

# **MIGRATION POLICY STRATEGY OF THE CZECH REPUBLIC**

## MIGRATION STRATEGY PRINCIPLES OF THE CZECH REPUBLIC

The presented Migration Policy Principles formulate the priorities of the Czech Republic in the area of migration and international protection (asylum), thereby responding to the current discussion on this topic and the need to clearly express the views of the Czech Republic in this area. They also aim to open a discussion and to further strengthen the awareness of both professionals and the general public on migration issues. The Principles are listed in order of priority with regard to the security aspects of migration (representing a cross-sectional element of these Principles), however, they also represent the basic thematic groups in this area - the integration of foreign nationals, illegal migration and return policy, international protection (asylum), the external dimension of migration (including the development and humanitarian aspects), free movement of persons within the European Union and the Schengen Area, legal migration and the interconnection with the common policies of the European Union.

### Czech Republic:

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

On the basis of these principles, the Ministry of the Interior, in cooperation with other ministries, presents the Migration Strategy of the Czech Republic within which it further formulates the objectives the government of the Czech Republic intends to achieve in these areas both at national and EU level, and sets out specific measures it plans to use to achieve the objectives. At the same time, a communication strategy is developed as a cross-sectional measure for informing the public and other partners. The Communication Strategy addresses all aspects of migration in the Czech Republic, is closely linked to the individual chapters of the Migration Strategy and is presented together with this strategy.

The Coordination Body for the Management of Border Protection and Migration (“the Coordination Body”), which is responsible for implementation of the Migration strategy of the Czech Republic, meets regularly at an expert level and newly also at high – level government meetings. The task of the Coordination Body is also to update project cards created to implement specific tools covering all migration strategy principles. Text of the Migration Strategy of the Czech Republic itself will be updated according to the migration situation.

## INTRODUCTION

Migration is a complex and dynamic phenomenon that has social and economic impacts on the Czech Republic. The entry, residence and integration of foreign nationals in the territory of the Czech Republic are processes with potentially positive and negative consequences for the Czech society – processes which are, to a large extent, dependent on the active and flexible approach of the Czech Republic.

The intention of the presented strategy is therefore to clearly define a balanced and flexible migration policy of the Czech Republic, including its principles, objectives and instruments. The Czech Republic's migration strategy must lead to the strengthening of the positive aspects of migration and the most effective combating the negative phenomena and risks associated with migration.

The Czech Republic's migration policy is entrenched within the common policies of the European Union and its implementation largely stems from the common legal instruments of the European Union. Specific areas of migration, the most regulated by the common policies of the European Union, include especially the international protection (asylum), the protection of the external borders of the European Union and the return policy (including the expulsion of illegal immigrants). The Member States of the European Union maintained a relatively high degree of discretion in the areas of legal migration and integration of foreign nationals. All of these areas, irrespective of the degree of their harmonization at the EU level, form an interconnected system framework. Therefore, in its approach to the migration issues, the Czech Republic has to take into account not only the specific needs and resources of the state but also the situation at the European Union level, and to actively participate in the solutions within its common policies.

With the absence of controls at its internal borders, the common Schengen Area, which the Czech Republic is a part of, brings a significant advantage in the form of free movement of persons, goods and services. However, the free movement also brings new security challenges and, in this respect, puts high demands on the cooperation of the individual members. The objective of the Czech Republic should be the maintenance of a safe, functional and stable Schengen Area, also through a more effective and responsible migration policy both at the EU and national levels.

The Czech Republic, and the European Union as a whole, must therefore promote and effectively implement the migration policy based on clear grounds: i) to receive legal immigrants and facilitate entrance procedures, taking into account the need to maintain competitiveness in the global economic environment; ii) to ensure the return to the country of origin while ensuring the non - refoulment principle or the access to the international protection to the migrants who do not choose a legal entry in the European Union intentionally or unintentionally, forced by external circumstances; iii) to secure a degree of integration of the foreign nationals permanently residing in the territory of the Czech Republic which will prevent security risks and negative social phenomena and will lead to a social cohesion and a protection of the rights of members of the society and iv) to actively pursue the external dimension of the migration policies, including the assistance to refugees and the promotion of the development of the source and transit countries of migration. In this regard, the Czech Republic welcomed most of the proposed voluntary provisions under the new migration agenda of the European Commission - *European Agenda on Migration* published by European Commission in May 2015

