visa and/or residence permit, such as evidence that they have a stable and regular income, sickness insurance and/or that they comply with certain integration conditions (where applicable).*

Please note that additional provisions in national legislation which can affect the decision of mobile third-country nationals to settle in another Member State (or Norway), but are not conditions for acquiring a visa or residence permit as such (e.g. rules and procedures governing the recognition of degrees and diplomas), are examined in Section 3 of this common template.

*In their responses to this section, EMN NCPs are asked to specify and describe the relevant national rules and procedures that **specific groups of mobile third-country nationals need to follow** in order to obtain a visa and residence permit. These include groups of mobile third-country nationals that enjoy mobility rights under the EU's migration Directives, and other groups of mobile third-country nationals that do not enjoy such rights at EU level. If national legislation exists that is relevant to all groups of mobile third-country nationals, EMN NCPs should specify this is the case in the space provided.*

*Please note that **only those national rules and procedures that are specific to mobile third-country nationals should be identified**. If the national rules and procedures that apply to third-country nationals who wish to move to another Member State for the purposes of work are the same as the national rules and procedures that apply to third-country nationals who migrate to an EU Member State (or Norway) from a third-country for the first time, please indicate this is the case and do not provide further information.*

*Finally, where specific national rules and procedures governing access to a visa and residence permit exist for specific groups of mobile third country nationals, EMN NCPs are asked to specify how these national rules and procedures differ (if at all) from the national rules and procedures that apply to **mobile EU citizens**.*

The Synthesis Report will provide the reader and policymakers, in particular, with a comparative analysis of the rules and policies adopted at national level in order to implement the elements of the EU acquis set out in the background to the common template (further above), and any other national rules of relevance to intra-EU mobility of third-country nationals.

In the following, what is required is a brief outline of the relevant national rules and procedures pertinent to the group described under each entry, along with an explanation of how these rules and procedures differ (where relevant) from the national rules and procedures that apply to EU citizens.

Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:

1.1. Long-term residents in another Member State

- 1) What national rules and procedures apply to third-country nationals who are long-term residents in another Member State in respect of their access to a visa and/or residence permit in your country?

a) RESIDENCE-RELATED ASPECTS

[These issues are covered by Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts. The resident of some other Member State of the European Union is obliged to file an application for a long-term residence permit with the embassy or in the territory with the Ministry. He or she files this application if he or she wishes to stay in the territory for a longer time than 3 months. In the territory of the Czech Republic, the resident of some other Member State of the European Union is obliged to file an application during the period of validity of the permit for temporary stay in the territory and is obliged to do so no later than within 3 months from the date of entering the territory.

When the application is filed, the following must be submitted:

1. a document proving grant of the legal status of a resident of some other Member State of the European Union;
2. a document on travel medical insurance for the period of the stay in the territory;
3. evidence on availability of funds for the stay;
4. a travel document;
5. a document proving the purpose of the stay (if the purpose is employment, this document is a work permit or the reference number of the application for issue of the permit with information on the regional branch office of the Governmental Employment Agency of the Czech Republic where the application for a work permit was filed, or a statement by the employer that they would employ the foreign national);
6. a document on availability of accommodation for the period of the stay in the territory;
7. a photograph;
8. upon request, a document similar to an extract from the Criminal Register;
9. upon request, a medical report that he or she does not suffer from any serious disease; it is only possible to request submission of a medical report if there is reasonable suspicion that the foreign national does suffer from a serious disease.]

b) EMPLOYMENT

[Residents of some other Member State of the EU

A work permit, a Green Card or a Blue Card is not required for employment of a foreign national² who is staying in the territory of the Czech Republic (hereinafter referred to as the “CR”) with a long-term residence permit of a resident of some other Member State of the European Union³ (hereinafter referred to as the “EU”) for the purpose of employment, if more than 12 months elapsed from the issue of this permit.

Disclosure Obligation

If a foreign national who is staying in the territory of the CR with a long-term residence permit of a resident of some other Member State of the EU, the employer is required to report this fact in writing to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which the person concerned starts to perform the job.]

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

a) RESIDENCE-RELATED ASPECTS

[If a foreign national is an EU citizen, he or she can stay in the territory of the CR without any special residence permit or visa. All he or she needs for staying in the territory is an identity document. If the stay is longer than 30 days, a foreign national who is an EU citizen is required to register his or her place of residence in the territory of the CR and any change thereof. If the stay is longer than 3 months, EU citizens are entitled, not required, to apply for issue of a certificate on temporary residence or on permanent residence permit.]

b) EMPLOYMENT

[EU Citizens

An EU citizen and his or her family member⁴ have the same legal status in the legal relations governed by the law⁵ as a citizen of the CR, unless this Act provides otherwise. In accordance with the principle of free movement of labour forces, the CR as a Member State of the EU allows a free access to the labour market for citizens of other Member States of the EU and, under other treaties, also for citizens of Norway, Iceland, Lichtenstein and Switzerland.

An EU citizen and his or her family member can be employed in the territory of the CR immediately after his or her arrival to the CR. A foreign national

² The Employment Act No. 435/2004 Coll. provides that a foreign national is a citizen from any other country than a EU/EEA country and than Switzerland who is, at the same time, not a family member of a EU citizen.

³ Section 42c of Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic, as amended by Act No. 161/2006 Coll.;

⁴ Sections 15a and 180f of Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic, as amended.

