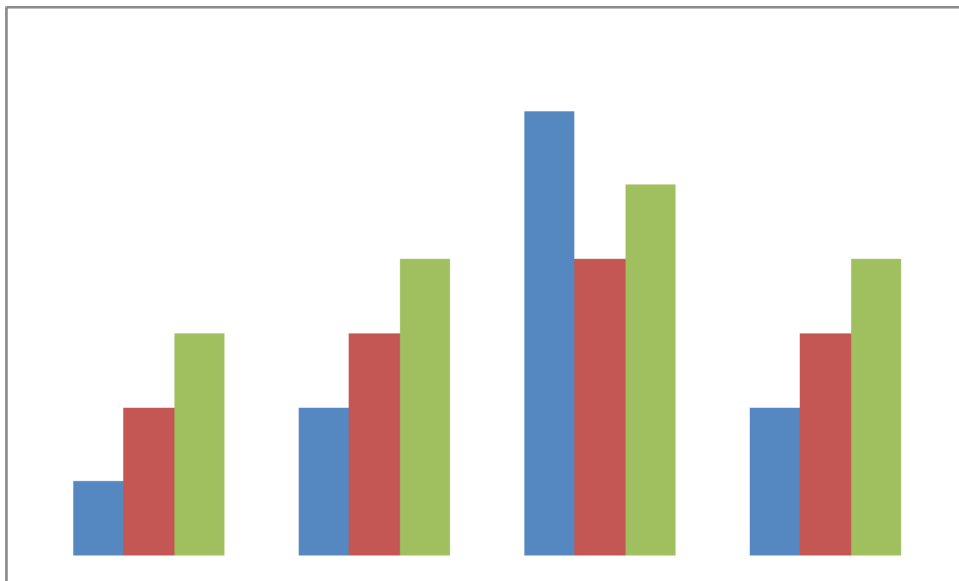
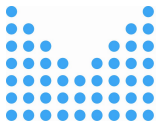


Annual Report on the Situation in the Field of International Protection in the Czech Republic in 2009



Department for Asylum and Migration Policy (DAMP)



I. Main Trends in the Field of International Protection in 2009

In 2009, the **Czech Republic** again recorded a decreasing trend in the numbers of seekers of international protection.

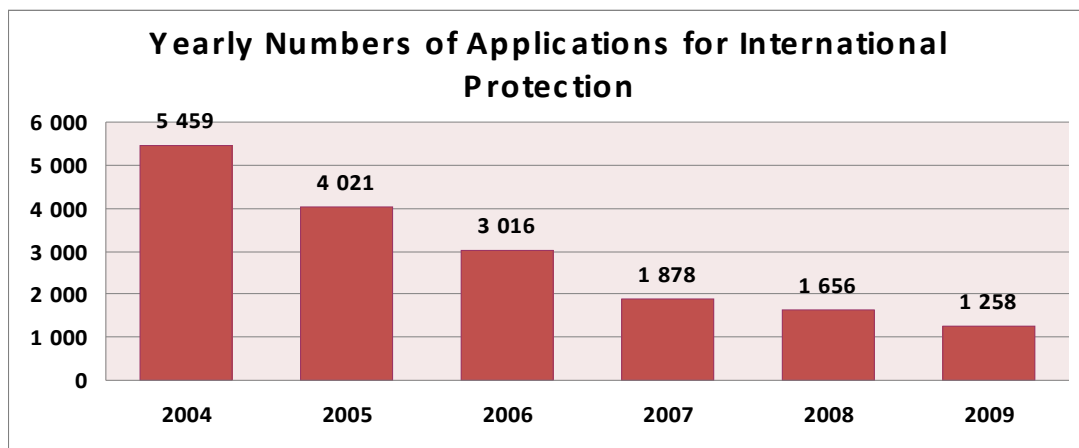
A dominant trait of asylum proceedings was the high number of repeated applications for international protection. In half of the cases the applications were not submitted by new applicants but by people that have lived in the Czech Republic for a longer period and whose application was previously rejected by the relevant authorities due to a lack of applicable reasons for granting international protection. These concern particularly purposely submitted applications, the aim of which is to obtain legal residence in the country. This is attested by the fact that legalising residence is one of the most commonly cited reasons for applying for international protection.

