



**EMN ANNUAL REPORT**  
**ON ASYLUM AND MIGRATION POLICY**  
**CZECH REPUBLIC**

**The European Migration Network (EMN)** is an initiative of the European Commission responsible for collecting, exchanging and analysing data and information in the field of asylum and migration among the 27 EU Member States (Denmark is not involved in EMN activities) and Norway.

The objective of the European Migration Network is to meet the information needs of Community institutions and of Member States' authorities and organisations as well as of the general public on migration and asylum by collecting, exchanging and analysing objective, reliable and comparable information on asylum and migration to support policymaking of the European Union in the fields of asylum and migration.

The benefit of the European Migration Network lies mainly in the opportunity to secure and compare comprehensive findings about the situation, development and practice in the fields of asylum and migration in the 27 EU Member States and Norway. The EMN also serves as a platform for obtaining information not only from the state institutions, but it also allows for involving other players from the spheres of science and research and the non-governmental sector.

The Department for Asylum and Migration Policy of the Ministry of the Interior has been the national EMN Contact Point in the Czech Republic since 2008. You can find more information on EMN activities in the Czech Republic at [www.emncz.eu](http://www.emncz.eu).

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## LIST OF ABBREVIATIONS

<b>AC</b>	Accommodation Centre
<b>AIS</b>	Alien Information System
<b>ANACEN</b>	Analytic Centre for Border Protection and Migration
<b>ANO</b>	ANO 2011 (Czech abbreviation)
<b>API</b>	Alien Police Inspectorate
<b>CR</b>	Czech Republic
<b>ČSSD</b>	Czech Social Democratic Party (Czech abbreviation)
<b>DAMP</b>	Department for Asylum and Migration Policy (Ministry of the Interior of the CR)
<b>DAPS</b>	Directorate of the Alien Police Service
<b>DCAF</b>	The Geneva Centre for the Democratic Control of Armed Forces
<b>EASO</b>	European Asylum Support Office
<b>EEAS</b>	European External Action Service
<b>EES</b>	Entry/Exit System
<b>EMN</b>	European Migration Network
<b>EMPACT</b>	European Multidisciplinary Platform against Criminal Threats
<b>ESIF</b>	European Structural and Investment Funds
<b>ETIAS</b>	European Travel Information and Authorisation System
<b>EU</b>	European Union
<b>FN</b>	University hospital (Czech abbreviation)
<b>FRONTEX</b>	European Border and Coast Guard Agency
<b>GAMM</b>	Global Approach to Migration and Mobility
<b>GPIS</b>	General Provider of Integration Services
<b>HLWG</b>	High-Level Working Group on Asylum and Migration

<b>IA</b>	International airport
<b>IAC</b>	Integration Asylum Centre
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>ILPS CU</b>	Institute for Language and Preparatory Studies, Charles University
<b>IOM</b>	International Organization for Migration
<b>IT</b>	Information Technology
<b>JITs</b>	Joint Investigation Teams
<b>KSČM</b>	Communist Party of Bohemia and Moravia (Czech abbreviation)
<b>MEDEVAC</b>	Programme of Humanitarian Evacuations of Inhabitants with Health Issues ( <i>Medical Evacuation</i> )
<b>MfRD</b>	Ministry for Regional Development
<b>MOBILAZE</b>	Mobility Partnership with Azerbaijan
<b>MoC</b>	Ministry of Culture
<b>MoEYS</b>	Ministry of Education, Youth and Sports
<b>MoF</b>	Ministry of Finance
<b>MoFA</b>	Ministry of Foreign Affairs
<b>MoH</b>	Ministry of Health
<b>MoI</b>	Ministry of the Interior
<b>MoIT</b>	Ministry of Industry and Trade
<b>MoJ</b>	Ministry of Justice
<b>MoLSA</b>	Ministry of Labour and Social Affairs
<b>MSCA</b>	Marie Skłodowska-Curie Actions
<b>NCUCOC</b>	National Central Unit for Combating Organised Crime
<b>NGO</b>	Non-governmental non-profit organisation
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>OSPOD</b>	Social-legal Child Protection Authority (Czech abbreviation)
<b>PCR</b>	Police of the Czech Republic
<b>PP DATA</b>	Prague Process: Dialogue, Analysis and Training
<b>RC</b>	Reception Centre

<b>RDE OP</b>	Research, Development and Education Operational Programme
<b>RDP</b>	Regional Directorate of the Police
<b>REFAATO</b>	Reconstruction Fund of the Republic of Iraq for Areas Affected by Terrorist Operations
<b>SF</b>	Salzburg Forum
<b>SIP</b>	State Integration Programme
<b>SIS</b>	Schengen Information System
<b>SOM</b>	Senior Officials Meeting
<b>SÚIP</b>	State Labour Inspection Office (Czech abbreviation)
<b>SUZ</b>	Refugee Facilities Administration of the Ministry of the Interior (Czech abbreviation)
<b>UAM</b>	Unaccompanied minors
<b>ULIW</b>	Union of Librarians and Information Workers
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>ÚP ČR</b>	Employment Agency of the Czech Republic (Czech abbreviation)
<b>V4</b>	Visegrad Group
<b>ZDC</b>	Facility for Children-foreigners (Czech abbreviation)
<b>ZÚ</b>	Embassy (Czech abbreviation)
<b>ZZC</b>	Facility for Detention of Foreign Nationals (Czech abbreviation)

## SUMMARY

The 2017 European Migration Network (EMN) Annual Policy Report on Asylum and Migration provides a summary of the most important developments and changes in the fields of migration, asylum and integration during the year 2017.

### Migration Policy Strategy of the Czech Republic

In making its migration policy, the Czech Republic continues to apply the principles of migration policy, which were formulated in the **Migration Policy Strategy of the Czech Republic** (adopted on 29 July 2015 in Resolution of the Government of the Czech Republic No. 621). Besides the national security, which is the main theme, the Migration Policy Strategy of the Czech Republic defines the priorities of the Czech Republic in the fields of integration of foreign nationals, illegal migration and return policy, international protection, external dimension of migration (including development and humanitarian aid), free movement of persons within the EU and the Schengen Area, legal migration and international obligations of the Czech Republic regarding migration.

## Legal Migration and Integration

Same as in the previous years, the **upward trend in legal migration** into the Czech Republic continued in the year 2017. On a year-on-year basis, there was a 6.1 % increase of the number of foreign nationals. As of 31 December 2017, **526,811 foreign nationals**<sup>1</sup> were staying legally in the territory of the Czech Republic (for a period longer than 90 days). Foreign nationals accounted approximately for **4.9 % of the population**. From among the total registered number of foreign nationals with residence permit in the Czech Republic, 53.7 % of them (282,732 foreign nationals) were staying in the country permanently and 46.3 % of them (244,079 foreign nationals) temporarily<sup>2</sup>. The citizens of one of the following 3 countries: Ukraine (117,480), Slovakia (111,804) and Vietnam (59,808) accounted for more than half (54.9 %) of the foreign nationals with residence permits in the territory of the Czech Republic at the end of the year 2017. The numbers of foreign nationals with other citizenships are significantly lower.

In the field of **economic migration**, a total of 472,354 foreign nationals were registered as employees with the regional branch offices of the Employment Agency of the Czech Republic as of 31 December 2017. According to the registered information cards<sup>3</sup>, this number included

<sup>1</sup> This information includes foreign nationals with residence permits in the Czech Republic, registered in the Alien Information System. Nevertheless, the actual numbers of foreign nationals legally staying in the territory of the Czech Republic may be different because the registered number of foreign nationals does not include all the citizens of other EU Member States staying in the Czech Republic. The statistical compilations only record those EU citizens who applied for or were issued with a certificate of temporary residence. Those who are just exercising their right to free movement are not included in the statistics.

<sup>2</sup> The category includes persons with residence based on visa for more than 90 days, with long-term residence permits and temporary residence permits, which are granted to the EU citizens and their family members.

<sup>3</sup> Information card = a written notice given by an employer that a foreign national started working in a job, which must be submitted to a regional branch office of the Employment Agency of the CR according to the Employment Act.

330,530 (70 %) citizens of EU/EEA Member States and Switzerland (including their family members) and 101,489 third country nationals. From among the non-EU countries, the citizens of Ukraine (81,695 persons), the Russian Federation (11,080 persons) and Vietnam (9,805 persons) had traditionally the highest shares of our labour market. Among the EU/EEA Member States and Switzerland, the citizens of Slovakia (177,059 persons), Romania (39,504 persons), Poland (39,083 persons) and Bulgaria (31,528) had the strongest presence.

In 2017, a rather extensive **amendment to the Act on the Residence of Foreign Nationals** was adopted. The legislative amendment entered into force on 15 August 2017. The changes in the Act on the Residence of Foreign Nationals were associated mainly with ensuring the transposition of two Union Directives into the national legislation.

In the field of economic migration, **migration projects** were implemented, which have been created within interdepartmental cooperation of the central governmental authorities since 2012. These projects represent an effective instrument for supporting migration of selected target groups of third country nationals, in whose entry and stay in the territory of the CR the Czech state takes an increased interest.

In 2017, implementation of all projects started in the previous years continued and **new projects were also created**. One of them was the migration project titled **Special Procedures for Workers for Agriculture and Food Industry from Ukraine**, which is similar to the project referred to as System of Special Treatment for Skilled Employees from Ukraine (hereinafter referred to as the Ukraine Regime), which is already under way and which is intended for medium-skilled and low-skilled workers, but this new project is oriented on a narrower group of employers and even unskilled workers can be included in it.

With its resolution No. 105 of 8 February 2017, the Government of the CR increased the original capacity of the Ukraine Regime, which amounted to 3,800 persons per year, to 9,600. The Government of the CR also approved additional staff for the MoFA and the MoI, which resulted in cutting the time required for the processing of applications in half. In 2017, a total of approximately 14,200 candidates from 870 companies were included in the Ukraine Regime in 2017.

The MoEYS in cooperation with the MoI and the MoFA and representatives of universities designed a joint project titled **Student Mode** to facilitate the visa procedure for selected university students. The project was approved by the government in June 2017 and was launched immediately. Student Mode means faster and efficient processing of a visa application from a foreign student who met the required conditions. It is intended exclusively for persons interested in studying under the accredited educational programmes of universities. The purpose of the Student Mode is to create opportunities for increasing the number of foreign students, including the students who pay the costs of their studies in full.

In 2017, **the visa requirement** for short-term stays of the citizens of Ukraine and Georgia was cancelled. Neither Kosovo nor Turkey, which were also mentioned in connection with cancellation of a visa requirement, have not yet met the defined conditions and have remained on the list of countries with visa requirements.

In 2017, **the policy for the integration of foreign nationals** was based on the government-approved Procedure for Implementing the updated **Policy for the Integration of Foreign Nationals – In Mutual Respect in the Year 2017**. Increased attention was paid to vulnerable foreign nationals. These include particularly female foreign nationals, children of foreign nationals and senior foreign nationals. One of the main priorities of integration in 2017 was to expand the communication about the issues of integration with both the professional community and the

general public. The system for informing foreign nationals, specifically potential migrants in the countries of origin, was being strengthened. The offer of adaptation-integration courses and the offer of Czech lessons was expanded, and foreign nationals at the Residence Sections of the Department for Asylum and Migration Policy of the Ministry of the Interior, at schools and at governmental bureaux continued to be provided with assistance. The offer of up-to-date information for foreign nationals was expanded, which included an increase in the number of language versions of the informational materials, both on the website published in print and in other media (such as social networks or mobile applications). As part of the goal to transfer integration to local and regional levels, 15 projects of municipalities and city districts were supported with the amount of CZK 13,980,702 in 2017, which was an amount higher than 1.3 million CZK in comparison with the year 2016. Unlike the year 2016, these projects were also newly implemented in important regional centres – Brno and Pilsen.

The projects of non-governmental non-profit organisations, which are key partners in implementation of the integration policy, continued to be supported through the subsidy procedure „Integration of Foreign Nationals 2017“. In 2017, a total of 23 projects of non-profit organisations were supported with the amount of CZK 20,066,977. **The network of regional Centers for the support of the integration of foreigners**, which operated in 13 of the 14 regions of the CR, also continued to be a significant instrument for supporting the integration of foreign nationals at a regional level.

In 2017, **the CR citizenship** was granted to 5,006 foreign nationals<sup>4</sup>, among whom there were 43 persons who had been granted international

<sup>4</sup> Since 1 January 2014, there has been legislation in force, which completely abandoned the principle of single **citizenship** and accepted the possibility of the existence of multiple citizenships.

protection in the form of asylum in the CR in the past. This means that 28 % more citizenships were granted than in the year 2016 and it is the highest number during the latest decade.

### International Protection

In 2017, a total of 1,450 persons applied for international protection in the Czech Republic, which means that there were 28 less applications than in the previous period. **The main source countries** of international protection applicants in 2017 were Ukraine (435 applicants), Armenia (129), Georgia (129), Azerbaijan (127), Vietnam (82), Syria (76), Cuba (68), the Russian Federation (57), Iraq (52), Kazakhstan (38) and Turkey (32). In the Czech Republic, asylum was granted in 29 cases. Asylum was most often granted to citizens of Ukraine, specifically in 8 cases. Besides that, asylum was obtained by 4 citizens of Myanmar, 3 citizens of Azerbaijan, Syria and Turkey, 2 citizens of Belarus and the Russian Federation and one citizen of Egypt, Ethiopia, Iraq and Morocco. In the same year, the Ministry of the Interior granted subsidiary protection to 118 applicants. This form of protection was most often granted to citizens of Syria (34), Ukraine (25) and Iraq (13). Subsidiary protection was renewed in 393 cases. This was most often the case of citizens of Syria (143), Ukraine (179), stateless persons (33), citizens of the Russian Federation (32), Belarus (25) and Iraq (25).

Those foreign nationals who were granted international protection in the form of asylum or in the form of subsidiary protection can take advantage of the **State Integration Programme (SIP)**. In 2017, the Refugee Facilities Administration of the MoI became the general provider of integration services, that is, the umbrella entity for integration activities. A total of 104 new individual integration plans were prepared during the year for a total of 180 holders of international protection. Simultaneously 78 updates were made to the plans created in 2016.

### Unaccompanied Minors

In 2017, a total of **26 unaccompanied third country nationals** were staying in the specialised Facility for Children-foreigners (this concerns dozens of persons every year), in the same year, 7 unaccompanied minor children from among third country nationals applied for international protection (the number of minor unaccompanied applicants from among third country nationals applying for international protection is a single digit number every year). In comparison with the year 2016 (4 unaccompanied minor foreigners applying for international protection), there has been a slight increase. These are still very low numbers in comparison with other Member States.

### Measures to Combat Human Trafficking

There were no major changes in the situation concerning human trafficking during the year 2017 in comparison with the previous period. The most frequent purposes of human trafficking were still sexual and labour exploitations. However, there were also mixed cases where the purposes are combined, including forced marriages or forced criminal activity. The measures aiming to provide victims of human trafficking with support and appropriate protection include the **Programme of Support and Protection of Victims of Human Trafficking** (hereinafter referred to as the "Programme"). In 2017, a total of **24 probable victims of human trafficking** were included in the Programme<sup>5</sup> (ten more than in 2016). The Programme also includes voluntary returns, of which a total of 5 were carried out to the country of origin (all of them to Moldova).

<sup>5</sup> The information on the number of persons included in the Programme does not reflect the overall situation concerning human trafficking in the CR.

## International Cooperation and Projects

International cooperation of the CR in the field of migration continued in the year 2017 particularly as cooperation at the level of respective authorities of the European Union, including its agencies such as the European Border and Coast Guard Agency (FRONTEX) and the European Asylum Support Office (EASO). The Czech Republic also concentrated on strengthening the practical and operational cooperation in all aspects of migration, asylum and state border protection at a bilateral level as well as at multilateral and Union levels.

In 2017, the **MEDEVAC Programme**<sup>6</sup> was implemented in ten countries, which reflect its territorial priorities. In the Middle East, the programme operated in Jordan, Iraq and a new planning mission to Lebanon took place. In Africa, the programme operated in Morocco and Senegal, a planning mission to Ethiopia also took place. The MEDEVAC programme has been operating in Ukraine on a systemic and long-term basis, smaller projects were implemented in Nepal and Cambodia.

Under the **Aid in Place** programme, the MoI gave financial donations abroad, intended particularly to assist refugees directly on the site of their initial displacement and to assist the countries, which host large numbers of refugees or which struggle with them as transit countries. In 2017, the Aid in Place programme had a budget of 150 million CZK and in addition to that, ad hoc donations amounting to 27.9 million CZK from the budget of the MoI were distributed, consequently, a total of **177.9 million CZK** was spent on projects associated with migration. The priority areas of the Aid in place programme in 2017 included the regions of the Near East and the West Balkan, due to the current trend in migration flows, projects in Africa were also implemented.

<sup>6</sup> The focus of the MEDEVAC programme is on providing professional medical care to vulnerable groups of inhabitants in regions affected by a refugee crisis or a natural catastrophe.

At the level of the European Union, the Czech Republic continued to participate in developing and implementing the instruments of the **Global Approach to Migration and Mobility (GAMM)** representing a policy framework of the external migration policy of the European Union. The Czech Republic participated in GAMM particularly through the **Prague Process**, which represents a multilateral migration dialogue.

In order to implement its priorities in the field of asylum and migration, the Czech Republic also closely collaborated with international organisations, including the International Organisation for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and the UN Office of the Higher Commissioner for Refugees (UNHCR). In 2017, the Czech Republic held the presidency of the ICMPD Steering Group.

As part of international cooperation, the Regional Directorates of the Police of the Czech Republic with jurisdiction over areas near state borders carry out **joint patrols with police officers from adjacent countries**. These joint patrols are used for standard police work. The Regional Directorates of the Police of the Czech Republic also intensively collaborate with the common centres of police and customs cooperation, which are used to exchange information on cross-border crime on a daily basis and which significantly contribute to maintaining public order and security in areas near state borders.

## Illegal Migration, Human Smuggling

In 2017, a total of **4,738 persons** were identified as perpetrators of **illegal migration** in the territory of the Czech Republic, which represents a decrease by 9.9 % in comparison with the year 2016. This number included 250 persons caught during illegal migration across the external border of the Czech Republic and 4,488 persons detected as illegally staying persons. In connection with illegal migration across

the external Schengen border, the most frequently detained persons were citizens of Albania (42), followed by refugees under the 1951 Convention (35 persons), citizens of the Russian Federation (21), Ukraine (17) and China (14). The highest number of persons identified as illegally staying persons was among citizens of Ukraine (1,510), followed by citizens of the Russian Federation (312), Vietnam (291), Uzbekistan (263) and Moldova (262). When illegally migrating across the external Schengen border, 65 persons used an irregular travel documents, these persons were most often citizens of Albania (35). There were 220 persons who were illegally staying in the country and presented an irregular travel documents, these persons were most often citizens of Ukraine (149) and Moldova (25).

## Returns

During the year 2017, a total of **793 voluntary returns of third country nationals were registered** who had to leave the territory of the CR (foreign nationals with administrative expulsion, failed applicants for international protection and foreign nationals with an imposed obligation to leave the country). A total of **439<sup>7</sup> assisted voluntary returns of foreign nationals with administrative expulsion** and **84 assisted voluntary returns of applicants for international protection** were carried out, and there were **270<sup>8</sup> foreign nationals with a decision imposing the obligation to leave the territory of the CR** (spontaneous departure). Citizens of Ukraine, Moldova and Vietnam accounted for the highest numbers among these returnees.

In the field of voluntary returns, the MoI, SUZ and the IOM implement their programmes for assisted voluntary returns. In their programmes,

<sup>7</sup> Carried out through the MoI and the IOM.

<sup>8</sup> Including 104 foreign nationals with an imposed obligation to leave the country or with a decision on administrative expulsion.

the Ministry of the Interior and the IOM primarily focus on foreign nationals with an issued decision on administrative expulsion. In its programme, SUZ provides former applicants for international protection with assistance for voluntary return trips to their countries of origin.

Under these programmes for voluntary returns, the MoI, SUZ and the IOM make sure not only that the actual voluntary return takes place but they also provide all the related consultancy and assistance, which are necessary for successful accomplishment of a return.

# 1 INTRODUCTION

The *Annual Report on Asylum and Migration Policy in the Czech Republic* provides a summary of the most important political and legislative changes and the basic statistical data regarding asylum and migration in the territory of the Czech Republic for the year 2017.

The report was prepared by the National Contact Point of the European Migration Network in the Czech Republic. According to Article 9(1) of the Council Decision 2008/381/EC establishing the European Migration Network, each EMN Contact Point prepares a report on developments regarding asylum and migration in the given country on an annual basis.

The report consists of nine chapters and three annexes. The chapters describe the developments in legal migration and international protection, one chapter is concerned with the issues of unaccompanied minors. The report also contains information on measures against human trafficking and measures against illegal migration. The report also provides an overview of international cooperation and projects and describes the developments regarding returns of foreign nationals to their countries of origin. Each chapter also contains the basic statistical data on the given area. The structure of the report complies with the recommended structure of national reports of separate EMN Contact Points in order to make it possible to compare the separate documents and to maintain continuity with the reports prepared in previous years.

The presented report was prepared mainly using the source materials of the Department for Asylum and Migration Policy of the Ministry

of the Interior, which is responsible for the fields of migration, asylum and integration. Other source materials used in preparation of the report included source materials from the Directorate of the Alien Police Service, the Police Presidium, the Department of Crime Prevention of the Ministry of the Interior, the Ministry of Education, Youth and Sports, the Ministry of Labour and Social Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the Refugee Facilities Administration of the Ministry of the Interior, the National Central Unit for Combating Organised Crime, and Facility for Children-foreigners. More detailed information on the methodology is contained in Annex 1. Annex 2 contains a list of sources and literature, Annex 3 contains a list of tables and charts.

## 1.1 ORGANISATION OF ASYLUM AND MIGRATION POLICY

### Ministry of the Interior (MoI)

The Ministry of the Interior is the main body responsible for the asylum and migration policy in the Czech Republic on a legislative and policy level as well as on the implementation level.

### Department for Asylum and Migration Policy (DAMP)

The Department for Asylum and Migration Policy is a unit of the Ministry of the Interior of the CR responsible for exercising the powers assigned to the Ministry in the fields of international protection, refugees, entry and residence of foreign nationals, the policy of integration of foreign nationals, the State Integration Programme (for persons who were granted international protection) and Schengen cooperation. This department is also a unit of the Ministry that is responsible for managing the governmental organisation of the Refugee Facilities Administration of the Ministry of the Interior (SUZ). It submits proposals for establishing or modifying the nature of asylum facilities or facilities for detention of foreign nationals.

### **The Coordination Body for Management of Border Protection and Migration**

The Coordination Body for Managing the Protection of the State Borders of the Czech Republic and Migration is an interdepartmental body, which is composed of representatives of the technically relevant Ministries and 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. Cooperation among institutions within the terms of the Coordination Body enables the government bodies to respond flexibly to the current migration situation and contributes to greater flexibility when dealing with specific issues falling within the terms of reference of multiple Ministries. The Coordination Body also serves as a platform for discussion of the future direction of the migration policy. The Coordination Body also manages the activities of the Analytic Centre for Border Protection and Migration, the permanent office of the Ministry of the Interior with a focus on interdepartmental cooperation at the expert level.

The Coordination Body for Managing the Protection of the State Borders of the Czech Republic and Migration was also authorised by the government to make changes in migration projects with its decisions. This authority was used several times during the year 2017. The implementation of all projects launched in the previous years continued in 2017 and new projects were also created.

### **Analytic Centre for Border Protection and Migration (ANACEN)**

The Analytic Centre for Border Protection and Migration is a permanent analytical body of an interdepartmental nature controlled by the Ministry of the Interior. ANACEN operates at an expert level, its activities are managed by the Coordination Body for Managing the Protection of the State Borders of the Czech Republic and Migration. The activities

of ANACEN take place in several topic-specific fora (Strategy, Migration, Visa, Operations and Security). As part of its activities, it concentrates on monitoring and analysing migration as a comprehensive phenomenon. In this sense, its interdepartmental nature is important because all the bodies involved in the system for managing the protection of state borders and international migration participate in the activities of ANACEN through close cooperation and information exchange<sup>9</sup>, which allows for a flexible and quick response to any problems that arise. Due to the current migration situation, ANACEN continued to focus on monitoring and assessing the migration flows heading to the territory of the European Union in 2017. Other activities consisted in preparing projects in the field of legal work migration.

### **Refugee Facilities Administration (SUZ)**

The Refugee Facilities Administration of the Ministry of the Interior is an operator of the reception, accommodation and integration asylum centres. In these facilities, SUZ provides particularly accommodation, boarding, psychological, social, educational and consulting services and also provides opportunities for leisure-time activities. Most of these activities also take place in the facilities for detention of foreign nationals, which are also operated by the SUZ. The SUZ also established and operates 9 regional Centers for the support of the integration of foreigners, which are the centres of integration activities in respective regions.

<sup>9</sup> The members of the Analytical Centre are delegated representatives of the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Industry and Trade, the Ministry of Education, Youth and Sports, the Ministry of Finance (the General Directorate of Customs), the Police of the Czech Republic and the intelligence services and security forces.

