



MINISTRY OF THE INTERIOR
OF THE CZECH REPUBLIC

2007 Status Report on Migration in the Czech Republic



Prague 2008

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Introduction

The *2007 Status Report on Migration in the Czech Republic* maps out the level of migration in the Czech Republic from different view points and compares it with some profile indicators from 2006 and previous years. The objective of the report is to provide comprehensive information on migration and to summarise the positive and negative aspects of current migration movements. The Report was drawn up by the Ministry of the Interior of the Czech Republic, which utilised, in addition to the Ministry of the Interior's own findings, information and source materials provided by other ministries dealing with selected aspects of migration.

In 1999, as a result of the Amsterdam Treaty, European Union migration policy became part of the first pillar and gradually extended, becoming one of the most dynamic and sensitive common policies of the European Union. Then in 2004 the Hague Programme defined goals pertaining to the area of justice and home affairs until the end of 2009, including, *inter alia*, objectives in the field of migration which were set out more specifically by the Action Plan on the Hague Programme published in the following year. As regards asylum, the Hague Programme is a follow up to the Green Paper on the Future Common European Asylum System which aims to complete such a system by 2010.

The European Commission has drawn up a number of communications concerning individual aspects of migration policy, the last of them being the "summarised" Communication of the European Commission regarding the Common Immigration Policy published in December 2007¹, dealing with all aspects of migration. The Communication analyses the current situation and at the same time it stresses the need for increased effort leading to the creation of a genuine common migration policy and enable to make use of migration for the purpose of strengthening economic growth and competitiveness of the European Union.

One of the key elements in the process of creating a comprehensive common migration policy for the European Union is to combat illegal migration, and in particular its negative consequences (people smuggling, trafficking in human beings, forced labour and so forth). In 2006 the European Commission published the Communication on policy priorities in the fight against illegal migration of third-country nationals², whereby the Commission introduced new priorities for migration policy and proposed a number of practical and action-oriented measures to combat illegal immigration.

The following issues are among the principal priorities: cooperation with third countries (countries of origin and transition countries along illegal migration routes), border security, fight against trafficking in human beings, secured travel documents, combating illegal employment, return policy, and so on. Activities of the European Agency for the Management of Operational Cooperation at the External Borders³ represent important tools in the area of strengthening integrated management of the external EU border.

Illegal employment and the existence of the black labour market in which rights and obligations of individual actors are not respected is one of the aspects of illegal migration. As a consequence, the European Commission submitted in 2007 a draft Directive providing for sanctions against employers of illegally staying third-country nationals with the aim of regulating the joint action of Member States in suppressing the employment of illegal immigrants, which will be prohibited under the said Directive. Infringements would be sanctioned by penalties (which may be

¹ Document COM (2007) 780

² Document COM (2006) 402

³ Frontex; for example conclusion of agreements on cooperation with third countries can be mentioned.

administrative or criminal in nature, for example including exclusion from and recovery of public subsidies). The draft Directive also assumes preventive measures (in particular the obligation of employers to record residence permits and to notify competent national bodies on the commencement and ending of the employment of a foreign national).

Effective migration management and efficient implementation of instruments aimed at combating illegal migration depend upon the existence of a functional return policy. In this context the entering into readmission agreements remains a priority.

This was the reason why the European Commission presented in 2005 the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals. Its objective is to consolidate procedures taken by individual Member States in the case of expulsion, implementation of returns or introduction of common rules concerning return, removal, use of coercive measures, temporary custody and re-entry, which take into full account respect for the human rights and fundamental freedoms of the persons concerned.

In its Communication the European Commission newly committed itself to a comprehensive migration policy issued in December 2007 to establish common measures for the effective fight against illegal migration, which should relate both to newly arriving illegal migrants and migrants who illegally reside in the European Union.

The European Union is also solving the issue of legal migration. In the beginning of 2006 the European Commission submitted through its Communication 'Policy Plan on Legal Migration'⁴ a road map covering the period from 2006 to 2009 during which a package of adopted measures will be implemented. As regards legislation, adoption of a general framework directive (regulating a single application for a joint work/residence permit and a set of rights for all third-country nationals who legally reside in a Member State) and four specific directives with the aim of facilitating entry into and residence in the EU for the purpose of employment for selected categories of workers are anticipated. So far a draft general framework directive and a draft directive on the conditions of entry and residence of highly skilled workers were presented. The European Commission is expected to introduce draft directives for other categories of economic migrants (i.e. a proposal for a directive on the conditions of entry and residence of seasonal workers, a proposal for a directive on procedures regulating entry, temporary stay and residence of Intra-Corporate Transferees (ICT), and a proposal for a directive on the conditions of entry and residence of remunerated trainees).⁵

Facilitation of legal migration is also a subject of the Communication from the European Commission on circular migration and mobility partnership between the European Union and third countries published in May 2007⁶. The said Communication links issues of legal migration to the concept of migration and development within dialogue and cooperation with third countries. The principal objective is to facilitate legal migration so that third countries are not damaged by brain drain. Thus legal migration should bring benefits both for the European Union (flexible satisfaction of labour market needs and/or coping with the consequences of demographic development) and for

⁴ Com (2005) 669

⁵ The Czech Republic considers the issue of facilitating legal migration as important and is not against the harmonisation of conditions for entry and residence of third-country nationals in the European Union for the purpose of work activities. However, it primarily objects to the transitional period for free movement of workers from new Member States and desires for this to be removed so that third-country nationals are not favoured to the detriment of EU citizens. Such a situation will occur if current transitional periods, which may be applied until 2011, are maintained. In the meantime the first directives arising from the aforementioned Plan on Legal Migration should come into effect.

⁶ Partnership for mobility should have the form of a political declaration which will specify, on the one hand, obligations for the European Union (facilitating legal migration), and on the other hand obligations for certain third countries (combating illegal migration, implementation of readmission agreements and so forth). In 2008 a pilot partnership for mobility will be entered into with Moldova and the Republic of Cape Verde.

the countries of origin as well as migrants themselves.

The European Union also pays attention to the integration of immigrants into society since the failure of one Member State in implementing integration policy can have, in different ways, a negative impact on other Member States. With respect to the fact that integration policy is also an instrument for managed migration, it has become an integral part of the migration policy.

In 2004 the Council adopted Common Basic Principles⁷ and established a common European approach towards foreigner integration. As a follow up, the European Commission presented in 2005 its Communication 'A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union'⁸, encompassing a range of recommendations for future action in the field. In mid 2007 the Council emphasised the need to pursue a global approach towards integration policies, management of migration flows and cooperation with countries of origin. The Council stated that it was necessary to focus on integration as a whole, i.e. on tasks arising, on the one hand, from immigrants, and, on the other hand, on tasks arising from the receiving society. At the same time an intercultural dialogue must be developed in order to achieve successful integration of citizens coming from different cultures and religions and also to be able to combat racism and xenophobia.

With the aim of ensuring adequate funding of activities pertaining to the area of migration policy and to ensure a certain level of solidarity between Member States, a framework programme on 'Solidarity and Management of Migration Flows' was established in 2006. This covers four specific programmes for project funding.⁹ In addition to these funds administered at the national level the European Commission prepared a 'Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum' as one of the sectoral programmes for financing tools of external assistance which may be used for projects within dialogue and cooperation with third countries.

The Czech Republic met for the first time with the issue of common European migration policy when it started to harmonise the Czech legal framework with EC/EU law during the pre-accession period. However, it was after it had joined the European Union when the Czech Republic began to actively participate in this European policy.

A clear priority for the Czech Republic was entry into the Schengen area, meaning the abolishment of border controls at the internal borders of the European Union. The Czech Republic became a full member of the Schengen area on 21 December 2007 when it abolished checks on its land borders with neighbouring states (this process was completed on 30 March 2008 by abolishing checks at international airports in the case of flights inside the extended Schengen area).¹⁰ Simultaneously with this step, the Czech Republic had to considerably re-evaluate the system of border protection¹¹ and thus the topic of the common migration policy of the European Union became important for the Czech Republic since a fundamental prerequisite of common migration policy is a well functioning set of all aspects.

⁷ Document No.14615/04

⁸ COM (2005) 389

⁹ See Chapter I.6.3. *Solidarity and Management of Migration flows*

¹⁰ See Chapter I.7. PREPARATION OF THE CZECH REPUBLIC FOR INVOLVEMENT IN SCHENGEN COOPERATION

¹¹ A fundamental conceptual document for ensuring protection of the national border after the Czech Republic's accession to the Schengen area is the National Plan for the Management of Protection of the Czech Republic's National Border of the Czech Republic. In compliance with National Plan an Analytical Centre for Protection of the National Border and Migration commenced its activities in September 2007 – see chapter I.5. ANALYTICAL CENTRE FOR NATIONAL BORDER PROTECTION

Aspects of the common migration policy are discussed, on an ongoing basis, in relevant committees of both Chambers of the Parliament of the Czech Republic on the basis of the framework position of the Parliament of the Czech Republic developed into individual documents submitted by the European Commission (i.e. communications, Green Papers, legislative proposals and so forth).

I. Migration Policy Cornerstones

I.1. INSTITUTIONAL FRAMEWORK

I.1.1. Scope of Competence of the Ministry of the Interior

Pursuant to Act No. 2/1969 Coll. on the Establishment of Ministries and Other Institutions of Central Governmental of the Czech Republic, as amended, the Ministry of the Interior is the party responsible for international migration and asylum, both at legislative and strategic levels (international migration and asylum), and the level of implementation (asylum, and international migration to a certain extent).

Pursuant to the Act on the Residence of Aliens¹², the Ministry provides the execution of state administration in the field of immigration. To this end it closely cooperates with other ministries, and governmental as well as non-governmental organisations, including international organisations.

In addition to the extensive powers vested in it by the Act on the Residence of Aliens, the Ministry of the Interior was given under the Act cited above the position of the superior body of the Police of the Czech Republic, the Directorate of Alien and Border Police Service and thus, when carrying out state administration activities, the Ministry supervises the police. As a first instance administrative authority the Ministry decides on long-term residence permits for the purpose of the protection in the territory and permanent residence permits under Sec. 66 (1) (a) through (c), Sec. 67, Sec. 87g (2) and (3) and 87h (2). At the same time the said Act stipulates the option of repealing a permit already issued.

In accordance with Act No. 428/2005 Coll. amending the Act on the Residence of Aliens and Some Other Acts, the Ministry of the Interior of the Czech Republic, effective from 24 November 2005, takes all decisions on covering costs relating to the residence of a detained foreign national in the Czech Republic and his/her departure from the country and claims their reimbursement.

Under the said amendment the competency to establish and operate detention facilities for foreign nationals was vested in the Ministry of the Interior effective 1 January 2006 under Chapter XII of the Act on the Residence of Aliens.

Under Act No.165/2006 Coll., amending, *inter alia*, the Act on the Residence of Aliens, effective 1 September 2006, the Ministry of the Interior issues, within its decisions on administrative expulsion, binding opinions, when these are required by the police.

Pursuant to the Act on the Residence of Aliens and the Act on Travel Documents¹³, the Ministry of the Interior publishes a list of border crossings, including the hours of their operation and the categories of persons entitled to use the respective crossings in order to enter or leave the Czech Republic, and publishes a list, including changes thereto, by means of announcements in the Collection of Laws of the Czech Republic. The Ministry specifies those countries whose citizens are only entitled to stay in the transit zones of international airports, provided they are holders of valid airport visas, and it also determines, for example, all essential properties necessary for an official photograph and the number of copies of such a photograph required of a foreigner under the Act on the Residence of Aliens.

¹² Act No. 326/1999 Coll. on the Residence of Aliens and on Amendments to Some Other Acts, as amended.

¹³ Act No. 329/1999 Coll. on Travel Documents and on the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Act on Travel Documents), as amended.

The Ministry of the Interior concludes or participates in the process of concluding international agreements relating to international migration (agreements on visa-free travel, border regime, local border traffic, police cooperation, and re-admission of foreign nationals).

The Ministry of the Interior is responsible for the chapter 'Schengen' and it acts as a coordinating body for the implementation of the Schengen rules in the national legislative framework and in routine practice.

Under the Act on Asylum¹⁴ and the Act on the Temporary Protection¹⁵ the Ministry of the Interior executes state administration competencies in the field of asylum and develops national integration programmes aimed at helping asylum seekers with their integration into society.

To this effect, the Ministry closely cooperates with other ministries and governmental as well as non-governmental organisations (NGOs), including international organisations. In cooperation with the police and the International Organisation for Migration, the Ministry takes part in drawing up repatriation programmes and it directly organises repatriations (voluntary returns) of foreign nationals to their countries origin.

With regard to the integration of foreign nationals the Ministry of the Interior co-participates in activities carried out by the Commission of the Minister of Labour and Social Affairs. When performing tasks in this field it builds on its own analysis of the situation and the status of foreign nationals, and draft measures which are issued within its responsibility.

In order to ensure the meeting of tasks arising from the Resolution of the Czech Government adopted in the field of integration of asylum seekers, the Minister of the Interior established by its Instruction No. 19 of 11 April 2002 the inter-ministerial commission on developing a new strategy on integration of asylum seekers and on assigning integration flats to eligible persons. The aim of this commission, which is an advisory body to the Minister of the Interior, is to draw up a new Strategy for the Integration of Asylum Seekers. Its task is also to involve in such activities other Ministries, administrative bodies, self-government bodies, and non-profit making, non-governmental organisations.

Within the Ministry of the Interior, issues relating to international migration, asylum and the integration of foreigners are exclusively dealt with by the Asylum and Migration Policy Department and the Refugee Facilities Administration of the Ministry of the Interior, an organizational unit of the state as stated by the relevant Act, established by the Ministry of the Interior. Employees of both units work both in Prague and at their respective branch offices at asylum facilities.

1.1.1.1. Scope of Competence of the Police of the Czech Republic

An integral part of the Police of the Czech Republic (hereinafter referred to as 'the Czech police') is the Alien and Border Police Service which participates in meeting assignments stipulated by Sec. 2 of Act No.283/1991 Coll., on the Police of the Czech Republic, as amended. The Service in particular protects the security of persons and property, cooperates in safeguarding public order, detects criminal offences and their offenders, detects and deals with minor offences if stipulated by a special legal regulation.

Tasks relating to border clearance procedure, national border protection, permitting entries, the residence of foreign nationals and control of foreigners' residence in the Czech Republic, were carried out by the **Alien and Border Police Service of the Police of the Czech Republic**

¹⁴ 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 Act on Asylum), as amended.

¹⁵ Act No. 221/2003 Coll., on Temporary Protection of Foreign Nationals (consolidated version)

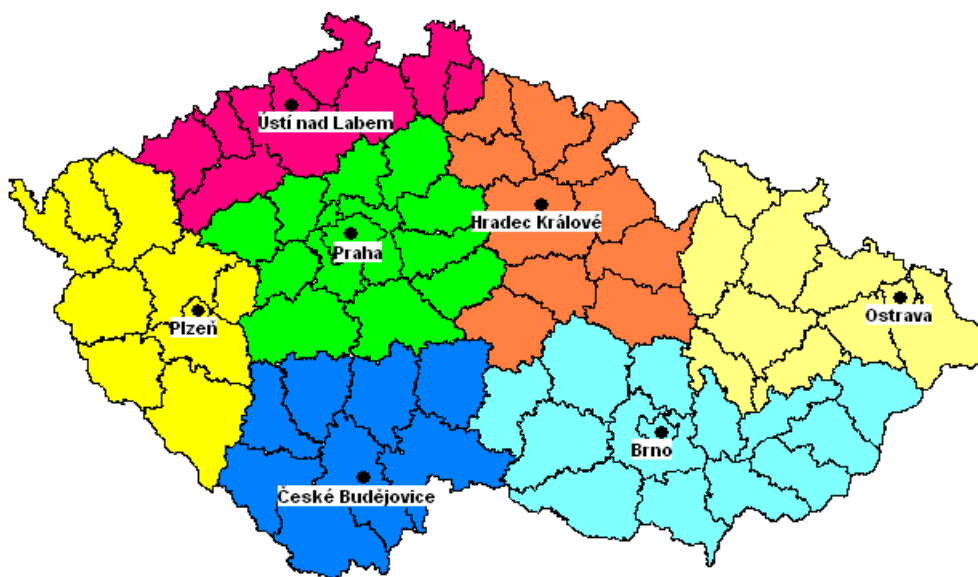
(hereinafter referred to as 'ABPS'), which is a specialised unit having a republic-wide responsibility, and its subordinated units. Its priority is predominantly, now and for the future, to eliminate adverse impacts of migration of foreign nationals to the Czech Republic, in particular to combat illegal migration and related phenomena, such as smuggling of people and trafficking in human beings.

The ABPS also carries out some partial tasks assigned to the police by the Act on Asylum, in particular performing initial identification of acts, visa granting and issuance of travel documents to recognised refugees.

As of **31 December 2007** ABPS consisted of the **Directorate of the Alien and Border Police Service** (hereinafter referred to as 'the directorate of ABPS'), **seven Territorial Directorates** (hereinafter referred to as 'TD ABPS'). An Alien Residence Investigation and Control Department and a Group for Crime Investigation and Documentation were established at each TD ABPS

Further ABPS consisted of **78 Alien and Border Police Units** and **117 Alien and Border Police Sub-units** as well as **one Schengen type office** (an Inspectorate of Alien Police - IAP Rumburk - a pilot project) working under Alien and Border Police Sub-units of Rumburk, Jiríkov, and Mikulasovice.

TERRITORIAL DIVISION OF THE CZECH REPUBLIC ACCORDING TO THE COMPETENCE OF TERRITORIAL DIRECTORATES OF THE ALIEN AND BORDER POLICE SERVICE AS OF 31 DECEMBER 2007



Key:

Territorial competences of TD ABPSs are identical to those of the Czech Police in the respective regional administrations, with the exception of the ABPS TD of Prague, the competence of which includes the territory of the capital city of Prague and the territory of the Central Bohemian Administration of the Czech Police.

TD ABPS of Prague includes also the Unit for Accompanying Airplanes, the activities of which comprise mainly security escorts accompanying of selected airlines, airline escorts, ensuring aviation operation and other security measures at the Prague – Ruzyně Airport.

Alien and Border Police Sub-Units (hereinafter referred to as 'ABPSU'), protected until 21 December 2007 the part of the national border known as 'the green border' of 2.324.6 kilometers

as well as operating at border crossing points. In total they protected 151 border-crossing points, including 95 road, 32 railway, 4 river, and 20 airport border crossing points. Apart from official border crossing points, ABPSUs performed services at another 222 points officially specified for crossing the national border, i.e. 32 border crossings for local border traffic (only at the border with Poland) and 190 paths for tourists (at the border with Poland, Austria, and Germany).

As regards protection of the ‘the green border’ a principal task was to effectively and efficiently deploy human resources as well as technical means, in particular with respect to endangered directions and in the areas near road border crossing points.

As regards EU citizens border checks were minimal. With respect to third-country nationals checks were more thorough and concentrated on checks of travel documents and other prerequisites necessary to enter and reside in the Czech Republic, including screening in police information systems. At the majority of border crossing points joint checks were carried out together with border protection authorities of neighbouring countries.

In the context of abolishment of internal Schengen borders of the Czech Republic the ABPS of the Czech police participated in a range of measures aimed at this essential change. During the year 2007 *Alien Residence Investigation and Control Departments* (hereinafter referred to as ‘ARICD’) carried out intensive checks of foreign nationals in inland and near the internal Schengen border of the Czech Republic.

Police officers working for ARICD were engaged, within the year monitored, in control actions planned namely within their Department or were involved in actions implemented in cooperation with other police units and also with the Czech Trade Inspectorate, Customs Offices, Trade Licensing Offices, and Labour Offices. They also participated in planned security actions and measures, for example POBYT (i.e. RESIDENCE), CIZINEC (i.e. FOREIGNER) and measures adopted in connection with the threat of extremism and terrorism. Furthermore, they took part in cooperative actions aimed at traffic safety which were ordered by the Police President. Participation of police officers working for ARICD in multi-day international police action ‘Alps-Danube-Adriatic Sea’ in which security authorities from nine countries participated.

Activities of *Alien Police Units* (hereinafter referred to as ‘APU’) were, in 2007, focused on thorough verification of applications for visa for residence over 90 days as a basic criterion for permitting a foreign national to enter the Czech Republic. Moreover, all applications for permanent residence permits in the Czech Republic, including applications filed by family members of EU citizens, were reviewed.

As in previous years, inspection activities concentrated also in 2007 on a large degree checks and verification of how conditions for residence of foreigners in the Czech Republic were respected. These were carried out in cooperation with Labour Offices, Trade Licensing Offices, Czech Trade Inspectorate, and Customs Administration.

On the basis of their own findings as well as information received from other authorities or private entities APUs organised their own inspection actions during which they verified whether foreign nationals reside in the Czech Republic legally.

In the context of establishing *K9 Police Units* within ARICD a trend of more effective and targeted utilisation of police dogs was seen, when compared to previous years. By inclusion into ARICD police dogs were more frequently used for escorting foreign nationals for the purpose of their departure (expulsion/deportation) from the Czech Republic and were more often involved, within the meaning of relevant laws and with regard to the upcoming removal of national border checks, in checks aimed at whether residence rules were respected by foreign nationals. Due to the fact that illegal migration is quite often linked to the risk of import and export of explosives, narcotic and psychotropic substances (in particular at air borders) and with regard to the current

development of risks of terrorism police dogs of ABPS were also used in these areas. It was the specialisation of police dogs of ABPs which enabled to use them also for the benefit of other Czech police units.

Further police officers of ABPS carried out service in *detention facilities for foreigners* in the scope stipulated by the Act on the Residence of Aliens and Regulation of the Ministry of the Interior No. 2 of 11 January 2006 laying down competences, procedures and conditions of mutual cooperation between the Refugee Facility Administration of the Ministry of the Interior, ABPS of the Czech police and the Ministry of the Interior of the Czech Republic when running detention facilities for foreigners (tasks relating to reception of foreign nationals to a facility, surveillance within the strict regime, surveillance of foreigners in hospitals in open departments, and so forth). The detention facilities for foreigners are situated in Velke Prilepy, Postorna, Bela-Jezova, and Frydek Mistek.¹⁶

Changes in the Organisational Structure of the ABPS in 2007

A *Risk Analysis Sub-unit* was established within the Analytical and Operational Unit by ABPS Director Order No. 52/2007 of 29 March 2007. The Model of Risk Analysis Processing within ABPS of the Czech police was developed on the basis of ABPS Director Order No. 117/2007 of 11 September 2007. Under this Order the analytical teams of ABPS D and TD ABPS were set up. The reason for taking such measures was to ensure a single procedure when defining and assessing risks and threats and analysing risks.

Other Activities of ABPS of the Police of the Czech Republic

In order to have a direct affect on undesirable illegal migration in source countries, tasks arising from the Agreement between the Ministry of the Interior and the Ministry of Foreign Affairs on operations of specialists in migration (police officers of the Alien and Border Police – alien police officers) at selected embassies and consulates abroad were met also in 2007. At the beginning of 2007, under agreements between the Asylum and Migration Policy Department of the Ministry of the Interior and the Ministry of Foreign Affairs, destinations for seconding police officers were determined, and these officers then worked at embassies and consulates of the Czech Republic in Egypt, Vietnam, Ukraine, Algeria, Russia, and Mongolia.

When taking into account the year reviewed, it may be stated that the activities of such police officers of the Alien and Border Police which were carried out at Czech embassies and consulates contributed to more effective work by these Czech diplomatic missions, in particular as regards issuing visas for residence for over 90 days. The decision-making process relating to visa granting was enhanced and the possibility to misuse visas for non-declared purposes was pointed out. Officials of Czech embassies and consulates were provided with special professional assistance. Moreover, verification of travel and other documents submitted with applications for visas was improved, and this was confirmed by evaluation reports of police officers drawn up by officials of embassies and consulates.

When considering evaluations of police officers delivered from embassies and consulates it may be unambiguously stated that it is necessary to develop further cooperation between the Ministry of the Interior and the Ministry of Foreign Affairs.

During the year 2007 the functioning of the of the Alien Information System (AIS), which serves to ensure duties of the Czech police, in particular units of ABPS, was maintained on an

¹⁶ In September the detention facility for foreigners was closed in Frydek-Mistek.

ongoing basis. Officers and other employees of ABPS of the Czech police participated in testing the implementation of VIS (Visa Information System) into AIS.

In 2007, as in previous years, the central records on the residence of foreign nationals in the Czech Republic were maintained and supplemented, which will enable the speeding up of the provision of information from the archives of records on foreigners, since these will be concentrated at the Directorate of ABPS and will not be saved at individual APUs. Officers and other employees of the Directorate of ABPS started in 2007 to enter data relating to losses and thefts of ID documents of foreigners or documents found in the Czech Republic, as well as other findings into AIS or SIS under Article 100 of the Convention Implementing the Schengen Agreement, which involved communication with the National SIRENE Bureau.¹⁷

As regards human resources the situation regarding ABPS of the Czech Police did not improve in 2007. As with other services of the Czech Police a high turnover rate of police officers was reported. The stability of human resources of the Czech Police, namely of the Alien and Border Police, was also affected by the accession of the Czech Republic to the Schengen area, which was followed by reorganisation of the ABPS of the Czech police.

Reorganisation of the Alien and Border Police Service of the Police of the Czech Republic as of 21 December 2007

The process of the Czech Republic's accession to the Schengen Security Area was completed by Council Decision 2007/801/EC of 6 December 2007. Accession was determined by this Decision on 21 December 2007. Application of Article 20 of Regulation No 562/ 2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) means that since that date protection of the land national border of the Czech Republic within the meaning of Act No. 216/2002 Coll. has been abolished. Since 30 March 2008 the provisions of the aforementioned Article 20 regulating the movement of persons across the border will also apply to the air border.

In this context the Alien and Border Police Service was reorganised as of 21 December 2007 to become the **Alien Police Service of the Police of the Czech Republic** (hereinafter referred to as 'APS') consisting of **the Directorate of the Alien Police Service** (hereinafter referred to as 'the Directorate of APS'), **seven Territorial Directorates Alien Police Service** (hereinafter referred to as 'TD APS'). A Specialised Activities Department and Documentation Group were established within each Territorial Directorate. **48 Alien Police Inspectorates** (hereinafter referred to as 'APIs') were established from former 117 Alien and Border Police sub-units and 78 Alien Police Units. Inspectorates are located throughout the whole Czech Republic.

Since the above-mentioned date the officers of APSs protect external Schengen borders at the following airports: Prague Ruzyně, Brno Turany, Ostrava Mosnov, Karlovy Vary, and Pardubice.

The **Criminal Police and Investigation Service**, having nation-wide competence, and its special department, **the Unit for Combating Organised Crime**, are also involved in carrying out tasks relating to combating illegal migration and smuggling people.

The above-mentioned police unit also deals with combating forced labour and labour exploitation.

¹⁷ For the sake of consultations and the exchange of information among Member States, the SIRENE network of offices has been established to integrate the representatives of all (as per internal regulations) authorised bodies. The offices are open non-stop and work in all languages. Unofficially, English has become a neutral universal language.

I.1.2. Scope of Competence of the Ministry of Foreign Affairs

The Ministry of Foreign Affairs of the Czech Republic is a central administration body of the Czech Republic for foreign policy, in the framework of which it develops strategies and coordinates foreign development aid.

The Ministry of Foreign Affairs exercises its state administration powers in affairs relating to residence permits granted to foreigners enjoying privileges and immunities in the Czech Republic in accordance with international law.

The Ministry of Foreign Affairs performs its state administration responsibilities relating to the issuing of visas through embassies and consulates, to the extent stipulated by the Act on the Residence of Aliens.

I.1.3. Scope of Competence of the Ministry of Labour and Social Affairs

Under Act No. 435/2004 Coll. on Employment, the Ministry of Labour and Social Affairs (the MLSA) defines the categories of entities which act as employers, and with regard to foreign citizens sets out labour market access criteria for each category of foreign nationals. With respect to the situation on the labour market, the MLSA lays down conditions regarding employment permits and, in compliance with intergovernmental agreements on reciprocal employment, sets quotas for the employment of foreigners and is responsible for legal regulations governing the employment of foreigners in relation to relevant EU legal provisions.

In addition to national legal regulations, the sphere of employment migration is governed by bilateral international agreements regulating social security and employment and also by multilateral conventions on human rights, the status of refugees, and social rights, to all of which the Czech Republic is a party.

The national employment policy of the Ministry of Labour and Social Affairs is aimed at achieving a balance between the supply of and demand for labour, the productive utilisation of labour, and ensuring the right to employment of citizens. Since 2003 the MLSA has been implementing a pilot project for *Active Selection of Qualified Foreign Employees*

The phenomenon of illegal employment has remained a problem in the Czech Republic. The *Interdepartmental Agency for Combating the Illegal Employment of Foreigners in the Czech Republic* deals with this particular area.¹⁸ Coordinated by the MLSA, the agency's operations are performed in close cooperation with the Ministry of the Interior and the Ministry of Industry and Trade.

The MLSA coordinates the integration of foreign nationals in the Czech Republic.¹⁹ With regard to such vested competence the Commission of the MLSA was established, which acts as an advisory body and helps to ensure conditions for drawing up and implementing the policy of the Czech Government in the field of the integration of foreigners. The aforementioned Commission consists of individual ministries involved in implementing the *Strategy for the Integration of Foreign Nationals in the Czech Republic* (namely the Office of the Government, the Czech Statistical Office, academic representatives, NGOs and non-profit making organisations,

¹⁸ The Interdepartmental Agency for Combating the Illegal Employment of Foreigners in the Czech Republic was established under Government Resolution No. 1044 of 23 October 2000.

¹⁹ Through its Resolution No. 1252 of 10 December 2003 the Czech Government approved, effective of 1 January 2004, the transfer, from the Ministry of the Interior to the Ministry of Labour and Social Affairs, of tasks and competencies relating to the coordination of implementation of the Strategy for the Integration of Foreign Nationals in the Czech Republic.

associations of foreign nationals, trade unions and employment unions, and self-government representatives).

The MLSA is also engaged in activities carried out by the Commission of the Minister of the Interior for developing a new Strategy on the Integration of Asylum Seekers and for assigning integration flats to eligible persons.

1.1.4. Scope of Competence of the Ministry of Industry and Trade

The responsibilities of the Ministry of Industry and Trade include regulation of the issuing of trade licenses under Act No. 455/1991 Coll. on Trade Licensing, as amended, covering a major part of entrepreneurial activities carried out by natural and legal persons. The Ministry of Industry and Trade pays continuous attention to optimising conditions for business undertakings.

Within the framework of its responsibilities the Ministry proposes legal amendments to conditions for the activities of entrepreneurs, while managing, in terms of guidance, the execution of state administration powers in this sphere and supporting the development of selected entrepreneurial activities; in connection therewith, the Ministry also deals with issues concerning the business activities of foreigners.

In the field of integration of foreigners, the Ministry takes part in activities carried out by the Commission of the Minister of Labour and Social Affairs. To this end, the Ministry uses its own analyses of the situation and the position of foreigners and measures proposed within its scope of competencies.

1.1.5. Scope of Competence of the Ministry of Justice

The Ministry of Justice is a central state administration body for courts and public prosecutors' offices. In extradition proceedings, the Minister of Justice decides upon the extradition of foreigners to abroad for criminal prosecution or to serve a sentence, but only provided that a regional court or the Supreme Court has decided that such extradition is permissible or where the respective foreign national has agreed to his/her extradition.

The Ministry is involved in the issue of migration also with respect to its competencies relating to legislative activities, drafting bills and other legal provisions regulating the sphere of justice and prison services, and with respect to its powers concerning monitoring, reviewing and evaluating the efficiency of the judicial system.

The Ministry of Justice of the Czech Republic is the party responsible for legislation relating to the Register of Companies, the establishment and status of commercial and cooperative companies, and contractual relationships and so forth which are regulated by the Commercial Code.

1.1.6. Scope of Competencies of the Ministry of Education, Youth and Sports

The Ministry of Education, Youth and Sports (hereinafter referred to as the 'MEYS') is the body responsible for learning and teaching at all types of schools, language courses accredited by the MEYS, consultations and exchanges of experience, secondments, courses in art and courses focused on guidance of teachers as well as other specialised courses falling under the responsibility of the Ministry. The MEYS is also responsible for vocational education and training projects the purpose of which is to provide foreigners with practical or professional skills and experience. Moreover, the Ministry's competencies include providing access to education for the children of

foreigners. The Ministry also organises secondments for foreign experts to work as lecturers or scientific professionals at Czech schools.

The MEYS or higher education institutions (university or non-university establishments) recognise, on the basis of submitted documents of studies and competences laid down by the Act on Higher Education Institutions, higher education qualifications acquired at foreign higher education institutions.

The MEYS is engaged in activities carried out by the Commission of the Minister of Labour and Social Affairs for the integration of foreigners and the Commission of the Minister of the Interior for developing a new Strategy on the Integration of Asylum Seekers and for assigning integration flats to eligible persons. To this effect, the Ministry uses its own analyses of the situation and status of foreigners and measures proposed within the Ministry's scope of powers.

1.1.7. Scope of Competencies of the Ministry for Regional Development

The Ministry for Regional Development is, as regards migration, responsible for implementing measures arising from the *ADS Memorandum* (the Memorandum on Understanding between the National Administration for Tourism of the People's Republic of China and the European Community on Visa and Related Issues Concerning Tourist Groups from the People's Republic of China).²⁰

This Ministry also participates in activities carried out by the Commission of the Minister of the Interior for the integration of foreigners and the Commission of the Minister of the Interior for developing a new Strategy for the Integration of Asylum Seekers and for assigning integration flats to eligible persons. To this effect, the Ministry uses its own analyses of the situation and status of foreigners and measures proposed within the Ministry's scope of powers.

I.2. LEGISLATIVE FRAMEWORK

From the moment it became a fully-fledged Member State of the European Union the Czech Republic on the one hand subordinates its national law and the application thereof in a number of areas which are the subject of common interest to the legislation of the Community, thus creating a platform for a coordinated and unified procedure built on principles and rules pertaining to those areas, not only inside the Community but mainly outside the Community, in relations with third countries. On the other hand the Czech Republic successfully participates in developing policies of the Community in a range of areas.

Conditions concerning the entry and residence of foreign nationals in the Czech Republic are regulated by Act No. 326/1999 Coll. on the Residence of Aliens in the Czech Republic and on the Amendment to Some Other Acts, as amended (hereinafter referred to as the 'Act on the Residence of Aliens'). In particular with regard to the necessity to ensure the transposition of newly adopted EC/EU legal provisions it was necessary to amend this legal regulation.

The Ministry of the Interior is also empowered to determine, through a legal regulation, those foreign nationals who are permitted to stay in the transit zone of an international airport in the Czech Republic on only the basis of a granted airport visa. The countries of such foreign nationals

²⁰ To ensure implementation of the ADS Memorandum the Czech Government adopted Resolution No. 1311 of 22 December 2004. In compliance with the Resolution a working group comprising representatives of the Ministry for Regional Development, the Ministry of the Interior, and the Ministry of Foreign Affairs was set up.

or the countries which issue travel documents the holders of which are such foreign nationals are currently listed in Decree of the Ministry of the Interior No. 446/2005 Coll.

When applying the aforementioned Decree in 2007 it appeared desirable to amend the current list of states whose nationals are permitted to stay in the transit zone of an international airport on only the basis of a granted airport visa with regard to nationals of Syria and persons proving their identity by Syrian passports. Such persons are newly obliged to have this visa even though they are holders of a document which entitles them to reside in an EU Member State. The same measure applies to some other countries. This measure came into effect on 25 September 2007 (Decree No. 246/2007 Coll.).

The area of international protection and procedure on granting international protection are governed by 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 Act on Asylum), as amended by sixteen amendments adopted since its entry into force on 1 January 2000. As regards the importance of alterations made by individual amendments, the amendment adopted during 2007 and implemented by Act No. 379/2007 Coll. may be considered very important. This amendment achieved necessary amendments to Czech law pertaining to international protection from the perspective of European asylum law, since this amendment transposed the last published Directive regulating European asylum law, i.e. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (hereinafter referred to as the 'Procedural Directive'). This Directive had to be transposed into the Czech legal framework not later than by 1 December 2007.

From 1 May 2004, i.e. from the date of the Czech Republic's accession to the European Union, the Czech Republic has been bound by Dublin II (i.e. Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing 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) and this fact significantly affects the area described. This Regulation represents a legal instrument guaranteeing that each asylum application filed by a third-country national in an EU Member State must always be essentially examined only by one state, it means the one concerned.²¹ Therefore foreign nationals are treated under Czech national asylum law contained in the Act on Asylum and its relevant amendments only in cases where it is solely the Czech Republic and not any other EU Member State which is responsible for such asylum application.

1.2.1. Act on the Residence of Aliens

As stated above in recent months it was necessary to amend the Act on the Residence of Aliens as a result of the necessity to transpose newly adopted documents of the Council of the EU. The following amendments were made to the Act on the Residence of Aliens in the past year through Act No. 379/2006 Coll.

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. In this regard amendment to the Act on the Residence of Aliens and also amendments to some other acts were made (for example the Act on the Police of the Czech Republic, the Rules of Criminal Procedure, and the Act on

²¹ See Chapter II.6. AZSYLUM - II.6.4. Dublin Centre

Asylum). The date of putting this system into operation in Member States striving to enter the Schengen area was determined by *Council Decision of 12 June 2007 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic*. In accordance with the said decision, the system in question was put into operation in the Czech Republic on 1 September 2007.

Act 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, 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 Act on Asylum), as amended, and Some Other Acts transposed *Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purpose of scientific research* and *Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status*.

In order to transpose Council Directive 2005/71/EC it was necessary to amend not only the Act on the Residence of Aliens but at the same time several other acts, namely the Act on Public Research Institutions and the Act on Employment. The Act was drafted by the Ministry of the Interior and the Ministry of Labour and Social Affairs; whilst the Ministry of Education, Youth and Sports and the Government Council for Science and Research participated in the transposition itself.

A special type of residence was introduced in the Act on the Residence of Aliens – 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.

A list of research organisations which will be approved by the Ministry of Education, Youth and Sports for accepting researchers from third-countries should be published via the public information network and in the Collection of Laws. A hosting agreement means a commitment by a research organisation to accept a researcher for the purpose of his/her participation in solving an important project whereby the researcher undertakes to complete a research project.

A third-country national may file their application for long-term residence permit for the purpose of scientific research at an embassy or a 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 long-term residence permit for the purpose of scientific research with the relevant department of the Alien Police. A third-country national is obliged to submit along with their application a travel document, an extract from the Criminal Records Register, photographs, a hosting agreement, and a written commitment by a research organisation concerning respective costs relating to the residence of the researcher in the Czech Republic after the residence permit expires. A third-country national is not required to submit a work permit – this fact arises from the amendment to the Act on Employment. In this context it is important to mention that the Government Draft Act amending the Act on the Criminal Records Register and Some Other Acts requires neither from foreign nationals nor from Czech nationals an extract from the Criminal Records Register because the administrative authorities will verify themselves that applicants are without any criminal record.

In the case of a positive decision on a filed application an embassy or consulate on the basis of an instruction by the police may grant a foreign national visa for a period of over 90 days which will enable them to arrive in the Czech Republic where they will receive a decision on permitting long-term residence for the purpose of scientific research. Before the visa is granted the foreign

national is obliged to submit a document on health insurance for the period from the day of arrival in the Czech Republic until receiving the aforementioned decision of the relevant Alien Police Inspectorate. Due to the fact that the foreign national is obliged to pick up this decision within the period of three working days of his/her arrival in the Czech Republic the document on health insurance should cover also this initial period of the researcher's residence in the Czech Republic. By taking up the respective decision (i.e. a residence permit card) and for the period of its validity the Act on Public Health Insurance will apply.

Applications for a long-term residence permit are subject to a standard procedure and should be processed within 60 days of the date on which the application was filed. A long-term residence permit for the purpose of scientific research will be issued for the period needed to achieve the purpose of the residence (i.e. for the period needed to complete the given research project) if such period is shorter than one year; in all other cases the residence permit will be issued for two years, however the permit may be repeatedly extended.

Further the amendment to the Act on the Residence of Aliens also harmonises the Act with *Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)*, which came into force on 13 October 2006. Although the said area is regulated by the directly effective and applicable legal provisions – Regulations - of the European Community, the amendment is necessary so that it is consistent with the Act on the Residence of Aliens, to make some principles of this Regulation more understandable, and to implement some of its principles in national law; therefore some conditions for the entry of foreign nationals (even though only partially) were preserved in the Act concerned.

The amendment to the Act on the Residence of Aliens completed the process of transposition of *Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985*. This amendment proved to be necessary in the context of evaluations of the preparedness of the Czech Republic for complete implementation of the Schengen *acquis*. The objective of this legal regulation is to, *inter alia*, ensure that third-country nationals whose entry has been refused do not stay in Schengen states, and that third-country nationals who were transported across such states and have been refused entry to a Schengen Member State are therefore returned to the state through which the third-country national concerned was transported. The amendment newly lays down the obligation of carriers to ensure (on the basis of instructions issued by the police) the transportation of a third-country national from the Czech Republic. Until now such obligation was imposed on air carriers, operators of water transportation and operators of international bus transportation only in cases where the third-country national was refused entry in the Czech Republic because he/she did not hold a valid travel document or visa, if applicable.

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.

These conditions were eventually made stricter since the number of fake marriages with Czech nationals increased. Moreover, the number of cases where there was a reasonable suspicion that paternity determined by the agreement of both parents under the Act on the Family was determined only with the aim of obtaining the highest residence status, i.e. obtaining a permanent residence permit in the Czech Republic, was on the rise. The existence of such cases was supported by an option whereby in accordance with the previous legal regulation the police could issue to the family members of an EU citizen at his/her request permanent residence permits 'if such a person is the family member of a Czech national who permanently resides in the Czech Republic or a family member of any other EU national who has had issued a permanent residence permit in the Czech

Republic'. Thus a family member of an EU citizen may immediately after entering into marriage or after determining paternity obtain a permanent residence permit in the Czech Republic. It must be also stated that permanent residence permits in EU Member States are governed by Directive of the European Parliament and the Council 2004/38/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. Within the meaning of the said legal provisions of the European Communities the family member of an EU citizen has the right of permanent residence after having resided legally for a continuous period of five years in the host Member State. Taking into account the aforementioned finding which was gathered through application of the Act on the Residence of Aliens it was necessary to retreat from this above standard regime or at least to substantially restrict it.

As a consequence a new measure was proposed and subsequently approved by the Parliament of the Czech Republic. 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). A similar principle for obtaining permanent residence, after a 'probationary period' lapses, is also applied in other EU Member States (for example in France, the United Kingdom, Sweden, Austria, and Germany). 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).

The aforementioned more stringent conditions for the issue of permanent residence permits to family members of EU citizens is, with regard to the stated reasons, a restrictive measure.

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. Apart from the change of the name from the original Alien and Border Police Service to the Alien Police Service, the organisational structure has been changed. Instead of the former 117 Sub-units of the Alien and Border Police Service and 78 Units of the Alien and Border Police Service, there are 48 Alien Police Inspectorates.

As a consequence of a new concept of the Police of the Czech Republic which is being developed (the Ministry of the Interior has drawn up the Draft Act on the Police of the Czech Republic) the Alien Police Service should be transformed in such a way that they will be able, within the new territorial structure formed by Regional Police Administration Offices, to effectively meet tasks that will arise after the Czech Republic's accession to the Schengen area. Only activities which are important from the point of view of the security of the state should have line management, for example affairs concerning international airports. As a result it was necessary to partially amend the Act on the Residence of Aliens. Alien Police Inspectorates operating at international airports were excluded from the competence of the Territorial Directorates of the Alien Police Service and were included in the organisational structure of the Directorates of the Alien Police Service where they will operate branches. As a consequence the scope of competence of the Ministry of the Interior will be extended - the Ministry will become 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.

Taking into account 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 which will be data on fingerprints and photographs, the Act on the Residence of Aliens defines *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 will be a reason not to grant a visa.

The amendment to the Act on the Residence of Aliens specified the *option to cancel the data on foreigners' whereabouts in the Czech Republic*. This new provision is to help solve cases where a person who previously agreed to accommodate a foreign national withdraws their consent as well as cases where a foreign national reports the address of the place of residence without informing the respective landlord, and cases when a foreign national does not reside at the reported address.

Cancellation of data on the place of reported residence applies only to cases where the reasons leading to such a measure cannot be at the same time reasons for cancelling the residence of the foreign national in the Czech Republic (i.e. a foreigner who was permitted permanent residence in the Czech Republic and EU citizens, nationals of Norway, Iceland, Lichtenstein, and Switzerland and their family members who temporarily reside in the Czech Republic). In other cases after an agreement to accommodate a foreign national is withdrawn, the police may commence proceedings to abolish the validity of a respective residence permit (i.e. to cancel the validity of a visa for over 90 days or a long-term residence permit).

By cancelling data on the address of a reported residence the validity of a residence permit or confirmation of temporary residence in the Czech Republic will cease to exist *ex lege*. The address of the relevant department of the Alien Police which decided on the cancellation of the data on the reported residence will be included in the Register of Inhabitants as 'the address of the place of residence'.

However, it is important to bear in mind that 'consent to accommodate a foreign national' is essentially an agreement concluded between a foreign national and a landlord. Such agreement may be amended only with the consent of both contracting parties. If such parties do not come to an agreement and, as a matter of fact, the foreigner refuses to move out, the matter must be decided by a court. This is a civil law matter and departments of the Alien Police are not entitled to settle such disputes and therefore they cannot cancel the data on the reported place of residence since a foreign national lives at the given address and this fact is recorded in a public deed (i.e. in the relevant residence permit or residence confirmation).

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. In laying down respective measures the legislator built on Government Resolution No. 126 of 8 February 2006 approving an updated version of the Strategy for Integration of Foreigners. The Act on the Residence of Aliens in this context encompasses authorisation for the Ministry of Education, Youth and Sports to set out, in an implementing legal regulation (i.e. in secondary legislation), other requirements necessary to ensure the smooth implementation of this new provision. The Ministry of Education, Youth and Sports is currently preparing a factual as well as legal solution for teaching of the Czech language and relating examinations for foreign nationals so that it may be without any problems incorporated into the education system in accordance with Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended.

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 this year.

Another important change is *adoption of measures to solve cases where a foreign national, after a final and conclusive decision on administrative expulsion, does not meet his/her obligation*

to leave the Czech Republic within the specified period. Such conduct will be considered a serious breach of public order and will be an obligatory reason, pursuant to Section 124 (3) of the Act on the Residence of Aliens, for the restriction of personal freedom of such a foreign national. Before departure itself (with police assistance) such foreign national will be detained for the purpose of administrative expulsion (deportation). This measure is to eliminate the number of cases where foreigners after a final and conclusive decision on administrative expulsion from the Czech Republic do not leave the country and, without a valid residence permit, continue to reside in the Czech Republic. Adoption of the proposed measure should have a positive impact – a foreigner respecting specified conditions may leave the Czech Republic voluntarily, however if this is not the case then he/she will be detained, i.e. his/her freedom will be restricted and he/she will have to leave the country with police assistance.

The previous legal regulation allowed the police to detain such a foreigner only if there was a danger that such foreign national could frustrate or prevent the execution of the decision on administrative expulsion, however, utilisation of this legal provision was subject to discretion and was not sufficiently used by the police. The police did not use it even in cases where there was evidence of the frustrating of the decision on administrative expulsion.

In addition a *further competence of the police to detain foreigners for a necessary period (not exceeding 180 days) for the purpose of his/her departure was incorporated into the Act on Residence of Aliens. This measure is used in cases where a foreign national did not use the option of voluntary return under the Act on Asylum and did not leave the Czech Republic on a voluntary basis (Section 124b of the Act on the Residence of Aliens).* The described competence of the police is closely linked to the Act on Asylum and the provisions of Section 54 thereof which lay down that a foreign national is obliged to leave the Czech Republic if he/she was not granted asylum.

The provisions of Section 124b of the Act on the Residence of Aliens relates to a small category of foreign nationals - former unsuccessful international protection seekers who breached their obligation to leave the Czech Republic within the specified time limit. If such foreigners do not leave the country voluntarily within voluntary repatriation (the Ministry of the Interior can cover transport costs, i.e. for example the price of an air ticket) they will be detained for the purpose of completing their departure from the Czech Republic. Any foreigner who was paid their transport costs by the Ministry of the Interior will be obliged to refund to the Ministry half the amount of such costs within the period of six years at the latest. Until such costs are paid the foreigner will be counted as an undesirable person and will not be permitted to enter the Czech Republic.

Furthermore the amendment to the Act on the Residence of Aliens took into account *national legal provisions on registered partnership.* 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. 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 the family member of a citizen of the Union enjoying the right of free movement of persons. Directive 2004/38/EC answers this question: ‘the host Member State shall, in accordance with its national legislation, facilitate entry and residence for the partner with whom the Union citizen has contracted registered partnership, on the basis of the legislation of a Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage...’ (pursuant to Article 2 (2) (b) of Directive 2004/58/EC). The relevant legal frameworks of individual EU Member States lay down

special conditions, independent of the legal framework of the Czech Republic, for the establishment of registered partnerships. The legal framework of the Czech Republic regulates the provisions of registered partnership and therefore it must accept registered partners of EU citizens as their family members otherwise this would be discrimination on the grounds of nationality (the provisions of Article 12 of the Treaty establishing the European Community). Thus it is necessary to treat a foreign national who has entered into a registered partnership with a citizen of the Union, either in accordance with Czech law or in compliance with the national provision of any other EU Member State, as a family member. (This applies accordingly also to cases where a Czech national has entered into such partnership in any other EU Member State). Adopted measures under the Act on the Residence of Aliens are to ensure the implementation of the provision of 'registered partnership' defined by Directive 2004/38/EC (such procedure has been applied from 1 July 2006, i.e. when Act No. 115/2006 Coll. came into force, on the basis of direct effect of a legal provision of the European Community). In addition it was decided that the described provision would apply also to cases regulated by Council Directive 2003/86/EC on the right to family reunification. Within the meaning of Article 4 (3) of the said Directive Member States 'may decide that registered partners are to be treated equally as spouses with respect to family reunification'. The provision on registered partnership will be, in accordance with the Act on the Residence of Aliens, taken into account not only in the case of relevant residence permits for temporary residence in the Czech Republic but also in the case of permanent residence permits.

Further the amendment to the Act on the Residence of Aliens *made more precise some provisions relating to foreigners who are placed in detention facilities for foreigners.*

Such facilities serve for the detention of foreigners for the purpose of administrative expulsion under a final and conclusive decision. To achieve such a purpose of detention it is necessary not to enable the foreigner or to make it more difficult for him/her to wilfully leave such facility. With regard to the fact that foreigners of different nationalities, religious conviction, age and gender are placed in such a detention facility it is also very important to prevent clashes, bullying or violence against individuals by monitoring the common rooms of the detention facility using audio-visual means. The amendment to the Act on the Residence of Aliens enables the installation and use of such means.