⁵ Employment Act No. 435/2004 Coll., as amended.

who is staying in the territory of the CR with a long-term residence permit of a resident of some other Member State of the EU for the purpose of employment can be employed, if more than 12 months elapsed from the issue of this permit.

Disclosure Obligation

If an EU citizen or his or her family member starts to work under employment, the employer is required to report this fact in writing to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which such a person starts to perform the job.]

1.2. EU Blue Card holders

- 1) What national rules and procedures apply to third-country nationals who are EU Blue Card holders in another Member State in respect of their access to a visa and/or residence permit in your country?

a) RESIDENCE-RELATED ASPECTS

[The provisions of Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts apply to a foreign national who is a holder of a Blue Card issued in some other member state of the European Union. According to this Act, the foreign national is entitled to file an application for a Blue Card. The application of a citizen who is a holder of a Blue Card issued by some other Member State of the European Union is to be filed in person at an embassy or within one month after entering the territory of the Ministry.

A foreign national is required to attach the following to an application for a Blue Card:

1. a travel document (it is necessary to submit the original of the travel document);
2. 2 photographs;
3. a document on availability of accommodation;
4. a contract of employment for performance of the job requiring high-level qualifications for a term of at least one year for the legally defined one-week working hours, which also contains the amount of the agreed gross monthly or annual salary equal to at least 1.5 multiple of the average gross annual salary announced in a statement by the Ministry of Labour and Social Affairs;
5. documents confirming high-level qualifications (a document on the achieved level of education) – this document must be nostrified;
6. if it is a case of performance of a regulated profession, a document on compliance with the conditions for performance of such profession (Note: The MoI CR will make a decision on issue of the Blue Card after the relevant recognition body gives its opinion statement);
7. upon request, the foreign national is also obliged to present a document similar to an extract from the Criminal Records;
8. upon request, the foreign national is obliged to submit a medical report that he or she does not suffer from any serious disease (only in the event of

reasonable suspicion).

Before a visa for a stay of over 90 days for the purpose of receiving a long-term residence permit – a Blue Card – is issued, the foreign national is obliged to present a document on travel medical insurance for the period of his or her stay from the date of entry into the territory of the CR until the time when the public medical insurance applies to the foreign national and the foreign national is also obliged to present, upon request, evidence on payment of the insurance premium stated on the document on the travel medical insurance. If the application is filed in the territory of the CR, this document is to be submitted directly along with the application.]

b) EMPLOYMENT

[Foreign Nationals – Blue Card Holders

Blue Card is issued to workers with higher expert or university education who have contracts of employment for a term of at least one year for the legally defined one-week working hours and an agreed gross monthly or annual salary, which is equal to at least 1.5 multiple of the average gross annual salary in the CR announced in a statement by the Ministry of Labour and Social Affairs of the CR (hereinafter referred to as the “MoLSA”). The previous notification and discussion of the intention to employ a foreign national with a regional branch of the Governmental Employment Agency of the CR is not required for an employer that intends to employ a foreign national who will be employed as a holder of a Blue Card. A foreign national who received a certificate confirming his or her compliance with the conditions for issue of a Blue Card can be hired and can be employed for a period from the date of issue of such a certificate until the proceedings on the application for the Blue Card are concluded.

Disclosure Obligation

The employer is obliged to notify the relevant regional branch of the Governmental Employment Agency in writing, if the foreign national who received a Blue Card failed to start performing his or her job and is obliged to do so not later than within 45 calendar days from the date, on which the conditions for issue of the Blue Card were met.

The MoLSA maintains a central register of vacant job positions that can be filled with holders of Blue Cards.]

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

a) RESIDENCE-RELATED ASPECTS

[see item 1.1(2a) – page 14]

b) EMPLOYMENT

[A Blue Card combines a residence permit and a work permit. Citizens of EU countries and their family members do not need a Blue Card in order to be employed in the CR. No disclosure obligation of an employer to a regional branch of the Governmental Employment Agency of the CR to report the fact that a holder of Blue Card started to perform his or her job has been defined yet in Employment Act No. 435/2004 Coll. as amended (hereinafter referred to as the “Employment Act”)⁶. If an EU citizen or his or her family member starts to perform a job, the employer is obliged to notify the relevant regional branch of the Governmental Employment Agency of the CR of this fact in writing not later than on the date, on which such persons started to perform their jobs.]

1.3. Researchers

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake work as a Researcher in your Member State?

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts applies to foreign nationals who are residents in some other Member State of the European Union and who apply for residence for the purpose of scientific research.

A foreign national who is a holder of a residence permit for the purpose of scientific research in the territory of some other Member State is entitled to apply for issue of a visa for a stay of over 90 days for the purpose of research, if the stay of such foreign national requires staying in the territory for more than 3 months.

The foreign national will attach the following to the application:

1. a hosting agreement entered into with the research organisation, which has its registered office in the territory of the Member State concerned;
2. a travel document;
3. a photograph; this does not apply if an image of the foreign national is to be captured;
4. a written statement from the research organisation on the purpose of his or her stay in the territory of the CR;
5. upon request, a document similar to an extract from the Criminal Records;
6. upon request, a medical report stating that the foreign national does not suffer from any serious disease; it is only possible to request submission of the medical report if there is reasonable suspicion that the foreign national does suffer from a serious disease.

⁶ The employer’s disclosure obligation to report the fact that a holder of a Blue Card started to perform his or her job will be included in an amendment to the Employment Act No. 435/2004 Coll., as amended.