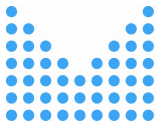
In half of the cases, foreigners file a lawsuit to the regional courts against the decision of the Ministry of the Interior not to grant them international protection. In the majority of cases, these lawsuits are dismissed, thus confirming the decision of an administrative authority in the 1st instance. Only 16 % of matters are returned for a new hearing.

In 2009, international protection in the form of asylum or subsidiary protection was granted in 10 % of the cases considered.

II. Number of Seekers of International Protection

In 2009, a total of 1,258 persons sought international protection in the Czech Republic. This continues the decreasing trend that started in 2004 (after Czech Republic entered the EU). **This year, a 24 % decrease was recorded.** The average monthly numbers of applications for international protection submitted in 2009 was 105.





2009 was the second year that the former two¹ year mandatory period for resubmitting an application was no longer applicable as result of the EU Procedural Directive² implemented into the Czech Asylum Act. Therefore, foreign nationals are allowed to file a new application immediately after a negative decision on granting international protection comes into force. This fact led to an even higher share of repeated applications in 2009 than in the previous year.

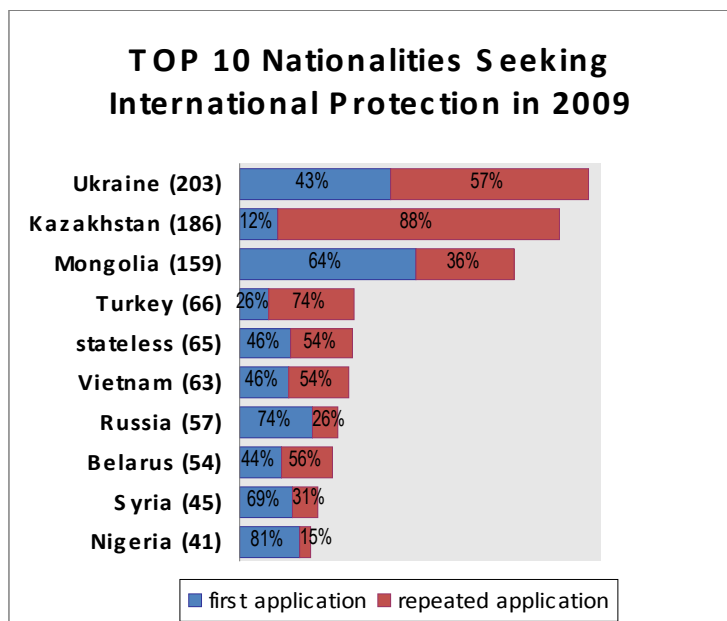
During 2009, a total of 625 applications for international protection were resubmitted, which is about a half (49.7 %) of the total number of applications. The number of **newly arriving seekers** of international protection was **only 633**.

When comparing the source continents of the seekers, it is clear that Asia dominated (56 %). The proportion of Europeans was 30 % and seekers from Africa made up 8 %.

In 2009, foreign nationals from 60 states applied for international protection. Just as in the previous year, **Ukrainian nationals submitted the highest number of applications (203)**. They were followed by nationals of **Kazakhstan with 186 applications** and **nationals of Mongolia (159)**, who took up the third place this year, as they did in the preceding one, for the most frequent source country. Nationals of **Turkey (66)** were fourth, though with far fewer applications. These four nationalities made up almost more than 50 % of the total number of applications submitted.

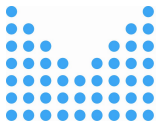
The ten main source countries were **Vietnam (63)**, **Russia (57)**, **Belarus (54)**, **Syria (45)** and **Nigeria (41)**, while the highest number of applications was filed by **stateless persons (65)**.

