

MINISTRY OF THE INTERIOR  
OF THE CZECH REPUBLIC



National Contact Point of the Czech Republic to the European Migration Network

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on Asylum and Migration Statistics  
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# **1 INTRODUCTION**

Current report provides analysis of statistical data concerning international migration and international protection in the Czech Republic. Report was produced by the Department for Asylum and Migration Policy of the Ministry of the Interior, which is the Czech National Contact Point of the European Migration Network.

## **1.1 Methodology**

Data used in the report were in most cases supplied by Eurostat. When other sources are used or data are corrected or supplemented, it is indicated below relevant table or figure. Data on immigrants and international protection seekers in the Czech Republic are collected by different institutions:

- Czech Statistical Office (CZSO) – data concerning population and migration flows,
- Directorate of Alien Police Service (DAPS) – data on illegal migration, refused foreign nationals, apprehended foreign national, removed foreign national, number of issued residence permits,
- Department for Asylum and Migration Policy (DAMP) of the Ministry of the Interior – data concerning applicants for international protection, asylum status holders and data on asylum procedure.

Report itself and also data used in it are compiled in accordance with EMN instructions. However some data are not available or are available in different format. Whenever this occurs, it is clearly stated in a commentary or notes.

## **2 ASYLUM**

The number of international protection applicants has downward trend since year 2001, when it reached its peak. The development of total number of international protection applicants in the Czech Republic corresponds to the situation in other EU countries.

Data concerning international protection were obtained from the Department for Asylum and Migration policy of the Ministry of the Interior. With regard to law valid until 2006 it was not possible to distinguish between first and repeated application for international protection. In 2007 new Amendment of Asylum Act<sup>1</sup> came to power, which allowed collecting data on first time application. These data are available for reference period 2008 onward.

### **2.1 Analysis and interpretation of statistics on international protection**

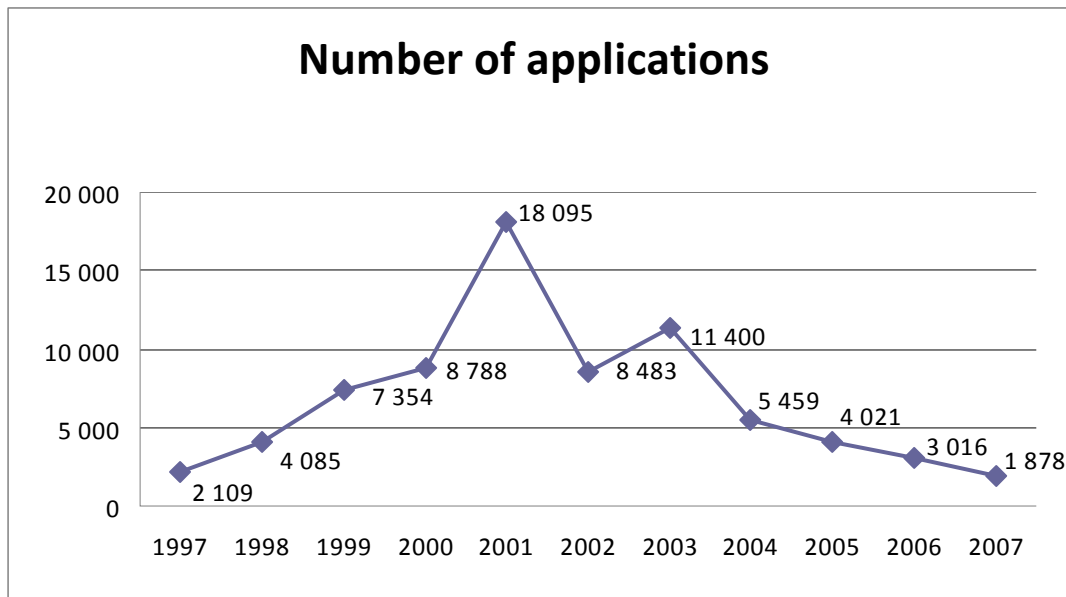
#### *2.1.1 Trends in asylum applications in 2007 compared to the previous year*

Total number of 1 878 applications for international protection was submitted in the Czech Republic in 2007. It means decline of 38 per cents in comparison with previous year. The number bears to a trend recorded since 2004 onward.

The highest number of applicants for international protection was recorded in 2001 when 18,094 applications were registered. In the years following after the adoption of the amended Asylum Act gradual decline can be observed, with exception of the year 2003, when annual increase of 34 per cents was recorded. This was primarily caused by influx of Russian citizens from Chechnya.

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<sup>1</sup> Act 325/1999 Coll., of 11 November 1999, on Asylum and Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act)

**Figure 1: Development of total number of applications for international protection (1997 – 2007)**

Source: OAMP, Ministry of the Interior, 2009.

The most frequent country of origin among international protection seekers in 2007, as well as in previous years, was Ukraine. Ukraine is seen as a traditional source country of international protection seekers in the Czech Republic. In 2007, 293 new applications by Ukrainian citizens were submitted, which represent annual decline of 49 percent, similarly to previous year, when number dropped by 42 per cents. Share of Ukrainians in the total number of applications for international protection is also going down. In 2004, Ukrainian citizens counted for 29 per cents of all applications for international protection in the Czech Republic. In 2007 their share on total decreased to 16 per cents.

Besides the lasting decrease trend in total number of applications, two waves of applicants from Egypt and Kazakhstan occurred in 2006. During few months, number of their applications multiplied. Especially in case of Egyptian nationals, who were motivated economically and they were misusing asylum procedure. After introducing airport visa, figures returned to normal.

In last two months of 2007, a similar situation occurred with international protection seekers from Turkey. During the first 10 months of the year, the average number of Turkish citizens seeking international protection was around 10. In November, the number increased up to 70

and in December up to 90 persons. According to their travel documents, the Czech Republic was not their country of destination. Nevertheless, during their stay in the transit area at the airport, they applied for international protection. Such applications were motivated by their effort to legalise their stay in an EU Member State, while there was reasoned suspicion that Turkish citizens only used such stay for illegal migration to other EU Member States. In this context the amendment to the Asylum Act has been applied from the end of December 2007 which allows, in reasoned cases, to reject entry of international protection seekers to the Czech Republic for a certain period of time. These persons have to stay in the reception centre which is part of the international airport. This wave of international protection seekers was stopped in the beginning of 2008 by introduction of airport visas for Turkish citizens.

As regards other nationalities - international protection seekers - applicants from Cuba showed quite a considerable growth. Whereas in 2006 20 nationals of Cuba applied for international protection in the Czech Republic, then in 2007 the growth was almost fivefold (94 applications, i.e. a year-to-year growth of 370 %). Another group which demonstrated a considerable increase in 2007 consisted of nationals of Mongolia who from the 10th position in 2006 shifted to the 3rd position in 2007.

Presence of other nationalities of international protection seekers in the top ten remained stable and all of them demonstrated relatively significant annual decrease.

**Figure 2: Top ten nationalities with the highest number of applications for international protection, 2005-2007**

2005		2006		2007	
<b>TOTAL</b>	<b>4 021</b>	<b>TOTAL</b>	<b>3 016</b>	<b>TOTAL</b>	<b>1 878</b>
Ukraine	987	Ukraine	571	Ukraine	293
Slovak Republic	711	Egypt	422	Turkey	213
India	342	Kazakhstan	236	Mongolia	160
China (inc. Hong Kong)	287	Belarus	174	Belarus	130
Russian Federation	260	Russia	171	Viet Nam	100
Belarus	216	Viet Nam	124	Russia	99
Viet Nam	208	China	114	Cuba	94
Mongolia	119	Nigeria	96	Nigeria	69
Nigeria	78	Mongolia	95	Kyrgyzstan	63
Stateless	73	Kyrgyzstan	85	Stateless	65
Others	740	Others	928	Others	592

Source: OAMP, Ministry of the Interior, 2009.



In comparison to previous year, share of males on total number of applications decreased to 68 per cents in 2006. The highest share of males with 73 per cents was in age group 18 – 35. In age group 60+, proportion of males was the lowest from all age groups. Within this group, males represented 39 per cents.

