



CZECH
REPUBLIC

THE CHANGING INFLUX OF ASYLUM SEEKERS IN 2014–2016: MEMBER STATE RESPONSES

TABLE OF CONTENTS

OVERVIEW	18
Section 1 OVERVIEW OF NATIONAL CONTEXT	20
Section 2 OVERVIEW OF THE NATIONAL RESPONSES OVER 2014–2016	36
Section 3 THE WAY FORWARD: FUTURE PREPAREDNESS	37
Section 4 GOOD PRACTICES AND LESSONS LEARNT	40

COMMON TEMPLATE

STUDY AIMS AND RATIONALE

Study aims

This EMN study aims to offer an overview of the changes to national strategies, approaches and measures in response to increases or decreases to the influx of asylum seekers over the period 2014–2016. The study will provide an overview of (changes to) asylum policies and organisational measures introduced over this period, and will as such offer an overview of the EU Member States' and Norway's managing strategies concerning these changing influxes. The study will therefore answer questions on policies and measures of the processing of asylum applications, reception conditions of asylum seekers (including rights afforded to applicants), the content/legal consequences of the protection granted, including the accommodation of asylum applicants, border control, information campaigns aimed both at the public and at asylum seekers. The aim of the study will make it possible for the target audience to learn about the ways in which the EU Member States and Norway were able to respond to sudden or gradual changes to the number of asylum seekers arriving in their country, and the consequences thereof. It will help to draw lessons learnt and identify relevant approaches and practices deployed by the EU Member States and Norway in this period.

Rationale

According to Eurostat, in 2014 there were 560,000 asylum-seekers who applied for asylum in the EU, as opposed to 1.32 million in 2015, and again 1.26 million in 2016. At the end of 2014 the number of refugees, asylum-seekers and internally displaced people worldwide has, for the first time in the post-World War II era, exceeded 60 million people.¹ 1.8 million were asylum seekers, with the vast majority being internally displaced refugees.

¹ <http://www.unhcr.org/558193896.html>

In the context of such increased migratory movements, the border and mobility rules of the Schengen area and the Dublin regulation came under significant pressures, and for many refugees, the journey to Europe meant extreme uncertainty, risks and dangers. It also became obvious that for many the EU Member States it was challenging to cope with the significant numbers of asylum seekers onto their territory, especially with large variations in monthly arrivals.

The aim of this study is to compare policies set up to manage these fluctuations in numbers of asylum seekers across the EU, to improve understanding of the variations in responses and highlight how these policies are interlinked. This study contributes, therefore, to the harmonisation of European cooperation regarding asylum-related migration and gives an overall picture of the preparedness of the Member States and Norway to face similar situations in the future.

Primary questions to be answered

The main question the Study will aim to address:

- Which asylum policies, structural and ad-hoc measures were introduced or amended by the Member States to manage any fluctuations in numbers of asylum applicants between January 2014 and December 2016?

Specific questions include the following:

- Which policies and measures aimed at managing the flow of asylum applications were introduced or amended? For example, border control, information campaigns, structuring of reception facilities, and the rights granted to asylum applicants.
- Which policies and measures were introduced or amended to reduce the numbers of asylum applications?
- Were such measures of a structural or ad-hoc nature?
- How were these measures monitored and/or evaluated prior to and after their introduction or amendment?

- What were the impacts of the measures introduced or amended?
- Which policies aimed at processing asylum applications and arranging reception/accommodation were introduced or amended? For example, policies regarding the ways in which applications are processed (timeframe, order of processing, procedural safeguards) and the ways in which personnel is employed and trained.

SCOPE OF THE STUDY

This study will look into policies and practices of the EU Member States and Norway following changes to the number of arriving asylum seekers. The temporal scope includes the years 2014, 2015 and 2016, as peaks and troughs can generally be identified to have taken place over this period for the EU Member States and Norway, though at different moments in time. It is precisely because the fluctuations have taken place over a period spanning several years that the years, 2014, 2015 and 2016 are part of the scope of this study.

The study focuses on numerous aspects impacted by changing influxes, through policy changes and operational measures taken by state and non-state entities acting on behalf of the responsible authorities. This includes border control, the asylum application process, the contents of protection, financing of measures, and crisis governance measures (both ad-hoc and structural²).

The study also covers policies and practices on 'safe country of origin'. European commitments are also addressed (i.e. hot spot approach, relocation) in this study.

On the other hand, return is outside the scope of the study in view of there being another Study on this topic. Finally, integration measures

² Structural measures are long-term measures, adopted to deal with a specific situation also in the future. Ad-hoc measures are those measures adopted in view of a time-limited emergency situation and could be dismantled once the emergency is over.

are not covered in this study except in regards to measures facilitating immediate support upon arrival and if integration measures have been implemented or cut back in immediate response to the influx of asylum seekers. Integration measures are generally excluded because they have been covered substantially in other EMN studies.

The study will briefly present, comment on, and compare the national political contexts for organisational structures, policies and approaches on asylum in the EU Member States and Norway. This is based on information that EMN NCPs already provided their contributions to the EMN and EASO Annual Policy Reports. It also seeks to cover possible evaluation and lessons learnt of the implementation of new approaches and measures. The study will also include aspects relevant for EU Member States that did not experience significant changes to the influx of asylum seekers, especially in regards to preparedness and forward-looking measures for 2017 and beyond, as well as the extent to which there has been a spill over of effects from one country into another.

The study will present the Eurostat data on the changing influx of asylum seekers in order to provide a clear snapshot of the peaks and troughs over the period 2014-2016 and better understanding of the national context of the Member States.