A foreign national can also apply for a long-term residence permit. A foreign national is entitled to file an application for a long-term residence permit for the purpose of scientific research with an embassy, if he or she entered into a hosting agreement with the research organisation and intends to stay temporarily in the territory of the CR for a period longer than 3 months.

An application for a long-term residence permit for the purpose of scientific research can also be filed in the territory with the Ministry, if the foreign national is already staying in the territory with a visa for a stay of over 90 days or with a long-term residence permit issued for some other purpose.

The researcher is obliged to attach the following to an application for a long-term residence permit for the purpose of scientific research:

1. a hosting agreement;
2. a travel document;
3. a photograph; this does not apply if an image of the foreign national is to be captured;
4. a written obligation of the research organisation that it will pay possible costs associated with the stay of the researcher in the territory after the end of the validity of the permit to stay in the territory, including the costs associated with his or her departure from the territory, if these costs are incurred within 6 months from the date of termination of the hosting agreement and were paid from the public funds; and
5. upon request, a document similar to an extract from the Criminal Records;
6. upon request, a medical report stating that the foreign national does not suffer from any serious disease; it is only possible to request submission of the medical report if there is reasonable suspicion that the foreign national does suffer from a serious disease.

If an application that was filed at an embassy is approved, then before a visa for a stay of over 90 days for the purpose of receiving a long-term residence permit for the purpose of scientific research is issued, the foreign national is obliged to present a document on travel medical insurance for the period of his or her stay from the date of entry into the territory of the Czech Republic until the time when the public medical insurance applies to the foreign national. The foreign national is also obliged to present, upon request, evidence on payment of the insurance premium stated on the document on the travel medical insurance. If the application is filed in the territory of the CR, these documents will be submitted by the foreign national directly along with the application.]

b) EMPLOYMENT

[Scientific and Pedagogical Workers

A work permit, a Green Card or a Blue Card is not required for employment of a foreign national who carries out a systematic educational or scientific activity in the CR as a pedagogical worker or an academic worker of a university or as a scientific, research or development worker in a public research institution or any other research organisation according to a special

legal regulation.⁷

Disclosure Obligation

If a foreign national who carries out a systematic educational or scientific activity in the Czech Republic as a pedagogical worker or an academic worker of a university or a scientific, research or development worker in a public research institution or any other research organisation and who is not required to have a work permit starts to perform his or her job, the employer is obliged to give written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which such persons started to perform their jobs.]

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

a) RESIDENCE-RELATED ASPECTS

[see item 1.1(2a) – page 14]

b) EMPLOYMENT

[EU Citizens – No differences exist

If an EU citizen or his or her family member starts to perform a job, the employer is obliged to give written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which such persons started to perform their jobs.]

1.4. Students⁸

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake studies in your Member State?

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts applies to foreign nationals who are residents in some other Member State of the European Union and who apply for residence for the purpose of studies. A foreign national can apply for a visa for a stay of over 90 days for the purpose of studies, if the expected period of studies in the CR is longer than 3 months, if it is a case of education at a primary school, at a secondary school or at a conservatoire, which is not carried out as part of an exchange programme or professional internship against payment. An application for a long-term visa can be filed at an embassy of the CR abroad. A foreign national is entitled to

⁷ Act No. 341/2005 Coll. on Public Research Institutions.

⁸ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

file the application only at an embassy in a state, whose citizen the foreign national is or which issued the foreign national's travel document held by the foreign national or in a state, in which the foreign national has a permitted long-term or permanent residence. Compliance with this condition is not required if the foreign national is a citizen of a state on a list of countries, whose citizens are entitled to file an application for a long-term visa at any embassy of the CR.

A foreign national is obliged to attach the following to an application for a long-term residence visa:

1. a travel document;
2. a document on admission to the studies;
3. a document on availability of accommodation for the period of his or her stay in the territory of the CR;
4. a photograph; this does not apply if an image of the foreign national is to be captured;
5. a document on availability of funds for his or her stay in the territory of the CR;
6. upon request, a document similar to an extract from the Criminal Records;
7. upon request, a medical report stating that the foreign national does not suffer from any serious disease; it is only possible to request submission of the medical report if there is reasonable suspicion that the foreign national does suffer from a serious disease.

If an application is approved, then before a visa is issued, the foreign national is obliged to present, at an embassy of the CR, a document on travel medical insurance, which meets the defined conditions (this is not required if the foreign national is a participant of public medical insurance or if the costs of medical care are paid under an international agreement or if the foreign national proves that the medical care is paid in some other way) and, upon request, evidence on payment of the insurance premium stated on the document on the travel medical insurance.

A foreign national is entitled to file an application for a long-term residence permit at an embassy pursuant to the aforementioned Act, if he or she intends to stay in the territory of the CR temporarily for a period longer than 3 months and if it is a case of studies under this Act (at a secondary school or at a tertiary vocational school registered in the register of schools and school facilities, under accredited study programmes at a university, ...), except for education at a primary school, a secondary school or a conservatoire, which is not carried out under an exchange programme, or professional internship against payment.

An application for a long-term residence permit for the purpose of studies can also be filed in the territory of the CR at an office of the MoI CR, if the foreign national is already staying in the territory of the CR with a visa for a stay of over 90 days for the same purpose.