The increased number of applications submitted by Kazakh nationals was characteristic for the entire year. Compared to the previous year, it was more than double. Nonetheless, almost 90 % of the Kazakh cases concerned



¹ The 2-year period began on the day when the last negative decision on international protection came into effect.

² Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.



applications resubmitted by persons that came to the Czech Republic in 2006 and were denied international protection at least once.

As far as the countries with the highest numbers of nationals seeking international protection, compared to 2008, there was an increase in Syrian (by 25 %) and Nigerian (by 5 %) nationals, as well as an immense increase in stateless persons (by 110 %). As per other nationalities, the numbers of applications decreased. It was common for nationals of Syria, particularly at the beginning of the year, to access the territory of the Czech Republic on flights from Cairo to Prague. These were mainly families with underage children or relatives. Seekers from Nigeria travelled to the Czech Republic individually, again by air.

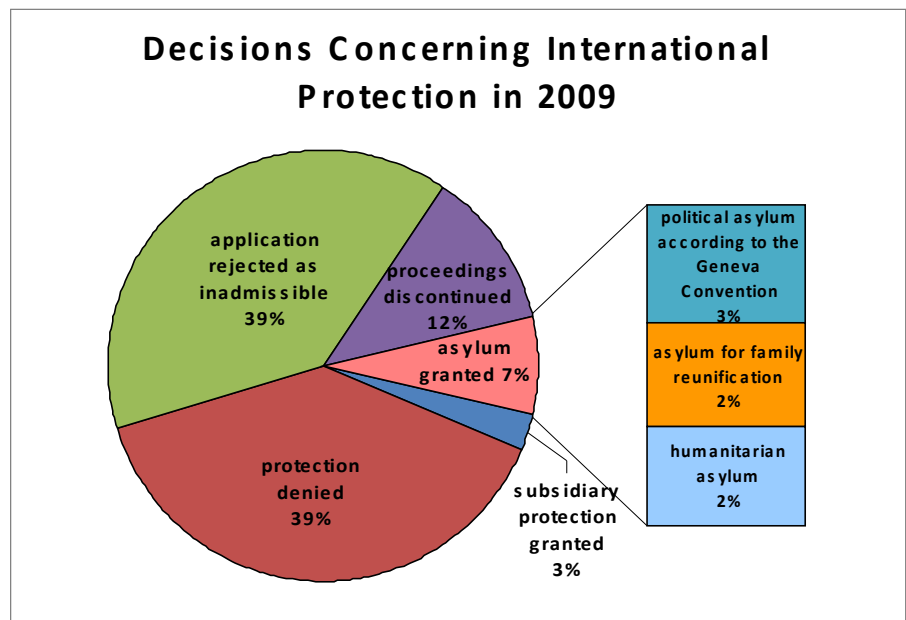
One of the most common reasons for submitting an application in 2009 stated by the seekers was to legalize their status in the Czech Republic (9.4 %). A number of foreign nationals without a residence permit use the option of applying for international protection to regularize their residence.

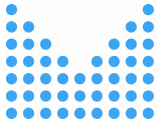
III. Proceedings of International Protection

In 2009, the Ministry of the Interior of the Czech Republic issued a total of 1,030 decisions in proceedings of international protection. In 103 cases, international protection was granted in the form of asylum or subsidiary protection.

Asylum was granted in a total of 75 cases, the most common reasons being defined by the Geneva Convention. (28).

The highest number of positive decisions on asylum went toward the nationals of Myanmar (21) who had relocated to the Czech Republic and asylum was granted due to political grounds (see chapter 5). Asylum was further granted to 9 nationals of Ukraine (the majority for humanitarian reasons) and 8





nationals of Vietnam (either due to family reunification or humanitarian reasons). In 7 cases, asylum was granted to nationals of Afghanistan (due to the threat of persecution) and of Kazakhstan (for family reunification reasons).