The migration policy of the Czech Republic and the common policies of the European Union can only be implemented together if in the areas where common EU rules are effective, these rules are adhered to by all partners. If this is not the case, destabilization of the common system and, ultimately, also a threat to the fundamental pillars of the European integration, including the free

movement of persons, may occur. The Czech Republic therefore must, in keeping with past practice, comply with the common rules at the EU level and enforce their strict adherence by all partners.

## I. INTEGRATION

***The Czech Republic will fulfil the obligation within its migration policy to secure peaceful coexistence of its citizens and foreign nationals, and through effective integration, it will prevent the emergence of negative social phenomena.***

**a. Current situation:** The integration of foreign nationals is an essential instrument of a successful migration policy. It is a two-way process involving both the foreign nationals and the majority society. In this respect, the Czech Republic has a well-balanced integration policy which is non-problematic in the long term. Its foundations are formed by consistent monitoring and projects at the national and regional levels, including a network of regional integration centres for foreign nationals. Activities of non-governmental non-profit organisations are also welcome. In the long-term, the Czech Republic has invested significant financial resources in further development and implementation of the integration policy, also thanks to targeted EU funds.

Since 2000, the fundamental strategic document of the integration policy of the Czech Republic has been the Concept of Integration of Foreign Nationals, updated in 2006 and 2011. The government of the Czech Republic has been regularly informed of the activities in the field of integration of foreign nationals and its task has been to approve the action in the implementation of the Concept for the following year.

The integration policies of the Member States of the European Union are not significantly harmonized by common instruments and the Member States maintain a high degree of discretion in this area.

In recent years, the need to integrate foreign nationals has come into focus of both the European Union and the Czech Republic. It has been clearly identified that there is a need to continue working actively in this area and to create mechanisms, including security guarantees, which would secure functional and effective prevention of the negative aspects associated with migration. Especially desirable are the support of integration (provision of information, consulting, job search assistance, training, etc.) and the prevention of negative social phenomena, including social exclusion and criminal activity of foreign nationals.

The migration and integration of foreign nationals has also become an increasingly significant society-wide issue. This is also a reason why it is necessary to pay enough attention to the arising communication strategy of the government which will lead to greater awareness of the media, experts and general public of the issues of migration, refugee situation and integration of foreign nationals.

### **b. Objectives at national level:**

- Maintenance and further development of a proactive integration policy at the national, regional and local levels.
- Successful integration policy involving

### **c. Objectives at EU level:**

- Maintenance of the current level of harmonization at EU level in the field of integration.
- Development of practical cooperation

<p>the promotion of integration of foreign nationals with respect for their dignity and the prevention of security risks and negative social phenomena, including social exclusion of foreign nationals.</p> <ul style="list-style-type: none"> <li>• Provision of sufficient awareness of the foreign nationals and the general public on the issues of migration, refugee situation and integration of foreign nationals.</li> </ul>	<p>within the European Union in the field of integration, focusing mainly on the promotion and sharing of good practice, and the securing of financial support from the EU funds established for this area.</p>
<p><b>d. Instruments:</b></p> <ul style="list-style-type: none"> <li>• Updating the Concept of Integration of Foreign Nationals from 2011 with regard to new challenges.</li> <li>• Updating the National Integration Programme for Persons Granted International Protection in the form of government's concept of securing the integration of recognized refugees.</li> <li>• Strengthening the Czech Republic's activities in the exchange of information and experience – the Czech Republic will continue to actively participate in sharing the information, experience and promotion of good practice in the field of integration within the European Union.</li> <li>• Financing the integration programs of the local governments, consistent monitoring of the migration situation in the Czech Republic and, if necessary, proposing a solution in cooperation with the local governments.</li> <li>• Centres for Integration of Foreign Nationals – securing the development and sustainability of the regional Centres for Integration of Foreign Nationals.</li> <li>• Compulsory participation of foreign nationals in certain integration measures of the state - the possibility of introducing compulsory participation in adaptation-integration courses especially for newcomers; possibility of increasing the required level of knowledge of the Czech language to A2 level in case of permanent residence applications.</li> <li>• Communication Strategy on all aspects of migration aimed at the general public.</li> <li>• Cooperation with the partners of economic and social dialogue in the Czech Republic on opportunities for legal immigrants to participate in the labour market with regard to business and labour market needs.</li> <li>• Social services and supporting the development of the civil society.</li> </ul>	