### Directorate of the Alien Police Service (DAPS)

The Alien Police Service is a highly specialised unit of the Police of the CR (PCR), which performs tasks related to detection of illegal migration, application of repressive measures against foreign nationals illegally staying in the territory of the Czech Republic in violation of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the territory of the Czech Republic, fulfilment of the obligations arising from international treaties and directly applicable legal regulations of the European Community and which addresses the crimes committed in connection with the crossing of state borders and cross-border criminal activities. In relation to the territorial units of the Alien Police, the Directorate of the Alien Police Service serves the functions of a specialised central methodological, managing, expert and analytical and monitoring authority and is also an executive unit of the Police of the Czech Republic with a national scope of operation. The bodies, which are directly subordinated to the DAPS, include five inspectorates of the Alien Police at international airports<sup>10</sup>, which ensure the protection of external borders at all international airports of the Czech Republic, the Facility for Detention of Foreign Nationals in Bělá-Jezová and the Reception Centre for Foreign Nationals in Zastávka u Brna. In the territories of individual regions, the departments of the Alien Police, which are embedded in the organisational structures of Regional Directorates of the Police of the CR, perform the tasks related to migration of foreign nationals.

### The National Central Unit For Combating Organised Crime (NCUCOC)

The National Central Unit for Combating Organised Crime is the unit of the Police of the CR with a national scope, which also performs tasks in the field of illegal migration, particularly in combating human

<sup>10</sup> These are: the Alien Police Inspectorate at the Prague Ruzyně International Airport, the Alien Police Inspectorate at the Mošnov International Airport, the Alien Police Inspectorate at the Brno Tuřany International Airport, the Alien Police Inspectorate at the Karlovy Vary International Airport, and the Alien Police Inspectorate at the Pardubice International Airport.

smuggling. Its Organised Crime Section, Department of Human Smuggling and Illegal Migration, is responsible for combating crime groups that perpetrate serious organised crimes in the field of illegal migration, human smuggling, human organ and tissue trafficking and forced labour as well as other forms of exploitation.

### Ministry of Foreign Affairs (MoFA)

The Ministry of Foreign Affairs is a central administrative body of the Czech Republic for foreign policy, which creates concepts and coordinates foreign development cooperation and humanitarian aid. It carries out public administration in the matters of permitting the residence of foreign nationals in the territory of the Czech Republic who enjoy the privileges and immunities defined by the international law. Through embassies, it carries out public administration in the matters of granting visas pursuant to the Act on the Residence of Foreign Nationals. Within its separate purview, it carries out public administration in the matters of granting short-term visas according to the EU Visa Code.

### Ministry of Labour and Social Affairs (MoLSA)

The Ministry of Labour and Social Affairs is responsible for the policy in the field of employment of foreign nationals. Among other things, it defines the group of entities playing the role of an employer and, in relation to foreign nationals, it defines the criteria governing the entry of separate categories of foreign nationals into the labour market. According to the situation on the labour market, it defines the terms and conditions for permitting employment and is responsible for the legislation governing the employment of foreign nationals in relation to the applicable legal regulations of the European Union and concluded intergovernmental agreements. The MoLSA is also responsible for maintaining the central register of vacant job positions, which can be filled by the holders of an Employee Card or a blue Card.

**Other institutions, which have their defined terms of reference in the field of asylum and migration, are:** the Ministry of Industry and Trade (MoIT), the Ministry of Justice (MoJ), the Ministry of Finance (MoF), the Ministry of Health (MoH), the Ministry of Education, Youth and Sports (MoEYS), the Ministry of Finance (the General Directorate of Customs), the Ministry of Culture (MoC) and the Ministry for Regional Development (MfRD).

## 1.2 ASYLUM AND MIGRATION LEGISLATION

Asylum and migration is governed particularly by the following legislation:

- Act No. 326/1999 Coll., **on the Residence of Foreign Nationals in the Territory of the Czech Republic** and on amendments to certain Acts, as amended

This Act defines the conditions for the entry of a foreign national into the territory of the CR and the departure of a foreign national from the country, it defines the conditions of the stay of a foreign national in the country and defines the powers of the PCR, the Ministry of the Interior and the Ministry of Foreign Affairs in this field of public administration. In 2017, two amendments to this Act were passed (see Chapter 2.2 Legislative Developments in 2017).

- Act No. 191/2016 Coll., **on the Protection of the State Borders of the Czech Republic** and on amendments to certain related Acts

This Act entered into force on 1 August 2016. This Act was not amended in 2017. Building on Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), as amended, this Act governs the protection of the state borders

against unauthorised crossing. It defines the terms and conditions for setting up a border crossing at an international airport, the obligations of airplane captains and airport operators as well as the rules for temporary re-establishment of the protection of internal borders, offences and administrative torts related to the protection of borders.

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

This Act defines the conditions for the entry and residence of a foreign national who applies with the CR for international protection in the territory of the CR and governs the residence of a recognised refugee or a person enjoying subsidiary protection in the country, the proceedings on the granting of international protection in the form of asylum or subsidiary protection and the proceedings on withdrawal of asylum or subsidiary protection, the rights and obligations of an applicant for international protection, a recognised refugee and a person enjoying subsidiary protection in the country, the terms of reference of the Ministry of the Interior, the Ministry of Education, Youth and Sports and the Police of the Czech Republic in this area of the public administration, the State Integration Programme and asylum facilities.

- Act No. 221/2003 Coll., **on the Temporary Protection of Foreign Nationals**, as amended

This Act defines the conditions for the entry and residence of a foreign national in the territory of the CR for the purpose of provision of temporary protection and the conditions for their departure from the country, and governs the proceedings on the granting and withdrawal of a residence permit for the purpose of provision of temporary protection in the territory of the CR, the legal status of a foreign national who applies for a residence permit for the purpose of temporary protection and a foreign national who has been granted a residence permit for the purpose of temporary protection. This Act was not amended in 2017.

- Act No. 435/2004 Coll., **on Employment**, as amended

Act No. 435/2004 Coll., on Employment, as amended, defines the conditions for employment of foreign nationals in the territory of the CR.

- Act No. 186/2013 Coll., **on the Citizenship of the Czech Republic** and on amendments to certain Acts

This Act defines the ways of acquiring and losing the citizenship of the CR, the ways of issuing certificates on the citizenship of the CR, it governs the maintenance of the register of natural persons who acquired or lost the citizenship of the CR and it governs the proceedings relating to the matter of citizenship and the offences relating to citizenship. Unlike the previous legislation, this Act no longer requires applicants for the citizenship of the CR to renounce their existing citizenship, which resulted in an increased interest of foreign nationals in acquiring the citizenship of the CR. On the other hand, the list of conditions for granting the citizenship was expanded, for example, a proof of knowledge of the Czech life and institutions is newly required (knowledge of the following areas is verified: Basic Civics, Basic Geographical Information on the CR, Basic Historic and Cultural Information on the CR). Knowledge of the Czech life and institutions as well as the applicants' level of knowledge of the Czech language (level B1 according to the Common European Framework of Reference for Languages) is verified by the Institute for Language and Preparatory Studies of the Charles University.

The Act on the Citizenship of the CR also simplified acquisition of the citizenship for persons aged 18 through 21 years who have been staying in the territory of the CR since the age of ten years, that is, for what is referred to as the "second generation of foreigners".

## 2 DEVELOPMENTS IN ASYLUM AND MIGRATION POLICY

During the year 2017, the legislative activities were primarily focused on ensuring transposition of newly passed EU legislation and on eliminating certain problems, which occurred in practice in the application of laws. In 2017, **two amendments to the Act on the Residence of Foreign Nationals and the Asylum Act were passed**. In addition to that, four legal regulations were adopted to implement certain provisions of the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic.

Also, a legislative process was taking place in connection with a draft amendment to the Act on the Residence of Foreign Nationals, which proposed to introduce an obligation to complete an adaptation-integration course after arrival in the CR and to provide institutional groundwork for integration at a regional level by transferring the project for Centres for Integration of Foreigners to the governmental system.

### 2.1 POLITICAL DEVELOPMENTS

#### Political Situation in the Country

On 20 and 21 October 2017, elections to the Chamber of Deputies of the Parliament of the Czech Republic took place (200 seats divided into 14 election districts – regions). The Czech president, Miloš Zeman,

entrusted the task of putting together a cabinet to Andrej Babiš, the leader of the victorious movement ANO, who eventually came up with a minority government composed of ANO deputies and non-partisans. However, this government did not receive a vote of confidence in the Chamber of Deputies in January 2018 when only 78 ANO deputies voted for it. A vote of confidence was received by a government of ANO and ČSSD, supported by KSČM, in a second attempt as late as in July 2018.

## 2.2 LEGISLATIVE DEVELOPMENTS

In 2017, **the legislative activities** were concentrated on amendments to the Acts listed below:

- **Act No. 326/1999 Coll., on the Residence of Foreign Nationals** – two amendments to the Act on the Residence of Foreign Nationals were passed in 2017.
  - The first amendment was made through **Act No. 183/2017 Coll.**, which amends certain Acts in connection with adoption of the Act on Responsibility for Offences and Proceedings on Them and the Act on Certain Offences. The Act entered into force on 1 July 2017. The amendments to the Act on the Residence of Foreign Nationals were related to the repeal of the previous Act No. 200/1990 Coll., on Offences and its replacement with new legislation, i.e. Act No. 250/2016 Coll., on Responsibility for Offences and Proceedings on Them. Act No. 183/2017 Coll. made the necessary legislative-technical changes in the Act on the Residence of Foreign Nationals and particularly, just as in other Acts, abolished the concept of “an administrative tort of legal entities and self-employed natural persons” and replaced it with the standard term “offence”.

- The second amendment was made through **Act No. 222/2017 Coll.**, amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendments to certain acts, as amended, and other related Acts. The Act entered into force on 15 August 2017. The changes in the Act on the Residence of Foreign Nationals particularly pertained to ensuring the transposition of two Union Directives into the national legislation:
  1. Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers
    - > a short-term visa and long-term visa were introduced for the purpose of seasonal employment
  2. Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer
    - > a card for an intra-corporate transferee was introduced (a long-term residence permit).
- The Act on the Residence of Foreign Nationals now provides for a new type of residence permit intended for foreign investors (a long-term residence permit for the purpose of investment). The purpose of this change is to create more favourable conditions for foreign businesspersons who intend to carry on business and make investments in the territory of the CR as well as to reinforce the principle, according to which the business of foreign nationals in the territory of the CR should be of benefit to the state or, as the case may be, for its territorial units. The derogations in the provisions on administrative proceedings in the matters of entry and residence of foreign nationals from the Code of Administrative Procedure have

also been expanded with the aim of strengthening the security elements of the migration process and the mechanisms preventing the abuse of certain provisions of the Act on the Residence of Foreign nationals. The conditions of a temporary residence of a family member of an EU citizen have also been defined more precisely. The amendment to the Act on the Residence of Foreign Nationals resulted in changes in the field of judicial review of the decisions limiting the personal freedom of foreign nationals, these provisions are subject matter of examination by the Constitutional court and the Court of Justice of the European Union. The Act newly provides that if a court is making a decision on a lawsuit against detention and the foreign national is no longer in detention at that point in time, no ruling on the substance will be issued and the proceedings will be discontinued.

- In addition to that, four implementing legal regulations were adopted in 2017 to implement certain provisions of the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic, specifically, the following legal regulations were adopted:
  - **Government Regulation No. 215/2017 Coll.**, on establishing exceptions to the visa requirement and on exemption from the visa requirement. This Government Regulation entered into force on 18 July 2017 and replaced the two previous legal regulations governing the given area, specifically Government Regulations No. 272/2004 Coll. and No. 273/2004 Coll. The objective of the aforementioned Government Regulation was to ensure harmonisation between the national legislation with Article 4 of Council Regulation (EC) No. 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and whose nationals are exempt from that requirement. In this context, it was also defined which activities will not be considered to be gainful activities for the purposes of exemption from the visa requirement.

- **Government Regulation No. 223/2017 Coll.**, on certain conditions for issue and renewal of a long-term residence permit for the purpose of investment. This Government Regulation entered into force on 15 August 2017 and is directly related to introduction of a special residence status, i.e. a long-term residence permit for the purpose of making investments in the territory of the CR. With this Government Regulation, the government defined the conditions for issuing the aforementioned permit as concerns more detailed specification of a major investment, the government defined the specific required amount of invested finances and in what part a financial investment can be substituted for by investing other property. In addition to that, the government defined the maximum number of statutory bodies, members of statutory bodies or officers holding a general power of attorney of a business corporation for the purpose of assessing whether there is significant influence on its business and the lowest share of a foreign national who applies for a long-term residence permit for the purpose of investment as a partner of a business corporation in such a business corporation. The draft of this legislation was prepared by the MoIT, which has the necessary information from the field of investments in the territory of the CR and which is also the body, which will be responsible for assessing the economic or other significant benefit of the residence of the foreign national concerned to the CR.
- **Ordinance No. 224/2017 Coll.**, amending Ordinance No. 368/1999 Coll., which defines the required particulars and numbers of photographs required according to the Act on the Residence of Foreign Nationals, as amended. The Ordinance entered into force on 15 August 2017. This Ordinance took into account certain changes made in the Act on the Residence of Foreign Nationals, particularly the changes in the name card, which is newly issued to the citizens of the European Union for permanent residence, and changes in the names of the documents issued to the citizens of a state, which is bound by an

international agreement with the European Union, under which they have the right to free movement equivalent to such a right of the citizens of the European Union (this applies to the citizens of Switzerland at present), or the citizens of a state, which is bound by the Agreement on the European Economic Area (this applies to the citizens of Norway, Iceland and Lichtenstein), and their family members. In addition to that, the requirements for a photograph to be submitted by a foreign national who is blind or who uses headwear for medical or religious reasons were defined more precisely. In this case, these requirements were harmonised with the requirements defined in the Act on Identity Cards, the Act on Travel Documents and the Ordinance for their implementation.

- **Ordinance No. 322/2017 Coll.**, listing the employment sectors that include activities dependent on the season of the year. This Ordinance entered into force on 4 October 2017 and is directly related to the transposition of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. The transposition of this Directive was ensured by Act No. 222/2017 Coll., amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the CR and on amendments to certain Acts, as amended, and other related Acts. Two special residence statuses have been introduced into the Act on the Residence of Foreign Nationals, i.e. a short-term visa for the purpose of seasonal employment and a visa for a stay of over 90 days for the purpose of seasonal employment. The draft of this Ordinance was prepared by the MoLSA as the body responsible for employment of employees from abroad.
- In addition to that, there was a legislative process under way during the year 2017, which was related to a draft of another Act amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the

Territory of the Czech Republic and on amendments to certain Acts, as amended, and other related Acts.

- The draft of the Act was submitted particularly in order to ensure transposition of Directive 2016/801/EU of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purpose of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.
- It also contains a proposal for introducing an obligation to complete an adaptation-integration course after arrival in the CR and for providing for integration institutionally at the regional level by transferring the project of the Centers for the support of the integration of foreigners to the state system.
- The amendment also proposes to amend the legal authorisation of the government to issue quotas for economic migration<sup>11</sup>.
- **Act No. 325/1999 Coll., on Asylum** – two pieces of legislation were passed in 2017, which amended the Asylum Act:
- **Act No. 183/2017 Coll.**, amending certain Acts in connection with adoption of the Act on Responsibility for Offences and Proceedings on Them and the Act on Certain Offences, as amended, also amended the Asylum Act in response to the new Act on Offences and Proceedings on Them (No. 250/2016 Coll.). The Act entered into force on 1 July 2017. The provisions concerning offences were amended, particularly with respect to terminology.

<sup>11</sup> The draft of the amendment to the Act was approved by the government on 6 June 2018, the legislative process will continue during the year 2018.

- **Act No. 222/2017 Coll.**, amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendments to certain Acts, as amended, and other related Acts. This amendment brought very small changes, which respond particularly to practical needs. For example, one such change is laying down the explicit obligation of an applicant for international protection to state information on their gender and their marital status in the administrating proceedings. Also, the option to use videoconferences in the proceedings on a lawsuit against a decision of the MoI on international protection or against a decision on detention has been introduced same as in the Act on the Residence of Foreign nationals. Also, the provisions concerning the possibility to request assistance in a voluntary return from the territory of the CR have been made more precise, particularly in an effort to speed up the whole process and prevent possible administrative obstacles.
  
- **Act No. 435/2004 Coll., on Employment (with regard to migration)** – the part of Act No. 206/2017 Coll., which amends Act No. 435/2004 Coll., on Employment, as amended, and other related Acts, entered into force on 29 July 2017, bringing changes in the field of temporary assignment of foreign nationals by a job agency to perform work for a user. The change in the Employment Act has newly made it possible for the job agency to temporarily assign work for a user to an employee who was issued an Employee Card, a Blue Card, an intra-corporate transferee card or who was issued a work permit. This change is also related to an amendment to the provision of the Employment Act, which provides the conditions, under which the Employment Agency of the CR can issue a work permit in those cases where a foreign national, whose employer is a foreign entity, has been sent to perform work in the territory of the CR by their employer under a contract with a Czech legal entity or natural person to perform tasks arising from such a contract and where such a contract contains the temporary assignment of the foreign national to perform work with the user.

- With effect from 28 November 2017, Government Regulation No. 64/2009 Coll., defining the types of jobs, which a job agency cannot mediate through temporary assignment to perform work for a user, was amended by **Regulation No. 374/2017 Coll.** in connection with the aforementioned amendment in the field of agency-mediated employment. This concerns work in the underground of underground mines, the type of jobs for the performance of which a lower level of education than secondary school education with a school-leaving examination is sufficient, and the jobs, which are not stated in the Annex to the aforementioned regulation. Act No. 222/2017 Coll., amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendments to certain Acts, as amended, and other related Acts, made other amendments to the Employment Act, particularly to the provisions governing intra-corporate transferees and seasonal workers.
  
- In connection with the transposition of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (hereinafter referred to as "Directive 2014/66/EU"), a number of changes were made in the Employment Act.
  
- A foreign national, who is a holder of a residence permit of an intra-corporate transferee issued by another EU Member State, transferred on an intra-corporate basis to the territory of the CR under Directive 2014/66/EU, and who intends to perform the job only for a period of 90 days during any period of 180 days, will be able to perform the job for the employer in the territory of the CR, for which he or she was transferred on an intra-corporate basis, only under this permit. In other cases, such a foreign national is authorised to work in the territory of the CR from the date of issue of a certificate on compliance with the conditions for issue of an intra-corporate

transferee card until the date of conclusion of the proceedings on his or her application.

- In connection with the transposition of Directive 2014/66/EU, the definition of an employer was extended to include a branch enterprise for the purposes of compliance with the information obligation. According to this provision, a branch enterprise is deemed to be a foreign legal entity or a foreign natural person authorised to carry on business in the territory of the CR under special laws.
- An employer has a new information obligation to the Employment Agency (ÚP ČR) even if the employer hires a holder of an intra-corporate transferee card. An employer is also obliged to inform the ÚP ČR that a fact has occurred, due to which an intra-corporate transferee card or a Blue Card is not required.
- The Employment Act defines cases in which an intra-corporate transferee card will not be required for entry into the labour market of the CR.
- According to the Employment Act, an employer is obliged to keep records on holders of intra-corporate transferee cards who were transferred to the employer, also, the scope of record-keeping obligation of a regional branch of the ÚP ČR has been extended to include records on foreign nationals who are holders of intra-corporate transferee cards.
- Also, the scope of the information, which the Ministry of the Interior or the Police of the Czech Republic are obliged to provide to the MoLSA, the ÚP ČR, the State Labour Inspection Office (SÚIP) and the regional labour inspectorates for carrying public administration in the field of employment, has been extended to include information on holders of intra-corporate transferee cards.

- The comprehensive legislation governing seasonal employment is based on the transposition of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (hereinafter referred to as "Directive 2014/36/EU").
- A work permit will be issued for a maximum period of 6 months in any period of 12 consecutive months and only if a contract of employment for a specific period of time is submitted, containing provisions that will clearly provide that the monthly wage, salary or remuneration of the foreign national will not be lower than the basic rate of monthly minimal wage, in each of both basic employment relationships, the weekly working hours must amount to at least 15 hours.
- Ordinance No. 322/2017 Coll., listing the employment sectors that include activities dependent on the season of the year.
- In the provisions of Section 89(2), the first sentence, Section 95(3), Section 100(d) and in the provision of Section 147c(h) of the Employment Act, the terms were unified so instead of the term "a permit for residence in the territory of the CR issued pursuant to the Act on the Residence of Foreign Nationals in the Territory of the CR", the single term "authorisation to reside in the territory of the CR" has been introduced.
- In the Employment Act, the legal fiction of authorisation to perform a job has been introduced to resolve the situations where, during the course of proceedings on an application for renewal of a work permit, an administrative body will be unable to process the application for renewal a work permit in particularly complicated cases within the time limit of 30 days and the original work permit will expire. Thus,

a foreign national can only be employed in these cases provided that he or she is authorised to legally reside in the territory of the CR.

- Same as holders of a long-term residence permit for the purpose of carrying on business are allowed to apply for a work permit for the purposes of employment, holders of a long-term residence permit for the purpose of making investments are also allowed to do so.
- In order to unify the requirements for issue of a work permit, the required content of an application for a work permit was extended.

### 2.3 DEBATES IN THE MEDIA

The topic of migration and generally foreign nationals in the CR was considerably covered by all Czech media in 2017. Attention was most often paid to the issues of employment of foreign nationals in the CR, particularly Ukrainian citizens (the CR has the lowest unemployment rate across the EU countries and a lack of labour forces, which it tries to compensate for with incoming foreign workers). Another frequent topic was the migration crisis or, speaking precisely, the illegal migration into the EU countries and the migration situation in the EU.

**In the media and public debates, attention was paid (to a varying degree) particularly to the following topics:**

- employment of foreign nationals in the CR (for example, employment of Ukrainians, the issues of industrial zones),
- foreign nationals in the CR in general (for example, how many of them live here, the integration of foreigners, the crime rate among foreigners, police checks),
- introduction of visa-free travel with Ukraine,
- the number of refugees arriving (by ships) in Europe,

- quotas for mandatory reception of refugees (the relocation and resettlement mechanism),
- the situation on the central Mediterranean route and the rescue operations in the Mediterranean Sea,
- the Balkan route, speaking precisely, the situation in Greece,
- the west Mediterranean route to Spain,
- the situation in Germany and the German migration policy,
- the Schengen borders and re-introduction of border checks,
- the security-related aspects of migration,
- concerns about Islam and migration and other manifestations of xenophobia from countries outside the EU as well as in the EU,
- terrorist attacks related to Islam (put in the context with the migration crisis),
- public opinion polls regarding the migration crisis,
- illegal migration,
- the refugee facilities of the MoI in the CR,
- the course of action taken by the Visegrad Four (V4) states on the issue of migration,
- the sending of Czech policepersons to the Former Yugoslav Republic of Macedonia, Hungary, Slovenia, Serbia, Bulgaria and Greece,
- the measures against migrants in Hungary,
- the activities of the CR in connection with the migration crisis abroad (for example, the assistance in Jordan, the MEDEVAC programme, etc.),
- the granting of international protection in the EU,
- the Christian refugees from Iraq who were granted asylum in the CR and part of whom left for Germany.

During the year 2017, particularly debates, conferences, lectures, demonstrations and other events continued to take place in connection with the topic of migration (organised by non-governmental non-profit organisations (NGOs), think-tanks, universities, scientific institutions,

political parties, governmental institutions as well as opponents of migration). However, the amount of such activities in 2017 was notably lower in comparison with the year 2016 and especially the year 2015.

## 3 LEGAL MIGRATION AND MOBILITY

In the year 2017, a total of **526,811 foreign nationals** were staying in the territory of the CR on a long-term basis (for a period longer than 90 days). Thus, foreign nationals accounted for 4.9 % of the population of the CR. Citizens of Ukraine, Slovakia and Vietnam accounted for approximately 55 % of these foreign nationals with residence permits in the territory of the CR.

In 2017, the implementation of all migration projects launched in previous years continued and new projects were also created. One of them was a project titled **Special Procedures for Workers for Agriculture and Food Industry from Ukraine**, which is similar to what is referred to as the "Ukraine Regime" intended for medium-skilled and low-skilled qualified workers but it is oriented on a narrower group of employers and non-skilled workers can also be included in it. With its Resolution No. 105 of 8 February 2017, the Government of the CR also increased the original capacity of **Ukraine Regime**, which had amounted to 3,800 persons per year, to 9,600.

In cooperation with the MoI, MoFA and representatives of universities, the MoEYS proposed a joint project for facilitation of the visa procedure for selected university students, referred to as the **"Student Mode"**. The project was approved by the government in June 2017 and was immediately launched.

In 2017, the visa requirement for short-term stays of citizens of Ukraine and Georgia was abolished.