The majority of applications, 62 per cents, were submitted by persons of the age group 18 - 35. Applicants older than 60 years constitute the smallest age group representing only 1 per cent of all applications.

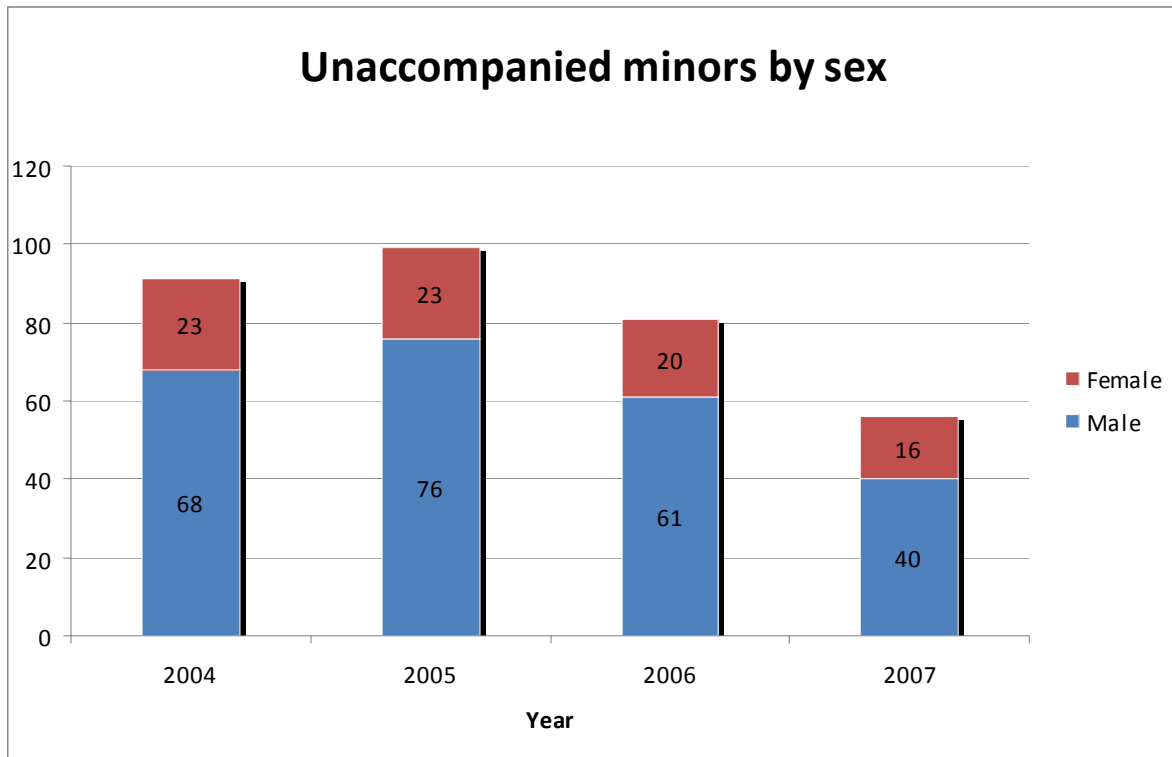
**Figure 3: Applications for international protection by age and sex, 2007**

Age groups	Male	Female	Total
<b>Total</b>	<b>1 281</b>	<b>597</b>	<b>1 878</b>
0-17	144	137	281
18-35	857	311	1 168
36-59	273	138	411
60+	7	11	18

Source: OAMP, Ministry of the Interior, 2009.

The number of unaccompanied minors was relatively stable in previous years. In last two years their number is decreasing. In 2006 it decreased by 18 per cents and in 2007 by 31 per cents. The majority of minors, with 71 per cents, were male.

**Figure 4: Development of number of unaccompanied minors (2004 – 2007)**



Source: OAMP, Ministry of the Interior, 2009.

Exactly one half of unaccompanied minors were 16 and 17 years old. The third largest group, representing 32 per cents, were minors 13 years old and younger.

**Figure 5: Unoccupied minors by age and sex, 2007**

Age groups	Male	Female	Total
<b>Total</b>	<b>40</b>	<b>16</b>	<b>56</b>
0-13	12	6	18
14	2	0	2
15	6	2	8
16	8	3	11
17	12	5	17
Age unknown	0	0	0

Source: OAMP, Ministry of the Interior, 2009.

In terms of nationality, the largest group of unaccompanied minors seeking international protection was from Turkey, which represented 30 per cents of cases. The second the most frequent nationality was Ukrainian with 165 per cents of cases. The third were Nigerians with 9 per cents.

**Figure 6: Unoccupied minors by nationality and sex, 2007**

Nationality	Male	Female	Total
<b>Total</b>	<b>40</b>	<b>16</b>	<b>56</b>
Turkey	13	4	17
Ukraine	6	3	9
Nigeria	4	1	5
Afghanistan	3	1	4
Viet Nam	3	1	4
China	3	0	3
Congo	2	1	3
Syria	1	2	3
Mongolia	0	2	2
Ghana	1	0	1
Somalia	0	1	1
Palestine	1	0	1
Iraq	1	0	1
India	1	0	1
Stateless	1	0	1

Source: OAMP, Ministry of the Interior, 2009.

### 2.1.2 Total number of first and final positive decisions in 2007

Total number of decisions refers to the numbers of decisions of the first instance. Appeals to the regional court and cessations are not included in the total number of decisions as they are decisions on legality; they are not decisions on granting international protection.

In 2007 the Ministry of the Interior has rendered decision in 2 260 cases. This number was falling in recent year, due to falling number of applicants for international protection. Annual decrease in 2007 was by 25 per cents.

Out of total number of decisions 382 decisions were positive, which represents an increase by 17 per cents in comparison with the year 2006.

**Figure 7: Number of decisions by type, 2004 - 2007**

Age groups	2004	2005	2006	2007
<b>Total</b>	<b>7 879</b>	<b>4 376</b>	<b>3 021</b>	<b>2 260</b>
Positive decisions	184	3 30	327	382
Negative decisions	4 633	2 636	2 195	1 564
Other non-status decisions	3 063	1 410	499	133

Source: OAMP, Ministry of the Interior, 2009.

The position of top five nationalities, who have obtained the international protection statuses (in form of Geneva Convention Status, Humanitarian Status, Subsidiary Protection, and statuses granted for reason of family reunification) in the Czech Republic, remains stable in last years. Citizens of Russia, who were on the first position in 2004 and 2005, were replaced by Belarusian citizens. In the previous years, other top five positions were occupied by former Soviet states. In 2007, they were replaced by the citizens of Iraq and Cuba.

**Figure 8: Top five nationalities with granted statuses of international protection, 2005-2007**

2005		2006		2007	
<b>TOTAL</b>	<b>330</b>	<b>TOTAL</b>	<b>327</b>	<b>TOTAL</b>	<b>382</b>
Russia	119	Belarus	93	Belarus	84
Belarus	48	Russia	52	Russia	62
Uzbekistan	25	Kazakhstan	31	Iraq	50
Armenia	20	Ukraine	31	Cuba	31
Kazakhstan	18	stateless	24	Ukraine	21
Others	100	Others	96	Others	134

Source: OAMP, Ministry of the Interior, 2009.

Czech legislation has wider definition of asylum status. According to the Czech Asylum Act, asylum (refugee status) can be granted not only to reasons defined by the Geneva Convention but also for humanitarian reasons and for the purpose of family reunification. Geneva Convention reasons were applied in 9,4 per cents of granted international protection statuses. In 191 cases, which represent half of the positive decisions, seekers for international protection were granted subsidiary protection. The term “subsidiary protection” was introduced in to the Czech legislation in September 2006, when it replaced so called “obstacles to leave”. The rest of the statuses granted were for the reason of family reunification and humanitarian reasons.

### 2.1.3 Changes in the statuses regularly granted to particular citizenship groups

Composition of citizenship of persons, who were granted international protection statuses, was relatively stable over last years. Citizens of former Soviet states represented the majority.