## II. ILLEGAL MIGRATION AND RETURN POLICY

***The Czech Republic will secure the safety of its citizens and effective law enforcement in the field of illegal migration, return policy and organized crime associated with people smuggling and human trafficking***

**a. Current situation:** Uncontrolled spontaneous migration – as opposed to controlled legal migration – presents one of the most fundamental challenges to the Czech Republic and the European Union. In 2014, according to official records, more than 280 thousand people entered the European Union without proper permission, i.e. illegally. The largest share of these entries in 2014 affected the central Mediterranean area. However, the migration routes and therefore the places of the most common illegal entries of persons crossing the borders of the European Union/Schengen Area, change in time and respond very quickly to the measures taken.

In comparison with a significantly more complicated situation in some other countries of the European Union (such as Italy, Greece, Hungary), the current state of illegal migration in the Czech Republic is relatively stable. Illegal migration, however, is an extremely dynamic area with a limited possibility of predicting future development (mainly in relation to changes in migration routes), which requires a flexible and consistent approach of the Czech Republic both in relation to combating illegal migration and the returns of foreign nationals illegally residing in the territory of the Czech Republic. The main instruments of the Czech Republic in the field of prevention of illegal migration continue to be the effective pre-entry control and return policy, cooperation with third countries, fight against human trafficking and consistent detection and punishment of the organizers of illegal migration. The main instrument in the area of illegal residence in the territory of the Czech Republic is primarily the control of residence of foreign nationals.

Therefore, in the overall long-term context, it is necessary to focus primarily on preventing illegal migration, particularly with regard to its security risk dimension, including the criminal aspects of the organisation of illegal migration and the abuse of migrants by intermediaries. An important part of preventing illegal migration is an effective interconnection with the measures to promote legal migration, particularly in the area of awareness of the legal migration options, the rights and duties of foreign nationals and the risks associated with illegal migration. Another important part is the policy of returns and related close cooperation with third countries in the handing over/re-admission of illegal residents. This so-called “re-admission” policy needs to be considered and addressed in a broader context of the international cooperation which goes beyond the sphere of migration.

The harmonization at the European Union level relates particularly to the course of relevant procedures at the national level and the joint actions towards third countries in the area of returns. Close cooperation of the Member States of the European Union is also needed to combat the organized criminal aspects of illegal migration, i.e. people smuggling and human trafficking, and to protect the external borders of the European Union or the Schengen Area. Cooperation among the Member States in these aspects is facilitated by the European Union agencies Frontex<sup>1</sup> and EUROPOL<sup>2</sup>.

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<sup>1</sup> Frontex - European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