EU LEGAL AND POLICY CONTEXT

The 1999 Tampere Summit laid down the general direction for the Justice & Home Affairs Area and produced agreement on the Common European Asylum System (CEAS). The Treaty on the Functioning of the European Union (TFEU) entered into force in December 2009, giving the EU new powers to develop legislation on immigration matters (Article 79-80). Following the Tampere and Hague Programmes, the Stockholm Programme provided a roadmap for developing the EU's migration policy from 2009 to 2014. The Programme aimed to build a Europe of "responsibility, solidarity and partnership in migration and asylum" with a "dynamic and comprehensive immigration policy".

The Programme defined the priorities of the EU in the area of migration, in particular the development of the EU Global Approach to Migration.

Important developments took place in 2015 concerning the implementation of the Common European Asylum System. The recast Eurodac Regulation (603/2013/EU)³ came into effect as of 20th July 2015 and those Member States bound by the recast Asylum Procedures (2013/32/EU)⁴ and Reception Conditions (2013/33/EU)⁵ Directives (both adopted in 2013) were required to transpose them into their national law by the same date.⁶ In 2015, the Commission continued to stimulate practical cooperation among the Member States in the field of international protection in collaboration with EASO. Activities conducted in that regard included the organisation of meetings and workshops with national experts.

In 2015 the European Council committed to take decisive action in the area of migration.⁷ In response, on 13th May 2015, the European Commission adopted the European Agenda on Migration which contains policy proposals for immediate measures to save lives at sea, combat criminal smuggling networks, respond to high volumes of arrivals within

³ Regulation (EU) No. 603/2013 of the European Parliament and of the Council of 26th June 2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No. 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), OJ L 180, 29. 6. 2013.

⁴ Directive 2013/32/EU of the European Parliament and of the Council of 26th June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013

⁵ Directive 2013/33/EU of the European Parliament and of the Council of 26th June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013

⁶ With the exception of some provisions of the recast Asylum Procedures Directive, which have a later deadline for implementation (20th July 2018).

⁷ See: European Council, Special Meeting of the European Council, 23rd April 2015 – Statement.

the EU with relocation activities and develop a common approach to resettlement, as well as initiatives to strengthen the Common European Asylum System and implement a long term migration strategy.⁸ It also included the Hotspot approaches for Italy and Greece.

On 18th March 2016 and following the EU-Turkey Joint Action Plan activated on 29th November 2015 and the 7th March EU-Turkey statement, the European Union and Turkey decided to end the irregular migration from Turkey to the EU via a new agreement.⁹

In 2016 the European Commission also adopted two packages (one in April and another in July) of legislative proposals to reform the Common European Asylum System (CEAS). The Commission proposed the creation of a common procedure for international protection, uniform standards for the protection and the rights granted to beneficiaries of international protection, as well as the further harmonisation of reception conditions in the EU. The overall aim of the legislative proposals tabled is to simplify the asylum procedure and shorten the time required for decision-making, discourage secondary movements of asylum seekers within the EU and increase the integration prospects of those who are entitled to international protection. The proposed measures are currently being discussed by the European Parliament and the Council of the EU.

The year also witnessed important legislative developments in the area of asylum at the national level. In some Member States, changes in national legislation were underpinned by the requirements of the CEAS, in particular the transposition of the recast Asylum Procedures Directive (APD) and the recast Reception Conditions Directive (RCD). Other Member States passed legislation to align their – previously more generous – national policies to the (minimum) standards established at EU level.

⁸ European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European Agenda on Migration, COM(2015) 240 final, 13. 5. 2015.

⁹ http://europa.eu/rapid/press-release_MEMO-16-963_en.htm

RELEVANT SOURCES AND LITERATURE

The relevant sources and literature below are indicative of the existing body of relevant information. The list below is by no means comprehensive and it suggested they are complemented with other sources and that synergies are sought with ongoing studies.

Relevant studies

There is a wide array of documents and studies at international level relevant for this study, such as:

- UNHCR, 2015, Global Trends, Forced in Displacement, <http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>;
- European Commission, Ninth Report on Relocation and Resettlement, February 2017, http://europa.eu/rapid/press-release_IP-17-218_en.htm
- Frans Willekens, Evidence-based monitoring of international migration flows in Europe, October 2016, Netherlands Interdisciplinary Demographic Institute (NIDI), The Hague. http://socialstats2016.eu/sites/default/files/paper/Paper_Evidence-based%20monitoring%20of%20international%20migration%20flows%20in%20Europe.pdf
- Migration Policy Institute, Asylum Seeker and Migrant Flows in the Mediterranean Adapt Rapidly to Changing Conditions, June 2016, <http://www.migrationpolicy.org/article/asylum-seeker-and-migrant-flows-mediterranean-adapt-changing-conditions>
- Frontex, 2016 Annual Risk Analysis, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf
- Government of the Netherlands, The influx of asylum seekers is changing in terms of composition, March 2016, [https://www.government.nl/](https://www.government.nl/latest/news/2016/03/14/the-influx-of-asylum-seekers-is-changing-in-terms-of-composition)

latest/news/2016/03/14/the-influx-of-asylum-seekers-is-changing-in-terms-of-composition

- What Triggers Change in Asylum Policy? A comparative study of policy change, 2016, <http://lup.lub.lu.se/luur/download?func=downloadFile&recordOid=8873210&fileOid=8873211> The Refugee Surge in Europe: Economic Challenges, January 2016, <https://www.imf.org/external/pubs/ft/sdn/2016/sdn1602.pdf>
- EASO, Annual Report on the Situation of Asylum in the European Union 2011-2015, <https://www.easo.europa.eu/information-analysis/annual-report>