They came mainly from Belarus, Russia and Ukraine. Following the conflict in Iraq, 50 positive decisions were granted to Iraqis. In 6 cases, Iraqi international protection seekers were granted statuses defined by the Geneva Convention and in the rest of cases were granted humanitarian statuses, subsidiary protection and statuses for reason of family reunification.

## 2.2 Contextual interpretations (legal, political and international factors)

### 2.2.1 New or amended laws effective in 2007

The Act No. 379/2007 Coll.<sup>2</sup> was adopted mainly with regard to reacting in the Czech legal framework to EC/EU legal regulations pertaining to the area of foreign nationals' residence and international protection. In total this amendment encompasses amendments to eleven acts. Specifically the draft amendment to the Asylum Act responds the **Procedural Directive**<sup>3</sup>. This Directive was to be transposed into the Czech legal framework not later than by 1 December 2007.

The most important changes of the Asylum Act, effective of 21 December 2007, are following:

- The restriction (a two-year time limit) on a **repeat application for international protection** was excluded since the Procedural Directive does not take such a restriction into the account. Applications repeatedly filed for the same reasons might be assessed in the future as inadmissible under the newly implemented provisions, which mean that such procedure will be discontinued.
- A foreign national may be deprived of his/her personal freedom only on the basis of legal reasons. In this specific case the provision enables the Ministry of the Interior to take a decision on the obligation of a foreign national (international protection seeker) to stay for the whole duration of the procedure at a reception centre. The objective of

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<sup>2</sup> No. 379/2007 Coll., amending Act No. 326/1999 Coll. on the Residence of Aliens in the Czech Republic and on the Amendment to Some Other Acts, as amended, Act No. 325/1999 Coll. on Asylum and on the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Asylum Act), as amended, and Some Other Acts.

<sup>3</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

the provision is to prevent unlawful entry and residence of foreign nationals whose identity is unknown or who intentionally do not wish to disclose their identity and who, before they applied for international protection, entered and/or resided in the Czech Republic illegally.

- A new provision within the **Special procedure on international protection at international airports** was introduced in Asylum Act. This provision for border crossing points situated inside a country is to eliminate abuse<sup>4</sup> of the Asylum Act for the purpose of subsequent illegal migration to 'old' EU Member States from the Czech Republic. To solve the insufficient capacity of reception centres at airports it is possible to make use of a different asylum facility determined by the Ministry as a reception centre at the airport, whilst an identical regime to other similar facilities must be used. In case international protection seekers are not permitted to enter the Czech Republic, these persons will have to stay<sup>5</sup>, during the course of the international protection procedure, in a reception centre (however, not longer than for 120 days). In order to ensure thorough and objective assessment of each application for international protection and create conditions for delivery of such application the time limit for taking a decision is specified as four weeks from the date of declaration to apply for international protection. If it is not possible to take a decision within this time limit the applicant will be permitted to enter the Czech Republic and will be transferred to an asylum facility inland.

In connection with above mentioned changes also the Act on Protection of the National Border<sup>6</sup> had to be amended. Implementing an adequate asylum structure<sup>7</sup> at international airports for persons who demonstrate their intention to apply for international protection at an international airport (the external border of the Czech Republic) was also prerequisite for establishing Schengen Area.

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<sup>4</sup> To prevent abuse from foreign nationals declaring in the transit zone of an international airport their intention to apply for international protection who do not satisfy conditions for entry into the Czech Republic (they are not in possession of a visa or they are even not holders of travel documents).

<sup>5</sup> Children and parents with children, disabled and elderly persons are excluded from such stay in an airport reception centre. Such persons will be, regardless of the reasons for international protection, transported to an asylum facility inland.

<sup>6</sup> Act No. 216/2002 Coll., of the 2<sup>nd</sup> of May 2002, on protection of national borders of the Czech Republic (Act on Protection of the National Borders)

<sup>7</sup> Specifically this means that a reception centre must be established there.

In the context of the **Czech Republic's accession to the Schengen area**<sup>8</sup> Act No. 170/2007 Coll., amended the Act on Asylum providing the Ministry with access to data maintained in the information systems of contracting states.

### *2.2.2 Procedural changes effective in 2007*

The most important procedural changes were due to transposition of Procedural Directive into the Czech legislation and country's accessions to the Schengen Area. Both is explained in previous section.

### *2.2.3 European / international factors explaining certain changes regarding international protection trends in 2007*

In 2007 the trend of a decline in the number of international protection seekers, which started after the Czech Republic's accession to the European Union in May 2004, continued. Until 2006 the development regarding the total number of international protection seekers in the Czech Republic corresponds to the situation in other European countries, however, in 2007 the situation changed. While in the Czech Republic the number of applications for international protection continued falling, the European Union as a whole reported the increase in the number of applications filed. Such growth was caused by a considerable increase in the number of international protection seekers only in several EU Member States and predominantly resulted from a large wave of refugees from Iraq. With regard to the fact that the Czech Republic was not a destination country for Iraqi refugees, this wave did not affect the situation, as regards international protection seekers, in the Czech Republic in 2007.

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<sup>8</sup> The Czech Republic entered the Schengen area on December 21 2007, when border controls were abolished on land borders. Border controls on international airports were abolished on March 29 2008.

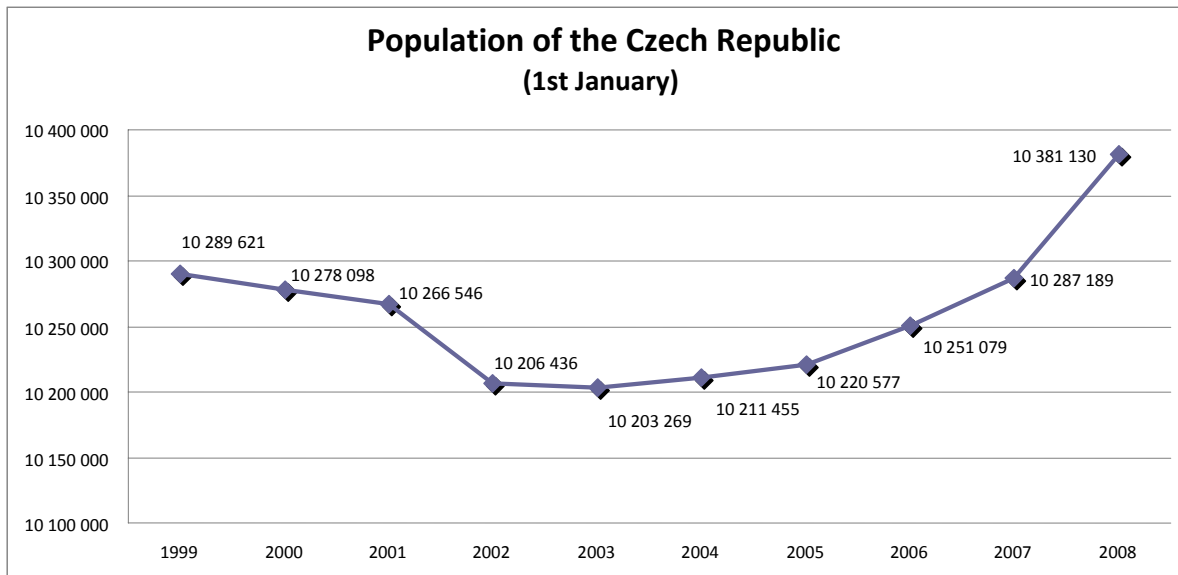
### 3 MIGRATION

#### 3.1 Analysis and interpretation of migration statistics

##### 3.1.1 Migration Flows

Total number of legally residing population has been showing progressive trend since 2003, when it reached its minimum of 10 203 269 inhabitants. Total number of 10 381 130 persons resided in the Czech Republic legally on the 1<sup>st</sup> of January 2008.