<sup>2</sup> EUROPOL - European Police Office

<p><b>b. Objectives at national level:</b></p> <ul style="list-style-type: none"> <li>• Securing the safety of the citizens of the Czech Republic through effective prevention and combating illegal migration;</li> <li>• Consistent criminal prosecution of the organizers of illegal migration, with special emphasis on combating human trafficking, people smuggling and perpetrators of criminal acts in the area of illegal migration in the territory of the Czech Republic;</li> <li>• Maintaining the quality of decision-making in the visa procedure, including the detection of forged and falsified documents;</li> <li>• Maintaining an effective return policy while maintaining transparency and respect for human rights and human dignity;</li> <li>• Securing timely amendments to the statutory and subordinate legislation in relation to the practice of the European courts.</li> </ul>	<p><b>c. Objectives at EU level:</b></p> <ul style="list-style-type: none"> <li>• Strengthening the measures preventing possible abuse of the international protection (asylum) procedure, with special attention to sanctions on intermediaries;</li> <li>• Promotion of the common return policy of the European Union, mainly through effective cooperation within the dialogue with third countries - particularly through the negotiation and implementation of readmission agreements or the participation in the joint EU activities, including the activities coordinated by Frontex<sup>3</sup>;</li> <li>• Strengthening the measures to combat illegal immigration in the European Union/Schengen Area, including the enhanced protection of the external borders of the European Union, comprising, among others, the activities coordinated by Frontex;</li> <li>• Promotion of the activities at the EU level aimed at combating human trafficking and people smuggling, including the activities coordinated by EUROPOL<sup>4</sup>.</li> </ul>
<p><b>d. Instruments:</b></p> <ul style="list-style-type: none"> <li>• Extension of residence controls and strengthening the measures to ensure the enforcement of administrative expulsion;</li> <li>• Strengthening the monitoring of return operations;</li> <li>• Further development of the legal framework and strengthening the international cooperation in the field of detection/combating illegal migration, with special emphasis on human trafficking and the implementation of returns (consular cooperation, participation in projects);</li> <li>• Strengthening the available assistance in the area of sustainable returns and increasing the target groups' awareness of the offer of such assistance;</li> <li>• Securing effective interconnection of the instruments of prevention of illegal migration with the measures to promote legal migration, particularly in the area of awareness of the legal migration options, the rights and duties of foreign nationals and the risks associated with</li> </ul>	

<sup>3</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

<sup>4</sup> EUROPOL - European Police Office



illegal migration.

- Strengthening the control mechanisms implemented before the entry of foreign nationals in the territory of the Czech Republic;
- Further increase in efficiency of the activities in the field of control of illegal labour including consistent cooperation with relevant security forces in such a way as not to burden companies both administratively and financially.
- Initiating an expert discussion on possible extension of measures to support victims of criminal activities in the area of migration (people smuggling, human trafficking).

### III. ASYLUM

***The Czech Republic will meet its commitments in the area of asylum and provide flexible capacity of its system;***

**a. Current situation:** The category of refugee (asylum seeker) is a specific category of migrant who seeks protection outside his country of origin for clearly defined reasons (persecution on grounds of religion, political beliefs, etc.). In accordance with international law and EU obligations (United Nations Convention Relating to the Status of Refugees), the EU Member States must deal with the application for asylum of any foreign national who applies for protection. Therefore the Czech Republic, as well as any other Member State of the European Union, may not choose persons whose applications will be considered. The option to apply for the international protection (asylum) must be guaranteed to all foreign nationals.

The current worldwide refugee crisis is generally regarded as the biggest crisis of this kind since the end of the Second World War. In 2014, 650 thousand applications for the international protection (asylum) were registered in the territory of the European Union, which is a historic high. However, in comparison with some of the neighbouring countries (Germany, Austria, Hungary), the situation in the Czech Republic is more settled - in 2014, 1156 persons applied for asylum in the Czech Republic (707 persons in 2013) - mainly citizens of Ukraine and Syria. Nevertheless, the Czech Republic must have an asylum system which will enable it to react flexibly to the dynamic nature of the refugee flows into the Czech Republic, and guarantee sufficient capacity to receive asylum seekers, in accordance with international law and EU commitments.

In this respect, the area of international protection can be considered an EU policy highly harmonized through the Common European Asylum System – a set of legal and practical instruments jointly formed by the Member States and institutions of the European Union for more than a decade. The Czech asylum system is based on CEAS and it consistently implements and observes EU common rules. In this connection, the Czech Republic has been preparing an amendment to the Asylum Act which would reflect the changes brought about by the completion of the binding legal instruments of the Common European Asylum System at the EU level.

Given that the functioning of the Common System requires a high degree of responsibility of all Member States in their compliance, the Czech Republic must continue to strive to improve the quality of its asylum procedure and reception system in line with EU rules, and to exert sufficient pressure on its EU partners to do the same. The Common European Asylum System also envisages mutual solidarity among the Member States compensating for the unequal burden of the number of asylum seekers in the individual Member States of the European Union, on condition that the agreed rules are consistently implemented by all Member States. At the EU level, the Member States are also provided assistance in harmonization and proper implementation of asylum policies and practices by the European Asylum Support Office (EASO<sup>5</sup>).