Another adopted measure respects a legal prohibition on the use of mobile phones or other similar electronic communication devices by foreigners who are placed in a detention facility for foreigners. Mobile phones were for example used for organising the violent mass escape of international protection seekers during an exceptional event during August and September 2006, from reception centres in Vysni Lhoty and Velke Prilepy. The adopted measure does not restrict the option to communicate with persons outside of the detention facility but detained foreigners may use only fixed telephone lines. The operator is obliged to ensure that telephone cards are available to detained foreigners and to provide free telephone cards to those who do not have enough funds to purchase them.

Another measure was adopted to prevent the abuse of provisions on the right of detained foreigner to accept visits of person providing legal assistance and at the same time to enhance legal advisory services for foreigners, since a person providing such assistance will have to be legally educated. A detained foreigner has still the right to receive visits from a lawyer or a representative of a legal entity however they must prove that they are lawfully authorised to provide legal assistance to foreign nationals. An authorised employee or a member of a legal entity who completed their study of law at university, which is required for the execution of barrister/solicitor's duties, may act on behalf of a legal entity.

Currently several other draft acts which, *inter alia*, encompass amendments to the Act on the Residence of Aliens are undergoing the legislative process.

They are in particular as follows:

a) Government Draft Act amending Act No. 269/1994 Coll. on the Criminal Records Register, as amended, and Some Other Acts

The Government Draft Act encompasses, *inter alia*, an amendment to the Act on the Residence of Aliens (the relevant draft was drawn up by the Asylum and Migration Policy Department). The amendment assumes that foreigners will not any more be required to submit an extract from the Criminal Records Register as one of the prerequisites of an application for a visa for over 90 days, a long-term residence permit or permanent residence permit).

The Draft Amendment amending the Act on Criminal Records Register and Some Other Acts was drawn up by the Ministry of Justice as a follow up to an assignment resulting from Government Resolution No. 855/2006 approving the implementing procedure of the Intention to Decrease the Administrative Burden of Natural Persons in Proceedings and Within Activities requiring the submission of an extract from the Criminal Records Register for the purpose of proving that they are without a criminal record. The objective of this new legal regulation is to remove an obligation on natural persons to apply for an extract from the Criminal Records Register for the purpose of proving, because they are involved in certain administrative proceedings, that they are without a criminal record. The extract was required as an original or notarised copy. The fundamental principle of the proposed legal regulation is to ensure that obligations are shifted from the natural person, who is a party to administrative proceedings where an extract is required, to the administrative authority involved in the proceedings in question.

b) Draft Act amending Some Acts concerning the adoption of the Act on the Police of the Czech Republic

With regard to decreasing the burden on the Czech police and removing activities other than police activities, some administrative activities relating to the issue of relevant residence permits should be transferred to the Ministry of the Interior. Due to the large scope of activities, organisational, technical and personnel background it is not reasonable to free the Czech police from such duties in one single step. This process should have two phases. In the first phase the Ministry of the Interior should take over the remaining part of the agenda of permanent residence permits, whilst in the second phase it should take over the issuance of long-term residence permits. Measures concerning the first phase should come into effect on 1 January 2006 and measures pertaining to the second phase on 1 January 2013.

The Draft Act drawn up by the Ministry of the Interior (the proposal was given by the Security Policy Department, parts concerning the amendment to the Act on the Residence of Aliens were drawn up by the Asylum and Migration Policy Department) was submitted to the Government in December 2007 and currently it is undergoing the legislative process.

c) Draft Act amending Some Acts concerning travel document

The objective of the Draft Act (part of which is also the amendment to the Act on the Residence of Aliens) is to postpone the start date for issuing machine readable travel documents furnished with biometric identifiers (fingerprints). Travel documents containing fingerprints should be issued, instead of from 1 May 2008, from 1 April 2009. As regards the Act on the Residence of Aliens this measure applies to foreign nationals who will be issued with a foreigner's passport (*Laisser Passer*).

The Act was signed by President of the Czech Republic on 11 April 2008 and it was published in the Collection of Laws on 25 April 2008 under No. 140/2008 (the Draft Act was drawn up by the Ministry of the Interior and the proposal was drawn up by the Administrative Activities Department).

d) Draft Act amending Act No.435/2004 Coll. on Employment, as amended, and Other Related Acts

The Act, *inter alia*, requires the drawing up of an amendment to the Act on the Residence of Aliens (a relevant draft amendment was drawn up by the Ministry of the Interior after it had been negotiated with the Ministry of Labour and Social Affairs and the Ministry of Industry and Trade). The draft amendment anticipates the introduction of the provision of a protective period and lays down conditions for the issue of long-term residence permits for the purpose of employment - 'Green Cards'. Introduction of the protective period represents a measure under which the validity of a residence permit issued for the purpose of employment (i.e. a visa for over 90 days or a long-term residence permit) could be cancelled in the case that the foreigner loses his/her job (not because of his/her fault) but only if such foreigner is not issued within 60 days of the date following the date of the termination of his/her employment a new work permit. The Green Card will be of a dual nature – it will be a work permit and at the same time it will serve as a document authorising a foreigner to reside in the Czech Republic. The reasons for issuing Green Cards is to remove unnecessary administrative obstacles preventing foreigners from accessing the Czech labour market in professions which will not be staffed by Czech nationals, EU citizens or their family members within a specified time limit.

I.2.2. Act on Asylum

In 2007 the described legal Act saw further amendments and alterations. The following should be mentioned to indicate the importance of individual amendments to the Act on Asylum.

First of all the long and demanding legislative process regarding the amendment to Act 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 Act on Asylum), as amended, and Some Other Acts²², was successfully completed.

Act No. 379/2007 Coll. was adopted mainly with regard to reacting in the Czech legal framework to EC/EU legal regulations pertaining to the area of foreigners' residence and asylum. In total this amendment encompasses amendments to eleven acts. Specifically the draft amendment to the Act on Asylum (Part II of the Act) responds to another Directive issued in the EU, namely Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (the 'Procedural Directive'). This Directive was to be transposed into the Czech legal framework not later than by 1 December 2007.

²² The amendment affected apart from the Act on the Residence of Aliens and the Act on Asylum also the following legal provisions (this list contains only the basic titles of the relevant Acts):

- Act No. 341/2005 Coll. on Public Research Institutions
- Act No. 111/2006 Coll. on Support for People without Means of Subsistence
- Act No. 435/2004 Coll. on Employment
- Act No. 117/1995 Coll. on State Social Support
- Act No. 634/2004 Coll. on Administrative Fees
- Act No. 329/1999 Coll. on Travel Documents
- Act No. 283/1991 Coll. on the Police of the Czech Republic
- Act No. 221/2003 Coll. on Temporary Protection of Foreign Nationals
- Act No. 216/2002 Coll. on Protection of the National Border of the Czech Republic

The principal objective of the amendments to the Act on Asylum is to transpose into the Czech legal framework regulating procedural law minimum standards on procedures for granting and withdrawing refugee status laid down by Council Directive 2005/85/EC with the aim of gradually creating a Common European Asylum System²³. The approximation of rules granting and withdrawing refugee status should help to limit the secondary movements of applicants for asylum between Member States, where such movements are caused purely by differences in legal frameworks.

Among numerous alterations which the amendment incorporates in the Act on Asylum, effective of 21 December 2007, the most important should be mentioned. These are as follows.

With regard to the fact that the current restriction (a two-year time limit) on a repeat application for international protection was excluded from the current Act on Asylum since the Procedural Directive does not take such a restriction into the account, the amendment is to replace this provision so that it corresponds to the Procedural Directive. First of all it must be mentioned that applications repeatedly filed for the same reasons will be assessed in the future as inadmissible under the newly implemented provisions of Section 10a (e), which means that such procedure will be discontinued. The objective covered until now by the two-year time limit, i.e. to prevent the abuse of the asylum procedure by filing repeat applications, is included in the provision of Section 3 (2) which prevents avoidance of departure from the Czech Republic where a foreigner is not any more legally authorised to reside in the Czech Republic and thus his/her departure has been factually commenced.

The aim of the newly implemented provision of Section 46a listing reasons why an international protection seeker should stay in a reception centre until his/her departure from the Czech Republic is to prevent the abuse of applications for international protection with regard to illegal migration throughout the Czech Republic, or the involvement of the applicant in organised crime which has existed for several years. This newly proposed provision does not constitute any grounds for the general detention of foreigners or international protection seekers. 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

²³ The common asylum policy, including the Common European Asylum System, is an integral part of the EU objectives, lying with the gradual establishment of an area of freedom, security and justice open to those who under the pressure of circumstances are legally seeking the protection of the European Community. According to the conclusions of the European Council Summit held in Tampere on 15 and 16 October 1999 the Common European Asylum System should, within a short period of time, include common standards for just and effective asylum procedure in EU Member States and from a long-term perspective it should also include Community rules leading to common asylum procedure in the European Community. Minimum standards for procedures in Member States for granting and withdrawing refugee status, the implementation of which is the principal aim of the Procedural Directive, are the first measure for asylum procedures.

It is in the very nature of minimum standards that Member States should have the power to introduce or to maintain more favourable provisions for third country nationals or stateless persons who request international protection from the respective Member State, where such a request is understood to be on the grounds that the person concerned is either a refugee within the meaning of Article 1A of the Geneva Convention, or a person who otherwise needs international protection.

The Procedural Directive respects fundamental rights and observes principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular this Directive seeks to ensure full respect for human dignity and the right to seek asylum for applicants for asylum and their accompanying family members. With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under the instruments of international law to which they are party and which forbid discrimination. It is important that all decisions concerning applications for asylum are adopted as soon as possible, on the basis of facts given and within first instance proceedings before authorities whose officials are well-informed or who have undergone relevant training in the field of asylum and refugee issues.

a foreign national (international protection seeker) to stay for the whole duration of the procedure at a reception centre. The objective of 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.

The aim of the newly formulated provisions, which are in compliance with the Procedural Directive, of Section 73 concerning special procedure on international protection at international airports which are border crossing points situated inside a country, is to eliminate abuse of the Act on Asylum for the purpose of subsequent illegal migration to 'old' EU Member States from the Czech Republic. In Section 73 the legislator used the measures laid down in Article 35 of the Procedural Directive and set out derogations for border procedures, i.e. for persons who showed their intention to apply for international protection in transit zones of international airports. In compliance with the said Directive and 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. Foreign nationals declaring in the transit zone of an international airport their intention to apply for international protection 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) therefore the option of whether to permit them entry to the Czech Republic will be also assessed in the context of international protection procedure. If they are not permitted to enter the Czech Republic they will have to stay, during the course of the international protection procedure, in a reception centre (however, not longer than for 120 days) and their free movement, with the exception of voluntary departure from the Czech Republic, will be restricted to the premises of the reception centre. Thus the obligation of the Ministry to take a decision on their legal entry in the Czech Republic is newly introduced. 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. 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. This time limit complies with the Procedural Directive and is set as a maximum time limit. 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 transported to an asylum facility inland.

New wording of Section 54 contains more stringent conditions for the residence of foreign nationals who breached the obligation to leave the Czech Republic within the specified time limit. It contributes to implementation of the conclusion that a foreign national who has not been granted international protection is obliged to leave the Czech Republic unless he/she has a legal reason under the Act on the Residence of Aliens to continue staying in the Czech Republic. If the foreign national will not leave the country voluntarily using the offer of voluntary repatriation pursuant to Section 54a of the Act on Asylum or within the time limit specified in the exit order or, if such exit order was not issued within the time limit of 30 days from the date of final and conclusive decision on international protection, he/she will be until his/her deportation detained pursuant to the new provisions of Section 124b of the Act on the Residence of Aliens.

The Act on Asylum, in compliance with an option provided for in the Procedural Directive, enables a medical examination to determine the age of unaccompanied minor international protection seekers if there are doubts about the age which is claimed by the applicant (see Section 89 (3) and (4)).

In the context of the amendment to the Act on Asylum in particular the amendment to the **Act on Protection of the National Border** (*Part II*) must be mentioned. This amendment should

be a prerequisite for implementing an adequate asylum structure at international airports (as one of the preconditions of establishing an international airport in the Schengen area) for persons who demonstrate their intention to apply for international protection at an international airport (the external border of the Czech Republic). Specifically this means that a reception centre must be established there.

In 2007 two more acts concerning the Act on Asylum were adopted. The first was **Act No. 343/2007 Coll.**, amending Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended, and Some Other Acts which as of 1 January 2008 amends in its Part II Section 80 (4) of the Act on Asylum. It is a minor amendment guaranteeing international protection seekers access to education under conditions stipulated by the said Act.

The second was **Act No. 170/2007 Coll.**, amending some acts in the context of the Czech Republic's accession to the Schengen area. This Act, in its Part IV, amended the Act on Asylum to which new Section 71b was embedded providing the Ministry with access to data maintained in the information systems of contracting states.

1.2.3. Act on Employment

The Act on Employment published in the Collection of Laws under No. 435/2004 Coll. defines in precise and clear language conditions of employment of foreign nationals in the Czech Republic, highlights control activities in the field of employment, and at the same time authorises, through the Act on the Residence of Aliens, the police, along with bodies authorised to carry out checks under the Act on Employment, to enter the premises and facilities of employers.

In 2007 the aforementioned Act was amended in the area of employment of foreigners with regard to the adoption of the above-mentioned Act No. 379/2007 Coll. For more information see Chapter *II.5.1. Employment of Foreign Nationals in the Czech Republic*.

I.3. VISA POLICY

Short-term Visa:

Visa for the Residence not Exceeding 90 Days

Visa-related matters are governed in the Czech Republic, after its accession to the European Union, by Council Regulation (EC) No. 539/2001 of 15 March 2001 which, in its Annex, provides for a list of third countries whose citizens must be in possession of a visa (White List) when crossing the external border of the EU, and countries whose citizens are exempted from visa obligation if they reside in an EU Member State for a period not exceeding three months. This Regulation is directly applicable in all EU Member States. The issue of residence visas the period of which does not exceed three months falls under the responsibility of the Ministry of Foreign Affairs but the Ministry of the Interior, namely the Asylum and Migration Policy Department, participates in this issue as a co-responsible party, i.e. as an assessor from the security point of view.

Visa non-reciprocity

USA

Czech diplomacy has striven for a long time to abolish visa obligations for Czech citizens with the USA. The USA does not enter into visa-free agreements but the introduction of visa-free relations is always made through a federal act. Prior to abolishing visa obligations the relevant

country must be enlisted in the Visa Waiver Program (VWP) which means that citizens of such a country can travel for short trips to the USA, for the purpose of tourism or business, without a visa. Whether the country concerned meets the prescribed criteria is reviewed.

Since the beginning of 2008 negotiations between Czech and American stakeholders on inclusion of the Czech Republic into the VWP have been more intensive. The Czech Republic has information from the US embassy in Prague as well as the Czech embassy in Washington that **the aim of the American administration is to include the Czech Republic in the Visa Waiver Program prior to the beginning of the Czech Presidency of the Council of the EU, i.e. not later than in the last quarter of 2008.** In order to achieve this aim it is, however, necessary to negotiate with relevant American authorities some further prerequisites. The participation of the Czech Republic in the VWP is conditional upon such prerequisites.

Inclusion of individual states in the VWP is a **one-sided internal act**, meaning that, to this effect, the USA does not enter into international agreements on abolishing visa obligations. Prior to its inclusion into the VWP the country in question must comply with conditions laid down by relevant legislation. The main obstacle for the Czech Republic to be included in the VWP is the relatively high number of rejected applications for non-immigration visas (visas B1 and B2) which have been filed by Czech citizens within the last two fiscal years. The refusal rate must be below 3 percent. In recent years the embassy of the USA in Prague rejected approximately 9 to 10% of applications. After more than half a year of discussions the US Congress approved on 27 July 2007 an Act amending conditions for the participation of individual countries in the VWP. US President George W. Bush signed the said Act on 3 August 2007. The new Act provides the US Minister for Homeland Security with the power to decide on exceptional inclusion of a candidate country into the VWP, despite the fact that the country in question exceeded the prescribed 3% refusal rate for non-immigration visa. Nevertheless, in order for the described power to be applied the country striving to be included in the VWP must satisfy the conditions specified by the US Department of Homeland Security after consultations with the US Secretary of State.

In January 2008 the American party submitted the draft text of a Memorandum of Understanding between the Ministry of the Interior of the Czech Republic and the Department of Homeland Security of the United States of America Regarding the United States Visa Waiver Program and Related Enhanced Security Measures.

The text of the Memorandum is not the text of a legally binding document. Its objective is to express a political will to adopt specific measures to implement security requirements required by new US legislation. The Czech Republic signed the Memorandum as the first Member State during the visit of the Czech Prime Minister to Washington on 26 February 2008. By signing the Memorandum the Czech Republic did not infringe its obligations arising from its membership in the EU. Apart from the Czech Republic, the Memorandum has been signed by Slovakia, Hungary, Estonia, Latvia, and Lithuania.

Canada

As of 1 November 2007 Canada abolished visa obligations for citizens of the Czech Republic for stays not exceeding 180 days from the date of entry to the country for the purpose of tourist travels or short term studies, unless the visitor earns money. Canada can change its decision at any time and this permanent abolishment of a short-term visa was conditional upon on the fact that the situation of 1997 will not be repeated.

With regard to the aforementioned decision on abolishing visa obligations Canada will cease to recognise travel documents which are not machine readable effective of 31 May 2008.

Abolishing Visa Obligations for Diplomatic Passport Holders

Council Regulation (EC) No. 539/2001 enables EU Member States to specify exceptions from visa obligations, *inter alia*, as regards nationals listed in Annex I to Council Regulation (EC) No. 539/2001 (Black List), provided that such persons are holders of diplomatic or business passports. However, to do so it is mandatory to consult regarding this option with other EU Member States. This option is ensured in the Czech Republic mainly by bilateral international agreements on mutual abolishment of visa obligations of limited scope or, only exceptionally, by unilateral measures taking the form of Government regulations, especially in cases when the counterparty does not use other types of agreements on this matter.

Amendments to the Current Bilateral Visa-free Agreements with countries from the ‘White List’

In 2007 the work on the amendment to the Agreement between the Government of the Czech Republic and the Government of the Republic of Singapore on Abolishing Visa Obligations continued. Amendments concerning regulation of the period of visa-free stay and the purpose of movement so that the Agreement is fully compatible with Regulation (EC) No. 539/2001 Continued.

Further an Argentinean counter-proposal of the Agreement between the Government of the Czech Republic and the Government of the Republic of Argentina on Abolishing Visa Obligations for Holders of National Passports was delivered by the Ministry for Foreign Affairs. The aim of this amendment to the Agreement is, apart from removing incompatibility with Regulation (EC) No. 539/2001 concerning the definition of the purpose of stay, to change of the period of visa-free stay from 90 days to 3 months and incorporation of the “Schengen provisions”.

Union Agreements on Visa Facilitation

Member States of the European Union have decided to simplify visas for nationals coming from selected European countries from the Black List of Council Regulation (EC) No. 539/2001. They are: the Russian Federation, Ukraine, Bosnia and Herzegovina, Montenegro, Macedonia /FYROM, Serbia, Albania, and Moldova.

Draft Agreements with the above countries are based on the principle of reciprocity and cover short-term visas issued for a stay of a maximum of three months. Mandates for negotiations in general include harmonisation of fees for visas (to maintain EUR 35), shortening the length of procedure on visa applications, simplification of conditions for issuing visas for specific categories of persons, and visa-free relations for diplomatic passport holders. Agreements on facilitation of visa regime are linked to negotiations of readmission agreements.

An agreement with the Russian Federation was concluded by Council Decision 2007/340/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on the facilitation of the issue of short-stay visas. The Agreement came into effect on 1 June 2007.

The Agreement and the Council Decision on facilitation with Ukraine is officially published in the Official Journal OJ L 332 of 18 December 2007. Agreements with FYROM (Macedonia), Montenegro, Serbia, Bosnia and Herzegovina, and Moldova were published on 19 December 2007 in the Official Journal OJ L 334. Agreements are effective as of 1 January 2008.

Airport Visa

The Ministry of the Interior is also empowered to determine, through a legal regulation, those foreign nationals who are permitted to stay in the transit zone of an international airport in the Czech Republic only on the basis of a granted airport visa. The countries of such nationals or those

countries issuing travel documents to such persons are currently listed in Decree of the Ministry of the Interior No. 446/2005 Coll.

On 25 September 2007 Decree No. 246/2007 Coll., amending Decree No. 446/2005 Coll. came into effect. Since that date a foreign national who is a citizen of or who proves his/her identity by a passport from the Syrian Arab Republic may, although he/she is a holder of a travel document authorising him/her to stay in the EU Member States, Norway, Iceland, Andorra, Ireland, Japan, Canada, Lichtenstein, Monaco, Santa Marino, the United Kingdom, USA, and Switzerland, only stay in the transit zone of an international airport in the Czech Republic on the basis of a granted airport visa.

Long-term Visa:

Agreements on Youth Exchange Programmes

The Czech Republic is entering with certain third countries into agreements on youth exchange programmes whose purpose is to enable young people of contracting parties to spend up to one year of holiday where the additional purpose of such residence can be short-term employment or studies under conditions specified in advance. It is the Ministry of Foreign Affairs which is responsible for such agreements. The Ministry of the Interior is a co-responsible party because young people who stay in the Czech Republic must be in possession of visas for over 90 days and these are issued within the competence of the Ministry of the Interior.

In 2005 the Agreement on the Programme of Working Holidays between the Government of the Czech Republic and the Government of New Zealand came into force; and in 2007 the Agreement between the Government of the Czech Republic and the Government of Canada on Facilitation of Temporary Work Holidays of Youth came into force.

In 2007 negotiations on a similar agreement were commenced with Australia.

Other:

Evaluation of Obligations in the ADS Memorandum

The Government of the Czech Republic adopted on 22 December 2004 Resolution No. 1311 to implement the Memorandum on Understating concluded between the Chinese National Tourism Administration (CNTA) and the European Community on visas and related matters concerning tourist groups from the People's Republic of China.

This Resolution required the Minister for Regional Development to establish an Inter-ministerial Working Group which was to coordinate, monitor and evaluate how obligations arising from the ADS Memorandum were met. This Working Group consisting of representatives of the Ministry for Regional Development, the Ministry of the Interior, and the Ministry of Foreign Affairs meets only on a needs basis since there are no problems with the Memorandum.

In an effort to help organised groups to travel from the Chinese People's Republic to the European Community (Chinese citizens are permitted to travel only within a group of tourists) in compliance with a travel programme set in advance the Ministry for Regional Development issues a List of Travel Agencies which have entered into an Agreement on Meeting Obligations Arising from the ADS Memorandum. The List also includes business undertakings which conform to conditions specified in advance (for example such businesses are in possession of relevant trade licences which must correspond to the records in the Companies Register or Register of Trade Licences, are able to use foreign languages, and so on). After verification of such facts an Agreement on Meeting Obligations Arising from the ADS Memorandum is concluded with

individual travel agencies or offices. An integral part of such Agreement is an Annex containing fax numbers for the Czech police – the Directorate of the Alien Police Service - which are used in the case that a participant goes missing from a certain group. If a participant leaves a tourist group it is necessary to inform the aforementioned unit of the Czech police and provide copies of the data page of the passport and visa of the participant concerned. However, there has not been such a case so far. Currently the Ministry for Regional Development maintains a list of more than 100 travel agencies and offices. The List is published on the web sites of the Ministry for Regional Development and is updated twice a year (October and April) and is sent to individual stakeholders.

Cooperation with Czech Airlines (CSA) when Updating TIM issued by IATA

The Ministry of the Interior continued in 2007 to cooperate with CSA, a.s. (Czech airlines) in answering questions concerning the entry and residence of foreign nationals in the Czech Republic which were asked by the Dutch editorial board of TIM (Travel Information Manual). The Manual is issued by IATA (International Air Transport Association).

1.3.1. Modernisation of the Visa Process

Tasks concerning the granting of visas are, in compliance with EU standards, carried out through an electronic consultation system known as MVP/EVC²⁴, which connects all embassies and consulates of the Czech Republic issuing visas. With the Czech Republic's accession to the European Union and with a transfer to using visa stickers according to the EU specimen a new version of this system - MVP/EVC2b – was installed at embassies and consulates. The system is being further developed. Connections among embassies and consulates have been improved so that the quality and speed of the visa process should correspond to EU requirements.

The Czech Republic put into operations of the VISION²⁵ with connecting it to SISone4all enabling consultations with relevant authorities of contracting parties to the Schengen Agreement and commenced routine operations on 20 December 2007 (5 p.m. GMT). The strategy for building up VISION CR was divided into two parts: VISION1 and VISION2. Software application VISION1²⁶ will ensure that consultations are linked to the current system MVP/EVC. Consultations within VISION2 will be provided by means of the project of the National Visa Information System (NI-VIS).

With regard to creating the Visa Information System (CS-VIS)²⁷ it will be necessary to harmonise and adjust the visa software programme used by embassies and consulates of the Czech Republic (MVP/EVC2b) so that it will enable full-functionality of NI-VIS and CS-VIS information systems. When implementing NS-VIS all current functions will be transferred and data migration from MVP/EVC will be implemented including integration of the VISION.CR and/or VISION1 systems.

All embassies and consulates of the Czech Republic issuing visas use the electronic system of consultations with a central authority before granting any visa. The offices are equipped with information technology, devices for taking a photograph of an applicant, devices for reading machine readable documents, and scanners for copying documents.

²⁴ Modernisation of the Visa Process /Register of Foreign Nationals

²⁵ VISION (Visa Inquiry Open-Border Network)

²⁶ In April 2006 a testing version of VISION1 was delivered and it was tested during August with Germany /Auswertigesamt

²⁷ For more detail see Chapter 1.3.1.1. *Visa Information System*

1.3.1.1. Visa Information System (VIS)

The Visa Information System was established by Council Decision of 8 June 2004 No. 2004/512/EC which determined a necessary framework for commencing work on this project. VIS will work as a Schengen electronic database system part of which will be VISION consultations. It will be a central database of visa applicants who apply for EU Member State visas and a tool to review them in the Schengen Information System (SIS). VIS will be involved in ensuring overall security of the Schengen area by means of comprehensive control of persons who are, by having been granted a visa, permitted to enter this area. At the same time VIS will be, alongside the Schengen Information System, one of the tools for creating an area of freedom, security and justice, not just a mere instrument of the visa process.

The Visa Information System is based on centralised architecture and consists of a central system (CS-VIS), national interface in each EU Member State (NI-VIS) enabling connection of a competent national authority of a given Member State, and of a communication infrastructures among CS-VIS a NI-VIS. CS-VIS, NI-VIS, while communication infrastructure among them is created by the European Commission. A national infrastructure will be adjusted or created by Member States. Syndicate HP/Steria was awarded, within public procurement, a public contract for building CS-VIS.

In order to develop and implement VIS it was necessary to draw up a comprehensive legal framework. On 28 December 2004 the European Commission adopted a proposal for the **Regulation of the European Parliament and the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas** (COM(2004) 835 final). The aim of the proposal is to define the purpose and functions of VIS, determine responsibility for VIS, and provide the Commission with a mandate to create and maintain VIS, and lay down procedures and conditions for exchanges of data relating to applications for short-term visa between EU Member States.

The proposal for the Regulation has been negotiated within VISA and SCIFA working parties since the beginning of 2005. The proposal is at present in its final stage as regards negotiations. Representatives of the Ministry of the Interior, the Directorate of the Alien Police Service, and the Ministry of Foreign Affairs regularly participate in relevant negotiations. Further the Working Group VIS/NPM for managers of national projects, which regularly meets in Brussels with participation of representatives of the Czech police and the Ministry of Foreign Affairs, was established.

In 2007 negotiations on the aforementioned Draft Regulation continued within the EU structures. The proposal is currently in its final stage and is being discussed by the European Parliament.

With regard to use national part of SISone4all a VIS including VISION adjustments of the source database of the Alien Information System (AIS) were completed in 2006 which are to enable, enhance and secure a two-sided communication between systems and to ensure that requirements for data protection are respected.

The source database AIS was adjusted by a supplier in compliance with SISone4all and requirements for national part VIS. The Directorate of the Alien and Border Police Service put into operations a national part of the Schengen consultation network of the VISION office.

As it was stated in the previous Chapter, within implementation of the National Visa Information System for the Czech Republic (NS-VIS) all current functionalities (including data migration) will be transferred from MVP/EVC including VISION system integration or transfer to VISION 2 (in April 2006 a testing version for VISION1 consultations was delivered from Germany/ Auswärtiges Amt and verified in the course of August 2006). The project of the national

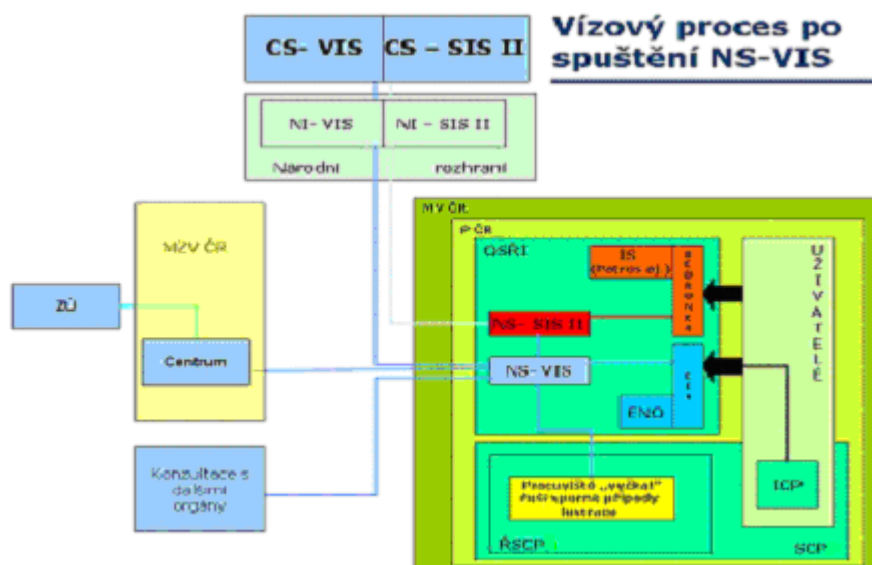
part of the Visa Information System is in the testing phase. At the same time preparations for transfer to the Schengen consultation network – VISON – or the national part of NS-VIS, so-called VISION2, were commenced.

Within the contract concluded with IBM concerning implementation of the national part of the visa system (NS-VIS) the Czech Republic intends to modernise the current EVIC2 and VISION systems which will become parts of NS-VIS. It is assumed that the systems will be accepted in mid of 2008. As the European Central Visa System (CS-VIS) is delayed NS-VIS will not be connected to this system before mid of 2009.

With regard to the decision to connect the Czech Republic to the current Schengen Information System (SIS 1+) through SISone4all consultation system VISION was adjusted in May 2007. The VISION system was part of the Schengen evaluations and was adjusted so that VISION could communicate with VISION offices of other EU Member States and with SISone4all which is, from the technical point of view, different from SIS II.

The Czech Republic was connected to VISION consultations as soon as it joined the Schengen area. It is a procedure for issuing Schengen visas when a security screening is made not only by the state issuing the respective visa but, in the case of applicants from certain pre-defined countries, also another Schengen state which requested to do so (a list of countries which are subject to VISON consultations is included in Annex 5B of the Schengen Consular Instruction which is classified as ‘restricted’).

The proposal for **the Council Decision concerning access for consultation of the VIS by the authorities of MS responsible for internal security and by Europol for the purpose of the prevention, detection and investigation of terrorist offences and of other serious offences (15142/2005)** which was issued by the European Commission on 24 November 2005 relates to the Draft Regulation of the European Parliament and the Council. The aim of the Draft Regulation is to establish required legal grounds within the third pillar which would determine conditions for access of the listed authorities of Member States and Europol to VIS. Such legal grounds will enable bodies of Member States responsible for in internal security as well as Europol to carry out consultations and screening in VIS for the purpose of prevention, detection and investigation of terrorist acts and criminal offences in investigations in which Europol can be involved in compliance with Article 2 on the Convention on Europol. As in the case of the Draft Regulation concerning VIS also this Draft Decision is in its final stage and is being discussed by the European Parliament.



1.3.2. Biometric Features in Travel Documents

With regard to the development of personal identification documents and information exchange within international judicial and police cooperation, the European Union intensively deals with utilising biometrics. The decisive motivator for using biometrics in EU Member States was the Thessalonica EU Summit held on 19 – 20 June 2003, which confirmed the necessity of a unified approach to be taken by the European Union towards biometric identifiers and biometric data for the documents of third country nationals, the passports of EU nationals and for information systems (VIS and SIS II).

Council Regulation (EC) No. 2252/2004 on standards for security and biometric elements in passports and travel documents issued by Member States (was approved on 13 December 2004 and published in the Official Journal of the EU on 29 December 2004 - L 385/1). This Regulation applies to travel documents issued for a period exceeding twelve months, and its general objective is to increase minimum security standards for travel documents issued by EU Member States. Under this Regulation travel documents of all EU Member States must include a storage medium which contains biometric indicators –a facial image and fingerprints.

During 2004 the Czech Republic also commenced preparations for introducing biometric elements into travel documents. On 9 September 2004 the meeting of the Ministry of the Interior's top managers approved the document titled 'Usage of Biometrics within the Scope of Competencies of the Ministry of the Interior and Other State Administration Bodies – Principles for Procedure.' As a follow up, the Government of the Czech Republic approved by its Resolution No. 740 of 15 June 2005 the Action Plan of the Czech Republic for Implementing Council Regulation (EC) No. 2252/2004 on standards for security and biometric elements in passports and travel documents issued by Member States. Act No. 136/2006 Coll., amending some acts concerning travel documents, namely Act No. 329/1999 Coll.²⁸ This Act introduced a legal regulation of biometric elements in travel documents. Under this Act and in compliance with aforementioned Council Regulation (EC) No. 2252/2004 the Czech Republic started to issue on 1 September 2006 travel documents which include a storage medium (a chip) containing a biometric facial image. The second biometric element, fingerprints of two fingers, will be included in the Czech travel documents on 1 May 2008.

A Commission Decision laying down the technical specifications on standards for security features and biometrics in passports and travel documents issued by Member States K (2006) 2909 final) was issued on 28 June 2006. This Decision established the deadline for the inclusion of fingerprints in passports as being 28 June 2009. Under this Decision the Brussels Interoperability Group (hereinafter referred to as 'BIG') was established. Its task was to draw up within 12 months technical specifications for Extended Access Control (EAC) and to develop certification policies – the Document Verifier (DV) and Country Verifying Certification Authority (CVCA). EAC technical specifications were issued later than expected, in December 2007, and made the implementation of biometrics in travel documents more precise by using EAC.

On the basis of the delayed approval of EAC technical specifications the Ministry of the Interior approved the issue of travel documents furnished with a chip bearing the first biometric feature, and later furnished by a second biometric feature, from 1 April 2009. This date is specified in Act No. 140/2008 Coll., amending Some Acts concerning Travel Documents. The Act was signed by the President on 11 April 2008 and was published in the Collection of Laws on 25 April 2008.

²⁸ Act No. 329/1999 Coll. on Travel Documents and on the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Act on Travel Documents), as amended.

The Czech Republic pays attention to further development and to unification and implementation of biometric elements in documents and information systems of the European Union, such as residence permits for third-country nationals, ID cards, and SIS II and VIS.

At the same time, the implementation of a newly established investment programme 'Building Telecommunication Support for Biometrics System' was commenced. The programme is to be implemented during the years 2005 - 2010. By ensuring a transmission capacity of 155 Mbit/s to the level of districts, the accessibility and security of the ministerial telecommunication network will increase not only for the purpose of the transmission of biometric data but also for other police information systems.

I.4. READMISSION AGREEMENTS²⁹

Negotiations on and conclusion of readmissions agreements is one of the prerequisites of the successful fight against illegal migration and it is at the forefront of the interest of both the Ministry of the Interior and the European Union. To solve an issue of illegal migration and return of illegal migrants is always one of the points on the agendas of Presidency countries.

Although the majority of countries recognise the principle which says that every country must accept the return of its own citizens into its national territory (under the condition that the person concerned is a citizen of the admitted countries and the country confirms such person's identity and nationality) there is a small percentage of countries which might not fully apply this practice. Therefore it is desirable to define this obligation in a bilateral contractual document. The document (agreement) also lays down other conditions for admitting/readmitting migrants and the whole process is thus easier and quicker (in particular as regards time limits and evidence proving the migrant's nationality). In general it means that freedom of persons in question is restricted only for the shortest time possible.

In the absence of a readmission agreement, there is no mechanism for bringing the country in question to verify and confirm the migrant's identity and to admit him/her into its territory. Such 'ad hoc' cooperation through embassies and consulates is conducted at various levels.

Therefore, the Czech Republic strives to enter into readmission agreements. It focuses mainly on source countries (such as Ukraine or Vietnam) and countries which do not cooperate when such illegal migrants are being returned (for example China).

Currently there are two streams of activities of the Czech Republic in this regard. The Czech Republic endeavours to enter into bilateral readmission agreements and it also participates in the work of the European Commission on concluding readmission agreements with certain third countries.

At the moment the Czech Republic entered into readmission agreements with twelve countries. They are neighbouring states (Germany, Poland, Austria, and Slovakia) and also with Slovenia, Hungary, Bulgaria, Romania, Croatia, Moldova, and Canada. The agreement with France was signed; however, it has not yet come into effect due to the fact that an implementing protocol has not been signed so far.

²⁹ These agreements oblige the parties to readmit their own nationals, as well as third-country nationals who have illegally entered the other contractual country from their territory, back into their territories. In the cases of own citizens and third-country nationals defined in the agreement, the readmission agreements also apply to situations where people staying legally on the other party's territory cease to meet the criteria of legal residence (their residence permit has expired). Readmission agreements usually include provisions concerning police transit of third-country nationals.

The Czech Republic conducts bilateral negotiations with some source countries. Readmission agreements with Vietnam, Georgia, and Armenia are all in different phases. The readmission agreement with Vietnam should be soon ratified. Negotiations with other source countries are conducted at the Community level. A number of them have already entered into force. The Czech Republic welcomed especially agreements with Russia, Ukraine and countries of West Balkan.

In 2007, under readmission agreements, the Czech party accepted 920 third country nationals while other countries readmitted 100 third country nationals from the Czech Republic.³⁰

As regards numbers of third country nationals who did not meet or ceased satisfying conditions for entry and/or residence in the Czech Republic there were in 2007 in total 9,074 migrants. Nationals of Ukraine accounted for almost 30% (3,379). Vietnam (822), Turkey (363), China (374), Russia (307), Moldova (283), Mongolia (222), and Belarus (174) are other source countries. Iraq, Georgia, Kyrgyzstan, Syria, Pakistan, India, and Sri Lanka are among TOP-15 source countries.³¹

In the course of 2007 the following steps were taken in the field of readmission agreements:

Vietnam - in 2007 the second round of an expert level group negotiating the readmission agreement with Vietnam was held in Hanoi. The text was finalised and the agreement itself was signed at the occasion of the visit of the Vietnamese Prime Minister to the Czech Republic on 12 September 2007. The Foreign Committee of the Chamber of Deputies recommended to ratify the agreement in question.

Georgia – negotiations on the readmission agreement with Georgia were completed. The official reaction of the Czech party is being prepared.

Switzerland – it was Switzerland which gave a rise to negotiate the readmission agreements. The first and second rounds of negotiations were held in June and November 2006. In March 2007 the last round was held where the text of the agreement and the implementing protocol were approved. However, the agreement has not yet been signed. It will be signed after intra-governmental approval process has been completed in both countries (the signature is assumed to take place in the second quarter of 2008).

France – after several years pause, negotiations on the implementing protocol to the readmission agreement with France (initiated by France) are being prepared. During the year 2007 the draft text was being drawn down in cooperation with the Directorate of the Alien and Border Police Service and the Department of International Cooperation and European Integration. The text was sent to the French party together with invitation for negotiations at the end of 2007.

India – negotiations on the readmission agreement with India were initiated. At the beginning of 2007 the draft text of the agreement was drawn up. It will be delivered to the Indian party this year.

Armenia – negotiations on the texts of both readmission agreement and the implementing protocol were accomplished, however, some partial amendments may be done through letters. The Armenian party has not delivered any amendments yet thus the Czech Republic is waiting for it. It seems that Armenian party considers the negotiations to be closed, therefore the Czech Republic will initiate some supplements to finalise the whole process.

³⁰ Implementation of readmission agreements by the Alien and Border Police Service with neighbouring states is described herein in Chapter III.7. IMPLEMENTING READMISSION AGREEMENTS.

³¹ Jedna se o osoby, které napr. vstoupily na území ČR nelegálně, na území ČR nelegálně pobývaly, ale o osoby, kterým byl odepřen vstup na území ČR podle § 9 zákona o pobytu cizinců, nebo které byly zadrženy orgány jiného státu po nelegálním překročení státních.

As regards the European Union meetings of expert working groups on readmission continued to be held. Participants discussed texts of readmission agreements with third countries with which the Commission has the mandate to negotiate. In 2007 negotiations concentrated, in particular, on the countries of West Balkan, Ukraine, Moldova, and Pakistan.

A readmission agreement with Russia came into effect on 1 June 2007. As a follow up, two meetings of the Joint Readmission Committee were held (in Brussels in July, and in Moscow in November) whereby the parties informed each other about problems occurring during the implementation of the agreement. Further readmission agreements with Ukraine, countries of the West Balkans (Bosnia and Herzegovina, Macedonia, Serbia, and Montenegro) and Moldova were signed. All these agreements entered into effect on 1 January 2008. As of this date Community readmission agreements with the following countries were valid: Russia, Ukraine, Albania, Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, Moldova, Sri Lanka, Hong Kong, and Macao.

In 2007 intensive negotiations with Pakistan were conducted, however the parties have not yet agreed on the text of an agreement (a requirement by Pakistan prohibiting retroactivity, i.e. a requirement that the agreement will not cover persons who entered the territory of the readmitting country before the agreement comes into effect, is contentious). Readmission agreements with Morocco and Turkey were only partially finalised. Further the Commission has a mandate to negotiate readmission agreements with China and Algeria (however, official negotiations have not yet been commenced). China made it clear that the Chinese Government would not start negotiations on readmission agreements without parallel negotiations on visa facilitation.

The priority in the field of negotiations on readmission agreements for 2008 will be to finalise some nearly agreed readmission agreements, to accomplish the internal approval process of already concluded agreements, and to continue cooperating, through a national expert, in negotiations on agreements to be concluded within the European Union. Last but not least measures to enter into implementing protocols to readmission agreements concluded under the competence of the European Union will be adopted. Such protocols are prerequisites for flexible application of the agreements concerned.

The Ministry of the Interior assumes that in 2008 implementing protocols with all countries with which readmission agreements have been already signed and come into effect will be concluded. Namely these are: Russia, Ukraine and the countries of the West Balkans, Bosnia and Herzegovina, Macedonia, Serbia, and Montenegro). The implementing protocol to the agreement with Russia is obligatory, whilst other protocols are optional.

I.5. ANALYSIS CENTRE FOR PROTECTION OF THE NATIONAL BORDER

The Czech Republic finds itself in a new situation resulting from its full integration into Schengen cooperation and from the increasing impact of international migration on security, foreign policy and the social as well as economic situation in the country.

Through its full involvement into Schengen cooperation and the related termination of border checks on its internal border the Czech Republic lost the option to control all persons entering into its territory. This fact affects both the method of national border protection and the manner of ensuring the internal security of the Czech Republic. As a result it was necessary to re-evaluate the current procedures and adapt the system of border protection and international migration management to a new situation.

One of the responses to the above described situation was the establishment of the Analysis Centre for National Border Protection and Migration (hereinafter referred to as the 'Analysis Centre'). The Analysis Centre was set under Government Resolution No. 933 of 22 August 2007 and its establishment was based on assignments arising from the National Plan for the Protection of

the Czech Republic's National Border.

The establishment of the Analysis Centre corresponds to a trend seen in the European Union as similar authorities exist also in other EU Member States.

The Analysis Centre represents an inter-ministerial permanent analytical office focusing on monitoring and analysing migration as a comprehensive and complex phenomenon. Therefore the objective of this Analysis Centre is not only to cover some partial issues but to contribute to the creation of a comprehensive picture of migration trends in the Czech Republic. In this context its inter-ministerial nature is important since all bodies involved in the system of national border protection as well as migration are engaged in the activities of the Analysis Centre through their close cooperation and information exchanges.

In addition to relevant bodies and offices of the Ministry of the Interior and the Czech police, the following ministries and offices are involved in the activities carried out by the Analysis Centre: the Ministry of the Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Finance (namely the General Directorate of Customs), the Ministry of Industry and Trade, the Ministry of Justice, the intelligence services, and the Office of the Vice Prime Minister for European Affairs.

Findings of the Analysis Centre are to serve as information for adopting long-term, medium-term and also ad hoc measures. The findings enable measures to be taken based on data obtained on the basis of all available information in order to contribute to effective policy of the Czech Republic in the field of migration and border protection.

The Analysis Centre launched its activities on 1 September 2007. The Analysis Centre is located in the premises of the Ministry of the Interior and is coordinated by the Asylum and Migration Police Department of the Ministry of the Interior. Activities carried out by the centre are divided into four forums, distinguished by the topics they cover:

- **Migration Forum** monitors the situation pertaining to the residence of foreign nationals in the Czech Republic including the provision of recommendations and proposals to adopt measures in the area.
- **Security and Operations Forum** focuses on an operative evaluation of security risks relating to protection of the national border and illegal migration and formulates recommendations and proposals for measures to be adopted in this area.
- **Strategy Forum** concentrates on formulating comprehensive opinions concerning border protection and migration in the Czech Republic. The overall direction of the Analysis Centre is also being discussed within the Strategy Forum.
- **Visas Forum** monitors visa policy and practice by formulating recommendations and proposals for measures to be adopted in this field.

In the period until 30 June 2008 the activities of the Analysis Centre will undergo a pilot phase. During this phase the flow of information within the Analysis Centre and all ministries and offices involved should be optimised. An important task of the pilot phase is also to define particular sources and information and to specify outcomes of individual forums. Specifically targeted analytical reports will be developed during this pilot phase and individual forums will start to deal with their respective issues.

One of the principal objectives of the Analysis Centre is to evaluate, during the pilot phase, the security situation in the Czech Republic after its accession to the Schengen area, including identification of respective security risks and related threats. An evaluation report will be submitted to the Government of the Czech Republic in the second half of 2008.

In the second half of 2008 the Government of the Czech Republic will be also provided information on the current activities of the Analysis Centre. Such information will contain not only an evaluation of activities carried out by the Analysis Centre but also a proposal for future activities and some specific tasks to be completed in 2009.

I.6. NEGOTIATIONS OF THE CZECH REPUBLIC IN THE EUROPEAN UNION STRUCTURES



The Ministry of the Interior, in addition to other ministries, is responsible for preparing positions and instructions for representatives-experts of the Ministry of the Interior either to make use of at meetings of working groups of the Council of the EU or the European Commission, or which are sent to the Ministry of Foreign Affairs, namely to the Permanent Representation of the Czech Republic with the European Communities.

The Ministry of the Interior of the Czech Republic has its representatives in working groups of the Council of the EU as well as in working parties working for the Commission. Issues relating to asylum and migration are discussed in particular by working groups of SCIFA³², Migration and Extradition, Asylum, Borders, VISA³³, CIREFI³⁴, Schengen Evaluation, Schengen *Acquis*, SIS/Sirene, and some others.

1.6.1. Legal Instruments Adopted by the European Union in the Field of Asylum and Migration

Two proposals for Directives regulating rights and obligations of third-country labourers in the European Union were submitted in the **area of economic migration** on 23 October 2007.

- A proposal for the Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.
- A proposal for the Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

The both Directives are based on the Policy Plan on Legal Migration submitted by the European Commission at the end on 2005. It aims, in particular, to improve the EU's ability to attract third country highly qualified workers so as to increase the contribution of legal immigration to enhancing the competitiveness of the EU economy in comparison with Australia and the USA.

The Policy Plan on Legal Migration is based on, apart from the Hague Programme, the all European discussion commenced in January 2005 by the Green Paper on an EU approach towards managing economic migration and it should create a road map for the period from 2006 to 2009 in the area regulating legal economic immigration of third-country nationals. It assumes to issue within the stated period four directives regulating conditions for entry and the residence of specific categories of third country labourers and one framework directive which will comprehensively govern the set of rights of four categories of third-country labourers. This approach aims at laying down admission conditions for specific categories of migrants (highly qualified workers, seasonal workers, remunerated trainees, and intra-corporate transferees).

³² Strategic Committee for Immigration, Frontiers, and Asylum

³³ Working Group of the Council of the European Union - Visa

³⁴ The Centre for Information, Discussion and Exchange of Opinions on Border Crossing and Immigration

As regards asylum only one legislative proposal was submitted. It was a proposal for the Council Directive amending Council Directive 2003/109/EC concerning the status of third country nationals who are long-term residents. Council Directive 2003/109/EC regulates the status of third-country long term residents. A long-term resident status is granted to third-country nationals who have resided legally and continuously within the territory of an EU Member State for five years. The proposal takes into account an option that the status of a long-term resident can also be granted to persons enjoying international protection and such status is mentioned in the Action Plan to the Hague Programme.

1.6.2. Communication of the European Commission Pertaining to the Area of Asylum and Migration

The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Commission Legislative and Work Programme 2008 - COM(2007) 640 final is considered to be not less important than the above described proposals. The Programme was published by the European Commission in autumn 2007 and its priorities include, in addition to supporting legal migration and combating illegal migration, the area of asylum in particular in relation to building the Common European Asylum System. Furthermore, it aims to meet objectives set by the Hague Programme, and the Commission plans to publish a document on the multi-annual strategy for the area of freedom, security and justice.

A fundamental part of the Legislative and Work Programme of the Commission is Annex 1 listing Strategic and Priority Initiatives, i.e. measures to be adopted according to individual areas. The so called Asylum Package encompasses five actions of which only one is of non-legislative nature. The remaining four actions are legislative and these should amend already adopted directives and/or regulations (apart from the Directive on temporary protection) based on Article 63 of the Treaty establishing the European Community.

The only non-legislative measure should be, in Commission's opinion, publication of the **Policy Plan on Asylum**, whose objective is to outline a possible "blueprint" for the Common European Asylum System (ECAS), which will depend largely on the outcome of the discussions on the Green Paper published in June 2007.

The legislative measures include revisions of already adopted directives and/or regulations which are **the Dublin regulation**³⁵ (Council Regulation (EC) No 343/2003 on the criteria and mechanisms to determine the Member State responsible for assessing asylum applications); **Admission Directive**³⁶ (Council Directive 2003/9/EC on reception conditions for asylum-seekers.); **Qualification Directive** (Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection, and the content of the protection granted), and **Procedural Directive** (Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status).

³⁵ In the context of the amendment to the Dublin Regulation so called EURODAC regulation will be amended as well (Council regulation No 2725/2000/EC of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention).

³⁶ For the sake of evaluation and analyses of the areas where it is possible to achieve increase of the minimum standards the Commission issued Report from the Commission to the Council and to the European Parliament on the application of Directive 2003/9/EC of 27 January 2003 ('Reception Directive') laying down minimum standards for the reception of asylum seekers - COM (2007) 745 final. The Report will serve as a basis for drawing the draft amendment to the Reception Directive.