**Figure 9: Development of population of the Czech Republic, 1999-2008**



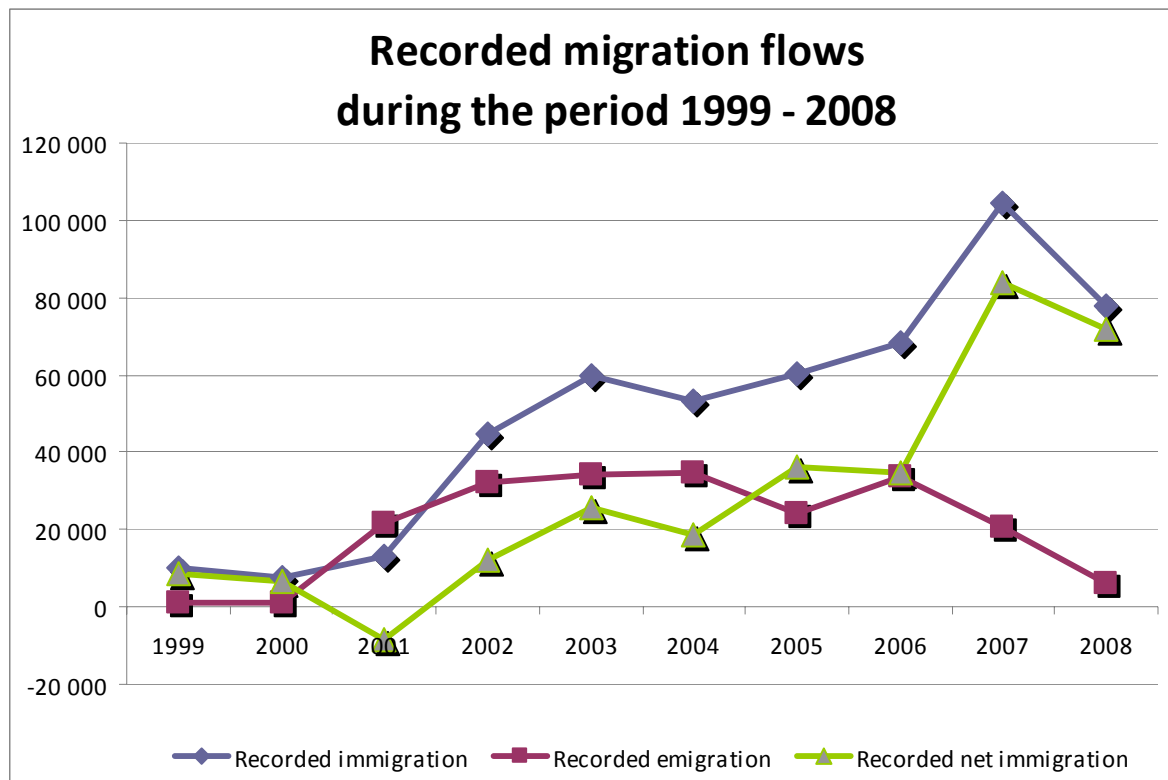
Source: CZSO, 2009.

The main reason for depopulation till year 2003 was natural decrease of population. Economic recovery initiated at the beginning of the millennium, which resulted in economic boom later on, launched massive immigration to the country. Since 2002 the number of new born shows increasing trend and since 2006 the number of new born was once again higher than the number of deceased persons.



Nevertheless, the main reason for population increase is massive immigration to the country. Even that recorded immigration went down by 26 per cents in 2007, the absolute number still remained very high – 77 817 persons. Due to the sharp decrease of recorded emigration, recorded net immigration was 71 790, which represented decline by 14 per cents.

**Figure 10: Development of migration flows, 1999-2007**



Source: CZSO, 2009.

### 3.1.2 *Population by Citizenship in 2007*

Czech nationals constituted 97.1 per cents of population in the Czech Republic on the 1<sup>st</sup> January 2007. Even though the absolute number rose during 2007, the share of Czech nationals decreased to 96.7 per cents. Share of other EU-27 nationals on total population represented 1.3 per cent. Share of non-EU-27 nationals counted 2.1 per cent.

Composition of the population in the Czech Republic by citizenship is in the long run stable. Sequence of top citizenships is almost constant. The only significant changes were due to the entrance of the Czech Republic to the EU, when citizens of neighbouring countries Slovakia

and Poland became EU nationals. The similar situation followed after Bulgaria and Romania joined the EU.

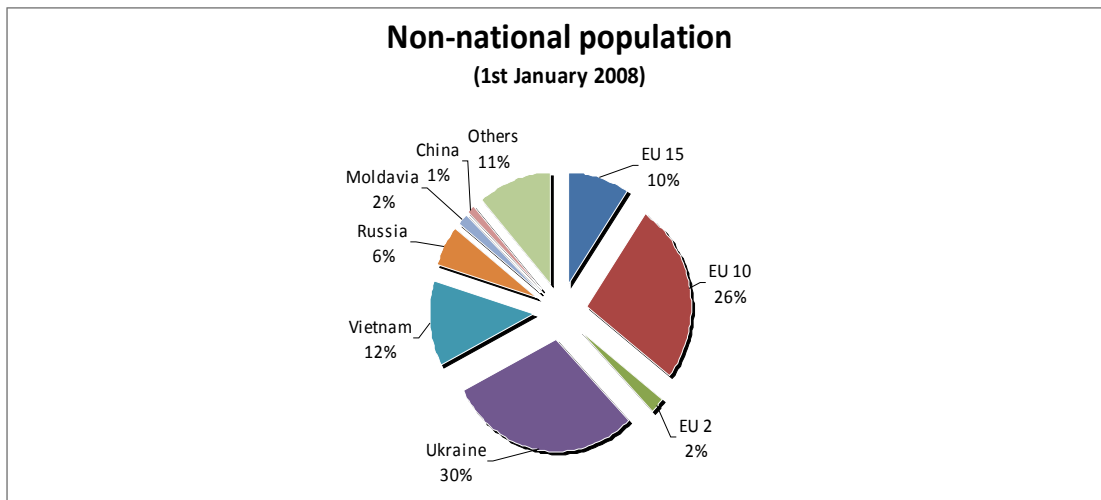
**Figure 11: Population by citizenship, 2008**

	<b>1st January 2008</b>
<b>Total Population</b>	<b>10 381 130</b>
Nationals	10 033 481
Other EU(-27) Nationals	131 516
of which other EU-10 Nationals	89 885
of which EU-2 (BG, RO) Nationals	8 344
Non-EU-27 (3rd country) nationals	216 133
<i>Most important third country nationals:</i>	
Ukraine	103 405
Vietnam	42 313
Russian Federation	20 062
Republic of Moldova	6 235
China	4 484
Belarus	3 615
Mongolia	3 458
Kazakhstan	2 491
Croatia	2 223
Bosnia and Herzegovina	1 796
Others	26 051

Source: CZSO, 2009.

At the beginning of 2008, 347 649 non-nationals resided in the Czech Republic. 38 per cents of foreign nationals in the country were from the EU countries, mostly from neighbouring countries as Slovakia and Poland. Majority of foreign nationals were third-country nationals. The most numerous group of them were nationals of Ukraine, representing 30 per cents of foreign nationals in the country. Nationals of Viet Nam constituted 12 per cent of non-national population in the Czech Republic.

**Figure 12: Non-population by citizenship, 2008**



Source: CZSO, 2009.

The most frequent non-EU nationals in the Czech Republic are citizens of Ukraine. At the beginning of 2008 they constituted almost 48 per cents of all non-EU-27 nationals legally present in the country. Size of their population increased by 19 per cents compared to the same period of the previous year. Annual increase in the preceding year was similar 15 per cents.

Vietnamese citizens represent the second largest group of non-EU nationals. In January 2008 they had 20 per cent share on the non-EU population. Annual growth of their number was 10 per cent.

The third most frequent non-EU citizens in the Czech Republic were citizens of Russian Federation. Their share on non-EU nationals remained almost the same around 9 percents. Its annual growth was 17 per cents in 2007.

These top three nationalities are coming to the Czech Republic mainly because of economic reasons, especially in connection with recent economic growth. They constitute traditional source of labour power and they also start businesses in the country. All these three groups showed a steep growth. The steepest annual growth showed the group of Mongolian nationals, proximately 38 per cents. Also Mongolians were coming to the country mostly because of economic reasons.