In 2017, the key document in the field of integration was the updated *Policy for the Integration of Foreign Nationals – In Mutual Respect*, defining the goals of the country's integration policy from a long-term perspective. Based on this policy, a number of measures were implemented. The network of regional Centers for the support of the integration of foreigners, which operated in 13 of the 14 regions of the CR, continued to be a significant instrument supporting the integration of foreigners at the regional level.

**6,522 foreign nationals** acquired the **citizenship** of the Czech Republic last year. Among them, 5,006 foreign nationals were granted the citizenship and 1,467 persons acquired the citizenship of the Czech Republic based on a declaration.

### 3.1 FOREIGN NATIONALS WITH RESIDENCE PERMITS IN THE TERRITORY OF THE CR - STATISTICS

#### Numbers of Foreign Nationals with Residence Permits in the Territory of the CR

As of 31 December 2017, **a total of 526,811 foreign nationals were legally staying in the territory of the CR (for a period longer than 90 days)**<sup>12</sup>, which represents a 6.1 % increase in comparison with the

<sup>12</sup> This figure includes foreign nationals with residence permits in the CR, registered in the Alien Information System (AIS). Nevertheless, the actual numbers of foreign nationals legally staying in the territory of the CR may be different because the registered number of foreign nationals does not include all the citizens of other EU Member States staying in the CR. The statistical statements only register those citizens of the EU who applied for or who were issued a temporary residence certificate. Those who just exercise their right are not statistically recorded.

end of the year 2016 (as of 31 December 2015, there were 496,413 registered foreign nationals with residence permits in the CR). The increase is similar to the year-on-year increase between the years 2015 and 2016. At the end of the year 2017, foreign nationals accounted for approximately 4.9 % of the population of the CR, which is 0.2 percent higher than in 2016.

**Table 1:** History of the numbers of foreign nationals with residence permits in the territory of the CR (2007–2017)

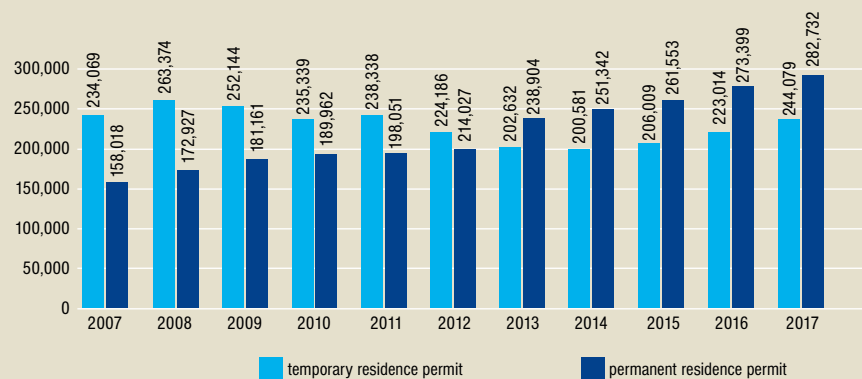
Year (as of 31 December)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Number of foreign nationals	392,087	436,301	433,305	425,301	436,389	438,213	441,536	451,923	467,562	496,413	526,811
Year-on-year change	22 %	11.3 %	-0.7 %	-1.8 %	2.6 %	0.4 %	0.8 %	2.4 %	3.5 %	6.2 %	6.1 %

Source: IS AIS

#### Permanent and Temporary Residence

**The number of foreign nationals with permanent residence continues to rise**, albeit at a lower rate than last year. **There was a year-on-year increase by 3.4 %** (i.e. 9,333 persons) **in 2017**. For several consecutive years, **the number of foreign nationals with temporary residence has also been growing: a year-on-year increase by 9.4 %**, i.e. 21,065 persons, **was seen in 2017**.

**Chart 1:** History of the numbers of foreign nationals with temporary residence permits and permanent residence permits in the CR



Source: IS AIS

The number of foreign nationals with granted permanent residence permits has been continuously rising for more than 10 years. In 2013, the number of foreign nationals with permanent residence exceeded the number of foreign nationals with temporary residence, and this increase is related particularly to the fact that foreign nationals have started to meet the condition of a five-year stay in the country to a greater extent and have transitioned into the category of permanent residence.

Foreign nationals can further be distinguished into the category of the citizens of EU Member States and other states, which are bound by the Agreement on the European Economic Area, and the citizens of Switzerland who also fall within this category (hereinafter referred to as “the citizens of the EU/EEA and Switzerland”) and the category of foreign nationals from non-EU countries (that is, third-country nationals). The number of third-country nationals is the highest and at the end of the year 2017, they accounted for 58.1 % of the foreign nationals staying in the CR, which amounted to 306,134. Their number increased by 6.5 %

on a year-on-year basis. After the consequences of the economic crisis faded away, the number of third-country nationals started to grow once again in 2015 and this growth continued in the years 2016 and 2017. There has been a continuous increase of the number of the citizens of the EU/EEA and Switzerland. In 2017, this increase amounted to 5.5 %.

In the category of temporary residence, foreign nationals from the EU Member States have predominated over third-country nationals since 2013. At the end of the year 2017, the citizens of the EU/EEA and Switzerland staying in the territory of the CR in the category of temporary residence accounted for 62.2 % of the total number of the citizens of the EU/EEA and Switzerland. The situation is the opposite with third-country nationals – 65.1 % of them were staying in the territory of the CR in the category of permanent residence. Therefore, it is still true that foreign nationals from the EU/EEA countries and Switzerland in the CR most often reside in the CR on a temporary basis while two thirds of third-country nationals reside in the CR on a permanent basis.

### Citizenship of Foreign Nationals

The structure of foreign nationals residing in the CR has remained almost unchanged on a long-term basis as concerns their citizenship. The order of the top 10 citizenships of foreign nationals is the same as in the previous year.

At the end of the year 2017, citizens from these 3 countries: **Ukraine** (117,480), **Slovakia** (111,804) and **Vietnam** (59,808) **accounted for more than a half of foreign nationals (54.9 %) with residence permits in the territory of the CR.** The other citizenships follow after a relatively large gap.

**Table 2: TOP 10 citizenships of foreign nationals with residence permits in the CR by residence category (as of 31 December 2017)**

Type of residence	Number	Percentage (%)	Year-on-year change (%)	Of which			
				Permanent residence	<i>i.e.</i> %	Temporary residence	<i>i.e.</i> %
<b>Foreign nationals in total</b>	<b>526,811</b>	<b>100.0</b>	<b>6.1</b>	<b>282,732</b>	<b>37.8</b>	<b>244,079</b>	<b>62.2</b>
among whom the highest numbers of citizens are from:							
Ukraine	117,480	22.3	6.6	83,488	29.5	33,992	13.9
Slovakia	111,804	21.2	4.2	47,519	16.8	64,285	26.3
Vietnam	59,808	11.4	3.0	50,249	17.8	9,559	3.9
Russian Federation	36,840	7.0	2.4	21,319	7.5	15,521	6.4
Germany	21,261	4.0	0.2	4,459	1.6	16,802	6.9
Poland	20,669	3.9	1.8	10,788	3.8	9,881	4.0
Bulgaria	13,795	2.6	12.6	4,888	1.7	8,907	3.6
Romania	12,562	2.4	16.0	3,288	1.2	9,274	3.8
United States of America	9,556	1.8	9.0	3,395	1.2	6,161	2.5
Mongolia	7,900	1.5	16.1	5,106	1.8	2,794	1.1
<b>EU citizens</b>	<b>220,677</b>	<b>41.9</b>	<b>5.5</b>	<b>83,482</b>	<b>37.8</b>	<b>137,195</b>	<b>62.2</b>
<b>Third-country nationals</b>	<b>306,134</b>	<b>58.1</b>	<b>6.5</b>	<b>199,250</b>	<b>65.1</b>	<b>106,884</b>	<b>34.9</b>

Source: IS AIS

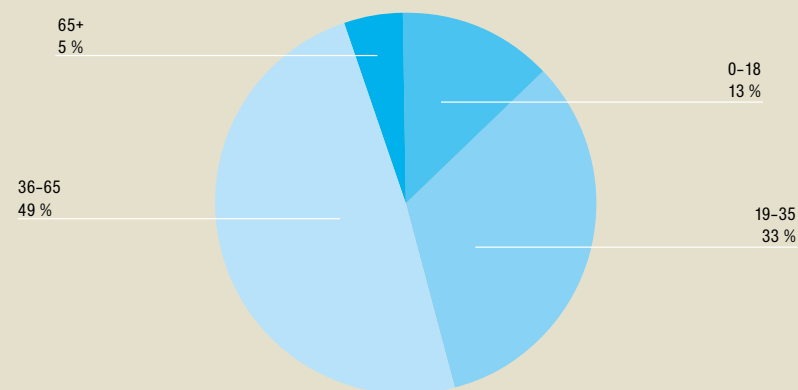
In 2017, within the top 10 citizenships, the highest percentage increase was seen with the citizens of Mongolia (7,900, *i.e.* +16.1 %, *i.e.* +1,096), Romania (12,562, *i.e.* +16 %, *i.e.* +1,736) and Bulgaria (13,795, *i.e.* 12.6 %, *i.e.* +1,545). Nevertheless, in absolute terms, the highest increases were seen with the citizens of Ukraine (+7,235) and Slovakia (+4,553).

### Foreign Nationals by Gender and Age

Among the foreign nationals with residence permits in the territory of the CR, men continued to predominate in 2017 (297,594 men, *i.e.* 56.5 %). The ratio between men and women is more balanced with those foreign nationals who reside permanently in the territory of the CR. In the category of permanent residence, the share of men was 52.7 %. In the category of temporary residence, the share of men was higher, specifically 60.8 %. The differences in the percentages of foreign nationals with

respect to gender in the individual categories of residence can be linked to the nature of temporary residence, which is provisional and mainly economically motivated.

The differences mentioned above, resulting from the work-related nature of residence, are also reflected in the age structure of foreign nationals. As of 31 December 2017, persons at an economically active age clearly predominated among foreign nationals with residence permits in the territory of the CR. These foreign nationals at the age of 19-65 years who numbered 432,244 accounted for 82 % of the total number of foreign nationals. 69,882 persons younger than 18 years with residence permits in the country were registered at the end of the year 2017, which accounted for 13.3 %.

**Chart 2: Age structure of foreign nationals with residence permits in the CR (as of 31 December 2017)**

Source: IS AIS

### 3.2 ECONOMIC MIGRATION

As of 31 December 2017, the regional branch offices of the Employment Agency of the Czech Republic registered a total of 472,354 foreign workers in the positions of employees. The citizens of the EU/EEA and Switzerland and their family members accounted for nearly three quarters (70 %) of the foreign workers, with the highest numbers found among the citizens of Slovakia (177,059 information cards), followed by the citizens of Romania (39,504 information cards), the citizens of Poland (39,083 information cards) and the citizens of Bulgaria (31,528 information cards). Third-country nationals accounted for one quarter of foreign workers, with the highest numbers found among the citizens of Ukraine (58,015 information cards + 23,680 work permits<sup>13</sup>), the citizens of the Russian Federation (9,201 information cards + 1,879 work permits) and Vietnam (8,183 information cards + 1,622 work permits).

With respect to territorial structure, the highest number of foreign workers in the positions of employees has been seen in the capital city of Prague (119,775) on a long-term basis, followed by the Region of Central Bohemia (64,526), the Region of South Moravia (45,030) and the Region of Pilsen (37,122).

Foreign nationals with free access to the labour market accounted for the majority of foreign workers in 2017. The total number of 472,354 foreign workers includes 330,530 information cards of third-country nationals. Among the foreign workers who enter the labour market with a work permit, their total number of 40,335 (8.53 %) included 24,753 holders of Employee Cards, 15,162 holders of employment permits, 413 Blue Card holders and 7 Green Card holders according to the records as of 31 December 2017.

<sup>13</sup> Here, the term "work permit" refers to all types of permits for employment issued to work migrants from third countries (employment permit, Employee Card, Blue Card, etc.).

As of 31 December 2017, a total of 1,938 job agencies, entities with a license to mediate employment, issued by the General Directorate of the Employment Agency of the CR, were registered, including 809 job agencies licensed for agency employment, i.e. licensed to mediate employment in the form of temporary assignment of an employee to a user pursuant to the provision of Section 14(1)(b) of the Employment Act.

In the year 2017, a total of 137,648 foreign nationals were registered in the positions of employees of job agencies who were temporarily assigned to perform work for a user. This number included 103,835 citizens of the EU/EEA Member States and Switzerland and 33,813 third-country nationals.

#### Projects in the field of economic migration

Migration projects, which have been created and implemented since 2012 as part of the interdepartmental cooperation of the central governmental authorities, represent an effective tool for supporting migration of selected target groups of third-country nationals, in whose entry into and residence in the territory of the CR the Czech state is interested to an increased degree. Creation of migration projects was included among the instruments serving to accomplish the goals of the CR in the field of legal migration set in the Government Resolution No. 621 of 29 July 2015 on the Strategy of the Migration Policy of the CR and on the Migration Communication Strategy of the CR. Since 2015, these projects have been approved by government resolutions.

The goal of migration projects is to improve the efficiency of the migration procedure by simplifying the process of filing and processing the applications of foreign nationals for residence permits or employment permits. The owner of the project or the appointed guarantor (business representation) makes decisions on inclusion of foreign nationals and

domestic entities (employers, business corporations, schools), which are directly interested in their arrival, into the project, provided that the defined criteria are met.

In the year 2017, implementation of all the projects launched in the previous years continued, and new projects were also created:

- **Fast Track: A Fast Track Procedure for Intra-corporate Transferees and Localised Employees and Statutory Bodies of Foreign Investors (the project was launched on 1 February 2012)**

The target group consists of relocated employees or foreign nationals in the positions of statutory bodies of multinational corporations with established branch offices in the CR. In the year 2017, a total of 165 workers from third countries, particularly specialists and managers from the fields of industry, information technologies and finance, took advantage of this project. The highest numbers of candidates were from India (53), the United States of America (17) and Ukraine (13).

- **The Welcome Package for Investors Project (the project was launched on 1 July 2013)**

The target group consists of relocated employees or foreign nationals in the positions of statutory bodies of multinational corporations with newly established branch offices in the CR. In the year 2017, a total of 33 applications (33 candidates and 19 family members) were included in the projects, these were mainly managers and specialists. The highest numbers of candidates were from the Russian Federation (10), Mexico (10) and China (6). In connection with the latest amendment to the Act on the Residence of Foreign Nationals, which entered into force on 15 August 2017, a modification was made to both projects (Welcome Package and Fast Track), as a result of which a new type of residence

permit – “**intra-corporate transferee card**” – has been created for an intra-corporate transfer (for those cases where the employee was employed with the transferring entity for at least 6 months before being transferred to the CR) and included among the residence permits, which are issued to the participants of the project.

The amendment has also cancelled the “localisation option”<sup>14</sup> for the statutory bodies of foreign investors, this option will now only be possible for employees. As concerns the Welcome Package for Investors project, founders and employees of start-ups have been newly included in the target group of the projects, and new rules for the entry of the statutory body of a start-up into the territory of the CR have been defined.

- **Special Procedures for Highly Skilled Professionals from Ukraine, referred to as the “Ukraine Project” (the project was launched on 9 November 2015)**

This project is designed for domestic employers who have been unable to fill a vacant job position with a highly qualified specialist from among the citizens of the CR or the EU for a long time. The goal of the project is to achieve time savings in the process of receiving and processing the applications for employment cards and Blue Cards for specialists from Ukraine who will be performing highly qualified jobs in the territory of the CR in the fields of production, services or in the public sector.

The project was used to a much greater degree than in 2016, the first year of its implementation, when approximately only a half (229) of the annual quota of 500 persons was used. In 2017, 109 companies operating in the CR and 555 job candidates from Ukraine were included

<sup>14</sup> This option consists in creating a temporary employment relationship between a foreign national and the Czech branch office of the multinational corporation, while the employment relationship between the foreign national and the foreign branch office of the multinational corporation, from which the foreign national has come, continues to exist.

in the project, which meant that the quota was exhausted. IT professions (software developers, coders and IT specialists, etc.) were in the highest demand, the demand for healthcare professionals from among both physicians and other professionals than physicians has also increased.

- **System of Special Treatment for Skilled Employees from Ukraine, referred to as “the Ukraine Regime” (the project was launched on 1 August 2016, a modification to the system was approved on 26 April 2017 and entered into force on 1 May 2017)**

The Ukraine Regime is designed for domestic employers who have been unable to fill a vacant job position with a medium-skilled or low-skilled worker from among the citizens of the CR or the EU for a long time. The goal of the project is to achieve time savings in the process of receiving and processing the applications for Employee Cards for workers from Ukraine who will be performing medium-skilled or low-skilled jobs in the territory of the CR in the fields of production, services or in the public sector. Guarantors were making decisions on inclusion of a specific employer into the Ukraine Regime<sup>15</sup>.

With its Resolution No. 105 of 8 February 2017, the Government of the CR increased the original capacity of the Ukraine Regime, which had amounted to 3,800 persons per year, to 9,600. With effect as of 1 July 2017, the coordination body introduced a special procedure for receiving collective applications for Employee Cards (more than 50 at once) as part of the Ukraine Regime. The annual quota for collective applications is 600 persons per year. For a collective application, a higher degree of cooperation on the part of the employer is required. This involves firstly the obligation that the employer will discuss the matter with their

<sup>15</sup> I.e. the Czech Chamber of Commerce, CzechInvest, Confederation of Industry of the CR, Confederation of Employer and Business Unions of the CR, Association of Small and Medium-sized Enterprises and Sole Traders of the CR, the Agrarian Chamber and the Food Chamber.

existing employees and secondly the obligation that the employer will cooperate with a Centre for the support of the integration of foreigners and will present a position statement from the local government of the municipality where the newly incoming foreigners will be accommodated.

The Government of the CR also approved increase of the staff of the MoFA and the MoI, which resulted in time savings in the processing of applications. A total of ca 14,200 candidates from 870 companies were included in the Ukraine Regime in 2017.

- **Special Procedures for Workers for Agriculture and Food Industry from Ukraine**

In 2017, a new migration project titled Special Procedures for Workers for Agriculture and Food Industry from Ukraine, which is similar to the Ukraine Regime but oriented on a narrower group of employers and non-skilled workers can be included in it, too. The government approved the project in its Resolution No. 572 of 21 August 2017. The annual quota amounts to 1,500 persons and the implementation has been under way since 1 January 2018.

- **Training (the project was launched on 24 November 2014 in cooperation with the Confederation of Industry of the CR)**

The Training project is intended for third-country nationals who are sent by foreign employers to Czech legal entities (typically manufacturers) or natural persons with the aim of increasing their skills and qualifications for the purpose of further employment of these foreign nationals at their foreign employers, the period of their training cannot be longer than 6 months. It is the only project directly provided for in the legislation.

239 candidates were included in the Training project in 2017. The highest numbers of candidates were from India (16) and China (14).

### 3.3 FAMILY REUNIFICATION

There were minor legislative changes in this field in connection with the amendment to the Act on the Residence of Foreign Nationals, which entered into force on 15 August 2017. These changes involved removing certain interpretation ambiguities regarding the list of persons eligible to apply for a long-term residence permit for the purpose of family cohabitation pursuant to Section 42a of the Act on the Residence of Foreign Nationals. The reason was that the group of persons eligible to apply for a long-term residence permit in those cases where the applicant is a foreign national applying for family reunification with a recognised refugee should not be narrower than in the case of family reunification with a foreign national who was permitted to reside in the country. This requirement arises from Directive 2003/86/EC of 22 September 2003 on the right to family reunification (cf. particularly Articles 10 and 4 of the Directive). For applications for family reunification with recognised refugees, the Directive conversely requires the Member States to relax certain criteria, which otherwise apply to reunification with foreign nationals who are holders of residence permits (for example, as concerns submission of the required evidence). Thus, it was appropriate to unify the group of eligible persons in such a way so that the foreign nationals who are applying for family reunification with recognised refugees are not disadvantaged.

In 2017, 5 % of the total number of applications for a long-term residence permit were filed at the embassies of the CR. These applications were filed most often by citizens of Ukraine (567), Vietnam (194) and the Russian Federation (137).

### 3.4 STUDENTS AND SCIENTISTS

In Government Resolution No. 621 of 29 July 2015 on the *Migration Policy Strategy of the Czech Republic* and on the *Migration Communication Strategy of the Czech Republic*, the MoEYS was tasked with creating a **Strategic Document on Entry and Residence of Third-Country Nationals in the Territory of the Czech Republic for the Purpose of Studies and Other Educational Activities**, which proposes a number of legislative, organisational and other measures aiming to facilitate the visa process for foreign university students who are interested in studying in the Czech Republic. For this purpose, a taskforce was set up, composed of representatives of the MoEYS, the MoI and the MoFA, the authority in charge of this taskforce is the MoEYS. The document was approved in June 2016.

The MoEYS, in cooperation with the MoI, the MoFA and the representatives of universities, proposed and is currently implementing a joint project concerning facilitation of the visa procedure for selected university students, referred to as the **"Student Mode"**. The project was approved by the government in June 2017 and was launched immediately. The Student Mode provides faster and more efficient processing of a visa application from foreign students who met the defined conditions. It is intended solely for those who are interested in studies under the accredited study programmes of universities. The goal of the Student Mode is to create opportunities for increasing the number of foreign students, including the students who fully pay the costs of their studies. The Student Mode has been implemented at 16 embassies of the Czech Republic in 12 countries. These embassies have consular jurisdiction for a total of 36 countries. The total capacity of the Student Mode in the period from July to December 2017 was 2,364 candidates. Based on the applications of the included universities, a total of 413 candidates for studies in the Czech Republic were included in the Student Mode. As a result, 17.5 % of the capacity was used and the extent of utilisation

of the Student Mode strongly varies across the embassies. This is ascribed particularly to the date of the launch of the Student Mode – it could not be used during the spring months, which are the busiest ones as concerns the admission of candidates for studies at universities. Even at the embassies themselves, the demand for residence permits fluctuates according to certain periods of the year. In spite of the seemingly low rate of utilisation of the Student Mode, the experience with this project has been good both from the point of view of the included students and from the point of view of the Czech Republic.

Since 2013, the Czech Republic has been implementing a project titled **Fast Track Procedure for Granting Residence Permits to Foreigners – Foreign Students from Third Countries**, which focuses on student migration of foreign scholarship holders. The MoEYS is the administrator of this project. The project's primary goal is to simplify the entry procedure for students who have been admitted to studies in the Czech Republic as participants of selected scholarship programmes under international agreements (bilateral or multilateral ones) or decisions by the Government of the CR (developing countries or compatriots abroad). Within the terms of this project, these people are issued a long-term visa or a long-term residence permit for the purpose of studies in a fast track procedure.

The EURAXESS Czech Republic Network continued its activities in 2017. This project is financed by the MoEYS in cooperation with the Academy of Sciences. Among other things, the EURAXESS Czech Republic Network provides information and assistance to researchers who come to the CR to work here or to those who are moving to work in another EU country. The EURAXESS centres help scientists and their families with planning and relocation abroad and provide assistance in all areas connected with mobility.

Starting from the year 2017, the MoEYS has been supporting the international mobility of PhD students, post-graduate students and researchers under the Research, Development and Education Operational Programme (RDE OP)<sup>16</sup> under the challenges titled **International Mobility** and **Marie Skłodowska-Curie Actions (MSCA)**. The goal of these challenges is to strengthen international cooperation as well as to support development of Czech research organisations by adding experts from abroad to their human resources. The scope of actions to support international mobility also includes the integration of researchers with experience acquired abroad into the Czech research and development system. The MoEYS also provides finances for those scientists' mobility projects, which were successful in applying for a grant under the MSCA European programme but were put on the backup list due to lack of resources and could not be financed under this programme. Within the terms of the RDE OP, there is also a challenge titled **Support of Excellent Research Teams**, which allows foreign scientists (or Czech scientists who have worked abroad on a long-term basis) to establish themselves in a research organisation in the CR and build their own research team.

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### 3.5 VISA POLICY AND SCHENGEN COOPERATION

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#### Visa Policy

In 2017, Regulation (EC) No. 539/2001 was amended, Georgia was transferred from Annex I to Annex II, and the transfer of Ukraine from Annex I to Annex II of this Regulation entered into force in May. This

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<sup>16</sup> The Research, Development and Education Operational Programme is a multi-year theme-specific programme administrated by the MoEYS, under which it is possible to draw on finances from the European Structural and Investment Funds (ESIF) during the programme period of 2014–2020.

cancelled the visa requirement for these two countries for short-term stays and the several-year process of visa liberalisation of the two countries was successfully completed.

Neither Kosovo nor Turkey, which were also mentioned in connection with abolition of a visa requirement, have not yet met the defined conditions and remain on the list of countries with a visa requirement.

In connection with the newly liberalised third countries, a new form of suspensive mechanism was also approved, which allows to suspend the visa-free travel regime with any third country for a transitional period if there is deterioration in the situation concerning illegal migration, public order or internal security (substantial increase in refusals of entry or rejections of asylum applications with a low rate of recognition or a substantial increase in serious crimes related to the citizens of the given country with the visa-free travel regime) or if the given country stops meeting the criteria arising from the action plans of visa liberalisation. The monitored criteria also include cooperation of the given third country with the Union states in re-admission of persons.