Infographics

- Asylum Applicants, <http://www.migrationpolicy.org/programs/moving-europe-beyond-crisis?gclid=CKiUqPj6gNICFeiw7Qod0g8NUg>
- Asylum Applications for Selected Countries, <http://www.migrationpolicy.org/programs/moving-europe-beyond-crisis?gclid=CKiUqPj6gNICFeiw7Qod0g8NUg>
- Asylum Applications for Selected Nationalities, <http://www.migrationpolicy.org/programs/moving-europe-beyond-crisis?gclid=CKiUqPj6gNICFeiw7Qod0g8NUg>
- Interactive map, IOM¹⁰

EMN Studies / Informs

- Rejected Asylum Seekers: challenges and good practices EU, (2016)
- Resettlement and Humanitarian Admission Programmes in Europe – what works?, (2016)

¹⁰ <https://migration.iom.int/europe>

- Integration of beneficiaries of international protection into the labour market in Belgium and in the EU (2015)
- Annual Policy Report 2015
- Annual Policy Report 2016
- Policy Brief: Full report accompanying the inform on migrants' movements through the Mediterranean – EU 2015
- Inform: Migrants' movements through the Mediterranean – EU 2015

METHODOLOGICAL CONSIDERATIONS

As with all EMN Studies, the National Reports should be primarily based on secondary sources. In particular, information on national policies and approaches will be a key source of information, while available evaluations should provide evidence of the approaches and policies, good practices and lessons learnt of changes to the influx of asylum seekers.

AVAILABLE STATISTICS

Statistics on asylum are available in the Eurostat database, i.e. monthly numbers of asylum applicants by age, sex and citizenship for all EU Member States, as well as Norway, and through the EASO Early warning and Preparedness System (EPS), i.e. number of decisions issued by type of special procedure used, number of pending cases, by duration (less/more than 6 months). In addition, the number of asylum decisions issued and the share of positive asylum applications by nationality are also included. These will form the backbone and starting point for this study. The synthesis report will also include statistics on relocation over 2015–2016.

If, following discussions within the advisory group for this study, the Eurostat statistics are not considered sufficient, other national statistics may be used.

DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken from the EMN Glossary v 3.0¹¹ unless specified otherwise in footnotes.

Ad-hoc, temporary or emergency measure: *measure taken prior, during or after a changing influx of asylum seekers to a Member State that is of a non-structural nature*

Asylum: *A form of protection given by a State on its territory, based on the principle of non-refoulement and internationally or nationally recognised refugee rights and which is granted to a person who is unable to seek protection in their country of citizenship and / or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.*

Asylum seeker: *in the global context, a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments. In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.*

Applicant for international protection: *a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.*

Application for asylum: *an application made by a foreigner or a stateless person which can be understood as a request for protection under the Geneva Convention of 1951 or national refugee law.*

¹¹ Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf

Application for international protection: A request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately.

Beneficiary of international protection: means a person who has been granted refugee status or subsidiary protection status

Integration: in the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

International protection: In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.

Refugee: In the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above,

is unable or, owing to such fear, unwilling to return to it, and to whom Art. 12 (Exclusion) of Directive 2011/95/EU does not apply.

Refugee status: The recognition by a Member State of a third-country national or stateless person as a refugee.

Residence permit: Any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation).

Structural measure: measure taken prior, during or after a changing influx of asylum seekers to a Member State that is intended to be structural or at least non-temporary.

Subsidiary protection status: recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection;

Person eligible for subsidiary protection: a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country;

Third-country national: means any person who is not a citizen of the Union (including stateless persons) within the meaning of Article 17 (1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of the Schengen Borders Code.

THE CONTRIBUTION OF THE CZECH REPUBLIC

OVERVIEW

With regard to international migration during the period of migration crisis the Czech Republic had mainly the role of a transit country. Therefore, the numbers of applications for international protection did not record increases that could be considered critical. In the past (e.g. in 2000/2001) the Czech Republic has faced higher numbers. Nevertheless, the structure of asylum seekers changed due to the international situation and the conflict in Syria and the Middle East and higher proportions of people from these countries were registered.

The main impact that the Czech Republic has witnessed was the increase in illegal migration, especially in the form of transit illegal migration through our territory to other Western European countries which are the destination countries for the majority of refugees. Due to this fact it was a challenge to deal with the illegal migration more than with the increase in the numbers of asylum applications.

Under the influence of migration crisis, the Czech Republic approved several measures. First of all, the Migration Policy Strategy was adopted by the Czech Government. This strategic document defines priorities in the area of migration and international protection. The Czech Government also approved new State Integration Programme and the target group in the Policy for the Integration of Foreign Nationals was extended for beneficiaries of international protection.

The Ministry of Interior created in cooperation with other actors a crisis plan for the case of large-scale migration flow which can be initiated in case of emergency situation.

In the field of cooperation between relevant actors some changes have been introduced as well. The Analytic Centre for Border Protection and Migration (ANACEN), which is an interdepartmental body, served as a platform for strengthening the cooperation not only on senior officer level. The focus of ANACEN was oriented on monitoring and analysing the migration flows on the EU level with the impact on the Czech Republic.

As a consequence of measures adopted due to migration crisis, an improvement of cooperation between all actors, in particular the Alien Police and the Ministry of the Interior and with other stakeholders involved in the migration management was reported. On the basis of the migration crisis, information channels and information on the international migration situation at all levels have been also extended and diversified. The Czech Republic has thus opened the way to its better preparedness for critical situations also in the future.