Other nationalities had less than 3 per cents share. Their presence among the top ten non-EU-nationals legally residing in the Czech Republic is also quite stable. These countries were, namely, Republic of Moldova, China, Belarus, Mongolia, Kazakhstan, Croatia, and Bosnia and Herzegovina.

### 3.1.3 Residence Permits: annual total of first issuing in 2007

There is no data available for number of residence permits issued for the first time. Directorate of Alien Police Service provides only stock data concerning foreign nationals having residence permits in the Czech Republic. The number also includes EU-nationals.

The number of foreign nationals with residence permit was rapidly increasing. In 2006, the number rose by 16 per cents and in the following year even faster, by 22 per cents. The number of foreign nationals in the Czech Republic with permanent residence permit has been growing significantly. Annual growth was 14 per cents in 2007. Comparing to the previous year, when the growth was 26 per cents, it represents slower growth, which was caused by procedural change. The condition of 10 years stay in the country was shortened to 5 year in 2006. Figure for foreign nationals with long-term residence permit grew by 28 per cents in 2007. In previous year the growth was more moderate, by 9 per cents.

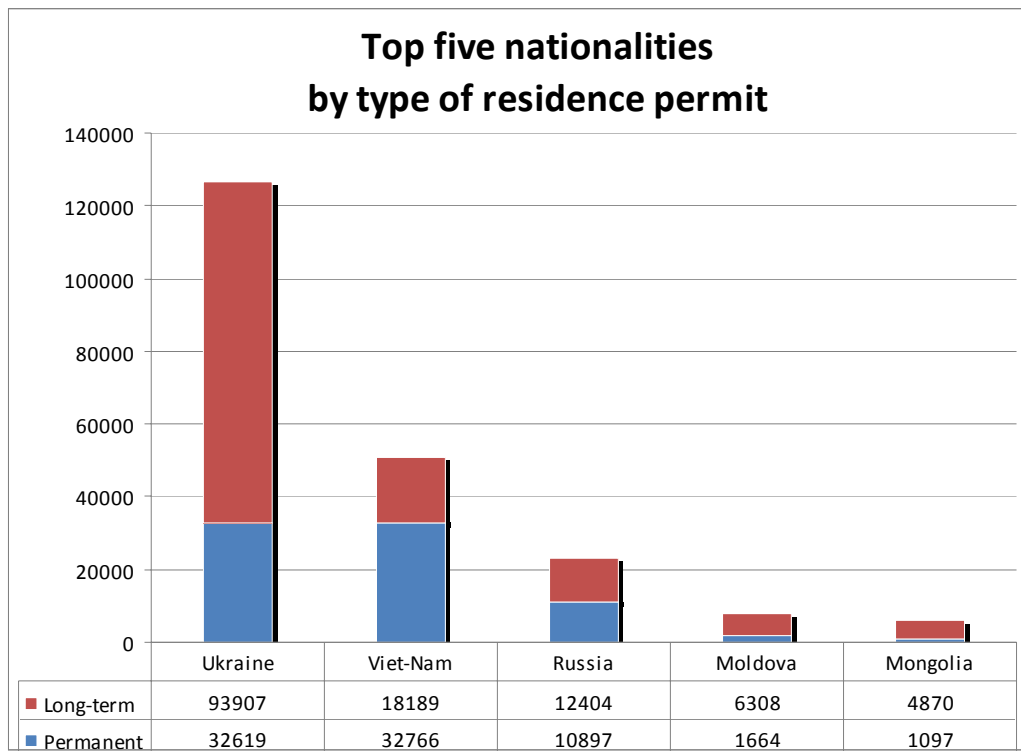
**Figure 13: Foreign nationals with granted residence permit (31 December)**

	2004	2005	2006	2007
<b>Total</b>	<b>254 294</b>	<b>278 312</b>	<b>321 456</b>	<b>392 087</b>
Long-term residence	154 827	167 714	182 271	158 018
Permanent residence	99 467	110 598	139 185	234 069

Source: DAPS, 2009.

Ratio between permanent and long-term residences was 40:60 at the end of 2007. This ratio varies between different nationalities. In case of Vietnamese ratio was 64:36 in favour of permanent residence. For other nationalities the ratio was inverse. For example for Ukrainians it was 26:74.

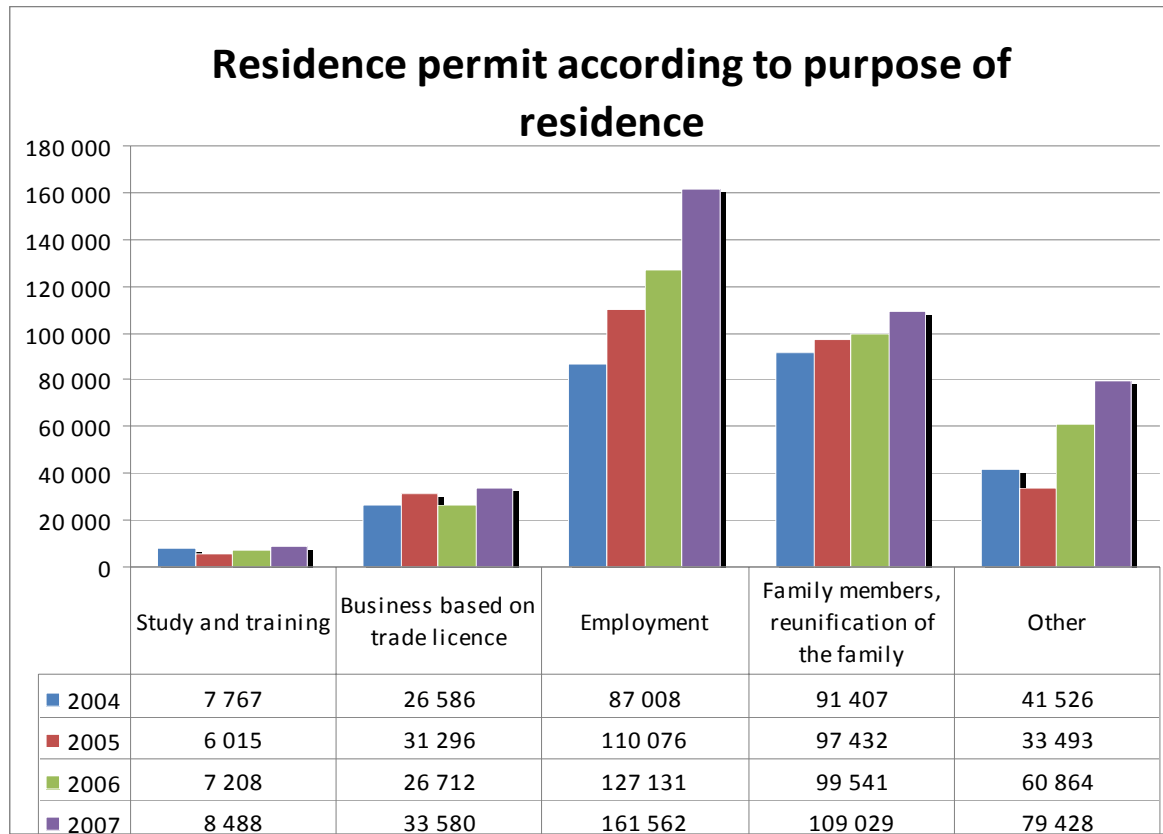
**Figure 14: Top five nationalities by type of residence permit, (31<sup>st</sup> December 2007)**



Source: DAPS, 2009.

Permits for purpose of employment had the largest share on total number of residence permits. They counted for 41.2 per cent. In comparison with previous year, their share on total slightly increased. In previous year, the share of this was 39.6 per cents. The second most frequent purpose was family reunification. Family reunification counted for 27.8 per cent of total.

**Figure 15: Foreign nationals with residence permit by the purpose of residence, 2004-2007 (31<sup>st</sup> December)**



Source: DAPS, 2008.

As already stated, the total number of residence permits rose by 22 per cents. Among the reasons why permit was issued, the strongest growth was for the other reasons, with 30.5 per cents. Permits for the purpose of employment rose by 27.1 per cents and permits for the purpose of carrying business based on trade licence rose by 25.7 per cents.