Revision of Directives and Regulations (see above) is a follow up to experience gained through their transposition (Directives) and application (Directives and Regulations) and results of public consultations conducted within the Green Paper. The aim of such revision is to amend or clarify certain provisions, to enhance efficiency of such tools and to solve respective problems with application. Amendments will lead to further harmonisation of standards pertaining to the area of asylum and further coherence of the asylum *acquis* which is being currently developed.

1.6.3 Solidarity and Management of Migration Flows

In its Communications determining strategic dimensions for financial outlooks for the period of 2007 - 2013 the Commission focused on solving the issue of a fair sharing of responsibility between Member States as regards the financial burden resulting from the introduction of integrated management and surveillance of external borders of the Union and from implementation of the common asylum and migration policy. The document is generally based on the Hague Programme and its goal is to promote the strengthening of the area of freedom, security and justice.

The Framework Programme lays down financial mechanisms of solidarity (funds) covering four areas:

- checks on and surveillance of external borders ('integrated border management'), visa policy, which will be pursued together with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX);
- the return of third-country nationals residing illegally in the EU;
- the integration of legally resident third-country nationals; and
- asylum (developing the current European Fund for Refugees).

Towards the end of 2007 the Council of the EU approved four decisions as part of the above-mentioned framework programme *Solidarity and Management of Migration Flows* establishing individual funds. These decisions form an entire framework:

1. Decision No 2007/435/EC establishing **the European Fund for the Integration of Third-country Nationals** for the period 2007 to 2013;
2. Decision No 574/2007/EC establishing **the External Borders Fund** for the period 2007 to 2013,
3. Decision No 573/2007/EC establishing **the European Refugee Fund** for the period 2008 to 2013;
4. Decision No 575/2007/EC establishing **the European Return Fund** for the period 2008 to 2013.

In compliance with the conditions laid down in the Decisions individual funds will be administered by a responsible authority of an EU Member State. In the Czech Republic it is the Ministry of the Interior, namely its Asylum and Migration Policy Department.

Moreover, the European Commission issued with each of the aforementioned Decisions an implementing document – Strategic Principles. The principles focus on priorities of the Community relating to the implementation of the Common European Asylum System and on the support of the 'common fundamental principles'. Such principles serve for drawing up annual as well as multi-annual programmes concerning individual funds. Both multi-annual and annual programmes are fundamental documents submitted by Member States to the European Commission and such

programmes are subject to the Commission's approval. The programmes set out the framework for drawing on financial assistance.

In the second half of 2007 annual and multi-annual programmes for the External Borders Fund and European Fund for Integration of Third-country Nationals were being worked on. In the first quarter of 2008 the preparation for annual and multi-annual programmes for the European Fund for Refugees and the European Return Fund will be commenced. Drawing on individual funds within the programme *Solidarity and Management of Migration Flows* will be launched after these strategic documents are approved by the European Commission. The European Commission is obliged to either approve these strategic documents or return them for more detail elaboration within three months after the date of their submission.

Functioning of these funds will be based on the same principles as the European Refugee Fund II (see below). The funds differ only by their aims and activities which may be implemented.

1. European Fund for Refugees III.

The European Fund for Refugees (ERF III) is a follow up to functioning ERF II created by the Council Decision No 2004/904/EC (see below).

The new ERF III will replace the current ERF II and will slightly modify it. Projects can be submitted within the following activities:

- a) **Action A** : conditions of reception and asylum procedures.
- b) **Action B** : integration of persons from target groups, whose stay in the member State is of a lasting and stable nature.
- c) **Action C** : enhancement of the Member State's capacity to develop, monitor and evaluate their asylum policies (for example capacity to assess applications for asylum).
- d) **Action D** : resettlement of persons, transfers of third-country nationals to an EU Member State (medical check ups, provision of information and provision of financial means before departure, travel arrangements, services of interpreters, and so forth).

2. External Borders Fund

The purpose of the External Borders Fund (EBF) is to provide through the solidarity between Member States, i.e. by the means of financial assistance, a harmonised level of the protection of the EU external border.

The main aims of the Fund are as follows:

- efficient administrative organisation, focusing particularly on improving checking, surveillance and registration mechanisms at external borders;
- efficient management of flows of persons at external borders with the view to ensure a high level of the external border protection, on the one hand, and smooth external border crossing in compliance with the Schengen *acquis* and with the principle of treatment based on mutual respect and dignity, on the other hand;
- uniform implementation of European Union legislation and utilisation of state-of-the-art technology for the surveillance of external borders, in particular Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);
- enhancing the activity of consular services and other services of EU Member States in third

countries, including reinforcement of the operational capacity of the network of immigration liaison officers and the development of common consular offices.

3. European Fund for the Integration of Third-country Nationals

The European Fund for the Integration of Third-country Nationals (EIF) is a financial instrument which should facilitate integration of third-country nationals in EU Member States and it should cover different actions aimed at supporting such integration.

The main objective of the European Fund for the Integration of Third-country Nationals is to provide support to EU Member States so that they are able to facilitate integration of third-country nationals with different cultural, religious, ethnic and language background into the society of individual Member States. The other aims are to simplify organisation and implementation of reception procedure, to increase awareness of the society of integration, to involve third-country nationals into a hosting society.

4. European Refugee Fund

The establishment of the ERF is proposed in order to support EU Member States in combating illegal migration or in their efforts to effectively implement the return of third country nationals who do not satisfy or who have ceased to satisfy conditions for residing in the territory of a Member State. At the level of the EU it is necessary to ensure that rules specified for the admission of third country nationals are not breached and to guarantee the genuine exercise of rights which is an irreplaceable element of the area of freedom, security and justice.

The principal aims of the ERF are as follows: the introduction and enhancement of the organisation and implementation of integrated return management in Member States; enhancement of cooperation between Member States within integrated return management; and promotion of uniform application of common standards on return.

The European Return Fund can be used for financing returns of illegal migrants and unsuccessful asylum seekers.

Total amounts for individual Funds

(1 January 2008 – 31 December 2013)

- European Refugee Fund – **EUR 628 M**;
- European Return Fund – **EUR 676 M**;
- European Fund for Integration of Third-country Nationals - **EUR 825 M**;
- External Border Fund (1 January 2007 – 31 December 2013) – **EUR 1, 820 M**³⁷.

The European Commission has already provided information of estimates of allocations concerning individual funds for multi-annual period for all Member States. **The following amounts were earmarked for the Czech Republic:**

³⁷ Financial amounts are stated as a total amount of financial resources which will be divided between current EU Member States.

	2007	2008	2009	2010	2011	2012	2013	Total
FEBH	1,973,113.72	1,813,238.85	2,188,000.00	2,260,000.00	2,807,000.00	4,003,000.00	5,636,000.00	20 680 352.57
ERF	-	1,105,615.11	1,255,000.00	1,473,000.00	1,894,000.00	2,561,000.00	2,969,000.00	11,257,615.11
EIF	1,323,425.91	1,793,443.34	2,026,000.00	2,172,000.00	2,647,000.00	3,213,000.00	3,578,000.00	16,752,869.25
ERF	-	1,131,906.61	1,357,000.00	1,357,000.00	1,507,000.00	1,507,000.00	1,763,000.00	10 088,966.25
Total	4,762,599.27	5,844,203.91	6,826,000.00	7,262,000.00	8,855,000.00	11,284,000.00	13,946,000.00	58,779,803.18

Note: Amounts are stated in euros.

Currently financial resources from the European Refugee Fund 2005 - 2007 (hereinafter referred to as ‘ERF 2005 – 2007’) are drawn on.

The ERF was established by Council Decision 2004/904/EC of 2 December 2004 for the period of 2005 - 2010 for the purpose of co-financing actions stipulated therein promoting and encouraging efforts made by EU Member States to receive refugees and displaced persons and their consequences with regard to Community legal regulations concerning such issues. Actions supported by the Fund should in particular contribute to implementation of current as well as future regulations of the Community pertaining to the area of the Common Asylum System.

With respect to target groups, requirements and the situation in the Czech Republic the projects relating to one or more of the following areas are supported:

Action A: conditions of reception and asylum procedures.

Action B: integration of persons from target groups, whose stay in the Member State is of a lasting and stable nature.

Action C: voluntary return of persons from target groups, unless they have been granted a new nationality and they have not left the territory of the given Member State.

In compliance with the conditions laid down in the Decision the Fund will be administered by a responsible authority of an EU Member State. In the Czech Republic it is the Ministry of the Interior, namely its Asylum and Migration Policy Department.

The year 2007 was for the Czech Republic the second year of implementation of the ERF. The Czech Republic was allocated, for the year reviewed, the amount of approximately EUR1.22 million. In total 22 applications out of 38 were approved within the call for proposals (ten for the area of reception, nine for the area of integration, and three for voluntary returns). Allocated financial support for such projects amounted to CZK 22,401,327. This amount was divided among different organisations (in particular NGOs, charities, and civil associations) including public organisations. Private organisations obtained co-financing for twelve projects and public organisations were successful with ten projects of which three projects were partner projects with the International Organisation for Migration (IOM) and focused on voluntary returns.

1.6.4. Green Paper on the Future Common European Asylum System

Creating a Common European Asylum System (CEAS) as a constituent part of an area of freedom, security and justice emerged from the idea of making the European Union a single protection area for refugees, based on the full and inclusive application of the Geneva Convention and on the common humanitarian values shared by all Member States. The goal pursued in the first stage of building the Common European Asylum System under Article 63 of the EC Treaty was to harmonise Member States' legal frameworks on the basis of common minimum standards ensuring fairness, efficiency, and transparency.

The Green Paper on the Future Common European Asylum System aims to identify what options are possible under the current EU legal framework for shaping the second stage of the construction of the Common European Asylum System. The basic layout of the CEAS, as defined in the Tampere Programme and confirmed by the Hague Programme, consists of the establishment of common asylum procedure and uniform status valid throughout the EU. The ultimate objective pursued at EU level is thus to establish a level playing field, a system which guarantees to persons genuinely in need of protection access to a high level of protection under equivalent conditions in all Member States while at the same time dealing fairly and efficiently with those found not to be in need of protection. In publishing the Green paper the European Commission commenced a comprehensive consultation process regarding the form of the Common European Asylum System. The goals during the second stage should be **to achieve both a higher common standard of protection** and greater equality in protection across the EU, and as well to ensure a higher degree of solidarity between EU Member States.

The Green Paper was published on 8 June 2007. It is a framework document outlining only problematic areas and those issues to be solved or future directions. Through the Green Paper the European Commission invites Member States and other stakeholders to respond to the questions included. On the basis of the information collected the Commission will draw up a **Policy Plan** which will encompass proposed measures together with a schedule for their adoption. The Policy Plan should be disclosed in mid 2008, i.e. at the end of the Slovenian Presidency or at the end of the French Presidency.

The Green Paper contains **four principal areas**: *Legislative Instruments; Implementation – Accompanying Measures; Solidarity and Burden Sharing; and External Dimension of Asylum*. In its first part the Green Paper describes the planned revision of asylum directives adopted until now. A part titled *Implementation – Accompanying Measures* is devoted to practical cooperation between EU Member States; the third part describes the Dublin System and financial burden-sharing, and the final part deals with the *External Dimension of Asylum* and addresses the topics of resettlement and mixed migration flows.

The Czech Republic had anticipated this document for quite a long time and therefore welcomes its publication, although it is of the opinion, alongside other Member States, that to complete construction of the Common European Asylum System by 2012 is an ambitious plan and it will be difficult to meet. The Czech Republic, namely its Ministry of the Interior, has drawn up for the European Commission a detailed opinion concerning individual areas and asked questions which are to be found on the European Commission's website.

I.7. THE CZECH REPUBLIC'S PREPARATION FOR INVOLVEMENT IN SCHENGEN COOPERATION

The Czech Republic has been systematically preparing, since 1998,³⁸ to adopt the Schengen *acquis*. In 2007 preparations for full integration into Schengen cooperation entered their final stage since on 5 December 2006 the Council of the EU approved the termination of internal border checks and maritime border checks as of 31 December 2007, and at the air border not later than by the end of March 2008. At the same time the JHA Council approved the Portugal project SISone4all thus opening the option to connect new member States to the Schengen Information System (SIS) without waiting for SIS II to be put into operation, as this system was considerably delayed.

³⁸ Schengen cooperation is binding for the Czech Republic, as well as for all other new Member States, in relation to its membership in the European Union on the basis of the Amsterdam Treaty effective as of 1 May 1999.

New deadlines for extending Schengen and approval for connection to SIS through SISone4all were the main reasons for drawing up the *Strategy of the Government of the Czech Republic for Integrating into the Schengen Area in 2007*, approved by Government Resolution No. 169 of 21 February 2007. The Strategy encompasses a detailed plan for the remaining period until the Czech Republic's accession to the Schengen area. The plan is in compliance with the long-term strategy of the Czech Republic's preparation for Schengen cooperation approved by Government Resolution No. 544 of 4 June 2003. The newly approved Strategy also defined risks endangering the priorities of the Czech Republic's accession to the Schengen area and risks regarding the earmarking of funds for putting SIS into operation in the Czech Republic.

In compliance with this Strategy the Czech Government received in the first half of 2007, a number of documents relating to finalising preparations for the Czech Republic's accession to the Schengen area.

On 11 April 2007 the Government of the Czech Republic approved by its Resolution No. 354 the last – and the ninth in sequence - '*Report on the Czech Republic's Preparedness to Adopt the Scheme Acquis*' which also evaluated the Schedule of Tasks for Completing Implementation of the Schengen *acquis*. In contrast with previous versions the Report contained an overview of how recommendations resulting from the 2007 Schengen evaluation have been met.

On 18 April 2007 the Government of the Czech Republic approved by its Resolution No. 394 the *National Plan of Managing Protection of the Czech Republic's National Border*, which was an updated version of a strategic document approved in June 2006 by relevant ministers. The document defined measures adopted in four tiers of the protection of the national border of the Czech Republic before and after the termination of border checks at internal borders.³⁹

On 18 April 2007 the Czech Government also approved by its Resolution No. 427 the *Information on Modifying Border Crossing Points of the Czech Republic with regard to Abolishing Internal Border Checks*. The purpose of this document was to ensure preparation for a comprehensive solution of all measures relating to the modification of road border crossing points, access highways and roads leading to border crossing points, including road marking and laying down procedure on satisfying relevant requirements of EC law which are binding for the Czech Republic.

Further the Government was provided information on **Completing Preparations of the Police of the Czech Republic for Full Involvement in Schengen Cooperation**, an essential part of which gave information about the transformation of the Alien and Border Police Service which became the Alien Police Service as of 31 December 2007. The document encompassed also related measures, *inter alia*, for example the transfer of jobs from the Alien and Border Police Service to other police forces (traffic police, public order police, and railway police). The aim of all the activities was to ensure an unchanged level of security and public order after border checks on the borders with neighbouring countries are abolished. Maintaining the presence of the police in the borderland regions and a number of other projects, including the National Model of Criminal Intelligence which is considered to be very important, were among approved decisions.

As in previous years the inter-ministerial '**Schengen Evaluation – Czech Republic Working Group**', established under the responsibility of the Ministry of the Interior, coordinated preparation by the Czech Republic to join the Schengen area. Expert groups set up in 2006 developed their

³⁹ This document is based on the 4-tier integrated border security model including activities of authorities of the given state in the third countries (1st tier), cross-border cooperation with neighbouring countries (2nd tier), protection of the national border (in the Czech Republic only international airports – 3rd tier) and activities of public authorities in the own territory (4th tier).

activities in 2007: an expert group which supervised preparation and the course of an information campaign concerning the Czech Republic's accession to the Schengen area. The campaign itself was carried out in the second half of 2007. The expert group for removing barriers at the national border discussed tasks concerning the removal of barriers at the national border and coordinated the procedure of all relevant authorities.

In compliance with the conclusions of the Council of the EU adopted on 5 December 2006, a large part of the year 2007 was aimed at completing Schengen evaluations. The main task of the relevant Working Group of the Council of the EU – Schengen Evaluation - was to verify how relevant recommendations resulting from 2006 evaluations were met. Apart from written notifications on meeting such recommendations, which were delivered through Reports on Follow Up Measures, **repeat visits** were carried out in areas where it was necessary to verify correct application of the Schengen *acquis* on the spot. In the Czech Republic a repeat visit was made on 4 July 2007 and it concerned the Brno-Turany airport which had been reconstructed during evaluations held in 2006 – during this time a new departure lounge was being built and therefore the airport could not be evaluated in 2006 objectively. However, the results of repeated evaluations of the Brno-Turany airport were very positive.

On 12 June 2007 the Council of the European Union adopted the **decision on application of the provisions of the Schengen *acquis* concerning the Schengen Information System (SIS)**. On the basis of this decision **SIS was put into operation in nine new Member States, including the Czech Republic, on 1 September 2007**. Access to the data maintained in one of the most important tools of Schengen cooperation and its sound utilisation was a condition for carrying out the last of the series of Schengen evaluation missions. The **evaluation of SIS utilisation in the Czech Republic** was held from 21 to 24 September 2007. Positive results of this evaluation (and also examination to ensure that all deficiencies in other areas were removed) allowed on 8 November 2007 the Council of the EU to state that the evaluation process preceding termination of internal border checks had been successfully completed. **A final decision on abolishing internal border checks in the Czech Republic and the other eight new EU Member States was adopted on 6 December 2007.**⁴⁰



In accordance with this Decision the **internal border controls of 24 Schengen states were abolished on 21 December 2007**. The Czech Republic abolished border checks along its land national border with neighbouring countries. Abolishing border checks themselves, terminating the protection of the internal border and ensuring smooth transit across the border was all carried out without any problems; partial complications in the case of several border crossing points were solved within several weeks.

SIS is also used very successfully. Within the common area without internal border checks SIS represents a key instrument for combating crime and illegal migration. It is the common information system of the countries in the Schengen area which includes a database of wanted persons and articles and a database of undesirable persons who are to be refused entry into the territory of EU Member States. SIS is utilised in Member States everyday by relevant police, customs and judicial authorities responsible for the protection of the national border, and in a

⁴⁰ The Schengen area was extended in accordance with Council Decision No 2007/801/EC of 6 December 2007 on the full application of the provisions of the Schengen *acquis* in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

limited scope also by bodies responsible for issuing certificates proving the registration of vehicles and by authorities issuing visas.

Supplementary information, i.e. information which is not directly saved in SIS, is exchanged through the SIRENE Bureau - each Member State establishes as a national focal point one SIRENE Bureau (in the Czech Republic it is the National SIRENE Bureau which is part of the International Police Cooperation Department at the Police Presidium). Continuous operations and foreign language as well as technical knowledge of the SIRENE Bureau staff enable rapid exchange of information between Member States.

From 1 September until 31 December 2007 in total 86 persons who were searched for internationally were apprehended on the basis of the European Arrest Warrant. A further 885 records included in other SIS categories were successfully verified. These were undesirable persons - 179 cases (Article 96), missed persons - 24 (Article 97), verification of persons' residence - 523 (Article 98), monitoring of persons and vehicles - 42 (Article 99), searched for articles, in particular documents and vehicles - 104 (Article 100). At the same time a number of foreign interventions reacting to Czech SIS records were carried out. In total 121 records were reviewed: Article 96 - 11, Article 97 - 13, Article 98 - 10 and Article 100 - 87 (18 vehicles, 69 documents). Poland (47) followed by Slovakia (22) and Germany (20) were predominantly involved in interventions initiated by Czech records.

According to the experience of the several weeks after abolishing border checks, extension of the Schengen area neither decreased security nor increased the number of criminal offences. The situation is being monitored on an ongoing basis and will be thoroughly monitored in the future.

Checks at international airports in the case of flights inside the extended Schengen area were abolished as of 30 March 2008. In 2008 the Czech Republic, together with other new Schengen Member States, will submit, within follow up evaluations, to the Council of the EU information on meeting all remaining recommendations arising from Schengen evaluations.

1.7.1. Schengen Information System

The Schengen Information System (SIS) consists of national sections (NS) and the central unit located in France in Strasbourg (CS). In the Czech Republic it is the Police Presidium of the Czech Republic which is responsible for establishing the National Section of the Schengen Information System (N.SIS CR) and SIRENE.CR

On the basis of the Decision of the JHA Council on implementing the SISone4all project, taken on 5 December 2006, new EU Member States will, as described in the previous chapter, implemented connection to the current Schengen Information System (SIS 1+) as quickly as possible. Technical solution of SISone4all project in the Czech Republic is designed so that its infrastructure could be further used for increasing performance, security and availability of the national SIS II system.

I.8. ALIEN INFORMATION SYSTEM (AIS)

24 separate jobs⁴¹ for maintaining data on foreign nationals in compliance with the Act on the Residence of Aliens in the Czech Republic form an integral part of AIS.⁴²

⁴¹ In 2004 new application programmes for AIS were put into operation. Its 3rd phase was completed on 19 October 2005.

⁴² The AIS information system consists of separate applications operated via the integrated database, which can be accessed by users throughout the whole Czech Republic within the scope of their authorisation.

Currently AIS enables the use and maintenance of individual record files. Thanks to selected technology solutions AIS creates space for gathering information in a substantially wider scope and of a better quality. The system will be further developed by enhancing both its technological level and servers and by gradual adjustments of jobs with regard to the use of biometric features, legislative amendments and preparations for building National Schengen Information System and the National Visa Information System.

By putting the system into operation the demands of users from the ABPS, requiring better use of the existing functions of the system and their extension, increased, mainly in the context of the procedure of involvement of the Czech Republic into Schengen cooperation. There is also quite strong pressure to make AIS accessible to users from other authorised bodies. Presently 721 units of the ABPS are connected to the system and the system is used by 6.870 users

With regard to the option to connect the Czech Republic to the current Schengen Information System (SIS 1+) by means of the Portugal solution (SISone4all) the AIS system must be adapted and adjusted so as it can communicate with SISone4all, modified VISION and EVIC2 systems as well as with NS-VIS and NS-SIS CR.

By building up AIS in its target form the Czech police and in particular the ABPS obtained an efficient tool for processing and providing a whole range of information for monitoring the development of foreigner migration and in the area of public order and internal security of the Czech Republic.

I.9. FADO

The international database information system - FADO (*False and Authentic Documents Online*) represents a newly built database system in the European Union. Its first expert level was launched in a regular regime on 1 December 2006. As of the same date the Czech Republic was connected to this information system.

The inputs to the international database information system FADO are made by designated experts from individual Member States of the European Union. Inputs of the Czech Republic are made by designated experts from the Document Department of the Directorate of the Alien and Border Police Service⁴³ of the Police of the Czech Republic. After it is fully completed the database will include similar information as DATEX which is a national information system.⁴⁴ In particular it will include:

- information on technical features of specimen - travel documents, ID cards, residence permits, visa, border check stamps, and driving licenses – image information will prevail;
- information on different manners of forging and altering the above-mentioned documents – image information will prevail;
- the information system will also contain for example contacts on experts from the area of verification of travel documents issued by individual EU Member States, Norway, Island, and Switzerland, and will include other useful data.

The second level of the FADO system, i.e. iFADO, became available for users in the European Union in November 2007 through the internet. The system is used for service needs by, for example, border protection authorities, the police, or by immigration offices.

⁴³ Since 21 December 2008 the Directorate of the Alien Police Service

⁴⁴ DATEX - national information system is mainly used to check whether travel documents are valid and regular.

The third level of FADO, known as PRADO, is a multilingual internet gateway which was put into operations on 10 December 2007 on the web sites of the Council of the EU. It is accessible for the general public, for example for banks and insurance companies, and it includes basic information on security features of individual genuine travel documents and identity cards. As it is publicly accessible information database there are no details and description of hidden elements. The address of PRADO gateway is: <http://www.consilium.europa.eu/prado>.

I.10. EURODAC

The reason for the existence of the EURODAC system is that EU countries wish to effectively apply the Convention determining the state responsible for examining applications for asylum lodged in one of the Member States of the European Communities (referred to as the Dublin Convention). The whole system is based on the obligation to take the fingerprints of asylum seekers residing in a Member State and foreigners who cross the external border of the EU illegally; the fingerprints are stored, for a certain period of time, in the Central Database for further use. This database is located in Luxembourg. The fingerprints of persons stored in the Central Database are compared with recorded and stored data and the results of such comparisons are sent to the respective Member State. AFIS, the existing fingerprinting system that also processes data in electronic form, will be used to facilitate the operation of the EURODAC CR system.

The EURODAC electronic system was launched on 15 January 2003. The EURODAC CR system was put into routine operation on the day when the Czech Republic joined the European Union, i.e. on 1 May 2004.

The central workplace of the EURODAC CR is located in the Prague Forensic Science Institute of the Police of the Czech Republic (Kriminalistický ústav Praha), while the e-mail server for communication with the European Centre of EURODAC in Luxembourg is located in the rooms of the Information and Computer Technology Department of the Police Presidium.

The EURODAC system is very beneficial for facilitating application of Council Regulation (EC) No. 343/2003⁴⁵. It is also fully used by the Dublin Unit⁴⁶ and units of the Alien Police Service of the Czech police.

I.11. INTERNATIONAL COOPERATION

International cooperation in the field of asylum and migration continued in 2007 the trends commenced in previous years. In the framework of relations with the EU and Schengen Member States the Czech Republic concentrated, at the level of EU institutions, on strengthening practical and operative cooperation on all aspects of migration, national border protection and asylum whilst special attention was devoted to the extension of activities within the informal General Directors' Immigration Services Conference - GDISC – where the Ministry of the Interior continued to have their representative in the Steering Group. The Czech Republic further cooperated within the International Conference of Border Police Managers and the Frontex agency and also within regional cooperation – the Salzburg Forum, whereby the Ministry of the Interior chaired the Working Group for Information on Countries of Origin, and as well the Visegrad Group.

Within GDISC the Ministry of the Interior participated in projects in the area of asylum (the European Asylum Handbook project), migration management and managed migration (Ukraine,

⁴⁵ See Chapter I.2. LEGISLATIVE FRAMEWORK

⁴⁶ See Chapter II.6. ASYLUM - II.6.4. Dublin Unit

Bosnia and Herzegovina) and the Interpreters' Pool Project, the aim of which was to provide interpreters for interviews with asylum seekers.

The Czech Republic traditionally cooperated with neighbouring countries at the bilateral level. The countries mainly exchanged practical information or they together solved particular problems. There were successful contacts between Prague-Ruzyne airport and Munich airport. Cooperation within the joint Czech-Austrian Communication Centre established at the border crossing point Mikulov-Drasenhofen intensified. In December 2007 a new joint office at the Czech-German border – Schwandorf border crossing point – was put into operation and replaced the office at Furth im Wald. In the context of the Czech Republic's accession to the Schengen area, cooperation with Poland also became more intensive. Commencement of piloting operations of two joint offices in Chotebuz-Cieszyn and Kudowa Slone-Nachod was prepared.

With respect to the upcoming Presidency of the Czech Republic of the Council of the EU which will be held in the first half of 2009 and in the context of preparations for this role, the Ministry of the Interior initiated negotiations with partner authorities of those states which can share with the Czech Republic their experience from their preparation work for the EU Presidency. During the course of the year bilateral meetings between the Asylum and Migration Policy Department and a French counterpart were organised which appeared to be crucial for coordinating preparations for the Presidency.

Cooperation with principal transit and source countries of migration to the Czech Republic, especially in the region of the Commonwealth of Independent States, continued to be reinforced. At the level of the European Union the Czech Republic actively supported steps taken by the German Presidency and by the European Commission to geographically extend the Global Approach towards Migration to the EU – the *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union* and its following implementation and the *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries*. Further steps to deepen political dialogue and the establishment of real migration partnerships between the European Union and such regions are planned as priority actions during the Czech presidency of the Council of the EU, during which the Czech Republic will follow up current support for the Budapest process as a main platform for cooperation between the EU Member States, countries of the West Balkans and the Commonwealth of Independent States. It is the Czech Republic which, within this platform, presides over the Working Group dealing with the relation between asylum and irregular migration. In 2007 meetings of the Working Group in question focused on illegal migration at international airports and stressed abuse of the airport asylum procedure.

The Ministry of the Interior also extended its activities towards strengthening cooperation with non-EU countries in managing migration and assisting them to enhance their national capacities for migration management, with the largest project financed by the European Commission being the multilateral project: *GDISC Ukraine - Capacity Building and Technical Support to Ukrainian Authorities to Effectively Respond to Irregular Transit-Migration (ERIT)*. The project was prepared in cooperation with the Ministries of the Interior and Ministries of Justice of the Netherlands, Hungary, Poland, Slovakia and the United Kingdom, supported by the International Centre for Migration Policy Development (ICMPD). The aim of the project is to strengthen Ukrainian migration capacities through the transfer of know-how and the provision of technical assistance in the framework of six mutually interconnected modules which comprehensively cover the different aspects of migration issues. The project will be launched at the beginning of 2008 and will last for two years. The merits of the project are, apart from being

comprehensive, mainly its inter-governmental approach which should effectively complement current activities carried out by NGOs and other international organisations working in Ukraine. The Ministry of the Interior, in addition to managing the whole project, is also responsible for a module entitled 'Detention Capacity'. Projects organised within the International development cooperation were implemented at the national level alongside Czech NGOs such as the Charity, People in Need, Berkat, and the International Organisation for Migration.

Within the external dimension of asylum the Ministry of the Interior actively supported measures aimed at strengthening the protection of refugees in source regions, and tried to find permanent solutions for refugees. The Ministry, in particular, undertook steps towards implementation of the National Programme for Repatriation in 2008: the Czech party was provided with Dutch experience through the project entitled *Durable Solutions in Practice*.

In order to implement its priorities pertaining to the area of asylum and migration, the Czech Republic closely cooperated with international organisations, mainly with the International Organisation for Migration (IOM), the International Centre for Migration Policy Development (ICMPD), the UN High Commissioner for Refugees (UNHCR), and the Council of Europe.

Several projects implemented abroad (Iraq, Moldova, Georgia) were organised in cooperation with the IOM. The IOM is at the same time the main partner for the area of voluntary returns to countries of origin (in the year reviewed in total 107 voluntary returns were carried out).

In addition to the above-mentioned ERIT project carried out in Ukraine, the Czech Republic worked within the Budapest Process with the ICMPD whose secretariat is in the Czech Republic, on a project entitled *Identification of Forged and Falsified Documents in Ukraine*.

In the case of the UNHCR, cooperation is oriented towards the issue of assisting refugees from countries and regions of origin and their resettlement. From 1 July 2007 the Office of UNHCR located in the Czech Republic has been staffed only at the national level and the competences for the Czech Republic are administered by the Regional Office for the Czech Republic, Austria and Germany, located in Berlin.

The Czech Republic represented by the Ministry of the Interior regularly participates in meetings of the European (Steering) Committee on Migration of the Council of Europe (CDMG), which are held twice a year and which focus, in particular, on integration and relations between communities. Meetings are attended by representatives of the majority of Council of Europe member states, international and inter-governmental organisations, international NGOs, and officers from the Secretariat of the Council of Europe. The Parliamentary Assembly of the Council of Europe is represented as well. There are several expert working groups working within CDMG. In 2006 the representative of the Czech Republic was elected a member of the CDMG Bureau for the period of two years. At present CDMG is preparing a ministerial conference aimed at migration and the labour market. It will be held in Kiev in 2008.

Representatives of the Alien Police Service of the Czech police regularly participated in meetings of the Management Board and expert groups covering the whole spectrum of FRONTEX agency activities. In 2007 the Regulation of the European Parliament and of the Council on establishing a mechanism for the creation of Rapid Border Intervention Teams (RABIT) was adopted. Thus, effective of August 2007, it is possible to use such teams if a Member State faces the urgent and exceptional pressure of large numbers of third-country nationals trying to enter the territory of that Member State illegally (at the external border of the European Union). During the year 2007 there were three rounds of 'open recruitment tenders' from which in total 19 eligible candidates were selected from among members of the Alien Police Service of the Czech police who satisfied requirements of the FRONTEX Agency to be included in RABIT teams. The main objective to establish such teams is stipulated in the Regulation of the European Parliament and of

the Council No 863/2007, i.e. to provide assistance to a Member State facing urgent and exceptional pressure of illegal migration at its external border. Such assistance consists in joint checks and surveillance of the external border, under the precisely defined conditions and powers of members of RABIT teams. At the beginning of November 2007 the first exercise of a RABIT team was carried out in the Portuguese city Porto.

The FRONTEX Agency organised in 2007, on the basis of risk assessment, a number of joint operations. The Czech Republic participated in some of these. Representatives of the Alien Police Service of the Czech police participated in meetings held in Poland (to create a new system of exchange of statistical information), in Slovenia (exchange of experience and information on new forms of cross-border cooperation – joint contact points, joint patrols, joint investigating teams, and cross the border pursuit) and in Slovakia (exchange of experience concerning organisation of joint expulsion by air). On 12 and 13 April 2007 an expert meeting was held in Prague - ‘Checks in Inland’ – attended by representatives from Poland, Slovenia, Slovakia, Hungary, and the Czech Republic.

International cooperation relating to the European Union, Schengen cooperation, the conclusion of readmission agreements and development projects is described in more detail in relevant chapters.

I.12. ACTIVE MIGRATION POLICY

I.12.1. Selection of Qualified Foreign Staff

The pilot project *Selection of Qualified Foreign Staff* (hereinafter referred to as the ‘pilot project’) which has been implemented in accordance with Government Resolutions No. 975 of 26 September 2001, No. 720 of 10 July 2002, No. 340 of 14 April 2004, and No. 394 of 6 April 2005, No. 431 of 19 April 2006, and No. 538 of 23 May 2007. The Project was launched on 28 July 2003 and its pilot phase had been planned for five years. The target countries of the Project are as follows: Bulgaria, Croatia, Kazakhstan, Belarus, Moldova, Canada, Serbia, Montenegro, Ukraine, Bosnia and Herzegovina, Macedonia, the Russian Federation, and India. The project has been open to foreign graduates of Czech higher education institutions, regardless of their country of origin, who graduated in the academic year 1995 and later. Since 1 July 2005 the project has been open to foreign graduates of Czech secondary schools, irrespective of their country of origin, who finished their studies in 2000 and later, with the only exception being graduates who studied in the Czech Republic within the international development aid programmes.

The objective of this project is **to bring to the Czech Republic foreign experts** who are capable of contributing to the development of the Czech economy, who want to settle here with their families and who are capable of integrating permanently into Czech society. Furthermore, the pilot project is to examine and optimise instruments of active migration management and to find bottlenecks in legislation covering labour migration. It is also the first step towards formulating future active migration policy pertaining to this area.

The pilot project offers to grant permanent residence within a shortened period of two and half years (while current legislation requires five years of continuous residence) not only to successful participants of the project but also to their family members. In July 2007 a new category of highly qualified project participants was defined. They can apply for a permanent residence permit only after one a half year of having been a participant of the project.

Participants of the project are eligible for a protective time limit to be able to find a new job in case they are made redundant. This protective period was, in 2007, extended from 30 to 45 days.

The condition upon which participants may be included in the selection procedure is, as well as being a citizen of one of the target countries or having graduated from a Czech university or college or accomplished Czech secondary education, a work permit and residence visa for over 90 days for the purpose of employment, or a long-term residency permit issued for the same purpose, and at least completion of secondary vocational education and sufficient score provided within the selection procedure. (The following is evaluated: education, working experience, knowledge of languages, education and work experience of a husband/wife). The condition upon which participants may be included in the category of highly qualified labourers is employment in the Czech Republic on the position requiring university or college education and corresponds to the qualifications of an applicant.

The application for inclusion into the pilot project has been available only online since 1 January 2006 on web sites www.imigracecz.org. Successful candidates are selected by a specialised computer application at the end of each month. Selected participants then personally deliver required documents to the administrative office of the Ministry of Labour and Social Affairs and such documents are verified in the country of origin. Thus the selection is maximally objective and transparent and it is secured from being abused by applicants.

An extensive information campaign managed by the Ministry of Labour and Social Affairs was implemented by the International Organisation for Migration (IOM). The 2007 campaign was carried out both in the Czech Republic and in all target countries of the project. The Ministry of Labour and Social Affairs made available, since October 2004, the website www.praceprocizince.cz/org which is used to link the supply and demand of qualified foreign professionals. In July 2006 this specialised application was transferred to the Integrated Portal of the Ministry of Labour and Social Affairs. This web application is unique as it is available in three languages – Czech, English and Ukrainian, including search filters and texts of individual advertisements. Thus it can considerably help to all potential applicants for jobs in the Czech Republic, not only those who are interested in entering the pilot project, search actively work in the Czech Republic from abroad. In connection with the Integrated Portal of the Ministry of Labour and Social Affairs this integrated application represents an invaluable service for foreigners due to comprehensiveness of information on conditions and opportunities to find employment in the Czech Republic.

In total 888 participants were included in the pilot project as of 31 December 2007. Together with their family members in total 1,882 persons can be granted permanent residence permits on the basis of being participants of this project. 623 participants are university of college graduates, 265 participants completed secondary education. Most participants come from Ukraine, Bulgaria, Belarus, and Russia. They most often work in the Czech Republic as IT specialists, technicians or administrative officers.

In 2007 the trend of a significant increase in the number of foreign nationals who were participants of the project continued. In 2007 the annual increase in the number of participants was almost twofold when compared with the previous year (i.e. an increase by 358 persons). It is a positive feature that the majority of applicants have a university or college education and they work in the Czech Republic in a job which corresponds to their qualifications. **As of 31 December 2007 the first 199 participants were granted permanent residence within the shortened period.**

Diagram below: Development in the annual increase in the number of project participants



Summarised results and experience resulting from the pilot project alongside proposals for further measures to be adopted in the area of labour migration management will be drawn up after the pilot project is closed in the first half of 2008. However, on the basis of current project results it is obvious that if taking into account current legislation, employers usually are not able to find labourers – third-country nationals – within the time that they need them. The model of ‘Green Cards’, currently being prepared, should help solve this problem.

1.12.2. Green Cards Project

The Czech labour market displays at present an insufficient number of labourers. This state, which arises from the economy, demographic development and the system of education, represents a problem for many small and medium sized enterprises but also for some large corporations that intend to extend production and wish to acquire more employees. The Czech Republic is not currently able to cover the existing shortage of labour forces from its own sources. The present system of acquiring foreign labourers has a lot of deficiencies and is not very efficient. The inability to cover legally the current needs of employers encourages the illegal employment of foreign nationals. A rapid and effective solution would be a fundamental change in the system of employment of foreign nationals.

In the light of the aforementioned facts the Ministry of Industry and Trade in cooperation with the Ministry of the Interior, the Ministry of Labour and Social Affairs and with the support of some other ministries drew up a project ‘***Green Cards – a Proposal for a Parametric Model for the Czech Republic***’. This project was approved by Czech Government Resolution No. 1174 of 22 October 2007 on facilitating conditions for employing qualified foreign labourers. The model of Green Cards supported by representatives of Czech businessmen and entrepreneurs is based on maximum possible openness towards foreign applicants for jobs, and at the same time maintains elements of protection of security, public order and strict punishment of violations of valid law and efforts to avoid or abuse set rules. This model should enable employers to quickly acquire labour from third countries.

Description of the Green Cards Project

- The Green Cards Project is primarily aimed at **highly qualified labourers – university or college graduates or persons with completed secondary education** and it enables the

acquisition of unqualified workers as well, if they are needed, however, such workers may be granted a Green Card only for two years without any possibility to extend it.

- The aim is the **flexible recruitment of professionals from abroad and a decrease in the administrative burden both for employers and foreign nationals.**
- The project is **primarily based on the needs of business undertakings**; the Ministry of Labour and Social Affairs will maintain central records (a register) of vacancies which could be staffed by Green Card holders. A vacancy available to a Green Card holder is a vacancy marked by the Ministry of Industry and Trade in the register as a job suitable for key personnel. The database will be accessible on the websites of the Ministry of Labour and Social Affairs and of some other ministries. Third-country nationals will apply for a Green Card at an embassy or a consulate of the Czech Republic abroad and will directly apply for vacancies marked in the register.
- The main tool of the project is **Green Card**, which will be equivalent to a long-term residence permit and will have two functions: it will prove that its holder is authorised to work in the Czech Republic and that the holder is permitted to reside in the Czech Republic.
- The project maintains elements of the protection of security and public order.
- Green Cards will be issued by the Ministry of the Interior in close cooperation (consultations) with other ministries. Green Cards will be valid for maximum of three years (for highly qualified staff) with an option of further extension. An exemption applies only to unqualified labourers, who will receive the Green Card only for two years without any possibility to extend it.

Currently the amendment to the Act on employment and the Act on the Residence of Aliens or some other related acts is being drawn up. The amendment should regulate conditions for issuing Green Cards and other related issues requiring new legal provisions. **The amendment in question should come into effect on 1 January 2009.**

I.13. ACTION PLAN ON COMBATING ILLEGAL MIGRATION

To improve the situation in the area of illegal migration in the Czech Republic and to mitigate its negative impacts on a number of spheres of societal life is an objective of the ***Action Plan on Combating Illegal Migration*** which was approved by Czech Government Resolution No. 108 adopted in 2004, the integral part of which was the Schedule of Meeting the Plan of Measures for Combating Illegal Migration.

The Ministry of the Interior submits to the Government, on an annual basis, information on meeting individual tasks of this schedule. The Government took note of the ***2006 Information on Meeting Tasks of the Action Plan on Combating Illegal Migration*** by its Resolution No. 772 of 11 July 2007. At the same time the Government approved the ***2007 Updated Schedule for Meeting the Plan of Measures for Combating Illegal Migration*** (hereinafter referred to as the 'Updated Schedule'), which is an annex to the said Resolution. At the same time the Minister of the Interior was assigned a task to draw up and submit to the Government, on 30 June 2007 at the latest, information on meeting assignments arising from the *Updated Schedule*.

In the previous document the measures were divided into five basic areas. With regard to the fact that legislative objectives were met, the *Updated Schedule* is now divided into four areas: prevention, control and sanctions, inter-ministerial cooperation, and international cooperation.

Parties responsible for fulfilling individual points of the *Updated Schedule* are the following ministries: the Ministry of the Interior, the Ministry of Labour and Social Affairs, the Ministry of

Informatics, the Ministry of Industry and Trade, and the Ministry of Foreign Affairs.

In compliance with the aforementioned Resolution the Ministry of the Interior drew up information⁴⁷ resulting from the *Updated Schedule*. The information was drawn up, on the basis of data provided by the aforementioned central governmental authorities.

The Action Plan on Combating Illegal Migration coordinated a joint action for all stakeholders and created the environment for their close cooperation. Results can be seen in all monitored areas.

The issue of optimisation of the impacts of international migration was included among strategic priorities of the foreign policy of the Czech Republic. It was decided to establish a Working Group of the Ministry of Foreign Affairs for Migration Issues which is chaired by the Ambassador-at-large. Czech diplomacy endeavours on its own as well as in cooperation with other EU Member States to be ahead of irregular intermediation of information. Both the Ministry of Foreign Affairs and embassies and/or consulates of the Czech Republic formulate official opinions, respond to false and/or inaccurate information concerning migration through press releases, and to presentations on the websites of the Ministry of Foreign Affairs.

The Ministry of Foreign Affairs actively monitors and evaluates the political, economic and social situation in problematic countries which may or it already has an impact on illegal migration to the Czech Republic. The Ministry also analyses its causes for the purpose of adopting adequate measures towards restricting migration in its illegal form. Consulates and embassies of the Czech Republic in source and transit countries of illegal migration to the Czech Republic pay increased attention to information on illegal migration organisation, smuggling people, recruitment of illegal migrants and involvement of organised crime into illegal migrating activities. This intelligence is sent not only to the Ministry of Foreign Affairs but also to the competent the relevant units of the Ministry of the Interior and/or other state administration bodies concerned and newly also to the Analytical Centre.

In the course of the year 2007 the headquarters of the Ministry of Foreign Affairs examined the preparedness of individual embassies and consulates of the Czech Republic to apply Schengen standards within consular and visa activities. With a view to enhance the visa process and as a consequence of combating illegal migration and in compliance with the conclusions of Schengen evaluation the Ministry of Foreign Affairs decided to increase the numbers of officials working at embassies and/or consulates in those countries bearing an increased risk of illegal migration and also at embassies and/or consulates which issue very high numbers of visas.

In accordance with *the Agreement on Secondments of the Officers of the Police of the Czech Republic, the Alien and Border Police Service, to Foreign Business Trips to Consulates and Embassies of the Czech Republic* (hereinafter referred to as the 'Agreement')⁴⁸, signed on 28 December 2005 between the Ministry of Foreign Affairs and the Ministry of the Interior, members of the Czech police, namely members (APO)⁴⁹ of the Alien and Border Police Service, were sent in May 2007 to embassies and/or consulates of Algeria, Ulaanbaatar, Cairo, Hanoi, Lviv, and in November Moscow (APD). They finished their business trips in December 2007. This is a new type of cooperation between the Ministry of Foreign Affairs and the Czech police the aim of which is to enhance and speed up the decision-making process concerning applications for short-term visas, the reception of applications for long-term visas, applications for residence permits, and the verification of the authenticity of travel documents at embassies and/or consulates abroad in

⁴⁷ The 2007 Information on Meeting tasks Arising from the Action Plan on Combating Illegal Migration 2006 will be submitted to the Government of the Czech Republic by 30 June 2008.

⁴⁸ On 15 February 2006 representatives of the Ministry of the Interior, the Ministry of Foreign Affairs and the Czech police signed the *Implementing Protocol* to the Agreement.

⁴⁹ Alien Police Officers

selected source countries of illegal migration.

Among other activities of APOs is the provision of findings gathered during their trips to competent authorities of state administration of the Czech Republic.

The fact that this cooperation has been beneficial for all parties and contributed to more effective cooperation between the Alien and Border Police Service and embassies and/or consulates is supported by opinions drawn up by officials of relevant consulates and embassies. APOs particularly improved the decision-making process vis a vis evaluating opinions on granting visas and emphasised the possibilities to misuse visas for a purpose different from the one stated in the application. Moreover, police officers acquired and delivered to the competent units of the Czech police topical information on migration movement, migration routes and methods used for unlawful border crossing.

Therefore, in 2008 this practice will continue and APOs will be seconded to other consulates and embassies of the Czech Republic abroad. At present negotiations are conducted with the aim of determining risk regions and at the same time selected police officers are being trained.

Projects of International Development Cooperation of the Ministry of the Interior⁵⁰ rank among those measures which contribute to restricting migration as they have an impact on the development of target countries not only in the field of migration but also in the area of good governance and security policy. The whole issue is a specific part of development cooperation in particular as regards the security aspects of target countries, and also the analysis of the impact on the Czech Republic.

Coordination and cooperation in the field of combating illegal employment of foreign nationals are ensured through the Inter-Ministerial Body for Combating the Illegal Employment of Foreign Nationals in the Czech Republic. The Ministry of Labour and Social Affairs is the responsible party for this cooperation. The priority objective of this inter-ministerial body remains in 2008 to dismantle the 'client system' which often works on the basis of organised crime.

Inspection in the area of employment of foreign nationals was carried out in 2007, as in previous years, in the form of cooperation between relevant inspection authorities, such as customs administration and units of the Alien and Border Police Service, with the Ministry of Labour and Social Affairs being the responsible party.

According to information provided by Trade Licensing Offices, the frequency of inspections of foreign natural persons holding trade licences under the Trade Licensing Act and the respective sanctions for breaching legal provisions can be justified and should lead to the gradual enhancement of the awareness of such foreign persons' duties within business undertaking, i.e. the duties arising from the Trade Licensing Act and other legal provisions relating to entrepreneurship. Thus such inspections foster respect of legal regulations by foreign entrepreneurs.

Implementation of tasks and checks by inspection bodies carried out on an ongoing basis and the mutual cooperation of such bodies contributes, *inter alia*, to a decrease in illegal migration across the national border and illegal migration in the form of violating residence rules.⁵¹ It is also necessary for individual responsible parties to meet assigned tasks arising from the *Action Plan on Combating Illegal Migration*, to which they must pay continuous attention.

⁵⁰ For more information see Chapter VI.2. PROJECTS OF INTERNATIONAL DEVELOPMENT COOPERATION

⁵¹ The situation in this area is described in full detail in Chapter III. ILLEGAL MIGRATION

FINAL SUMMARY OF THE CHAPTER

In 2007 it was necessary to amend the **Act on the Residence of Aliens** several times. Amendments were implemented by Act no. 170/2007 Coll. and Act No. 379/2006 Coll.. **Act No. 170/2007 Coll.** ensured the routine operation of the Schengen Information System. Thus the 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. **Act No. 379/2007 Coll.** transposed in particular *Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purpose of scientific research*, and *Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status*. A special type of residence was introduced in the Act on the Residence of Aliens - 'long-term residence permit for the purpose of scientific research'. Further, the amendment to the Act on the Residence of Aliens should also harmonise this Act with *Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)*, and completed the process of transposition of *Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985*; the same amendment defined the obligation of third-country nationals applying for a visa to agree with the taking of their fingerprints and of image records, and the Act authorises not only the police but also embassies and consulates to perform such acts; it made conditions stricter for issuing permanent residence permits for family members of EU citizens who are themselves third-country nationals; it took into account national provisions of registered partnership; it also stipulated an option to cancel data relating to registered residence in the Czech Republic; it introduced the condition to prove knowledge of the Czech language as a necessary prerequisite for issuing a permanent residence permit in the Czech Republic; it made stricter conditions for the residence of foreign nationals who after a final and conclusive decision on administrative expulsion do not meet their obligation to leave the Czech Republic within the specified period; and finally it made some provisions relating to foreigners who are placed in detention facilities for foreigners more precise.

Currently several other draft acts which, *inter alia*, encompass amendments to the Act on the Residence of Aliens are in the legislative process.⁵²

In 2007 the Act on Asylum saw further amendments and alterations. First of all the long and demanding legislative process regarding the amendment to the Act No. **379/2007 Coll.**, which came into effect on 21 December 2007, was successfully completed. The amendment is quite extensive and important as it transposes into the Czech legal framework EC law, namely the 'Procedural Directive'. The aim of the Directive is to gradually create the Common European Asylum System, which should soon include common standards for just and efficient asylum procedures in EU Member States leading to common asylum procedures to be used within the whole European Community. The main objective of the said Directive is to introduce in the Community minimum standards on procedures for granting and withdrawing refugee status. The approximation of rules granting and withdrawing refugee status should help to limit the secondary movements of asylum seekers between Member States. The amendments to the Act on Asylum can be divided into two groups: amendments transposing the aforementioned Procedural Directive in the Czech legal framework, and amendments arising from the application of the act concerned. In this context it is

⁵² They are: the Government Draft Act amending Act No. 269/1994 Coll., on the Criminal Records Register, as amended, and Some Other Acts; the Draft Act amending Some Acts concerning the adoption of the Act on the Police of the Czech Republic; the Draft Act amending Some Acts concerning Travel Documents; and the Draft Act amending Act No. 435/2004 Coll., on Employment, as amended, and Some Other Related Acts.

necessary to mention other newly adopted Acts which amended some provisions of the Act on Asylum. It is **Act No. 170/2007 Coll.**, which included after Section 71a a new Section 71b, providing the Ministry with access to the data maintained in the information systems of contracting states, and **Act No. 343/2007 Coll.**, which incorporated into Section 80(4), in the context of the amendment to the Education Act, provisions guaranteeing international protection seekers access to education under conditions stipulated by the said Act.