#### **b. Objectives at national level:**

- Flexible capacity of the national asylum system;
- Dignified treatment of asylum seekers, refugees and persons granted

#### **c. Objectives at EU level:**

- Promotion of the Common European Asylum System and all its current instruments, with emphasis on its strict observance by all Member States of the European Union;

<sup>5</sup> European Asylum Support Office

<p>subsidiary protection in accordance with international commitments and EU common rules;</p> <ul style="list-style-type: none"> <li>• Continuous improvement of the quality and effectiveness of the asylum system of the Czech Republic in accordance with the rules and practical instruments of the European Union and with an emphasis on speed of the whole asylum procedure;</li> <li>• Implementation of the Concept of the National Resettlement Programme as an effective instrument of humanitarian assistance to refugees as well as an expression of solidarity.</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of practical cooperation in the area of asylum;</li> <li>• Rejection of the introduction of compulsory solidarity instruments in the field of international protection (asylum) at EU level (quota redistribution of refugees or asylum-seekers), including quotas for resettlement.</li> </ul>
<p><b>d. Instruments:</b></p> <ul style="list-style-type: none"> <li>• Preparedness plan of the asylum system for possible fluctuations in the number of asylum seekers in the Czech Republic in the area of reception and administrative capacities - creation of a preparedness plan by the Ministry of the Interior for possibly increased migration wave into the Czech Republic, which will complement the already existing Type Plan for a Large Migration Wave;</li> <li>• Completion of the legislative process for the amendment of the Asylum Act and related acts for the purpose of strict compliance with the international and EU obligations in the field of asylum at national level;</li> <li>• Consistent monitoring of the European debate on possible revision of the rules of the Common European Asylum System, including an analysis of its functioning (with a focus on the Dublin system) and analysis of possible impacts of the revision of these rules on the Czech Republic;</li> <li>• Modernization of the information system in the area of international protection (asylum), including the establishment of an information system for gathering of information on countries of origin;</li> <li>• Continuous quality improvement of asylum procedures and implementation of joint training of the European Asylum Support Office (EASO);</li> <li>• Implementation of resettlement programmes within the Concept of the National Resettlement Programme of the Czech Republic.</li> </ul>	

#### IV. EXTERNAL DIMENSION OF THE MIGRATION POLICY

***The Czech Republic will strengthen its activities in order to provide assistance to refugees abroad and to promote the related prevention of further migration flows, including the support for the development of countries in managing migration crises***

**a. Current situation:** Activities related to the provision of assistance to refugees in third countries and the promotion of development of third countries in managing refugee crises are an essential component of the migration policy of the European Union. Policy regarding the external dimension of migration and the international protection (asylum) is increasingly viewed as an important instrument for the protection of refugees in the regions of origin as well as an important instrument for the development and stabilization of third countries where refugees are located. In this respect, increased emphasis is placed on the coherence with other external policies of the European Union (among others, the foreign, development and humanitarian, trade, and security policies).

Apart from the standard instruments in the area of international protection, the Czech Republic has been supporting, on a long-term basis, the measures aimed at direct assistance to refugees in their countries of origin or in the regions that host large refugee populations. Such solutions are often more efficient in relation to the financial resources invested and they have, among other, a positive impact on the subsequent migration flows towards the European Union. The activities within the external dimension of the migration policy therefore not only have a humanitarian character towards the people searching protection but also serve as an act of solidarity towards third countries that are affected by increased migration flows and towards the European Union countries that receive a disproportionately larger number of asylum seekers than others. Therefore the Czech Republic has been actively involved, on a long-term basis, both in the EU projects and the bilateral cooperation with third countries in the field of migration and refugee situation.

Therefore, in 2015, the government of the Czech Republic established a permanent Programme of the Ministry of the Interior which aims to respond flexibly to the current situation in the area of migration and refugee situation and the related assistance of the Czech Republic to third countries. The activities implemented within this Programme must be in conformity and coherence with other sectoral policies of the Czech Republic and the European Union towards these countries, including the development and humanitarian aspects.