Section 1

OVERVIEW OF NATIONAL CONTEXT

This section will briefly outline the developments in Member State policies adopted in the timeframe 2014–2016 to manage a changing influx of asylum applicants. NCPs are welcomed to add background information needed to provide a complete overview of the developments in their Member State during this period (e.g. existing asylum influx for 2009–2013 and/or organisational information of Asylum and Migration Policies).

Q1. Brief overview of legislative changes and policies announced and/or introduced to address or manage fluctuations in the number of asylum applications or better control of migration flows over 2014–2016.

In the light of the refugee crisis, the Czech Government on the 29th of July 2015 approved a fundamental strategic document for migration, entitled the **Migration Policy Strategy of the Czech Republic**, which formulates the priorities of the country in the area of migration and international protection¹². The wording of the individual principles

¹² The Migration Policy Strategy of the Czech Republic from 2015 replaced the Czech Government's Migration Policy Principles, accepted by the Government of the Czech Republic in 2003.

expresses the wish of the Czech Republic to address migration policy actively and responsibly, while respecting the obligations arising from international conventions, treaties and recommendations. The priority of national activities in migration is to formulate effective measures, which will support controlled legal migration, while minimising illegal migration.

The document sets out seven principles that are listed in order of priority with regard to the security aspects of migration, however, they also represent the basic thematic groups on migration issues – the integration of foreign nationals, illegal migration and return policy, international protection (asylum), the external dimension of migration (including the development and humanitarian aspects), free movement of persons within the European Union and the Schengen Area, legal migration and the interconnection with the common policies of the European Union.

Based on these principles, the Strategy formulates the goals that the Czech Government intends to achieve in these areas, at both national and EU level, and sets out specific measures it intends to use to achieve the objectives. At the same time, a Communication Strategy has been developed as a cross-sectional measure for informing the public and other partners. The Communication Strategy addresses all aspects of migration in the Czech Republic, is closely linked to the individual chapters of the Migration Policy Strategy and is presented together with it.

The Coordination Body for Management of State Borders Protection and Migration¹³ is responsible for coordinating the implementation of the Migration Policy Strategy. It is regularly convened at both expert and government level and, among others, is also responsible for updating the project cards that are being developed to implement specific tools within each migration strategy principles.

¹³ The Coordination Body for managing the protection of state borders and migration is an interdepartmental body, which has the authority to take the necessary measures in the fields of migration and the protection of state borders. The Ministry of the Interior leads the activities of the Coordination Body.

The principles of the Migration Strategy of the Czech Republic are as follows. The Czech Republic will:

- fulfil the obligation within its migration policy to secure peaceful co-existence of its citizens and foreign nationals, and through effective integration, it will prevent the emergence of negative social phenomena;
- secure the safety of its citizens and effective law enforcement in the field of illegal migration, return policy and organized crime associated with people smuggling and human trafficking;
- meet its commitments in the area of asylum and provide flexible capacity of its system;
- strengthen its activities in order to provide assistance to refugees abroad and to promote the related prevention of further migration flows, including the support for the development of countries in managing migration crises;
- promote the maintenance of the benefits of the free movement of persons within the European Union and the Schengen Area;
- support legal migration which is beneficial to the state and its citizens so that the Czech Republic can respond flexibly to the needs of its labour market and reflect the long-term needs of the state;
- fulfil the international and EU obligations in the field of migration, and will actively participate in the all-European debate and search for common solutions.¹⁴

Beside the Migration Policy Strategy a new *State Integration Programme* aimed at beneficiaries of international protection was adopted at the end of 2015. This new programme responded to the expected increased

¹⁴ <http://www.mvcr.cz/clanek/strategie-migracni-politiky-cr.aspx>

numbers of applicants for international protection, that is, the increasing numbers of recognised refugees in the Czech Republic, whether they will be spontaneous applicants for international protection or persons received as part of resettlement and relocation.

In 2016 a new *Policy for the Integration of Foreign Nationals in the Czech Republic* was approved and newly the target group of the integration priorities became beneficiaries of international protection (asylum as well as subsidiary protection), beyond the services of the State Integration Programme mentioned above.

The Czech Republic focuses especially since the migration crisis in 2015 on the much-needed support to refugees in the first place of displacement and to the host states on developing asylum and migration infrastructures through its *Programme of the Ministry of the Interior for the Assistance to Refugees in Regions of Origin and Prevention of Large Migration Flows* dedicated to improvement of refugees' living standards. This program was approved by the government in 2015, which approved also more general *Policy for the Assistance to Refugees and States of Origin with Large Migration Flows* with the financial help of 100 million CZK for the year 2015 and since 2016 with the financial help of 150 million CZK.

Programme *MEDEVAC* aims at ensuring medical care in the areas of first displacement. The Czech Republic provides its support both bilaterally and on the EU level on the basis of solidarity, whether it is financial, technical or personal assistance. During 2014–2016 the Czech Republic was very active in the Middle East, North Africa, the Western Balkans and newly in West Africa.

The Czech Republic financially contributes to the EU Syria Trust Fund (MADAD) which scope was exceeded to Iraq, and the Western Balkans. The Czech Republic also financially contributes to the EU Trust Fund for Africa and the EU Facility for Refugees in Turkey.

Q2. To what extent is the concept of a change in asylum applications (either a significant increase or decrease) defined in your (Member) State (e.g. in legislation, policies and/or plans)? How is it determined what a significant influx is?

Please also mention the responsible authority.