The following must be attached to an application for a long-term residence permit:

1. a travel document;
2. a document confirming the purpose of the stay in the territory of the CR;
3. a document on availability of accommodation for the period of the stay in the territory of the CR;
4. a photograph; this does not apply if an image of the foreign national is to be captured;
5. consent from a parent or, as the case may be, from some other legal representative or guardian, with the foreign national's stay in the territory of the CR, if the foreign national is a minor;
6. evidence on availability of funds for the stay in the territory, if it is a case of studies at a university or non-remunerated professional internship; in other cases, a document stating that a local host organisation will bear the costs of the foreign national's stay;
7. upon request, a document similar to an extract from the Criminal Records;
8. upon request, a medical report stating that the foreign national does not suffer from any serious disease; it is only possible to request submission of the medical report if there is reasonable suspicion that the foreign national does suffer from a serious disease.

If an application, which was filed at an embassy, is approved, then before a visa for a stay of over 90 days for the purpose of receiving a long-term residence permit for the purpose of studies in the territory of the CR is issued, the foreign national is obliged to present a document on travel medical insurance and, upon request, evidence on payment of the insurance premium stated on the document on the travel medical insurance. If the application is being filed in the territory of the CR, these documents are to be attached directly to the application.]

b) EMPLOYMENT

[Students – Preparation for Future Profession

A work permit, a Green Card or a Blue Card is not required for employment of a foreign national who is systematically preparing for his or her future profession in the territory of the CR. Systematic preparation for future profession is considered to be the period of regular studies at a secondary school, a conservatoire, a tertiary vocational school and a language school accredited for state language examinations and the period of regular studies at a university⁹, including vacations, which are a part of the school or academic year.

Students – Employment As Part of School Exchange

Work permit is required for a foreign national aged less than 26 years, employed to perform occasional work for a limited time as part of an exchange between schools or under programmes for young people, in which the CR participates. When a work permit is issued, the situation on the labour market

⁹ Act No. 561/2004 Coll. on pre-school, primary, secondary, tertiary vocational and other education (the Education Act), as amended.

Act No. 111/1998 Coll. on universities and on changes and amendments to other Acts (the University Act), as amended.

is disregarded.

Disclosure Obligation

If a foreign national, who systematically prepares for his or her future profession in the territory of the CR and who is not required to have a work permit, starts to perform a job, or if a foreign national aged less than 26 years, employed to perform occasional work for a limited time, who is required to have a work permit starts to perform a job, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which these persons started to perform their jobs.]

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

a) RESIDENCE-RELATED ASPECTS

[see item 1.1(2a) – page 14]

b) EMPLOYMENT

[EU Citizens – No differences exist

If an EU citizen gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which these persons commence employment.]

1.5. Posted workers

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts does not address this matter.]

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who are posted by a service provider for the purposes of cross-border provision of services in your Member State?

b) EMPLOYMENT

[Foreign Nationals Sent to the Territory of the CR in Order to Provide Services

Neither a work permit, nor a Green Card, nor a Blue Card is required for employment of a foreign national who has been posted to the territory of the CR by an employer based in some other EU Member State in order to provide

services.¹⁰

Disclosure Obligation

If a foreign national who has been posted to the territory of the CR by an employer based in some other EU Member State in order to provide services and who is not required to have a work permit gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR no later than on the date on which such persons commence employment.]

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

b) EMPLOYMENT

[No differences exist

If an EU citizen or his or her family member gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR no later than on the date on which such persons commence employment.]

Groups of third-country nationals who are not provided for by the EU acquis:

1.6. Cross-border workers

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts does not provide for this matter.]

- 1) Do specific national rules and procedures governing access to a visa and/or a residence permit apply to third-country nationals who are resident in another Member State but are employed as cross-border workers in your Member State?¹¹

b) EMPLOYMENT

[Cross-border Employees with Long-term Residence of a Resident of Another EU Member State

¹⁰ Article 49 et seqq. of the Treaty Establishing the European Community.

¹¹ This question only applies to those Member States that require cross-border workers to apply for a visa and/or residence permit in order to work in their Member State (even if their usual place of residence is in another Member State).

The Employment Act does not recognise the category of a cross-border employee. Thus, in the case of standard employment of a foreign national who is staying in the territory of the CR under a long-term residence permit of a resident of another EU Member State for the purpose of employment, then such an employee would not need a work permit, a Green Card or a Blue Card as a cross-border employee, if more than 12 months had elapsed from the issue of the long-term residence permit of a resident of some other EU Member State for the purpose of employment.

Disclosure Obligation

If a resident of some other EU Member State who is not required to have a work permit gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR no later than on the date on which such persons commence employment.]

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.6 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

b) EMPLOYMENT

[EU Citizens – No differences exist

If an EU citizen or his or her family member gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which such persons commence employment.]

1.7. Seasonal workers

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts does not provide for this matter.]

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who exercise an economic activity as seasonal workers in your Member State in respect of their access to a visa and/or residence permit?

b) EMPLOYMENT

[Seasonal Workers

A work permit will be required by a foreign national who is a seasonal worker employed to perform activities dependent on (a) particular season(s) for not more than 6 months in a calendar year, if a period of at least 6 months elapses between individual jobs in the territory of the Czech Republic.

Disclosure Obligation

If a foreign national with a work permit for a seasonal worker gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR no later than on the date on which such persons commence employment.]

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.7 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

b) EMPLOYMENT

[Work Permit – Differences

Unlike an EU citizen, a foreign national who is a seasonal worker is obliged to apply for a work permit. Citizens of the EU countries and their family members do not need a work permit for the purpose of seasonal employment in the CR.

Disclosure Obligation – No differences exist

If an EU citizen or his or her family member gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which such persons commence employment.]

1.8. Workers in regulated professions

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts does not provide for this matter.]