**b. Objectives at national level:**

- Comprehensive approach to this issue and interconnection with the implementation of other sectoral policies (the development and humanitarian, trade, and security policies) of the Czech Republic;

**c. Objectives at EU level:**

- Promotion of EU joint projects of protection and development at the local and regional levels in third countries;
- Emphasis on a comprehensive approach to this issue and interconnection with other EU policies;

<ul style="list-style-type: none"> <li>• Implementation of projects of assistance to refugees and affected countries in the regions of origin, also in cooperation with international partners;</li> <li>• Active participation of the Czech Republic in the programs implemented by the European Union in third countries in the field of migration and refugee situation;</li> <li>• Inclusion of the thematic line of migration in the implementation of the international development cooperation of the Czech Republic.</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of the sharing of good practice and the practical cooperation in this field.</li> </ul>
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**d. Instruments:**

- Strengthening and deeper interconnection of the existing mechanisms securing the coordination of the external dimension of migration policy at the level of the Coordination Body for the Management of Border Protection and Migration or other working groups in this area (e.g. The Council for International Development Cooperation);
- Programme of the Ministry of the Interior for the assistance to refugees in the regions of origin and the prevention of major migration flows with an emphasis on respect for the rights and the dignity of these people;
- Further development of the Programme of Medical Evacuation MEDEVAC;
- Update of the Plan for Bilateral International Development Cooperation of the Czech Republic;
- Participation of the Czech Republic in the Regional Development and Protection Programmes of the European Union (RDPP) or other European Union programmes in this area, including practical cooperation at EU level.

## V. FREE MOVEMENT OF PERSONS IN THE EUROPEAN UNION AND THE SCHENGEN COOPERATION

*The Czech Republic will promote the maintenance of the benefits of the free movement of persons within the European Union and the Schengen Area*

**a. Current situation:** Free movement of persons is one of the fundamental freedoms guaranteed to the citizens of the European Union on the basis of EU law. It enables the citizens of the European Union and their family members to move freely and live in any EU country. For the Czech Republic, the right to free movement of persons is one of the main achievements of European integration and its potential restriction is considered undesirable. The conditions of the exercise of this right are harmonized by the EU legislation, the Czech legislation stems from and implements. However, it is in the interest of the Czech Republic to support efforts for better implementation of the rules of free movement of persons.

The Schengen cooperation, which is based on the abolishment of controls of all persons crossing the internal borders, has significantly contributed to the fulfilment of the right to free movement. The Schengen cooperation is influenced, to a large degree, by the migration situation in the European Union and the EU's common policies on migration, international protection (asylum) and protection of external borders. The common policies in question currently undergo a crucial test in connection with the enormous migration pressure on the external southern and south-eastern border of the European Union and a large number of asylum seekers in some of the Member States. Their functioning is also complicated by the insufficient fulfilment of obligations on the part of some Member States and the disagreement on the basic concept of responsibility and burden sharing among the Member States. The inability to resolve these problems raises anti-European political responses and strengthens the tendency to re-implementation of the previously abolished internal border controls. Therefore there is a real threat that the principle of free movement of persons will remain an empty political proclamation.

Especially with regard to its geographical position, the Czech Republic is in a relatively favourable situation arising from the absence of internal border controls and it is not, in a considerable way, immediately affected by the problems most Member States are facing. The Czech Republic, however, is interested in its active participation in the European-wide solution of the problems, especially with regard to its geopolitical position and the pro-European policy of the government. At the national level, it will continue to fulfil its obligations under the Schengen legislation, in accordance with the basic strategic document for the area of Schengen cooperation and border protection, the National Schengen Plan 2014.