In 2014, the Ministry of the Interior created in cooperation with other relevant actors a crisis plan for the case of large-scale migration flow called "Type plan". For this purpose, concrete numbers in the area of migration has been specified to be considered as a critic situation that needs to be responded correspondingly. In the field of asylum registration, more than 750 applications for international protection per day or 5 000 applications per month with a negative outlook on the possibility of sudden decrease of such a migration influx is a prerequisite for activating the crisis plan. The Ministry of the Interior is responsible for activation of the crisis plan and the Government is responsible for activation of national emergency situation.

Q3. Did your (Member) State experience significant changes in the influx of asylum applicants before 2014 (2000 onwards e.g. the increased influx related to the war in former Yugoslavia)? If so, what measures were introduced to enhance the preparedness of your Member State as a response to these changes in the influx of asylum applicants?

Please consider previous experiences of influx when defining the fluctuations over 2014–2016 and substantiate your answer below, giving also an

overview of the baseline of your Member State in reference to migration flows and the definition of preparedness used in your Member State.

Increases in influx:

There was a slight increase in asylum application in the year 1998. Since then a really significant increase occurred in the year 2001 when there were 18 094 (+ 106 %) applications registered. A year before, in 2000, there were 8 788 application registered which meant a 22% increase. In the year 2000 a change in the structure of asylum applicants also occurred. In the previous years the majority of applicants were coming from Afghanistan, Sri Lanka, India and other Asian countries and Yugoslavia (which were caused by the conflict in Kosovo and after the end of it, the numbers of persons coming from Yugoslavia dropped). In 2000 the majority of applicants were coming from Ukraine, Moldova and Slovakia and the countries of the former Soviet Union.

In 2001, the high numbers of asylum seekers were caused by the use of asylum procedures to legalize the residence in the Czech Republic with the possibility of employment and with the aim to avoid expulsion from the territory of the Czech Republic. Most often group of asylum seekers came from Ukraine (24 %), Moldova (14 %) and Romania (10 %).

In 2002, there was a decrease in the numbers as there were 8 484 applications registered (-53 %), the decrease was related to an amendment of the Asylum Act. But the trend changed again in the following year. In 2003, there were 11 400 of asylum seekers registered (+34 %) mainly caused by a secondary movement of Russian citizens of Chechen origin and their increased migration. In 2002 there were registered only 628 asylum seekers form the Russian Federation, in 2003 it was already 4 851 which means the year-on-year increase by 627,5 %. Almost all of the Russian asylum seekers were of Chechen origin (93 %).

For the migration flows of these persons in 2003, it was characteristic that they gradually filed their asylum applications first in Poland, then in the Czech Republic and Austria in order to reach selected countries in Western Europe. The Czech Republic, as a non-EU state at that time, did not have the possibility to apply the Dublin mechanism to Chechen asylum seekers to identify the country responsible for asylum procedures within the EU Member States, which would have limited the negative effects of secondary migration.

Since 2004 the numbers of asylum applications were decreasing regularly until 2014 and the migration crisis.

Measures:

In connection with the increase in the numbers of asylum seekers, in the year 2000 new asylum facilities were set up to accommodate asylum seekers, namely accommodation centres in Seč, Kostelec nad Orlicí, Stráž pod Ralskem, Bruntál, Kašava, Zbýšov and Havířov. In selected newly established accommodation centres a workplace of the Asylum and Migration Policy Department were set up. The workplace of the Asylum and Migration Policy Department at Prague - Ruzyne airport, which managed the agenda of asylum applicants at the airport, prisons, detention centres and facilities for detention of foreigners, was also established. An increase in the number of staff was approved in this context.

As far as the new legislation is concerned, the following substantive changes have been made in terms of the rights of the parties to the asylum procedure:

- Asylum seekers were no longer obliged to stay in asylum facilities throughout the entire procedure, and they do not need the consent of the Ministry of the Interior to leave.

- Following the implementation of the act (identification of aliens, medical examination, quarantine termination), the asylum seeker has the right to leave the asylum facility and to be reported for a stay outside the asylum facility.
- If they are staying in an asylum facility, they can leave this facility at any time, and if they leave for more than 24 hours, they are required to report this. In the event of a check-in outside the asylum facility, the asylum seeker may request a financial contribution.

Q4. Did your Member State experience a significant fluctuation in number of asylum applications (both increase and decrease) in the years 2014, 2015 and/or 2016?

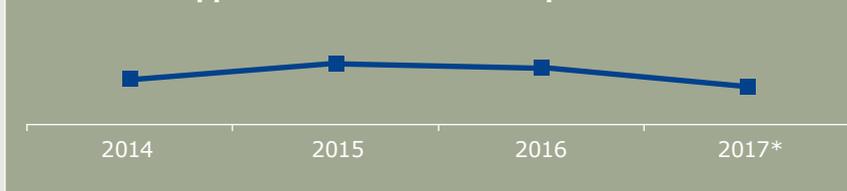
Could you please specify and explain the period(s) in which there was such a fluctuation, and the nature of the fluctuation (increase/decrease)? Please make a distinction between a fluctuation in the sense of an increase and a decrease of asylum seeker numbers.

Please indicate: Yes / No

*If **yes**, please fill out the field below and continue with question 6. If **no**, please go to question 5.*

The Czech Republic recorded an increase of international protection applications between 2014 and 2015. In absolute numbers, the difference is only 369, but it represents an annual increase of 32 %. However, the reason of this increase was not to a large extent connected with the migration crisis.