The visa-free travel regime for citizens of Georgia and Ukraine only applies to holders of biometric passports staying in the Schengen Area for up to 90 days during any period of 180 days, for the CR, the visa-free travel regime only applies to stays for a non-gainful purpose. The EU envisions possible negotiations about the possibility of a visa-free travel regime for holders of passports from other countries only after the large-scale IT systems are put into operation that will allow for better migration control.

## Schengen Cooperation

The 2014 National Schengen Plan is evaluated every year and the evaluation is presented in the form of a Report on Implementation of the National Schengen Plan alternately to the Coordination Body for Managing the Protection of the State Borders of the Czech Republic and Migration (in the years 2015, 2017 and 2019) and to the government (in the years 2016, 2018 and 2020). This is a continuous process of monitoring compliance with the Schengen standards.

In April 2017, the *Third Report on Implementation* was presented to the Coordination Body, which contained the evaluation of performance of separate tasks, and the preparation of the *Fourth Report on Implementation* was started. The plan is the basic strategic document for the field of Schengen cooperation and border protection. The goal of this plan and the tasks defined in the plan is to ensure a high standard in all fields of Schengen cooperation, and the accomplishment of this goal is verified through regular Schengen evaluations. Going forward, the plan is supposed to create a vision for further development of the Schengen acquis, including assessment of the financial requirements and creation of a national strategy for the purposes of preparation of the state budget and utilisation of the EU resources.

On 7 April 2017, Regulation (EU) 2017/458 of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders. The main goal of this revision of the Schengen Border Code is to ensure systematic checks, at external borders, of persons enjoying the right to free movement under the legislation of the European Union (i.e. EU citizens and their family members who are not EU citizens) against databases of documents and persons, including verification of biometric information while fully utilising technical solutions in such a way so that fluidity of movement is not hampered. The Czech Republic

checks systematically all passengers against the relevant databases at entry and exit, as required by the amended Schengen Border Code, at all its border crossings (international airports).

On 29 December 2017, the Regulation concerning the Entry/Exit System (EES) entered into force:

- Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No. 767/2008 and (EU) No. 1077/2011,
- and related Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017 amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System.

The goal of the EES will be to reduce delays in border checks and to improve the quality of border checks of third-country nationals, to ensure systematic and reliable identification of persons who exceeded the period of permitted stay in the Schengen Area (referred to as “overstayers”) and to strengthen internal security and fight against terrorism and serious crime. The EES should be put into operation in 2021.

In 2017, the discussion of a draft Regulation (EU) of the European Parliament and of the Council establishing the European Travel Information and Authorisation System (ETIAS) continued. The main goal of the proposed Regulation is to set up an automated information system of the Union, which will record data on third-country nationals who are not subject to a visa requirement for short-term stays in Member States.

The ETIAS should collect and effectively evaluate the information on these passengers still before their intended trip to the EU takes place, whereby it should help identify possible migration, security and health risks associated with this category of persons. Third-country nationals who are exempt from visa requirement for short-term stays will thus be required to meet a new condition for entry in the form of a travel permit, without which their entry should be denied at the external borders, save for certain exceptions.

On 27 September 2017, the European Commission, in response to a call from Denmark, Germany, Austria, Norway and France, presented a draft Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 (Schengen Border Code) in connection with the rules applicable to temporary re-introduction of the protection of internal borders. The goal of the proposed amendment is:

- to extend the time limitations for the temporary re-introduction of the protection of internal borders in such a way so that it was made possible for Member States to take, if the need arises, the necessary measures as a response to a serious threat to the public order or internal security,
- to implement better procedural guarantees so that a decision to re-introduce the protection of internal borders or its extension is based on a proper risk assessment and is executed after consultation with those Member States, which will be affected by this measure.

Entry into the Schengen Area remains closed to Bulgaria and Romania. Both countries successfully underwent the Schengen evaluation process, however, mainly Germany and the Netherlands oppose their accession on a political level. Croatia started the process of preparation for fully joining the Schengen cooperation and was evaluated in a number of areas in the years 2016 and 2017.

In December 2016, the European Commission presented a draft of a legislative package to revise the Schengen Information System (SIS) consisting of a Regulation for police and justice cooperation in criminal matters, border checks and return of illegally staying third-country nationals, which should effectively contribute to the fight against terrorism, cross-border crime and illegal migration. The revision consists mainly in adding new functionalities to the system such as extension of the use of biometric data or implementation of what is referred to as “query control”, which is an intermediary step between a discreet check and a special check and which should help combat serious crime and terrorism. Using SIS for the purposes of return is a completely new instrument, which is supposed to monitor the effectiveness and information exchange in the return process. In November 2017, a triologue with the European Parliament was started.

### 3.6 INTEGRATION, CITIZENSHIP

#### Integration

The goal of the integration policy of the Czech Republic is to support the integration of foreigners into the society in connection with migration, to create opportunities for harmonic conflict-free co-existence between foreigners and the majority society, to prevent occurrence of negative social phenomena and to ensure the protection of the rights and security of all inhabitants of the Czech Republic. Integration is a mutual process, which requires the will to integrate on the part of foreigners and the majority’s support of their efforts to integrate into the society. Integration is a shared responsibility of foreigners and the majority society in the Czech Republic. Successfully handled integration is the basic prerequisite for benefits and effectiveness of migration because it reduces the risk of social tension and the formation of closed communities of foreigners.

**The primary target group of the policy for the integration of foreigners are third-country nationals legally staying in the territory of the CR** who still represent the majority in the structure of foreign nationals in the territory of the CR in spite of the growing percentage of EU citizens and **account for approximately 58 %.**

The basic document of the integration policy of the CR is the **Policy for the Integration of Foreign Nationals in the Territory of the Czech Republic**. The MoI presents a draft resolution on the Procedure for Implementing the Policy for the Integration of Foreign Nationals to the government every year. This draft resolution contains specific measures, which the relevant Ministries responsible for implementing the integration policy during the given year will take to support successful integration of foreign nationals in the CR. In 2017, the key document was the **Procedure for Implementing the Updated Policy for the Integration of Foreign Nationals – In Mutual Respect in 2017** (hereinafter referred to as the “Procedure”). At the beginning of the following year, the MoI then always presents information to the government on implementation of the Procedure in a Report on the Situation in Migration and the Integration of Foreign Nationals in the Territory of the Czech Republic for the previous year.

Integration measures are focused on supporting self-sufficiency of foreign nationals to make sure that they know their rights and are able to fulfil their obligations, that they know their way around in the new environment, that they get to know the customs and way of life in the CR, which they chose as their new, whether temporary or permanent, home, that they understand and are able to communicate in Czech, that they are autonomous and self-sufficient in social and economic terms, and that they have enough information on where they can find help and support, if they need it. Besides third-country nationals, recognised refugees and beneficiaries of subsidiary protection are also a target group beyond the framework of the services provided to them under

the State Integration Programme. EU citizens remain a supplementary group and were able to take advantage of the integration instruments in emergency situations, i.e. mainly were able to find information and assistance when addressing a personal emergency situation.

In 2017, the system for ensuring awareness of foreign nationals – both those who are already staying in the territory of the CR and the potential migrants in their countries of origin – was strengthened. The offer of **adaptation-integration courses for newcomer foreign nationals** was available virtually throughout the territory of the CR. In this year, it was deliberately focused on active cooperation with universities and employers of foreigners. In order to facilitate communication of foreign nationals and the handling of their matters, assistance continued to be provided to foreign nationals at the Sections for Residence of Foreign Nationals of DAMP, the MoI, at schools and at bureaux. Great emphasis was placed on supporting the awareness of the professional community and the general public due to the experience that information sharing is an important precautionary measure against feelings of uncertainty and threat, which may be manifested in the majority society in the form of xenophobia or rejection of foreigners. The implementation of integration measures at the regional and local levels through the integration projects of municipalities and non-governmental non-profit organisations and the development of the network or regional Centers for the support of the integration of foreigners were supported in 2017. Increased attention was paid to education of foreigners' children because the numbers of children and students from third countries have been significantly rising in the CR. At the same time, the integration activities were more focused on the areas where there was a growing number of foreign workers.

In the last quarter of 2017, the MoI prepared and presented the Procedure for Implementing the Updated Policy for the Integration of Foreign Nationals – In Mutual Respect in 2018 to the government for discussion, based on the source materials from other Ministries and other entities.

**Coordination of the integration policy** has been entrusted by the government to the Ministry of the Interior, which also continuously monitors and evaluates the situation and status of foreign nationals in the CR as well as the mutual relationships between foreign nationals and the majority at local, regional and national levels. Each Ministry is responsible for implementing the integration policy within its terms of reference. The task of each Ministry is to present proposals of their plans to implement the integration policy as inputs for the Policy and the Procedure and to perform these tasks. The MoI, as the coordinator for the integration policy, is in regular contact with the integration coordinators of each Ministry and organises bilateral meetings as well as meetings of a board consisting of representatives of other Ministries on a regular basis. In 2017, there were two joint interdepartmental meetings held by the board consisting of representatives of Ministries. The agenda of these meetings consisted of performance of the tasks arising from the Policy, the plans of Ministries in the field of integration and the legislative changes in preparation.

In 2017, the overall direction of development of the integration policy headed towards creating a system of integrated care of foreign nationals by integrating the individual integration actors – public institutions (territorial local governments, Employment Agencies, medical facilities, schools, etc.), Centers for the support of the integration of foreigners, social partners and non-profit organisations.

**Non-governmental non-profit organisations (NGOs)** are a key partner for implementing the integration policy particularly due to their experience with work in direct contact with foreign nationals. In 2017, the MoI granted subsidies totalling CZK 20,066,977 to 23 projects under the 2017 Integration of Foreign Nationals programme. Support was provided to projects oriented particularly on direct assistance to third-country nationals at the DAMP Sections for Residence of Foreign Nationals, street work, training of employees at the DAMP Sections for

Residence of Foreign Nationals and public administration employees and local government employees, support of integration activities based on foreign nationals' own activities, research focused on the specifics of the integration of minor children of foreign nationals in the territory of the CR, research into the indicators of integration and, last but not the least, projects focused on public awareness activities. Besides their own separate projects, NGOs also operate as subcontractors or direct partners in the projects of regional Centers for the support of the integration of foreigners or in the projects of municipalities.

**Support of the integration policy at regional and local levels** has been a long-term priority of the MoI to make sure there are suitable conditions for the integration of foreign nationals and conflict-free coexistence of all inhabitants of a given municipality. The MoI supports individual municipalities and city districts with expertise and finances to help them create their own integration strategies through municipality projects supporting the integration of foreign nationals. In 2017, 15 municipalities and city districts implemented the given projects, the projects were supported with the amount of CZK 13,980,702. In September 2017, the ninth national conference of municipalities titled The Role of Local Government in the Integration of Foreigners and organised by the City District of Prague 3 took place under the auspices of the Minister of the Interior.

In October 2017, the calls to file applications for subsidies from the state budget for implementation of the NGO and municipality integration projects for the year 2018 were published, and in November 2017, the information meeting for applicants for subsidies for the integration projects of municipalities took place.

Traditionally, the **regional Centers for the support of the integration of foreigners** (hereinafter referred to as the "Centers") played a major role in implementation of the integration policy in regions.

These Centers actively operate in 13 of the 14 regions of the CR. They serve the function of regional information centers and provide legal and social consultancy, offer language and social-cultural courses for foreign nationals or organise cultural and community activities to support conflict-free relationships between foreign nationals and the majority. Other objectives of the Centers include monitoring the situation in regions, supporting the activities of foreign nationals, developing the civil society and creating and developing regional platforms for integration. They are financed predominantly from the Asylum, Migration and Integration Fund of the EU.

During the year 2017, regular meetings of representatives of DAMP with representatives of other Ministries were held to plan and implement integration measures. There was intensive cooperation and communication with the representatives of the Department of Regional and National Culture of the Ministry of Culture. In 2017, the first pilot projects of some libraries, museums and galleries were implemented with a focus on providing intercultural services and organising events with involvement or participation of foreign nationals. In cooperation with the Union of Librarians and Information Workers (ULIW), the organisation Slovo 21 organised two courses for librarians aiming to increase intercultural competencies. Most projects were successful and will be also implemented in the year 2018.

Matters concerning the education of pupils who are children of foreign nationals and matters associated with the envisioned increasing of the difficulty of examination in the Czech language as one of the conditions for obtaining a permanent residence permit to level A2 were discussed with representatives of the MoEYS on a regular basis.

As part of dissemination of information among the professional community as well as the general public and in order to implement the communication strategy in the year 2017, representatives of DAMP,

whenever possible, attended meetings of advisory bodies (referred to as “platforms”) and other meetings with the agenda of integration at the level of towns and cities and regions where they presented expert insights regarding integration. This concerned, for example, the school platform of the Prague City Hall for the agenda of the integration projects of municipalities, seminars for local government representatives on integration at local and regional levels organised at the regional office of the Region of Liberec and at the city office of Pardubice, the international professional symposium Criminology and Its Benefits for the National Security as part of the National Prevention Day in Brno, the panel discussion as part of the international seminar titled Integration Policies at Local and Regional Levels in Brno organised by the Union of Cities and Municipalities of the CR in Brno in cooperation with the delegates of the Council of Europe, the professional seminar titled Current Developments in Migration and Integration – the Role of Culture in the Integration of Foreigners for the employees of cultural institutions, or the annual course titled The Integration of Foreign Nationals organised at the Institute for Public Administration in Benešov, intended for professionals from the regional Centers for the support of the integration of foreigners and the collaborating NGOs.

In October 2017, in order to inform the professional community of the changes in the matters concerning foreign nationals, DAMP organised a one-day informational Seminar for NGO Representatives regarding the amendment to Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic. Like every year, DAMP organised two meetings with representatives of universities during the year 2017 to discuss particularly the issues of the awareness and the integration of newcomer foreign students and their residence permits. Several meetings with representatives of the academic sphere and research institutions were also held to specify the needs for research and professional surveys.

## Citizenship

In 2017, the citizenship of the CR was granted to a total of 5,006 foreign nationals. In 43 cases, this included persons who had been granted international protection in the form of asylum in the CR in the past. This represents a 28 % increase in the granted citizenships in comparison with the year 2016 as well as the highest number of citizenships during the last decade. Also, 35 applications for granting the citizenship of the CR to minor children were granted, these were children whose father was a citizen of the CR and whose mother was a foreign national without permanent residence in the country and was not a citizen of an EU Member State, Switzerland or a state that is a signatory of the Agreement on the European Economic Area and for whom the paternity for the child was determined by concurring statements of the parents. The authorities also granted 14 applications for granting the citizenship of the CR to children who were born in the territory of the CR and who did not acquire the citizenship of either of their parents at birth and who had at least one parent that had a residence permit for residence in the territory of the CR for a period longer than 90 days.

In 2017, the citizenship of the CR was most often granted to the citizens of Ukraine: 1,906 persons (480 more than in the previous year), the Russian Federation: 758 (200 more than in the previous year), Slovakia: 629 (201 more than in the year 2016), Vietnam: 224 (181 less than in the year 2016), and Belarus: 222 (91 more than in the year 2016).

In 2017, the MoI issued a total of 378 rejection decisions at first instance (26 less than in the year 2016). Furthermore, 1,467 foreign nationals acquired the citizenship of the CR based on one of the declarations, which are laid down in the Czech Republic Citizenship Act. Thus, **a total of 6,522 persons** acquired the citizenship of the Czech Republic in 2017, **either as a result of having been granted the citizenship or having made a declaration.**

**Table 3:** The number of foreign nationals who were granted the citizenship of the CR in the period 2007–2017 (including the citizens of the Slovak Republic)

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Number of foreign nationals who were granted the citizenship of the CR	1,158	1,190	1,128	1,088	1,653	1,565	2,253	4,915	2,620	3,897	5,006

Source: MoI

# 4 INTERNATIONAL PROTECTION

In 2017, a total of **1,450 foreign nationals** applied for international protection, which is a number comparable with that for the year 2016. In the last two years, there has been once again a year-on-year decrease. Over the last ten years, this downward trend was only interrupted in the years 2014 and 2015.

The largest group of applicants were the citizens of **Ukraine, Iraq** and **Cuba**. International protection in the form of asylum was granted to **148 applicants** (most often to citizens of Iraq), **subsidiary protection** was granted in **302 cases** (most often to citizens of Syria).

In 2017, the Czech Republic registered a total of **2,274 cases referred to as "Dublin Cases"**, which represented an increase by 4.8 % in comparison with the year 2016. The most frequently represented citizenships were the citizenships of Armenia, Georgia and Azerbaijan.

The integration of persons who were granted international protection is governed by the **State Integration Programme (SIP)**. Since January 2017, the entity with overall responsibility for integration activities has been the Refugee Facilities Administration (SUZ), which is also the operator of integration asylum centres. In its updated version, the programme is better able to respond to the needs of the integration process. A total of **101 eligible persons** entered the SIP in 2017.

#### 4.1 APPLICANTS FOR INTERNATIONAL PROTECTION IN THE CZECH REPUBLIC

The situation regarding international protection can be deemed to be stable in the Czech Republic. **In 2017, a total of 1,450 applications for international protection were registered**, which is an amount comparable with that for the year 2016. There has been a year-on-year decrease once again during the last two years, over the last ten years, this downward trend was only interrupted in the year 2014 (when there was a higher number of applicants in connection with the Ukrainian crisis) and in the year 2015 (when there was a higher number of applicants in connection with the migration crisis).

##### Applications for International Protection

In comparison with other EU Member States, the numbers of applicants for international protection in the CR are still below the average. The CR has registered significantly less applicants for international protection than the neighbouring countries Germany, Austria and Poland. In comparison with the other EU Member States, the CR is not the destination country primarily preferred by applicants for international protection.

**Table 4:** The numbers of applicants for international protection in the Czech Republic in the period 2007–2017

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Number of applicants	1,878	1,656	1,258	833	756	753	707	1,156	1,525	1,478	1,450
Year-on-year change in %	-37.7	-11.8	-24.0	-33.8	-9.2	-0.4	-6.1	63.5	31.9	-3.1	-1.9

Source: MoI

From among the total number of 1,450 applications for international protection filed in 2017, **1,142** (i.e. 78.8 %) **applications were filed for the first time** and **308** (i.e. 21.2 %) **were filed multiple times**. In comparison with the year 2015, the percentage of applications filed multiple times increased by 3.4 percent.

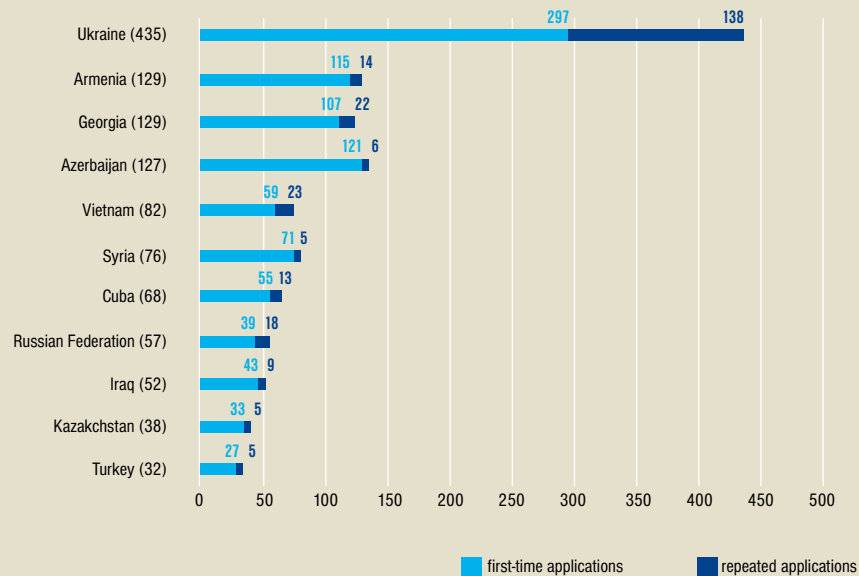
The monthly amount of applications for international protection hovered between roughly 90 and 180 applications. The highest number of applications was filed in October (144), the lowest number of applications was filed in April (96). The average monthly amount for the year 2017 was 121 applications.

As concerns the main source countries, from which applications for international protection came, there were several changes in comparison with the year 2016. Once again, **the highest number of applicants were from Ukraine** (435, a decrease by 14.2 % in comparison with the year 2016), however, the number of **applicants from Armenia and Georgia increased** (by 129 for each of them, this meant an increase by 115 % for Armenia and by 163.3 % for Georgia). A similar situation occurred with Azerbaijan (127, an increase by 144.2 %). The remaining applicants came mainly from **Vietnam** (82).

Conversely, there was a decrease in the number of applications for the following four source countries. These countries were Syria (76, a decrease by 2.6 %), Cuba (68, a decrease by 20 %), the Russian Federation (57, a decrease by 6.6 %) and Iraq (52, a decrease by 67.1 %). Conversely, there was an increase in the number of Asian applicants for international protection, particularly as concerns Kazakhstan whose number of applicants doubled (38). In 2017, 31 applicants for international protection came from Turkey.

In comparison with the year 2016, there was also a marked decrease with China to mere 9 applicants (from 68 in 2016) and Nigeria to 19 applications (from 29 in 2016).

**Chart 3: TOP 10 citizenships of applicants for international protection in 2017**



Source: MoI

The citizens of **Ukraine have been the largest group of applicants for international protection since 2004** and the year 2017 changed nothing about that, although their number decreased in this year (see above). The share of applications filed multiple times slightly increased as compared to the year 2016<sup>17</sup> and accounted for nearly one third of all applications filed by the citizens of Ukraine. **More than two third of applicants were men (72.6 %)**. The citizens of Ukraine use the filing of an application for international protection particularly as an option to legalise their residence after a longer stay in the territory of the CR.

<sup>17</sup> While in 2016, the applications filed multiple times accounted for 29.6 %, they accounted for 31.7 % in 2017.

The citizens of **Armenia** mostly filed their applications for the first time, repeated applications only accounted for 10.9 % and men (54.3 %) slightly predominated among the applicants. There was a total of 30 minor applicants (i.e. 23.3 %). The citizens of **Georgia** also mostly filed their applications for international protection for the first time, repeated applications accounted for 17.1 %. Among these applicants, women accounted for 14 % and minors accounted for 9.3 %. The citizens of **Azerbaijan** also filed most of their applications for international protection for the first time. The share of their repeated applications only accounted for 4.6 %. The percentages of men and women were almost equal, men accounted for 52.7 % of the applications. Minor applicants represented more than one third (36.4 %). In the case of **Vietnam**, there were 28 % of applications filed multiple times, there were only 7 women (i.e. 8.5 %) and 2 minors (i.e. 2.4 %) among the applicants. In the case of **Syria**, all applications, save for 5, were filed for the first time. The percentages of men and women were almost equal (51.3 % : 48.7 %) and the share of minors amounted to 43.4 %, which corresponds to the situation, in which entire families with children usually apply for international protection. With nearly all these applicants, the grounds for application for international protection were the ongoing civil war and the related insecurity and poor political and economic situation in their country of origin.

The citizens of **Cuba** filed a total of 19.1 % of the repeated applications. There were 19 women (i.e. 27.9 %) and 4 minors (i.e. 5.9 %) among 68 applicants. In the case of the **Russian Federation**, there were 18 repeated applications (i.e. 31.6 %) among the total of 57 applications, there were 18 women (i.e. 31.6 %) and 15 minors (i.e. 26.3 %) among the applicants. The applicants from **Iraq** filed a total of 52 applications, among which 9 applications were filed repeatedly (i.e. 17.3 %), women (48.1 %) accounted for nearly half of the applicants and there were 10 minors (i.e. 19.2 %) among the applicants. A total of 5 applications were registered from the citizens of **Kazakhstan**, which were filed multiple

times (i.e. 13.2 %), women accounted for more than one third of the applicants (36.8 %). A total of 12 minors were registered (i.e. 31.6 %). **Turkey**, which came tenth in terms of the number of applicants, was notable for the fact that nearly all applicants were men (93.8 %). There were 4 minor applicants (i.e. 12.5 %). A total of 5 repeated applications (i.e. 15.6 %) were received from applicants from Turkey.

### Proceedings on Granting International Protection

In 2017, **a total of 1,508 decisions were issued by the MoI in proceedings on granting international protection and 578 decisions were issued in proceedings to extend subsidiary protection.** As of 31 December 2017, there were 811 persons registered in pending proceedings (i.e. persons on whose applications decision was not made yet).

In 2017, there was a slight year-on-year increase in the number of issued decisions (by 1.2 %). The MoI **granted international protection in the form of asylum or subsidiary protection to 147 foreign nationals** in that year. In comparison with the year 2016, there was a decrease in the number of persons who were granted international protection by 67.3 %. In 2017, **subsidiary protection was extended for another 393 persons.** In this respect, there was also a decrease in comparison with the year 2016, specifically by 23.8 %.