Subsidiary protection was granted in a total of 28 cases. This form of protection was most commonly granted to nationals of Russia (7), Iraq (7) and Cuba (5). **There were 139 cases where subsidiary protection was renewed.** Most often this concerned nationals of Iraq (41), Belarus (32) and Cuba (26).

In 2009, there were a total of 387 lawsuits filed with regional courts against decisions taken by the Ministry of the Interior of the Czech Republic. **Every other applicant (49.2 %) appealed against the decision of the Ministry, which is less than in previous years,** when about 60 – 70 % of seekers appealed against the decision in their cases..

During the process of taking a decision on international protection, the relevant body also uses case-law of administrative courts related to international protection.

Regional courts issued a total of 766 decisions. In 440 cases (57.4 %), they confirmed the previous decisions of the Ministry of the Interior (lawsuit was dismissed). In 170 cases (22.2 %), the proceedings were discontinued. **In 118 cases (15.4 %), the file was returned to the DAMP for reassessment.**

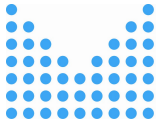
396 cassation complaints were filed with the Supreme Administrative Court in Brno. The Supreme Administrative Court issued a total of 644 decisions. In the majority of the cases (74.4 %), the cassation complaint was rejected or dismissed (33) confirming the previous verdicts of regional courts. In another 87 cases (13.5 %), the matter was returned to the regional courts for a new hearing. In 78 cases (12.1 %), proceedings were discontinued.

In 2009, the Ministry of the Interior of the Czech Republic filed cassation complaints with the Supreme Administrative Court in 28 cases.

IV. Proceedings According to the Dublin Regulation

The Czech Republic may not be the state responsible for assessing all of the applications for international protection lodged in its territory. In some cases, another Member State is responsible for the application. The Dublin Regulation³ establishes the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a Third Country National. Some of these criteria are, for instance, the principle of family unity, issuance of residence permits or visas or the first asylum application lodged in the territory of the Member States.

³ Council Directive EC No. 343/2003.



Therefore, the Czech Republic may not be responsible for examining a certain number of asylum applications lodged in its territory, but, conversely, may be responsible for examining other asylum applications lodged in other Member States, for instance due to a visa or a residence permit previously issued by the Czech Republic. Moreover, according to the Dublin Regulation, a foreigner detained in the Czech Republic on the grounds of an illegal residence status can be handed back to the Member State where he/she previously lodged an asylum application, as that Member State will be responsible for examining it.

In 2009, the Ministry of the Interior of the Czech Republic received a total of 655 requests from other Member States for taking foreign nationals back into its territory or taking charge of asylum applications. In 449 cases, the responsibility of the Czech Republic to examine the applications proved to be correct and the asylum seekers were handed back into its territory. Only 213 of these asylum seekers, which was some 47 %, were actually handed over to the Czech Republic.

In the same period, the Ministry of the Interior of the Czech Republic sent 269 requests to other Member States to take foreign nationals back or to take charge of their applications. In 249 of these cases, the Member State agreed to receive the persons into its territory. During this period, a total of 238 persons, which was some 97 %, were handed over from the territory of the Czech Republic to a different Member State.

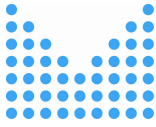
V. Humanitarian and Relocation Programmes in 2009

1) The MEDEVAC Programme

The Ministry of the Interior of the Czech Republic has been operating for a long time the MEDEVAC Programme (a programme of humanitarian evacuations of citizens with medical problems), which **provides humanitarian aid to persons with health handicaps.**

In 2009, two three-year-old boys from Cambodia with heart defects took part in the programme. They were chosen on the basis of close cooperation between the Ministry of the Interior, the Czech Teaching Hospital in Motol and the Czech Embassy in Bangkok.