As regards the legislative area, the primary task is to implement on an ongoing basis in national law all documents of the European Union relating to the entry and residence of foreign nationals in EU Member States and asylum issues within specified transposition limits.

The Procedural Directive was the last one of the package of asylum directives which needed to be implemented in the Czech legal framework. According to the plan of the European Commission, adopted and implemented directives should now be gradually revised for the purpose of improving adopted standards and building the Common Asylum System. The Czech Republic is expecting in mid 2008 the publication of the Policy Plan which should present specifically proposed measures outlined in the Green Paper on the future Common European Asylum System, alongside a schedule for their respective adoption.

Visa-related matters are governed in the Czech Republic, after its accession to the European Union, by Council Regulation (EC) No. 539/2001 of 15 March 2001 which provides in its Annex a list of third countries whose citizens must be in possession of visas when crossing the external borders of the EU, and countries whose citizens are exempt from visa obligation if they reside in EU Member States for a period not exceeding three months.

In 2007 the work on the amendment to the Agreement between the Government of the Czech Republic and the Government of the Republic of Singapore on Abolishing Visa Obligations continued.

Despite the best efforts of Czech diplomacy in 2007 the Czech Republic has not yet managed to establish visa reciprocity with the United States of America. Since the beginning of 2008 negotiations between Czech and American stakeholders on inclusion of the Czech Republic into the Visa Waiver Program have been more intensive. The Czech Republic has information from the US embassy in Prague as well as the Czech embassy in Washington that **the aim of the American administration is to include the Czech Republic into the Visa Waiver Program prior to the beginning of the Czech Presidency of the Council of the EU, i.e. not later than in the last quarter of 2008.**

On the other hand, as of **1 November 2007 Canada abolished visa obligations** for citizens of the Czech Republic for stays not exceeding 180 days from the date of entry into the country for the purpose of tourist travels or short term studies, unless the visitor earns money

In 2008 the asymmetric visa regime will need to be solved with the USA and it will also be necessary to continue national activities with the aim of simplifying the procedure of visa granting, and activities at the European level in relation to negotiating agreements on simplifying the procedure of issuing visas.

In 2007 preparations for full integration into Schengen cooperation reached their last stage. New deadlines for extending Schengen area and approval for being connected to SIS through SISone4all were the main reasons for drawing up the *Strategy of the Government of the Czech Republic for integration into the Schengen Area in 2007* approved by Government Resolution No. 169 of 21 February 2007. The Strategy encompasses a detailed plan for the remaining period until Czech Republic's accession to the Schengen area which was submitted to the Czech Government.

A fundamental condition for full involvement in Schengen cooperation and the termination of

internal border checks was to have access to the **Schengen Information System**. On the basis of the Council Decision the **SIS was put into operation in the Czech Republic on 1 September 2007**. Access to the data maintained in one of the most important tools of Schengen cooperation and its sound utilisation was a condition for carrying out the last of the series of Schengen evaluation missions.

Evaluation of SIS utilisation in the Czech Republic was conducted from 21 to 24 September 2007. Positive results of this evaluation enabled on 8 November 2007 the Council of the EU to state that the evaluation process preceding the termination of internal border checks had been successfully completed. **A final decision on abolishing internal border checks of the Czech Republic and the other eight new EU Member States was adopted on 6 December 2007.**⁵³

This process was completed on **30 March 2008 by abolishing checks at international airports in the case of flights inside the extended Schengen area**.

In 2008 the Czech Republic, together with the other new Schengen Member States, will submit, within follow up evaluations, to the Council of the EU information on meeting all remaining recommendations arising from Schengen evaluations.

With the Czech Republic's accession to the European Union and with the switch to the Procedures of Schengen States in the area of visas a new version of the system - MVP/EVC2b – was installed and the system is further developed. All Czech consulates and embassies issuing visas use an electronic consultation system and before a visa is granted a central body is consulted..

The Visa Information System (VIS) plays an irreplaceable role in the framework of consular cooperation in issuing Schengen visas. VIS is, alongside the Schengen Information System, one of the tools for creating an area of freedom, security and justice.

By its accession to the Schengen area the Czech Republic was connected to VISION consultations. This is a procedure for issuing Schengen visas where a security screening is made not only by the state issuing the respective visa but, in the case of applicants from certain pre-defined countries, also another Schengen state which has requested to do so.

The Czech Republic started to issue on 1 September 2006 travel documents which include a storage medium (a chip) containing a biometric facial image. The second biometric element (fingerprints from two fingers), will be included in the Czech travel documents, under Act No. 136/2006 Coll., amending Some Acts concerning Travel Documents, on 1 May 2008. On the basis of the delayed approval of EAC technical specifications the Ministry of the Interior approved the issue of travel documents furnished with a chip bearing the first biometric feature and later furnished by a second biometric feature from 1 April 2009. This date is specified in Act No. 140/2008 Coll., amending Some Acts concerning Travel Documents. The Act was signed by the President on 11 April 2008 and was published in the collection of Laws on 25 April 2008.

⁵³ The Czech Republic's accession to the Schengen area is connected with a range of changes concerning both inhabitants of the Czech Republic and foreign nationals residing in or arriving in the Czech Republic. An integral part of preparations for the Czech Republic's accession to the Schengen area was to provide information to the general public and to professionals on changes, rights and obligations resulting from implementation of the Schengen *acquis*. As a consequence, in the second half of 2007 an information campaign was carried out. The campaign was officially commenced on 17 July 2007 at a press conference of the Minister of the Interior. The main objective of the campaign was to truly describe the new situation after checks at the border crossing points were abolished.

A cornerstone of EU migration policy remains the return of migrants while respecting their fundamental rights. An effective return policy is crucial for ensuring public support for elements such as legal migration and asylum. To this end, readmission agreements represent an important tool.

The Czech Republic has entered into bilateral readmission agreements with a number of states and has commenced negotiations with others. Apart from its own initiatives the Czech Republic as an EU Member State participates in the work of the European Commission when negotiating readmission agreements with certain third countries.

The Ministry of the Interior intends to conclude in 2008 implementing protocols with all countries with which readmission agreements were negotiated, signed and entered into force. The priority in the field of negotiations on readmission agreements for 2008 will be to finalise some almost agreed on readmission agreements, to accomplish the internal approval process of already finalised agreements, and to continue cooperating, through a national expert, in negotiations on agreements to be concluded within the European Union.

Experts of the Czech Republic participate in negotiations of Working Groups of the Council of the EU, whose aim is to meet the strategic dimension for the definition of the financial outlook of the EU for the period of 2007 - 2013 and further elaboration of the Framework Programme of *Solidarity and Management of Migration Flows*, which will aim to solve the issue of the fair sharing of responsibility between Member States within the gradual creation of an area of freedom, security and justice. As a result there are four funds through which activities of Member States in the area of refugee issues, external borders, third country nationals and the return of third country nationals to their countries of origin will be co-financed.

In 2007 in total 22 EU-funded projects were implemented in the Czech Republic (European Fund for Refugees).

Bilateral cooperation in the field of asylum and migration continued in 2007 trends which commenced in previous years. On the one hand the Czech Republic reinforced existing cooperation with partner immigration and asylum authorities in the old as well as new EU Member States, and on the other hand the Asylum and Migration Policy Department of the Ministry of the Interior of the Czech Republic aimed at entering into and intensifying cooperation with other European countries.

The Ministry of the Interior of the Czech Republic developed cooperation with international organisations dealing with immigration and asylum matters, in particular with the International Centre for the Development of Migration Policies, the International Organisation for Migration, the Council of Europe, and the UN High Commissioner for Refugees.

Representatives of the Czech Republic are involved in the European (Steering) Committee on Migration of the Council of Europe (CDMG). A representative of the Asylum and Migration Policy Department was elected a member of the CDMG Bureau for the period of two years.

The Czech Republic chaired the Working Group for Information on Countries of Origin of Asylum Seekers within the Salzburg Group. Activities of this Working Group supplement activities implemented in the area of information on countries of origin at the level of the European Union.

In the course of 2007 representatives of the Czech police, namely members of the Directorate of the Alien and Border Police Service, participated in the work of the FRONTEX agency.

The priority of national activities of the Czech Republic in the field of migration is to formulate effective measures which will support managed legal migration and simultaneously minimise illegal migration. The project aimed at selection of qualified foreign workers, the Green Card project, and the Plan for Combating Illegal Migration rank among such measures.

While the objective of the first measure is to fill gaps in the Czech labour market and **to bring qualified foreign workers to the Czech Republic** who are capable of contributing to the development of the Czech economy, the introduction of the Green Card will help the rapid and effective acquisition of labour. **The aim of the third activity is to influence migration trends so that foreign nationals prefer legal migration.** All described activities are mutually related and therefore it may be said that the mentioned projects can serve as tools for combating illegal migration.

II. Legal Migration: Legal Entry and Residence of Aliens in the Czech Republic

II.1. TYPES OF RESIDENCE

The following legal provisions currently regulate entry into and residence of foreign nationals in the Czech Republic.

The issues relating to entry and residence of foreign nationals in the Czech Republic is regulated by No. *326/1999 Coll., on the Residence of Aliens in the Czech Republic, as amended and on the Amendment to Some Other Acts, as amended*. Its current version reflects directives and other legal instruments of the Council of the EU which the Czech Republic, as a full member of the European Union, is obliged to transpose. The Act divides, in terms of entry into and residence in the Czech Republic, foreign nationals into two categories.

The **first category** comprises EU nationals and nationals of other states which are parties to the Treaty on the European Economic Area (hereinafter referred to as 'EU nationals'). Upon certain conditions stipulated by law, family members of EU nationals enjoy a similar position with regard to the issuance of a special residence permit, even though they are not citizens of the aforementioned states. **The second category** consists of citizens of other states generally known as third' countries.

Whilst foreign nationals falling under the **first category** are entitled to free movement and residence which is laid down in the Treaty establishing the European Community, **third country nationals** are obliged to apply for a permit to enter and to reside in the country unless a bilateral agreement on the revocation of visa obligation has been entered into with the home country of the foreign national concerned or if visa obligation was abolished by a one-sided act of the Government of the Czech Republic. In all other cases third country nationals are obliged to always be in possession of a short-term residence permit (for up to three months) in the Czech Republic. For a long term residence they must be in possession of visa (over three months.) The range of states whose citizens are obliged to be, when crossing the Czech national border, in possession of a visa, as well as states for which visa obligation was abolished, are specified within the single visa policy of the European Union.⁵⁴

Foreign nationals falling under the first category are permitted to enter into and to reside in the Czech Republic for an indefinite period only on the basis of a travel document, which may also be, in this case, their identity card, without being obliged to apply for any type of residence permit. However, the Act stipulates a residence provision even for this category of foreign nationals – a special residence certificate – which is further divided into a permit for temporary residence and a permit for permanent residence. EU nationals do not have any obligation to apply for any of the aforementioned types of residence, but it is their right to do so. If an EU national intends to stay in the Czech Republic for a period longer than three months he/she has the right, not the obligation, to apply for a confirmation of temporary residence. A family member of an EU national, although he/she is not an EU national or a citizen of a state bound by the Treaty on the European Economic Area, may apply for the same type of residence if the same application was lodged by the EU national or if the EU national already resides in the Czech Republic on the basis of such permit.

⁵⁴ Council Regulation 2001/539/EC determines those third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (referred to as the 'Black List') and the list of third countries whose nationals are exempted from visa duty (referred to as the 'White List').

Foreign nationals coming from third countries may enter the country for the purpose of short-term residence only on the basis of a valid passport furnished with a visa unless the visa obligation in relation to the country concerned has been revoked. The period of short-term residence is specified for a maximum of three months. If the purpose of residence (for example employment, business undertaking or study) requires the presence of a foreign national in the country for a period longer than three months, the foreign national must be in possession of a visa for over 90 days. If the purpose of residence exceeds a year a foreign national may apply for a long-term residence permit. This new residence category has replaced, effective of 1 May 2004, the former extension, for a residence exceeding one year, of a period of residence permitted on the basis of a visa for over 90 days.

As a consequence of transposition of respective Council Directives⁵⁵ into national law new conditions were created. A foreign national may apply for a long-term residence permit without prior application for visa over 90 days for a specific purpose. To this end, the long-term residence permit for the purpose of family reunification, a long-term residence permit for the purpose of studies, a long-term residence permit for the propose of protection in the Czech Republic, and a long-term residence permit for a resident of another EU Member State, i.e. a third-country national who permanently resides in an EU Member State and was conferred on a status of a resident and he/she intends to stay in the Czech Republic for a period exceeding three months. In such case they have the right to apply for a long-term residence permit.

A special type of residence was introduced in the Act on the Residence of Aliens - 'long-term residence permit for the purpose of scientific research'. A foreign national who concluded with the Czech research institute a hosting agreement and 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. During their residence in the Czech Republic foreign nationals who are visa holders or any other residence permit holders may apply for this type of residence permit at the relevant department of the Alien Police.⁵⁶

The category of permanent residence for third-country nationals remains almost unchanged. With the aim to restrict abuse of a legal provision 'a family member of the Czech national' to acquire a permanent residence by third-country nationals a new provision was incorporated, effective of 21 December 2007, into the Act on the Residence of Aliens. 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.

As a result of implementation of relevant EC legal instruments in national law, a new category for third-country nationals was introduced - 'legal status of a long-term resident in an EU Member State'. This status is granted to foreigners applying for a permanent residence permit automatically if they satisfy a condition of continuous residence in the Czech Republic for a period of five years (of course including some other criteria stipulated by law). If a foreign national was granted a permanent residence permit without meeting a condition of continuous residence for five years (for

⁵⁵ For example: Council Directive No 2003/86/EC of 22 September 2003 on the right to family reunification, Council Directive 2004/114/EC of 13 December 2004 on the conditions for the admission of third country nationals for the purposes of study, student exchange, unremunerated training or voluntary service; Directive 2004/81/EC of 29 April 2004 on residence permits issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities; Council Directive No. 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long-term residents.

⁵⁶ Transposition of Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purpose of scientific research.

example due to humanitarian reasons) such foreigner may, after meeting a condition of five years residence, apply for the status in question. As regards national law this status is not significantly important. The status can become important once its holder intends to reside in any other EU Member States. In such case the status guarantees more favourable treatment than third-country nationals enjoy.

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 Act on Asylum) is another legal standard regulating conditions under which a foreign national may enter and reside in the Czech Republic. Also this legal act has been amended by a number of EC legal instruments.

The Act cited governs conditions under which a foreign national who showed an intention to request the Czech Republic for international protection in the form of asylum or subsidiary protection may enter and reside in the Czech Republic. It also regulates asylum seeker's residence and the residence of persons enjoying the subsidiary protection in the country.

An applicant requesting international protection under this Act is a foreign national requested the Czech Republic for international protection or a foreign national who applied for international protection in any other EU Member State but it is the Czech Republic which is competent to assess such application. A foreign national has a status of an asylum seeker during the proceedings on granting international protection and during court proceedings on an action filed against the decision of the Ministry under the special legal regulation provided that such appeal has a suspensory effect.

A recognised refugee is a foreign national who has been granted asylum under the Act cited, for the period specified in the relevant decision.

A person enjoying subsidiary protection means a foreign national who does not satisfy conditions for being granted asylum under the said Act and therefore he/she has been granted subsidiary protection for a period for which such decision on subsidiary protection is in effect.

Temporary protection is more limited than the right to asylum. Temporary protection plus other forms of subsidiary protection make up a set of standards designed to deal with the problem of displaced persons. The provision of temporary protection is regulated by *Act No. 221/2002 Coll. on Temporary Protection of Aliens*. Council Directive 2001/55/EC⁵⁷ has been incorporated into the Czech legal framework through this Act.

This legal regulation is independent from the Act on the Residence of Aliens and creates conditions for the consistent separation of the issue of displaced persons from general migration standards since, due to its nature; this issue is closer to asylum protection. Moreover, Directive 2001/55/EC itself lays down that temporary protection means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without an adverse effect on its efficient operation⁵⁸, in the interests of the persons concerned and other persons requesting protection. Under the new Directive, 'displaced persons means third country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organisations, and who are unable to return to safe and durable conditions because of the situation prevailing in that country'. The existence of a mass influx of displaced persons shall be established by a Council

⁵⁷ The Council of the European Union approved on 20 July 2001 the above-mentioned Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

⁵⁸ The institute of temporary protection must be considered as an additional type of asylum.

Decision adopted by a qualified majority on a proposal made by the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council, for example to extend temporary protection beyond the time limit stipulated in the decision. **Temporary protection will be implemented in Member States by the Decision of the Council of the European Union**⁵⁹ whereas an implementing phase will be based on the Council Directive cited.

II.2. VISA

In 2007 the Czech Republic's embassies and consulates received, via MVP/EVC 701,643 (which is + 37,988) visa applications, and granted or stamped 653,241 visas, which was 32,304 more visas than in 2006. The largest numbers of visas were issued or granted by the embassies or consulates in Moscow and Kiev, the Consulate General in Lviv, the Consulate General in St. Petersburg, , and the Economic and the embassy in Beograd.

Embassy/consulate	Visa application total	Short-term visa granted	Long-term visa stamped
Moscow	200 763	193,808	2,414
Kiev	76,354	65,785	4,546
Lviv	62,474	36,550	17,800
St. Petersburg	58,641	57,480	576
Beograd	38,569	37,172	459

The largest numbers of visa applications in 2007 were filed by citizens of **Russia** (the number of applications filed - 297,733; number of visas granted 292,316), **Ukraine** (the number of applications filed 156,864; number of visas granted 142,245), **Serbia and Montenegro** (the number of applications filed 35,137; number of visas granted 34,364), **Turkey**(the number of applications filed 28,408; number of visas granted 28,001), and **Taiwan** (the number of applications filed 25,758; number of visas granted 25,709).

II.3. CROSS-BORDER TRAFFIC

The Alien and Border Police Service protected until 21 December 2007 the external border of the Czech Republic where there were 151 border-crossing points, including 95 road, 32 railway, 4 river, and 20 airport border crossings, plus 32 border crossings for local border traffic (only at the border with Poland) and 190 paths for tourists (at the border with Poland, Austria, and Germany).



An essential and at the same time very important turning point in the protection of the national border was the midnight from 20 to 21 December 2007, when the Czech Republic became of a member of the Schengen area and abolished border checks along the border with all neighbouring countries. Since that date there have been Alien Police Inspectorates which protect

⁵⁹ Legal conditions for granting temporary protection shall be laid down by the Council Decision without any necessity to govern this procedure by a Government Regulation or any other manner used within the Czech national framework (for example repeat discussions in Government in the case that temporary protection is extended).

Schengen border at international airports in Prague-Ruzyne, Brno-Turany, Ostrava-Mosnov, Karlovy Vary and Pardubice.

The police officers of the ABPS cleared at the border crossing points of the Czech Republic in both directions approximately 267 million persons, which was by 4.6 million less than in the previous year (-1.7%).⁶⁰ The stated number included 11.9 million third country nationals and 255 million citizen of the European Union (including citizens of the Czech Republic).

Whilst the number of cleared persons, as stated above, decreased, the number of cleared vehicles considerably increased at border crossing points, as in previous years. In 2007 altogether 93.5 million vehicles in both directions were cleared at Czech border crossing points (+3.0 million, i.e. +3.1 %), of which 78.2 million were cars (+1.9 million, i.e. +2.5 %), 14.2 million trucks(+1.1 million, i.e. +8.4 %), 171.000 passenger trains (+2,800, i.e. +1.6 %) and 172.300 airplanes (-3,200, i.e. -1.8 %).

The increase in the number of cleared vehicles, in particular trucks, adversely affected not only traffic in the Czech Republic and the conditions of Czech roads and motorways, but it bore also a security risk in terms of the possible transportation of illegal migrants across the Czech Republic (see Chapter III. ILLEGAL MIGRATION). Bodies of the Alien and Border Police Service reacted to the increased numbers of cleared vehicles and carried out security checks of some vehicles indicated for example by police dogs.

⁶⁰ The data in parentheses show the difference between 2006 and 2007.

TRAFFIC ACROSS THE NATIONAL BORDER (BORDER CROSSING POINTS, LOCAL BORDER TRAFFIC, TOURIST PATHS)

BORDER CROSSING POINTS		Number
Arrival in the Czech Rep. number of persons		133,637,524
of them	EU nationals	127,684,269
	third-country nationals	5,132,536
	third country nationals subject to visa	820 719
Departure from the Czech Rep. number of persons		133,351,999
of them	EU nationals	127,453,267
	third-country nationals	5,099,686
	third country nationals subject to visa	799,046
Arrival in the Czech Rep number of vehicles		47,167,679
of which	cars	39,498,064
	trucks	7,135,953
	buses	327,351
	passenger trains	86,053
	freight trains	32,432
	airplanes	86,056
	passenger boats	1,055
	freight boats	715
Departure from the Czech Rep. number of vehicles		46,322,561
of which	cars	38,710 003
	trucks	7,080 494
	buses	327,844
	passenger trains	85,027
	freight trains	31,315
	airplanes	86,273
	passenger boats	1,125
	freight boats	480

Note: Data processed on the basis of records of selected activities of the Alien and Border Police Service in 2007

TOURIST PATHS		Number
Arrival in the Czech Rep. number of persons		372,539
of them	EU nationals	369,007
	third-country nationals	3,532
Departure from the Czech Rep. number of persons		357,171
of them	EU nationals	354,009
	third-country nationals	3,162

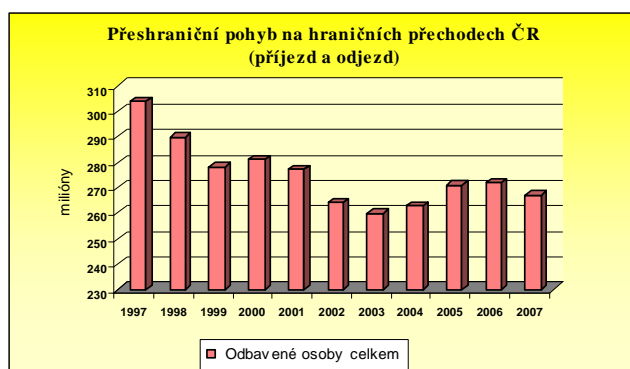
Note: Data processed on the basis of records of selected activities of the Alien and Border Police Service in 2007

LOCAL BORDER TRAFFIC		Number
Arrival in the Czech Rep. number of persons		290 351
of them	Czech nationals	124,621
	Nationals of a neighbouring country	165,730
Departure from the Czech Rep. number of persons		293,198
of them	Czech nationals	130 506
	Nationals of a neighbouring country	162,692
Arrival in the Czech Rep. number of vehicles which crossed the NB		80 599
of which	checked	80 599
Departure from the Czech Rep. number of vehicles which crossed the NB		79,506
of which	checked	79,506

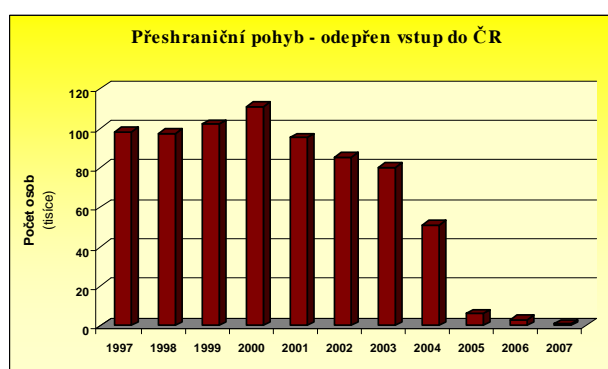
Note: Data processed on the basis of records of selected activities of the Alien and Border Police Service in 2007

One of the basic indicators monitored in the EU Member States in the context of illegal migration and the protection of national borders, is the number of persons who were rejected entry at the border crossing points of the respective state.⁶¹

The number of foreigners who were denied entry to the Czech Republic by the ABPS at border crossing points for failing to meet the conditions stipulated by law has shown a downward trend since 2001.



Cross-border traffic at Czech border crossing points (arrival and departure)



Cross-border traffic - entry to the Czech Republic denied

During 2007 police at border crossing points refused under Section 9 of Act No. 326/1999 Coll. to allow about 1,180 foreign nationals entry into the Czech Republic (i.e. -62.5 %). The number of foreigners denied was primarily made up of citizens of **Turkey** (227 persons), **Ukraine** (196 persons), **Russia** (99 persons), **Vietnam** (66 persons), and **China** (63 persons).

II.4. FOREIGN NATIONALS' RESIDENCE IN THE CZECH REPUBLIC

The conditions for the entry and residence of foreign nationals in the Czech Republic are regulated, as stipulated in the previous Chapter, by the Act on the Residence of Aliens. Steadily growing numbers of residence permits issued demonstrate the increased interest of foreign nationals in residing in the Czech Republic. However, with the increased interest of foreign nationals to live in the Czech Republic, some persons attempted to avoid the Act cited or to cheat relevant

⁶¹ EU Member States are obliged to collect such data and to distinguish the nationalities of persons and national border sections, and to send this, on a monthly basis, to Brussels for the requirements of CIREFI (Centre for the Analysis and Exchange of Information on Immigration) to be able to monitor illegal migration in Europe.

authorities.

In 2007 the situation pointed out already in the 2006 Status Report persisted, i.e. the increase in the number of application for permanent residence permit filed by foreign nationals who are parents of minor citizens of the Czech Republic. Paternity was in such cases determined by the agreement of both parents under Section 52 Act No. 94/1963 Coll., on Family, as amended. On the basis of the opinion issued by the Supreme Public Prosecutor's Office after consultations with the Ministry of Labour and Social Affairs an instruction on how to proceed in suspicious cases relating to paternity determined by the agreement of both parents was published for bodies of the Alien and Border Police Service. With regard to this procedure the relevant administrative bodies require opinions of parents on determining paternity, including the fact who really take care of the child concerned. Findings are further verified through bodies of legal and social protection of children which are obliged to draw up a report on the family in question. With a view to restrict fake statements on paternity and to verify whether parents state true data as regards social allowances cooperation and information exchanges between departments of Alien Police, bodies of legal and social support and authorities providing social allowances intensified.

The same trend persists as regards permanent residence permits for the purpose of reunification of the family of a Czech national (or an EU citizen) and a third-country national. As in 2006 cases of fake (fictitious) marriages were recorded. The use of fake marriages is especially frequent among Vietnamese citizens. Such conduct of foreign nationals is solved by the amendment to the Act on the Residence of Aliens which came into effect on 21 December 2007.⁶²

Bodies of the Alien Police Service detected abuse of visa for over 90 days where the purpose of the visa is an 'executive manager – participation in a legal entity'. New cooperative companies or limited liability companies are established which, however, do not carry out any activities apart from depositing basic capital from foreign nationals thus allowing them to obtain a long term residence permit in the Czech Republic. Inspections revealed that majority of such companies are fictitious and do not carry out any economic activities or any business. Companies often do not reside at addresses listed in the Companies Register and their members are payers of neither social nor health insurance fees or any other mandatory fees (for example contribution to the employment fund of the Czech Republic). If such companies perform some activities the checked persons are not usually employed with this company and they do not perform a managerial position. Such activities are punishable within administrative proceedings only in close cooperation with labour office and customs bodies.

A problem which occurs when foreigners apply for individual types of residence concerns forged documents. In many cases, especially as regards Vietnamese nationals, there is a suspicion that foreigners submit forged documents from vital records, in particular birth certificates where there are doubts about parents of a child. Departments of Alien Police more frequently started to use an option to verify authenticity of such documents through the embassy of the Czech Republic in Vietnam. Forged documents were confirmed in a number of cases. In 2007 the similar problem was solved in relation to citizens of Mongolia. As regards both nationalities the Directorate of the Alien Police adopted specific measures to restrict such phenomena.

In the first half of 2007 increased attention was paid to documents concerning health insurance submitted by foreigners applying for individual types of residence. Insurance companies with a registered seat abroad were examined with the aim to find out whether insurance companies concerned were authorised to enter into such insurance policy.

Departments of the Alien Police also verified translator's clauses stamped on translated documents filed by third-country nationals with the aim to find out whether these were not false.

⁶² See Chapter I.2. LEGISLATIVE FRAMEWORK

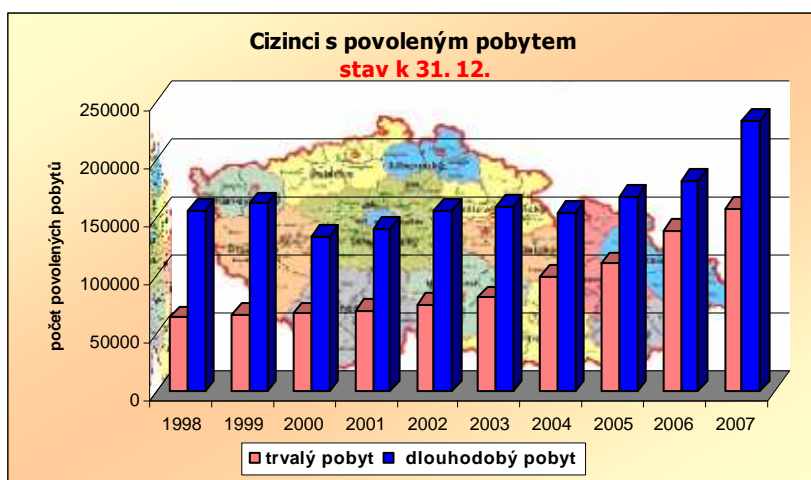
Since 1 September 2007 departments of the Alien Police examined foreign nationals in possession of permanent residence permits, using the Schengen Information System, and in case they found records proceedings, under Article 96 of the Convention implementing the Schengen Agreement were commenced with the aim to discontinue permanent residence in the Czech Republic.

II.4.1. Foreign Nationals Having Czech Residence Permits

The Directorates of the Alien Police registered, as of 31 December 2007, in total 392,087 foreign nationals (+70 631 persons, i.e. +22.0%) holding (Czech) residence permits in the Czech Republic.

Figure below: Foreign nationals having residence permits in the Czech Republic as of 31 December

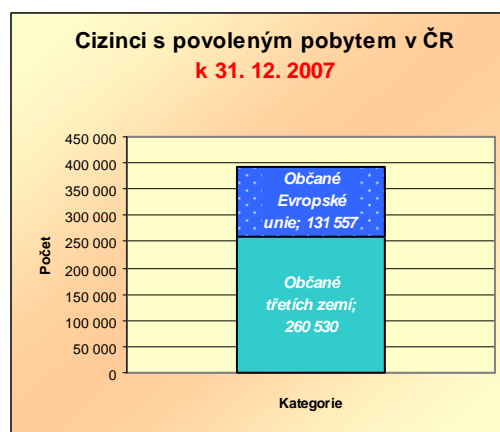
Red = permanent residence, blue =long-term residence



Of this number 158,018 foreign nationals were in possession of permanent residence permits, where an increase by 13.5 % was recorded (in absolute figures it is a growth by 18,833 persons) and 234,069 foreigners had long-term residence permits ⁶³ (+51,798 persons, i.e. +28.4 %).

Figure: Foreign nationals in possession of any type of residence permits in the Czech Republic as of 31 December 2007 Blue –EU citizens, Green – third-country nationals

As of 31 December 2007, **EU citizens represented almost one third** of the total number of foreign nationals having residence permits (131,557 persons, i.e. 33.6). ⁶⁴ The proportion of both categories of permitted residence was, contrary to third-country nationals, in balance. 52,977 citizens were recorded in the category of persons in possession of permanent residence permits (which accounted for about 33.5 % of the total number of foreign nationals) and 78,580 were registered as holders of temporary residency permits (approximately 33.5 % of the total number of foreigners living in the Czech



⁶³ or statistical purposes, long-term residence is considered to be:

- residence upon a visa for over 90 days;
- the temporary residence of Slovak nationals under international agreement, who were upon their application issued confirmation of their temporary residence (until 30 April 2004);
- residence upon a long-term residence permit;

⁶⁴ Application of the right of EU citizens to freedom of movement and residence affects statistical records. Statistical surveys record only those EU citizens who applied for or who were issued with special residence permits, however those who enjoy their above-mentioned right are not included in statistical data. This is the reason why the number of EU citizens residing in the Czech Republic is higher than the number reflected in statistical registers.

Republic on the basis of long-term residency permits).

Since the establishment of the Czech Republic the highest year-to-year increase in holders of residence permits was recorded in the Czech Republic in 2007. It must be noted that this increase in the number of holders of residence permits is not only the highest but in comparison with the previous year it is also very considerable. If current data is compared with the situation as of 31 December 1993 it is obvious that the importance of the Czech Republic is on the rise as regards international migration because at the time when the Czech Republic was established only 77,668 foreigners (of them 31,072 foreigners with permanent residence, 46,070 foreign nationals were in possession of long-term residence permits, and 526 were stateless foreigners) were permitted to legally reside in the Czech Republic.

Legal migration – monthly increments of foreigners in possession of residence permits in 2007

As of 31 Jan	As of 28 Feb	As of 31 March	As of 30 Apr	As of 31 May	As of 30 June	As of 31 July	As of 31 Aug	As of k 30 Sep	As of 31 Oct	As of 30 Nov	As of 31 Dec
327,670	333,742	339,589	346,125	351,203	356,014	361,791	368,781	376,210	384,685	388,910	392,087
+6,214	+6,072	+5,847	+6,536	+5,078	+4,811	+5,777	+6,990	+7,429	+8,475	+4,225	+3,177

The above overview demonstrates that the increase in the number of foreigners – residence permit holders – reached the top in October (+8,465 persons).

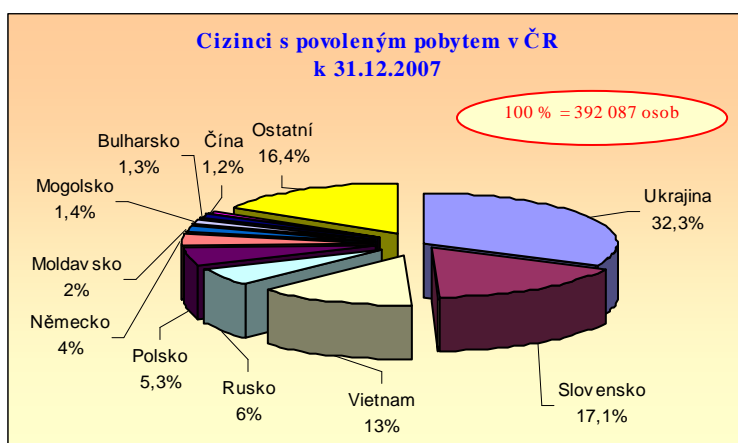
On the basis of statistical data analysis it may be stated that the first five nationalities in the statistical records of legal residence in the Czech Republic did not change when compared to previous years; in 2007 there was only the change in the sequence when on the fourth place was Russia instead of Poland, which is now the fifth country.

In 2007 nationals of Mongolia occurred among the first ten nationalities, in particular due to persons whose long-term residence was legally permitted.

Citizens of **Ukraine** were the most numerous group of citizens possessing a residence permit in the Czech Republic (126,526 persons, +23,932 persons, i.e. +23.4 %). The stated number was the highest since the establishment of the independent Czech Republic and accounted for 32.3 % the total number of foreign nationals permitted residence in the Czech Republic. Citizens of Ukraine were holders of especially long-term residence permits (74.2 % of the total number of citizens of Ukraine in possession of residence permits in the Czech Republic). In this category they represented by far the largest group of foreigners, participating in the total number of foreign nationals having long-term residence permits by almost 40.1 % (93,907 persons, +16,721 persons, i.e. +21.7 %). Citizens of Ukraine occupied second place among foreigners who were holders of permanent residence permits (32,619 persons, +7,211 persons, i.e. +28.3 %).

Figure: Foreign nationals holding Czech residence permits as od 31 December 2007

More than a half of Ukrainian nationals in possession of long-term residence permits were registered within the territory under the competence of the TD APS of Prague (50,728 persons, i.e. 54.0 %), followed by the TD APS Brno (12,869 persons, i.e. 13.7 %) and TD APS Usti nad Labem (9,524 persons, i.e. 10.1 %). This division corresponds with distribution within the administrative regions. The most citizens of Ukraine with residence permits were recorded



in Prague (37,938 persons, i.e. 40.4 %), the Central Bohemian Region (12,790 persons, i.e. 13.6 %), and the South Moravian Region (10 589 persons, i.e. 11.3 %).

As for the category of permanent residence, most Ukrainian nationals were also registered in the territory administered by the TD APS of Prague (14,176 persons, i.e. 43.5 %), followed by the TD APS of Usti nad Labem (4,116 person, i.e. 12.6 %) and TD APS of Pilsen (3,760 persons, i.e. 11.5 %). According to the administrative structure of the Czech Republic the largest groups of nationals of Ukraine holding permanent residence permits were reported in Prague (8,885 persons, i.e. 27.2 %), in the Central Bohemian Region (5,295 persons, i.e. 16.2 %), and the Usti Region (2,426 persons, i.e. 7.4 %).

The second largest group, which accounts for 17.1 %, was represented by citizens of **the Slovak Republic** (67,880 persons, +9,496 persons, i.e. +16.3 %). They reside in the Czech Republic mainly on the basis of confirmation of their temporary residence (64.0 % of the total number of Slovak nationals legally residing in the Czech Republic). A growth was reported also in the case of permanent residence permits - 8.8 % (24,444 persons, +1,972 persons) and temporary residence - 21.0 % (43,436 persons, +7,524 persons).

With regard to the category of long-term residence permits (this means a temporal residence in the case of Slovak nationals) it was the TD APS of Prague which recorded the highest number of Slovak citizens as of 31 December 2007 (21,793 persons, i.e. 50.2 %), followed by TD APS Brno (5,618 persons, i.e. 12.9 %) and TD APS of Ostrava (4,676 persons, i.e. 10.8 %). According to the administrative structure of the Czech Republic the largest numbers of Slovak citizens in this category were reported from Prague (13,266 persons, i.e. 30.5 %), the Central Bohemian Region (8,527 persons, i.e. 19.6 %) and the South Moravian Region (3,481 persons, i.e. 8.0 %).

Most citizens of Slovakia in possession of permanent residence permits were recorded in the territory administered by the TD APS of Prague (8,214 persons, i.e. 33.6 %), TD APS of Brno (4,355 persons, i.e. 17.1 %) and TD APS of Ostrava (4,304 persons, i.e. 17.6 %). According to the administrative structure of the Czech Republic the sequence of regions with the largest numbers of Slovak nationals was as follows: Prague (4,753 persons, i.e. 19.4 %), the Central Bohemian Region (3,461 persons, i.e. 14.2 %) and the Moravian-Silesian Region (3,205 persons, i.e. 13.1 %).

The number of citizens of **Vietnam** with residence permits in the Czech Republic has increased steadily (50,955 persons, +10,176 persons, i.e. +24.9 %). Among these nationals the number of persons with a permanent residence permit prevails (32,766 persons, i.e. 64.3 % of the total number of citizens of Vietnam). As of 31 December 2007 in total 18,189 citizens of Vietnam in possession of long-term residence permits were recorded in the Czech Republic (+7,948 persons, i.e. +77.6 %). As compared to 2006 this category displayed a twofold growth.

Most citizens of Vietnam possessing long-term residence permits were registered in the territory under the jurisdiction of the TD APS of Prague (5,347 persons, i.e. 29.4 %), TD APS of Usti nad Labem (4,009 persons, i.e. 22.0 %) and TD APS of Pilsen (3,940 persons, i.e. 21.7 %). According to the administrative structure of the Czech Republic the majority of Vietnamese nationals holding long-term residency permits were reported in the capital city of Prague (3,295 persons, i.e. 18.1 %), the Usti Region (3,251 persons, i.e. 17.9 %) and the Karlovy Vary Region (2,470 persons, i.e. 13.6 %).

With regard to the category of permanent residence, most citizens of Vietnam were recorded in the territory administered by the TD APS of Pilsen (9,531 persons, i.e. 29.1 %) where they formed almost a half of all foreigners possessing a permanent residence permits. This territory was followed by the TD APS Prague (7,231 persons, i.e. 22.1 %) and TD APS Usti nad Labem (6,150 persons, i.e. 18.8 %). According to the administrative structure of the Czech Republic the largest numbers of Vietnamese nationals in possession of permanent residence permits were registered in the Karlovy Vary Region (6,745 persons, i.e. 20.6 %), the Usti Region (5,158 persons, i.e. 15.7 %)

and in Prague (4,868 persons, i.e. 14.9 %).

As for other places the aforementioned nationalities were followed by citizens of **Russia** (23,301 persons, +4,739 persons, +25.5 %) and **Poland** (20 607 persons, +1,713 persons, i.e. +9.1%).

It is quite interesting that citizens of countries who occupied the first five positions in the statistical records of permitted residence formed almost two thirds of the total number of foreign nationals in possession of residence permits in the Czech Republic as of 31 December 2007.

Higher concentrations of foreign nationals legally residing in the Czech Republic are obvious especially in regions with larger cities where are better conditions for employment and business undertaking as well as greater anonymity. They also move to borderland regions, in particular to the border with Germany and Austria, where they use purchase force of foreign clients (shops and restaurants).

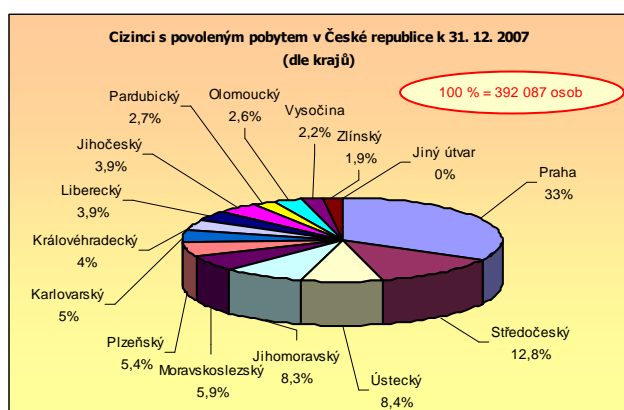
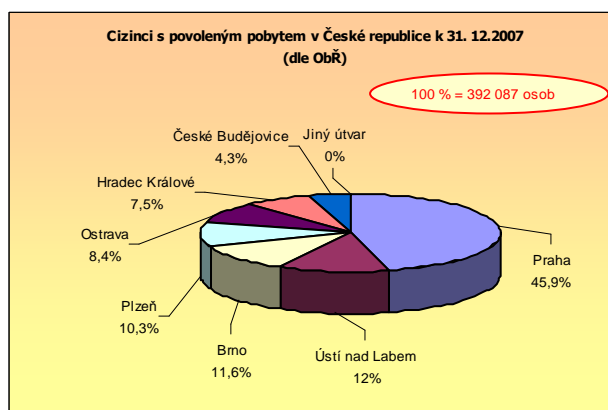


Fig: Foreign nationals in possession of residence permits the Czech Rep. as of 31 Dec 2007 (administration structure)



Foreign nationals in possession of residence permits in the Czech Rep. as of 31 Dec 2007 (according to TDs)

All **ABPS TDs** reported as of 31 December 2007 year-on-year increases in the number of foreign nationals in possession of residence permits. Traditionally the highest numbers of foreign nationals were registered in the territory administered by the TD APS of Prague (+33,393 persons), and TD APS Pilsen (+28.5 %). The most foreigners, 45.8 % of the total number of foreign nationals residing in the Czech Republic (in an absolute figure it is 179,477 persons), resided in Prague of which 70.6 % (i.e. 129,161 persons) lived directly in the territory of the capital city of Prague.

In terms of **the administrative structure of the Czech Republic**, as of 31 December 2007 most foreign nationals in possession of residence permits was registered in the capital city of Prague (129,161 persons, i.e. 32.9 %). Their number reached almost one third of all foreigners legally residing in the Czech Republic. Prague was followed by the Central Bohemian Region (50 327 persons, i.e. 12.8 %) and the Usti Region (33,061 persons, i.e. 8.4 %). The lowest number of foreign nationals legally residing in the Czech Republic was reported from the Zlin Region (7,637 persons, i.e. 1.9 %), the Vysočina Region(8,756 persons, i.e. 2.2 %) and the Olomouc Region (10 065 persons, i.e. 2.6 %).

In 2007 all self-governing units reported a year-on-year increase with the highest being in the Pilsen Region(+36.8 %), the Pardubice Region (+37.8 %) and the Usti Region (+25.6 %).

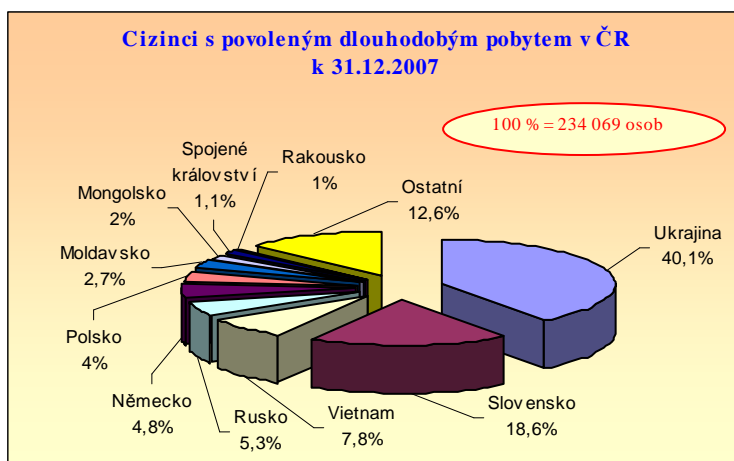
II.4.2. Temporary Residence with Long-Term Visas, Long-term Residence, and Temporary Residence of EU Nationals

As of 31 December 2007 the Directorate of the Alien Police Service of the Czech Police registered 234,069 (+51,798 persons, i.e. +28.4 %) foreigners staying in the Czech Republic on the basis of a long-term residence permit. Of the stated number there were 153,731 male foreigners and 80,338 female foreigners.

The prevailing purpose of stay for the category of foreigners staying in the Czech Republic with long-term residence permits was employment, business undertaking, and participation in the legal entity.

The most numerous nationalities within this group were citizens of **Ukraine** (93,907 persons, +16,721 persons, i.e. +21.7 %). Their share in the total number of foreigners - long-term residence permit holders – was 40.1 %. Ukrainian nationals were followed, at a far distance, by citizens of **the Slovak Republic** (43,436 persons, +7,524 persons, i.e. +21.0 %) and citizens of **Vietnam** (18,189 persons, +7,948 persons, i.e. +77.6 %).

Figure below: Foreign nationals holding long-term residence permits in the Czech Republic as of 31 December 2007



All three aforementioned nationalities also displayed the highest year-to-year growth.

Although nationals of **Germany** occupied in statistical records of foreigners legally residing in the Czech Republic with the number of 11,278 persons the fifth position they belong among those foreigners who displayed the largest year-to-year increase (+5,389, +91.5 %).

The highest number of foreign nationals in possession of long-term residence permits **were reported** by the **TD APS** of Prague (118,415 persons, i.e. 50.9 % of the total number of foreigners living legally in the Czech Republic), followed by TD APS of Brno (26,377 persons, i.e. 11.3 % of the total number of foreigners living legally in the Czech Republic) and TD APS of Usti nad Labem (25,552 persons, i.e. 10.9 % of the total number of foreigners living legally in the Czech Republic).

If taking into account the administrative structure of the Czech Republic the most citizens possessing long-term residence permits (86,962 persons, i.e. 37.2 % of the total number of foreigners living legally in the Czech Republic) were, as of 31 December 2007, registered in the capital city of Prague, followed, at a considerable distance, by the Central Bohemian Region (31,453 persons, i.e. 13.4 % of the total number of foreigners living legally in the Czech Republic) and the South Moravian Region (19,611 persons, i.e. 8.4 % of the total number of foreigners living legally in the Czech Republic).

Altogether 72,831 applications for **visas for over 90 days** of stay were received during 2007 at Czech embassies and consulates, of which 59,569 (+23,600, i.e. +65.6%) applications for visas for over 90 days of stay were processed with a positive results and 9,213 were rejected (+2,754, i.e. +42.6%). During the same period 1,018 (+49, i.e. +5.1%) visas were invalidated. Further 484 applications for **visa over 90 days for the purpose of leave to remain in the Czech Republic**

were received (-116, i.e.-19.3 %), whilst 38 (-56, i.e. -59.6 %) visas were not granted. Moreover, 218 visas of this type (+45, i.e. +26.0 %), were extended while 13 (+12, i.e. 1200.0%) visas were not extended and the validity of 11 visas was cancelled (as in 2006).

Furthermore, units of APS received, within the period reviewed, 44,591 (+15,107, i.e. +51.2%) **applications for long-term residence permits** and issued 39,047 (+9,566, i.e. +32.4%) long-term residence permits to foreign nationals. In 321 cases (+75, i.e. +30.5%) applications for long-term residence permits were rejected and 1,146 (+60, i.e.+5.5%) applications were, within administrative proceedings, discontinued. In the given year long-term units of APS received 30 371 (-36,623, i.e. -54.7%) **applications for long-term residence permit extension**, and long-term residence permits were extended for 27,175 foreign nationals (43,593, i.e. -61.6%), while in 267 cases (-15, i.e. -5.3%) applications for extension of the visa concerned was rejected and v 341 cases (+19, i.e. +5.9) the proceedings were discontinued. In 2,092 cases (-1,186, i.e. -36.2%) long-term residence permits were cancelled.

In the course of 2007 bodies of APS received 18 (-52, i.e. -74.3 %) for **a long-term residence permit for the purpose of tolerated stay (leave to remain)**. Positive decisions were taken in the case of 11 applications (-25, i.e. -69.4), whereby three applications were rejected (-3; i.e.-100.0 %). In addition, ten long-term permits for tolerated stay in the Czech Republic were extended (-2, i.e. -16.7%), and in two cases the application for extension were rejected (+1, i.e. +100.0 %) and in one cases the residence permit for the purpose of tolerated stay was cancelled.

In 2007 **EU nationals** (and their family members) filed 22,353 (+13,120, +144.5 %) **applications for temporary residence permits**. Units of the APS processed and issued 26,832 (+3,950, i.e. +17.3 %) temporary residence confirmations for EU nationals and d their family members, however, 264 applications were rejected. A further 102 cards (-341, -77.0 %) on the residence of a family members if an EU citizens were extended while six (+4. i.e. +200.0 %) applications for extension were rejected. Temporary residence permits were cancelled for EU citizens in 116 cases and in ten cases these were cancelled for family members of EU nationals. Validity of conformations was cancelled in 770 cases.

Legal migration – foreign nationals in possession of **long-term residence permits**, development in 2007

A quarter of a year	As of 31 March 2007	As of 30 June 2007	As of 30 September 2007	As of 31 December 2007
Total foreign nationals	339,589	356,014	376,210	392,087
of which				
long-term residence (temporary)	195,239	207,454	222,699	234,069

II.4.3. Permanent Residence

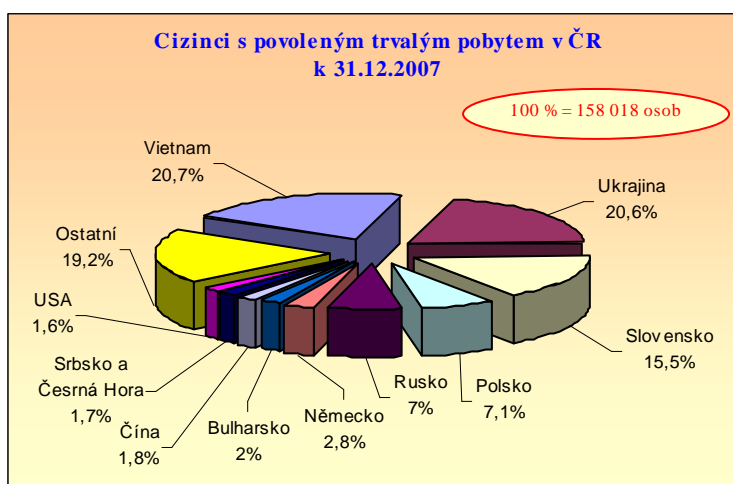
By the end of 2007, the Directorate of the Alien Police Service of the Czech Police registered 158,018 (+18,018 persons, i.e. +13.5 %) foreigners holding permanent residence permits. More than one third of those persons were citizens of EU Member States (52,977 persons, i.e. 33.5 %).