In 2017, international protection in the form of asylum was granted to 29 applicants, which represents a year-on-year decrease by 80.4 %. Asylum was most often granted to citizens of Ukraine (in 8 cases), besides that, asylum was obtained by 4 citizens of Myanmar, 3 applicants from each of the following countries: Azerbaijan, Syria and Turkey, 2 applicants from each of the following countries: Belarus and the Russian Federation, and one applicant from each of the following countries: Egypt, Ethiopia, Iraq and Morocco.

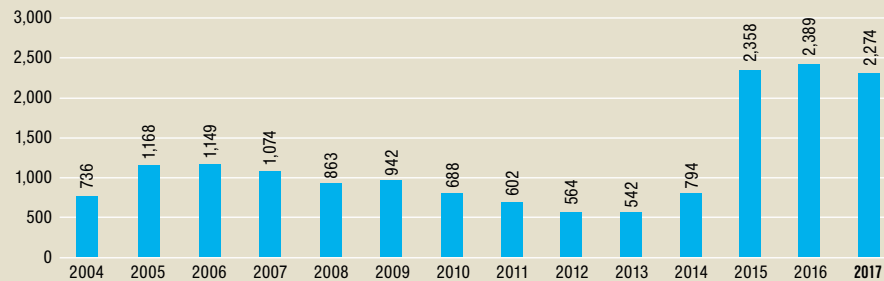
International protection in the form of **subsidiary protection was granted in 118 cases in 2017.** The number of granted subsidiary protections decreased by 60.9 % on a year-on-year basis. It was most often granted to citizens of **Syria** (34 persons), **Ukraine** (25 persons) and **Iraq** (13 persons). Subsidiary protection was extended in a total of 393 cases, most often for citizens of Syria (143), citizens of Ukraine (179), stateless persons (33), citizens of the Russian Federation (32), citizens of Belarus (25) and citizens of Iraq (25).

During the year 2017, **a total of 635 negative decisions** (i.e. 42.1 %) were issued in proceedings on granting international protection, in which it was decided not to grant international protection or in which an application was rejected as clearly unfounded. Proceedings were discontinued in 726 cases (i.e. 48.1 %).

### Application of the Dublin Regulation<sup>18</sup>

In 2017, the CR registered a total of **2,274 Dublin Cases**, which represented **an increase by 4.8 % in comparison with the year 2016.** During the period, **the most represented citizenship was Armenian citizenship** (520 persons), followed by **Georgian citizenship** (336 persons) and **Azerbaijan citizenship** (197 persons).

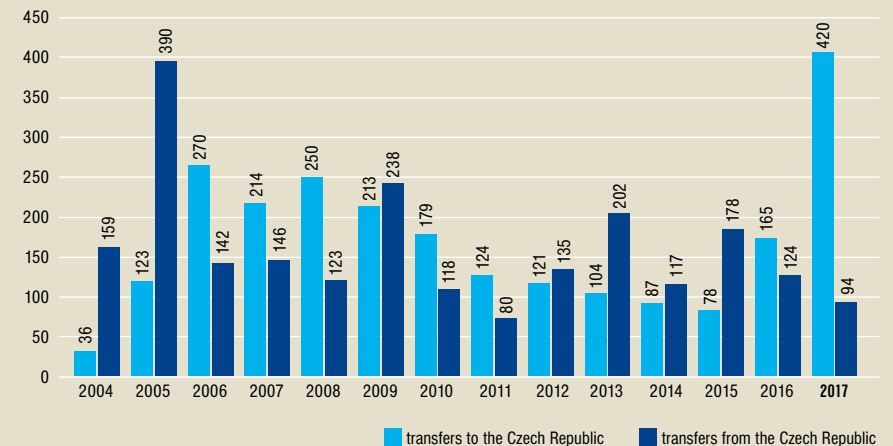
<sup>18</sup> The Dublin Regulation, Council Regulation (EC) No 604/2013, defines the criteria determining the Member State responsible for examining an application for international protection. These criteria include, for example, an issued visa or residence permit, the first application for international protection in the territory of the Member State or family ties.

**Chart 4:** History of Dublin Cases in the period 2004–2017

Source: MoI

Note: In the years 2012 through 2015, applications for information were not included in the statistics of Dublin Cases.

During the year 2017, **the CR received a total of 2,010 applications** from another Member State (an increase by 6.8 % in comparison with the previous year) **for reception or readmission of an applicant for international protection to the territory of the CR.** The highest numbers of these applications were received by the CR from **Germany** (1,073 applications), from **France** (410 applications), from **Austria** (160 applications) and from the **Netherlands** (110 applications). During the same period, the **CR sent a total of 264 applications** to another Member State (a decrease by 47.2 %) for reception or readmission of an applicant or a foreign national. The highest numbers of applications were sent to **Germany** (56 applications), **Poland** (45 applications) and **Italy** (36 applications).

**Chart 5:** Transfers carried out from and to the territory of the Czech Republic in the period 2004–2017

Source: MoI

Note: In the years 2012 through 2015, applications for information were not included in the statistics of Dublin Cases.

## 4.2 ASYLUM FACILITIES IN THE CZECH REPUBLIC

The **Refugee Facilities Administration of the Ministry of the Interior** is the operator of reception, accommodation and integration asylum centres. The Refugee Facilities Administration (SUZ) provides services to applicants for international protection and to foreign nationals who have been granted international protection in a total of eight asylum facilities of three types. **A reception centre (RC)** serves to accommodate foreign nationals until the procedures referred to in Sections 46 and 73 of the Asylum Act are completed. **An accommodation centre (AC)** serves to accommodate applicants for international protection until the time when the proceedings on granting international protection are finally completed. **An integration asylum centre (IAC)** serves to provide

temporary accommodation for recognised refugees and persons who have been granted subsidiary protection.

SUZ operates two reception centres, specifically the reception centre in Zastávka u Brna and the reception centre at the International Airport of Václav Havel Prague. It also operates two accommodation centres, specifically the accommodation centre in Havířov and the accommodation centre in Kostelec nad Orlicí.

In both types of facilities, food is provided in addition to accommodation services (the operator cooks meals or provides a regular financial contribution that also serves to help with cooking one's own meals). The role of social workers is irreplaceable, a balanced offer of leisure-time activities is available. The workers who are in direct contact with the target group work under expert supervision. Services of social nature are available to clients, a psychologist comes to visit the facility particularly to fulfil the needs of vulnerable persons.

As of 31 December 2017, **the total capacity of the reception and accommodation centres was 618 beds.**

For the sake of completeness, it needs to be added that applicants for international protection are legally able to apply for registration of their residence at a private address after leaving the reception centre and during the ongoing proceedings upon submitting a document as evidence of obtaining accommodation, they take advantage of this option in practice.

Integration asylum centres serve to provide temporary accommodation of those persons who have been granted asylum or subsidiary protection in the first stage of their integration, the maximum period of accommodation is defined as 18 months in the Asylum Act. Here, all accommodated recognised refugees and beneficiaries of subsidiary protection are

provided with assistance from a social worker, consultancy aimed at obtaining housing or employment, other integration activities and Czech language courses.

The Czech language courses are mandatory for the accommodated persons. Until the end of May 2017, these courses were provided by Parole s.r.o., a provider contracted by the MoEYS. After termination of the contract, SUZ provided the lessons under an agreement between the MoI and the MoEYS until the end of December 2017.

As of 31 December 2017, SUZ operated **a total of four integration asylum centres** where a total of 43 accommodation units with **the maximum capacity of 152 beds** are available to recognised refugees (they are assigned according to the size and nature of the accommodated families).

#### **Use of Accommodation Capacities in 2017**

In 2017, **a total of 1,329 newly arrived foreign nationals** – applicants for international protection /including new-borns born while the mother was staying in an asylum facility – came to asylum facilities. The citizens of **Ukraine** (392 persons, i.e. 29.5 %), **Georgia** (127 persons, i.e. 9.6 %), **Armenia** (125 persons, i.e. 9.4 %) and **Azerbaijan** (125 persons, i.e. 9.4 %) most often came to asylum facilities.

On the average, **16 % of the capacity of reception centres** was used. On the average, the extent to which **the capacity of the accommodation centres** was used was **74 %**, these data include only the persons physically staying in these facilities. If foreign nationals who are registered in the accommodation centres (but who are physically staying outside the accommodation centres) were also included, the extent of using the capacity of the accommodation centres would be 138 %. The physically staying clients used 52 % of the aggregate

capacity of the reception and accommodation centres and the registered persons used 92 % of this aggregate capacity.

Applicants for international protection accommodated in an accommodation centre have the option to leave the centre on a long-term basis at their request. In 2017, this option was used, on the average, by 47 % of the registered applicants for international protection.

With respect to the integration asylum centres (IAC), there were no changes in accommodation capacities during the year. The extent to which the capacity of the IACs was used hovered between 59 % in February and 35 and 36 % in the last months of the year. The occupancy rate of the IACs was characterised by a downward trend during the year. Persons originating from Iraq, Syria, Ukraine, Azerbaijan and Cuba were most often accommodated in IACs.

#### 4.3 INTEGRATION OF RECOGNISED REFUGEES AND BENEFICIARIES OF SUBSIDIARY PROTECTION

The integration of persons who were granted international protection is governed by the **State Integration Programme** (SIP). Legislatively, SIP is governed by Sections 68 through 70 of Act No. 325/1999 Coll., on Asylum. The current SIP was approved in a Government Resolution No. 954 of 20 November 2015 and entered into force on 1 January 2016. On 16 January 2017, the government approved the **updated version of SIP** in its Resolution No. 36. In addition to the binding principles of SIP, this Resolution provides that the Minister of the Interior will ensure the function of the general provider of integration services (GPIS) in 2017 and in the following years. Since January 2017, this provider with an overall responsibility for integration activities has been the Refugee Facilities Administration, which is, among other things, the operator of integration asylum centres. In its updated version, the programme is better able to respond to the needs of the integration process.

The goal of the programme is to continue to facilitate the process of integration of beneficiaries of international protection in the Czech Republic particularly with respect to Czech language lessons, entry into the labour market, housing, education of children and retraining.

The general provider of integration services under the State Integration Programme, i.e. SUZ, mediates the integration services to recognised refugees and beneficiaries of subsidiary protection throughout the territory of the CR. The general provider is responsible for coordinating and ensuring integration services for recognised refugees and beneficiaries of subsidiary protection in cooperation with other entities, which mainly include the relevant Ministries, municipalities, non-governmental non-profit organisations, churches, volunteers, employers, etc. The provider may ensure individual services through a third party on a subcontracting basis. As a result of the transition to the GPIS, the expected stabilisation of the provision of these services under SIP has been achieved.

All the assistance to, support for and cooperation of the eligible person is governed by **an individual integration plan**, which the provider prepares in close cooperation with the eligible persons and the workers of integration asylum centres. An integration plan is a basic document describing the integration objectives for a specific person and the course of integration in the following key integration areas: housing, employment, education and removal of the language barrier as well as the welfare and medical areas. These are activities that will lead to accomplishment of the defined goal. Finances for implementation and performance of the activities are drawn from a special budget and the duration of the cooperation on the implementation of the plan is 12 months. The plan also includes providing the eligible person with material equipment, which is paid from the budget according to pre-set limits.

In 2017, a total of **101 eligible persons** joined SIP. During the year, a total of 104 new individual integration plans were prepared for a total of 180 beneficiaries of international protection. At the same time, the general provider made 78 updates to the plans created in the year 2016. From the finances in the amount of 46.5 million CZK allocated to SIP in the year 2017, the amount of CZK 8,824,000 was used to provide integration services. Direct costs of services, accommodation and equipment for the eligible persons accounted for the largest part of this amount, other costs included payments for integration services to non-profit organisations.

## 5 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

In 2017, **26 unaccompanied third-country minor nationals** were placed in the specialised Facility for Children-foreigners. **From among them, 7 persons applied for international protection in the CR.**

In 2017, children from **Afghanistan (14 persons)** and **Vietnam (4 persons)** most often stayed in the Facility for Children-foreigners.

In 2017, **the care system for unaccompanied minors (UAMs) was fully supported in the CR.** Emphasis was placed particularly on **individually examining the situation of each minor child and on setting up high-quality professional care with the objective of timely integration.**

Regular meetings of what is referred to as the “expert group”, which responds to the current situation of unaccompanied minors in the CR and tries to provide suggestions for legislation governing the issues of minor foreign nationals, continued to be held. In 2017, the main topic was **verification of the age of unaccompanied minors and the search for an optimum and non-invasive method of finding out the chronological age of a client.**

## 5.1 UNACCOMPANIED MINORS

In this field, the Czech Republic follows the *Policy for Protection and Care of Unaccompanied Minor Foreign Nationals, Including Applicants for International Protection*, which was adopted in 2012. This policy defined the rules for treatment of UAMs who arrive in the territory of the Czech Republic without a legal representative and also defined the system of care and the conditions for the integration of this group.

To take care of unaccompanied minors, the CR has a unique site – the **Facility for Children-foreigners (ZDC)**, which provides care to children who are not citizens of the CR and meet the conditions defined by the Act on the Social-Legal Protection of Children. The site provides full direct custody, therapeutic and support services, education, intensive work on the integration process and preparation for future self-reliant life.

In 2017, neither the practices nor the legal status of unaccompanied minor applicants in the proceedings on granting international protection changed over the last year. In recent years, there has been no change in the legislation, policies or practices, which directly impact the issue of the status of UAMs after conclusion of the proceedings on their application for asylum or, as the case may be, another residence status in the Czech Republic. Perhaps the only matter worth mentioning is the amendment to the Act on the Residence of Foreign Nationals, which explicitly accentuated the role of the child's interest: the child's interest is explicitly stated in the Act on the Residence of Foreign Nationals as an element, which needs to be taken into account in the proceedings on administrative expulsion of a minor foreign national or on his or her possible detention in a facility for detention of foreign nationals.

According to the *Policy for Protection and Care of Unaccompanied Minor Foreign Nationals* from the year 2012, UAMs are to be placed primarily within the normal network of foster care (family foster care and foster

care in institutions – children's homes or facilities for children needing immediate help) and the special Facility for Children-foreigners should only be used in exceptional and problematic cases where it is necessary to verify the declared age of an UAM or where UAMs come from a completely different cultural and social background or where they are burdened with traumatic experiences (war conflicts and the like) and do not understand and speak Czech. However, in most cases, children of foreign nationals are mainly placed in the aforementioned special Facility for Children-foreigners.

In September 2015, due to the growing number of received UAMs as a result of the migration crisis, the MoEYS adopted a document titled *Information Concerning Unaccompanied Minors in Facilities for Institutional or Protective Education and Preventive-Educational Care*. Based on this document, the MoEYS consolidated a new system of care for UAMs. New sites were appointed under the methodological guidance of the Facility for Children-foreigners, which are responsible for providing a long-term care to unaccompanied minor foreign nationals.

In 2017, the existing system of care of UAMs in the CR was fully supported. Emphasis was placed particularly on individual examination of the issues of individual unaccompanied minor children and on setting up high-quality professional care with the aim of achieving timely integration. Cooperation of ZDC and subsequent facilities was supported under the methodological guidance and some joint training events for the employees of all facilities also took place. Such events included the final seminar of the Erasmus+ project where the employees of ZDC acquainted their colleagues from other facilities working with UAMs, some non-profit organisations and the Social-legal Child Protection Authority (OSPOD) with the outputs and experiences from practical visits and the seminars of Italian organisations working with UAMs.

In 2017, the system of volunteering and host care of UAMs was further developed in cooperation with the ZDC and the non-profit sector.

The work of what is referred to as the “expert group”, that is, regular work meetings of experts from various Ministries participating in the work with UAMs, is an important element of care of the UAMs in the CR. In 2017, meetings were held by this group, which responds to the current situation of UAMs in the CR and tries to provide suggestions for legislative changes pertaining to the issues of unaccompanied minor foreign nationals. The main topic of the meetings was verification of the age of UAMs and the search for an optimum and non-invasive method of finding the chronological age of a client. Besides addressing the current problems with a focus on individual unaccompanied minor foreign nationals, policy-related matters were also discussed so that the care of UAMs in the CR is primarily in the best interest of the child. On this platform, contributions from foreign educational stays, conferences and seminars were often presented and were valuable sources of information for further work of the experts and for updating the policy for care of UAMs in the CR.

In the field of the protection of the rights of unaccompanied minor foreign nationals, the MoEYS concentrated on supporting implementation of the methodological material for social-legal child protection authorities titled “*Methodological Recommendation of the MoEYS No. 1/2016 on the Course of Action of the Municipal Offices of Municipalities with Extended Powers in Providing Social-legal Protection of Children to Unaccompanied Minor Foreign Nationals*” through consultations for social-legal child protection authorities through the Prague City Hall and regional offices with an emphasis on the latest developments in the standards of protection of unaccompanied minor foreign nationals at the level of the European Union, Council of Europe and the United Nations Organisation.

Basic information on support of the integration of foreign nationals and on prevention of undesirable phenomena, including the possibility of provision of the services of an interpreter for social and other public matters and the contact information of organisations providing the services of an interpreter for social and other public matters, was included in the General Manager’s Guideline No. 16/2017 – Procedure and Instructions for Implementing the Employment Policy for Foreigners, which serves as a methodological basis for the workers of the Employment Agency of the CR in the field of employment of foreign nationals.

### Statistics

In 2017, **26 third-country unaccompanied minor foreign nationals** were staying in the specialised ZDC (this number amounts to dozens of persons every year), **7 third-country unaccompanied minor children** applied for international protection in the same year (the number of third-country unaccompanied minor applicants applying for international protection is only a single-digit number every year). In comparison with the year 2016 (4 unaccompanied minor foreign nationals applying for international protection), there has been a slight increase. In comparison with the other Member States, these are still very low numbers.

According to the figures for the last three years (2015, 2016 and 2017), it is true that most third-country unaccompanied minors staying in the CR are older than 15 years but they are not close to reaching legal age. Males clearly predominate. In 2017, it was mostly children from Afghanistan (14 persons) and Vietnam (4 persons) who were staying in the Facility for Children-foreigners.

**Table 5:** The numbers of unaccompanied minor foreign nationals who applied for international protection in the period 2007–2017

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016 <sup>19</sup>	2017 <sup>20</sup>
Number of unaccompanied minors applying for international protection	56	36	9	4	8	5	2	6	14	4	7

**Source:** DAMP (for the period 2007–2015), Facility for Children-foreigners (for the years 2016 and 2017)

## 5.2 OTHER VULNERABLE GROUPS OF PERSONS

As concerns proceedings on granting international protection, persons with health issues, seniors, pregnant women, single parents with a minor child, persons with a mental disorder and persons who were subjected to abuse, rape or another serious form of mental, physical or sexual violence, as well as unaccompanied minor foreign nationals and victims of human trafficking belong to what is referred to as “vulnerable groups” according to Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (Reception Directive). The Czech Republic has always paid great attention to vulnerable groups in the procedure for granting international protection as well as in other procedures.

<sup>19</sup> This number may not be complete for the CR, this is the number of children who were placed in the Facility for Children-foreigners and applied for international protection in this facility in 2016.

<sup>20</sup> This number may not be complete for the CR, this is the number of children who were placed in the Facility for Children-foreigners and applied for international protection in this facility in 2017.

The Czech Republic also concentrates on persons who are at risk of human trafficking and focuses on prevention in this field. For victims of human trafficking younger than 18 years, the Czech Republic has a special system of assistance in place, which is within the terms of reference of the Ministry of Education, Youth and Sports. The offices of OSPOD, which protect the rights and defend the interests of a vulnerable child, also play an important role in addressing the situations of child victims of human trafficking. The topic of human trafficking is covered in greater detail in Chapter 6.

Increased attention continued to be paid to the integration of foreign nationals in vulnerable positions, particularly children of foreign nationals and young people, foreign women and seniors.

## MEASURES AGAINST HUMAN TRAFFICKING

In 2017, **24 persons** were prosecuted for human trafficking and **14 persons** were convicted of this crime in the same year. In the long-term, the CR has witnessed a visible decrease in the number of victims coming from third countries and, conversely, an increase in the number of victims from among EU citizens.

In 2016, the **National Strategy of Combatting Human Trafficking in the Czech Republic for the Period 2016–2019** was adopted. This document defined a total of 13 strategic tasks/priorities. Beyond the priorities, this strategy defines cross-section priorities for the approach to the issues of human trafficking, specifically a gender-specific approach to the victims of human trafficking, and an especially sensitive approach to those victims who were subjected to particularly serious means of coercion, as well as a specific approach to victims in a more vulnerable position such as persons from socially marginalised locations and migrants.

In 2017, a total of **14 victims of human trafficking from among third-country nationals** (in addition to 10 persons from the EU countries) were included in the special **Programme for Support and Protection of Victims of Human Trafficking** operated by the Ministry of the Interior.

The Czech Republic is aware of the importance of combat against human trafficking. It follows what is referred to as **4P: prevention, providing support for victims, prosecution of perpetrators and partnership**. In its Resolution No. 360 of 27 April 2016 on the national Strategy of Combatting Human Trafficking in the Czech Republic for the Period 2016-2019, the Government of the CR approved the **National Strategy of Combatting Human Trafficking in the Czech Republic for the Period 2016–2019** (this is the fifth strategic document in this field, hereinafter referred to as the “Strategy”) and tasked the members of the Government of the CR to carry out the measures arising from the Strategy, which fall within their purviews. At the same time, the Government tasked the Minister of the Interior to present a draft of the National Strategy of Combatting Human Trafficking in the Czech Republic for the following period, including the evaluation of the Strategy for the period 2016 through 2019, to the government by 31 March 2020. The Strategy, as well as the annual Report on the Human Trafficking Situation in the Czech Republic, contains detailed evaluation of the situation and performance of partial tasks. The priorities of the Strategy are combatting labour exploitation, prosecuting perpetrators and combatting human trafficking of children.

In the context of the priorities mentioned above, several key tools for their achievement were identified, which consist particularly in increasing the sensitivity of the involved actors and the general public to the issue of human trafficking and, building on that, in improving identification of victims. Other tools include systematic education and increasing general awareness of this crime, its forms and the system for assisting victims. In the context of sporadic occurrence of certain forms of human trafficking in the territory of the Czech Republic and the forms, for which there is no working experience with interpretation of the laws, another key tool is to coordinate the course of action in the combat against these “new” forms of human trafficking. Last but not the least, one of the tools is to strengthen cooperation not only

on a multidisciplinary level but on all levels (with a special focus on strengthening the regional level).

According to the Act on Victims of Crimes (No. 45/2013 Coll.), victims of human trafficking are considered to be an especially vulnerable group of persons, which need to be treated in a sensitive and special manner. The National Reference Mechanism is configured accordingly.

There is a **Programme of the Ministry of the Interior of the Czech Republic for Support and Protection of Victims of Human Trafficking** (hereinafter referred to as the "Programme") for victims of human trafficking older than 18 years, for EU citizens trafficked in the territory of the CR, for third-country nationals trafficked in the territory of the CR as well as for CR citizens trafficked in the territory of the CR or abroad. The Programme is a measure created to provide victims of human trafficking with support and appropriate protection based on individual risk assessment.

In 2017, a total of 24 probable victims of human trafficking were included in the Programme (this represents an increase by 10 persons in comparison with the year 2016). The victims came from Moldova (5), Ukraine (5), Nigeria (1), Philippines (2), Vietnam (1), the Slovak Republic (1) and the Czech Republic (9). There were seventeen cases of labour exploitation and seven cases of human trafficking for sexual exploitation. The ages of the victims were between +20 and 53 years. For the first time since the Programme was created and data started to be recorded and evaluated under the Programme, male and female citizens of the CR (a total of 9 persons, 4 men and 5 women) represented the largest group of persons included in the Programme.

The key objective of the Programme is the humanitarian dimension of assistance to and protection of victims of human trafficking. Under the Programme, the victims of this serious crime are offered accommodation,

psychological-social and medical assistance, interpretation services, legal assistance, lawyer services, assistance in searching for a job, the option to legalise the victim's residence and a dignified return to the victim's country of origin. Nevertheless, its purpose is also to obtain relevant information on the criminal environment that may lead to exposing, convicting and sentencing perpetrators. All the victims included in the Programme showed interest in pressing charges at the relevant unit of the PCR to initiate investigation into their cases.

There were no major changes in the situation in human trafficking during the year 2017 as compared with the previous year. Sexual and labour exploitations were still the most frequent forms of human trafficking. However, there were also mixed cases where the forms are combined, including forced marriages or coercion to perpetrate crimes.

Information on the number of persons included in the Programme does not reflect the overall situation in human trafficking in the Czech Republic. The Programme needs to be perceived merely as one of the possible measures for victims of human trafficking. Since 2003, a total of 228 probable victims of human trafficking were included in the Programme.

Voluntary returns of 5 persons to their country of origin (Moldova) were carried out through the Voluntary Returns Programme, which is a part of the Programme.

Costs amounting to CZK 1,188,583.60 were spent on the aforementioned activities performed under the Programme in 2017.

### **Preventive Activities and Educational Events in 2017**

Support of preventive activities and educational measures is an important part of the Programme. Extensive preventive actions to raise awareness of human trafficking are carried out with the financial support of the MoI

every year. In 2017, the non-governmental non-profit sector carried out a campaign financed by the MoI, with a focus on trafficked and exploited persons and on persons who are at risk of being trafficked and exploited. Non-governmental organisations also carried out field surveys in order to analyse the environment, seek out and inform potential victims in the territory of the CR.