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who apply to work in a regulated profession in your Member State in respect of their access to a visa and/or residence permit?

b) EMPLOYMENT

[Workers – Regulated Professions

If an EU citizen and a citizen of a country other than a Member State have been granted the legal status of a resident with long-term residence in the European Community by the CR or some other EU Member State, then he or she is obliged to present evidence on recognition of his or her professional qualifications in the territory of the CR pursuant to the law in order to be able

to work in a regulated profession¹².

In the case of employment in a regulated profession, the administrative bodies, professional chambers and employers may only require the candidate to comply with the same conditions imposed by a special legal regulation on a citizen of the CR who acquired his or her professional qualifications in the CR.

A regulated profession or activity is deemed to be such profession or activity, for the performance of which certain requirements are defined by the legislation of an EU Member State and, without meeting such requirements, a person may not work in such profession or perform such activity in the territory of the CR (for example, a level and field of education, work experience, integrity, health capability, indemnity against damage caused by performance of the given activity, etc.). Definition of the professions and activities that are regulated in the individual Member States is within the terms of reference of such states. As a consequence, each Member State regulates a different number of professions and activities, has a different scope of such regulation and the requirements for each profession and activity may vary. The CR regulates approximately 390 professions and professional activities¹³.]

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.8 (1) above, how do these differ from the national rules and procedures that apply to EU citizens?

b) EMPLOYMENT

[No differences exist

An EU citizen and a citizen of a country other than a Member State has the same obligations when presenting evidence on recognition of his or her professional qualifications in the territory of the CR, if he or she was granted the legal status of a resident with long-term residence in the European Community by the CR or another EU Member State¹⁴.]

1.9. Any other category of migrant worker not mentioned above

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts does not contain any other regulation that would apply to the above.]

¹² Act No. 18/2004 Coll. on recognition of professional qualifications and other competencies of the citizens of Member States of the European Union and some citizens of other states and on amendments to some Acts (the Act on Recognition of Professional Qualifications).

¹³ http://uok.msmt.cz/ru_list.php

¹⁴ Act No. 18/2004 Coll. on recognition of professional qualifications and other competencies of the citizens of Member States of the European Union and some citizens of other states and on amendments to some Acts (the Act on Recognition of Professional Qualifications).

- 1) Are there any specific national rules and procedures that apply to any group of third-country nationals who are resident in another Member State that has not been mentioned above?

b) EMPLOYMENT

[Foreign Nationals – Green Card Holders

A Green Card facilitates access to the labour market for foreign nationals who have qualifications that are in demand in the CR. A Green Card is intended for foreign nationals who are citizens of countries¹⁵, which are not members of the EU. It is not required to give prior notice of an intention to employ a foreign national to a regional branch of the Governmental Employment Agency of the CR and to discuss such intention with the branch if the employer intends to employ a foreign national who is to be employed as a Green Card holder.

MoLSA maintains a central register of vacant job positions that can be filled by Green Card holders.

Foreign Nationals – Family Reunification

Neither a work permit, nor a Green Card, nor a Blue Card is required for employment of a foreign national

- who is staying in the territory of the CR with a long-term residence permit for the purpose of family reunification, if this concerns family reunification with a foreign national who has the status of a long-term resident in the EU in the territory of the CR or the status of a long-term resident in the EU in the territory of some other EU Member State who has been employed in the territory of the CR during this stay with a work permit or a Green Card for at least a period of 12 months;
- who is resident in the territory of the CR with a long-term residence permit for the purpose of family reunification, if this concerns family reunification with a foreign national who has the status of a long-term resident in the EU in the territory of the CR, a former Blue Card holder, or the status of a long-term resident in the EU in the territory of some other EU Member State who is a former Blue Card holder;
- who is staying in the territory of the CR with a long-term residence permit for the purpose of family reunification, if this concerns family reunification with a foreign national with permitted permanent residence or who has been granted asylum or subsidiary protection¹⁶.]

- 2) If yes, please describe how these rules differ from the national rules and

¹⁵ Australian Commonwealth, Monte Negro, Republic of Croatia, Japan, Canada, Republic of Korea, New Zealand, Republic of Bosnia and Herzegovina, Republic of Macedonia, the United States of America, Serbia, Ukraine.

¹⁶ Act No. 325/1999 Coll. on Asylum, as amended.

procedures that apply to EU citizens.

b) EMPLOYMENT

[Foreign Nationals – Green Card Holders]

A Green Card is a combination of a residence permit and a work permit. The employer's obligation to inform the regional branch of the Governmental Employment Agency of the CR of the fact that a Green Card holder has commenced employment has yet to be defined in the Employment Act¹⁷. An employer is obliged to give written notice to the relevant regional branch of the Governmental Employment Agency if a Green Card holder fails to commence education, and is obliged to do so not later than 45 calendar days from the date on which the foreign national's application for a Green Card was approved.

EU Citizens

Citizens of EU countries and their family members do not need a Green Card for the purpose of employment in the CR. If an EU citizen or his or her family member gains employment, the employer is obliged to give a written notice of this fact to the relevant regional branch of the Governmental Employment Agency of the CR not later than on the date, on which such persons commence education.]

1.10. Common rules and procedures for all mobile third-country nationals

a) RESIDENCE-RELATED ASPECTS

[Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Some Acts does not contain any provision applicable to this matter.]