### 3.2 Contextual interpretations (legal, political and international factors)

#### 3.2.1 *Main trends and most important developments in the area of migration policy in the Czech Republic*

As stated above in recent months it was necessary to amend the Alien Act<sup>9</sup> as a result of the necessity to transpose newly adopted acts of the Council of the EU. The following amendments were made to the Alien Act in the past year through Act No. 379/2006 Coll.

<sup>9</sup> Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic

**Act No. 170/2007 Coll.**, amending some other acts in the context of the Czech Republic's accession to the Schengen area (prior to the removal of internal border checks). This Act ensured the routine operations of the Schengen Information System. This above-mentioned Act accomplished the process of implementation of the current Schengen acquis by creating legal conditions for the functioning of SISone4all in the Czech Republic. The system was put into operation in the Czech Republic on 1 September 2007.

A special type of residence was introduced in the Alien Act - a 'long-term residence permit for the purpose of scientific research'. A foreign national who has concluded with a Czech research institute a hosting agreement and who intends to reside in the Czech Republic for a period exceeding three months is entitled to apply for this type of residence at a Czech embassy or consulate. If such researcher resides in the Czech Republic and is in possession of a visa or any other type of residence permit he/she may apply for a long-term residence permit for the purpose of scientific research at the relevant department of the Alien Police.

In the course of the whole legislative process to implement the said amendment the issue of making conditions stricter for issuing permanent residence permits to family members of EU nationals who are not EU nationals themselves was discussed. The family member of an EU citizen may obtain a permanent residence permit after two years of temporary residence in the Czech Republic, out of which he/she must have been for at least one year the said family member (i.e. for example a spouse of a Czech national). The described principle will not apply to humanitarian cases, meaning that permanent residence will be permitted without the condition of previous continuous residence in the Czech Republic (the Act lists some typical examples such as minors or adult children unprovided for by the family).

An important alteration is the introduction of the condition to prove knowledge of the Czech language as a necessary prerequisite for the issuing of permanent residence permit in the Czech Republic. Proving knowledge of the Czech language as a necessary prerequisite for the application of a foreign national to be issued with a permanent residence permit is an important element of integration. A certificate proving the required knowledge of the Czech language will be required from 1 January 2009. The system of instruction and knowledge testing of the Czech language should be, however, commenced not later than by 1 September 2007.

Furthermore the amendment to the Alien Act<sup>10</sup> took into account national legal provisions on registered partnership<sup>11</sup>. Introduction of registered partnership is an internal matter of the Czech Republic since EC law does not have competence to regulate aspects of substantive family law. However, this argument cannot be used in the case of application of the Directive of the European Parliament and of the Council 2003/58/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The said Directive does not solve the question whether a person can obtain the legal status of a registered partner but whether such person can be in this case considered as a family member of a citizen of the Union enjoying the right of free movement of persons.

### 3.2.2 Existing categories of admission or non-admission in 2007

The matters concerning foreign nationals are regulated by the Alien Act<sup>12</sup>. Its latest amendment has transposed EU legislation. It divides foreign nationals in two categories: EU-nationals and Non-EU-nationals.

The first group consists of **citizens of the EU and other states of the European Economic Area** (EU-nationals). These nationals have right to free movement and residence in the Czech Republic. They can enter and reside in the country for unlimited period on the basis of travel document including ID card. Even for them, special residence titles were created: confirmation of temporary residence and permanent residence permit. It is right of EU-nationals to apply for these documents, but they are not obliged to do so.

Family **members of EU-nationals, who are non-EU-nationals**, enjoy similar treatment as EU-nationals. They can enter the country with more favourable conditions than other non-EU-nationals<sup>13</sup>. If they want to stay in the country along with EU-national for period longer than three months, they have to ask police to issue temporary residence permit.

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<sup>10</sup> Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic

<sup>11</sup> Amendment to the Act on the Residence of Aliens relates to the adoption of Act No. 115/2006 Coll. on Registered Partnership and on the Amendment to Some Other Acts and to the necessity to incorporate this new provision recognised by the Czech Republic in the Act on the Residence of Aliens.

<sup>12</sup> Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic

<sup>13</sup> Family members of EU-nationals, who are non-EU-nationals, need to have a valid visa to enter the territory, when it is required. If the visa is expired, they can stay on the territory, when they accompany EU-national family member. They can



With the aim to restrict abuse of a legal provision ‘a family member of the EU-national’ to acquire a permanent residence by third-country nationals a new provision was incorporated, effective of 21 December 2007, into the Alien Act. A family member of an EU citizen may obtain a permanent residence permit after two years of temporary residence in the Czech Republic of which he/she must be at least one year the said family member.

**Non-EU-nationals** have to apply for visa to enter and to stay on the territory of the Czech Republic. Non-EU-nationals, who need visa to enter the country, or on the other hand, do not need visa, are determined within Common Visa Policy of the EU<sup>14</sup>. Citizens of countries on the “White List” can enter and stay on the territory without a visa for period not exceeding three months. Citizens of the countries on the “Black List” have to apply for the visa. They can obtain **short-time visa up to 90 days**.

For the stay of a longer period they need to have **visa for more than 90 days** or **long-term residence permit** when it is specified by the law. If the purpose of the stay requires longer than one year stay, foreign national can apply for a **long-term residence**. Thereby new category of residence replaced previous extensions of visas for more than 90 days.

The main categories of long-term residence are: for the purpose of family reunification, for long-term resident of other EU-member state, for the purpose of studies, for the purpose of protection in the Czech Republic, for the purpose of scientific research, for the purpose of employment, and for the purpose of leave to remain.

In consequence of transpositions of relevant Council Directives, foreign nationals can now apply for long-term residence permit even without previous stay on visa for more than 90 days. This can be applied for the purpose of family reunification, studies, protection on the territory and scientific research. Third-country nationals, who are permanent residents in other member state, can apply for a long-term residence of other member state resident.

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stay on the territory without the visa if they are in possession of temporary or permanent residence permit on the territory of other contracting state.

<sup>14</sup> COUNCIL REGULATION (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

Category of residence - **permanent residence permit** of third-country national is preserved. Previous condition of 10 year continuous stay on the territory of the Czech Republic was shortened to 5 years. In specific cases, defined by the Alien Act, this period can be shorter.

Other important act concerning entry and stay of third-country nationals is the Asylum Act<sup>15</sup>. The act determines conditions of admission and stay of persons who manifest their will to ask for the international protection in forms of asylum or subsidiary protection. They will hold a **status of applicants for the international protection** during the procedure and also during appellate procedure in court, if it has suppressive effect.

In accordance with the Asylum Act, during the procedure on international protection it is examined whether applicant is entitled to obtain **asylum status** or not. Applicant, who doesn't fulfil conditions to be granted asylum, but there are obstacles to leave the country, may be granted status of **subsidiary protection**. **Temporary protection**<sup>16</sup> is an institute covering problems of displaced persons.

Employment Office may issue **work permit** to third-country national for the position, which reported by employer as unoccupied position, which cannot be filled other way and for which employer has a permit to employ workers from abroad.

**Work permit with reference to the situation on the labour market** can be issued to the third-country-national, who is a seasonal worker for period of six months. Next work permit cannot be issued but after six months after the end of validity of the former work permit.

Since 1<sup>st</sup> of May 2004 **citizens of EU/EEA countries and Switzerland** have, according to the Labour Code, the same legal status as Czech citizens. Third-country-nationals can work in Czech Republic only if they have obtained work permit and residence permit.

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<sup>15</sup> Act No. 325/1999 Coll., of 11 November 1999, on Asylum and Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act).

<sup>16</sup> Specified by the Act No. 221/2002 Coll., on temporary protection of aliens.

3.2.3 European / international factors explaining certain changes/continuity regarding migration

Accession of Bulgaria and Romania to the European Union on the 1<sup>st</sup> January 2007 changed status of their citizens, since they became EU-nationals. The Czech Republic has not introduced any restriction for Bulgarian and Romanian citizens when entering the Czech labour market.

Significant change was, when the Czech Republic entered the Schengen Area on December 21 2007. As of this date, border controls were abolished on land borders. Border controls on international airports were abolished on March 29 2008.