Number of applicants for international protection



*Data until 30th September 2017

When looking at the national composition of the applicants for international protection in the Czech Republic between 2014 and 2015 we find out, that the number of applicants from following countries has increased the most: Ukraine (+179), Cuba (+86) and China (+31). There was also increase from countries like Syria (+27), Afghanistan (+11), Iraq (+16) but less significant. Between 2015 and 2016 there was very significant increase in the number of applicants for international protection from Iraq (38 applicants in 2015 and 158 applicants in 2016). This sudden change was caused by the fact that the Czech Government organised a special project in which 153 Iraqi Christians from Lebanon and Iraqi Kurdistan were to be resettled to the Czech Republic.

Although the Czech Republic has not represented a destination country for refugees during the reference period, certain change in the national policies and approaches took place. These changes referred though to increased illegal migration flows, since majority of illegally transiting migrants through the Czech Republic to Germany have not applied for international protection on the territory of the Czech Republic.

Q5. To what extent was cooperation at national level (i.e. between national organisations and authorities) strengthened over the period 2014–2016 in response to the changing influx in asylum applicants coming to your Member State? How was this achieved?

The Czech Republic has served almost exclusively as a country of transit for illegal migrants on their journey towards Germany. Based on the increase in illegal transit migration, cooperation at national level was strengthened. Strengthening in the cooperation was represented by the following actions:

- Establishment of an interdepartmental Operation and Security forum within Analytic Centre for Border Protection and Migration (ANACEN) on senior officer level. Goal of this forum is to gather senior decision makers to be able to make qualified decisions about the analyses and monitoring done via ANACEN*.
- Strengthening of operational cooperation by increase in number of Liaison Officers for Migration and Documents (IPDs). The goal of this specific measure was to gather qualitative as well as quantitative information to be able to make qualified decisions regarding very quickly changing migration situation.
- Strengthening of cooperation between the Ministry of the Interior (MoI), the Ministry of Foreign Affairs (MFA) and the Police resulting in joint regular monitoring of migration routes. Goal of this specific measure was to gather qualitative as well as quantitative information to be able to make qualified decisions regarding very quickly changing migration situation.

Above mentioned cooperation was largely accomplished due to long-term work of the interdepartmental body *ANACEN* based on agreements between MoI, MFA and the Police.

In 2015, the Working Group for Resettlement and Relocation was set up, which was responsible for preparing and carrying out the resettlement and relocation of refugees. The goal of the group set up by the Prime Minister Bohuslav Sobotka was to ensure a smooth course of the selection, transfer and integration of refugees, which the Government of the Czech Republic agreed to receive in the following two years under the negotiated pan-European agreement. The Working Group also discussed the new State Integration Programme for persons who were granted international protection. This new programme responds to the expected increased numbers of applicants for international protection, that is, the increasing numbers of recognised refugees in the Czech Republic, whether they will be spontaneous applicants for international protection or persons received as part of resettlement and relocation.

*ANACEN is a permanent interagency analytical unit that has been functioning since 2007. Its objective is to establish close cooperation and improve information exchange of all bodies involved in management of border protection and international migration. It monitors development in the field of border protection and international migration from the perspective of all bodies involved and aims at better coordination of interagency cooperation.

Q6. To what extent did your Member State consult with other Member States during the period 2014–2016 specifically in regards to dealing with a changing influx? If consultation was followed by cooperation approaches, please explain in which domains cooperation between Member States was most effective?

Please elaborate on such cooperation and its impacts. If relevant, a reference to relocation agreement can be included.

The Ministry of the Interior and the Police of the Czech Republic cooperated with ministries and police services from all the neighbouring countries (Slovakia, Austria, Germany, Poland) and with countries on the Balkan Route. Czech institutions were also active within EU agencies (Europol, Frontex, EASO etc.)

Neighbouring countries:

Cooperation with the neighbouring states is based on bilateral agreements on police cooperation (in addition to the standard mechanisms of cooperation on the EU level). On a general level, the agreements allow the cooperation in combatting crime and strengthening the protection of the public order through exchange of information, the work of liaison officers, collaboration in implementation of various measures, exchange of experience and cooperation in education. At the same time, they lay down specific forms of cooperation such as establishment of joint worksites, cross-border pursuit or implementation of joint form of deployment (such as joint patrols, joint check groups, joint search groups, support of the officials from the other state). The terms and conditions of the application of these specific forms of cooperation slightly vary in the agreements with the individual neighbouring states. In 2016, a new agreement on police cooperation with Germany became effective (on 1st October 2016) and an amendment to the agreement on police cooperation with Austria became effective (on 1st May 2016). In these documents, the existing instruments of cooperation (such as joint forms of deployment and cross-border pursuit) were updated and new options of cooperation were laid down (cooperation in the area of torts, extradition of persons and escorted transit of persons).

Besides information exchange, the most frequently used forms of cooperation include joint patrols. Joint patrols can be carried out with all the neighbouring states and the scope of powers of the policepersons when operating in the territory of the other state is defined differently. The agreement on police cooperation with Germany provides the wid-

est possibilities in comparison with the other states because it exceeds the regional nature of this instrument (as a rule, a joint patrol can be carried out in the entire territory of the signatory state, not only in border areas) and extends the powers of the operating policepersons. For other neighbouring states, the nature of a joint patrol has remained on a regional basis and the powers of policepersons are limited. The focus of the joint performance is in accordance with the subject matter and purpose of the international agreements on police cooperation in combatting cross-border crime (checking persons and vehicles; focus on specific types of crime – drug addition, car crime), preventive measures aiming to ensure the public order and security (for example, cultural, social and sports events, road traffic safety), issues concerning foreign nationals (detecting illegal migration, checking the residence arrangements of foreign nationals), etc.