### **b. Objectives at national level:**

- Consistent implementation of and compliance with the EU law of free movement of persons and the Schengen standards;
- Promotion of the Schengen cooperation as an important instrument of further development of the Czech Republic;
- Consistent implementation and use of the

### **c. Objectives at EU level:**

- Maintaining the current level of freedom of movement within the European Union, while promoting measures to prevent its abuse;
- Concentrating efforts on the protection of the external Schengen borders and, in proportion to its improvement, strengthening the area without internal border controls;
- Building the position of the Czech Republic as

<p>common information systems for the area of Schengen cooperation;</p> <ul style="list-style-type: none"> <li>• Preparation of the Czech Republic for the Schengen evaluation according to a new evaluation mechanism, including the evaluation of internal borders.</li> </ul>	<p>a respected country with a stable policy and exemplary practices in the area of Schengen cooperation.</p>
<p><b>d. Instruments:</b></p> <ul style="list-style-type: none"> <li>• Fulfilment of the National Schengen Plan 2014;</li> <li>• Using the measures of the European Commission Communication on the Free Movement of EU Citizens and Their Families in practice;</li> <li>• Completion of the legislative process of the new law on the protection of state borders;</li> <li>• Amendment of the Act on the Residence of Foreign Nationals so that it corresponds to the current development in the field of the EU right of free movement of persons;</li> <li>• Active participation in the amendment of the Visa Code in order to increase the effectiveness of the visa process with regard to new trends and developments.</li> </ul>	

## VI. LEGAL MIGRATION

***The Czech Republic will support legal migration which is beneficial to the state and its citizens so that the Czech Republic can respond flexibly to the needs of its labour market and reflect the long-term needs of the state***

**a. Current situation:** About 453 thousand foreign nationals have their current residence in the Czech Republic (as for the non-EU countries, they mostly come from Ukraine, Vietnam and Russia)<sup>6</sup>. Since 2005, the Czech Republic has been a target country for foreign nationals coming mainly from the aforementioned countries, and between 2005 and 2008 it saw a steep increase in the number of foreign nationals in its territory. Around 2009, in connection with the economic crisis, the number of foreign nationals became stable and since then has been rising only gradually.

Harmonization in the field of legal migration at EU level relates to a whole range of specific categories of persons and related residence permits (especially the family reunification, study, scientific research, long-term residents and the so called “blue” and employee cards), however, the Member States of the European Union still retain a high degree of discretion, particularly in relation to the volume of legal (mainly economic) migration.

The Czech Republic has a legal migration policy which allows it to react flexibly to the current needs and resources of the state. This policy is based on the principles approved by the Czech government in 2010. These principles were subsequently elaborated in the government-approved concept of New System of Economic Migration (2011) and the substantive intent of new legislation on the entry and residence of foreign nationals (2012). The legislative enshrinement of these principles into the legal regulation is being prepared. Proposals for amendments in the field of legal migration that should meet the needs of the state are already the subject of regular debate at the level of the Coordination Body for the Management of Border Protection and Migration.

### **b. Objectives at national level:**

- Proactive and flexible immigration policy based on the current and long-term needs of the Czech Republic;
- Flexible adjustments of the Czech Republic's policy in this area in accordance with the outputs of the regular strategic discussion on the needs in the field of legal migration;
- Desirable volume of legal migration in line with the absorptive capacity and integration measures of the Czech Republic;
- Strengthening the security elements of

### **c. Objectives at EU level:**

- Maintaining a limited degree of harmonization at EU level in this area;
- Promoting the maintenance of a decisive role of the Member States of the European Union in the field of legal migration and employment, including the maintenance of the right of the individual Member States to determine the volume of legal migration;
- Completion of the ongoing negotiations on the proposals of EU legislation in the area of legal migration.

<sup>6</sup> In this part, the Strategy deals primarily with legal migration of foreign nationals from the so-called “third” countries, i.e. countries outside the EU/EEA. From a formal point of view, the citizens of the European Union and the European Economic Community, or the Schengen Area, do not come to the Czech Republic as migrants but within the free movement of persons.



the immigration procedure and the prevention of security risks;

- Implementation of the obligations within the approved EU legal regulations governing the field of legal migration, including provisions to speed-up and facilitate the entrance procedure of legal immigrants, mainly concerning an intercorporate transfers and seasonal works.