The proportion of male and females was in the category almost in balance. The category comprised 83,082 men and 74,936 women.

The prevailing reason for permitting permanent residence in the Czech Republic has been for a long time family reunification.

Figure: Foreigners Permanently Residing in the Czech Republic of 31 December 2007

The biggest group in the category of foreigners having a permanent residence permit in the Czech Republic was for several subsequent years that of citizens of **Vietnam** (32,766 persons, +2,228 persons, i.e. +7.3 %). The foreign nationals with the biggest year-on-year increase were, as in the previous year, citizens of **Ukraine** (32,619 persons, +7,211 persons, i.e. +65.7 %), who were at the same time the second most numerous nationality. The third largest group was represented by citizens of **Slovakia** (24,444 persons, +1,972 persons, i.e. +8.8 %). A year-on-year decline in this category was reported among citizens of **Poland** (11,288 persons, -32 persons, i.e. -0.3 %) followed at a considerable distance by **Russian nationals** (10,897 persons, +2,001 persons, i.e. +42.5 %), who, however, showed the third largest increase.



Most foreigners residing in the Czech Republic under permanent residence permits were registered in the territory administered by the **TD APS of Prague** (61,062 persons, i.e. 38.6 %), TD APS of Usti nad Labem (21,112 persons, i.e. 13.4 %) and TD APS of Pilsen (20,683 persons, i.e. 13.1 %).

In accordance with the administrative structure of the Czech Republic, most citizens were recorded in the capital city of Prague (42,199 persons, i.e. 26.7 %), followed by the Central Bohemian Region (18,874 persons, i.e. 11.9 %) and the Usti Region (14,682 persons, i.e. 9.3 %).

In total 13,613 (-15,198, i.e. -52.8 %) applications for permanent residence were received during 2006, of which 1,616 were received at embassies and consulates of the Czech Republic and (-879, i.e. -35.2 %) and 11,997 (-14,319, i.e. -54.4 %) directly in the Czech Republic. The positive decision was taken in the case of 14,380 (-8,724, i.e. -37.8 %) applications whilst 731 applications were rejected. Proceedings were discontinued in 292 cases. In compliance with Sec. 77 of the Act on the Residence of Aliens 152 (+24, i.e. +18.8 %) residence permits were invalidated and in accordance with Sec. 76 of the said Act 1,388 residence permits expired. At the same time in 2007 in total 1,162 (-1,123, i.e. -49.1%) residence permits were extended.

In 2007 **EU nationals** filed 7,115 applications for permanent residence permits (+3,653, i.e. +17.3 %) and 6,709 (-615, i.e. -8.4 %) EU citizens and family members were issued permanent residence permits. 529 (+209, i.e. 65.3 %) applications were rejected. Units of APS extended 574

(-264, i.e.-31.5 %) permanent residence permits of EU nationals and only in five cases (+3, i.e.+150.0 %) applications were turned down. During the year 2007 in total 339 cases (+130, i.e.+62.2 %) a reason for cancelling or invalidating permanent residence permits was found out.

Legal migration – foreign nationals in possession of permanent residence permits, development in 2007

A quarter of a year	As of 31 March 2007	As of 30 June 2007	As of 30 September 2007	As of 31 December 2007
Total foreign nationals	339,589	356,014	376,210	392,087
of which				
permanent residents	144,350	148,560	153,511	158,018

II.5. EMPLOYMENT AND ENTREPRENEURSHIP OF FOREIGN NATIONALS IN THE CZECH REPUBLIC

II.5.1. Employment of Foreign Nationals in the Czech Republic

The Act on Employment was amended in relation to adoption of Act 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, and Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended, and amending some other acts.

The amendment clarifies status of family members of Czech nationals who are neither citizens of the Czech Republic nor of any other EU Member States but who have in legal relations regulated by the Act on Employment the same legal position as a citizen of the Czech Republic unless the Act cited stipulates otherwise.

The adopted amendment also re-evaluated the category of foreign nationals who do not need, if they want to be employed in the Czech Republic, a job permit. Only an employer is obliged to inform in writing on this fact a relevant Labour Office not later than on the date when the foreigner concerned begins to for him/her. It is a foreigner who

- is a person enjoying a subsidiary protection in compliance with the Act on Asylum (such persons do not meet conditions for being granted asylum under the Act on Asylum, however, there are concerns that if they return to their country of origin they could become victims of pursuit;
- will in the Czech Republic perform a profession of a teacher or academic worker of a higher education institution or he/she will work as a scientific, research or development worker for a public research institute in compliance with Act No. 341/2005 Coll., on Public Research Institutes.

As of 31 December 2007 in total **204,242 foreign nationals**, were employed in the Czech Republic, of whom 85,351 persons were employed on the basis of valid work permits; further there were 144,751 nationals of EU/EEA and nationals of Switzerland, and 10,140 other foreign nationals not obliged to have work permits.

Legal migration – **employment of foreign nationals** (data provided by the MLSA of the Czech Republic)

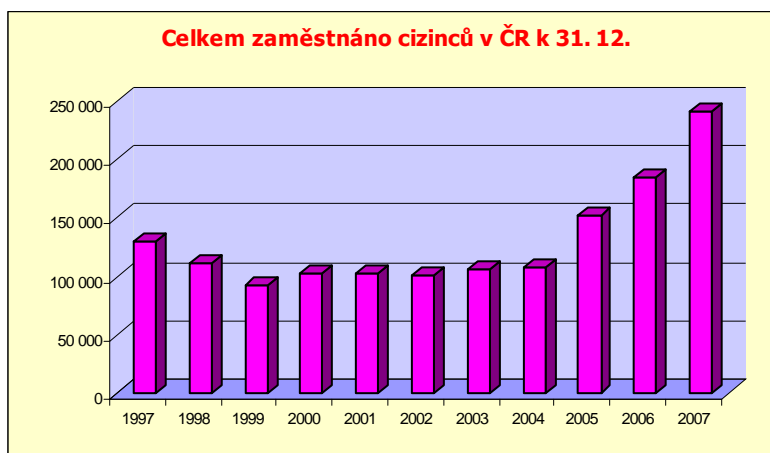
Year	valid work permits	information – third country nationals as employees	registration/ information – Slovak citizens as employees	information - EU EEA/ECFT (without Slovakia) as employees
1998	49,927	-	61,320	-
1999	40 312	-	53,154	-
2000	40 080	-	63,567	-
2001	40 097	-	63,555	-
2002	44,621	-	56,558	-
2003	47,704	-	58,034	-
2004	34,397	747	59,817	13,023
2005	55,210	2,659	75,297	18,570
2006	61,452	6,777	91,355	25,491
2007	85,351	10 140	101,233	43,518

By comparing the number of valid work permits and the number of valid registrations with Labour Offices it is obvious that the numbers of foreign nationals employed in the Czech Republic increased considerably, namely by 55,167 persons. An increase in 2007 amounted as regards third

Fig. Total number of foreign nationals employed in the Czech Republic as of 31 December

country nationals in possession of valid job permits to 23,899 persons, as regards third-country nationals who work as employees to 3,363 and citizens of EU/EEA and Switzerland to 27,905 persons.

Of the total number of 240,242 foreigners who we rerecorded by Labour Offices women accounted approximately for 32.8 % (an absolute figure is 78,836 women). With regard to the fact that in previous year the proportion of women was 31.6% a slight increase was reported



Taking administrative regions into account most foreigners were employed in Prague (76,524, foreigners, of them 26,817 were women), in the Central Bohemian Region (37,340, of them 10 825 were women) and in the South Moravian Region (21,938 persons, of them 7,084 were women). The number of foreign nationals employed in the aforementioned three regions accounted for 56.5% of the total number.

Traditionally, the largest numbers of legally employed persons come to the Czech Republic from the **Slovak Republic** (101,233; i.e. +9,878), **Ukraine** (61,592, i.e. +15,437), and **Poland** (23,642; i.e. +6,493) followed by lower numbers of nationals of **Mongolia** (6,897; i.e. +4,083) and **Moldova** (5,503; i.e. +2,134). The first five nationalities accounted for about 97.4 % of the total number of foreign nationals employed in the Czech Republic.

II.5.1.1. Support of Mobility and Solution of Imbalance in the Labour Market – EURES

The European Information and Advisory system - EURES - aims at supporting mobility and helping to solve imbalance between the demand and supply in European, as well as national labour markets

The system EURES CR is an integral part of the Employment Service Administration of the Ministry of Labour and Social Affairs. Three-year as well as annual plans of EURES CR result from strategic planning regarding the targets of Czech employment policy. The Czech labour market, as well as labour markets in other EU Member States, is coping with a lack of labour force in some professions which, due to future adverse demographic development, cannot be solved by the Czech Republic's own resources. Acquiring a qualified labour force from abroad (including non-EU countries) and helping Czech Employers to obtain good labourers for their companies is one of the principal objectives of employment policy, both in the Czech Republic, and within the EURES system.

The EURES information network has become, during the three years of its operations in the Czech Republic, a much-sought-for service of Czech Labour Offices. An extensive information campaign through media, information brochures, lectures and seminars help increase awareness of this service.

Officers of the EURES CR system strive to regulate labour force demand in some sectors of the national economy through monitoring the labour market. Good and effective cooperation was entered into with employers, trade unions, universities, schools, information centres, and other institutions in all regions of the Czech Republic.

Collaboration with employers is also getting better. EURES advisors participated in 200 meetings, seminars, and presentations, and took part in a number of European Labour Exchanges. Czech employers are very successful when hiring labourers in Poland and Slovakia. Cooperation with Romanian and Bulgarian employment services is starting to come about. In particular, information regarding illegal employment is exchanged.

In the context of persistent transitional periods in some Member States and related administrative matters concerning access to labour markets, EURES advisors endeavour to provide EURES clients and officials of Labour Offices with complete information. EURES CR websites are a basic information source on transitional periods and respective changes in this area (www.portal.mpsv.cz/eures). About 20,000 interested people visit monthly these web sites where information is regularly updated. Clients are provided here with detailed information on individual Member States. This information is regularly updated. An extensive information campaign through radio, television and newspapers contributes to the knowledge of clients. Information leaflets and websites contain information which can be also used by third-country citizens since their access to the Czech labour market requires a labour permit.

In the course of 2007 activities relating to the development of future borderland EURES-T projects were carried out. Negotiations were conducted with all neighbouring countries. In particular, cooperation with Bavaria was very successful. The first EURES-T partnerships between a 'new' and an 'old' EU Member State was officially recognised by the European Commission and mutual cooperation has so far been successful. Progress has also been achieved in the case of trilateral borderland cooperation - EURES-T TriRegio (Silesia, Bohemia, and Saxony) and the Beskydy Mountains (the Czech Republic, Poland, and Slovakia).

With regards to the needs of the Czech labour market and EURES clients (job seekers and employers), labour immigration countries (Ireland, the United Kingdom, Germany, and Austria) and immigration countries (Poland, Slovakia, Bulgaria, and Romania) were defined within the three-year 'EURES 2007 – 2010 Plan of Activities' for future functioning of the system. The majority of EURES activities will in future years focus on developing cooperation with these states – through recruiting and information campaigns as well as by means of information leaflets and brochures, and last but not least by creating website gateways both for Czech and third-country clients. Quality of information will be enhanced by mutual meetings of EURES advisors and managers of participating countries (trainings, information seminars and so on).

Not only European labour markets, but also third-country labour markets, will be regularly monitored by EURES advisors and in order to enhance a ministerial information gateway the current language versions (English and German) of the EURES information system on job vacancies and on possibilities of employing EU/EEA as well non-European workers in the Czech Republic will be extended to include the Polish, Bulgarian, Romanian, and Ukrainian languages.

II.5.1.2. Illegal Employment of Foreign Nationals

Coordination and cooperation in combating illegal employment of foreign nationals is ensured through the Inter-ministerial Body for Combating Illegal Employment of Foreign Nationals (hereinafter referred to as the 'Inter-ministerial Body'), for which the responsible party is the Ministry of Labour and Social Affairs.

In spring 2007 the '*2006 Summary Information on Activities Implemented by Competent Ministries or their Executive Units in the Field of Combating Illegal Employment of Foreign Nationals*' (hereinafter referred to as the 'Summary Report') was submitted to the Government through the Inter-ministerial Body. The Ministry of Labour and Social Affairs, as a main coordinator of work carried out by the Inter-ministerial Body, submits this document to the Government for its information on the basis of findings obtained from the Ministry of the Interior, the Ministry of Industry and Trade, the Ministry of Finance (the General Directorate of Customs), and the Security Intelligence Service.

In June 2007 the Employment Service Administration of MLSA organised the 14th meeting of the Inter-ministerial Body, whose principal objective was to evaluate the situation regarding the illegal employment of foreigners in 2007, as gathered from the submitted Summary Information. The following, 15th, meeting of the inter-ministerial Body dealt with topical issues and research activities pertaining to the area of illegal employment. It was held in October 2007. The 2007 last meeting was organised in December and its main topic was to summarise activities of all ministries involved in this matter in 2007. At the same time prepared legislative changes were presented and outcomes of informative seminars aimed at illegal employment of foreign nations were presented for Labour Offices.

In 2007 inspection units of Labour Offices carried out 10 559 inspections of which 1,484 inspections of employers employing foreign workers. The highest number of inspections was initiated by Labour Offices (821), followed by the Customs Administration (264) and the Alien Police Service (267). The Customs Administration and the Alien Police Service were the authorities most participated in inspections (360, or 396 respectively).

During control actions carried out in 2007 in total 21,897 foreign workers were checked, and of this number 3,825 illegalities were found; 1,662 persons were illegally employed (of them 594 were women) whilst employers did not satisfy their reporting duty in 2,163 cases imposed under Section 87 of the Act on Employment.

In total 785 fines amounting to CZK 21,896,900 were imposed. Of this number employees received 136 fines totalling CZK 330 700 and employers were imposed 649 fines amounting to CZK 21,566,200.

From the long point of view citizens of Ukraine (1,226 persons) and Slovakia (1,418 persons) rank among the most numerous groups comprising illegally employed or not duly reported labourers.

Ranking according to the numbers of illegally employed foreign workers (third country nationals + EU/EEA and Swiss nationals) – TOP 10

2004		2005		2006		2007		
1.	Ukraine		Ukraine	1,452	Slovakia	1,836	Ukraine	1,418
2.	Slovakia	397	Slovakia	123	Ukraine	1,280	Slovakia	1,292
3.	Russia	102	Vietnam	109	Vietnam	147	Poland	380
4.	Moldova	41	Bulgaria	98	Romania	123	Vietnam	296
5.	Vietnam	40	Moldova	86	Poland	88	Moldova, Bulgaria	105
6.	Mongolia	28	Romania	54	Bulgaria	63	Romania	77
7.	Bulgaria	19	Taiwan	36	Moldova	61	China	40
8.	Romania	11	Russia	35	China	59	Mongolia	19
9.	China	8	China	27	USA, Belarus	22	Russia	16
10.	Not ascertained **	73	Macedonia	13	Germany	20	Germany	15

* Labour Offices did not state the data on nationality

Source: MLASA (2007) – Evaluation of foreign labourers in the labour market of the Czech Republic in 2007

Checks are carried out on the basis of results of monitoring performed, on an ongoing basis, by Labour Offices as well as on the basis of received information. Thanks to these sources Labour Offices are aware of the fact in which sectors illegal work is most frequently performed. These are primarily services for enterprises (381 cases, with a maximum number of women - 135), construction sector (399 cases of which 67 were women), retail sale and repairs of consumer goods (137 case of which 60 were women) and also restaurants and accommodation services, production of metal constructions and metal products , production of rubber and plastic goods, and last but not leas production of food and drinks (99 cases of which 24 were women) or 92 cases respectively (of which nine were women), or 85 (of which 24 women), or 67 cases (of which 47 women). Women in other sectors, apart from 46 persons in the category ‘production of electric machine and devices’ not included in other categories, represented less than 40 illegal employees.

Legal migration – evaluation of inspection activities

Summary - 2007	
Total number of inspections	10 559
of which number of inspections carried out at employers employing foreign labourers (third-country nationals and EU/EEA and Swiss national)	1,484
of which inspections initiated by	
Labour Offices	821
Alien Police Service	267
Trade Licensing Offices	10
Revenue Offices	1
Labour Inspectorates	4
Customs Administration Offices	264
Police of the Czech Republic	11
and initiated by:	
the general public, citizens	59
Municipal Authorities	7
Labour Offices not relevant for the given case	11
employees	18
Ministry of Labour and Social Affairs	6
Trade Unions	2
General Health Insurance Company	1
Health Stations	1
embassies or consulates	1
legal firms	1
Results of Inspections and Participation of Inspection Authorities	
Total number of checked foreign workers	21,897
of them illegal workers + unreported** employed persons	1,662 + 2,163
Number of total fines imposed	785
of which imposed to employees and employers	136 + 649
The amount of imposed fines	21,896,900
of which imposed to employees and employers	330 700 + 21,566,200
Cooperation of Inspection Authorities – number of inspections carried out in cooperation with	
Alien Police Service	396
Trade Licensing Offices	12
Revenue Offices	8
Labour Inspectorates	7
Customs Administration Offices	360
Police of the Czech Republic	20
Czech Trade Inspection	0
Other than relevant Labour Offices	15
Ministry of Labour and Social Affairs	3

** Employers violated reporting obligation (Section 87)

Source: MLASA (2007) – Evaluation of foreign labourers in the labour market of the Czech Republic in 2007

In 2007 Labour Offices concentrated, in cooperation with other bodies, on checks of legal entities where foreign nationals are partners, members of cooperatives, statutory bodies or members of statutory bodies or a y other bodies of a corporation or cooperative. Section 89 of the Act on employment stipulates that meeting tasks arising from the activities of a legal entity ensured by a partner, statutory body or a member by a statutory body or any other body for a corporation or a member of a cooperative or a member of statutory or any other body of a cooperative for such cooperation is considered to be employment which requires a job permit. A job permit is necessary if this employment is executed by a third-country national unless the Act on employment stipulates otherwise. In 2007 inspections detected 189 persons who were proven to having violated the aforementioned provisions of the Act on employment. The following overview demonstrates legal

form of their employers and their inclusion within classification of economic activities in individual sectors. In total 59 cases of service for enterprises were detected, 44 case occurred in construction sector and 33 cases related to the production of metal constructions and metal products. The most violations occurred in limited liability companies (88 cases) and cooperatives (75 cases).

Legal migration - Occurrence of employment of foreign nationals working in legal entities without valid job permits

Sectoral Classification of Business Activities of Employers	Legal forms			
	Ltd.	Unlimited company	Joint stock company	Cooperative company
DA 15 - production of food and drinks	5			
DE 22 - publishing houses, print works and reproduction of vide and audio recordings	5			
DH 25 - production of rubber and plastic goods	1			
DJ 28 - production of metal constructions and metal products, apart from production of machines and devices	12		9	12
DK 29 - production of machines and devices	1	9		
DL 31 - production of electric machines and machines not included in any other category			2	
DN 36 - production of furniture; other processing industry	6	3		
DN 37 - processing of secondary raw material				
F 45 - construction industry	27	3		14
G 51 - wholesale ands business intermediation	9			
G 52 - retail sector, repair services				8
H 55 - restaurants and accommodation	4			
K 74 - services for (mainly) enterprises	18			41
Total number of persons 189 - of them:	88	15	11	75

Source: MLSA (2007) – Evaluation of foreign labourers in the labour market of the Czech Republic in 2007

Besides inspections also prevention of illegal employment of foreign nationals is getting more and more important. Therefore the Ministry of Labour and Social Affairs develops instruments such as provision of information in several languages on legal procedures to get employment in the Czech Republic and on the risks of illegal employment. Such information is provided through information leaflets and Integrated Portal (Gateway) of the Ministry of Labour and Social Affairs of the Czech Republic.

The Ministry of Labour and Social Affairs also cooperates in implementation of *‘Assistance System for Employing Ukrainians Implemented under Support of the Ministry of Labour and Social Affairs and the Ministry of the Interior’*. In 2007 this Assistance Programme was funded from two sources: public contracts awarded by the Ministry of Labour and Social Affairs *‘Implementation of Preventive Activities against Illegal Labour Migration from Ukraine to the Czech Republic’* and a project of international cooperation of the Ministry of the Interior in 2007 entitled *‘Prevention of Abusing Labour Force in the European Labour Market with a Focus on the Czech Republic’*. The Assistance Programme was established by inter-connecting activities of the both projects. Since the beginning of 2007 its pilot phase has been implemented by the Charity the Czech Republic.

The system is based on preventive effects directly in the first phase when a potential labour migrant as well as his/her employer are making decision to this end. The system is to provide information on advantages to use the legal procedure when entering the labour market of the Czech Republic and on risks of an illegal procedure, In case a migrant decides for the legal form he/she can expect comprehensive assistance service.

The system includes the network of advisory and assistance centres in Ukraine (Lviv, Kharkiv, and Uzhorod) and in the Czech Republic (Prague, Brno, Litomerice, Hradec Kralove, and Pilsen) while the following is implemented:

- a) contact between employers and job seekers;
- b) direct intermediation of work (only in the Czech Republic);
- c) social and legal advisory services;
- d) assistance – in particular when filling in and filing applications for job permits and dealing with public authorities;
- e) information and promotion activities;
- f) monitoring and analysing of the situation both in the Czech Republic and Ukraine.

The aim of the system is not managed mass labour migration, an essential fact is to show migrants as well as employers that they can use other channels than those through illegal brokers. The system intends also to show that legal manners are more beneficial and warn both employees and employers about the risks of an illegal procedure. There is also an effort to strengthen trust of migrants in public institutions of a hosting country, self-confidence when deciding about their future life and to enhance awareness that they are capable to manage all formalities themselves only with the support of the Assistance System and next time even without it.

A principal benefit of the system is that it is legal, all involved entities can be verified, problems when dealing with relevant institutions are minimised and the system enables to avoid many risks arising from illegal procedures.

Applicants are at the very beginning very cautious therefore currently the system offers more jobs than is the number of interested applicants. However, the overall interest is quite large. It is positive that employers strive to use mechanisms which facilitate the legal procedure of employment and are interested in training in relevant rights, including the rights of migrants.

Due to security reasons the Ministry of Labour and Social Affairs did not organise any larger campaigns, only targeted seminars and distributed information leaflets and advertisements in Ukraine as well as in the Czech Republic. The web site www.praceproukrajince.cz of the system was established.

Thus a pilot phase appears to be quite successful and the project should continue. If such prevention system proved to be good it could be applied in other source countries or in other EU Member States and in addition it could be beneficial for developing the common migration policy in the European Union.

The Czech Police also deal with the issue of forced labour and other forms of labour exploitation. In the second half of 2006 the Unit for Combating Organised Crime established a sub-unit dealing with present type of slavery. The new unit concentrates on meeting tasks relating to collection of information and gathering findings on criminal offences of illegal employment and other forms of exploitation. The unit also verifies such information and data, processes it, detects offenders and is involved in criminal proceedings. In particular, these are crimes committed under Section 232a of the Criminal Code and under other related Sections of the Criminal Code.

According to the Czech police the Czech Republic has become a **target country** in the area of illegal work and other forms of exploitation for people coming from the former Soviet Union, Vietnam, China and other Asian countries. Under the pretext of having good work with high salary people are lured to the Czech Republic through organised groups which arrange a legal entry to the Czech Republic. However, after they arrive their passports are taken and they are forced to carry out

only second rate work, mostly physically demanding for a minimal wage. They often work more than 15 hours a day, seven days a week. People are forced to work and they are prevented to leave their jobs since they have debts, they receive threats, they or their families in countries of origin are threatening by physical assaults.

The Czech Republic continues to be **a transit country and/or a place for recruiting people** who are, after their travel documents are forged, transported to other EU Member States where are exploited as cheap labour force.

II.5.2. Foreign Nationals Undertaking Business in the Czech Republic

At the end of 2007, the Ministry of Industry and Trade registered in total 1,787,057 (+13,272) entrepreneurs, of whom 68,785 (+3,063) were foreigners. The number of registered businesses was 2,902,788 (+51,477) out of which foreigners owned 85,409 businesses (+4,685). The above information implies that the number of registered entrepreneurs and foreigners' businesses increased in comparison with 2006.

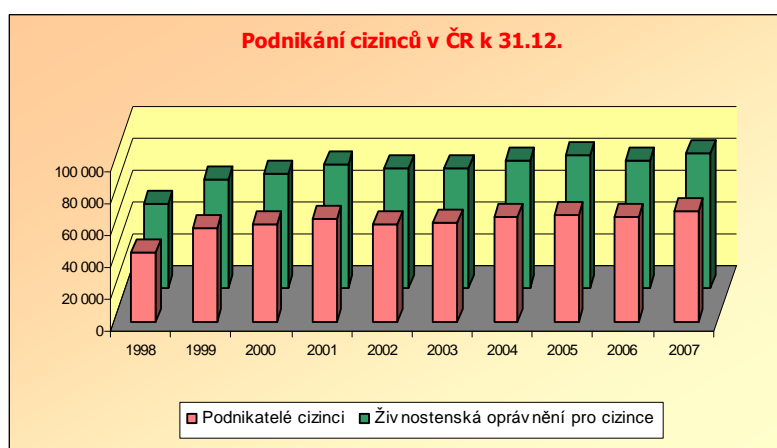
Legal migration – **foreigners undertaking business in the Czech Republic** (data of the Ministry of Industry and Trade of the Czech Republic)

The situation as of 31 Dec of the relevant year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Entrepreneurs - foreigners	43,244	58,386	61,340	64,000	60 532	62,293	65,219	67,246	65,722	68,785
Foreigners possessing trade licences	52,687	68,586	72,471	78,423	75,661	76,057	80 827	83,841	80 724	85,409

The share of women to men among foreign entrepreneurs is about one third (approximately 28.9 %, i.e. in absolute numbers - 19,906 women). With regard to registered businesses the proportion of women is 28.1 % (in absolute figures it means 24,011 women). As compared with the previous year the proportion of women among entrepreneurs - foreign nationals has remained almost the same.

Fig: Business undertaking of foreign nationals in the Czech Republic as of 31 December
 Red: Entrepreneurs – foreign nationals
 Green: Trade licences – foreign nationals

As regards regions the largest number of foreign entrepreneurs was registered in the capital city of Prague (18,919, of them 5,926 women), followed by Central Bohemian Region (7,553, of them 2,027 women) and the Usti Region (6,702, of them 1,967 women). The number of foreign entrepreneurs in these three regions accounted for 48.2 % of the total number.



The ranking with regard to nationalities remained unchanged in 2007. The largest number of foreign entrepreneurs in the Czech Republic came from **Vietnam** (24,437, i.e. +1,527). The second largest group was citizens of **Ukraine** (21,927, i.e. +602) and the third largest group was represented by citizens of the **Slovak Republic** (8,684, i.e. +402). The above three groups of foreign nationals accounted for about 80% of foreign entrepreneurs. These three groups were followed at a large distance by nationals of **Poland** (1,289, i.e. +51) and citizens of **Germany**(1,261, i.e. +61).

Of the total number of 85,409 businesses registered in foreigners' names 28,385 (+2,208) were registered by nationals of **Vietnam**, 25,823 (+891) by citizens of **Ukraine** and

11,791 (+687) by citizens of **Slovakia**. The above implies that the said three groups of citizens accounted for 77.0 % of businesses registered in foreigners' names. The proportion in the total number was the same as in 2006. These three groups were followed by citizens of **Poland** owing 1,898 (+87) businesses and citizens of **Germany** who were owners of 1,812 (+100) businesses.

Ongoing checks of foreigners registered in the Register of Trade Licenses are performed by the Ministry of Industry and Trade through Trade Licensing Offices. Foreign natural persons as well as legal entities where a foreign national is a member of a statutory body and purely foreign legal entities are inspected. To this end Trade Licensing Offices cooperate with all supervisory bodies and agencies; particularly appreciated is their cooperation with the Alien Police Service. Trade Licensing Offices perform their 'signalling' obligation in respective areas also in cooperation with units of Alien Police Service, Regional Commercial Courts, Tax Authorities, Social Security Offices, Labour Offices, and other authorities.

In 2007, i.e. from December 2006 to November 2007, Czech Trade Licensing Offices performed inspections of 3,685 of foreign individuals and of 2,367 legal entities with foreign participation in managing bodies or of legal entities belonging exclusively to foreign nationals. In 2007 altogether 6,052 entities were inspected. The largest number of inspections was performed in Prague where altogether 1,836 entities were inspected, followed by the Usti Region - 836 entities and the Central Bohemian Region - 511 entities.

With regard to inspections of 3,685 foreign natural persons, inspections revealed 2,465 violations of the Trade Licensing Act, for which fines amounting to CZK 1,743,400 were imposed. Furthermore, in 175 cases trade licenses were withdrawn or suspended. The largest number of inspections was performed in Prague, where altogether 837 foreign natural persons were checked, followed by the Usti Region - 390 checks on foreign natural persons, and the Pilsen Region - 376 checks on foreign natural persons.

Inspections of foreign natural persons revealed 1,056 (alleged) breaches of other legal regulations, of which 350 were assigned to the Alien Police Service, 332 to Regional Courts 178 to Revenue (Tax) Authorities, 49 to Social Security Offices, 28 to Labour Offices, and 119 to other authorities.

With reference to inspections of 2,367 legal entities with foreign participation in managing bodies and also of foreign legal persons carried out in 2007, the Trade Licensing Act was violated in 1,636 cases. For such violations fines were imposed amounting to CZK 1,960,250. Moreover, 111 trade licences were withdrawn or suspended. The largest number of checks of legal entities with foreign participation in managing bodies and of foreign legal persons was carried out in Prague – in total 999 checks, followed by the Usti Region - 446 checks on legal entities, and in the Karlovy Vary Region - 179 legal entities checked. To this end 417 (alleged) violations of other legal provisions were detected, of which 147 were assigned to the Alien Police Service, 183 to Regional Courts, 16 to Revenue Authorities, 12 to Social Security Offices, 27 to Labour Offices, and 32 to other authorities..

Inspections of foreign persons and respective sanctions imposed on them for violating legal regulations appear to be justified and to lead to the ongoing enhancement of awareness of duties resulting from business undertaking, i.e. of obligations arising from the Trade Licensing Act and provisions relating to entrepreneurship, and thus such inspections support adherence to legal regulations by foreign entrepreneurs.

II.6. ASYLUM

II.6.1. Asylum and the European Union

The Tampere European Council adopted conclusions on establishing the Common European Asylum System based on the entire legal application of the Convention of the Legal Status of Refugees and on the principle that no person should be returned to the country where such person would be persecuted (a principle of non-refoulement). As regards the Common European Asylum System, the Tampere Summit agreed on a two-phase approach. The legal grounds of the first phase of building the Common European Asylum System are constituted by Article 63 of the Treaty establishing the European Community. The objective of the second phase of establishing the Common European Asylum System is to achieve a higher common standard of protection and to ensure a higher degree of solidarity between EU Member States. In particular it is important to build a single asylum procedure in the European Union and a single status for those who have been granted one of the forms of international protection.

In accordance with the Hague Programme⁶⁵ the European Commission in cooperation with the Council developed in June 2005 an action plan which transfers general objectives and priorities of the Hague Programme into particular measures supported by a schedule laying down the specific deadlines.

After tools of the first phase were adopted it was important to define follow up steps for the second phase of building up the Common European Asylum System. The European Commission presented a general framework in the Green Book on the Future of the Common European Asylum System.⁶⁶

II.6.2. International Protection Seekers in the Czech Republic

In 2007 the Czech Republic registered in total 1,878 new applications for international protection. As compared with 2006 when there were 3,016 people applying for a certain type of international protection, the number of applications decreased by about 38.0%. Thus 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.

In 2007 asylum development in the Czech Republic was dominated, in addition to a persistent decline in the number of asylum applications, by applications filed by nationals of some until then less important source countries. These were especially increased numbers of applicants from Turkey registered towards the end of 2007.

Number of international protection seekers in the Czech Republic - development and changes in percentage from 1998 to 2007

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Number of international protection seekers	4,085	7,220	8,788	18,094	8,484	11,400	5,459	4,021	3,016	1,878
Year-on-year change in %	93.7	76.7	21.7	105.9	- 53.1	34.4	- 52.1	- 26.3	-25.0	-37.7

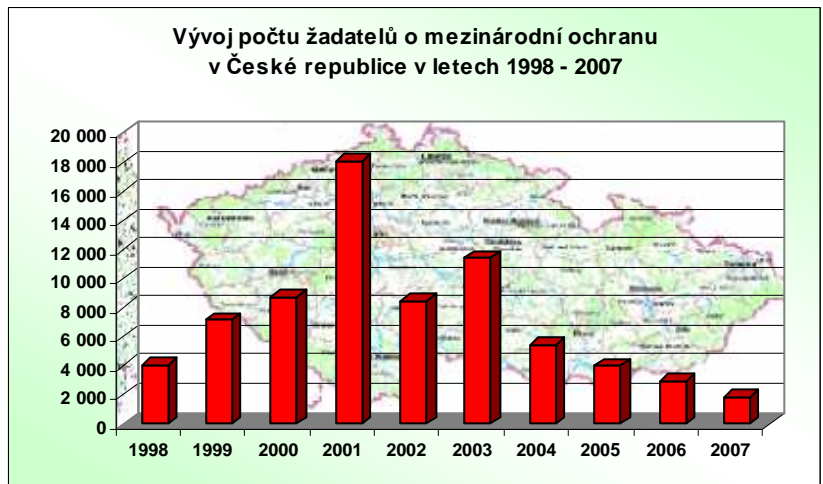
Until 2006 the development regarding the total number of asylum seekers in the Czech Republic corresponds to the situation in other European countries, however, in 2007 the situation

⁶⁵ The Hague Programme: Strengthening Freedom, Security and Justice in the European Union' is a multi-annual programme for the years 2005 - 2009.

⁶⁶ See Chapter I.6.4. *Green Paper on the Future Common European Asylum System*

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 asylum 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.

Fig. Development of the number of international protection seekers in the Czech Republic from 1998 to 2008



In terms of the number of international protection seekers, the Czech Republic ranked (in 2007) 17th in Europe, which is confirmed by the table annexed to this document, based on the data of the Secretariat of the UN High Commissioner for Refugees.

Since 1990s it has been possible to see considerable fluctuations in the development of the number of applications for international protection. An upward trend was typical regarding the number of international protection seekers in the Czech Republic in the 1990s. The absolute highest number of applications lodged was reached in 2001 when the total number of applications was 18,094. On the other hand in 2002, with regard to the adopted amendment to the Act on Asylum, the number of applications filed decreased, however this decline did not continue in 2003, in particular as a consequence of the increased immigration of Chechnyan nationals who were citizens of the Russian Federation. The high numbers of applications lodged by these foreigners continued until April 2004, when after the Czech Republic's accession to the EU and introduction of the Dublin system⁶⁷ with respect to international protection proceedings the migration flow of asylum seekers from Chechnya stopped and the total number of international protection seekers decreased as well.

The development of the number of applications for asylum recorded in the Czech Republic in since June 2004 can be described as stable and slightly decreasing. In the years 2005 and 2006 the numbers of international protection seekers demonstrated a year-to-to year decrease of approximately 25 %. In 2007 this fall was even sharper when the number of applications decreased almost by 40 %.

The asylum development after the Czech Republic's accession to the European Union can be characterised by several significant waves of international protection seekers from destinations which were not in the past typical for the Czech Republic. These migration waves usually abused the asylum procedure to ensure their entry in the Czech Republic and other EU Member States where in the course of several months much higher numbers of nationals of the countries concerned, than usual, filed their applications for international protection. As a consequence of adopted measures, such as introduction of airport visa, the aforementioned migration waves terminated and

⁶⁷ Accession of the Czech Republic to the Convention determining the state responsible for examining applications for asylum lodged in one of the Member States of the European Communities (referred to as Dublin I) and application of Council Regulation No. 343/2003, establishing 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 (generally called Dublin II).

the number of international protection seekers returned to the usual level. An example can be the year 2006 when in summer months more than 400 international protection seekers from Egypt were recorded. In 2007 it was influx of Turkish international protection seekers reported from the end of the year in question.

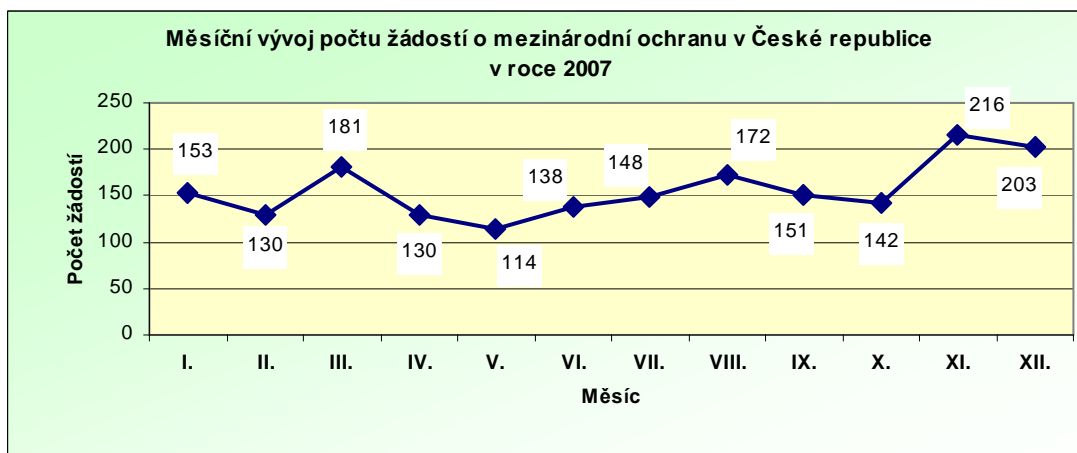
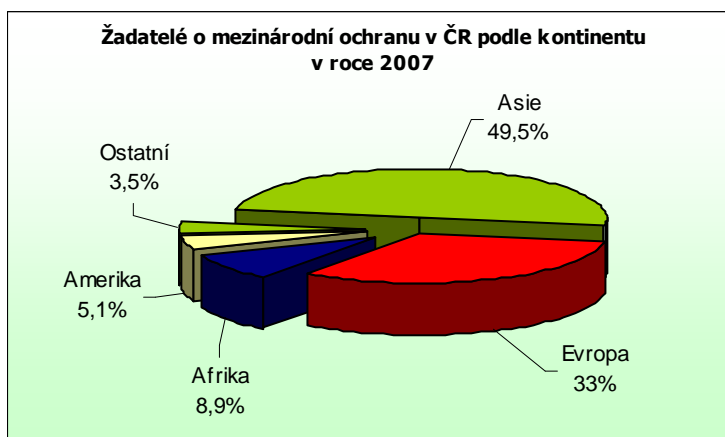


Fig: Month-by-month development in the number of international protection seekers in the Czech Republic in 2007

Until October 2007 the monthly development in the number of applications for international protection can be described as more or less stable especially in the first ten months when an average number of applications fluctuated around 145 persons. However, the end of the year was “break-through” when in November and December, as a result of the above-mentioned inflow of international protection seekers from Turkey, the number of international protection seekers exceeded 2000 persons.

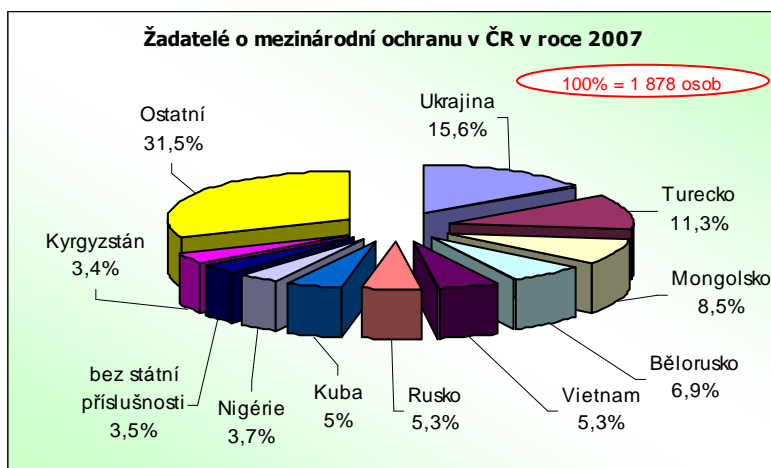
While the year 2006 can be, as regards international protection seekers from individual continents, marked as non-standard (a high share of Africans), the year 2007 corresponded to a long-term development. In 2007 nationals of Asian and European countries prevailed among international protection seekers.

Fig. Division of international protection seekers according to individual continents in 2007



Nonetheless, while in the past years more applicants came from European countries in 2007 the share of the Asian continent prevailed. African countries were in 2007 represented only by 9%, which in comparison with the previous year when a proportion of Africa reached 25% due to the migrant wave from Egypt, is a considerable decline.

Fig. International protection seekers in the Czech Republic in 2007



Contrary to previous years when among international protection seekers only several nationalities dominated in 2007 representation of source countries was more or less in balance. Five principal source countries accounted for 48 % of all international protection seekers. In 2007, as in previous years, most international protection seekers came from Ukraine. Nevertheless, other source countries, namely Turkey, Mongolia, Belarus, and Vietnam followed at a very short distance.

Vietnam followed at a very short distance.

As regards the most numerous nationalities - international protection seekers – the year-to-year increase was in 2007 reported only from among applicants from Turkey, Cuba, and Mongolia. Other nationalities saw a year-to-year decline in the number of applications filed.

As regards absolute numbers the most substantial year-to-year increase was reported from among Turkish international protection seekers. From the 13th position which this nationality occupied in 2006, they shifted to the 2nd position in 2007 and their share in the total number of international protection seekers accounted for 11.3 %. As regards other nationalities - international protection seekers - applicants from Cuba displayed 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.

Contrary to the situation in 2006 when Egypt represented the second main source country of international protection seekers in 2007 this country did not get among ten most numerous source countries in the Czech Republic. As a consequence of measures adopted by the Ministry of the Interior⁶⁸ only one international protection seeker from Egypt was recorded in 2007. As a result of similar adopted measures the considerable decline in international protection seekers from Kazakhstan was also reported. Their numbers showed a substantial year-to-year decline by 87.3 % and their share in the total number of international protection seekers decreased to 1.6 %. Nationals of Kazakhstan did not occur among the first ten top countries in 2007 either.

⁶⁸ As a consequence of measures adopted by the Ministry of the interior in 2006 in the form of airport visas the migration wave from Egypt terminated .

Legal migration -TOP 10 groups of international protection seekers in the Czech Republic in terms of nationality – comparison of the same periods of 2006 and 2007

Nationality	2006			2007			Change in comparison with the previous period	
	Number of international protection seekers	i. e. %	Order	Number of international protection seekers	i.e. %	Order	Absolute figure	i.e. %
Ukraine	571	18.9	1.	293	15.6	1.	-278	-48.7
Turkey	66	2.2	13.	213	11.3	2.	147	222.7
Mongolia	95	3.2	10.	160	8.6	3.	65	68.4
Belarus	174	5.8	4.	130	6.9	4.	-44	-25.3
Vietnam	124	4.1	6.	100	5.3	5.	-24	-19.3
Russian Federation	171	5.7	5.	99	5.3	6.	-72	-42.1
Cuba	20	0.7	24.	94	5.0	7.	74	370.0
Nigeria	96	3.2	9.	69	3.7	8.	-27	-28.1
Stateless persons	100	3.3	8.	65	3.5	9.	-35	-35.0
Kyrgyzstan	85	2.7	11.	63	3.3	10.	-22	-25.9
Other	1,514	50.2	-	592	31.5	-	-922	-60.9
Total	3,016	100.0	-	1,878	100.0	-	-1,138	-37.7

Nationals of **Ukraine** were in 2007, as in previous years, the largest group of international protection seekers. Typically Ukraine has been among the main source countries of asylum seekers in the Czech Republic and in the last eight years, with the exception of 2003 (when the Russian Federation was the principal source country) it always represented a principal source country of asylum seekers. However, the number of international protection seekers from Ukraine showed a substantial downward trend. While in 2005 in total 987 nationals of Ukraine sought international protection in the Czech Republic, in 2006 only 571 persons filed their applications. In 2007, when the Czech Republic recorded only 293 international protection seekers from Ukraine, the number of Ukrainian applicants dropped by 50 %. Citizens of Ukraine consider the Czech Republic, in the majority of cases, to be a target country, and use applications for international protection to legalise their residence in the Czech Republic.

In 2007 the second most frequent country of origin among international protection seekers in the Czech Republic was **Turkey**. In the past nationals of Turkey had never been among the most numerous groups of international protection seekers in the Czech Republic. Their annual numbers oscillated at the level of tens. In the year reviewed 213 Turkish international protection seekers were recorded whilst their considerable increase was seen especially in the last two months of the year. Whereas until October 2007 the monthly numbers of international protection seekers from Turkey only once exceeded the number of ten persons, in November 2007 seventy Turkish international protection seekers were recorded and in December the number went up to 90 international protection seekers. In majority cases the applicants were of Kurdish nationality and arrived in the Czech Republic by air. According to their travel documents the Czech Republic was not a target country nevertheless they refused to continue to their destination and at the Prague-Ruzyně airport applied for international protection. Such applications were motivated by their effort to legalise their residence in an EU Member State while there was reasoned suspicion that Turkish citizens only used such residence for illegal migration to other EU Member States. In this context the amendment to the Act on Asylum 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.

In 2007 **Mongolians** became the third most numerous group of international protection seekers. When compared to the previous year, the number of applications for international protection filed by Mongolian nationals considerably increased (by 68%) and reached the number of 160 persons. Contrary to the total number of applications for international protection in the Czech Republic which displays a downward trend, applications for international protection filed by Mongolians demonstrate an upward trend. In 2005 and 2006 the share of Mongolian international protection seekers in the Czech Republic accounted for about 3 % of the total number of international protection seekers. In 2007 this proportion increased substantially and reached 9 %. It is typical for Mongolian international protection seekers that they arrive in the Czech Republic as Czech visa-holders and file their applications for international protection in order to legalise their residence in the Czech Republic after the validity of their visa expires.

The number of asylum seekers from Belarus can be considered, from the long-term point of view, as being more or less stable in the Czech Republic. Every year approximately 200 nationals of Belarus applying for international protection in the Czech Republic are recorded. Although if taking into account absolute figures the numbers of international protection seekers from Belarus show a downward trend, their share in the total number of asylum seekers is on the rise if compared to previous years. In 2007 in total 130 citizens of Belarus sought international protection in the Czech Republic. When compared to 2006 the absolute figure of international protection seekers from Belarus decreased by 25 %, Belarus remained on the fourth place among the countries with the highest numbers of international protection seekers in the Czech Republic while in the total number of asylum seekers those from Belarus accounted for about 7 %.

Legal migration - **10 TOP groups of international protection seekers in the Czech Republic in terms of nationality – monthly development in 2007**

Nationality	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
	2007	2007	2007	2007	2007	2007	2007	2007	2007	2007	2007	2007	
Ukraine	17	27	30	23	24	22	23	29	20	26	27	25	293
Turkey	6	1	4	2	0	6	3	10	12	9	70	90	213
Mongolia	23	8	22	12	8	8	16	11	10	10	14	18	160
Belarus	8	15	16	2	5	15	21	15	6	8	10	9	130
Vietnam	8	10	7	16	5	7	10	11	5	4	9	8	100
Russian Federation	7	10	20	8	12	9	8	2	5	5	11	2	99
Cuba	4	2	12	4	0	5	4	22	17	12	11	1	94
Nigeria	8	2	3	2	7	0	10	5	12	7	4	9	69
Stateless persons	6	4	6	1	13	4	3	11	0	6	5	6	65
Kyrgyzstan	21	11	11	3	1	2	6	1	0	3	1	3	63
Other	45	40	50	57	40	60	44	55	64	52	54	32	592
Total	153	130	181	130	114	138	148	172	151	142	216	203	1,878

1st most numerous nationality
2nd most numerous nationality
3rd most numerous nationality

A downward trend in the number of asylum seekers from **Vietnam**, which was the fifth country as regards the numbers of international protection seekers in the Czech Republic, has been reported in recent years. While in 2005 the Czech Republic recorded in total 208 Vietnamese international protection seekers, in 2007 the number of international protection seekers from the said country decreased to the half of the number in 2005 and dropped to only 100 persons. The asylum procedure is not so intensively abused by nationals of Vietnam in order to legalise their residence in the Czech Republic as it was seen in previous years.

As in the previous two years also in 2007 the numbers of international protection seekers from the Russian Federation demonstrated a downward trend. During the whole year 2007 in total 99 nationals of the **Russian Federation** sought international protection in the Czech Republic which was by 2 % less than in 2006. When this situation is compared to the years 2003 and 2004, when, as a consequence of mass Chechnyan migration wave, nationals of Chechnya considerable prevailed among citizens of the Russian Federation, in 2006 and 2007 the share of such persons among international protection seekers was substantially lower and nationals of Chechnya occurred in the Czech Republic only in very limited numbers.

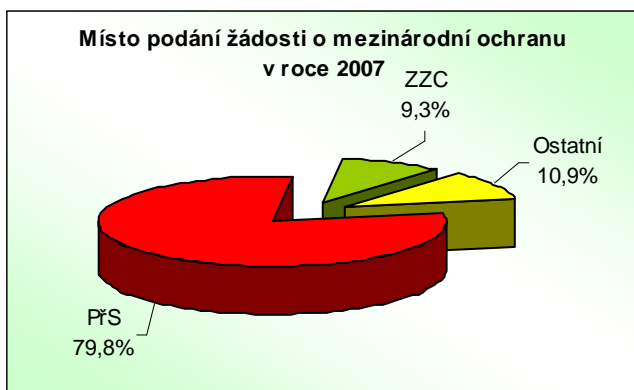
In the course of 2007 the number of applications for international protection filed in the Czech Republic by nationals of **Cuba** considerably increased (by 370 %). Whilst in 2006 the Czech Republic recorded only 20 Cuban international protection seekers (the share of 0.7 % in the total number of international protection seekers in 2006), in 2007 in total 94 persons filed their applications (5 % in the total number of applicants). This increase can be partially explained by the amendment to the Act on Asylum which came into effect in 2006 and which terminated the provisions relating to leave to remain. Cuban citizens who were in the past granted international protection in the Czech Republic in the form of leave to remain applied for international protection again once leave to remain expired. However, the growth in Cuban international protection seekers was caused by using the same modus operandi which was used in 2007 by nationals of Turkey. Citizen of Cuba, as Turkish nationals, filed their applications for international protection at the airport of Prague – Ruzyně since they wanted to reside in the territory of an EU Member State. These cases were reported especially during the summer months of 2007.