- 1) Does the national legislative framework in your Member State contain rules and procedures that are relevant to all mobile third-country nationals (rather than rules that differentiate between different groups) in respect of their access to a visa and residence permit?

b) EMPLOYMENT

[Foreign Nationals – Third-Country Nationals]

A foreign national may be hired for employment and employed only if he or she has a valid work permit and a valid permit for residence in the territory of the CR or if he or she is a Green Card or a Blue Card holder. A work permit is also required if the foreign national whose employer is a foreign organisation,

¹⁷ The employer's obligation to report the fact that a holder of a Green Card commenced employment will be included in an amendment to the Employment Act No. 435/2004 Coll., as amended.

is posted by his or her employer, under a contract with a Czech legal entity or a Czech natural person, to carry out work in the territory of the CR in order to perform tasks arising from such contract.]

- 2) If yes, please describe the rules and procedures and explain how they differ from the national rules and procedures that apply to EU citizens.

b) EMPLOYMENT

[Differences

An EU citizen does not need a work permit for the purpose of employment in the territory of the CR. A foreign national may only be employed in the territory of the CR if he or she has a valid work permit and a valid permit for residence in the territory of the CR, or if he or she is a Green Card or Blue Card holder.

General Obligation – Register of Citizens of the European Union and TCNs

The regional branch of the Governmental Employment Agency of the CR maintains a register of the citizens of the European Union and their family members who have gained employment, a register of foreign nationals who received a work permit, a register of foreign nationals who are Green Card or Blue Card holders, and a register of foreign nationals who are not required to have a work permit – residents of some other Member State of the European Union with long-term residence for the purpose of employment. An employer is required to maintain a register of the citizens of the European Union and their family members who are employed by the employer and a register of foreign nationals who are third-country nationals employed by the employer.]

Section 2

Scale and scope of the phenomenon

(National Contribution: Maximum 4 pages)

EMN NCPs are requested to:

- (i) comment on the availability of statistics on overall intra-EU mobility of third-country nationals and for the following groups of mobile third-country nationals in their countries;*
- (ii) provide the relevant statistics available;*
- (iii) provide estimates of aggregate numbers of third-country nationals using any of the proxy sources suggested further below; and finally*
- (iv) provide statistics on the flows of EU nationals to and from other Member States and Norway, Switzerland, Iceland and Liechtenstein.*

The Synthesis Report will aim to provide a sense of the scale and scope of the phenomenon of intra-EU mobility of third-country nationals by mapping the

availability of data at national and EU level on the number of mobile third-country nationals. It is recognised that there are numerous gaps and weaknesses in the available statistics. An attempt will be made in the Synthesis Report to indicate general patterns and trends in the phenomenon of third-country national intra-EU mobility by using proxy sources. The Synthesis Report will compare the scale of the movements of mobile third-country nationals that are provided for by the EU acquis and those that are not, and provide possible reasons for the differences. It will also compare these trends with available statistics on the intra-EU mobility of EU nationals.

2.1. Are statistics on overall intra-EU (work-related) mobility of third-country nationals available in your (Member) State

- *If **yes**, please indicate, where possible, the type of available statistics, including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.*

Please present these statistics in a way that permits the reader to obtain a sense of the scale of the phenomenon. This should include breaking down any data on overall numbers by nationality, country of previous residence, etc.¹⁸ If the data can be cross-classified, please specify that this is the case. If the data is collected annually, please present it over the last 5 years; if the data is collected more sporadically, please present any data that may be available, irrespective of the years.

[No. The only data available is from the register of Governmental Employment Agencies (employed foreign nationals with or without a work permit until the year 2011 – no statistics are available for the period after migration to the new information system) and the register of trade license holders.

In the 2011 Housing and Population Census, the prior abode (i.e. the place of residence one year before the Census) was ascertained, but not the prior country of residence of those persons who had already been resident in the CR more than one year before the Census. Nevertheless, the outputs from the latest Census are still limited and not all types of types of categorisation are yet possible, although this data should be available in the foreseeable future.

Under Regulation 862/2007, Eurostat receives data on the flows of persons that also contain the category “prior country of residence” (in the CR, this piece of information is an estimate – with foreign nationals, we assume the country of prior residence to be their country of citizenship; with Czech returnees, a certain ratio of persons coming from the EU and outside the EU is determined). On the Eurostat website, the outputs can be found at (<http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>);

¹⁸ If a number of nationality groups predominate, and individuals belonging to certain nationalities are very small in number, the latter can be grouped together under the category “Other nationalities”.

however, this data does not directly concern migration for work.]

2.2. Are statistics based on administrative registrations available in your (Member) State on the following groups of mobile third-country nationals? If they are not available could they in principle be made available from existing registrations?

- *For each group, please indicate the type of statistics, including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.*

[CR immigration statistics are divided according to ministry (the MoI CR or the DFPS is responsible for residences; MoLSA and the Ministry of Industry and Trade is responsible for employment; the Ministry of Education, Youth and Sports is responsible for studies, etc.); consequently, comparison of data is problematic.]

Groups of third-country nationals who enjoy *mobility rights* under the *EU's migration Directives*:

1) Long-term residents coming from another Member States (information should be collected by national contact points established under Directive 2003/109/EC on third-country national long-term residents)

[Residents may apply for a visa (if they wish to stay in the territory of the CR for less than 6 months); for a longer stay, it is more advantageous for them to apply directly for a long-term residence permit.

A resident of another EU Member State is entitled to file an application for a long-term residence permit, if he or she intends to stay temporarily in the territory for a period longer than 3 months.