## **4 REFUSALS, APPREHENSIONS AND REMOVALS**

Data on refused, apprehended and removed third-country nationals are collected in accordance with CIREFI definitions.

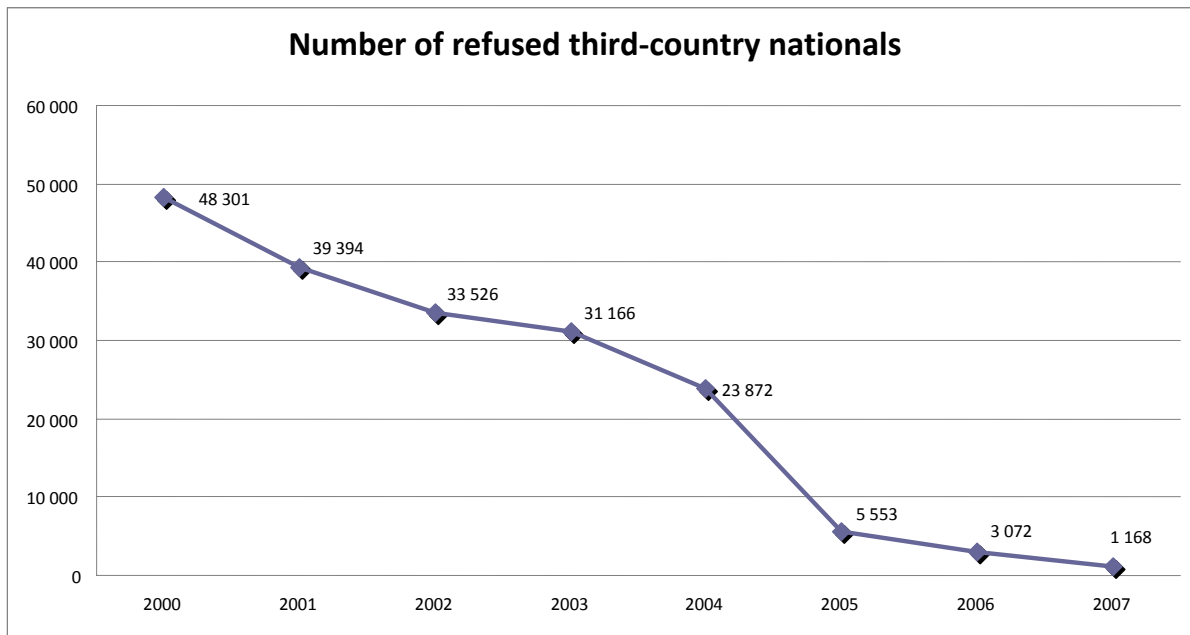
### **4.1 Analysis and interpretation of statistics**

#### *4.1.1 Developments/trends pertaining to the number of refusals in 2007*

Number of refused third-country nationals in the Czech Republic is decreasing steadily. In 2000 there were 48 301 third-country nationals refused. By the year 2007 this number has significantly dropped to 1 168 persons. The highest annual decreases were recorded in the last three years: by 77 per cents in 2005, by 45 per cent in 2006 and by 62 per cents in 2007.

This significant decrease was caused mainly by Czech Republic entrance to the European Union in May 2004. Also further EU enlargement (Bulgaria and Romania) in 2007 influenced statistics on refused persons. Accession of the country to the Schengen Area on December 21 2007 had also significant impact on the number of refused third-country nationals.

#### **Figure 16: Development of the number of refused third-country nationals, 2000-2007**



Source: DAPS, 2009.

With regard to significant decrease of total number of refused third-country nationals, all countries in table below have also shown significant decline in number of their citizens refused on the Czech border. The only exception was Romania whose number of refused citizens has more than doubled (117 percent) between years 2005 and 2006. On the other hand Romanian and Bulgarian citizens disappeared from the top 10 list of nationalities in 2007, which was caused by their entry to the EU.

Turkey, Ukraine, Russia and some succession states of former Yugoslavia were repeatedly recorded on the top ten list of countries with highest amount of refused citizens on the Czech borders.

**Figure 17: Top ten nationalities of refused third-country nationals, 2005-2007**

2005		2006		2007	
<b>TOTAL</b>	<b>5 553</b>	<b>TOTAL</b>	<b>3 072</b>	<b>TOTAL</b>	<b>1 168</b>
Ukraine	724	Turkey	468	Turkey	238
Russia	695	Romania	392	Ukraine	197
Turkey	657	Ukraine	385	Russia	101
Serbia and Montenegro	463	Russia	279	Viet Nam	68
Bosnia and Hercegovina	214	Serbia and Montenegro	175	China	63
Stateless	182	Viet Nam	129	Serbia	56
Romania	181	China	114	FYROM	45
Belarus	152	Bulgaria	96	Bosnia and Herzegovina	30

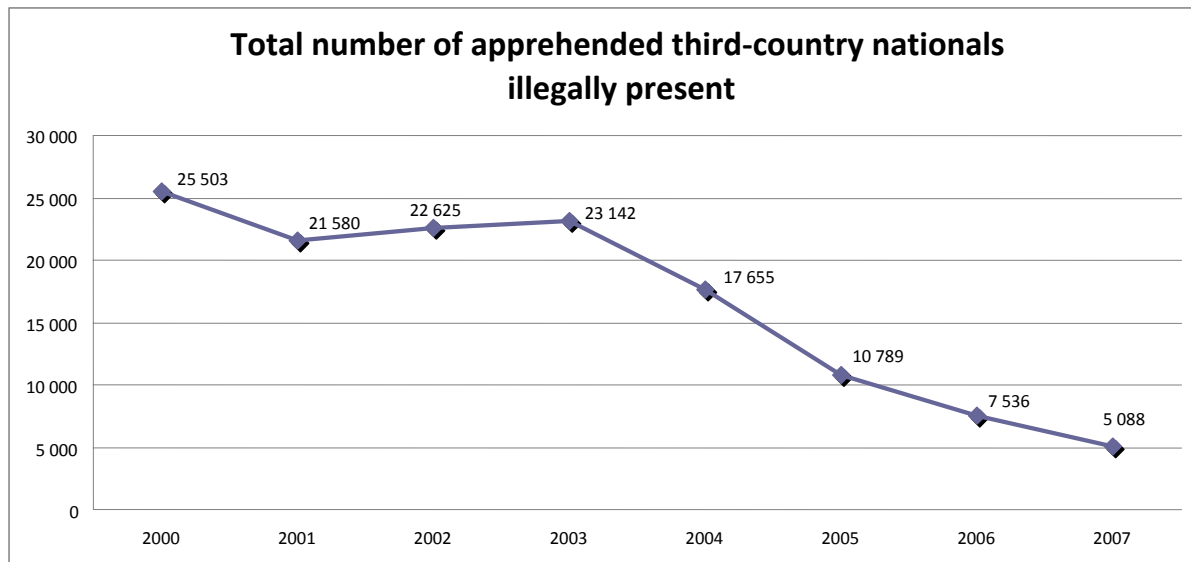
Bulgaria	148	Bosnia and Herzegovina	73	Kazakhstan	23
China	129	India	73	Belarus	17
Others	2 008	Others	888	Others	330

Source: DAPS, 2009.

#### 4.1.2 Developments/trends pertaining to the number of apprehensions of illegally-resident third-country nationals in 2007

The amount of apprehended third-country nationals is steadily decreasing since 2003. Annual decline of 35 per cents was recorded in 2006 and decline of 32 per cents in following year.

**Figure 18: Development of the number of apprehended third-country nationals, 2000-2007**



Source: DAPS, 2009.

Composition of most frequent nationalities of apprehended third-country nationals remains stable over time. Majority of apprehended third-country nationals were citizens of Ukraine. They constituted over 58 per cents of all apprehended third-country nationals in 2007. This is related to the fact, that they also form one of the largest groups of third-country nationals in the Czech Republic. Ukrainians are mainly detected by police bodies when violating the conditions of stay on the territory of the Czech Republic. Total number of apprehended third-country nationals, as well as the number of apprehended Ukrainians is showing significant decrease.