In 2007 only one African country – **Nigeria** – got among the ten largest groups of international protection seekers. Nigeria has ranked among the ten most numerous groups for several recent years. In 2007 in total 69 nationals of Nigeria applied for international protection in the Czech Republic which was by 28 % less than in 2006. Despite the decline in absolute numbers citizens of Nigeria the share of asylum seekers from Nigeria in the total number of asylum seekers increased to 3.7 %.

In 2007 the share of **stateless** international protection seekers was 3.5 %, whilst in the Czech Republic in total 65 stateless persons sought international protection. Two thirds of stateless persons who applied in 2007 in the Czech Republic for asylum were Kurds.

Nationals of **Kyrgyzstan** became in 2007 with the number of 63 applicants the tenth most numerous group among international protection seekers in the Czech Republic despite more than one quarter decline in the number of international protection seekers when numbers of 2006 and 2007 are compared. This decline corresponds to the downward trend in the total number of international protection seekers in the Czech Republic in recent years.

Fig. Place where applications for asylum were lodged in 2007



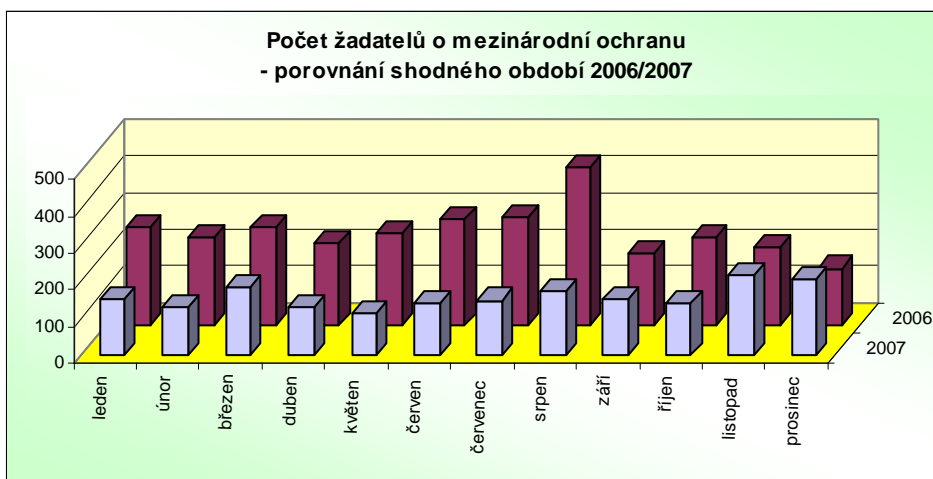
In 2007 altogether 1,498 foreign nationals applied for international protection in reception centres (RCs). The majority (56 %) of them were, as in the previous year, filed in the reception centre Vysni Lhoty. However, the share of applications filed in the Praha - Ruzyně RC accounted in 2007 for 24 %. This share more or less corresponds to the proportion of 2006 however as regards absolute numbers a considerable decline was seen (by 401 applications less). Almost a half (43 %) of 453 applications for international

protection lodged in 2007 in the Praha-Ruzyne RC was lodged by nationals of Turkey.

9 % of all foreign nationals who applied for international protection in the Czech Republic in 2007 filed their applications in detention centres for foreigners. When compared to previous years when such share accounted for approximately 13 % the decline is relatively significant. This fall is more obvious if absolute numbers are taken into account. While in 2006 in total 409 foreigners applied for international protection in detention centres for foreigners in 2007 only 175 persons filed their applications. It was the reason why the number of facilities for detention of foreigners decreased in 2007 (the detention centre in Frydek Mistek was closed). The most numerous group among those who filed their application in detention centres for foreigners was represented by citizens Ukraine (45 persons) and Vietnam (45 persons).

In 2007 altogether 70 foreign nationals applied for asylum while serving a prison term. When compared with 2006, when in total 100 asylum seekers lodged their applications in prisons, it is a decrease by 30 %. In 2007, as in the previous year, the highest numbers of applications were filed in prisons by nationals of Ukraine (23 persons). Persons who applied for international protection when serving a prison sentence fall under the category 'Other' which accounts for 11 %. This category also includes international protection seekers who applied for international protection while in hospital, children who were born in the Czech Republic to international protection seekers during asylum proceedings, and applications lodged in asylum facilities. In 2007 there were in total 105 persons.

Fig. below: The number of international protection seekers – comparison of the same periods of 2006/2007.

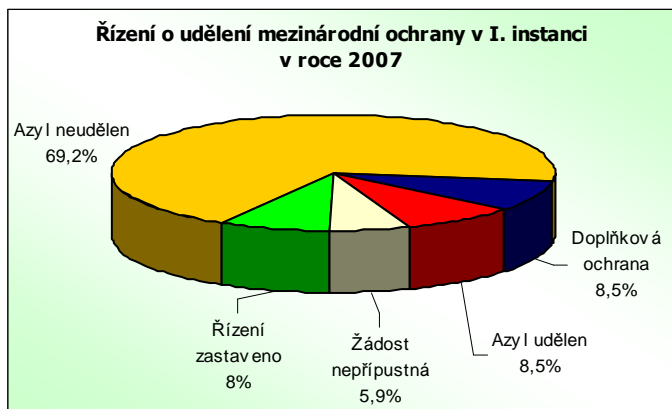


II.6.2.1. Asylum Proceedings in the Czech Republic

In 2007 the Ministry of the Interior of the Czech Republic issued in total 2,260 decisions. As of 31 December 2007 in total 725 persons were participants in the asylum procedure. In comparison with 2006 the number of asylum seekers, whose applications were not decided decreased by 27.4 %.

In 2007 the average length of proceedings in the first instance was 192 days. However, if we take into account only proceedings with persons who filed their applications in previous years and their case are very complicated the average length was longer. Such cases accounted for 10 % of the total number of decisions taken in 2007. If only decisions on applications filed in 2007 are taken into account then the average length of proceedings within the first instance oscillated around 57 days. In 2007 about 78 % cases were decided within a legally stipulated period up to 90 days.

Figure (left): Asylum procedures within the first instance in 2007



In 2007 the Ministry of the Interior awarded international protection to 382 persons. It is the ever highest number in the history of the Czech Republic.

The total rate of granted forms of protection⁶⁹ reached in 2007, 19.6 %, which, when compared to 2006, represents the increase by 5.4 %.

The Ministry of the Interior awarded, in the year reviewed, **asylum** to 191 persons. The highest number of persons granted asylum were nationals of the **Belarus** (32) and the **Russian Federation** (31). The following countries also ranked among those whose citizens quite frequently applied for asylum in the Czech Republic and who were granted asylum in 2007: **Ukraine** (19) and **Iraq** (17).

The highest number of asylum (43 % of the total number of asylum granted) was in 2007 granted for the purpose of family reunification (Section 13 of the Act on Asylum). This reason for granting asylum applied mainly to nationals of the Russian Federation, Belarus, Iraq and Uzbekistan. 31 % of all persons who were granted asylum were granted asylum under the reasons defined in the Convention on the Legal Status of Refugees (Section 12 of the Act on Asylum). This was the reason why asylum was granted mainly to citizens of Belarus and Iraq. The remaining 26 % of those who were granted asylum received it for humanitarian reasons (Section 14 of the Act of Asylum), and most frequently these people were nationals of Ukraine and the Russian Federation.

'Leave to remain', as a subsidiary form of protection, under the Act on Asylum was granted by the Ministry of the Interior in 2007 in 191 cases. As in the case of asylum most often this subsidiary form of protection was granted to citizens of **Belarus** (52) followed at a small distance by nationals of **Iraq** (33), **the Russian Federation** (31) and **Cuba** (21).

In 2007 the Ministry of the Interior turned down 1,564 application which accounts for 69.2 % of the total number of decisions taken at the first instance of asylum proceedings in 2007.

A further 5.9 % of the decisions taken by the Ministry of the Interior within international protection procedures are applications rejected as impermissible, which means that the Ministry used accelerated international protection proceedings. When compared to 2006, when this type of decision was applied in 3.7% of cases the number of applications rejected as impermissible slightly increased.

Of the total number of 2,260 decisions taken at first instance in 2007, proceedings were discontinued in 8% of cases (the main reasons for such decisions were a repeated failure to undergo an interview, or the applicant having withdrawn their application him/herself, or the applicant having entered illegally another state, i.e. illegal crossing of the Czech national border).

⁶⁹ The total rate of granted forms of protection = the number of people who were granted asylum and leave to remain (the total number of persons who were granted asylum + the number of decisions on not granting asylum) times by 100

Actions and Cassation Complaints Filed with Courts

In the course of 2007 a legislative amendment was being prepared which was then implemented by Act No. 379/2007 Coll. This act came into effect on 21 December 2007 thus it does not cover administrative proceedings in the matters of international protection which had not been finally and conclusively closed before the date on which this Act entered into effect.

During the year reviewed there was neither any change nor extension in types of actions lodged by unsuccessfully international protection seekers.

In 2007 the decline in the number of international protection seekers was reflected in decision-making of Courts in the Czech Republic since the number of actions lodged depends on the number of international protection seekers and the number of issued administrative decisions (negative ones). Individual Regional Courts decided only on new actions lodged.

The number of open cassation complaints at the Supreme Administrative Court in Brno saw, when compared to the previous years, also in 2007 a downward trend. The number of open cassation complaints lodged at this court by foreigners against decisions of Regional Courts decreases not only as a consequence of the lower number of foreign nationals who apply in the Czech Republic for international protection but also as a result of positive effects of impermissibility of a cassation complaints which undoubtedly contributes to accelerated cassation proceedings.

In 2007 Regional Courts received, within asylum proceedings in the Czech Republic, in total 1,469 suits against decisions of the Ministry of the Interior in asylum proceedings. Regional courts issued during this period altogether 1,675 decisions. In 55 % suits were rejected by which Regional Courts confirmed the decisions of the Ministry of the Interior. The courts discontinued proceedings in 33.7 % of cases. Only in 84 cases (5.0 %) courts discharged the decision taken by the Ministry of the Interior, returning the case to be assessed again at first instance. In the case of actions not having a suspensory effect Regional Courts received in 2007 in total 24 actions, whilst decision were taken in 31 cases. In majority of cases (61.3 %) the proceedings were discontinued.

In 2007 in total 713 persons lodged their cassation complaints with the Supreme Administrative Court. The Supreme Administrative Court issued during the year reviewed 1,447 decisions. The Supreme Administrative Court rejected 71 % of complaints. The Supreme Administrative Court dismissed 8 % of complaints by which the Supreme Administrative Court confirmed decisions taken by Regional Courts. In a further 15 % the cassation complaints proceedings were discontinued and 85 cases (6 %) were returned for new proceedings to be commenced by a relevant Regional Court. In 2007 the Ministry of the Interior lodged cassation complaints with the Supreme Administrative Court in 22 cases.

II.6.2.2. The Share of the Czech Republic in the Number of International Protection Applications Filed in the European Union in 2007

Decreasing numbers of international protection seekers are not typical only for the situation in the Czech Republic but this development has been recorded for a long period of time in other EU Member States⁷⁰, where in 2007 in total 222,910 applications for international protection were recorded. (When compared with 2006 this was an increase by 10.9 %). Causes of such increase can be seen mainly in a strong migration wave of Iraqi refugees applying for international protection whose number was almost twofold when compared to 2006 (an increase by 97.6 %

⁷⁰ Source: the Report of the UN High Commissionaire for Refugees (*Asylum Levels and Trends in Industrialized Countries, 2007*)

to 38,286 persons).

In the year reviewed Iraq became for the EU Member States, as in the previous year, the main source country of international protection seekers. Other important source countries for the European Union^{71a} were in 2007 the Russian Federation, Serbia, Pakistan, Somalia, Afghanistan, and Turkey.

The highest number of applications for asylum within EU Member States was recorded in Sweden (16.2 % of the total number of applications for asylum lodged in the EU), which was the principal target country of the aforementioned wave of Iraqi refugees and thus replaced at the first place of a “ladder” demonstrating the sequence of international protection seekers France. The second place was occupied by France (13.1 %), followed by the United Kingdom (12.5 %) and Greece (11.3 %).

As a consequence of a lower number of international protection seekers who filed their applications in the Czech Republic in 2007 the share of the Czech Republic in the total number of applications for international protection filed in EU Member States was lower. This share now represents approximately 0.8 % (in 2006 it was 1.5 %). According to the number of applications filed in EU Member States the Czech Republic occupied 17th position in 2007.

II.6.3. Minor Asylum Seekers Unaccompanied by Parents or Statutory Representatives

Acceptance, special care, protection and provision of individual services and assistance to unaccompanied minor international protection seekers are currently standardised in the Czech Republic by effective legal provisions (the list is to be found at the end of the text).

This care and protection include independent representation of the child within asylum proceedings, protection against discrimination and prevention against possible abuse, free access to medical care, basic education, suitable accommodation, free access to better than standard social and psychological assistance, and an option to be involved in leisure activities for their self-education, according to their knowledge, interest, and ethnicity.

Departments for the Social and Legal Protection of Children at Municipal Councils of municipalities with an extended scope of powers carry out, as authorities competent in the area of social and legal protection, the functions of guardians in cases where parents or other relatives are absent. They propose placing a minor in diagnostic facilities, perform supervision, and provide necessary assistance relating to the residence of minors in the Czech Republic. Educational facilities determined for the admission of unaccompanied minor asylum seekers employ professional and specialised staff and create a multicultural environment, taking into consideration ethnic and religious differences in order to develop social and cultural habits which children have brought from their countries of origin. However, the fundamental priority is to remove language barriers. Thus individual programmes for children suffering psychological trauma and educational and adaptation programmes are developed according to the original background of those children, in the context of the individual capabilities of the individual

In 2007 in total 55 unaccompanied minors (hereinafter referred to as ‘minors’) applied for international protection in the form of asylum in the Czech Republic. When compared to 2006, when 92 minors applied for international protection, a further decline in the number of applications was recorded. Out of the total number of arriving minors nine Ukrainian babies, who had been abandoned by their mothers after they had given birth, were accepted in the facilities for international protection. Other minors arrived from China, Mongolia, Ghana, Congo, Vietnam,

^{71a} EU Member States with the exception Italy which does not provide such data.

Somalia, Palestine, Syria, Iraq, Afghanistan, Nigeria and their numbers were very low. The most numerous group among them consisted of minors of Kurdish nationality from Turkey. Seventeen of them entered the Czech Republic via the Prague- Ruzyne international airport.

This group, contrary to all others, as the only one had valid travel documents. The majority of minors were at the time when they lodged their application between 15 and 18 years (65 %), 15 % were 11 -14 years old and 20 % were 0-5 years old. Only ten minors applied for international protection in the standard manner, i.e. through the reception centre in Vysni Lhoty, 28 minors filed their applications at the Prague - Ruzyne international airport , in diagnostic centres, where are minors placed by courts' decisions 14 minors filed applications, and in detention centres for foreigners this option was exercised by four minors.

In 2007 the Asylum and Migration Policy Department of the Ministry of the Interior did not have any findings, as regards this category of international protection seekers, proving that human rights were violated in relation to international protection procedure. A single case of abuse or violation committed against minors was not detected. .

Minors international protection seekers entering the Czech Republic in 2007 unaccompanied by statutory representatives

According to nationality

According to the place where the application was lodged

Month Nationality	January	February	March	April	May	June	July	August	September	October	November	December	Total
China	2										1		3
Mongolia	2												2
Ukraine	1		1				1	3		3			9
Ghana		1											1
Congo		1		1					1				3
Vietnam		1		2				1					4
Somalia				1									1
Palestine					1								1
Syria						1			2				3
Turkey						2			2		5	8	17
Iraq							1						1
Stateless								1					1
Afghanistan (Medevac)								1				3	4
Nigeria									2	2		1	5
India												1	1
Total	5	3	1	4	1	3	2	6	7	5	6	13	56

DCF	Airport Prague Ruzyně	RCs	Diagnostic centres
	3		
		2	
			9
		1	
		2	1
2		1	1
	1		
			1
	3		
	15		2
1			
	1		
	4		
1		4	
	1		
4	28	10	14

According to age

According to gender

Age category Nationality	0-2	3	5	8	9	10	12	13	14	15	16	17	Total
China												3	3
Mongolia										1	1		2
Ukraine	7	2											9
Ghana												1	1
Congo										2	1		3
Vietnam								1			2	1	4
Somalia												1	1
Palestine												1	1
Syria							1	1				1	3
Turkey						1	1		2	4	5	4	17
Iraq												1	1
Stateless												1	1
Afghanistan (Medevac)	1		1	1	1								4
Nigeria										1	2	2	5
India												1	1
Total	8	2	1	1	1	1	2	2	2	8	11	17	56

Female	Male
	3
2	
3	6
	1
1	2
1	3
1	
	1
2	1
4	13
	1
	1
1	3
1	4
	1
16	40

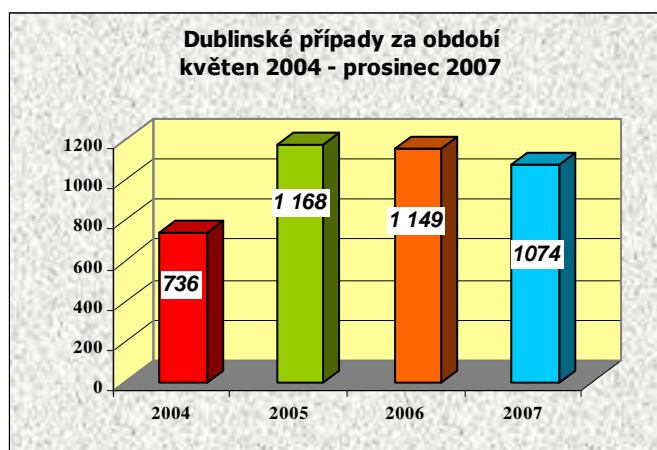
Key: DCF – Detention Centre for Foreigners
RCs = reception centres

II.6.4. Dublin Centre Unit

As of the date of the Czech Republic's accession to the European Union, the Dublin Centre Unit was established within the Asylum and Migration Policy Department of the Ministry of the Interior of the Czech Republic, which is responsible for implementing Council Regulation (EC) No. 343/2003 establishing 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. An important role in the process of determining the responsible EU Member State is played by the System for the Comparison of Fingerprints – EURODAC, the outputs of which are used by the Dublin Centre Unit. Activities carried out by this Unit lie with processing applications for readmission or admission of international protection seekers. The Unit is responsible for assessing whether the Czech Republic should be responsible for an application for international protection and for searching for persons who are present in the Czech Republic but where another Member State is responsible for assessing their application for international protection in compliance with Council Regulation (EC) No. 343/2003. Then this Unit sends applications for readmission or admission to the Member State which should be in that particular case responsible for assessing the application for international protection in compliance with criteria stipulated in Council Regulation (EC) No. 343/2003. A similar method as that for international protection seekers is used by the Dublin Centre Unit with regard to foreign nationals apprehended as illegal residents in the Czech Republic where at the same time it is detected that such a foreigner applied for international protection in another EU Member State. The Dublin Centre Unit also organises in cooperation with the Alien and Border Police Service and Refugee Service Administration the transportation of international protection seekers and illegally residing foreign nationals from the Czech Republic to the responsible EU Member State, in cases where such country is responsible for assessing their applications for international protection.

Months	Rok 2004	Rok 2005	Rok 2006	Rok 2007
January	-	128	136	139
February	-	126	125	73
March	-	115	120	79
April	-	97	62	64
May	60	71	111	89
June	83	67	71	84
July	101	79	80	97
August	94	79	82	104
September	61	79	104	81
October	101	77	80	124
November	117	120	105	77
December	119	130	73	63
Total	736	1,168	1,149	1,074
TOTAL	4,127			

Fig. Dublin cases from May 2004 to December 2007



In 2007 the Dublin Centre Unit recorded **in total 1,074 Dublin cases**, which is 75 cases less than in 2006. It is the total number of all Dublin cases, in other words, these are the cases which were assigned a Dublin reference number (i.e. accepted and sent applications for readmission or information and it does not matter whether these were persons who applied in the Czech Republic for international protection or foreign nationals who had never applied for international protection in the Czech Republic).

Of this number **758 cases the Czech Republic was asked for cooperation**. Of this number requests for information considerably prevail - 422 requests followed by 195 cases when the Czech Republic was requested to admit international protection seekers and 141 applications for readmission. The Czech Republic **accepted 392 cases**.

As regards origin of requests, most often the Czech Republic received requests from Austria, (451 requests), Germany (154 requests) and France (46 requests).

In contrast with this, in **329 cases the Czech Republic asked** another Member State to admit or readmit an international protection seeker or to obtain relevant information. Unambiguously the number of requests for information prevailed - 140 requests, followed by 117 requests for admission and 72 requests for readmission. **The Czech Republic accepted 167 requests** from other EU Member States.

On the other hand, the Czech Republic most frequently submitted requests for admission or readmission of asylum seekers to Poland (88 requests), Austria (82 requests) and Slovakia (52 requests).

Legal migration – Development in received and sent requests, acceptations and transfers from 2004 to 2007

Year	Requests received	Requests sent	Acceptations CZE	Acceptations other EU MS	Transfers to CZE	Transfers from CZE
2004	386	325	161	200	36	159
2005	653	488	416	382	123	390
<i>Difference 04 -05</i>	<i>267</i>	<i>163</i>	<i>255</i>	<i>182</i>	<i>87</i>	<i>231</i>
2006	902	280	529	146	270	142
<i>Difference 05 - 06</i>	<i>249</i>	<i>-208</i>	<i>113</i>	<i>-236</i>	<i>147</i>	<i>-248</i>
2007	758	329	392	167	214	146
<i>Difference 06 - 07</i>	<i>-144</i>	<i>49</i>	<i>-137</i>	<i>21</i>	<i>-56</i>	<i>4</i>
Total	2,699	1,422	1498	895	643	837

In 2007 **the Czech Republic accepted** in total **392 requests** from other EU Member States. **Most often** the Czech Republic accepted requests sent from **Germany** (151 acceptations), from Austria (116 acceptations) and France (44 acceptations).

As regards **transfers** from other EU Member States **to the Czech Republic**, in 2007 there were on average 18 transfers per month while most persons were transferred to the Czech Republic from Germany (99 persons), from Austria (56 persons) and from France (24 persons).

In 2007 in total **214 persons** older than 16 years were transported to the Czech Republic, since the Czech Republic was in their case responsible for assessing their application for international protection.

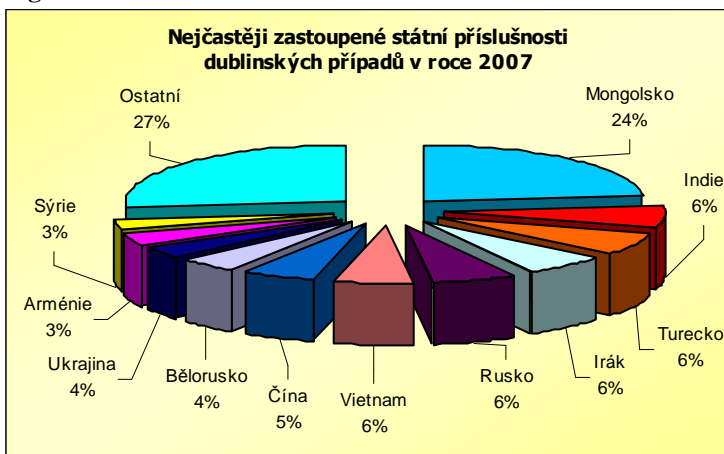
Other EU Member States **accepted** in total **167 requests** sent **from the Czech Republic**. **Most often** it was **Poland** which accepted requests from the Czech Republic (50 acceptations), followed by Slovakia (42 acceptances) and Germany (21 acceptances).

Transfers organised **from the Czech Republic** to other EU Member States reached the number of 146, which means that 146 persons over 16 years of age were transported to another EU Member State.

Most often these persons were transferred to **Poland** (40 persons), Slovakia (36 persons) and Austria (23 persons).

Another indicator monitored during the year reviewed was nationalities involved in Dublin cases. As expected, the persons involved in Dublin cases were mostly from **Mongolia** (247 persons) followed, at a far distance, by nationals of **India** (69 persons), **Turkey** (69 persons), **Iraq** (66 persons), **the Russian Federation** (65 persons) and **Vietnam** (63 persons) whose numbers were almost equal.

Fig. Nationalities most often involved in Dublin cases in 2007



The most important factor affecting the number of requests for admission or readmission to other EU Member States is a number of visas issued to applicants for international protection (asylum seekers). If an applicant is at the same time a Czech visa holder it is the Czech Republic which is almost automatically responsible for assessing his/her application for international protection (asylum). It was found out that about **80 % of international protection seekers** who applied for international protection **in 2006** in the reception centre Vysni Lhoty had arrived in the Czech Republic having a visa issued by an Czech embassy or consulate abroad. **In 2007 the number of these persons decreased and accounted for 66.4 %**. This phenomenon was caused both by the decreasing number of international protection seekers applying in the Czech Republic and by measures adopted in cooperation of the following authorities: the Asylum and Migration Policy Department of the Ministry of the Interior, the Ministry of Foreign Affairs and the Directorate of the Alien Police of the Czech police. **Despite these fact the Czech Republic was in 2007 responsible in 942 cases for assessing application for granting international protection (asylum) due to issued Czech visas.**

The number of cases where the Czech Republic was the country responsible for assessing applications for international protection was also increased by foreign nationals who travelled to the Czech Republic on the basis of a Czech visa but applied for international protection in another EU Member State. A logical consequence of this situation was a growth in the number of cases where the Czech Republic was obliged, at the request of any other EU Member State, to accept its responsibility for assessing applications for international protection and to admit foreigners or international protection seekers.

II.6.5. Asylum Facilities

The Refugee Facility Administration of the Ministry of the Interior provides services to applicants for international protection and recognised refugees (i.e. to those who have already been granted asylum) who stay in nine asylum facilities which are divided into three types. A **reception centre (RC)** serves for the accommodation of foreign nationals until steps provided for in Section 46⁷¹ are completed or for the period specified by the Act on Asylum. A **residence centre (RC)** serves for the accommodation of seekers for international protection until a relevant decision concerning his/her asylum application comes into legal force. An **integration asylum centre (IAS)** serves for the temporary accommodation of recognised refugees.

The Ministry of the Interior is, under Section 80 of the Act on Asylum, the body for establishing asylum facilities and is also the exclusive administrator of reception centres. Residence centres and integration asylum centres are operated either by the Ministry of the Interior or a legal person with powers authorised by the Ministry of the Interior and who operates the centres on the basis of an agreement and is paid for doing so.

AZYLOVÁ ZAŘÍZENÍ NA ÚZEMÍ ČESKÉ REPUBLIKY



- ⁷¹ 1) An asylum seeker is not permitted to leave the reception centre until:
- identification procedure pursuant to Section 47 of the Act on Asylum is completed,
 - a medical examination aimed at establishing whether the participant suffers from an illness which endangers his/her life or health or the life or health of other persons is completed,
 - a visa is issued to him/her in order to remain for the purpose of proceedings on the granting of asylum, until a certificate confirming the granting asylum is issued (Section 57 of the Act on Asylum), and
 - quarantine or other measures relating to the protection of public health are completed, provided that these can take place in the reception centre.
- 2) An asylum seeker is not permitted to leave a reception centre in the transit zone of an international airport even after the acts referred to in paragraph 1 are completed.

Figure above

ASYLUM FACILITIES IN THE CZECH REPUBLIC

Integration asylum facility – Predlice
Integration asylum facility; residence centre – Straz pod Ralskem
Reception centre – Velke Prilepy
Integration asylum facility – Jaromer
Residence centre – Kostelec nad Orlici
Integration asylum facility, Residence centre – Havirov
Reception centre – Vysni Lhoty
Integration asylum facility; residence centre – Zastavka
Reception centre – Prague – Ruzyne

The Refugee Facility Administration of the Ministry of the Interior operates **three reception centres**, namely a reception centre in Vysni Lhoty, a reception centre in the transit zone of the Prague-Ruzyne international airport, and a reception centre in Velke Prilepy determined as a reception centre for international airports.

The reception centre in Velke Prilepy was established when the amendment to the Act on Asylum came into effect (on 21 December 2007). This amendment was implemented, as mentioned in previous chapters, by Act No. 379/2007 Coll.. Before the above date it was operated as a branch of a detention facility for foreigners.

The below overview shows that as of 31 December 2007 **the full capacity of reception and residence centres was 1,423 beds.**

Capacity of reception and residence centres

Type of asylum facility	Number of beds
Reception centres	
Vysni Lhoty	585
Prague-Ruzyne	45
Velke Prilepy	109
Celkem Reception centres - total	739
Residence centres	
Zastavka	227
Havirov	112
Kostelec nad Orlici	275
Straz pod Ralskem	70
Residence centres - total	684

The most frequent arrivals in asylum facilities, if nationalities are taken into account, correspond to the most numerous groups of international protection seekers. They are predominantly international protection seekers from Ukraine (272 persons, i.e. 14 %), Turkey (234 persons, i.e. 12 %) and Mongolia (162 persons, i.e. 9 %).

Integration asylum centres serve as the first phase of integration for temporary accommodated persons who have been granted asylum. As of 31 December 2007 the Refugee Facility Administration of the Ministry of the Interior operated five integration asylum centres having a total capacity of 64 accommodation units (these are filled according to the size and the nature of the families to be accommodated) having a maximum capacity of 224 beds.

Capacity of integration asylum centre

Integration asylum centres	Number of accommodation units	Number of beds
Havirov	6	33
Jaromer	10	36
Predlice	12	44
Straz pod Ralskem	12	48
Zastavka	24	63
Total	64	224

Utilisation of Accommodation Capacity in 2007

In 2007 altogether 1,304 international protection seekers (new-comers including babies born during their mother's residence in asylum facilities) were accommodated in asylum facilities. In total, if basic capacity is taken into account, reception and residence centres were utilised by 23 %, however this figure includes only persons physically present in asylum facilities.

Asylum seekers accommodated in a residence centre may, if they so request, leave this centre for a long period of time. In 2007 this option was used on average by 51% of registered asylum seekers.

FINAL SUMMARY OF THE CHAPTER

In 2007 embassies and consulates of the Czech Republic granted by 32.304 visas more than in the previous year. The largest numbers of visas were issued or granted by the embassies or consulates in Moscow and Kiev, the Consulate General in Lviv, the Consulate General in St. Petersburg, and the embassy in Beograd.

Most applications for visas were, in the year reviewed, filed by citizens of the Russia, Ukraine, Serbia and Montenegro, Turkey, and Taiwan. Generally, it was the same representation as in 2004 and in 2005

In the year reviewed the number of foreign nationals cleared at border crossing points of the Czech Republic decreased in both directions by 1.7 %. On the other hand the number of cleared vehicles increased, although when compared to previous years, only moderately (in 2007 – increase by 3.1 %; in 2006 – increase by 4.3 % and in 2005 – increase by 7.9 %). During the same period police officers from the Alien and Border Police Service refused entry to the Czech Republic at border crossing points, under Section 9 of Act No.326/1999 Coll., to about 1,180 foreign nationals, which is 62.5 % less than in the previous year. The highest numbers among the rejected foreigners were of citizens of Turkey, Ukraine, Russia, Vietnam, and China.

It should be noted that from 21 December 2007, when the Czech Republic joined the Schengen area, only the air national border at international airports is protected. This protection is carried out by the Alien Police Inspectorates.⁷²

In compliance with Union legal provisions *Act No. 326/1999 Coll., on the Residence of Aliens in the Czech Republic and on the Amendment to Some Other Acts, as amended* divides foreign nationals, in terms of conditions for their arrival in and departure from the Czech Republic, into two categories.

The *first category* comprises EU nationals and other states which are parties to the Treaty on the European Economic Area (hereinafter referred to as ‘EU citizens or EU nationals’). Upon certain conditions stipulated by law, family members of EU nationals enjoy a similar position with regard to the issuing of a special residence permit, even though they are not citizens of the aforementioned states. Foreign nationals falling under the first category are permitted to enter and reside in the Czech Republic for an indefinite period only on the basis of a travel document, which may also be, in this case, their identity card, without being obliged to apply for any type of residence. However, the Act stipulates a residence provision even for this category of foreign nationals – a special residence certificate – which is further divided into a permit for temporary residence and a permit for permanent residence. EU nationals do not have any duty to apply for any of the aforementioned types of residence, but it is their right to do so.

The *second category* consists of citizens of other states generally known as ‘third’ countries. Foreigners coming from third countries may enter the country for the purpose of short-term residence only on the basis of a valid passport furnished with a visa, unless the visa obligation in relation to the country concerned has been revoked. (The period of short-term residence is specified for a maximum of three months). If the purpose of residence (for example employment, business undertaking or study) requires the presence of the foreign national in the country for a period longer than three months, the foreign national must be in possession of a visa for over 90 days. If the purpose of residence exceeds a year the foreign national may apply for a long-term residence permit. New conditions were incorporated into national law. A foreign national can now apply for a

⁷² As described in more details in chapter I.1.1.1. *Scope of Competence of the Police of the Czech Republic* the Alien and border Police Service was reorganised a of 21 December.2007

long-term residence permit in the Czech Republic without having resided in the country on the basis of visa over 90 days for a specific purpose. In this case it is a long-term residence permit for the purpose of family reunification, a long-term residence permit for the purpose of studies in the Czech Republic, a long-term residence permit for the purpose of protection in the Czech Republic, and a permit for a long-term resident of an EU Member State, which are cases when a third-country national in the possession of a permanent residence permit in an EU Member State was conferred on a status of residents intends to reside in the Czech Republic for a period exceeding three months. A special type of residence was introduced in the Act on the Residence of Aliens - 'long-term residence permit for the purpose of scientific research'. A foreign national who concluded with the Czech research institute a hosting agreement and 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.

The category of permanent residence for third-country nationals remains almost unchanged. With the aim to restrict abuse of a legal provision 'a family member of the Czech national' to acquire a permanent residence by third-country nationals a new provision was incorporated, effective of 21 December 2007, into the Act on the Residence of Aliens. 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. Further A special type of residence was introduced in the Act on the Residence of Aliens - 'long-term residence permit for the purpose of scientific research'. A foreign national who concluded with the Czech research institute a hosting agreement and 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. As a consequence of transposition of some legal provisions of the European Union into national law a new category was introduced for third-country nationals - it is a permit for a foreigner who had been permitted the permanent residence in an EU Member State and was conferred on 'a legal status of a long-term resident in the European Community'. As regards national law this status is not significantly important. The status can become important once its holder intend to reside in any other EU Member States. In such case the status guarantees more favourable treatment than third-country nationals enjoy.

Towards the end of 2007 in total **392,087 foreign nationals holding Czech residence permits lived in the Czech Republic**, and of this number 158,018 foreign nationals were in possession of permanent residence permits and 234,069 foreigners had long-term residence permits (temporary residence on a long-term visa, a long-term residence and temporary residence of EU nationals). Statistical data unambiguously shows that the number of legally residing foreign nationals increases every year. In the year reviewed was an increase very considerable (+77,063 persons). EU nationals represented almost one third of the total number of foreign nationals having residence permits. The proportion of both categories was, contrary to that of third country nationals, in balance.

In both categories relating to residence of foreigners, citizens of Ukraine, Slovakia and Vietnam had the largest numbers. This fact is also reflected in the statistical records of the economic activities of foreign nationals in the Czech Republic.

The statistical records of the Ministry of Labour and Social Affairs showed that as of 31 December 2007 in total **240,242 foreign nationals were employed** in the Czech Republic, of whom 85,351 persons were employed on the basis of valid work permits; further there were 144,751 nationals of EU/EEA and nationals of Switzerland, as well as 10,140 other foreign nationals who were not obliged to have work permits. When comparing the number of valid work permits and the number of valid registrations in 2006 and 2007 it may be stated that the number of foreign nationals employed in the Czech Republic increased during the year reviewed by 55,167 persons. Traditionally the largest numbers of workers in our labour markets came from Slovakia,

Ukraine, and Poland.

As of 31 December 2007 the Ministry of Industry and Trade of the Czech Republic **recorded 68,785 foreign national entrepreneurs** (+3,063), **and 85,409** foreign nationals holding **trade licences** (+4,685). Among foreign entrepreneurs in the Czech Republic were, as in previous years, most citizens of Vietnam, Ukraine, and Slovakia.

Joint controls/inspections were carried out during the past year by Labour Offices and Trade Licensing Offices in cooperation with the Alien and Border Police Service and other inspection bodies, focused on the illegal employment of foreign nationals and foreigners included in the Register of Trade Licences.

Coordination and cooperation in the field of illegal employment of foreign nationals was ensured by the Inter-ministerial Body for Combating the Illegal Employment of Foreign Nationals. Its primary task for 2008 remains to dismantle a client system which often operates on the basis of organised crime.

In addition to inspection activities prevention of illegal employment of foreign nationals is becoming more and more important. Therefore the Ministry of Labour and Social Affairs develops new tools such as provision of information in several languages, by means of information leaflets, brochures and special websites on the portal of the Ministry, on risks of illegal employment of foreigners.

An important projects which directly targets combating activities of a client system is a projects piloted in 2007 under the title *'Prevention of Abusing Labour Force in the European Labour Market with a Focus on the Czech Republic'* by the Charity - the Czech Republic in Ukraine.

Evaluations of the Ministry of Industry and Trade demonstrated that checks on foreign nationals can be justified and can lead to a gradual enhancement of awareness of their duties within business undertaking.

The Czech police, namely the Unit for Combating Organised Crime which is responsible for exposing this type of crime, deal with the issues of forced labour and other forms of exploitation.

In 2007 the trend of a decline in the number of asylum seekers which started after the Czech Republic's accession to the European Union and continued as a consequence of application of the Dublin system.⁷³ When compared to 2006 **the number of applications for international protection** decreased by 37.7,0% and at the end of the evaluated period there were only **1,878** filed.

In 2007 asylum development in the Czech Republic was dominated, in addition to a persistent decline in the number of international protection applications, by increasingly higher numbers of international protection seekers from some until then less important source. The number of international protection seekers from Turkey increased markedly and was seen especially towards the end of 2007.

In 2007 nationals of Ukraine, (293), Turkey (213), Mongolia (160), Belarus (130), and Vietnam (100) belonged among the most numerous groups of international protection seekers.

In 2007 most foreigners applied for asylum in reception centres. Although the majority (56%) of applications were filed in the reception centre Vysni Lhoty, the importance of the second centre at the international airport Prague – Ruzyně, in terms of the number of applications filed, markedly increased to 24 %. While this share is more or less the same as in 2006 (28 %) the decline in

⁷³ Application of the aforementioned Council Regulation No. 343/2003, establishing 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.

absolute numbers is considerable (by 401 applications less). Almost a half (43 %) of applications for international protection filed at the reception centre of the international airport Prague – Ruzyně were filed by citizens of Turkey.

In 2007 **asylum was**, in the Czech Republic, **awarded to 191 persons**. The highest number of persons granted asylum were nationals of Belarus (32) and the Russian Federation (31). Ukraine a (19) and Iraq (17) rank among other countries whose citizens were granted asylum.

‘Leave to remain’ was granted by the Ministry of the Interior in **191 cases**. As in the case of asylum, Most often this subsidiary form of protection was granted to citizens of Belarus (52) directly followed by nationals of Iraq (33), the Russian Federation (31) and Cuba (21).

The Report drawn up by the UN High Commissioner for Refugees (*Asylum Levels and Trends in Industrialized Countries, 2007*) shows that, contrary to the Czech Republic, a year-on-year increase was seen in the total number of applications for international protection filed in the European Union (increase by 10.9 %).

	Number of asylum seekers		Year-on-year change %	Percentage share of the total number of asylum applications filed in Europe	
	2006	2007		2006	2007
EU-15 (old)	180,960	197,450	9.1	90.0	88.6
EU-12 (new)	20,040	25,460	27.0	10.0	11.4
EU-27	201,000	222,910	10.9	100.0	100.0

Due to the decline in the number of international protection seekers in 2007 the share of the Czech Republic in the total number of applications for international protection filed in EU Member States decreased by 0.8 %. According to the number of applications filed in EU Member States the Czech Republic occupied 17th position in 2007.

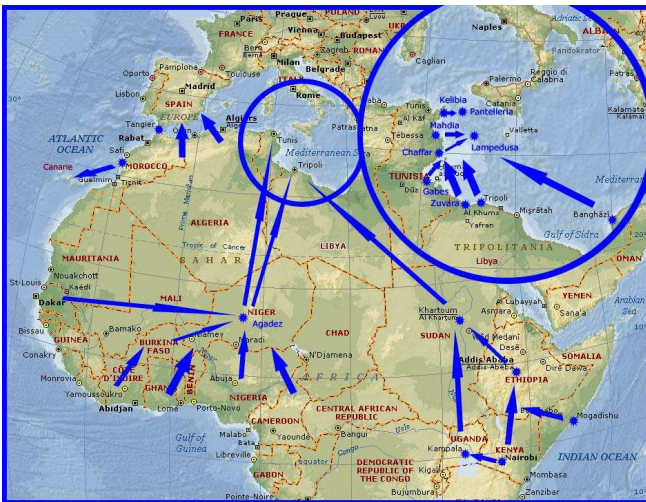
From 1990 to 2007 in total 86,248 foreign nationals applied for international protection in the Czech Republic. Of this number, asylum was granted in 3,276 cases.

III. Illegal Migration

III.1. ILLEGAL MIGRATION IN THE EUROPEAN CONTEXT

However, migrants when arriving in EU Member States from all parts of the world do not use only legal methods of arrival but to a large extent they come illegally. A serious consequence of illegal migration arises not only from its scope but also from its links to organised crime and related security risks, including terrorism. This is the reason why the fight against illegal migration is among the principal challenges in the Communication from the Commission - A strategy on the external dimension of the area of freedom, security and justice. Prevention of illegal migration and return of illegal migrants to their country of origin is among the most important priorities of the European Union in the area of migration.

Main flows of illegal migration to EU Member States have not considerably changed from the long-term point of view, however routes and methods of illegal migration have changed, as a result of measures adopted within the European Union. Due to the fact that illegal migration is well organised and smuggling networks are involved to a large extent, illegal migration can adapt to such measures.



The European Union devoted large attention to illegal migration from Africa. In the light of a rapid population growth which is not supported by adequate economic development, it might be assumed that migration pressure from this region (Africa) will become stronger. The situation is supported also by an unstable political and security situation in a number of African countries. A number of actions and programmes of the European Union focused on Africa. Their aim was not only to increase control over migration flows in this region but also to support development of source countries and to make the dialogue both with transit and source countries of illegal migration in Africa more intensive.

Significant migration pressure was also reported from the eastern and south-eastern external border of the European Union. With respect to migration routes in this region no substantial changes were seen during the year monitored. The position of Moscow is still important, since part of migrants continues to the European Union across Scandinavia and Baltic countries, nevertheless the main route to the European Union leads across Ukraine or Belarus respectively. The Balkan route is important as well where Turkey is a gathering point before migrants enter the European Union. These migration routes are predominantly used by migrants from Middle East and Asian countries.



With regard to the air border of the European Union illegal migration affects especially European international airports. Air routes are used mainly by some Asian nationalities and immigrants from Latin America. Illegal migration from South America substantially affected only several EU Member States and it is motivated by economic problems.

III.2. ILLEGAL MIGRATION IN THE CZECH REPUBLIC

The Czech Republic is not an exception, as other countries of the European Union, and thus it must every year cope with an influx of immigrants from various corners of the world. The majority of these reach the country with the assistance of a highly organised system of groups of smugglers as part of a profitable illegal trade.

The manner of illegal transfer of people across the territory of the Czech Republic, as well as entry to or departure from the country, saw, when compared to 2006, partial changes, with regard to how migrants are transported and how entry to the country is organised. The number of individual registered cases changed and the number of illegal transport of foreigners across the national border using loading space of vans, trucks and lorries increased. At the same time the number of cases when illegal migrants are transported across the Czech national border and throughout the territory of target countries hidden in trunk of cars. (The similar trend was registered in 2005, when technically modified trunks of cars were used to transport illegal migrants.).

At the same time more thorough and more elaborated conspiracy of criminal activities of smuggling organisations can be seen which is caused by 'gathering experience' on the basis of previous criminal offences committed by such criminal organisations.

It must also be stressed that illegal migration penetrates various areas of society, including criminal activities and organised crime. It relates to cross-border crime, organised smuggling of people across the national border and trafficking in human beings, and may have links to international terrorism. Using false identity and travelling with irregular travel documents⁷⁴ some persons with links to international organised crime or terrorism can hide in the Czech Republic.

After the Czech Republic's accession to the Schengen area the departure from the Czech Republic was simplified and therefore a number of people may think that illegal migration ceased existing since there are no internal national borders. However, **activities of organised crime persist and are more effective when organising illegal migration after the Czech Republic's accession to the Schengen area.**

Foreign nationals who have entered a country legally on the basis of an entry visa granted - where the visa obligation has not been abolished in relation to the state concerned - represent a significant category of illegal migrants. Notwithstanding the purpose of their entry, they often exceed the period of authorised residence. Another group comprises foreigners who apply for asylum (international protection) at the moment when their illegal residence in the Czech Republic is revealed and not when they enter into Czech Republic.

The Czech Government ranks the elimination of illegal migration as being among its most important strategic interests and combating illegal migration is considered to be a priority of security policy in the field of public order and internal security of the state. In this instance, the Government also satisfies one of the priorities of the Hague Programme which is that of managed migration and involves, *inter alia*, a stronger fight against illegal migration, smuggling across borders and trafficking in human beings, particularly women and children.

⁷⁴Irregular travel documents (i.e. false or forged travel documents, or falsified documents of other persons)

Illegal migration refers in the Czech Republic to:

- detected cases of **people⁷⁵ penetrating the territory of a country across its borders illegally** for varying reasons and **illegal departures from a country**;
- detected cases of **illegal residence of foreign nationals inland**, i.e. violation of residence rules valid for foreigners.

In 2007 the situation regarding illegal migration in the Czech Republic can be described, as in previous years, by decreasing numbers of persons detected as illegal migrants and more frequent apprehension of persons who used for illegal migration irregular travel documents.

Illegal migration in the Czech Republic - development from 1998 to 2007

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Illegal migration										
Total (persons detected)	44,672	44,295	55,075	42,143	34,314	34,556	27,391	15,489	11,488	8,096
<i>year-on-year change</i>				-12,932	-7,829	242	-7,165	-11,902	-4,001	-3,392
<i>in %</i>				-23.5	-18.6	0.7	-20.7	-43.5	-25.8	-29.5
of which										
Across the national border of the Czech Republic (hereinafter NB CR)	44,672	32,325	32,720	23,834	14,741	13,206	10 695	5,689	4,371	3,384
<i>year-on-year change</i>	15,333	-12,347	395	-8,886	-9,093	-1,535	-2,511	-5,006	-1,318	-987
<i>in %</i>	52.3	-27.6	1.2	-27.2	-38.2	-10.4	-19.0	-46.8	-23.2	-22.6
violation of residence rules (hereinafter VRR)	Not reviewed	*11,970	22,355	18,309	19,573	21,350	16,696	9,800	7,117	4,712
<i>year-on-year change</i>			*	-4,046	1,264	1,777	-4,654	-6,896	-2,683	-2,405
<i>in %</i>			*	-18.1	6.9	9.1	-21.8	-41.3	-27.4	-33.8

Key: * June - December (both categories of illegal migration have been objectively summed up and compared since 2000)

A decline in the number of detected persons was seen in both categories of illegal migration although it was lower than in 2006. According to reports of Alien Police Service units (or other Czech police services) **in total 8,096 persons** (-3,392 persons, i.e. -29.5 %) were detected as illegal migrants.

Fig. Illegal migration in the Czech Republic across the Czech national border and violation of residence rules

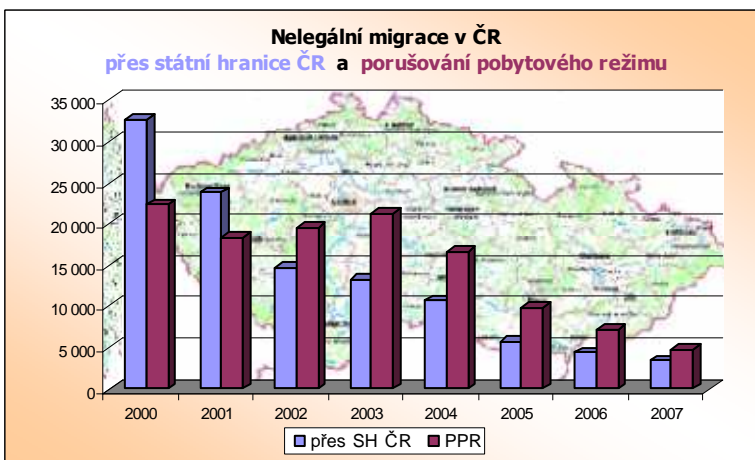
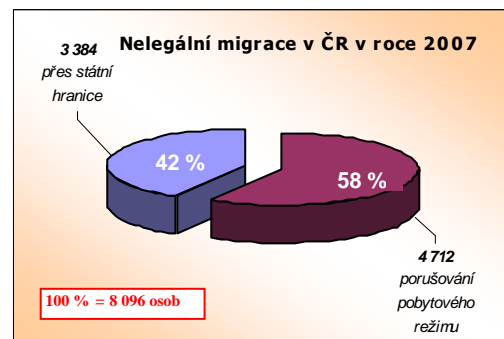


Fig: Illegal migration in the Czech Republic in 2007 (blue – the national border; purple – violation of residence rules – both figures)



⁷⁵ The term people/persons refers to both Czech and foreign nationals.

Of the above stated number **3,384** (-987 persons, i.e. -22.6 %) were detected when **attempting to cross the national border of the Czech Republic** and **4,712 persons** (-2,405 persons, i.e. -33.8 %) **who violated residence rules**.

When percentage proportions are compared with the previous year in both categories of illegal migration with the total number of detected persons a slight increase can be seen in 2007 in the category of illegal migration across the national border.

With respect to **illegal migration across the national border**, numbers of detected persons were more or less the same during the whole year except for July and August when these numbers moderately increased. This situation was largely affected by Czech tourists and tourists from other countries of the European Union who breached rules at the national border at places which are not determined for its crossing.

Higher monthly numbers relating to illegal migration were reported with regard to the second category, **i.e. violations of residence rules**. The highest number of persons was detected in March and August.

Illegal migration in the Czech Republic in 2007

Month of 2007	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
Illegal migration in the Czech Republic (persons detected)													
Total	642	709	844	714	742	629	806	862	602	548	535	463	8,096
of them across NB CR	233	304	370	309	346	265	400	446	221	157	150	183	3,384
VRR	409	405	474	405	396	364	406	416	381	391	385	280	4,721

If compared with the previous year, the largest changes, as regards absolute numbers, were reported by TD APS of Ostrava (1,664 persons, -1,110, i.e.-40.0 %) and as regards percentages by TD APS of Pilsen (556 persons, -367, i.e.-39.8 %).