A resident of some other EU Member State files an application at an embassy or in an office of the CR MoI. In the territory of the CR, a resident of another Member State of the European Union is obliged to file an application during the period of validity of the permit for temporary residence in the territory of the CR and is obliged to do so no later than within 3 months of entering the territory of the CR.

Statistics for residents of other EU Member States granted long-term residence in the CR (with a visa or a residence permit):

Issued Residence Permits for Residents of Other Member States¹⁹

2010

Total: 5

Purpose of the stay: 1x business – self-employed; 4x family

¹⁹ Source: Foreign National Information System (CIS)

2011

Total 9:

Purpose of the stay: 6x employment; 2x business – self-employed; 1x studies

2012 (January - November)

Total: 5

Purpose of the stay: 1x employment; 4x business (3x ownership interest in a legal entity; 1x self-employed)].

2) EU Blue Card holders (information should be collected by national contact points established under Directive 2009/50/EC on EU Blue Card holders)

3) Researchers

4) Students²⁰

5) Posted workers

[The previous country of origin is not systematically registered for groups 2-5; therefore, related statistics cannot be provided.]

Groups of third-country nationals who are not provided for by the EU acquis:

6) Cross-border workers

7) Seasonal workers

8) Workers in regulated professions

9) Any other category of migrant not mentioned above

[The previous country of origin is not systematically registered for groups 6-9; therefore, related statistics cannot be provided.]

2.3. Are there any other/proxy sources of statistics that could provide indications of patterns and trends?

- *It is recognised that most proxy sources of statistics will only capture a portion of the mobile third-country nationals concerned and therefore cannot provide indications of the scale of total mobility among third-country nationals with any degree of accuracy. However, they may provide approximate indications of general patterns and trends and will be used with caution in the Synthesis Report.*

(i) Number of applications for the recognition of diplomas/certificates acquired in

²⁰ The statistics already compiled for the study Immigration of International Students to the EU may be used here.

another Member State.

[Not available]

(ii) Number of visa applications by third-country nationals who are resident in another EU Member State.

[Applications of Residents of Other Member States of the EU²¹

2010

Total 9:

Purpose of the stay: 2x business – self-employed; 3x business – executive manager; 3x family; 1x studies

2011

Total: 32

Purpose of the stay: 12x employment; 14x business (9x self-employed; 1x executive manager; 4x ownership interest in a legal entity); 2x studies; 3x family; 1x cultural purpose

2012 (January – November)

Total: 40

Purpose of the stay: 10x employment; 21x business (11x self-employed; 5x executive manager; 5x ownership interest in a legal entity); 4x studies; 3x family; 2x miscellaneous.]

(iii) Number of social security registrations²² by third-country nationals who were resident in another Member State before arrival?

[The Czech Social Security Administration (hereinafter referred to as the “CSSA”) receives data on participation in the social security insurance of an employee abroad through the employer. This is data concerning the last foreign insurance authority, supplied when the employer registers an employee covered by a social security insurance system (or medical or casualty insurance) abroad and the Czech employer is his or her first employer after termination of his or her cover by such insurance abroad. Another piece of data obtained by the CSSA in this way is data on the current foreign insurance authority for an employee who has ceased to be subject to the Czech legislation on social security insurance and became subject to foreign legislation. Data on the current foreign insurance authority is also obtained in the case of a contractual employee officially employment abroad according to the registered office of the foreign employer.

The aforementioned data is kept in the central register of insurance relations administrated by the CSSA but at present time, there are no outputs by which

²¹ Source: Foreign National Information System (CIS)

²² A social security registration is normally required on arrival in a Member State before access to employment can be granted.

it would be possible to identify these persons directly. Thus, it is not possible to provide the requested data.]

(iv) Information about previous country of residence contained in the latest population census.

[See item 2.1 – The previous residence one year preceding (i.e. the place of residence one year before the Census) was ascertained in the Census but the previous country of residence was not ascertained for persons who had already been in the CR one year before the Census. Thus, it is not possible to provide the requested data.]

[If **available**, please indicate the date of the census and the precise questions asked in this respect].

[Midnight between 25 and 26 March 2011 was what is referred to as the decisive moment of the Census. The information filled in the Census forms represented the reality valid at that decisive moment.

The following question in the Census was related to this matter: “*Place of residence one year before the Census (26/03/2010)?*”²³“]

- **Your responses to the following proxy sources of information are OPTIONAL. Please ONLY respond if the information is considered relevant to this study in your Member State and readily accessible.**

(v) Any information that might be collected about the motivations of third-country nationals who apply for citizenship in (your) Member State (e.g. as a proxy source of information on the number of third-country nationals wishing to travel within the EU).

(vi) Any other proxy sources of statistics.

2.4. Please provide any statistics available on the flows of EU nationals within your (Member) State over the last 5 years in order to provide a comparison with the flows of third-country nationals

- *Please indicate, where possible, any available statistics, including Member State of previous residence, skills profile (high or low-skilled), demographic profile (age, nationality, etc.), occupational profile, family status.*

Please present these statistics in a way that permits the reader to obtain a

²³ The answer options were as follows: “in the municipality stated in the head of the form”/“elsewhere in the CR”/“in some other country (specify)”. More information on the Census is available at <http://www.scitani.cz/sldb2011/eng/redakce.nsf/i/home>.

sense of the scale of the phenomenon. This should include breaking down any data on overall numbers by nationality, country of previous residence, etc.²⁴ If the data can be cross-classified, please specify that this is the case. If the data is collected annually, please present it over the last 5 years; if the data is collected more sporadically, please present any data that may be available, irrespective of the years

[Due to the fact that the statistics on the movement of third-country nationals to and from the CR are not available, the statistics on the movement of EU citizens (which themselves are not authoritative) could not allow for any comparison of the mobility of these two groups.]