In connection with the new agreement on police cooperation with Germany becoming effective, a coordination training of the security forces of the two states took place with a particular focus on the modernised tools of cooperation under this agreement (for example, cross-border pursuit, joint management of an action, support of policepersons from the other state, escorted transit).

On regional levels, each form of cooperation is trained on a regular basis (particularly cross-border pursuit, cross-border monitoring, actions of riot police units).

Balkan Route countries

During the year 2016, the Czech Republic continued its involvement in the activities related to combatting illegal migration on what is referred to as the “Balkan Route”. Police contingents were sent to Hungary, Slovenia, Serbia and the Former Yugoslav Republic of Macedonia. In these countries, policepersons were helping local forces by participating in joint patrols in connection with the migration crisis, particularly to

guard borders, carry out other preventive activities as well as protect the public order. A total of 319 policepersons was sent in 2016.

European Migrant Smuggling Center

Foreigners police, criminal police and investigation service of the Czech Police participated actively in sharing of information, sharing of expertise and experience in investigations led by Europol’s European Migrant Smuggling Center.

EASO and hotspots

As a member of the EU the Czech Republic participates on the EASO activities and regularly attends Advisory Group Meeting and cooperates in the creation of *Early Warning and Preparedness System* (EPS) on the EU level.

The Czech Republic also participated in helping countries that have been exposed to migratory pressure and since the migration crisis until now is sending experts to hotspots where they help to coordinate the migration flows.

Frontex

The Police of the Czech Republic significantly increased its representation in the operational activities of the Frontex Agency¹⁵ in 2016. A total of 157 policepersons was sent to all three types of external borders of the EU – land borders, sea borders and air borders. Besides human resources, the Police also provided technical equipment (patrol vehicles and vehicles equipped with thermal imaging technology). The policepersons of the Czech Republic were sent mainly to Greece and Italy where they operated in the hotspots. There, they performed tasks as-

¹⁵ European Border and Coast Guard Agency.

sociated predominantly with registration, collection of information and establishment of the identity of detained migrants. The policepersons of the Czech Republic were sent to Bulgaria, Poland, Hungary and various international airports in the European Union in order to provide the protection of external borders. In that capacity, their focus was more on carrying out border checks (particularly on checking travel documents), guarding the land borders and possibly carrying out specific activities at international airports.

On 6th of October 2016, the new (EU) Council Regulation on the European Border and Coasts Guard became effective. With this document, the Frontex Agency obtained a new mandate, predominantly in the field of activities involving returning illegal migrants to their countries of origin, assessing the vulnerability of Member States and establishing more intensive cooperation with the third countries and international organisation. The new regulation also plans for increasing operational activities and for their multi-purpose nature. The Police of the Czech Republic is active in the following three areas:

- Return activities – the Czech Republic nominated 6 specialists in escorting people by air for the team of the European Border and Coast Guard and 2 persons engaged in monitoring return activities (Office of the Public Defender of Rights). They became actively involved in early 2017.
- Assessment of vulnerability – the goal is to assess the readiness of individual states to carry out border checks in all their aspects. The representatives of the Directorate of Alien Police Service actively attend regular meetings and participate in implementation of the approved methodology. An integral part of this activity is collection of data and information necessary for an objective assessment.
- Cooperation with third countries – the Police started to send officials to third countries (in the position of observers, for the time being) which are of key importance from the Czech Republic's point of view, such as Ukraine.

The Police of the Czech Republic also joined the pilot project of the Frontex Agency, which concerns the provision or exchange of information between the Common Centres of Police and Customs Cooperation and the Focus Points of the Frontex Agency at the land border crossings on external borders.

Q7. To what extent did measures taken in neighbouring Member States (or other EU Member States in general) have an effect on your Member State's policies and practices, even if your Member State did not experience a change in the influx?

Please refer to both increase and decrease.

The Czech Republic was monitoring all the relevant information and actual measures done not only by the neighbouring countries but at the EU level. Although the measures taken by one of the neighbouring countries did not have direct impact on the increase or decrease of the number of applicants for international protection in the Czech Republic, we registered higher numbers in illegal transit migration.

In connection with decision not to comply with the Dublin regulation and the announced will of Germany to process the applications for international protection although the migrants had crossed the border of various states before submitting the application in Germany, the Czech Republic has adopted certain measures to prevent illegal migration through its territory, because the increased illegal migration was expected. For example the security measures has increased – Czech security forces started monitoring of external EU borders (Macedonia, Romania, Bulgaria), the Czech Police monitored the usual routes of transit illegal migration (roads, railways).

See also Q6.

Section 2

OVERVIEW OF THE NATIONAL RESPONSES OVER 2014–2016

The purpose of this second section is to provide a detailed overview of the responses of the Member States to the fluctuations of number of asylum applications over the period 2014 to 2016. This Section should be completed only by Member States who experienced a change in the influx of asylum applications.

In the scope of international migration during the period of migration crisis the Czech Republic had mainly the role of a transit country. Therefore, the numbers of applications for international protection did not record increases that could be considered critical. There were no major measures introduced in connection to asylum procedure as the capacity of the Czech asylum system was sufficient.

Section 3

THE WAY FORWARD: FUTURE PREPAREDNESS

This Section is relevant for all Member States and Norway, including those countries which did not experience significant fluctuations in the number of asylum applications.

Q8. Following the fluctuations between 2014 and 2016, did your Member State put in place any new structural (emergency planning) mechanisms to adapt to the (possible) changing influx of asylum applicants in the future?

Please substantiate your answer below.

Yes, not only as a reaction to changing influx (which in absolute number wasn't that significant) but as an overall measure, in 2014, the Ministry of the Interior created in cooperation with other relevant actors a crisis plan for the case of large-scale migration flow called "Type plan".