Likewise, last year new child patients with heart defects were chosen in Afghanistan, as they are suitable candidates to undergo treatment in the Czech Republic. They were selected by a doctor from the Paediatric Cardio Centre of the Motol Teaching Hospital, who was present at the KAIA International Military Base in Afghanistan from the end of November to the beginning of December last year. The selected Afghan children will be transported to the Czech Republic for treatment during 2010 in cooperation with the Czech Armed Forces.



Since 1993, a total of 126 patients were treated through the MEDEVAC Programme. They came from Bosnia and Herzegovina, Kosovo, Chechnya, Iraq, Pakistan, Afghanistan and Cambodia. They were mainly child patients with war injuries, congenital defects and disabilities of the locomotor apparatus.

2) The Relocation Programme of the Czech Republic in 2009

The Relocation Programme was initiated in 2008 by a project involving refugees from Myanmar (Burma), based on the Concept for the National Relocation Programme.

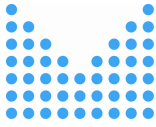
During the programme, **19 Burmese refugees were relocated to the Czech Republic in 2009**. The programme was carried out in several stages. In the first one in 2008, a group of 23 persons was relocated to the Czech Republic, while 16 people were relocated in February 2009 as part of the second stage. In November 2009, 3 Burmese children were relocated to rejoin their families.

When choosing the country of origin and the specific people for relocation, the long-term unsatisfactory situation for Burmese refugees in Malaysia was taken into account, as was the long-term and active involvement of the Czech Republic in the current political situation in Myanmar. In 2009, the programme was carried out in close cooperation with the Office of the UN High Commissioner for Refugees and the International Organisation for Migration.

VI. The Common European Asylum System

In 2009, efforts leading to the formation of a common space of protection and solidarity continued at EU level on the basis of a common asylum procedure and a unified status for recognised refugees. In relation to this, proposals were discussed for modifying the associated legislation contained in the first asylum package⁴. In the end of 2009, changes to the legislation contained in the second asylum package were published and discussions

⁴ A proposed EP and Council Directive setting out the criteria and procedures for determining the Member State responsible for appraising an application for providing international protection submitted by a third country national or a stateless person in one of the Member States (reworked wording), COM (2008) 820; proposed EP and Council Directive on setting up the EURODAC system for comparing fingerprints to effectively implement Directive (EC) No. [...] (recast), COM (2008) 825/3; proposed directive setting out the minimum standards for receiving asylum applicants (recast), COM (2008) 815



were launched. It concerned the proposed amendments to the qualification⁵ and procedural⁶ directives. The proposed amendments to the above-mentioned directives are part of the second phase of building a common European asylum system its main objectives still being, in accordance with the 5-year EU Programme for Justice and Home Affairs (the Stockholm Programme), to achieve conditions enabling fair treatment, as concerns entrance conditions, and equal treatment as concerns the procedure and determination of the status regardless of which EU Member State the person requests asylum from.

Despite the fact that the Stockholm Programme does not set a time schedule for the next steps leading to the harmonisation of the asylum systems in the EU, the Conclusions of the European Council of October 2008 (approving the European Pact on Immigration and Asylum) set the year 2012 as deadline for completing the harmonisation of policies within the common asylum system.

In 2009, detailed discussions were held in the EU concerning the **preparations for a new EU agency – the European Asylum Support Office (EASO)**, which represents one of the next steps to harmonising the asylum policies of EU Member States. In the third quarter of 2009, the associated legislative changes necessary to initiate the office's activities were completed. Currently, the European Commission is finalizing the call for proposals for the position of the executive director of the EASO, which will have its headquarters in Malta from mid 2010.

Concurrently, **practical and operative cooperation** was deepened within the framework of the informal platform entitled **General Directors Immigration Services Conference (GDISC)**. The main emphasis was placed on forming a Europe-wide asylum training (the European Asylum Curriculum) and to help Member States affected by increased migration pressures.

⁵ A proposed EP and Council Directive on the minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast), COM (2009) 551.

⁶ A proposed EP and Council Directive on minimum standards on procedures in Member States for granting and withdrawing international protection (recast), COM (2009) 554.