Cooperation of the involved entities contributes to effective combat against human trafficking. A meeting of the **Interdepartmental Coordination Taskforce for Combatting Human Trafficking** was held in 2017. This coordination taskforce serves as a platform for exchange of information among the members of the interdepartmental taskforce and for coordination of activities in the combat against human trafficking at the national level. The members of this taskforce, which include governmental as well as non-governmental organisations, provide input for the annual report on the situation of human trafficking in the CR<sup>21</sup>.

The Czech Republic also cooperates with significant source countries and international organisations (OSCE<sup>22</sup>, ICMPD<sup>23</sup>, DCAF<sup>24</sup> etc.). It also actively participates in the sessions of the platform of National Rapporteurs and Equivalent Mechanisms, which are organised by the European Commission and the EU Member State currently holding the presidency twice a year. In the field of police cooperation, Joint Investigation Teams (JITs<sup>25</sup>) are used abundantly and there is also cooperation with established platforms such as EMPACT<sup>26</sup>/ETUTU<sup>27</sup>.

<sup>21</sup> [Please find here more information about the situation of human trafficking in the CR.](#)

<sup>22</sup> *Organization for Security and Co-operation in Europe*

<sup>23</sup> *International Centre for Migration Policy Development*

<sup>24</sup> *The Geneva Centre for the Democratic Control of Armed Forces*

<sup>25</sup> *Joint Investigation Teams*

<sup>26</sup> *European Multidisciplinary Platform against Criminal Threats*

<sup>27</sup> ETUTU was created as a sub-project of EMPACT in 2012 and its goal is to combat human trafficking in connection with the citizens of Nigeria. The leading state of this project is Germany.

## Statistics

In 2017, **24 persons** were **prosecuted** by the Police of the Czech Republic and **14 persons** were **convicted** of human trafficking in the same year.

**Table 6:** The number of persons prosecuted for and convicted of human trafficking in the period 2012–2017

Year	2012	2013	2014	2015	2016	2017
Number of persons prosecuted for human trafficking*	31	25	16	12	23***	24
Number of persons convicted of human trafficking**	11	20	6	19	8	14

Source: \* The Police Presidium, \*\* The Ministry of Justice

\*\*\* In 2016, there was an extensive reconstruction of the Crime Tracking Statistical System carried out, therefore, it is not possible to compare the number of persons prosecuted for human trafficking in that year with the numbers from previous years.

## Crime of human trafficking in relation to foreign nationals

The crime of human trafficking did not see any major changes in 2017 as compared with the previous year. It was not proved in 2017 that illegal migrants were subjected to human trafficking.

## INTERNATIONAL COOPERATION AND PROJECTS CONCERNING MIGRATION AND ASYLUM

Based on a decision of the Government of the CR, the support under the *Programme of the Ministry of the Interior for Assistance to Refugees in Regions of Origin and for Prevention of Large Migration Flows (the „Aid in Place“ programme)* was increased to **150 million CZK** in 2016. The budget of the Programme remained the same in 2017. The assistance and support, which is complementary to the provision of humanitarian aid abroad within the purview of the MoFA is directed particularly to third countries with the purpose of providing refugees with direct support as well as providing support for building capacities for dealing with the issues of refugees and migration in the host states.

Furthermore, **emergency foreign aid** in the amount of **27.9 million CZK** was provided **from the budget of the Ministry of the Interior** in 2017 (based on the developments in migration flows, the special financial aid to handle migration was directed to Africa in 2017).

Implementation of the MEDEVAC programme continued in 2017. This programme is focused on providing professional medical care to vulnerable groups of inhabitants in regions affected by a refugee crisis or a natural catastrophe, specifically in **ten countries**, which reflect its territorial priorities. In the Middle East, the programme was operated in Jordan, Iraq and a new planning mission to Lebanon was carried out. In Africa, the programme operated in Morocco and

Senegal, a planning mission to Ethiopia was also carried out. The MEDEVAC programme has been operating in Ukraine on a systemic and long-term basis, minor projects were implemented in Nepal and Cambodia.

During the year 2017, a total of **307 members of Czech compatriot communities in Ukraine** arrived in the CR under the *Programme for Providing Assistance to Czech Compatriots*.

### 7.1 INTERNATIONAL COOPERATION AND PROJECTS

The international cooperation of the CR in migration-related issues continued in 2017 particularly in the form of cooperation at the level of individual bodies of the European Union, including their agencies such as the European Border and Coast Guard Agency (FRONTEX) and the European Asylum Support Office (EASO). The Czech Republic also concentrated on strengthening the practical and operational cooperation in all aspects of migration, asylum and the protection of state borders on a bilateral level as well as on a multilateral and Union level.

At the level of the European Union, the Czech Republic continued to participate in developing and implementing the instruments of the Global Approach to Migration and Mobility (GAMM) representing a strategic framework of the external migration policy of the European Union, this was carried out primarily through the Prague Process, which represents the main multilateral migration dialogue. In order to implement its priorities in asylum and migration, the Czech Republic also closely cooperated with international organisations, with the International Organisation for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and the Office of the UN High Commissioner for Refugees (UNHCR). In 2017, the Czech Republic held the presidency of the ICMPD Steering Group.

Besides the southern dimension, the development of the eastern and south-eastern dimension of GAMM was of fundamental importance to the CR, particularly through the Prague Process, which represents the main multilateral dialogue about migration. The CR, Poland, Hungary and Lithuania were the leaders of the Prague Process in what is referred to as the “Strategic Group”, which determined and managed the key activities of the process. The Prague Process is the main multilateral migration dialogue of the EU with the eastern and south-eastern neighbours of the EU. At a ministerial conference held in Bratislava in September 2016, the creation of a Prague Process Training and Analytical Centre was approved, which will make use of the results of the projects implemented up until now for practical trainings. In 2017, preparations for the creation of this centre were taking place, the centre will be based in Vienna from the year 2018 onwards next to the secretariat of the Prague Process.

On 19 September 2016, the UN General Assembly approved the New York Declaration for Refugees and Migrants, which started a two-year process of intergovernmental discussions about two legally non-binding documents, the Global Compact for Migration and the Global Compact for Refugees. During the year 2017, a total of six informal consultations on both compacts took place with the participation of the CR where a wide range of migration and refugee topics were discussed. The formal intergovernmental discussions about specific drafts of the Global Compact for Migration and the Global Compact for Refugees started in late 2017 and will be concluded in autumn 2018.

### Prague process

The *Prague Process* was founded at a ministerial conference that was held in Prague on 28 April 2009. It is an intergovernmental, state-controlled dialogue on migration, the participants of which are 50 states, institutions of the European Union and selected international organisations. During this conference, the attending states adopted a *Common Declaration*

on *Migration* regarding the principles and measures supporting close cooperation in the field of migration.

Up until now, the Prague Process was led by Poland with the support of the Czech Republic, Hungary, Slovakia, Romania, Germany and Sweden. Poland waived leadership of the process at the end of the year 2016 and sent the Minister of the Interior of the Czech Republic a request to take the lead. The Czech Republic responded by proposing setting up a strategic group of states where the presidency would rotate on a regular basis. On 12 December 2017, the new governance structure called a Strategic Group was presented in Warsaw at the latest Senior Officials Meeting (SOM<sup>28</sup>). The creation of this group was inspired by other migration dialogues where the goal was to distribute the control functions among more participants than just a single presiding state. At the latest SOM, the third phase of the Prague Process was also presented, which was agreed to by all Member States. The new phase of the Prague Process started in January 2018 and is called “Prague Process: Dialogue, Analysis and Training (PP DATA)”. In connection with the new phase of the process, a Training and Analytical Centre of the Prague Process was set up based on the approval given at the ministerial conference in Bratislava in September 2016. This centre will be providing training for officials from partnership countries in individual areas of migration policy. 2 trainings for migration experts from third countries are planned for the year 2018, the first one will pertain to asylum procedure and the second one will pertain to illegal migration. At the same time, a network of experts in partner countries is being built in order to ensure high-quality collection of data for the Migration Observatory.

<sup>28</sup> Senior Officials Meeting

### Mobilaze project with Azerbaijan

In 2015, the *MOBILAZE*<sup>29</sup> project was launched in cooperation with Azerbaijan. This project is divided into five components: a) monitoring and analysing migration movements, b) management of work-related migration, c) combat against illegal migration, d) asylum policy, e) returns and reintegration. The Azerbaijan State Migration Service, the Border Guard Service, the Ministry of Labour and Social Protection, the Ministry of Education, the Baku State University, regional and local authorities, non-profit organisations as well as private persons are mainly involved in this project. As part of the second component, in order to improve the public awareness of mobility between Azerbaijan and the EU, an Information Brochure on the possibilities of studying in the EU was presented at the International Education Exhibition in Baku on 6 – 8 October 2017. The exhibition also included professional consultations with the participation of experts from the Czech Republic and other Member States. As part of the third component, two support pilot trainings of experts focused on the first stage of adoption of documents took place with the participation of EU experts from the Czech Republic and other Member States in September and October 2017. Also, a practical manual was created in cooperation with experts from Lithuania, the Netherlands and the Czech Republic, the initial focus of which is on the state-of-the-art techniques of checking documents and on professional training techniques and practices.

### European asylum support office (EASO)

In 2017, the key activities of the European Asylum Support Office (EASO) continued to include particularly the operational and technical support of the asylum systems in selected EU Member States – primarily in Greece and Italy where the assistance from the EASO continued in connection

<sup>29</sup> *Mobility Partnership with Azerbaijan*

with implementation of the relocation programme. In Italy, the support was also concentrated on increasing the capacities for registration of the applications for international protection or providing support for the Dublin Regulation where cooperation has been strengthened. In connection with the declaration of the EU and Turkey of 18 March 2016, the EASO also continued to provide assistance in proceedings on international protection, that is, in conducting interviews about admissibility and eligibility of applications for international protection filed by persons who arrived by sea to Greek islands from Turkey after 20 March 2016.

The CR participated in the activities of the EASO not only by attending the meetings of the EASO Board and other expert meetings concerning the aforementioned partial activities of the office but also by sending national experts whom the CR has been actively sending to Greece and Italy since autumn 2015. In 2017, the CR sent a total of 25 national experts, specifically 17 experts to Italy and 8 experts to Greece, as part of the aforementioned activities of the EASO.

In 2017, the EASO continued to carry out its duties arising from the current mandate, which entrusts the office with a supporting role for Member States particularly in harmonisation of the Single European Asylum System, for example, as concerns the reception conditions, improvement of the quality of asylum procedures, assessment of vulnerability, Dublin Cases or preparation of shared information on countries of origin. The EASO also intensively concentrated on training national experts in the partial areas of its purview. In this context, 17 Czech national experts received training in 2017, mainly in the fields of the Dublin Regulation, international protection, fundamental human rights, country of origin information, reception procedures, interviewing techniques as well as inclusion and exclusion.

On 19 June 2017, EASO Info Day was organised in the presence of DAMP officials. At this event, the current aforementioned EASO activities were

presented and information was presented for officials from among the MoI officials who might be interested in being sent to Greece and Italy as part of the EASO activities.

## 7.2 HUMANITARIAN PROJECTS, RESETTLEMENT, RELOCATION

### Assistance abroad

In response to deterioration of the security and humanitarian situation in the immediate surroundings of the EU, associated mainly with the armed conflict in Syria, the Government of the CR approved the creation of a permanent **Programme of the Ministry of the Interior for Assistance to Refugees in Regions of Origin and for Prevention of Large Migration Flows** (hereinafter referred to as "Aid in Place") in January 2015. In autumn of the same year, the government approved the more general Policy of the Ministry of the Interior for Assistance to Refugees and States under Strong Migration Pressure, which formulates the general framework within which the Ministry of the Interior is carrying out and will carry out its future activities relating to the external dimension of migration. The implementation particularly takes on the form of assistance to refugees and those states, which are under strong migration pressure.

Under the programme Aid in Place, the MoI sends financial donations abroad, which are intended particularly to help refugees directly on the site of their initial displacement and those states, which host a large number of refugees or face them as transit countries. In 2015, when the migration crisis was culminating particularly in the region of the Near East, the Ministry of the Interior allocated a total of 100 million CZK to the projects involving support of refugees. Thus, the Czech Republic manifested solidarity directly with refugees who were provided with the basic care as well as with the states facing large migration

pressure and, with its part, contributed to mitigation of the escalated migration situation.

However, the needs of refugees and the states hosting migrants in their territories still persist and they are even more urgent due to the protracted conflict in Syria and its surroundings – according to the UNHCR data, up to 13 million Syrians still need assistance and a long-term and more comprehensive approach is required to resolve their situation. The amount of aid in 2016 was increased to 150 million CZK by a decision of the Government of the CR with regard to the migration situation, and along with the emergency donations from the budget of the MoI for emergency events, there were 200.7 million CZK donated in connection with migration in 2016. In 2017, the programme Aid in Place had the budget of 150 million CZK and, in addition to that, ad hoc donations were made in the amount of 27.9 million CZK from the budget of the MoI. As a result, a total of 177.9 million CZK was spent on the projects associated with migration. The priority areas of the programme Aid in Place in 2017 included the region of the Near East and the region of West Balkan, with regard to the current developments in migration flows, projects were also implemented in Africa. In 2018, it is planned to donate another 150 million CZK under the programme Aid in Place.

### List of donations under the programme Aid in Place in 2017

#### Priority 1 – the Region of the Near East

##### Jordan

- **40 million CZK to support the Office of the UN High Commissioner for Refugees (UNHCR) in further development of the Azraq refugee camp in Jordan**

The goal of the project was to improve the quality of life in the Azraq refugee camp by building infrastructure. This was an addition to the project from the year 2016 – extension of and repair to shelters for 31,000 inhabitants of the camp. The donation was a part of a Czech-German project in Jordan, negotiated by Bohuslav Sobotka, the Prime Minister, and A. Merkel, the Chancellor. The project was started in June 2017 and completed in December 2017.

- **15 million CZK to support the government of Jordan in building a training centre for asylum policy and asylum procedure and purchasing the related technology**

This financial donation made it possible to build a training centre for asylum policy and asylum procedure and to purchase the related technology. This centre was identified by the Jordan authorities as the priority for the year 2017. The donation was made under the assumption that this national contribution will be combined with the project of the Visegrad Group countries, which is in preparation in cooperation with the ICMPD and the EASO.

### Iraq

- **20 million CZK to support reconstruction of the infrastructure in the liberated areas and stabilisation of the most vulnerable groups of population**

The financial donation for Iraq went to the area, which was hit by a large influx of refugees and internally displaced persons, and was equally divided between the territory under the control of the central government and the area under the administration of Iraqi Kurdistan. The Duhok governorate situated in Iraqi Kurdistan received a donation of 10 million CZK to finish the construction of a centre for mentally ill children and the district of Al-Hamdaniya received

10 million CZK, through the Reconstruction Fund of the Republic of Iraq for Areas Affected by Terrorist Operations (REFAATO), to reconstruct and complete the construction of an electric grid and to reconstruct a medical facility. The projects are to be completed in July 2018.

### Priority 2 – the Region of West Balkan

#### Republic of Macedonia

- **28 million CZK to enhance the asylum and migration system in connection with addressing the migration situation**

A large part of the CR's financial donation in the amount of 27 million CZK was given to the Ministry of the Interior of the Republic of Macedonia for purchase of vehicles for the purposes of the Macedonian border police. A smaller part of the financial donation in the amount of 1 million CZK was given to the Ministry of the Interior of the Republic of Macedonia for technical equipment of asylum infrastructure as part of the assistance and support organised by the UNHCR. The ceremonial hand-over of 45 Škoda Octavia automobiles took place on the premises of the Macedonian Ministry of the Interior on 14 December 2017.

#### Republic of Serbia

- **27 million to enhance the asylum and migration system by developing the local asylum infrastructure**

This financial donation was intended to help with enhancing the Serbian immigration system by developing the local asylum infrastructure. This specifically includes mainly the costs associated with extending and upgrading the infrastructure of Serbian asylum facilities and

reception centres (procurement of software and technological equipment, direct material aid to migrants and asylum applicants), financing an educational trip of Serbian experts on migration to the CR and exchanging employees for a certain period of time to gain new professional experience. It is expected that the finances will be used until the end of the year 2018.

### Emergency international aid from the budget of the Ministry of the Interior

#### Côte d'Ivoire

- **27 million CZK for a joint Czech-Italian project to stabilise the situation of the inhabitants of Côte d'Ivoire** (20 million CZK from the project budget and 7 million CZK from the budget of the MoI)

The MoI of the CR and the Italian Republic initiated implementation of a joint project in the Republic of Côte d'Ivoire, which is one of the main countries of origin of the migrants heading to Europe. The intention is mainly to improve the registration of inhabitants and the position of stateless persons in Côte d'Ivoire in order to contribute to stabilisation of the migration situation in the entire region of West Africa. The target group is 700,000 stateless persons and people who are at risk of becoming stateless. The project will also focus on the re-integration of 15,000 migrants from Côte d'Ivoire who returned to their country of origin. The project will also include improvement of access to medical care and water sources as well as prevention of sexual violence. The project was launched in November 2017 and its completion is expected in December 2018. Implementation of the project has been entrusted to the Office of the UN High Commissioner for Refugees.

#### State of Libya

- **a voluntary contribution of 24 million CZK to the Emergency Trust Fund for Africa (North African window) to support the programme implemented by the Italian Ministry of the Interior concentrating on strengthening the functionality of the Libyan Coast Guard** (20.9 million CZK in the form of ad hoc aid from the budget of the MoI and 3.1 million CZK from the budget of the Government of the CR)

This is a response to the results of the session of the European Council held on 22 and 23 June 2017 where the continued increased migration pressure in central Mediterranean was discussed. The CR also offered specific assistance to Italy in the form of deployment of a contingent of police officers who will assist in implementation of return operations or other direct assistance to address the current situation, for example, assistance with construction of facilities for detention of foreign nationals. The CR had already donated the amount of 40 thousand EUR to strengthen the Libyan Coast Guard last year.

### The programme of humanitarian evacuations of inhabitants with health issues – Medevac programme<sup>30</sup>

The MEDEVAC Programme is focused on providing professional medical care to vulnerable groups of inhabitants in regions affected by a refugee crisis or a natural catastrophe. In 2017, the Programme was implemented under Resolution No. 956 of the Government of the Czech Republic of 20 November 2015 through the following activities and projects: teams of physicians were sent abroad, medical staff was trained, medical-humanitarian evacuations of persons to be treated in the CR

<sup>30</sup> Medical Evacuation

were carried out, and financial donations were made abroad to support and develop the medical infrastructure in countries affected by war and humanitarian or natural catastrophes.

In 2017, the MEDEVAC Programme was implemented in ten countries, which reflected its territorial priorities. In the Near East, the programme was operated in Jordan and Iraq, and a new planning mission to Lebanon was carried out. In Africa, the programme was operated in Morocco and Senegal, a planning mission to Ethiopia also took place. The MEDEVAC Programme has been operating in Ukraine on a systemic and long-term basis, smaller projects were implemented in Nepal and Cambodia.

A total of 6 Czech hospitals under direct jurisdiction of the Ministry of Health participated in the Programme in 2017, specifically the Motol University Hospital, the General University Hospital in Prague, the Na Bulovce Hospital, the Olomouc University Hospital, the Hradec Králové University Hospital, the Královské Vinohrady University Hospital and, finally, the Military University Hospital, which is under direct jurisdiction of the Ministry of Defence.

#### **Summary of the implementation of the MEDEVAC Programme in 2017:**

- 19 medical teams were sent abroad with the participation of 6 Czech hospitals (the Motol University Hospital, the General University Hospital in Prague, the Na Bulovce Hospital, the Olomouc University Hospital, the Hradec Králové University Hospital and the Military University Hospital),
- 957 expert surgeries were carried out abroad (ophthalmology, traumatology, orthopaedics, reconstructive and plastic surgery, children's cardiac surgery, gynaecology, ENT),

- 935 patients who underwent surgery (from Jordan, Iraq – the Kurdistan Region of Iraq, Senegal, Morocco and Cambodia),
- more than 1,500 expert examinations with diagnostics were carried out,
- 210 non-invasive procedures were carried out,
- 6 reconnaissance trips abroad were made to prepare the future missions of the MEDEVAC Programme in the given country (Iraq – the Kurdistan Region of Iraq, Lebanon, Ukraine, Morocco, Senegal, Ethiopia),
- 1 medical humanitarian evacuation of a person to be treated in the CR from Ukraine,
- 3 internships of foreign male physicians, female physicians and medical staff in Czech hospitals for a total of 11 persons,
- 1 visit paid by foreign physicians in the CR as part of preparations for future missions,
- partnership of the MEDEVAC Programme for the 2017 Prague Surgery Days conference,
- participation of the MEDEVAC Programme in the 2017 Prague Night of Museums,
- 2 financial donations totalling 9 million CZK for equipment of hospitals and training of physicians in Mosul, Iraq (Caritas, CARE).

The total costs of implementing the MEDEVAC Programme in 2017 reached nearly **62 million CZK**.

## Relocation

As of 26 September 2017, the deadline for asylum applicants to qualify for the relocation mechanism of the EU, which was set up as a temporary measure by two decisions of the EU Council in September 2015<sup>31</sup> and which aimed to redistribute a total of 160 thousand applicants for international protection from Greece and Italy among the EU Member States. For the CR, **this relocation quota was 2,691 persons**. By the given deadline, a total of 32,689 asylum applicants (21,524 persons from Greece and 10,842 persons from Italy) were relocated through this mechanism, which represents a 20% success rate. As part of the relocation programme, the CR received 12 persons from Greece. No person was received from Italy because the personal documents needed for the required security screening were missing. In June 2017, the Government of the CR decided to suspend execution of temporary relocation decisions from the year 2015 due to significant deterioration of the security situation in the EU and the overall failure of this concept.

On 22 December 2017, the European Commission filed a lawsuit against the CR (as well as Hungary and Poland) with the Court of Justice of the EU for infringement upon the EU legislation, which the CR supposedly committed by refusing the relocations.

## Resettlement

The CR joined implementation of the resettlement programme by adopting the Policy of the National Resettlement Programme based on Government Resolution No. 745 of 27 June 2008. This policy is based on previous ad hoc resettlement experience and thus confirm the

<sup>31</sup> Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisions measures in the area of international protection for the benefit of Italy and Greece.

readiness of the CR to participate voluntarily through a resettlement instrument in addressing global refugee problems and to help the most vulnerable persons by sharing the burden in the field of refugees side by side with other developed countries. Resettlement is a humanitarian tool for providing assistance to refugees who have found themselves in a highly vulnerable position as a result of involuntary displacement due to, for example, armed conflicts, violence or persecution in their countries of origin, and the countries of their first refuge are able to ensure safe and dignified life for the displaced persons. It is also an act of solidarity with the countries that are hosting large populations of refugees in their territories. Resettlement involves transferring the most vulnerable persons from the country of their first refuge to a resettlement country that will provide the person with international protection and a residence permit in its territory. The process of selecting the persons to be resettled, which includes the asylum procedure, security screening and verification of the integration potential, is determined by the resettlement state based on initial pre-selection made by the Office of the UN High Commissioner for Refugees (UNHCR).

At the EU level, the CR voluntarily joined the **European Resettlement Scheme**, adopted on 20 July 2015, by offering resettlement of 400 persons in need of international protection over a period of two years. In total, **20 Syrian** and **32 Iraqi refugees** from Jordan and Lebanon and another **89 internally displaced Iraqi persons from the Kurdistan Region of Iraq** were resettled under this resettlement scheme. On 5 June 2017, the resettlement programme of the CR was temporarily suspended by Government Decision No. 439.

With regard to the revision of the Common European Asylum System, the European Commission presented a draft regulation for creation of a Union Resettlement Framework on 13 July 2016. This draft was discussed at working level in the EU Council and the European Parliament during the year 2017.

### 7.3 ASSISTANCE TO COMPATRIOTS

The **Programme for Providing Assistance with the Resettlement of Czech Compatriots** continued in 2017. The implementation of this programme was made possible by adoption of Government Resolution No. 1014 of 8 December 2014, in which the government approved new governmental policies for resettling persons with proven Czech origin (compatriots) living abroad. A total of **CZK 31,180 thousand** was earmarked from the state budget for implementation of the programme, and this amount, along with the finances saved in the previous year in the amount of **CZK 8,820 thousand** allowed for problem-free implementation of the programme.

For the participants, participation in the programme means that the procedure for obtaining a permanent residence permit in the Czech Republic will be simplified and that they will receive support in their integration during the first months of their lives in the CR. However, a permanent residence permit is not automatically issued, the offered assistance consists in the fact that the state takes responsibility for providing the initial accommodation and finances for the stay for the first months of their lives in the CR. However, these benefits are only provided to those persons, in whose case such assistance is substantiated, that is, to persons from endangered areas or for those members of Czech compatriot communities who are disadvantaged medically, socially or economically.