Illegal migration in the Czech Republic – comparison of the same periods of 2006 and 2007

Period of the year	1 Jan – 31 Dec 2006		1 Jan – 31 Dec 2007		Change in comparison with the previous period			
	osob	i.e.%	persons	i.e.%	as [%]		Absolute figure	
Illegal migration (persons detected))								
Total	1,1488	100.0	8,096	100.0				
of them across NB of the Czech Republic	4,371	38.0	3,384	41.8				
violations of residency rules	7,117	62.0	4,712	58.2				
of whom under responsibility of TD APS								
Ostrava	2,774		1,664					
Hradec Kralove	1,450		1,056					
Usti nad Labem	1,256		996					
Pilsen	923		556					
Ceske Budejovice	929		568					
Brno	951		817					
Prague	3,205		2,439					
of them in the capital city of Prague	2,991		2,313					
in Central Bohemia	214		126					
under responsibility of TD APS in the category	VRR	Across NB	VRR	Across NB	VRR	Across NB	VRR	Across NB
Ostrava	2,234	540	1,415	249	-36.7	-53.9	-819	-291
Hradec Kralove	636	814	286	770	-55.0	-5.4	-350	-44
Usti nad Labem	462	794	254	742	-45.0	-6.5	-208	-52
Pilsen	512	411	245	311	-52.1	-24.3	-267	-100
Ceske Budejovice	174	755	78	490	-55.2	-35.1	-96	-265
Brno	434	517	434	383	0.0	-25.9	0	-134
Prague	2,665	540	2,000	439	-25.0	-18.7	-665	-101
of them in the capital city of Prague	2,451	540	1,874	439	23.5	-18.7	-557	-101
in Central Bohemia	214		126		-41.1		-88	0

As regards overall evaluation, illegal migration most affected the national border with Poland. There was both illegal migration across the national border and illegal migration – violations of residence rules detected at border crossing points when migrants wanted to leave the Czech Republic.

With regard to nationalities, the most numerous group of illegal migrants comprised in 2007 citizens of Ukraine (3,240 persons; i.e. 40.0 % of the total number of 8,096 persons) especially due to the number of persons who were detected when illegally residing in the Czech Republic (2,904 persons; i.e. 89.6 %).

Nationalities are distributed within individual categories unequally. In the category of violation of residence rules the citizens of Ukraine absolutely dominated (61.6 %). On the other hand the situation concerning illegal migration across the national border of the Czech Republic was not so clear-cut and differences between individual nationalities are not so obvious. This category is dominated by nationals of Vietnam (12.4 %), followed by citizens of Germany (10.2 %) and Ukraine (10.9 %). As regards countries outside the European Union (and also apart from Switzerland, Norway, Lichtenstein, and Iceland) the following nationalities displayed the largest numbers: nationals of Mongolia, Turkey, and China. EU citizens detected as illegal migrants across the national border of the Czech Republic were usually found as tourists in borderland.

More data on the most frequently detected nationalities in individual categories is included in relevant chapters of this Report.

Illegal migration in the Czech Republic – 2007 – TOP 10

From 1 January to 31 December					
Illegal migration in the Czech Republic					
VRR	Persons detected	i.e.%	Across NB	Persons detected	i.e.%
Total	4,712	100.0	Total	3,384	100.0
			of them Czech citizens	547	16.2
			foreign nationals	2,837	83.8
of them the 10 most frequent nationalities (TOP 10)			of them the 10 most frequent nationalities (TOP 10)		
Ukraine	2,904	61.6	Vietnam	418	12.4
Vietnam	345	7.3	Germany	345	10.2
China	176	3.7	Ukraine	336	9.9
Mongolia	174	3.7	Poland	276	8.2
Russia	150	3.2	Moldova	179	5.3
Belarus	133	2.8	Turkey	139	4.1
Moldova	121	2.6	China	138	4.1
Slovakia	111	2.4	Not detected	110	3.3
Kyrgyzstan	58	1.2	Iraq	90	2.7
Georgia	54	1.1	Slovakia	69	2.0

Key: **bold type** – citizen of a non-neighbouring country, regular type = citizen of the Czech Republic and of a neighbouring country

III.3. ILLEGAL MIGRATION ACROSS THE NATIONAL BORDER OF THE CZECH REPUBLIC

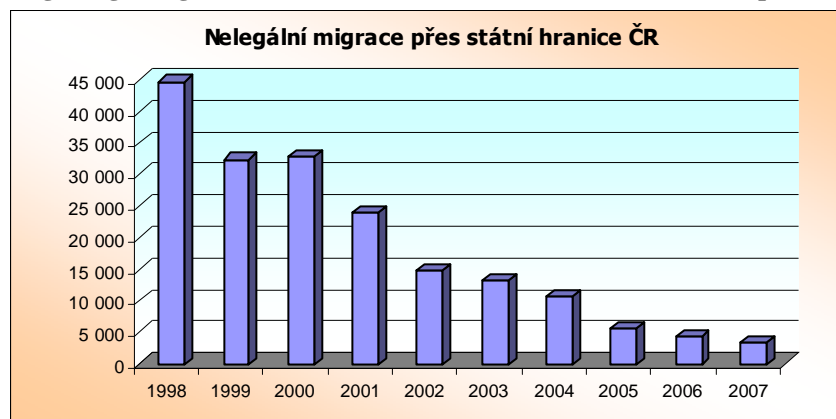
Illegal migration across national borders refers to situations where people (both foreigners⁷⁶ and Czech citizens) cross the national borders of the Czech Republic illegally for various reasons. This includes cases detected of foreigners entering the territory of the Czech Republic without permission, and of foreigners leaving its territory without permission or foreigners demonstrably attempting to leave the country. This term also refers to the use of irregular travel documents, and situations where a foreigner tries to enter the Czech Republic despite the fact that he/she cannot obtain permission for entry because of a continuing expulsion sentence imposed by a court or an effective administrative expulsion order. This Chapter describes cases which are detected by the authorities of the Czech Republic or neighbouring countries.

In 2007 the trend of a gradual decrease in the number of cases and persons detected as illegal migrants across the national border of the Czech Republic continued. The year-to-year decline in detected persons corresponds to the year 2006 and oscillates around 23.0 %.

If the decrease in the number of illegal migrants is mentioned it is based on the number of detected cases and persons who were detected, when migrating across the national border, by units of the Alien Police Service or other Czech police bodies and/or security services of neighbouring countries. The scope of latent illegal migration in 2007 can be estimated only with difficulties.

⁷⁶ In terms of security, a serious risk is mainly the illegal migration of foreign nationals across the national border.

Fig: Illegal migration across the national border of the Czech Republic



The highest numbers of foreign nationals detected as illegal migrants were seen in August, March and May.

Illegal migration across the national border of the Czech Republic in 2007

Month 2007	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
Illegal migration across the national border of the Czech Republic													
Total number of detected persons	233	304	370	309	346	265	400	446	221	157	150	183	3,384
of them													
foreign nationals	221	253	307	242	306	227	301	310	205	145	139	181	2,837

With regard to persons who try to illegally cross the national border of the Czech Republic, the number of those who attempt to illegally depart from the country prevails over the number of those attempting to enter illegally. Some of such persons enter the Czech Republic legally, however they wish to leave it illegally.

When exposing illegal migration across the national border, maximum efforts must be devoted to this problem and the professional competence of police officers is necessary since the simplified clearance of persons and the above-mentioned abolishment of customs controls make it more difficult to reveal persons who are transported across the Czech national border hidden in motor vehicles, or who travel in the cars with EU identification plates, or who identify themselves with forged or altered EU travel documents.⁷⁷

In combating illegal migration, cooperation with other units of the Czech police is required, mainly collaboration of the Alien Police Service of the Czech police with the Unit for Combating Organised Crime of the Criminal Police and the Investigation Service of the Czech police, and with police forces of neighbouring countries.

III.3.1. Numbers of Migrants and their Nationalities

In 2007 in total **3,384 persons** (-987 persons, i.e. -22.6 %) who illegally crossed the Czech national border or who demonstrably attempted to do so were detected. Of this number **547 were Czech nationals** (-148 persons, i.e. -21.3 %) and **2,837 foreign nationals** (-839 persons i.e. -22.8 %). Percentage of foreign nationals in the total number of persons detected as illegal migrants across the national border decreased from 84.1 % to 83.8 %.

⁷⁷ Persons who illegally cross the Czech national border and predominantly persons who assist them to do so, abused, until 21 December 2007, selective clearance at national border crossing points. Therefore police officers concentrate mainly on third country nationals.

As individual sections of the Czech national border have their specific features, **each nationality** is, in terms of illegal migration, typical and can be distinguished from the others. The composition of illegal migrants by nationality has been changing over time, depending especially on the situation in the countries of origin, legal modifications in both transit countries and target countries, and on the measures adopted by individual countries in connection with national border protection.

With regard to the geographical location of the Czech Republic and nature of current illegal migration, as it is described in previous chapters, **citizens of European countries** prevail among persons detected when attempting to illegally cross the national border of the Czech Republic - in the year reviewed in total **1,959 persons** (i.e. 58.0 % of the total number of 3,384 persons). Despite the described fact the EU citizens displayed the highest year-to-year decline (-947 persons, i.e. -32.6 %)

As regards representation of individual continents in illegal migration across the national border of the Czech Republic, Europe occupies the first place, followed by Asia and Africa. In 2007, if compared to 2006, an increase in the number of persons detected as illegal migrants across the national border of the Czech Republic was seen in relation to two continents. They are America (36 persons; +16 persons, i.e. +80.0 %) and Asia (1,198 persons; +109 persons, i.e. +110.0 %). If a percentage share of individual continents is compared with 2006 the proportion of Asia and Europe increased while the proportion of Africa decreased.

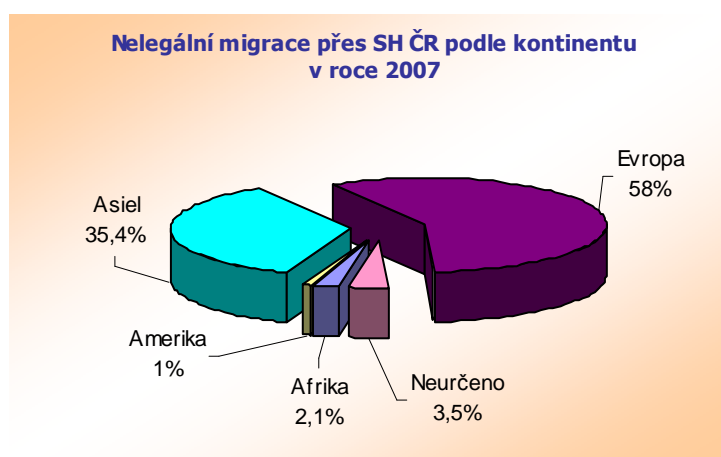


Fig: Illegal migration across the national border of the Czech Republic in 2007 according to continents

Out of the total number of persons from **European countries** who were detected in 2007 when attempted to cross the Czech national border illegally most were Germans (345 persons, i.e. 10.2 %), Ukrainians (336 persons, i.e. 9.9 %) and nationals of Poland (276 persons, i.e. 8.2 %). If the years 2006 and 2007 are compared the citizens of Germany saw an increase (+56 persons, i.e. +19.4 %) followed by nationals of Moldova (+33 persons, i.e. +22.6 %). On the other hand the numbers of nationals of Ukraine (-318 persons, i.e. -48.6 %) and Russia (-121 persons, i.e. -65.1 %) dropped.

The numbers of illegal migrants across the Czech national border from Asian countries is not negligible either.

As regards Asian countries in particular the numbers of nationals of Vietnam (418 persons; +282 persons, i.e. +207.4 %), Turkey (139 persons, +62 persons; i.e. +80.5 %) and Syria (59 persons; +28 persons, i.e. +90.3 %) increased when compared to numbers from the last year. In contrast to this citizens of India (45 persons; -60 persons, i.e. -57.1 %), China (138 persons; 103 persons, i.e. -42.7 %) and Mongolia (68 persons; -42 persons, i.e. -38.2 %) displayed a decline.

Illegal migration of foreign nationals across the national border of the Czech Republic **according to their division** into EU nationals and third country nationals⁷⁸ was, in the year reviewed, as follows.

⁷⁸ See Chapter II.1. TYPES OF RESIDENCE

Out of the total number of 2,834 foreigners the share of third-country nationals in the total migration of foreign nationals across the national border of the Czech Republic accounted for 73.3 % (if absolute figures are taken into account there were in total 2,080 persons). Thus their proportion is lower than in the same period of 2006, when it accounted for 75.3 %.

And again when the years 2006 and 2007 are compared, both the number of third-country nationals (-688 persons, i.e. -24.9 %) and their share in the total number of persons detected as illegal migrants across the national border decreased (from 63.3 % to 61.5 % at all sections of the Czech national border). The largest decrease in illegal migrants was reported from the border with Austria (-418 persons, i.e. -46.3 %), the largest percentage decline was reported from the border with Poland (-133 persons, i.e. -52.4 %). The highest numbers of illegal migrants were reported from the border with Germany (961 persons, i.e. 46.2 %), followed by the border with Austria (484 persons, i.e. 23.3 %) and the air border (438 persons, i.e. 21.1 %).

Illegal migration across the national border of the Czech Republic – comparison with the same period of 2006 and 2007-foreigners

Period Year	1 Jan – 31 Dec 2006	i.e.%	1 Jan – 31 Dec 2007	i.e.%	Change in comparison with the previous period	
					as [%]	Absolute figure
Illegal migration across the national border of the Czech Republic						
Total number of persons detected	4,371	100.0	3,384	100.0	-22.6	-987
of them foreigners	3,676	84.1	2,837	83.8	-22.8	-839
of them third country nationals	2,768	63.3	2,080	61.5	-24.9	-688

The share of EU nationals in illegal migration including citizens of Norway, Iceland, Lichtenstein, and Switzerland who under the Act on the Residence of Aliens have the same status as EU nationals, accounted for 26.7 % (757 persons). Their share in the total number of persons detected as illegal migrants Gross the national border was 22.3 %.

As for this group and similarly as for nationals of the Czech Republic in majority of cases the border was crossed illegally within tourism, for the purpose of visiting restaurants, friends, sports activities and so forth. However, also this category displays cases when the border was crossed illegally for the purpose of committing criminal offences.

When entering and residing in the Czech Republic, third-country nationals are not subject to the same conditions, since nationals of some states **are subject to visa obligation**. Among foreigners (2,837 persons) who during the year 2007 crossed the Czech national border illegally or demonstrably attempted to do so, there were **2,056 persons** (-506 persons, i.e.-19.8 %) **subject to visa obligation**.

Illegal migration across the national border of the Czech Republic – foreigner subject to visa obligation and foreigners having a visa-free entry into and residence in the Czech Republic – comparison of the same periods of 2006 and 2007

Period of the year	1 Jan – 31 Dec 2006	i.e.%	1 Jan – 31 Dec 2007	i.e.%	Change as compared with the previous period	
					as [%]	Absolute figures
Illegal migration Gross the NB CR - number of persons detected	4,371	100.0	3,384	100.0	-22.6	-987
of whom FOREIGN NATIONALS	3,676	84.1	2,837	83.8	-22.8	-839
Total FOREIGNER NATIONALS	3,676	100.0	2,837	100.0		
of whom foreigners NOT SUBJECT TO VISA OBLIGATION	1,114	30.3	781	27.5	-29.9	-333
Foreigners SUBJECT TO VISA OBLIGATION	2,562	69.7	2,056	72.5	-19.8	-506

Illegal migration of persons coming from those countries whose citizens are subject to visa obligation when arriving in the Czech Republic was detected at the national border in both

directions; to and from the Czech Republic. Such foreign nationals were detected mainly at the border with Germany (951 persons, i.e. 46.3 %), with Austria (481 persons, i.e. 23.4 %) and at the air border (432 persons, i.e. 21.0 %). The section of the Czech national border with Germany displayed an increase both in numbers and in percentage share. All other sections of the Czech national border displayed a year-to-year decline

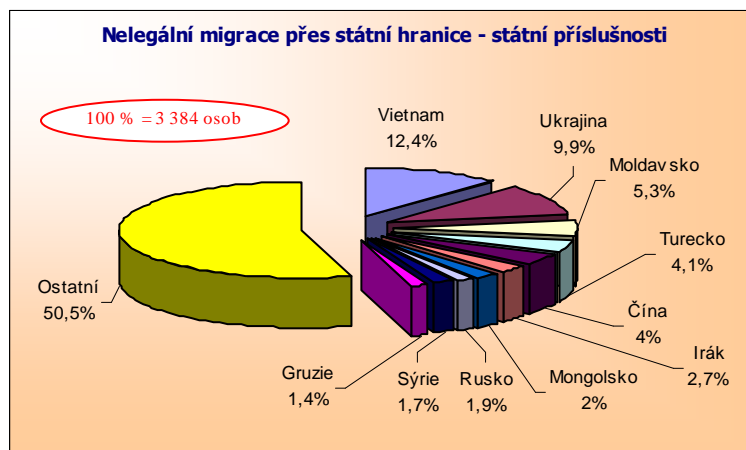
The numbers of citizens from the countries which **are not subject to visa obligation** detected in the direction to the Czech Republic - **781 persons** (-333 persons, i.e. -29.9 %) displayed a decline when compared to the numbers of 2006.

Citizens of such countries were mostly detected at the border with Poland (611 persons, i.e. 78.2 %), the lowest number of citizens falling under this category were detected at the air border (14 persons, i.e. 1.8 %). Otherwise, at other sections of the national border, the numbers were almost in balance.

In terms of nationalities, the largest groups of foreign nationals who were, in 2007, registered by units of the APS when illegally crossing the Czech national border, were **nationals of Vietnam** (418 persons; +282 persons, i.e. +207.4 %), who occupied in 2006 the fifth position.

Fig. Illegal migration across the national border - nationalities

They also displayed the highest percentage share which accounted for 12.4 %. In vast majority of cases they were detected when they wished to leave the Czech Republic (403 persons, i.e. 96.4 %) when they predominantly preferred the direction to Germany (371 persons, i.e. 92.1 %). Of the total number of 403 persons detected when they wanted to leave the Czech Republic 257 lawfully resided in the Czech Republic (of them 198 persons were in possession of visa for over 90 days).



Nationals of Ukraine were the second largest group (336 persons, i.e. 9.9 %), however their number decreased when compared to the previous year (-318 persons, i.e. -48.6 %). Citizens of Ukraine preferred the direction from the Czech Republic (266 persons, i.e. 79.2) where they were mostly detected at national border crossing points with Austria (148 persons, i.e. 55.6 % of the number of nationals of Ukraine leaving the Czech Republic). For their illegal migration to the Czech Republic they used irregular travel documents (62 persons, i.e. 88.6 % of the number of nationals of Ukraine detected when they wanted to enter the Czech Republic), in particular when they travelled from Poland and Slovakia. In statistical records of illegal migration they dropped from the first position, which they occupied in 2006, to the second place.

Ukrainians were followed, at a far distance, by **nationals of Moldova** (179 persons; +33 persons, i.e. +22.6 %). Their share in the number of all detected illegal migrants was 5.3 %. The direction from the Czech Republic prevailed (150 persons, i.e. 83.8 %), where Moldavians wanted to travel mainly to Germany and Austria. More than a half of nationals of Moldova used for illegal migration irregular travel documents (98 persons, i.e. 54.7 %). They shifted to the third position from the fourth position in 2006.

As compared to 2006, **nationals of Turkey** ranked among the ten most numerous groups of foreign nationals in statistics of illegal migration across the national border (139 persons;

+62 persons; +80.5 %). Their share in illegal migration across the national border accounted for 4.1 %. As regards nationals of Turkey, migration in the direction from the Czech Republic prevailed (106 persons, i.e. 76.3 %), most frequently to Germany (75 persons, i.e. 70.8 % of the number of migrants leaving the Czech Republic).

The same applies to the citizens of Syria (59 persons; +28 persons; +90.3 %) and Pakistan (48 persons; +29 persons; +152.6 %) whose numbers increased.

In 2007 the largest year-to-year decline was reported with regard to nationals of Ukraine, as mentioned above, followed by citizens of Russia (65 persons; -121 persons, -65.1 %), who at the same time displayed the largest percentage decline.

If all types of borders are compared the nationals of China mostly used the air border (78 persons, i.e. 56.5 % of the total number of nationals of China detected as illegal migrants across the national border).

Illegal migration across the NB of the Czech Republic – TOP 10 – the same period of 2006 and 2007

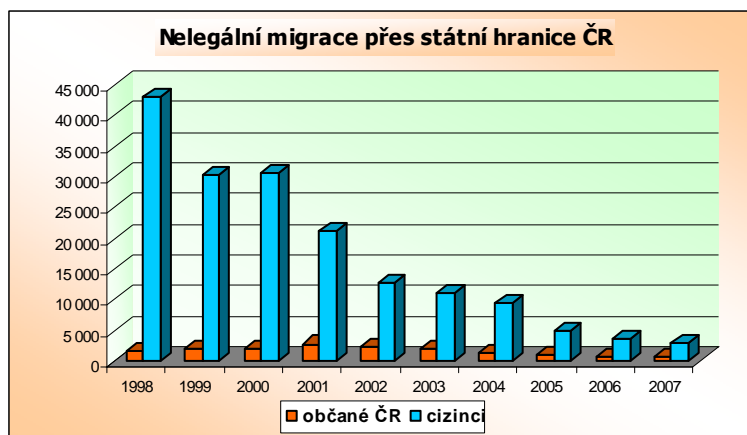
Illegal migration across the national border of the Czech Republic					
1 Jan to 31 Dec 2006	Persons detected	i.e.%	1 Jan to 31 Dec 2007	Persons detected	i.e.%
Total	4,371	100.0	Total	3,384	100.0
of them Czech nationals	695	15.9	of them Czech nationals	547	16.2
foreign nationals	3,676	84.1	foreign nationals	2,837	83.8
of them 10 most frequent nationalities (TOP 10)			of them 10 most frequent nationalities (TOP 10)		
Ukraine	654	15.0	Vietnam	418	12.4
Poland	460	10.5	Germany	345	10.2
Germany	289	6.6	Ukraine	336	9.9
China	241	5.5	Poland	276	8.2
Russia	186	4.3	Moldova	179	5.3
Moldova	146	3.3	Turkey	139	4.1
Vietnam	136	3.1	China	138	4.1
Not detected	123	2.8	Not detected	110	3.3
Iraq	112	2.6	Iraq	90	2.7
Mongolia	110	2.5	Slovakia	69	2.0

Key: **bold type** – non-neighbouring country; regular type – neighbouring country

The distribution of nationalities at individual sections of the national border differed. While at the border with Poland the largest groups of foreign nationals were citizens of neighbouring countries, at all other sections citizens of Ukraine, Russia and Vietnam prevailed. Individual nationalities differ also by their migration destinations, and therefore they decide for different border sections.

During the year 2007, units of APS reported **547 citizens of the Czech Republic** who were detected when illegally crossing the Czech national border (-148 persons; i.e. -21.3 %). The share of Czech nationals in the total number of illegal migrants accounted for 16.2 %, which is a larger share than in 2006. With the exception of the border with Austria where an increase was seen (170 persons; +17 persons, i.e. +11.1 %) a year-to-year decline was reported from all other border sections.

Fig: Illegal migration across the national border of the Czech Republic
orange –citizens of the Czech Republic; blue – foreign nationals



Sports activities, hiking and work activities are among the most frequent reasons why citizens of the Czech Republic cross the national border of the Czech Republic illegally.

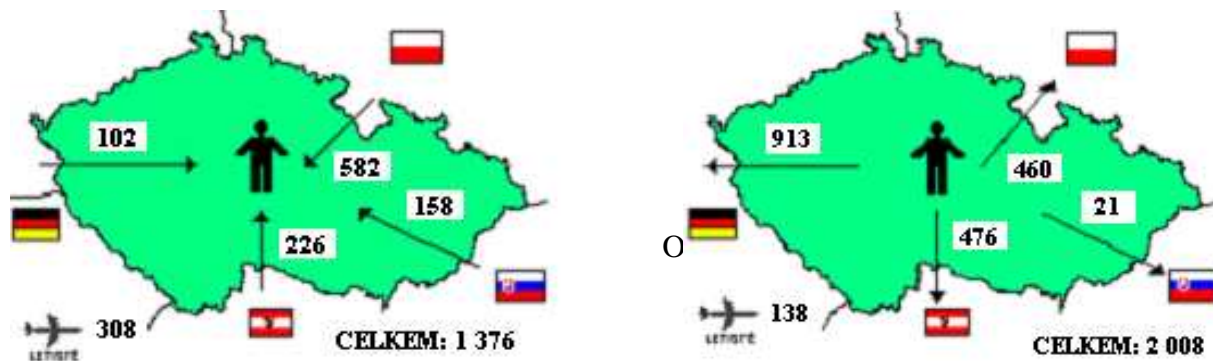
However, there are among them also persons who assist foreign nationals in crossing the national border, who commit criminal activities in a neighbouring country, who transport goods outside of border crossing points, who travel with irregular travel documents, and so forth.

III.3.2. Illegal Migration Routes

The Czech Republic still remains for third-country nationals a transit country. This is true mainly of persons who apply when entering the Czech Republic for international protection, or who apply for international protection when inland. However, their target countries are situated to the west or south of our borders, or even overseas. Thus these applications for asylum in the Czech Republic are only a means to meet their objective.

The trend in illegal migration across the national border of persons who wanted to leave the Czech Republic continues to be higher than that of persons who were apprehended when intended to arrive in the Czech Republic. This situation is affected by the fact that some people enter the Czech Republic legally, however try to leave it illegally.

Illegal migration across the NB in 2007 in the direction to the Czech Republic Illegal migration across the NB in 2007 in the direction from the Czech Republic



Of the total number of 3,384 persons who were detected when attempting to cross the national border of the Czech Republic illegally in 2007 the majority (2,008 persons, i.e. 59.3 %) were detected in the direction from the Czech Republic.

This category displayed a decline by 27.0 % (in absolute figures by -742 persons), in the direction to the Czech Republic a decline by 15.1 % was reported (i.e. -245 persons, in total 1,376 persons were detected).

The number of persons detected **at all sections of the national border of the Czech Republic** saw a year-on-year decline. The largest year-to-year percentage fall was reported from the border with Slovakia (-37.0 %).

The largest numbers of persons were apprehended at the border with Poland (1,042 persons, i.e. 30.8 %), followed by Germany (1,015 persons, i.e. 30.0 %), Austria (702 persons, i.e. 20.7 %) and at the air border of the Czech Republic (446 persons, i.e. 13.2 %).

Illegal migration across the NB of the Czech Republic – NB sections – comparison of the same period of 2006/2007

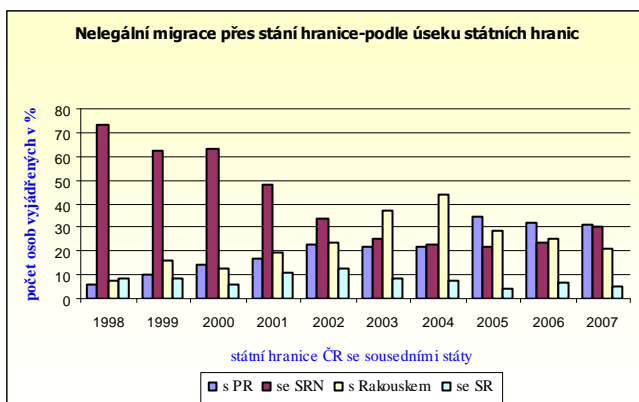
Period of the year	1Jan –31 Dec	i.e.%	1Jan –31 Dec	i.e.%	Change as compared with the previous period	
	2006		2007		as [%]	Absolute figures
Illegal migration across the national border of the Czech Republic						
Number of detected persons		100.0	3,384	100.0	-22.6	-987
Of whom from the Czech Republic	2,750	62.9	2,008	59.3	-27.0	-742
to the Czech Rep.	1,621	37.1	1,376	40.7	-15.1	-245
of them at the Czech NB						
with Poland	1,385	31.7	1,042	30.8	-24.8	-343
with Germany	1,047	24.0	1,015	30.0	-3.1	-32
with Austria	1,111	25.4	702	20.7	-36.8	-409
with Slovakia	284	6.5	179	5.3	-37.0	-105
Czech airports	544	12.4	446	13.2	-17.9	-97

In 2007, as in previous years, the highest number of persons detected in relation to illegal migration across the national border was reported on the section of the national border between **the Czech Republic and Poland (1,042 persons)**. Of the stated number 582 were detected when they were arriving in the Czech Republic (i.e. 55.9 %) and 460 persons were detected when they intended to leave the Czech Republic (i.e. 44.1 %). They were mainly Czech nationals and EU citizens (in total 921 persons; i.e. 88.4 %), who often breached the national border regime as tourists or during sports activities. Citizens of the Czech Republic and Poland accounted for 55.8 % detected persons. Citizens of Ukraine (49 persons) were the most numerous group among third-country nationals (121 persons) who used, when entering the Czech Republic (39 persons) irregular travel documents (false stamps/stickers) followed by nationals of Vietnam (19 persons) and stateless persons (16 persons).

Most persons were reported by basic units of the **TD APS of Hradec Kralove** (770 persons; -43 persons, i.e. -5.3 %), in particular by the APS Unit in Spindleruv Mlyn.

Fig: Illegal migration across the national border of the Czech Republic - according to the sections of the national border

blue = the border with Poland; **purple** = the border with Germany; **yellow** = the border with Austria; **light blue** = the border with Slovakia



Another the most affected section of the national border was **the border with Germany** where **1,015 persons** were detected. The number of persons crossing illegally in a direction from the Czech Republic to Austria unambiguously prevailed (913 persons; i.e. 90.0 % of the total number of migrants detected at this border section). In vast majority these were persons who were apprehended by the German border protection bodies and then handed over to the relevant authorities of the Czech Republic. Some of

them were also detected by joint German-Czech teams. Of the total number of 1,015 persons German police offices detected and handed over 822 persons, i.e. 81.0 %. As regards the composition of nationalities, third-country nationals dominated (961 persons, i.e. 94.7 %). Among third-country nationals Vietnam (372 persons), Ukraine (81 persons), Turkey (75 persons), and

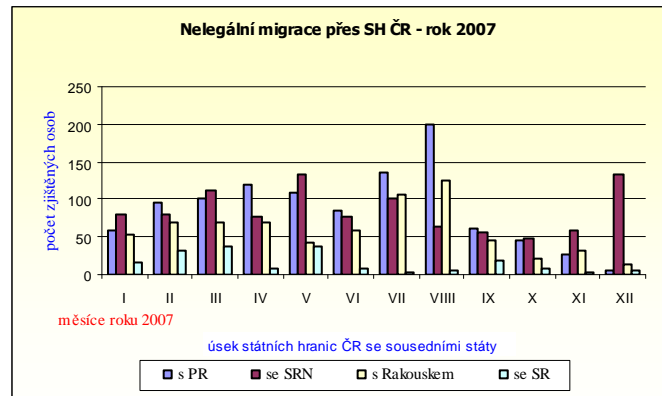
stateless persons (72 persons) prevailed.

The largest pressure of illegal migration at this border section may be attributed to the **TD APS of Usti nad Labem** (707 persons; +89 persons, i.e. +14.4 %) where only this TD APS saw an increase in comparison with the previous year.

702 persons were apprehended at the **national border with Austria**. If compared to 2006, the Czech – Austrian border also displayed the largest decline in the number of apprehended persons (-409 persons, i.e. -36.8 %). The number of person apprehended when they wanted to leave the Czech Republic (476 persons; i.e. 67.8 %) prevailed, while 33.8 % of persons were apprehended and then handed over to the Czech Republic by Austrian border protection forces. As regards the direction to the Czech Republic mainly nationals of the Czech Republic (163 persons; i.e. 72.1 %) and EU citizens (43 persons; i.e. 19.0 %) cross the national border as tourists. This situation is similar to that at the border with Poland.

Fig. Illegal migration across the national border of the Czech Republic in 2007

blue = the border with Poland; **purple** = the border with Germany; **yellow** = the border with Austria; **light blue** = the border with Slovakia



As at other border sections third-country citizens were detected here (484, persons, i.e. 68.9 %), of whom citizens of Ukraine (148 persons), followed by nationals of Moldova (73 persons), Mongolia (42 persons) and China (32 persons) prevailed.

The most persons were reported at this border section by the **TD APS of Ceske Budejovice** (487 persons; -250 persons; i.e. -33.9 %), in particular by the APS Units situated in Dolni Dvoriste and Kyselov.

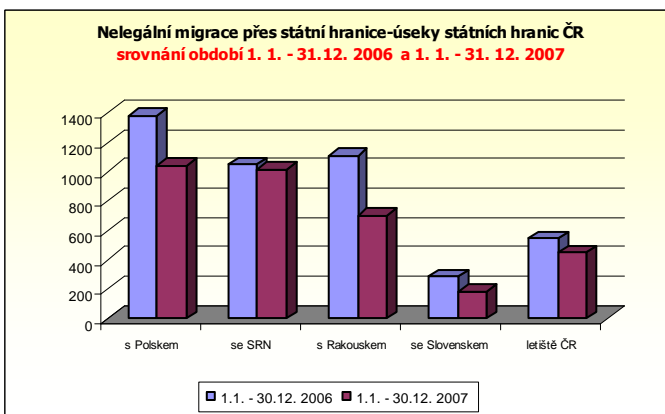


Fig. Illegal migration across the national border - sections of the Czech national border (comparison of period from 1 Jan to 31 Dec 2006 and from the 1 Jan to 31 Dec 2007)

In 2007 in total **446 persons** were detected **at the air border**. In these cases they were mainly people who used irregular travel documents. Furthermore, in the transit zone of the airport persons without travel documents were detected who applied for international protection in the Czech Republic. The number of persons detected

when they wanted to enter the Czech Republic prevailed (308 persons, i.e. 75.8 %). The vast majority of persons apprehended at the air border were third-country nationals (438 persons, i.e. 98.2 %). Most detected persons were from Asia (297 persons, i.e. 66.6 %), of them nationals of China, Syria and Turkey were among the most frequent nationalities. Eight EU citizens were detected (one from France, one from Poland, four from Romania, one from Slovakia, and one from the United Kingdom).

In total **179 persons** were detected at the national border between the **Czech Republic and Slovakia** as illegal migrants across the national border. Citizens of the Czech Republic represented 21.2 % whilst EU citizens accounted for 36.3 %. As for third-country nationals, citizens of Ukraine (21 persons), Pakistan (19 persons), India (14 persons), and Iraq (6 persons) displayed the highest

numbers. The direction from Slovakia to the Czech Republic continued to prevail (88.3 %).

The national border with Slovakia administered by the **TD APS of Brno** reported the largest number of persons detected at this border section(167 persons; +27 persons; i.e. +19.3 %).

III.3.3. Mode of Entry into the Czech Republic

Among persons apprehended in relation to illegal migration across the Czech national border, there were still persons who tried to cross the Czech national border illegally **without any travel documents**.

In 2007 there were **1,703 persons** who could not prove their identity by a regular travel document (-278 osob, -14.0 %).

If a foreign national does not hold a valid travel document it is very difficult to verify his/her identity since cooperation with embassies or consulates of the states concerned has not been at a good level for a long time. Therefore, the follow up measures are complicated as well - for example issuing a decision on administrative expulsion and deportation itself. The issue as to whether a foreign national possesses or does not possess travel documents is closely related to the matter of ascertaining **the mode of entry to the Czech Republic** in the case of persons who are detected illegally crossing the Czech national border in the direction leaving the Czech Republic.

Out of the total number of 2,008 persons, who were detected when illegally crossing the border in the direction to the Czech Republic the mode of entry could be found out for 1,465 (i.e. 73.0 %). Of these, 1,465 persons 749 persons, i.e. **51.1 %** were detected that they **had arrived in the Czech Republic legally** while 305 persons, i.e. **20.8 % arrived illegally**.

Illegal migration across the national border of the Czech Republic –persons apprehended when leaving the Czech Republic and their mode of entry in the Czech Republic – comparison of the same periods of 2006 and 2007

Period of the year	1 Jan–31 Dec 2006	i.e. %	1 Jan–31 Dec 2007	i.e.%	Change in comparison with the previous period		
					as [%]	Absolute figure	
Illegal migration across the NB CZE - persons detected	4,371	100.0	3,384	100.0	-22.6	-987	
of them FROM the CZECH REP.	2,750	62.9	2,008	59.3	-27.0	-742	
of them T the CZECH REP.	2,750	100.0	2,008	100.0			
Persons legally residing in the Czech Republic	Czech nationals	229	8.3	172	8.6	-24.9	-57
	Permanent residence permit holders	38	1.4	29	1.4	-23.7	-9
	Long-term residence permit holders	124	4.5	246	12.3	98.4	122
	International protection seekers	205	7.5	96	4.8	-53.2	-109
Other foreign nationals	2,154	78.3	1,465	73.0	-32.0	-689	
Other foreign nationals	2,154	100.0	1,465	100.0			
Of them Mode of entry to CZE Before illegally crossing the national border from the Czech Rep.	Illegal	477	22.1	305	20.8	-36.1	-172
	Legal	1,067	49.5	749	51.1	-29.8	-318
	Not detected	152	7.1	76	5.2	-50.0	-76
	Not stated in the report	458	21.3	335	22.9	-26.9	-123

III.3.4. Travel Documents

In 2007 the percentage share of persons who, when illegally crossing the national border of the Czech Republic, used **irregular travel documents**⁷⁹, increased again. It should be emphasised that this is one of the most serious forms of illegal migration as it is in many cases linked to organised crime, whether we consider the process of obtaining irregular documents themselves to be a crime or whether we consider the criminal offences which follow as a consequence of irregular travel documents.

In the period from 1 January to 31 December 2007 in total **8,096 persons** were reported by basic units of the Alien Police Service as **illegal migrants in the Czech Republic** (-3,392 persons, i.e. -29.5 %) and of them 3,384 persons because of illegal migration across the national border of the Czech Republic (-987 persons, i.e. -22.6 %) and 4,712 persons for illegal migration through violation of residence rules (-2,405 persons, i.e. -33.8 %).

During the same period **698 persons** who tried to use **irregular travel documents** when illegally migrating across the territory of the Czech Republic were detected. Such persons' share in the total number of persons detected as illegal migrants was roughly 8.6 %, however, in individual categories their proportions as well as development were different.

In 2007 basic police units reported **626 persons detected when they attempted to cross the national border** of the Czech Republic using an irregular travel document which is 63 persons less than in 2006 (i.e. -9.1 %) 18.5 %. A high share of persons apprehended with irregular travel documents reflects mainly the total low number of persons who were, in the year reviewed, detected as illegal migrants across the national border.

A further **72 persons** proved their identity with an irregular travel document **when their illegal residence in the Czech Republic** (-4 persons, i.e. -5.2 %) was detected. These persons were detected during controls carried out in inland⁸⁰ or at border crossing points when they attempted to leave the Czech Republic (1.5 % of the total number of persons detected during unauthorised residence).

Although the majority of persons proved their identity during residence controls with an irregular passport some people used also an irregular ID card (i.e. a personal ID card) which they submitted as their identity card either together with an irregular passport or without a passport. **Sometimes more than one passport was seized from one person, therefore the number of confiscated irregular documents is higher than the number of apprehended persons.**

In 2007 altogether **714 irregular travel documents** were seized, of which 639 were in relation to illegal migration across the national border (i.e. 89.5 %). Of the stated number of documents there were 497 passports and 217 ID card.

Most persons in possession of an irregular travel document were from European countries (343 persons, i.e. 54.8%) and from Asia (207 persons, i.e. 33.1 %).

In 2007 in total **626 persons** were detected who, when crossing the Czech national border, proved their identity with an irregular travel document (-63 persons, i.e. -9.1%). In total the number of persons detected when attempting to cross the national border of the Czech Republic illegally these persons accounted for 18.5 %. **If this number is compared to previous years, their share has been steadily growing; in 2004 they accounted for 7.3%, in 2005 their share grew to**

⁷⁹ Irregular travel documents (i.e. forged, altered or otherwise modified travel documents or documents belonging to other persons).

⁸⁰ In inland irregular travel documents were detected during controls focused on violations of residency rules carried out by the Alien Police, during controls carried out by other police units or when these persons committed a criminal offence and were subsequently detected.

13.7% and in 2006 the share accounted for 15.8%.

More than one third of persons in possession of an irregular travel document were in 2007 reported from airports (279 persons, i.e. 40.0 %) and border crossing points with Germany (129 persons, i.e. 18.5%).

If directions of illegal migration using irregular travel documents are compared the direction from the Czech Republic slightly prevailed (332 persons, i.e. 53.0 %), namely to Germany (123 persons), Austria(122 persons) and Gross the air border (74 persons). As regards direction to the Czech Republic (294 persons, i.e. 47.0 %) the air border unambiguously prevailed (205 persons) followed by the border between the Czech Republic and Poland (61persons).

Illegal migration across the national border of the Czech Republic using irregular travel documents– comparison of 2006 and 2007

Period of the year	1 Jan – 31 Dec 2006	i.e.%	1 Jan – 31 Dec 2007	i.e.%	Change in comparison with the previous period	
					as [%]	Absolute figure
Total number of persons with irregular travel documents	689	100.0	626	100.0	-9.1	-63
of whom						
in the direction from the Czech Rep.	452	65.6	332	53.0	-26.5	-120
in the direction to the Czech Rep.	237	34.4	294	47.0	24.1	57
Of the at the NB with						
Poland	69	10.0	69	11.0	0.0	0
Germany	191	27.7	129	20.6	-32.5	-62
Austria	118	17.1	125	20.0	5.9	7
Slovakia	20	2.9	24	3.8	20.0	4
airports	291	42.2	279	44.6	-4.1	-12

More than two thirds of persons (432 persons, i.e. 67.6 %) the persons apprehended used irregular passports. However, the end of 2006 saw the higher number of irregular ID cards and this trend continues in 2007. In 2007 in total 207 irregular ID cards were seized which is by 71 ID cards more than in 2006.

When individual months of 2007 are compared, most persons were detected in March (70 persons) and in April (63 persons).

In 2007 only **eleven nationals of the Czech Republic** (five Czech nationals less than in 2006), were detected who used an irregular travel document when they attempted to cross the national border. Five Czech nationals who used a forged travel document of the Czech Republic were detected (three passports and seven ID cards) and one Czech citizen used a Slovak ID cards.

Citizens of the Czech Republic use irregular travel documents mainly if they intend to leave the Czech Republic without any problems in the case they are suspects that they committed an offence in the Czech Republic, they are searched for or for the purpose of entering a neighbouring country where they are banned to stay.

In 2007 in total **30 EU citizens** (the same number as in 2006), were detected as illegal migrants in the Czech Republic either when they used an irregular travel document to prove their identity. Of them there were 15 nationals of Poland, five nationals of Romania, five nationals of Slovakia and always one citizens of France, Lithuania, Germany, Spain, and Bulgaria. 26 persons were detected at the border crossing points and four persons were detected inland as those who violated residence rules.

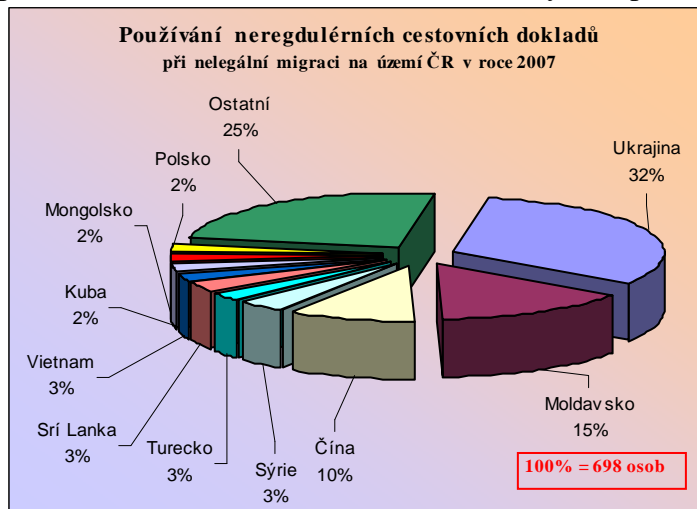
Irregular travel documents were, in the year reviewed, detected mainly in possession of third-country nationals (657 persons, i.e. 94.1 % of the total number of 698 persons) who, however, used a travel document of an EU Member State.

In 2007 the largest group among persons who were reported with an irregular travel document was traditionally made up of citizens of **Ukraine** (221 persons, i.e. 31.7 % of the total number of persons 698 detected as using irregular travel documents) followed at a far distance by nationals of **Moldova** (104 persons, i.e. 14.9 %) and **China** (69 persons, i.e. 9.9 %).

These three nationalities represent more than 50 % of the total number of persons detected as illegal migrants who used irregular travel documents.

Of the total number of **citizens of Ukraine** who used irregular travel documents 80.1 % used an irregular travel document when they attempted to illegal cross the national border of the Czech Republic (in absolute numbers - 177 persons), a further 44 persons were detected when illegally residing in the Czech Republic. If compared to 2006 the number decreased by 87 persons (i.e. -28.2 %).

Ukrainian nationals proved their identity both by passports (approximately 60 %) and identity cards. As for passports they used falsified Ukrainian passports (67 passports) with forged cross border stamps (in total 54 passports) or forged Schengen visas (in total 12 passports). They also used falsified ID cards (mainly those of Poland, Slovakia, the Czech Republic, and Romania) after the photograph was exchanged or they used totally forged ID cards. When illegally migrating to the Czech Republic they predominantly used travel documents of an EU Member State. They misused especially travel documents of Poland (51 persons), Slovakia (33 persons) and the Czech Republic (24 persons).



In 2007 in total **104 citizens of Moldova** proved their identity by an irregular travel document; apart from six persons all Moldavians were apprehended when they attempted to cross the Czech national border. When compared to 2006 a considerable increase in the number of Moldavian citizens was seen - by 51 persons (i.e. +92.6 %). When illegally migrating to the Czech Republic nationals of Moldova in particular misused travel documents of Romania (49 persons), Lithuania (15 travel documents) and Hungary (15 travel documents while the trend of misusing Hungarian travel documents was seen only in February just before special measures were adopted).

In 2007 altogether **69 nationals of China** who proved their identity by an irregular travel document were apprehended. Apart from two Chinese nationals all were apprehended when they attempted to cross the Czech national border. When compared to 2006 no substantial change was reported (-3 persons, i.e. -4.2 %).

Citizens of China continue in the trend of using travel documents of nationalities ethnically close. However the change regarding Korean and Japanese travel documents was seen. Whereas in 2006 travel documents of Japan were on the first place, in 2007 these were Korean documents which were used most frequently.

In addition to the above-mentioned nationals of Moldova, the number of **Cuban citizens** who travelled with irregular travel documents increased in comparison with 2006 (17 persons, +15 persons, i.e. +750.0 %).

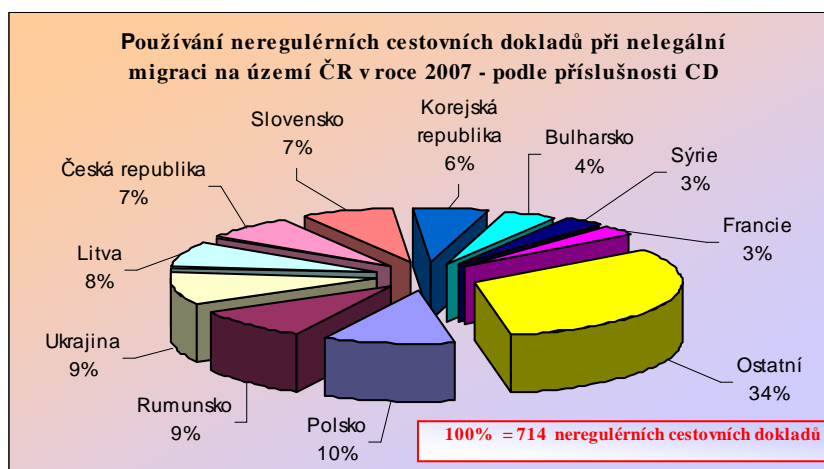
To reveal false and forged travel documents is more and more difficult since the quality of counterfeits and unauthorised alterations continues to improve. Therefore introduction of biometric identifiers to travel documents appears to be inevitable. It means that it is necessary to introduce

travel documents furnished with biometric elements.

Fig. Use of irregular travel documents for illegal migration in the Czech Republic - according to the origin of a travel document

Of the total number of 714 travel documents detected as unlawfully used by illegal migrants in the Czech Republic 433 (i.e. 60.6 %) were travel documents of EU Member States (including travel documents of the Czech Republic).

During the year reviewed most often travel documents of **Poland** (74 documents, i.e. 10.4 % of the total number of 714 documents) were used followed by travel documents of **Romania** (67 documents, i.e. 9.4 %), **Ukraine** (67, i.e. 9.4 %), **Lithuania** (55, i.e. 7.7 %), **the Czech Republic** (53, i.e. 7.4 %), and **Slovakia** (50, i.e. 7.0 %).



The number of seized Polish travel documents displayed the largest decline (74 documents; -84 documents, i.e. -53.2 %). Of the total number of Polish documents used for illegal migration 44 were ID cards and 30 were passports. Besides four documents all Polish travel documents were seized from illegal migrants who attempted to cross the Czech national border.

In 2007 Polish travel documents were most frequently used by nationals of Ukraine (51 travel documents, i.e. 68.9 %). Polish passports and ID card were most often used after the photograph was exchanged, however it is important to stress that sometimes only the photograph was exchanged and sometimes it was the whole page with personnel data and whereabouts. Polish travel documents were quite frequently submitted without any changes and person travel with an irregular travel passport just because their appearance was similar to the persons on the photograph. Most Polish travel documents were reported from the air border (30 travel documents, i.e. 40.5 %).

As regards travel documents of Romania which were unlawfully used for illegal migration in the Czech Republic their considerable increase was reported (+52 travel documents, i.e. +346.7 %). 67 Romanian travel documents were detected in the year reviewed. These were mainly ID cards (59 ID cards, i.e. 88.1 %). Only one false Romanian travel document was submitted during the illegal residence in the Czech Republic all others were seized during border checks.

Romanian ID cards were used most frequently (51 travel documents) and they were especially nationals of Moldova who proved their identity by them (49 travel documents, i.e. 73.1 %). Most Romania irregular travel documents were detected on the national border, the direction from the Czech Republic, namely on air border to Germany and Austria.

If the years 2006 and 2007 are compared, it is obvious that mainly irregular travel documents of Ukraine displayed a substantive growth - by 22 travel documents (i.e. +48.9 %).

These were passports which were, with the exception of one national of Belarus, used merely by nationals of Ukraine. Of the total number of irregular passports 37 were used for unlawful border crossing and 30 passports were detected inland – violations of residence rules. Forged border crossing stamps were detected in 55 travel documents and 11 travel documents were furnished with forged Schengen visa. Falsified Ukrainian travel documents were most frequently reported from the Czech-Polish border (52 documents, i.e. 77.6 % of the total number of falsified Ukrainian

documents), where the majority of them were seized by the Alien and Border Police Service Sub-unit of Nachod (44 documents).

In 2007 basic units of APS reported 53 travel documents of the Czech Republic (-2, -3.6 %) which were unlawfully used for illegal migration in the Czech Republic.

The most frequent manner of misusing travel documents are attempts to travel with a card of somebody else and to rely on similarity of look were reported to use travel documents with replaced photographs or the whole page containing personal data and the photograph.