See Q2.

The crisis plan covers management of consequences connected to economy, society, health, environment, security etc. It is a manual for all relevant actors for what and when to do. The crisis plan is being actually updated and more emphasis is placed on the aspect of transit migration.

Q9. Please elaborate to what extent the experience over 2014-2016 helped the government (national, regional, local level) to be prepared for any future changing influx in asylum applications, such as for 2017?

On the national level we can say that the Czech Republic was a transit country during the migration flow in 2015–2016. However, certain measures had to be taken:

- Cooperation within the Analytic Centre for Border Protection and Migration (ANACEN) was strengthened. ANACEN is interdepartmental body with the involvement of all relevant stakeholders covering the area of migration. See also Q6.
- Strengthening of human resources of Asylum and Migration Policy Department, Directorate of the Alien Police Service, Refugee Facilities Administration and other relevant actors involved in migration flow management.
- Under the Alien Police Service there was created a "Mobile Unit of Alien Police Service" which means enlargement of competences of the Alien Police Service which is prepared to intervene where it is needed.
- Also the refugee detention facility was modified to make it more family friendly for refugees with children.

- Moreover, measures have been put in place for a *Communication Strategy* leading to greater public awareness. A new website for foreigners has been created, regular reports are prepared for members of the Parliament of the Czech Republic and training of members and journalists on migration issues is under way.

Q10. Have any potential future measures been planned? Are new measures under consideration?

Since the outset of the migration crisis in 2015 the Czech Republic has been insisting that the EU and its Member States have to strengthen the preventive refugee/migratory measures by directly focusing on the most affected states in the area of conflict, countries of the first displacement and countries of transit where the support is most effective, most needed and shows the best results.

Therefore the Czech Republic aim is to continue its focus on the support to refugees in the first place of displacement and to the host states and is willing to continue in the *Programme of the Ministry of the Interior for the Assistance to Refugees in Regions of Origin and Prevention of Large Migration Flows*. As well as the help through the programme MEDEVAC aimed at improving the medical care in the areas of first displacement. Also the financial help to most affected countries is one of the measures needed.

Section 4

GOOD PRACTICES AND LESSONS LEARNT

Section 6.1 examines the existing *challenges and obstacles* for the design and implementation of specific policies to adapt to changing influx of asylum applications. EMN NCPs are kindly asked to justify their answers by identifying (a) for whom the issue identified constitutes a challenge, (b) specifying the sources of the information provided (e.g. existing studies/evaluations, information received from competent authorities or case law) and (c) why it is considered to be a challenge.

Section 6.2 aims to highlight any *good practices* of the (Member) States that have successfully implemented and managed fluctuations of influx of asylum applicants. This section can include also lessons learnt from the practical implementation of specific policies and measures. EMN NCPs are kindly asked to justify their answers by identifying (a) who considers it to be a good practice, (b) specify the sources of information provided and (c) why it is considered to be a good practice.

Challenges and obstacles for the design and implementation of specific policies to adapt to changing influx of asylum applicants

Q11. What are the main challenges and/or obstacles that your Member State had to overcome in designing strategies, structural mechanisms and measures to adapt to the influx of asylum applicants?

During before mentioned period, the Czech Republic did not notice any major obstacles that would put it in the way of implementing designed strategies.

However, negative moods among public opinion have been increasing towards migrants and asylum seekers, although the Czech Republic has not any significant increase in the numbers of applications for international protection compared with other EU states.

The Czech Republic will continue to focus on measures resulting from the *Migration Policy Strategy of the Czech Republic* (see Q1).

Good practices and lessons learnt

Q12. Did or will your Member State undertake a national evaluation of the policies and measures implemented over 2014–2016?

If it already took place, please elaborate on the findings.

The migration trends as well as the measures taken are continuously monitored, analysed and evaluated within Analytic Centre for Border Protection and Migration (ANACEN).

The Police of the Czech Republic and other security forces prepared during 2015–2016 tactical planes for border protection which includes training of the police officers for an emergency situations.

The national crisis “Type plan” for managing large scales of migration flows is currently being updated.

Q13. Could you identify good practices in your Member State with regards to ensuring flexibility and adaptability of the national asylum system and associated services in order to deal with a changing influx of asylum applicants?

If yes, please elaborate.

Since the Czech Republic is not a country of destination for vast majority of the migrants our effort was and will be focused predominantly on helping countries under large pressure and other countries of transit and origin on the spot. For those purposes we are planning to continue our activities in this area.

Q14. What are the key lessons learnt by key national authorities involved over the period 2014–2016? Please elaborate and add as many rows as needed.

Lesson learnt	Responsible authority/ stakeholder
<p>1. Importance of strategic communication:</p> <ul style="list-style-type: none"> The update of information on website of the ministries involved was a key element towards the public Regular reports for deputies were being published Training of deputies and journalists took place as well to improve the accuracy of published statements 	Government and Media
<p>2. Importance of precise competences in prosecuting human smuggling and trafficking in human beings (THB) crimes</p>	Police
<p>3. Importance of international and intergovernmental cooperation</p> <ul style="list-style-type: none"> Establishment of an interdepartmental Operation and Security forum within Analytic Centre for Border Protection and Migration (ANACEN) on senior officer level 	

The Changing Influx of Asylum Seekers in 2014–2016

Developed by the EMN Contact point in the Czech Republic
published by the Ministry of the Interior
Graphics by Jindřich Hoch

2018

ISBN **978-80-87544-72-3**

www.mvcr.cz
www.emncz.eu