**d. Instruments:**

- Creation of legal migration projects for selected target groups of third country nationals in whose entry and residence the Czech Republic has a special interest;
- Creation of a concept of legal migration programmes (serving the legislative enshrinement of the legal migration projects) together with a legislative enshrinement of the principles of the New System of Economic Migration (promotion of foreign investments, skilled workers);
- Creation of a strategic document on the entry and residence of third country nationals in the territory of the Czech Republic for the purpose of study and other educational activities;
- Regular strategic debate on the needs of the Czech Republic in the field of legal migration at the level of the Coordination Body for the Management of Border Protection and Migration, including the evaluation of the existing projects and programmes, and proposing the establishment of new ones; The government will be informed of these proposals;
- Analysis of the alternative of setting national quotas for the area of controlled economic migration;
- Amendment of the Act on the Residence of Foreign Nationals aimed at strengthening the autonomy of the procedure of permission for entry and residence of foreign nationals in relation to the general mode of administrative proceedings;
- Amendment of the Act on the Residence of Foreign Nationals and related acts for the purpose of transposition of the EU directives on seasonal workers and intra-corporate transferees, including the revision of the system of employee cards and entrepreneurial activities of foreign nationals.

## VII. INTERNATIONAL AND EU OBLIGATIONS OF THE CZECH REPUBLIC IN THE FIELD OF MIGRATION

***The Czech Republic will fulfil the international and EU obligations in the field of migration, and will actively participate in the all-European debate and search for common solutions.***

**a. Current situation:** As a complex phenomenon, migration is the subject of a wide range of international law obligations. Hence the need to perceive the Czech migration policy in this context. The fundamental framework of obligations, significantly influencing policy of the Czech Republic in the field of migration, is represented by the European Union law, primarily by the Treaty on the Functioning of the European Union, which introduces common policies in the areas of migration, international protection (asylum) and borders, and is governed by the principles of solidarity and fair sharing of responsibility among the Member States. The implementation of common policies is specified by legal instruments of the European Union in the form of specific directives and regulations, which also reflect some other international law obligations of the EU Member States (e.g. the United Nations Convention Relating to the Status of Refugees).

The European Union thus has a comprehensive system of legal instruments, cooperation mechanisms as well as agencies of the European Union, facilitating the cooperation among the Member States in the implementation of common policies, and last but not least the political commitments formulated and adopted by the Member States in the format of the Council of the European Union.

The Strategic Multi-annual Programme of the Council of the European Union for the area of internal affairs (conclusions of the European Council of June 2014) established, as a general priority, consistent implementation of the already adopted legal instruments and policy measures in the area of migration into the national law and practice, their consolidation and effective implementation.

The dynamics characterizing migration, however, places a need on the European Union and the Czech Republic to maintain flexibility to the extent of possible need to adopt measures that would alter the foundations of the existing common system.

In accordance with the above-mentioned multi-annual programme, the Czech Republic will primarily promote consistent implementation of the existing legal obligations by all EU countries so that the common policies in the area of migration function efficiently and properly. However, it is ready to actively participate in the discussions on possible review of some of the elements of the common system and possible strategic debates on new solutions if the existing system instruments prove inadequate.

The Czech Republic will continue to act as a constructive and cooperative partner, participate in joint activities of the European Union and thus demonstrate its practical solidarity with the EU Member States which, in comparison with the others, are affected by a higher rate of the migration burden. The Czech Republic will also contribute to the implementation of most of the proposed voluntary provisions under the European Agenda on Migration, which was published by European Commission in May 2015. However, it still retains an appropriate degree of pragmatism in relation to possible mechanisms of balancing the migration burden across the European Union.

**b. Objectives:**

- Consistent fulfilment of international obligations in the field of migration, including the EU obligations;
- Constructive policy contributing to the solution of problems in the area of migration across the European Union and in the wider international context;
- Cooperative approach to seeking common practices at EU level and solidarity with other Member States of the European Union, subject to consistent implementation of the rules agreed by all partners;
- Efficient use of financial resources from the relevant funds of the European Union.

**c. Instruments:**

- Continuous assessment of the state of the common policies and practices of the European Union and their impact on the situation in the Czech Republic;
- Active representation of the Czech Republic at international meetings and meetings of the European Union institutions and working bodies in the sub-areas of migration policy;
- Promotion of and engaging in practical cooperation in the individual areas of migration at international and EU level - also via EU agencies active in the area (EASO, Frontex, EUROPOL).