A total of **327 persons**, including 309 members of Czech compatriot communities in Ukraine and 18 persons who arrived in the CR from Venezuela, were resettled to the CR during the year 2017. The compatriots from Ukraine were mainly members of the compatriot communities in the Zaporozhye, Odessa and Zhitomir Regions as well as from the areas of anti-terrorist operations in the Donetsk and Luhansk Regions. By the end of the year, 281 people from this group, i.e. 86 %, found permanent

places of residence and jobs and have become completely self-sufficient, whereby the purpose of this programme was accomplished. The rest of resettled compatriots moved to their places of permanent settlement in early 2018. The highest number of compatriots resettled in Prague and in the Region of Central Bohemia, the Region of South Bohemia and the Region of Pilsen. The Caritas of Archdiocese of Prague, which ensures direct work with clients, continued to be a partner of the MoI in implementation of this programme in 2017.

**A total of 840 persons have been resettled to the CR from the launch of the programme in 2015 until 31 December 2017.** The average period of their stay in temporary accommodations provided by the MoI amounted to 86 days, which is less than half of the maximum period permitted by the provisions of the aforementioned Government Resolution.

In accordance with the aforementioned Government Resolution, the programme is open to members of Czech compatriot communities regardless of their countries of origin. The programme will continue in the following years due to the demand from clients, and it can be expected that the target group will be extended to include compatriots from other areas, particularly from South America.

### 7.4 International Police Cooperation

The Police of the Czech Republic (PCR) significantly increased its representation in the operational activities of the Frontex Agency<sup>32</sup> in 2017. A total of **163 policepersons** were sent to all three types of external borders of the EU – land borders, sea borders and air borders. Besides human resources, the PCR also provided technical equipment (patrol

<sup>32</sup> European Border and Coast Guard Agency

vehicles and vehicles equipped with thermal imaging technology). The policepersons of the CR were sent mainly to Greece and Italy where they operated in the hotspots. There, they performed tasks associated predominantly with registration, collection of information and establishment of the identity of detained migrants. The policepersons of the CR 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 6 October 2016, the new Council Regulation (EU) on the European Border and Coast Guard became effective<sup>33</sup>. 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 third countries and international organisations. The new regulation also plans for increasing operational activities and for their multi-purpose nature. The PCR is active in the following three areas:

- Return activities – the CR nominated 9 specialists in escorting people by air and 2 persons engaged in monitoring return activities (Office of the Public Defender of Rights) and 2 specialists in returns (representatives of the MoI of the CR) for the team of the European Border and Coast Guard. They became actively involved at the beginning of the year 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 DAPS actively attend regular meetings and

<sup>33</sup> Regulation (EU) 2016/1624 on the European Border and Coast Guard

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 PCR started to send officials to third countries (in the position of observers, for the time being), which are of key importance from the CR's point of view, such as Ukraine.

### Cooperation with the neighbouring states

As part of international cooperation, joint patrols are carried out under the jurisdiction of regional directorates of the Police of the Czech Republic (excluding the inland regional directorates of the Police of the Czech Republic), which are used for standard police work. The Regional Directorates of the Police (RDP) intensively cooperate with the neighbouring states through common centres of police and customs cooperation, which facilitate daily exchange of information on crime in areas near the border and which significantly contribute to maintaining the public order and security in areas near the border. The joint patrols concentrated on monitoring illegal migration, carrying out Schengen national search, monitoring the movement of vehicles, addressing cross-border crime, searching for stolen vehicles and perpetrators of crimes, checking the residence status of foreign nationals, including residence checks in night clubs, checking persons and vehicles. The operations of the joint patrols have been proven to yield good results on a long-term basis, particularly with respect to prevention, exchange of information and experience and general development of cross-border cooperation. The joint patrols are planned in advance but both sides are able to respond quickly and flexibly, if necessary. Police officers who received special training are assigned to the joint patrols.

In 2017, police officers carried out a total of 737 joint patrols of police officers from the Alien Police Departments of RDPs together with units from the neighbouring states. In comparison with the year 2016, this number of patrols was higher by merely 13. From among the total number of 14 regional directorates of the PCR, joint patrols can be carried out with 11 of them.

The individual forms of cooperation implemented with the relevant entities of the neighbouring states are laid down in bilateral international agreements on police cooperation. Stable cooperation was implemented in the field of activities performed by authorised representatives for operations near the border (provision of analytical and operational information on the movements and stays of groups of foreign nationals of interest on both sides of the state border). The joint measures aimed at enhancing the monitoring of the developments in the migration routes of illegal migration by carrying out checks in selected road and rail corridors. In November 2017, a meeting of the main authorised representatives for operations near the border from the CR, Slovakia and Poland was held in Wrocław.

The common centres of police and customs cooperation play an irreplaceable role in the cooperation with the neighbouring states. In these centres, the cooperation mainly consists in obtaining information on specific foreign nationals against whom proceedings are conducted<sup>34</sup> (checks against the records of the given state are carried out to verify the identity of the person), in mediating offers for hand-over and reception of persons and in coordinating joint patrols.

<sup>34</sup> For the centres shared with Germany and Austria, there must be a suspicion that at least an offence was committed, for Poland and Slovakia, there must be a suspicion that a crime was committed. This is given by the content of the agreements on police cooperation, under which these centres have been established.

### Cooperation with other states

During the year 2017, the Czech Republic continued its involvement in the activities related to combat against illegal migration on what is referred to as the "Balkan Route"<sup>35</sup>. Police contingents were sent to Serbia and the Former Yugoslav Republic of Macedonia. In these countries, police officers were helping local forces by carrying out 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 395 police officers were sent in 2017.

### Other areas of cooperation

**On 10 – 11 May 2017**, another regular **meeting of the chiefs of police from the states of Salzburg Forum (SF)** was held in Szeged, Hungary, such a meeting is held once during a presidency. The meeting was attended by delegations of SF member states except for Bulgaria as well as by representatives of Montenegro, Serbia and the EU agencies Europol and Frontex. The meeting was divided into three topic-specific parts – fight against terrorism, combat against cybercrime and border security and migration. In connection with this topic, the activity of the CR in the projects of development cooperation with the countries of West Balkan as well as its significant contribution to border surveillance were highlighted.

During the following Polish presidency of SF, the meeting of the chiefs of police was held **in Warsaw on 18 and 19 October 2017**. The main topics on the agenda were: 1) optimisation of the use of international channels of information exchange – presentation of national preventive measures in the form of travel ban (SIS) and 2) changes in the workings

<sup>35</sup> The route leads from Turkey to Germany and possibly further to West and North Europe and leads across Greece, Macedonia, Serbia, Hungary and Austria.

of the Single Point of Contact (SPOC) due to the growing importance of international cooperation and information exchange. Besides the SF states, the meeting was attended by countries who belong among what is referred to as "friends of SF": Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro and Moldova as well as representatives of Europol and Interpol, it was emphasised that there has been progress in development of police cooperation every year and that new initiatives and possibilities are emerging.

A meeting of the directors of alien police forces of the **Visegrad Four (V4<sup>36</sup>) states** was held in Poland in 2017 where the migration developments up until that point, challenges and impacts on security and cooperation were discussed and further goals were set for cooperation, in which timely exchange of information is crucial.

<sup>36</sup> The Czech Republic, Hungary, Poland and Slovakia

## ILLEGAL MIGRATION, HUMAN SMUGGLING

In 2017, there were **4,738 persons** identified as perpetrators of **illegal migration** into the territory of the Czech Republic, which represents a slight decrease by 523 persons (i.e. -9.9 %). Among them, 4,488 persons (i.e. 94.7 %) were detected as illegally staying and 250 persons were detected when they were perpetrating illegal migration across the external Schengen border of the CR. Most of the illegally staying persons came from Ukraine, the Russian Federation, Vietnam, Moldova and Uzbekistan.

In connection with facilitation of illegal stay or the crossing of border, **44 persons** were registered in 2017. There were **21 persons** convicted for organising and facilitation of crossing the state border and **17 persons** convicted of the crime of facilitating illegal stay in the territory of the Czech Republic.

An important role in monitoring the migration in the territory of the Czech Republic, including all the related phenomena, is played by the **Analytic Centre for Border Protection and Migration (ANACEN)**, which constantly monitors and analyses the current phenomena, which can be identified as risky or potentially problematic with respect to security and migration. With regard to the current migration situation, ANACEN continued to monitor and assess the migration flows heading to the territory of the European Union in 2017. It also prepared projects in the field of legal work migration.

## 8.1 ILLEGAL MIGRATION INTO THE TERRITORY OF THE CR

Since 2008 (accession to the Schengen Area), two basic categories of illegal migration into the territory of the Czech Republic have been monitored:

**1. Illegal crossing of the external Schengen border of the CR** – in this category, persons who illegally crossed or attempted to illegally cross the external Schengen border (airport) of the Czech Republic are monitored. By “person”, we mean foreign nationals and the citizens of the CR.

**2. Illegal stay** – this category registers those foreign nationals who are identified in the territory of the CR, including the transit areas at airports, as persons violating the conditions for the stay of a foreign national defined by the law (illegal entry, expiry of the period of validity of a residence permit, etc.).

Due to illegal migration, the CR has become the destination country in recent years. The exception to this was the period of the global migration wave, which became apparent in the territory of the CR in late 2014 and culminated in 2015. During that time, the CR was abundantly used by foreign nationals as a transit area for illegal migration to other European countries. In the years 2016 and 2017, after the wave of transit illegal migration subsided, the CR has been misused for movement to other EU/Schengen countries to a lesser extent. The trend in illegal migration after 2008 when major changes occurred as a result of the CR's accession to the Schengen Area (21 December 2007) showed gradual increase of annual numbers starting from the year 2011. The year-on-year increase in the period 2011-2014 was between 7 and 16 %. A major change occurred in 2015 when a marked increase by 78 % occurred in comparison with the year 2014. As a result, the highest annual number of identified illegal migrants was registered in 2015 since 2008. There

was a significant decrease by 39 % in 2016 but if we compare the number for that year with the years 2008 through 2014, then it is the second higher number for these years. **In 2017, the decline continued and there was a decrease by 10 % in comparison with the year 2016 and the number for the year 2017 is the fourth higher annual number since 2008.**

### Statistics

In the period from 1 January to 31 December 2017, there were **a total of 4,738 persons detected when illegally migrating into the territory of the CR**. In comparison with the year 2016, **there was a slight decrease by 523 persons (i.e. -9.9 %)**. Among them, **4,488 persons (i.e. 94.7 %) were detected as illegally staying and 250 persons were detected when they were perpetrating illegal migration** across the external Schengen border of the CR.

There were **384 persons** (i.e. 8.1 % of the total number of persons detected during illegal migration) **repeatedly detected as perpetrators of illegal migration**. This represented **a decrease by 27 persons (i.e. -6.6 %)** in comparison with the year 2016. The top position based on statistics was held by citizens of **Ukraine** (152 persons, i.e. 39.6 % of the total number of persons repeatedly detected as perpetrators of illegal migration). The following positions based on statistics were held by citizens of **Vietnam** (53 persons), **Uzbekistan** (22), **Slovakia** (20), **Moldova** (18) and **the Russian Federation** (18).

**Table 7:** Illegal migration in the CR in 2017 – TOP 10 by category

Illegal migration in the Czech Republic					
Illegal stay	Persons detected	i.e. %	Illegal migration across the external Schengen border	Persons detected	i.e. %
Total	4488	100.0	Total	250	100.0
			of which citizens of the CR		
			foreign nationals	250	100.0
of which EU citizens	129	2.9	of which EU citizens	5	2.0
third-country nationals	4359	97.1	third-country nationals	245	98.0
of which top 10 citizenships			of which top 10 citizenships		
Ukraine	1510	33.6	Albania	42	16.8
Russian Federation	312	7.0	1951 Convention refugee	35	14.0
Vietnam	291	6.5	Russian Federation	21	8.4
Uzbekistan	263	5.9	Ukraine	17	6.8
Moldova	262	5.8	China	14	5.6
China	171	3.8	Georgia	12	4.8
Saudi Arabia	166	3.7	Turkey	9	3.6
India	87	1.9	Israel	9	3.6
Kazakhstan	79	1.8	Syria	6	2.4
Nigeria	78	1.7	Pakistan	6	2.4

Source: DAPS

As regards citizenship, the citizens of Ukraine have been steadily the largest group of persons detected as perpetrators of illegal migration since 2008. There was a change in 2015 due to the large migration wave and the top position went to the citizens of Syria. After the migration wave subsided, the citizens of Ukraine returned to the top position in 2016. A total of **1,527 citizens of Ukraine** (i.e. 32.3 %) were detected in 2017. The following positions based on the statistics were occupied by the citizens of the **Russian Federation** (333 persons, i.e. 7.0 %), **Vietnam** (294 persons, i.e. 6.2 %), **Moldova** (268 persons, i.e. 5.7 %) and **Uzbekistan** (264, i.e. 5.6 %). These 5 citizenships account for approximately 60 % of the total number of persons detected as perpetrators of illegal migration. In the two categories of illegal migration (illegal stay and illegal migration across the external Schengen border), the representation of citizenships is different. In the category of illegal stay, the citizens of Ukraine hold the first position, while the citizens

of Albania are the largest group in the category of illegal migration across the external Schengen border.

If we divide illegal migrants into two categories, specifically children (aged less than 18 years) and adults (18 years or more), then there was **a decrease in the share of children** on a year-on-year basis. While the share of children in the total number was **10.1 % in 2016**, it was **5.1 % in 2017**. This lower share corresponds to the situation, in which the number of children decreases in connection with the fact that the wave of transit illegal migration subsided (during the migration wave, whole families were often detected – parents with multiple children, and this was why the share of children amounted to 17.4 % at the height of the migration wave in 2015). Some children were identified as being unaccompanied by an adult relative. In 2017, there were 13 children detected who were travelling illegally, unaccompanied by an adult. The situation of these children was addressed in cooperation with the Social-legal Child Protection Authority (OSPOD).

With respect to structure by gender, the share of illegally staying men (73 %) was higher in comparison with women. With respect to structure by age, persons aged 26-35 years (33 %) and 36-45 (24 %) predominated.

## 8.2 FACILITATION OF ILLEGAL MIGRATION

After the pressure of transit illegal migration subsided (a total of 172 persons as compared with 511 persons in 2016, i.e. a decrease by 66.3 %), **the number of persons detected as perpetrators of facilitation of illegal crossing of the state borders of the CR further decreased accordingly**. In 2017, there were 21 persons (i.e. -89.0 %) detected as having used the services of human smugglers, in whose case the officials of the PCR directly caught a driver who was a human smuggler. Although a human smuggler was not directly caught

in many cases, it clearly follows from the testimonies of these foreign nationals that they used the assistance of other persons at a certain section of their journey, or in the cases where irregular travel documents were used, facilitation by another person can be inferred. A decrease in the use of human smugglers as such has certainly also been caused by the fact that migrants receive instructions for the journey from their relatives and acquaintances via modern technologies that make communication and navigation easier.

**Facilitation of illegal migration and, in recent years, particularly facilitation of illegal stay in the territory of the CR** is also carried out by **providing irregular documents**, the widespread trend (significantly growing since 2015) is **occurrence of interception of forged or altered Romanian identity cards, predominantly with the citizens of Ukraine and Moldova**. The documents are supplied as part of a “complete service” where, for a fee, it is possible to obtain a tourist visa or another visa authorising the holder to stay in the CR, a Romanian ID card for checks carried out in a workplace and for accommodation, and a recommendation for a specific job.

The main route of migrants heading to us still leads mainly from the Balkan countries and their “refugee camps” where the migration organisers operate directly in these camps in Serbia and Hungary. Local citizens transport migrants to the border between the CR and Germany. Also, the trend of recent years continued, characterised by the fact that illegal migrants from Vietnam use the route across the territory of the Russian Federation and other East European countries. Vietnamese migrants misuse particularly tourist visas for legal travel by air from Vietnam to the territory of the Russian Federation where they use the networks of human smugglers to travel to destination countries, particularly Germany, France, Norway, Sweden and other Scandinavian countries where the Vietnamese community is already established.

**Sham marriages** continued to be used to legalise residence. In most cases, it was the same mode of operation where female citizens of the CR entered into marriage in the territory of the CR as well as outside the territory of the CR (Tunisia, Egypt, etc.) with foreign nationals for the pretended purpose of family reunification against financial payment promised to them by the organiser. Based on the marriage, the foreign national is issued a short-term visa under which he arrives in the CR. Some of these foreign nationals are also often associated with the drug scene in our country.

**A declaration on determination of paternity** made on false grounds also continued to be used. This involves registering an EU citizen/a foreign national as a parent in a child’s birth certificate against payment or organising such operations. Most cases have been identified in the Vietnamese community and among citizens of Ukraine and China. In connection with sham marriages and false paternity, there are also financial losses incurred by the public administration, for example, as a result of unjustified reception of welfare state support benefits or benefits for people in financial need in those cases where the applicant is not entitled to such welfare benefits (facts, which may have decisive influence on the payment of such benefits or on the amount of such a benefit, are intentionally withheld in the application for a contribution, a bonus or a specific benefit).

**An invitation of a person** continued to be another misused instrument. With regard to security, misuse of the invitation instrument appears to be associated with a considerable risk. For third-country nationals, an invitation is the fastest and least demanding way of entering the Schengen Area. In this case, the foreign nationals are not required to present any evidence of financial means for their stay, financial means for their accommodation or any other evidence otherwise required for a residence permit to be granted, all this evidence is presented and provided by the inviting person. With the subsequently granted

Schengen visa issued by an embassy, the foreign nationals can enter the Schengen Area via any signatory state and can subsequently depart via a different signatory state (without the police of the state, which issued the visa, becoming aware of this) or can breach the rules of residence in the given country, particularly by performing work without the appropriate permit.

### Statistics

In connection with **facilitation of illegal stay or crossing of border, there were 44 persons registered in 2017**. In comparison with last year, there was a decrease by 12 persons (i.e. by 21.4 %). In 2017, there were **21 persons** convicted of organising and facilitating an illegal crossing of the state border and **17 persons** convicted of facilitating an unauthorised stay in the territory of the CR<sup>37</sup>.

**Table 8:** Facilitation of an illegal stay or a crossing of border – comparison between the years 2016 and 2017

Year	2016		2017		Change as compared with the previous period	
		i.e. %		i.e. %	in [%]	Absolute number
Total number of persons	56	100.0	44	100.0	-21.4	-12
by method of facilitating illegal migration						
sham marriage and organisation thereof	23	41.1	17	38.6	-26.1	-6
sham paternity and organisation thereof	10	17.9	11	25.0	10.0	1
sham invitation and organisation thereof	2	3.6	2	4.5	0.0	0
facilitation of an illegal crossing of the state border	13	23.2	8	18.2	-38.5	-5
other facilitation of an illegal stay*	8	14.3	6	13.6	-25.0	-2

Source: DAPS

Explanatory note: \* For example, procurement of visas or forged documents.

<sup>37</sup> Source: Ministry of Justice of the CR

# 9 RETURNS

In 2017, a total of **5,893 administrative return decisions** were issued. A total of 5,168 enforceable decisions on administrative expulsion were registered, which represented an increase by 43.7 % in comparison with the previous year. There were also 725 decisions on imposition of the obligation to leave the country issued in 2017. There was a year-on-year decrease by 11.4 %.

The largest groups of foreign nationals who were issued an enforceable decision on administrative expulsion were the citizens of Ukraine, Moldova and Vietnam. Administrative expulsion was carried out for **460 foreign nationals**, among whom 439 left the country under the programmes of assisted voluntary returns (391 under the programme of the MoI of the CR and 48 under the IOM programme) and 21 administrative expulsions were carried out in the form of a forced return.

In the area of voluntary returns, **the programmes of assisted voluntary returns are implemented by the Department for Asylum and Migration Policy at the Ministry of the Interior of the CR, the International Organisation for Migration, and the Refugee Facilities Administration**. During the year 2017, a total of 793 voluntary returns of third-country nationals were registered (including those who departed spontaneously at their own expense and whose returns were confirmed).

**The return policy** also forms an integral part of the migration policy. Like the other EU countries, the CR always prefers the option of a voluntary return to a forced return. In the structure of the central governmental authorities, the MoI is responsible for the issues of migration, including voluntary returns.

### 9.1 ADMINISTRATIVE DECISION ON RETURN

In 2017, a total of **5,893 administrative return decisions were issued**. An administrative return decision may have the form of a decision on an obligation to leave the country or a decision on administrative expulsion.

#### Decision on an obligation to leave the country

Under the Return Directive, legislation providing for a decision on an obligation to leave the territory of the CR (Section 50a of the Act on the Residence of Foreign nationals) was adopted in January 2011. Formerly, a decision on administrative expulsion had been issued. In 2017, **there were 725 decisions on imposition of an obligation to leave the country issued. According to a year-on-year comparison**, there has been a slight decrease by 93 decisions (i.e. by 11.4 %).

In 2017, a decision was made in 126 cases on an appeal against a decision on an obligation to leave the country, which represents a marked increase by 55 decisions (i.e. +77.5 %) according to a year-on-year comparison. In 76 cases, the appeal was dismissed, in 16 cases, the appeal was granted, in 32 cases the decision was overturned and returned, and in 2 cases, the decision was changed.

#### Decision on administrative expulsion

Administrative expulsion is an administrative decision by which the stay of a foreign national in the country is terminated, the time limit for leaving the country set and the period of time for which the foreign national cannot be permitted to enter the territories of the European Union Member States is defined. The period for which the foreign national cannot be permitted to enter the territories of the European Union Member States is set by the Police of the CR according to precise conditions defined by the law.

In 2017, a total of **5,119 foreign nationals (an increase by 44.6 %)** were issued a decision on administrative expulsion. The largest group of foreign nationals who were issued with such a decision consisted of the citizens of **Ukraine** (3,451 persons, i.e. 67.4 % of the total number of foreign nationals who were issued a decision on administrative expulsion). After a large gap, they were followed by the citizens of **Moldova** (688 persons) and **Uzbekistan** (179 persons).

In 2017, **5,168 enforceable decisions on administrative expulsion** were registered (multiple decisions can be issued to a single person over the given period of time).

As concerns the reasons for issuing a decision on administrative expulsion (a total of 6,069 reasons), breach of the residence conditions had predominated for a long time. **There was a change in 2017 and the reason that the foreign national was employed without a residence permit or without a work permit started to predominate**. With this reason (3,111 reasons, i.e. 51.3 %), there was a high year-on-year increase by 1,648 reasons (i.e. +112.6 %). In terms of citizenships, the citizens of Ukraine (2,605 reasons, +1,398, i.e. +115.8 %) and the citizens of Moldova (463, +268, i.e. +137.4 %) were the largest groups where performance of work without a permit was identified. There was

a very small change in the number of cases where the reason was breach of the residence conditions (2,267 reasons) based on a year-on-year comparison, there was an increase by 23 reasons (i.e. +1.0 %) but as it has already been stated, there was a change in the share of the total number of reasons (2016: 52 %, 2017: 37 %). Another category of reasons is presentation of an irregular document during a border check or a residence check (393 reasons, i.e. 6.5 %) where a year-on-year increase was also seen (+121 reasons, i.e. +44.5 %). This reason was found particularly with the citizens of Ukraine (288 reasons) and Moldova (54). In this category, there was also a year-on-year increase with the citizens of Ukraine (+103, i.e. +55.7 %). This was followed by the category of failure to comply with a decision on expulsion (203 reasons, i.e. 3.3 %) and the category of other reasons (95, i.e. 1.6 %).

## 9.2 EXECUTION OF A DECISION ON RETURN

### Voluntary returns

At the national level, voluntary returns are currently governed by the Act on the Residence of Foreign Nationals where Sections 123a et seq. provide for the possibility of a foreign national (a third-country national) to apply for a voluntary return. Pursuant to this provision, it is the MoI, specifically DAMP, which is responsible for making a decision on an application filed by a foreign national and for possibly approving and implementing his or her application.

Voluntary repatriation is governed by the Asylum Act, pursuant to its Section 54a, the MoI may bear the costs associated with a voluntary return, if it is in the public interest.

As concerns voluntary returns, the MoI, SUZ and the International Organisation for Migration (IOM) implement their **programmes**

**of assisted voluntary returns.** In their programmes, the Ministry of the Interior and IOM focus particularly on those foreign nationals to whom a decision on administrative expulsion was issued. Under its programme, SUZ provides assistance with voluntary departure for the country of origin to failed applicants for international protection.

As part of these programmes of voluntary returns, the MoI, SUZ and the IOM carry out not only the actual voluntary return but they also provide all the related consultancy and assistance, which are necessary for successful implementation of a return. The provided services include provision of information on voluntary return to foreign nationals placed in reception and accommodation centres for applicants for international protection or in facilities for detention of foreign nationals as well as consultancy concerning returns, which is provided to foreign nationals with an obligation to leave the territory of the CR who have not been detained. In connection with the consultancy concerning returns, the foreign nationals concerned are also provided with assistance in their communication with the embassies of their countries of origin, most often in connection with procurement of an emergency travel document. If necessary, the IOM can also provide a foreign national with transit assistance and assistance after his or her arrival in the country of origin.