²⁴ If a number of nationality groups predominate, and individuals belonging to certain nationalities are very small in number, the latter can be grouped together under the category “Other nationalities”.

Section 3

Identified Restrictions to Intra EU mobility of third-country nationals

(National Contribution: Maximum 3 pages)

Please note that the possible restrictions listed below must be distinguished from the conditions for applying for a visa and/or residence permit reviewed in section 1 above. By 'restrictions' the focussed study has in mind additional provisions in the national legislation of your (Member) State that may affect the decision of third-country nationals to settle in your (Member) State even if they fulfil all the necessary (formal and administrative) conditions for acquiring a visa and/or residence permit.

These restrictions are often introduced for reasons of labour market policy or in order to maintain certain professional standards. Examples of such restrictions are provided below. EMN NCPs are asked to comment on the relevance of these examples to their national legislative framework; if relevant, to explain why they have been introduced; and to comment on how they work in practice. They should also indicate, in the space provided, whether there are any additional restrictions in place in their (Member) State that may affect the decision of third-country nationals to settle in your (Member) State.

The Synthesis Report will identify any restrictions to the mobility of third-country nationals that have been included in national legislation/policies and explain why these are considered necessary.

3.1. Member States (and Norway) may examine the situation of the labour market and give preference to Union (or EEA/EFTA) citizens when considering applications for work from a third-country national in another Member State or EFTA country.

[The Employment Act provides that a third-country national who is staying in the territory of the CR and holds a long-term residence permit of a resident of some other EU Member State for the purpose of employment does not need a work permit if more than 12 months elapsed from issue of such permit. Until such time as the foreign national obtains a long-term residence permit of a resident of some other EU Member State for the purpose of employment, he or she needs a work permit in the territory of the CR.

According to the Employment Act, the place of residence of a person who is not an EU citizen or a family member of an EU citizen is deemed to be the address of his or her place of permanent residence in the territory of the CR.

Since only a natural person who has a place of residence in the territory of the CR may be a jobseeker, an EU citizen may be a jobseeker immediately after entering the territory of the CR. A resident of another EU Member State may become a jobseeker only after 1 year elapses from the issue of a long-term residence permit for the purpose of employment in the territory of the CR.

An EU citizen or a resident of another EU Member State is not subject to the process of assessing the situation on the Czech labour market.]

3.2. Minimum wages are often specified in the national legislative framework that may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

[It can be generally stated about the minimum wage that for all foreign nationals, the legislation²⁵ of the Czech Republic guarantees rights equal to those of EU employees and citizens of the CR. Therefore it applies that the minimum wage is the same for everyone.]

3.3. If the third-country national who moves from another Member State (or EFTA country) is in a self-employed capacity, Member States (and Norway) may require that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity.

[Yes, a foreign national must present evidence on availability of funds.]

3.4. National rules or procedures governing the recognition of degrees and diplomas may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

[The Act on Recognition of Professional Qualifications (No. 18/2004 Coll.) applies equally to long-term residents in the EU as well as to EU citizens and their family members. With the exception of students (including participants of exchange stays of students, unpaid professional training or voluntary service), researchers, Blue Card holders and victims of human trafficking, the Act only applies to third-country nationals with permanent residence and their family members. The Act governs the procedure for recognising professional qualifications, if they were acquired in another EU Member State, the EEA or Switzerland.]

3.5. National rules or procedures governing access to social security and social services for third-country nationals and their families may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

²⁵ Act No. 262/2006 Coll., the Labour Code; Act No. 435/2004 Col., the Employment Act; Act No. 109/2009 Coll., the Anti-discrimination Act.

[In the case of old age, disability, widow or widower status or orphan status, the foreign national (the insured) is entitled to be awarded and paid the appropriate pension. Foreign nationals who are residents of some other Member State are, subject to meeting the conditions defined by the law, also entitled to receive welfare benefits: pension supplementary insurance with state contribution, sickness insurance²⁶, assistance in financial need²⁷ and state welfare support.²⁸]

3.6. Any other restrictions

[No restrictions identified.]

²⁶ Sickness insurance is governed by Act No. 187/2006 Coll. on Sickness Insurance, as amended.

²⁷ Assistance in financial need is governed by Act No. 111/2006 Coll. on Assistance in Financial Need, as amended.

²⁸ The system of state welfare support is governed by Act No. 117/1995 Coll. on State Welfare Support, as amended.

Section 4

Conclusions

(National Contribution: Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policy makers at national and EU level.

With regard to the aims of this Focussed Study, what conclusions would you draw from your findings? What is the relevance of your findings to (national and/or EU level) policymakers?

The main findings of the study are the following: As regards to social security of long-term residents coming from another Member States, they have mostly the same rights as Czech citizens. The statistics on intra-EU mobility of third-country nationals are either not available or of limited value.

With regard to the object of the study on the topic – ***Intra EU Mobility of third-country nationals*** – we would have preferred if it had drawn attention to abuse of the residence permits within the intra-EU mobility of third-country nationals. The Czech republic reported several cases in which foreigners have firstly applied for a residence permit in another country of the EU (which was granted to them) and subsequently arrived on the basis of free movement within the EU to the Czech Republic and worked here without a work permit.

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