Positions of other numerous nationalities remain stable. With regard to the position of Ukraine, following countries have marginal shares. Front positions are occupied by citizens of Viet Nam, Russia, China, Belarus and Moldova. Significant decline was recorded for majority of listed nationalities. The highest one was recorded for the Ukraine in 2007 by 40 per cents. Only two nationalities showed an increase in 2007. Number of citizens of China increased by 18 per cents and number of citizens of Mongolia by 52 percents.

**Figure 19: Top ten nationalities of apprehended third-country nationals, 2005-2007**

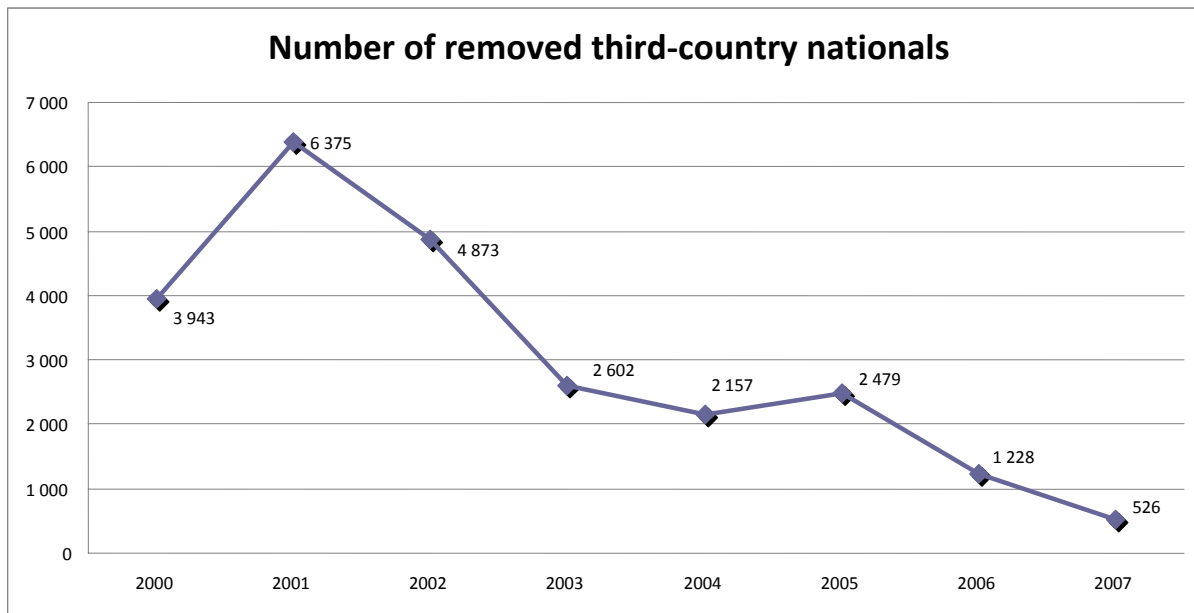
2005		2006		2007	
<b>TOTAL</b>	<b>10 789</b>	<b>TOTAL</b>	<b>7 536</b>	<b>TOTAL</b>	<b>5 088</b>
Ukraine	6 995	Ukraine	4 925	Ukraine	2 974
Russia	622	Viet Nam	529	Viet Nam	360
Viet Nam	608	Russia	222	China	242
China	363	China	205	Mongolia	178
Belarus	308	Belarus	199	Russia	164
Moldova	230	Moldova	154	Moldova	150
India	198	Romania	123	Belarus	138
Romania	190	Mongolia	117	Unknown	89
Unknown	179	Unknown	100	Kyrgystan	58
Mongolia	100	Bulgaria	71	Georgia	57
Others	996	Others	891	Others	678

Source: DAPS, 2009.

#### *4.1.3 Developments/trends pertaining to the number of removals in 2007*

Since the year 2001, when the number of removed third-country nationals reached its maximum of 6 375 persons, it has dropped by 92 per cents to 526 persons in 2007. With exception of year 2005, when annual growth of 15 per cents was recorded, the amount of third-country nationals removed from the country has been falling significantly since 2001. The most substantial decline was recorded in 2007, when it dropped by 57 per cents annually.

**Figure 20: Development of the number of removed third-country nationals, 2000-2007**



Source: DAPS, 2009.

Ukrainian citizens form the largest group of removed third-country nationals with 248 persons in 2007. Their position is closely related to previous number of apprehended third-country nationals and both is explained by the size of Ukrainian population in the Czech Republic. Their share on total amount of removed third-country nationals was 47 per cents. Absolute number of removed Ukrainians decreased by 65 per cents in 2007.

Further most numerous nationalities were Vietnamese, Moldavian, Belorussian, Russian and Georgian. Number of removed persons of all these nationalities decreased significantly in 2007.

**Figure 21: Top ten nationalities of removed third-country nationals, 2005-2007**

2005		2006		2007	
TOTAL	2 479	TOTAL	1 228	TOTAL	526
Ukraine	1 362	Ukraine	701	Ukraine	248
China	317	Viet Nam	87	Vietnam	57
Moldova	199	Moldova	51	Moldova	38
Viet Nam	109	China	47	Belarus	29
Russia	105	Russia	43	Russia	24
Belarus	58	Belarus	41	Georgia	21
Turkey	52	Romania	40	Mongolia	21
Romania	39	Mongolia	25	China	17
Mongolia	35	Bulgaria	23	Egypt	11
Ecuador	21	India	22	Kyrgystan	6
Others	182	Others	148	Others	54



Source: DAPS, 2009.

*4.1.4 In cases of refused, apprehended, and removed migrants in 2007, are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? Explanation of the underlying causes*

The categories of apprehended and removed third-country nationals are closely interlinked. The most frequent nationalities in the both categories are mostly the same. The largest group of apprehended and removed third-country nationals is from the citizens of Ukraine. Ukrainians regard the Czech Republic as a target country of their labour migration. In general, Ukrainians enter the Czech Republic legally on the basis of stay permit, however, when validity of their permits expires, they fail to leave the county and remain there illegally. Other third-country nationals frequently occurring in top ten lists are from Viet Nam and Russia, which are along with Ukrainians top three numerous groups of third-country nationals present in the population of the Czech Republic. Citizens of succession states of former Yugoslavia like Serbia and Montenegro and Bosnia and Herzegovina have also been recorded in top ten list of refused third-country nationals.

## **4.2 Contextual interpretations (legal, political and international factors)**

*4.2.1 New or amended laws influencing illegal immigration in 2007*

With regards to the proposed Regulation of the European Parliament and of the Council on the Visa Information System (VIS) and the exchange of data between Member States with respect to applications for short stay visas, part of data on fingerprints and photographs, the Alien Act<sup>17</sup> newly defined **the obligation of third-country nationals applying for a visa to agree to the taking of their fingerprints and the taking of image records**, and the Act authorises not only the police but also embassies and consulates to perform such tasks. Refusal to submit to these requirements is a reason not to grant a visa.

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<sup>17</sup> Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic

In the context of the preparations of the Czech Republic to completely implement the Schengen acquis a **new concept of competence and organisational structure of the Alien Police Service after border checks are abolished** has been drawn up. As a consequence of a new concept of the Police of the Czech Republic, the Ministry of the Interior has drawn up the Draft Act on the Police of the Czech Republic. As a result it was also necessary to partially amend the Alien Act. As a consequence the scope of competence of the Ministry of the Interior was be extended - the Ministry is the second instance administrative authority in cases of administrative expulsion and imposing fines for minor offences and administrative delicts imposed by Alien Police Inspectorates at border crossing points and in the cases where a third-country national has been refused entry.

#### *4.2.2 Procedural changes influencing illegal immigration in 2007*

#### *4.2.3 European / international factors explaining certain changes/continuity regarding illegal entry in 2007 in the Czech Republic*

As already stated in the previous chapters, there are two different changes which influenced the statistics: EU-enlargement on January 1<sup>st</sup> 2007 and accession of the Czech Republic to the Schengen Area on December 21<sup>st</sup> 2007.

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