Besides the possibility to use one of the working programmes of assisted voluntary returns, failed applicants for international protection, foreign nationals with terminated residence or foreign nationals on whom administrative expulsion was imposed can leave the country spontaneously at their own expense.

During the year 2017, there were a total of **793 voluntary returns** of third-country nationals on whom an obligation to leave the territory of the CR had been imposed. In this category of foreign nationals, a total of **439<sup>38</sup> assisted voluntary returns of foreign nationals**

<sup>38</sup> Carried out through the MoI and the IOM.

**on whom administrative expulsion was imposed** were carried out, a total of **84 assisted voluntary returns of persons who applied for international protection** were carried out, and there were voluntary returns of **270<sup>39</sup> foreign nationals with a decision imposing an obligation to leave the territory of the CR (spontaneous departure)**. Among these returnees, the largest groups were the citizens of **Ukraine, Moldova and Vietnam**.

#### a) Voluntary returns carried out by DAMP

The Ministry of the Interior, specifically the Department for Asylum and Migration Policy, has been implementing its own programme of voluntary returns since January 2017. The DAMP voluntary returns programme is governed by the basic rules laid down in the provision of Section 123a of Act No. 326/1999 Coll. on the Residence of Foreign nationals. In accordance with the aforementioned legal provision, the current target group of the programme consists of foreign nationals who were issued with a decision on administrative expulsion or foreign nationals who were detained in the Facility for Detention of Foreign Nationals for the purpose of carrying out administrative expulsion.

The primary goal of implementation of the programme of assisted voluntary returns administrated by the MoI is to improve the effectiveness of the return process, particularly for the foreign nationals detained in the Facility for Detention of Foreign Nationals, which was successfully achieved during the year 2017. The effectiveness of returning detained foreign nationals increased approximately double fold during the year in comparison with the year 2016.

In the field of voluntary returns, the Ministry of the Interior not only carries out the actual voluntary return but also provides all the related consultancy and assistance, which are necessary for successful

<sup>39</sup> This number included 104 foreign nationals with an imposed obligation to leave the country or with a decision on administrative expulsion.

implementation of a return. The provided services include provision of basic information on a voluntary return as well as consultancy concerning returns provided to foreign nationals with an issued decision on administrative expulsion. Besides foreign nationals who were placed in the Facility for Detention of Foreign Nationals for the purpose of implementation of administrative expulsion, the MoI of the CR also offers return assistance to foreign nationals with an issued decision on administrative expulsion who were not detained and who were given a deadline for leaving the territory of the CR.

The consultancy regarding returns provided to the foreign nationals concerned includes a wide range of services:

- assistance in communication with the embassies of their countries of origin,
- provision of emergency travel documents, registration of children in the parents' travel documents or provision of emergency travel documents (or passports) for children born in the territory of the CR,
- assessment of the situation in the country of origin with regard to the individual context of each case of a returning foreign national,
- assessment of the vulnerability of the specific returning foreign national, including assessment of the returning foreign national's individual needs, including, for example, medical assistance during the return or medical care after the return,
- enabling or mediating communication with relatives and acquaintances in order to speed up and facilitate implementation of a voluntary return,

- joint planning of and preparations for a voluntary departure so that the foreign national is ideally transported to their place of residence,
- another service, which has turned out to be an important service, is the possibility to give the contact details of organisations assisting foreign nationals in defending their rights, which might have been infringed upon during their stay in the territory of the CR, often by employers refusing to pay a wage to a foreign national for the work the foreign national performed.

For foreign nationals who decided to take advantage of the voluntary return option, the Ministry of the Interior ensures implementation of the actual return, including assistance with flight departure. If necessary, the MoI of the CR can provide assistance throughout the return, including transit and post-arrival assistance.

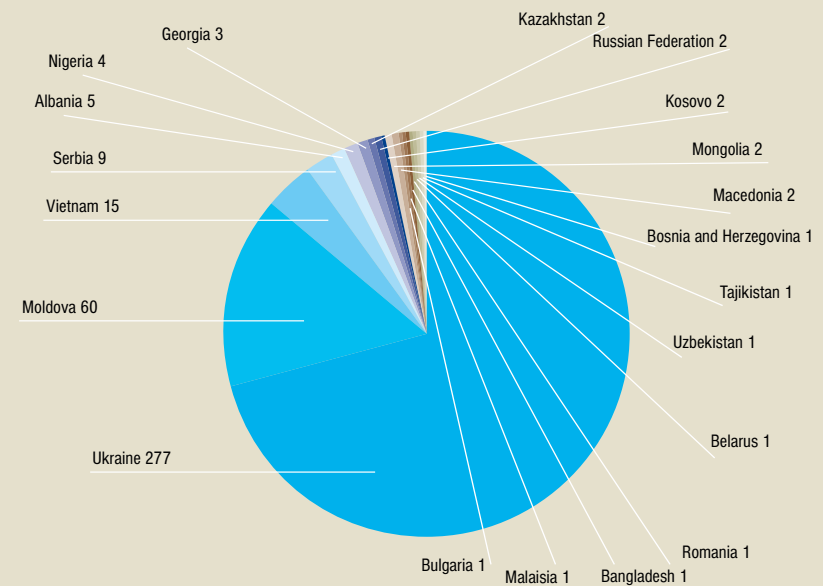
**In 2017, the Ministry of the Interior carried out a total of 391 voluntary returns.** This number includes 380 persons placed in facilities for detention of foreign nationals and 11 persons who were not detained. Voluntary returns with the Ministry of the Interior were most often carried out for citizens of Ukraine (277 persons) and Moldova (60 persons).

An indispensable part of the return activities carried out by DAMP is cooperation with other entities, which implement their own programmes of voluntary returns, such as SUZ of the MoI and the IOM.

After the experience gained from return-related activities in 2017, an amendment to the provision of Section 123a of Act No. 326/1999 Coll. on the Residence of Foreign Nationals was prepared in cooperation with DAMP so that it allows for increasing the flexibility of the implemented programme of voluntary returns and extending the target group of the programme to include additional groups of foreign nationals, for

example, foreign nationals with an imposed expulsion sentence, with an imposed obligation to leave the country pursuant to the provision of Section 50a of Act No. 326/1999 Coll. and foreign nationals who were given a deadline for leaving the country in an issued exit order referred to in Section 50 of Act No. 326/1999 Coll. on the Residence of Foreign Nationals.

**Chart 6:** Structure of voluntary returns carried out under the DAMP programme



Source: DAMP

**b) Voluntary returns of applicants (after withdrawal of an application)/failed applicants for international protection carried out by SUZ of the MoI of the CR**

Every foreign national meeting the conditions defined in the provision of Section 54a of the Asylum Act is eligible to apply for repatriation – a voluntary, dignified and safe return to their country of origin or a third country, paid from the state budget. The eligibility for a voluntary return

is not obtained automatically. Each application is examined individually. SUZ bears the costs of repatriation, taking into account whether the foreign national meets the conditions defined in Section 54a of the Asylum Act, the opinion of DAMP, the financial standing of the applicant, the degree of cooperation on the part of the foreign national, and the health and mental state, the family and social situation and other factors are also taken into account.

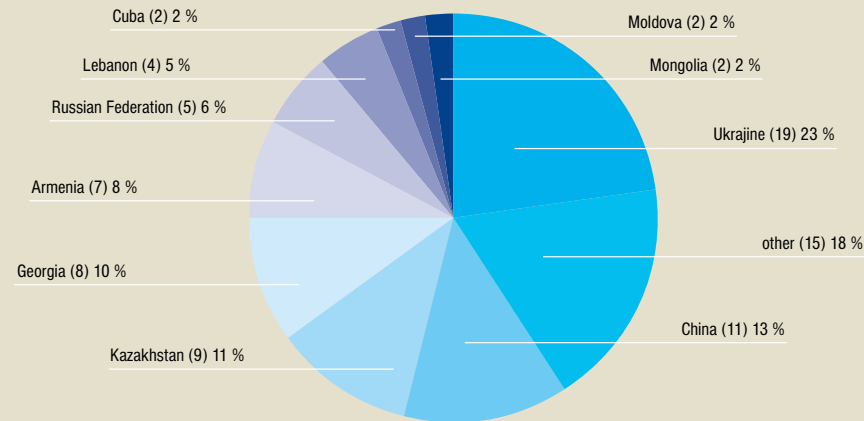
When carrying out a voluntary return, SUZ provides applicants with a free air ticket or a free ticket for travel by land to the destination country, direct assistance at departure and consultancy, and if it is not possible to ensure transportation for the client to the destination chosen by the client, a contribution for transportation to the requested destination can be paid to the client.

In addition to that, SUZ may provide other necessary assistance that will lead to a successful return of a foreign national, this includes, for example, assisting with procuring a travel document if such a document is absent, paying the costs associated with this, ensuring transportation to the point of departure from the Czech Republic, providing a medically unfit foreign national with a specialised transport medical service that will accompany him or her, providing assistance during a possible transfer in a foreign country, etc.

If necessary, SUZ cooperates with the International Organisation for Migration or the Czech Red Cross in implementing repatriations. In order to protect the personal data of applicants for international protection, SUZ does not come into direct contact with the foreign authorities in the countries of origin. SUZ cooperates with the aforementioned organisations under a contract particularly in the following cases:

- if it is necessary to procure emergency travel documents or to renew the period of validity of the existing travel documents,
- if a child is born to an applicant for international protection in the territory of the Czech Republic and, as a result, is not stated in the parent's travel document, and the Police of the CR cannot issue a travel identity card or such a travel identity card is not sufficient for the return,
- if assistance is necessary during a layover (for example, due to a disability),
- if a layover and transfer in the countries of the Schengen Area is inevitable,
- if the returnee is an unaccompanied minor applicant for international protection.

In 2017, a total of **121 persons** filed applications for voluntary returns, from among them, a total of **84 persons** were returned to the requested countries. The most frequent destination country of return was **Ukraine** (19 persons), followed by **China** (11 persons), **Kazakhstan** (9 persons), **Georgia** (8 persons) and **Armenia** (7 persons).

**Chart 7:** Repatriations carried out in 2017 by country of return

Source: MoI SUZ

### c) Voluntary returns of third-country nationals with an issued decision on return, carried out through the International Organisation for Migration

The International Organisation for Migration has also been engaged in voluntary returns for a long time. Under contractual relationships with the Directorate of Alien Police and, if applicable, with the Ministry of the Interior, this organisation ensures not only the actual implementation of a voluntary return but also all the related consultancy and assistance, which are necessary for successful implementation of a return. In its programme of voluntary returns, the IOM focuses on foreign nationals with an issued decision on administrative expulsion who were not detained in a facility for detention of foreign nationals and who were given a deadline for leaving the country.

The services provided by the IOM include providing foreign nationals with basic information on a voluntary return as well as providing foreign

nationals with comprehensive consultancy regarding returns, including assistance in communication with the embassies of their countries of origin, most often in connection with procurement of an emergency travel document. As a rule, the returning foreign nationals are provided with departure assistance at the airport and, if necessary, also with transit and post-arrival assistance.

In 2017, voluntary returns of a total of **48 foreign nationals with an issued decision on administrative expulsion** was carried out in cooperation with the IOM, with **Ukraine** (13 persons) being the most frequent destination.

### Forced returns

Based on a final and enforceable decision on administrative expulsion, administrative expulsion was carried out for **460 foreign nationals**, which, as compared to the same period of the previous year, represents an increase by 253 persons, i.e. an increase by 122 % in comparison with the year 2016. The reason for the difference between the number of persons who were issued a decision on administrative expulsion (5,119) and the number of persons who were actually expelled (460) is that only a part of the foreign nationals with an issued decision on administrative expulsion is detained in a facility for detention of foreign nationals (they are detained if there are legal grounds for their detention in a facility for detention of foreign nationals) with subsequent implementation of administrative expulsion. With other foreign nationals, it is assumed that they will leave the territory of the CR on their own.

Among the total number of implemented administrative expulsions, 21 foreign nationals from a facility for detention of foreign nationals were returned using forced returns due to the major improvement in effectiveness of promotion of voluntary returns among detained foreign nationals and their subsequent implementation in connection with the launch of the DAMP programme of voluntary returns in January 2017.

Most administrative expulsions were carried out for citizens of Ukraine (304 persons) who accounted for more than 66 % of the total number of foreign nationals for which administrative expulsion was carried out. According to a year-on-year comparison, the largest change was seen with citizens of Ukraine whose number increased by 199 persons (i.e. there was an increase by 190 % in comparison with the year 2016). In the statistics on implemented administrative expulsion, citizens of Moldova (62 persons) and Vietnam (28) represented major groups.

During the year 2017, rulings were made on appeals against a decision on administrative expulsion in 870 cases, which is 115 appeals more than in the year 2016 (i.e. +15.2 %). This number includes 604 cases, in which an appeal was dismissed, 51 cases, in which the decision was overturned, 167 cases, in which the decision was overturned and returned for a new hearing, and 48 cases, in which the decision statement was changed.

One of the tools for effective implementation of a forced return of a person to their country of origin is **a transfer under a readmission agreement**. The Czech Republic is engaged in negotiating bilateral readmission agreements and also participates in the work of the European Commission in the negotiations of EU readmission agreements with selected third countries.

As regards bilateral readmission policy, no new activities were pursued in 2017 to negotiate new readmission agreements. **The readmission agreements with Mongolia and Uzbekistan are semi-finished** but there was no progress in 2017 due to inactivity of the other party.

On the national ministerial level, drafts of implementing protocols for Union readmission agreements with **Armenia** and **Macedonia** were prepared and a draft of a bilateral memorandum of understanding on returns with **India** was prepared. There was no progress in the drafts

of the texts of the implementing protocols with Turkey and Pakistan, which were sent to both countries in 2016. Pakistan stated already in 2016 that it did not need an implementing protocol. Turkey has not responded yet.

During the year 2017, the MoI continued to work on the template text for a memorandum of understanding, which could be offered to selected third countries during negotiations on agreements on visa facilitation/liberalisation or during negotiations about returns in those cases where entering into a standard readmission agreement would not be realistically possible.

As of 31 December 2017, the CR had bilateral readmission agreements in effect with 16 states: **Germany, Poland, Austria, Slovakia, Slovenia, Hungary, Bulgaria, Romania, Croatia, Moldova, Vietnam, Canada, Armenia, Switzerland, Kosovo** and **Kazakhstan**.

In 2017, the EU, too, did not enter into any new readmission agreement and new texts of readmission agreements were not discussed even as part of negotiations on the Union readmission agreements. However, the Standard Operating Procedure and Best Practices were prepared (by the European Commission), which were presented to selected third countries (Bangladesh, Guinea, Ethiopia, Gambia), and cooperation has been started based on these documents. The European Commission held a meeting with China on 1 December 2017 in order to revive the negotiations on a readmission agreement. The concept of this agreement is supposed to be broader and this is supposed to be an agreement on combat against illegal migration (out of China's initiative), however, it should also contain readmission provisions. There was also a meeting with Belarus held in Minsk on 20 June 2017 – so far without any major progress.

Thus, as of 31 December 2017, there were 17 EU readmission agreements still in effect with the following states: **the Russian Federation, Ukraine, Albania, Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, Moldova, Sri Lanka, Hong Kong, Macao, Pakistan, Georgia, Armenia, Azerbaijan, Turkey and Cape Verde**. At present, the European Commission has a mandate to negotiate readmission agreements with **Belarus, Tunisia, China, Morocco, Algeria, Nigeria and Jordan**.

The Ministry of the Interior of the CR continued to participate in the preparations for negotiations of common readmission committees, which are held on a regular annual basis with signatory states, by providing source materials. In 2017, readmission committees with the following states were organised: Sri Lanka, Pakistan, Georgia, Afghanistan, Montenegro, ACP countries – Cotonou Agreement, Bosnia and Herzegovina, Azerbaijan, Ukraine, Albania, Serbia, the Russian Federation, Moldova, Macedonia, Cape Verde and Bangladesh.

### 9.3 EXPULSION SENTENCE IMPOSED BY COURTS

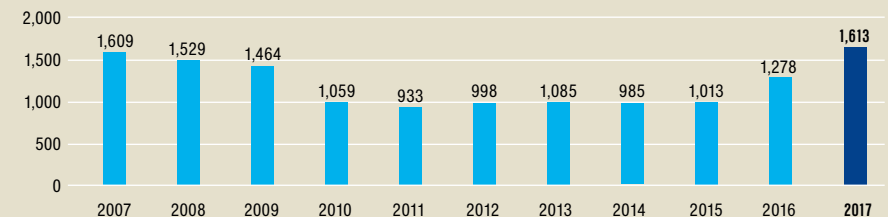
If a foreign national fails to respect a decision on administrative expulsion, this action of the foreign national may be qualified as a crime of obstructing the execution of an official decision. However, in practice, this instrument is usually used only for the second or subsequent breach of/failure to comply with the imposed obligation.

A sentence of expulsion from the territory of the CR<sup>40</sup> is imposed by courts on those perpetrators who are not citizens of the Czech Republic as a separate sentence of alongside another sentence pursuant to

<sup>40</sup> Information on a sentence of expulsion is stated in the material as information supplementary to the information on the foreign nationals expelled under an administrative decision.

Act No. 40/2009 Coll., the Criminal Code, as amended, if the security of people or property or another public interest requires so. An expulsion sentence can be imposed as a separate sentence, if imposition of another sentence is not necessary due to the nature and gravity of the perpetrated crime and the person and circumstances of the perpetrator. A court can impose an expulsion sentence for one through ten years or for an indefinite period of time.

**Chart 8:** The number of persons who were sentenced to expulsion in the period 2007–2017



Source: The Ministry of Justice

In 2017, there was a total of **1,613 persons on whom courts imposed expulsion sentences in criminal proceedings**, which represented a year-on-year increase by 335 persons (i.e. +26.2 %). This category was dominated by 3 citizenships, specifically by citizens of **Ukraine** (578 persons, i.e. 35.8 %), **Romania** (251 persons, i.e. 15.6 %) and **Slovakia** (138 persons, i.e. 8.6 %). These three citizenships accounted for approximately 60 % of the total number of persons on whom expulsion sentences were imposed. At the same time, the largest year-on-year changes were seen with exactly these citizenships, specifically, there was an increase among citizens of Ukraine (+237 persons, i.e. +69.5 %) and Romania (+97, i.e. +63.0 %) and a decrease among citizens of Slovakia (-43, i.e. -23.8 %). Among other citizens of Ukraine, the predominating grounds for expulsion were forgery and alteration of a public document and obstruction of execution of an official decision

and expulsion, among citizens of Romania, the predominating grounds for expulsion were thefts and unauthorised procurement, forgery and alteration of a payment instrument, among citizens of Slovakia, the predominating grounds were thefts and obstruction of execution of an official decision and expulsion.

The most frequent grounds for an expulsion sentence (this concerned a total of 2,028 criminal acts) were **forgery and alteration of a public document** (504 criminal acts, i.e. 24.9 %), **theft** (433 criminal acts, i.e. 21.3 %), **obstruction of execution of an official decision and expulsion** (241, i.e. 11.9 %) and **unlicensed production and other management of intoxicating and psychotropic substances and poisons** (100, i.e. 4.9 %). The largest year-on-year increase was once again seen with forgery and alteration of a public document (+182 criminal acts, i.e. +56.5 %).

**Court-imposed expulsion was carried out for 292 foreign nationals** during the reference period, which represents a slight increase in comparison with the previous year (+31 persons, i.e. +11.9 %). With regard to citizenships, the largest groups consisted once again of citizens of **Slovakia** (81 persons, i.e. 27.7 %), **Ukraine** (40 persons, i.e. 13.7 %) and **Vietnam** (38 persons, i.e. 13.0 %). According to a year-on-year comparison, there were no major changes with any particular citizenship.

## ANNEXES

### *Annex 1: Methodology and Definitions*

This report was prepared mainly using the source materials of institutions engaged in asylum, migration and integration. This agenda is particularly within the terms of reference of the Ministry of the Interior. Furthermore, source materials from the following entities were used in preparation of the report: the Directorate of the Alien Police Service, the Police Presidium, the Ministry of Education, Youth and Sports, the Ministry of Labour and Social Affairs, the ministry of Foreign Affairs, the Ministry of Justice, the Refugee Facilities Administration, the National Central Unit for Combating Organised Crime and the Facility for Children-foreigners. Most of these institutions were contacted by the National Contact Point of the EMN in the Czech Republic, which is a part of the Department for Asylum and Migration Policy of the Ministry of the Interior, or directly by this Department. The source materials of these institutions represent most of the content of this report. The other source was information in the public domain.

Statistical data were taken particularly from the information systems of the Police of the Czech Republic, the Department for Asylum and Migration Policy of the MoI and the Facility for Children-foreigners.

For the most part, information and data from the working version of the Report on the Situation in Migration and the Integration of Foreign

Nationals in the Territory of the Czech Republic in 2017<sup>41</sup> and from the reports and studies of the European Migration Network in the areas concerned were used. Particularly the national contribution (Technical Part 1) to the synthesis EMN Annual Report on Migration and Asylum 2017, which the Czech National Contact Point of the EMN prepared in early 2018, was used.

For the purposes of this report, the analysis of press articles concerned with asylum and migration in 2017 was also used.

The terminology was used in accordance with the national practice and legislation. Definitions of terms contained in the fifth edition of the EMN Asylum and Migration Glossary were also used.

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<sup>41</sup> This report is prepared by the Ministry of the Interior on an annual basis.

## ***Annex 2: List of Sources and Literature***

### **SOURCES**

Ministry of the Interior  
Ministry of Labour and Social Affairs  
Ministry of Education, Youth and Sports  
Ministry of Foreign Affairs  
Ministry of Finance  
Ministry of Justice  
Directorate of the Alien Police Service  
Police Presidium  
Refugee Facilities Administration  
National Central Unit for Combating Organised Crime  
International Organisation for Migration  
Facility for Children-foreigners

**LITERATURE**

The MoI of the CR, the Report on the Situation in Migration and the Integration of Foreign Nationals in the Territory of the Czech Republic in 2017

EMN, 2017 EMN Annual Policy Report, Annex 1, national contribution from the Czech EMN Contact Point

EMN, Specification of Requirements for the 2017 EMN Annual Policy Report

EMN, Asylum and Migration Glossary, 5<sup>th</sup> edition

**LEGISLATION**

Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendments to certain Acts, as amended

Act No. 191/2016 Coll., on the Protection of the State Borders of the Czech Republic and on amendments to related Acts

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

Act No. 222/2017 Coll., amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on amendments to certain Acts, as amended, and other related Acts

Act No. 221/2003 Coll., on the Temporary Protection of Foreign Nationals, as amended

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

Act No. 186/2013 Coll., on Citizenship of the Czech Republic and on amendments to certain Acts

Act No. 40/2009 Coll., the Criminal Code

Act No. 45/2013 Coll., on Victims of Crimes and on amendments to certain Acts

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for reception of applicants for international protection (the Reception Directive)

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third country nationals for the purpose of employment as seasonal workers

Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer

Directive (EU) 2016/801 of the European Parliament and of the council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning irregularly staying third-country nationals

Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification

Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Council Regulation (EC) No. 604/2013 (Dublin III Regulation)

Resolution of the Government of the Czech Republic No. 745 of 27 June 2008 on the Policy of National Resettlement Programme and on Resettlement of a Group of Burmese Refugees from Malaysia under a Pilot Resettlement Programme

Resolution of the Government of the Czech Republic of 8 December 2014 on the Principles of the Policy of the Government of the Czech Republic in Relation to the Resettlement of Foreign Nationals with a Proven Czech Origin (Compatriots) Living Abroad

Government Resolution No. 621 of 29 July 2015 on the Migration Policy Strategy of the Czech Republic and on the Migration Communication Strategy of the Czech Republic

Government Resolution No. 954 of 20 November 2015 on the State Integration Programme for Persons with Granted International Protection in 2016 and the Following Years

Resolution of the Government of the Czech Republic No. 956 of 20 November 2015 on the Creation of the Permanent Medical Humanitarian Programme MEDEVAC

Resolution of the Government of the Czech Republic No. 360 of 27 April 2016 on the National Strategy of Combatting Human Trafficking in the Czech Republic for the Period of 2016 through 2019

Resolution of the Government of the Czech Republic No. 105 of 8 February 2017 on the Situation Report on Implementation of the Policy for Increasing the Capacities of the Ministry of Foreign Affairs of the Czech Republic and the Ministry of the Interior of the Czech Republic in Order to Process a Higher Amount of Applications for Employee Cards

### **INTERNET SOURCES**

[www.mvcr.cz](http://www.mvcr.cz)

[www.suz.cz](http://www.suz.cz)

[www.mzv.cz](http://www.mzv.cz)

[www.mpsv.cz](http://www.mpsv.cz)

[www.emncz.eu](http://www.emncz.eu)

[www.psp.cz](http://www.psp.cz)

[www.vitejtevcr.cz](http://www.vitejtevcr.cz)

### ***Annex 3: List of Tables and Charts***

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**Chart 7:** Repatriations carried out in 2017 by country of return

**Chart 8:** The number of persons who were sentenced to expulsion in the period 2007–2017

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