Overview of persons according to nationalities who used in 2005 - 2007 documents of the Czech Republic for illegal crossing of the national border of the Czech Republic:

YEAR 2005		YEAR 2006		YEAR 2007	
nationality of persons	number	nationality of persons	nationality of persons	number	nationality of persons
<i>Czech Republic</i>	19	<i>Czech Republic</i>	18	Ukraine	26
Ukraine	17	Ukraine	11	<i>Czech Republic</i>	10
Moldova	7	Moldova	3	Vietnam	3
Macedonia	4	Serbia and Montenegro	3	Mongolia	3
Romania	3	Bangladesh	2	Moldova	2
Belarus	2	Congo	2	Slovakia	2
Afghanistan	1	Mongolia	2	Algeria	1
Angola	1	Russia	2	Angola	1
Bosnia and Herzegovina	1	Turkey	2	stateless	1
Ivory Coast	1	Vietnam	2	Ivory Coast	1
China	1	Armenia	2	Cameron	1
Kyrgyzstan	1	stateless	1	Congo	1
Mongolia	1	Bulgaria	1	Serbia	1
Nigeria	1	China	1		
Russia	1	Not detected	1		
Serbia and Montenegro	1	Romania	1		
Vietnam	1	Slovakia	1		
		Sri Lanka	1		
Total	63	Total	55	Total	53

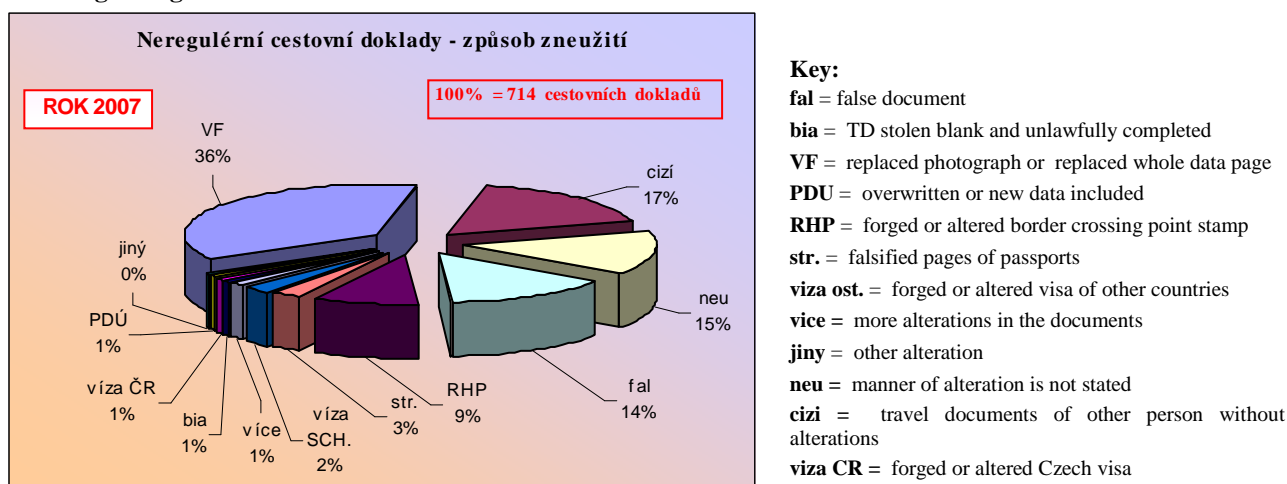
Currently the use of irregular travel documents relates primarily to economic migration. Persons usually transit across the territory of the Czech Republic to other countries for the purpose of finding a job. Foreign nationals use irregular travel documents to hide their identity when they commit an offence. Criminal organisations smuggle persons to other countries while using forged travel documents. This area always required cooperation with police authorities of other states and such cooperation must continue in the future.



As in previous years, also in 2007, travel documents after the photograph having been replaced or a data page having been altered or even replaced were used although their used decreased, when compared to 2006, by 15 %. On the other hand the percentage growth was seen as regards totally forged documents from 6 % in 2006 to 14 % in 2007.

Of the total number of 714 documents which were unlawfully used for illegal migration in the Czech Republic, in 261 documents (i.e. 36.6 %) a photograph or a data page was replaced, however, there were also cases where people proved their identity with the original documents of other persons without any alterations. (123 documents, i.e. 17.2 %).

Fig: Irregular travel documents – manner of misuse



The issue of misuse of other person's passports and of falsified and forged travel documents represents a significant security risk and a threat which is pointed out by border protection bodies from other EU Member States in their reports.⁸¹

With regard to the Czech Republic's accession to the Schengen area and relating abolishment of border checks at land borders it is important to focus inland inspections on whether used travel documents are genuine.

One of the information sources of police officers, not only from the area of irregular travel documents, are the intranet sites of the Directorate of the Alien Police Service where cases of irregular travel documents are published together with relating photographs.

II.3.5. Facilitated Unauthorised Border Crossings

Facilitators as well as migrants themselves displayed in recent years growing efforts to use methods allowing a legal entry of a migrant to a destination or transit country and then they tried to legalise their residence in the given state. To organise migration is such a profitable activity that after one group of smugglers is eliminated its place is taken by a new group of organisers of illegal migration.

Operative findings of the Security Intelligence Service confirm growing efforts of 'important' representatives of organised crime in the Czech Republic to pursue influence and to take control over illegal migration. As a consequence of extension of the Schengen area organisers and smugglers operating in the Czech Republic will probably become more active and the number of illegal migrants using the Balkan route will increase.

The most utilised methods of illegal migration across the national border facilitated by smugglers were similar to those used in the previous year. They mostly crossed the border on foot with the assistance of a smuggler (across the green border), then smuggled persons meet with transporters and continue, hidden in trunks of cars, to a target country.

⁸¹ The **EARLY WARNING SYSTEM** is part of CIREFI. Via this system EU Member States receive information on new trends, manners and routes of illegal migration in the European Union. The system also contains findings on different forms of misuse of travel documents (detected cases of persons who prove their identity by irregular travel documents, information on stolen blank travel documents and visas templates). The System is published on the intranet sites.

In 2007 the number of persons apprehended when illegally crossing the national border substantially decreased and the same decline applied to people who used the services of a smuggler. In total **558 persons**, which is by 18.4 % less than in the previous year (an absolute figure is 126 persons) tried to cross the national border assisted by a smuggler. The share of smuggled people, i.e. people having used the services of a smuggler when illegally crossing the national border increased from 15.6 % (in 2006) to 16.5%.

In 2007 the dominant groups among migrants smuggled were nationals of **Vietnam** (186 persons; +151 persons, i.e. +431.4 %), followed by citizens of **Ukraine** (128 persons; -93 persons, i.e. -42.1 %) and **Moldova** (47 persons; +12 persons, i.e. +34.3 %). The sequence on the first three positions changed when compared to 2006. Nationals of Vietnam, who shifted to the first place from the seventh position, and nationals of Moldova, who moved from the sixth position, replaced citizens of China and Russia.

Nationals of **Vietnam**, followed by citizens of **Turkey** (+14 persons, i.e. +116.7 %), **Pakistan** (+14 persons, i.e. +1400.0 %) and above-mentioned Moldova displayed a considerable year-to-year growth in the number of persons who were, when illegally crossing the national border of the Czech Republic, assisted by a smuggler.

Nationals of **Ukraine** and **China** (-89 persons; i.e. -85.6 %) displayed a substantial year-on-year decline.

Illegal migration across the national border of the Czech Republic – **smuggled persons** – comparison of the same periods of 2006 and 2007

Period of the year	1 Jan - 31 Dec 2006			1 Jan-31 Dec 2007			Change in comparison with the previous year	
	Total	of them smuggled	i.e.%	Total	of them smuggled	i.e.%	as [%]	Absolute figure
Illegal migration across the NB of the Czech Rep. – persons detected	4,371	684	15.6	3,384	558	16.5	-18.4	-126
of whom most citizens of								
Vietnam	136	35	25.7	418	186	44.5	431.4	151
Ukraine	654	221	33.8	336	128	38.1	-42.1	-93
Moldova	146	35	24	179	47	26.3	34.3	12
Iraq	112	43	38.4	90	33	36.7	-23.3	-10
Turkey	77	12	15.6	139	26	18.7	116.7	14
India	105	20	19.1	45	17	37.8	-15.0	-3
China	241	104	43.2	138	15	10.9	-85.6	-89
Mongolia	110	25	22.7	68	15	22.1	-40.0	-10
Pakistan	19	1	0.5	48	15	31.3	1400.0	14
Serbia	66	5	0.8	48	10	20.8	100.0	5

Explanation: Sequence according to the highest amount of **smuggled persons** in the given period

It must be emphasised that statistical records are based on ascertained cases. Within individual nationalities there may be persons who were assisted by smugglers, however, this fact was not revealed.

In 2007 **units of the Czech police apprehended 369 persons** who, in one way or another, ‘**assisted**’ in illegal border crossings. Compared to the previous year their share decreased (-59 persons, i.e. -18.0 %) which corresponds with the general development in this category of illegal migration. **A year-on-year decline in the number of assisting persons is almost the same as in the case of smuggled persons (-18.4 %).**

As in previous years, statistical records of persons detected as illegal smugglers were dominated by **citizens of the Czech Republic** (159 persons, i.e. 58.7 %). Their number decreased, when compared to 2006, by 19.4 % (i.e. by 38 persons if expressed in absolute figures). Citizens of **Poland** saw also an decrease (14 persons; -15 persons, i.e. -51.7 %) and the same applies to

nationals of **Germany** (5 persons; -11 persons, i.e. -68.8 %).

On the other hand, in comparison with 2006, the number of **citizens of Vietnam** (22 persons, +11 persons, i.e. +100.0 %) and **Slovakia** (10 persons, +6 persons, i.e. +150.0 %). Nationals of **Hungary** (6 persons) got among the first ten nationalities of smugglers.

Illegal migration across the national border of the Czech Republic –**persons providing assistance (smugglers)** - comparison of the same periods of 2006 and 2007

Period of the year	1Jan-31 Dec 2006	i.e.%	1Jan-31 Dec 2007	i.e.%	Change in comparison with the previous year	
					as [%]	Absolute figure
'persons providing assistance' in illegal migration across NB detected by basic units of the Czech Police	328	100.0	269	100.0	-18.0	-59
of them most citizens of						
Czech Republic	196	59.8	158	58.7	-19.4	-38
Vietnam	11	3.4	22	8.2	100.0	11
Poland	29	8.8	14	5.2	-51.7	-15
Slovakia	4	1.2	10	3.7	150.0	6
China	8	2.4	7	2.6	-12.5	-1
Mongolia	7	2.1	7	2.6	0.0	0
Hungary		0.0	6	2.2		6
Germany	16	4.9	5	1.9	-68.8	-11
Not ascertained	4	1.2	5	1.9	25.0	1
Moldova	4	1.2	4	1.5	0.0	0

Explanation: Sequence according to the highest number of persons in the given period

The situation when national criminal groups and criminal offenders more closely cooperate with supranational organised crime, which has steadily strengthened its position in the Czech Republic, persists. Gradually they are becoming a stable and professional organised structure, in other words we can speak about organised crime to all intents and purposes.⁸²

In order to combat illegal migration cooperation with other Czech police units was successful. Joint actions with the unit for Combating Organised Crime, the Security Intelligence Service, and customs offices were implemented to tackle cases of people smuggling, trafficking in human beings and criminal conspiracy. These were organised for example in September when police forces managed to dismantle gang of smugglers smuggling mainly nationals of Vietnam across the national border to Germany.

The Czech police also cooperated with relevant bodies of neighbouring countries, especially as regards exchanges of information on movements of vehicles and persons on the both sides of the national border with the view to expose illegal migration. The parties informed each other of the content of testimonies of apprehended smugglers with the aim to obtain a comprehensive overview on structures of individual organisations of smugglers, their functioning, the places where foreigners are accommodated, on the places where migrants are loaded into vehicles by which they are transported (smuggled) across the national border.

In the course of 2007 the Unit for Combating Organised Crime of the Criminal Police and Investigation Service in cooperation with alien police bodies commenced **12** new prosecutions and several independent actions against supranational organised criminal organisations which, having close links abroad, deal with the smuggling of third-country nationals.

⁸² The forecast relating to ever higher involvement of persons from the countries of the former USSR in trafficking in human beings – organised crime in the Czech Republic - are being confirmed. An example may be activities of Russian speaking groups in the field of smuggling people from, Dagestan, Moldova, and Mongolia and Arabic organisations smuggling people from Syria, Iraq, Iran, Pakistan, India, and Turkey.

In the year reviewed **five** large organisations were detected and investigated which at the international level operate illegal routes of migration across the Czech Republic – mainly persons from China, Vietnam, India and countries of the former Soviet Union. During such police actions **47** persons who were the organisers of the criminal offences concerned were apprehended and charged with criminal conspiracy.⁸³

The Trafficking in Human Beings Department of the Unit for Combating Organised Crime entered into active cooperation with alien police units of the countries such as Germany, Austria, the Netherlands, France, the United Kingdom, Italy, Slovakia, Switzerland, and Poland. The cooperation is based both on direct personal contact and mutual legal assistance between individual countries. Further the police cooperate through Interpol and Europol. As regards the Czech police, cooperation is conducted with units of APS, individual Offices of Criminal Police and Investigation Service at the level of regions and districts and specialised offices such as the Prague Forensic Science Institute of the Police of the Czech Republic and the Unit of Special Activities of the Criminal Police and Investigation Service of the Czech Police. Direct cooperation with Security Intelligence Service appeared to be beneficial as well. There is also close cooperation with the Security Policy Department and the Crime Prevention Department of the Ministry of the Interior with the Asylum and Migration Policy Department of the Ministry of the Interior, and the Refugee Facility Administration of the Ministry of the Interior. The Ministry of the Interior also cooperates with NGOs (for example La Strada, R-R or the Czech Catholic Charity) and with the International Organisation for Migration (IOM).

III.3.6. Illegal Border Crossing by Foreign Nationals Hidden in Vehicles

In 2007 in total **152 persons were detected hidden in vehicles**. If the year 2007 is compared with 2006, the number of persons hidden in a vehicle when crossing the national border of the Czech Republic decreased by 17 persons (i.e. -10.1 %).

On the other hand, the number of persons detected attempting to cross the national border of the Czech Republic hidden inside vehicles increased from increased from 3.9 % to 4.5 % which proves a trend of increasing utilisation of this form of illegal migration across the national border of the Czech Republic.

Persons were mostly detected hiding inside trucks (66 persons, i.e. 43.4 %) and in cars (49 persons, i.e. 32.2 %) when attempting to cross the national border. By this manner mainly nationals of Vietnam, Moldova, Ukraine, the Russian Federation, Iraq, and Turkey were transported. Foreigners were hidden in trunks of cars, loading compartments of lorries or even in driver's compartments of lorries. A further 21 persons (i.e. 13.8 %) were transported in vans and 16 persons (i.e. 10.5 %) on trains. There were also cases of foreigners who were transported across the national border hidden in new cars which are transported from the production premises in Mlada Boleslav by trains.

As regards numbers of persons hidden in vehicles in 2007 groups consisting of more persons were reported (for example two groups each comprising ten persons in vans and two groups made

⁸³ Police actions - during 2007 in total **five** extensive actions aimed against supranational organised criminal organisations operating both in the Czech Republic and in other countries, mainly in Germany, were carried out. Crimes under Sec. 171a/1,2 and, 163a/1 of the Criminal Code – summary of events of the Unit for Combating Organised Crime – were investigated. As an example the following international operations can be mentioned: **‘LUXOR’**, **‘CHENG’**, **‘WANG’** and **‘CISAR’**.

up of 21 and 17 persons respectively hidden in trucks). Otherwise usually just one persons or two persons are detected.

Illegal migration across the national border of the Czech Republic – **persons detected when hidden in vehicles** – comparison of the same periods of 2006 and 2007

Period of the year	1 Jan – 31 Dec 2006	i.e.%	1 Jan – 31 Dec 2007	i.e.%	Change in comparison with the previous period	
					as [%]	Absolute figure
Illegal migration across NB of the Czech Rep. - persons detected	4,371	100.0	3,384	100.0	-22.6	-987
Of whom						
hidden in a vehicle	169	3.9	152	4.5	-10.1	-17
hidden in a vehicle	169	100.0	152	100.0		
Of whom at NB of the Czech Rep. with						
Poland	5	3.0	15	9.9	200.0	10
Austria	38	22.5	17	11.2	-55.3	-21
Slovakia	21	12.4	28	18.4	33.3	7
Germany	105	62.1	92	60.5	-12.4	-13

Persons hiding in vehicles were ascertained both while illegally entering the Czech Republic (36persons, i.e. 23.7 %) and while leaving the Czech Republic when attempting to travel to other states (116 persons, i.e. 76.3 %). When illegally entering the Czech Republic most persons were apprehended at the border with Slovakia (21 persons) and when leaving the Czech Republic most people were detected at the border with Germany (38 persons).

Distribution of nationalities differs at individual border sections. In 2007 citizens of Vietnam (70 persons), Iraq (10 persons), Turkey (3 persons), and Sri Lanka (3 persons) dominated at the border with Germany whereas nationals of Ukraine (14 persons) prevailed at the border with Austria. These foreigners intended to leave the Czech Republic. In contrast to this citizens of India (11 persons), Pakistan (10 persons) and Iraq (6 persons) were apprehended at the border with Slovakia when they wished to enter the Czech Republic and at the border with Poland nationals of Poland (3 persons), China (2 persons) and Senegal (2 persons) were detected when arriving in the Czech Republic.

The Czech police also cooperated with relevant bodies of neighbouring countries, especially as regards exchanges of information on movements of vehicles and persons on the both sides of the national border with the view to expose illegal migration. The parties informed each other of the content of testimonies of apprehended smugglers with the aim to obtain a comprehensive overview on structures of individual organisations of smugglers, their functioning, the places where foreigners are accommodated, on the places where migrants are loaded into vehicles by which they are transported across the national border.

III.3.7. Repeated Illegal Crossing of the National Border

In 2007 in total **208 persons** attempting **repeatedly** to cross the national border of the Czech Republic illegally were apprehended, which is less than in the previous year (-37 persons, i.e. -15.1 %).

The largest group attempting repeatedly to illegally cross the national border of the Czech Republic was made up of citizens of **Vietnam** (47 persons), followed by nationals of **Turkey** (16 persons), **Ukraine** (15 persons), **Moldova** (12 persons) and **China** (12 persons). Moreover, 23 EU citizens (11.1 %), of them five Czech nationals, were apprehended when attempting repeatedly to illegally cross the national border of the Czech Republic.

Illegal migration across the national border of the Czech Republic – persons detected more than once - comparison of the same periods of 2006 and 2007

Period Year	1 Jan-31 Dec 2006	i.e.%	1 Jan-31 Dec 2007	i.e.%	Change in comparison with the previous year	
					as [%]	Absolute figure
Illegal migration across the national border of the Czech Rep.						
-persons detected	4,371	100.0	3,384	100.0	-22.6	-987
of them persons detected more than once	245	5.6	208	6.1	-15.1	-37
Persons detected more than once	245	100.0	208	100.0		
Of them						
Foreign nationals	237	111.3	203	106.8	-14.3	-34
Czech nationals	8	3.8	5	2.6	-37.5	-3
Persons more than once						
From the Czech Rep. CR	188	88.3	173	91.1	-8.0	-15
To the Czech Rep.	57	26.8	35	18.4	-38.6	-22
More than once						
NB CZE with Poland	21	9.9	17	8.9	-19.0	-4
with Germany	62	29.1	91	47.9	46.8	29
with Austria	107	50.2	59	31.1	-44.9	-48
with Slovakia	12	5.6	7	3.7	-41.7	-5
airports	11	5.2	16	8.4	45.5	5
More than once In the territory of						
TD APS Ostrava		5.2	8	4.2	-27.3	-3
Hradec Kralove	10	4.7	9	4.7	-10.0	-1
Usti nad Labem	29	13.6	59	31.1	103.4	30
Pilsen	40	18.8	33	17.4	-17.5	-7
Ceske Budejovice	63	29.6	43	22.6	-31.7	-20
Brno	49	23.0	22	11.6	-55.1	-27
Prague	11	5.2	16	8.4	45.5	5

Some persons attempting to illegally cross the Czech national border try to do so on their own; others use the services of organisations of smugglers or facilitators; some people use forged or falsified travel documents; some travel hidden in different vehicles; and some if they are not successful attempt to cross the national border again. All above-stated categories might be closely interconnected and individual cases usually fall into two or more categories.

Illegal migration across the national border of the Czech Republic – persons apprehended with an irregular travel document, smuggled, hidden in a vehicle or attempting repeatedly to illegally cross the national border in 2007

Month 2007	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
Illegal migration across the national border of the Czech Republic													
Persons detected	233	304	370	309	346	265	400	446	221	157	150	183	3,384
of them													
with irregular TD	54	56	70	63	52	54	58	50	51	46	39	33	626
smuggled	53	60	80	41	92	30	70	51	46	9	19	7	558
hidden in a vehicle	7	9	37	21	37	8	14	6	4	3	4	2	152
more than once	23	22	27	19	21	17	14	17	17	13	8	10	208

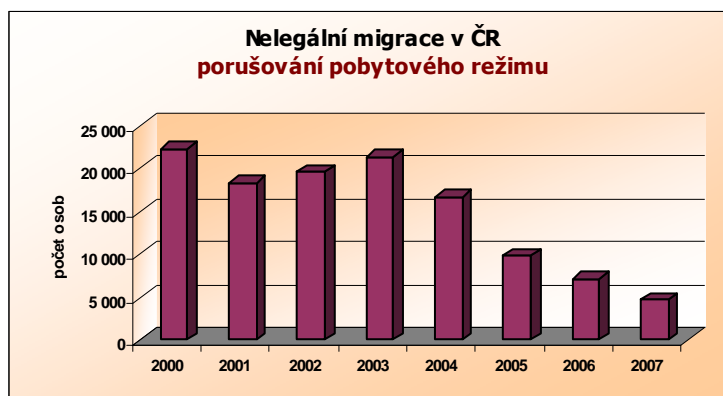
III.4. ILLEGAL MIGRATION IN THE CZECH REPUBLIC – VIOLATION OF RESIDENCE RULES

Violation of residence rules refers to cases in which a foreigner illegally enters the Czech Republic without his/her illegal entry being discovered, and continues to stay in the Czech Republic unlawfully; or as well cases in which a foreigner does not enter the Czech Republic illegally, but fails to leave the country after his/her legal residence period lapses, and continues to reside in the country without authorisation, i.e. illegally, thus violating the legislative conditions for foreigners' residence. These are cases of foreigners staying in the country illegally which are registered by the Police of the Czech Republic. The data does not cover those cases described above regarding illegal migration across the national border of the Czech Republic.

**Fig: Illegal migration in the Czech Republic
Violation of residence rules**

When evaluating illegal migration – violation of residence rules in 2007 - it is obvious that, in comparison with 2006, the number of persons who violated residence rules stipulated by law in the Czech Republic decreased.

The total number of persons detected by the Czech police as illegal migrants through the violation of residence rules was **4,712 foreign nationals**, who resided in the Czech Republic unlawfully (-2,405 persons, i.e. -33.8 %).



The total number of persons detected as illegal migrants due to the violation of residence rules when attempting **to leave the Czech Republic** was **1,227** foreign nationals. When comparing the data from 2006 and 2007, the number of foreigners illegally residing in the Czech Republic and detected at the national border decreased by 39.3 % (in absolute numbers by 796 persons).

Most persons were apprehended, as in the previous year, at border crossing points between the Czech Republic and Poland (880 persons, i.e. 71.7 % persons detected as illegally residing in the Czech Republic). If taking year-to-year comparison their number decreased by 919 persons, i.e. -51.1 %. On the other hand, the share of foreign nationals apprehended for violation of residence rules and detected when they attempted to leave the Czech Republic and cross the border to Slovakia increased (148 persons; +111 persons; i.e. +300.0 %).

The number of foreign nationals whose illegal residence was discovered **inland** was **3,485** (-1,609 persons, i.e. -31.6 %). Such persons were uncovered either during regular control activities or during targeted residence controls and security actions. Through such controls 1,934 persons were uncovered which is by 1,271 persons less (i.e. -39.7 %) than in 2006. Some foreigners after having discovered that they were residing in the Czech Republic illegally came to the inland offices of the APS on their own initiative (1,551 persons; -338 persons, -17.9 %). Some of them arrived in an asylum reception centre where they expressed a desire to apply for international protection.⁸⁴

⁸⁴ Foreigners who were issued a decision on administrative expulsion leading to deportation try to legalise their residence in the Czech Republic by applying for asylum (international protection) until a final decision on asylum was taken. The said administrative expulsion is enforceable after the asylum proceedings are closed and in the case that a negative decision is issued.

In 2007 most foreigners staying in the country illegally were registered in the territory administered by the **TD APS Prague** (2,000 persons; i.e. 42.4 % of the total number of 4,712 persons detected while violating the residence rules) and TD APS of Ostrava (1,415 persons; i.e. 30.0 %). While within this TD APS of Prague unlawful residence of foreigners was detected during specific residence controls, during regular checks carried out by officers of APS and other police units or foreigners came to the police stations on their own initiative as regards TD APS of Ostrava these were mainly persons apprehended at border crossing points when they intended to leave the Czech Republic or who came to the police stations on their own initiative.

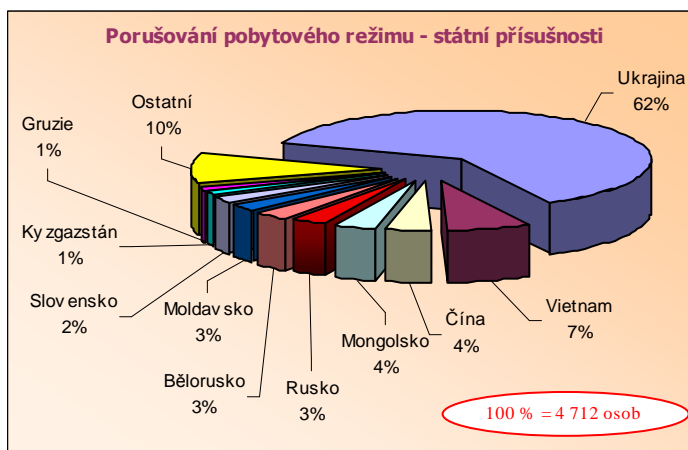
The mentioned year-on-year decline in the number of persons violating residence rules did not only relate to targeted residence controls and security actions carried out by units of ABPS on their own initiative or in cooperation with state administration authorities but it was also probably caused by improved legal awareness of some groups of foreign nationals and their effort to respect the time limit permitted since they were worried that administrative expulsion could worsen their chances for future arrival in the Czech Republic or other EU Member States.

III.4.1. Numbers of Persons and their Nationalities

As in previous years, in terms of nationalities, the prevailing group in the category of foreign nationals unlawfully residing in the Czech Republic was typically that of **Ukrainian nationals** although when compared with the same period of 2005 even these nationals displayed a decline (2,904 persons; -1,949 persons, i.e. -40.2 %). Their share in the total number of persons was gradually falling in this category of illegal migration and accounted for 61.6 %. This figure is lower than in the previous year (68.2 %).

Fig: Violence of residence rules - nationalities

Ukrainians were followed, at a very far distance, by **citizens of Vietnam** (345 persons; -173 persons, i.e. -33.4 %) and **citizens of China** (176 persons; +49 persons, i.e. +38.6 %) who shifted to the third place from the sixth position in 2006.



In the year reviewed, the number of detected nationals of **Mongolia** increased (174 persons; +65 persons, i.e. +59.6 %).

Contrary to this, in addition to **nationals of Ukraine**, nationals of **China** (127 persons; -184 persons, i.e. -59.2 %), and **Belarus** (195 persons; -103 persons, i.e. -34.6 %) displayed a decline.

Citizens of Ukraine became the largest group of foreigners detected as illegal residents either inland or on the border when they attempted to leave the Czech Republic. On the other hand, citizens of Vietnam were, as illegal residents, almost exclusively detected inland of the Czech Republic.

Illegal migration – violation of residence rules **TOP 10** – the same periods of 2006 and 2007

Illegal migration – violation of residence rules					
1 Jan – 31 Dec 2006	Persons detected	as %	1 Jan – 31 Dec 2007	Persons detected	as %
Total	7,117	100	Total		100.0
of them 10 most numerous nationalities (TOP 10)			of them 10 most numerous nationalities (TOP 10)		
Vietnam	4,853	68.2	Ukraine	2,904	61.6
Russia	518	7.3	Vietnam	345	7.3
Belarus	203	2.9	China	176	3.7
Slovakia	195	2.7	Mongolia	174	3.7
China	140	2.0	Russia	150	3.2
Mongolia	127	1.8	Belarus	133	2.8
Moldova	109	1.5	Moldova	121	2.6
Romania	106	1.5	Slovakia	111	2.4
Bulgaria	96	1.3	Kyrgyzstan	58	1.2
Vietnam	61	0.9	Georgia	54	1.1

Key: **bold type** – non-neighbouring country
regular type – neighbouring country

Some foreigners are ascertained **more than once** to be staying in the Czech Republic unlawfully (564 persons; -81 persons, i.e. -12.6 %).

These are usually persons who do not respect administrative expulsion, who do not depart within the prescribed period and who continue to stay illegally in the Czech Republic, as well as persons who violated residence rules repeatedly for example by changing their surname. Most persons who were detected more than once to be residing in the country illegally were Ukrainians (335 persons, i.e. 11.5 % of the total number of 2,904 nationals of Ukraine).

Illegal migration – violation of residence rules - repeatedly detected foreigners – comparison with the same periods of 2006 and 2007

Period of the year	1 Jan – 31 Dec 2006			1 Jan – 31 Dec 2007			Change in comparison with the previous period in the number of foreigners detected more than once	
	Total	Of them more than once	i.e.%	Total	Of them more than once	i.e.%	as [%]	Absolute figure
Violation of residence rules – persons detected	7,117	645	9.1	4,712	564	12.0	-12.6	-81
of them most nationals of								
Ukraine	4,853	396	8.2	2,904	335	11.5	-15.4	-61
Vietnam	518	45	8.7	345	48	13.9	6.7	3
China	127	9	7.1	176	6	3.4	-33.3	-3
Mongolia	109	13	11.9	174	25	14.4	92.3	12
Russia	203	33	16.3	150	33	22.0	0.0	0
Belarus	195	23	11.8	133	25	18.8	8.7	2
Moldova	106	10	9.4	121	9	7.4	-10.0	-1
Slovakia	140	28	20.0	111	30	27.0	7.1	2
Kyrgyzstan	53	7	13.2	58	6	10.3	-14.3	-1
Georgia	56	14	25.0	54	16	29.6	14.3	2

Key: Sequence according to the highest amount of persons detected more than once in the period given

With regard to the category of violation of residence rules in 2007, there were 72 foreign nationals proving their identity by using an irregular travel document (-4 persons, i.e. -5.3 %). In the total number of persons detected as those who violated residence rules such persons accounted just for 1.5 %.

These persons were detected during control inland or while attempting to leave the Czech Republic. As regards inland, irregular travel documents are uncovered during targeted residence controls, in relation to matters processed by units of the alien police, during regular checks carried out by other Czech police units or when such a foreigner is investigated in relation to a certain criminal offence.

According to nationalities, these were again **Ukrainian nationals** who headed this category (44 persons, i.e. 61.0 % of the total number), followed by **nationals of Moldova** (6 persons, i.e. 8.3 %).

III.5. SUPPRESSIVE MEASURES

Chapters VII and VIII of the Act on Residence of Aliens define the duties of foreigners, carriers, prisons, and public administration bodies, as well as the duties of other persons. In Chapter XI, Section 156, the Act defines **administrative minor offences (delicts)**, penalties, jurisdictions, and the rules of procedure for minor offences. Section 157 defines minor offences, penalties, jurisdictions, and other rules for **dealing with minor offences**. The minor offence procedure according to the Act on the Residence of Aliens is laid down by Act No. 200/1990 Coll. on Minor Offences, as amended, unless otherwise stipulated by the provisions of the Act on the Residence of Aliens. Minor offences are within the competence of the police.

If a foreigner fails to comply with the requirements of the Act on the Residence of Aliens, his/her temporary or permanent residence permit may be taken away from him/her under conditions laid down by the law. The police may terminate a foreigner's residence by issuing an exit visa - exit order - (ex officio). The foreign national must leave the country by the time prescribed by the exit visa (exit order).

Administrative expulsion of foreigners is provided for in Chapter X of the Act on the Residence of Aliens. The term 'administrative expulsion' refers to the termination of a foreigner's residence in the country, accompanied by the specification of a time by which he/she must leave the country and a time period during which the foreign national is not permitted to enter Czech territory. The time period during which the foreigner must not enter the country is set until the expiry of the expulsion. If the foreigner enters Czech territory before the administrative expulsion decision expires, or if he/she fails to leave the country and is detected by the police, he/she is obstructing the expulsion decided upon by an administrative authority, and his/her action – provided that it represents a negligible threat to society - may be tried as a minor offence pursuant to the Act on the Residence of Aliens; if the situation meets the criteria laid down by the law, the administrative expulsion may be extended for a longer period. The Act on the Residence of Aliens or the Act on Asylum precisely define cases when the decision on administrative expulsion is unenforceable.

Expulsion of foreigners ordered by courts refers to an expulsion sentence imposed within criminal proceedings by a court with regard to one or more criminal offences for which the foreign national has been convicted. In accordance with criminal legislation, the court may impose an expulsion sentence either as an independent punishment or alongside another sentence. If the expulsion sentence is imposed along with unconditional imprisonment, the expulsion sentence will be executed after the prison term is partially or totally served. Data on foreigners banished upon the order of a court is included in the Report as additional information supplementing data on foreigners banished administratively. The Alien Police Service creates conditions for the enforcement of the expulsion sentence, issue travel documents for the foreigners concerned, and provide them with train, bus or flight tickets to return to their home country.

III.5.1. Minor Offences and Administrative Minor Offences (Delicts)

The downward trend in the number of minor offences detected by police officers of the Alien Police Service which started in 2004 continued in 2007. In the year reviewed the basic units of the Alien Police Service dealt with a total of **68,561 minor offences** (-26,741, i.e. -28.1 %) and levied fines amounting to CZK 41.8 million (-CZK 10.7 million, i.e. -20.4 %). Of these, 22,358 minor offences were solved in accordance with the Act on the Residence of Aliens (fixed penalties totalling CZK 17.9 million) and 45,735 minor offences were settled under Act No. 200/1990 Coll. on Minor Offences, as amended (fines to the amount of CZK 23.8 million). 459 minor offences were solved in relation to provisions of the Act on Border Protection, whilst nine minor offences were registered pursuant to Section 93 of the Act on Asylum.

In the equivalent period, the basic units of the Alien Police Service dealt with a total of **652** (-37, i.e. -5.4 %) **administrative minor offences (delicts)** where the total amount of fines was CZK 19.3 million (-CZK 45.4 million, i.e. -70.1 %).

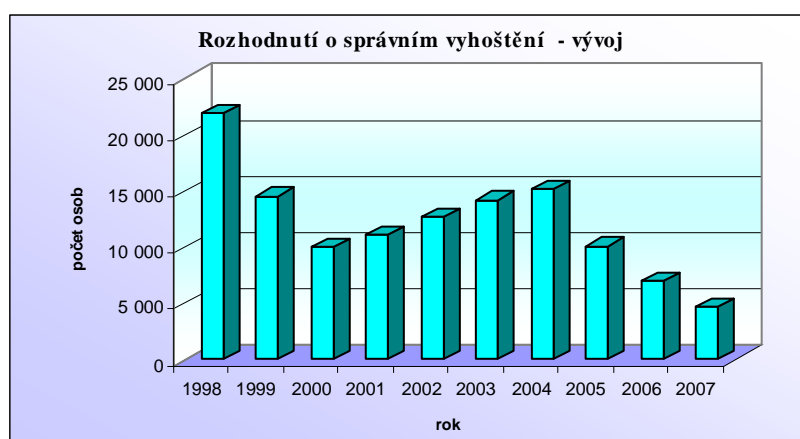
Minor offences, administrative minor offences - comparison with the same periods of 2006 and 2007

Period of a year	1 Jan – 31 Dec 2006	1 Jan – 31 Dec 2007	Change in comparison with the previous period	
			as [%]	Absolute figure
Minor offences detected under Act. No. 326/1999 Coll.	24,922	22,358	-10.3	-2,564
Minor offences detected under Act. No. 326/1999 Coll.	19,084,400	17,972,100	-5.8	1,112,300
Total amount of levied fines (CZK)	41	111	170.7	70
Minor offences detected under Sec. 44a (1), Act No.	331	348	5.1	17
Minor offences detected under Sec. 44a (2), Act No.	69,980	45,735	-34.6	-24,245
Minor offences detected under Act. No. 200/1990 Coll.	33,368,983	23,785,378	-28.7	-9,583,605
Total amount of levied fines (CZK)	28	9	-67.9	-19
Minor offences detected and reported under Sec. 93 of Act No. 325/1999 Coll.	689	652	-5.4	-37
Number of admin. minor offences - Sec.156 Act No. 326/1999 Coll.	64,683,900	19,328,300	-70.1	-45,355,600

A decrease in the number of detected minor offences under the Act on the Residence of Aliens, when compared to the previous year, can be caused either by control activities which is not only of repressive nature but can have a preventative effect, or foreigners might be afraid of sanctions, and last but not least by higher legal awareness of foreigners. The number of minor offences detected under Act No. 200/1990 Coll. dropped as well.

III.5.2. Administrative Expulsion

Fig: Decisions on administrative expulsion - trend



sanctioned.

The number of foreign nationals who received a decision on administrative expulsion reflects, into a certain extent, the development in the situation of illegal migration. By issuing the decision in question, in accordance with the Act on the Residence of Aliens 57.2 % foreign nationals who were detected as illegal migrants, either across the national border or violating residence rules, were

In 2007 the units of the Alien Police Service imposed **final and conclusive administrative expulsion orders on 4,629 foreign nationals** (-2,331 persons, i.e. -33.5 %).

In the year reviewed in total 6,353 decisions (-2,687 decisions, i.e. -29.7 %) were issued. Due to the fact that a decision on administrative expulsion may be issued to an individual foreigner more than once (for different reasons), the total number of issued decisions on administrative expulsion is always higher than the number of persons. A prevailing reason for taking such decisions in 2007 was violation of residence rules (67.9 %). Illegal border crossings of the national border of the Czech Republic constituted another frequent reason for issuing such decisions (19.9 %).

The predominant nationality among those issued with a decision on administrative expulsion was that of **Ukraine**, as in the previous year (54.9 % of the yearly number of all decisions issued in 2007). In line with the development of illegal migration in the Czech Republic their year-on-year number substantially decreased (2,541 persons; -1,941 persons, i.e. -43.3 %). Citizens of Ukraine were issued with decisions on administrative expulsion mainly because they violated residence rules.

Ukrainians were followed, at a far distance, by **nationals of Vietnam** (426 persons) who also displayed the largest year-on-year increase (+137 persons, i.e. +47.4 %). The most frequent reason for issuing the decision on administrative expulsion was illegal border crossings. The citizens of Vietnam were followed by nationals of **Moldova** (239 persons; +47 persons, i.e. +24.5 %), **China** (208 persons; -74 persons, i.e. -26.2 %) and **Mongolia** (151 persons; +22 persons, i.e. +17.1 %).

Among 245 persons who were actually⁸⁵ removed on the basis of a final and enforceable administrative expulsion order, citizens of **Ukraine** were predominant, reaching the number of 84 (-332 persons, -79.3 %) banished persons, which made up one third of all administratively banished people. They were followed, at a far distance, by citizens of **Vietnam** (28 persons; -16 persons, i.e. -36.4 %) and **Moldova** (25 persons; +5, i.e. +25.0 %).

Of the total number of issued decisions on administrative expulsion in the year monitored, 707 decisions were suspended since the foreigners concerned were parties to the procedure on international protection.

⁸⁵ The execution of administrative expulsion (meaning that the foreigner has been escorted by the members of the Alien Police, based on a final and conclusive administrative expulsion decision, to a Czech border crossing point).

III.5.3. Expulsion Ordered by Courts

In 2007 courts imposed **expulsion sentences**, according to the provisions of Sec. 57 of the Criminal Code⁸⁶, as an independent punishment or along with another sentence, on **1,609 foreign nationals**. Thus the number of imposed sanctions decreased, when compared to 2006, by 17.5% (in absolute numbers -342 sentences of expulsion).

Of all expulsions imposed by courts in 2007 the majority (36.0 % of the total number of expulsions ordered by all courts) was imposed upon **citizens of Ukraine** (580 persons, -153 persons, i.e. -20.9 %) followed by **citizens of the Slovak Republic** who accounted for 20.6 % (333 persons, -4 persons i.e. -1.2 %), and **Vietnam** who accounted for 6.0 % (96 persons, -41 persons, i.e. -29.9 %). The share of other nationalities did not exceed six percent.

Expulsion sentences, in accordance with the above-mentioned provisions of the Criminal Code, were imposed upon 79 foreign nationals (Sec. 350g of the Rules of Criminal Procedure).

During the course of the same year, the Alien and Border Police enforced 424 expulsions imposed by courts pursuant to a court injunction on an expulsion sentence, issued by the presiding judge (Sec. 350c – 350f of the Rules of Criminal Procedure)⁸⁷ of these the nationals of Ukraine prevailed (164 persons), followed by Citizen of Slovakia (89 persons), Vietnam (29 persons), Belarus (19 persons), Romania (18 persons), and Russia (15 persons).

Within a sentence of extradition, so that the foreigner concerned was deported from the Czech Republic to be prosecuted abroad, three persons were banished, and within a sentence of deportation for imprisonment outside of the Czech Republic 15 persons were banished.

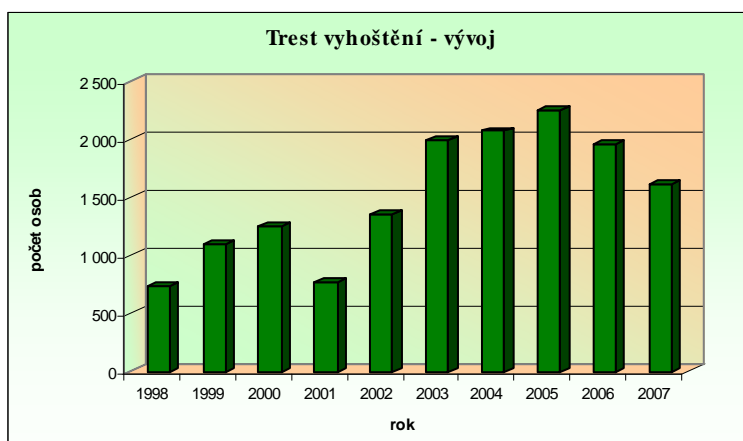
In 1,091 cases the Alien Police were not able to enforce an expulsion sentence despite an injunction, because the foreigner in question had not been put into expulsion custody and was independently released to leave the Czech Republic (Section 350b of the Rules of Criminal Procedure).

III.5.4. Foreigner Detention Facilities

Under Act No. 428/2005 Coll., amending the Act on the Residence of Aliens, authorisation to establish and operate Alien Detention Centres was transferred from the Czech police to the Ministry of the Interior of the Czech Republic, namely to the Refugee Facility Administration.

Of 31 December 2007 the Refugee Facility Administration operated two **foreigner detention facilities**, namely facilities in Postorna (the South Moravian Region) and Bela pod Bezdezem - Jezova (the Central Bohemian Region), where a foreigner is obliged to reside under a decision on detention for the purpose of administrative expulsion.

Fig. Court ordered expulsions – trend



⁸⁶ Act No. 140/1961 Coll., Criminal Code, as amended.

⁸⁷ Act No. 141/1961 Coll., on Rules of Criminal Procedure, as amended.

ZAŘÍZENÍ PRO ZAJIŠTĚNÍ CIZINCŮ NA ÚZEMÍ ČESKÉ REPUBLIKY



FOREIGNER DETENTION FACILITIES IN THE CZECH REPUBLIC

As of 30 September 2007 facility in Frydek - Mistek, the capacity of which was 45 bed, was closed. As of 21 December 2007 the Ministry of the Interior decided to change the status of the foreigner detention facility in Velke Prilepy which has become an asylum facility and is determined as a reception centre for an international airport.⁸⁸

As of 31 December 2007 the capacity of foreigner detention facilities was in total 508 beds.

Police officers continue to carry out services in such facilities only within the scope stipulated by the amendment to the Act on the Residence of Aliens (admissions of foreigners to a facility, surveillance within a stricter regime, surveillance of foreigners in hospitals in open departments, and so forth).

The statistical records of the Refugee Facility Administration demonstrate that in the year reviewed in total **599 foreign nationals were placed** in these facilities.

Numbers of foreigners placed in the foreigner detention facilities in 2007

Month 2007	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
Number of foreigners	48	55	69	40	63	46	49	50	50	46	45	38	599

⁸⁸ See Chapter II.6.5 Asylum Facilities

Of the above stated number 175 foreign nationals (-334 persons, i.e. 81.6 %) applied for international protection⁸⁹ A decline in the interest in applying for international protection in the Czech Republic probably relates to the Czech Republic's accession to the European Union and thus with application of the Dublin system.⁹⁰

According to nationalities, the most common nationality detained in these facilities was citizens of **Ukraine** 168 persons (i.e. 28 % of the total number of foreign nationals placed in detention facilities in 2007), **Vietnam** 92 persons (i.e. 15 %), **China** 51 persons (i.e. 9 %), **Moldova** 49 persons (i.e. 8.2 %), and **Russia** 36 persons (i.e. 6.0 %).

The above statistical records show that within the given period **727 foreigners were released.**

Number of foreigners who left in 2007 foreigner detention facilities

Month of 2007	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
TOTAL number of foreigners released from foreigner detention facilities	98	78	75	94	60	38	51	49	38	44	61	41	727
Foreigners expelled of whom													
Transfer to a responsible country (Dublin)	15	12	8	11	3	9	14	3	0	1	6	9	91
Repatriation	2	0	0	3	1	0	6	1	0	2	8	3	26
Expulsion executed	25	31	35	25	24	18	17	24	16	24	24	7	270
Released after the time limit for detention lapsed	27	23	25	18	16	2	9	11	13	9	12	13	178
Foreigners transferred, of whom to													
facilities for children foreigners	3	4	0	1	0	2	0	4	1	0	0	3	18
residence asylum centres	26	5	7	36	16	7	5	6	8	8	11	6	141
Integration asylum centres	0	3	0	0	0	0	0	0	0	0	0	0	3
Prosecution, death, escape of a detained foreigner	0	0	1	2	0	1	0	3	1	1	0	1	10
TOTAL numbers of foreigners who left foreigner detention facilities	98	78	76	96	60	39	51	52	39	45	61	42	737

Of the stated number **91 foreigners were administratively banished - transferred.** This group was dominated by citizens of Russia (17 persons) and Ukraine (17 persons), followed by nationals of Iraq (nine persons) and citizens of Moldova (nine persons).

26 foreign nationals were repatriated (administrative expulsion – voluntary return to the country of origin). They were mainly nationals of Ukraine (five persons), Moldova (four persons), Iraq (three persons). and Vietnam (three persons).

270 foreigners were administratively deported. This group was dominated by nationals of Ukraine (96 persons), Moldova (31 persons), Vietnam (30 persons), Russia (18 persons), and Belarus (15 persons).

⁸⁹It should be added that the foreign nationals detained in the facilities are able to apply for asylum within seven days of being informed about the possibility to do so. Despite an application having been lodged, the foreign national will remain in the facility until a final and conclusive decision on asylum is issued, or rather until the end of the statutory detention period.

⁹⁰ For persons who intend to use the Czech Republic as a transit country for illegal migration in the direction from the Czech Republic application for asylum (international protection) is not currently so beneficial as in previous years. It is generally known among foreigners that in the event they are apprehended in an EU Member State and their fingerprints are verified through the EURODAC system they will be returned to the Czech Republic.

178 persons were released after the time limit stipulated by Section 125c of the Act on the Residence of Aliens for detention foreigners lapsed.⁹¹ The most numerous groups comprised citizens of China (88 persons), Vietnam (33 persons), and Ukraine (22 persons)⁹².

18 children were transferred to facilities for children - foreigners. As regards nationalities, these were nationals of Vietnam (9 persons), China (7 persons), Mongolia (1 person), and one stateless person.

For the purpose of the international protection procedure **141 foreign nationals** were transferred to **residence asylum facilities**. Among such foreigners were mainly citizens of China (24 persons), Ukraine (19 persons), Vietnam (15 persons), and Iraq (14 persons).

Three citizens of Iraq were transferred to **the integration asylum facility** because they were granted asylum in the Czech Republic.

Foreigners who were prosecuted, passed away or escaped are also included among those who left foreigner detention facilities. In the year reviewed there were **ten such persons**.

The average number of days during which foreigners were detained was 103.5 days, whilst the shortest period was only three days and the longest 180 days.

III.6. THE SHARE OF INTERNATIONAL PROTECTION SEEKERS AMONG ILLEGAL MIGRANTS

Illegal migration in the Czech Republic has been, since the time when its evaluation was commenced, linked to misuse of the international protection procedure. With regard to profound impact of this problem in statistical records of illegal migration across the national border of the Czech Republic, international protection seekers have been monitored and reported separately since 1997.

Illegal migration across the national border of the Czech Republic – international protection seekers

YEAR	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Illegal migration across the NB of the Czech Rep. – persons detected	44,672	32,325	32,720	23,834	14,741	13,206	10 695	5,869	4,371	3,384
of them foreigners	42,957	30 377	30 761	21,090	12,632	11,126	9,433	4,745	3,676	2,837
foreigners	42,957	30 377	30 761	21,090	12,632	11,126	9,433	4,745	3,676	2,837
of them										
IP seekers – illegal migrants across the NB	490	3,204	2,805	5,056	2,067	3,489	2,129	234	205	96
year-on-year change in the number of international protection seekers detected as illegal migrants across the NB - situation										
absolute numbers	87	2,714	-399	2,251	-2,989	1,422	-1,360	-1,895	-29	-109
as%	21.6	553.9	-12.5	80.2	-59.1	68.8	-39.0	-89.0	-12.3	-40.7

⁹¹ Under the said provisions the period for foreigner's detention must not exceed 180 days and it starts from the moment the foreigner concerned is detained. In the case of a foreigner under 18 years the stated period must not exceed 90 days.

⁹² However, still there are problems with embassies and consulates of some countries accredited in the Czech Republic as regards the verification of the identity and issue of supplementary travel documents (for example Vietnam, or China). Embassies and consulates of these countries do not respond to the requests of Directorates of the APS or they react only in a very limited way. If nationals of such countries do not have supplementary travel documents they cannot leave the Czech Republic.

In 2007 less asylum seekers in the Czech Republic, when compared with 2006, were registered in relation to illegal migration across the national border.

Of the total number of 2,837 foreigners who were in 2007 registered asylum seekers (international protection seekers) accounted for 3.4 % which is less than in 2006 (5.6 %).

Illegal migration across the national border of the Czech Republic – international protection seekers 2007

Month 2007	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Total
Illegal migration across the NB of the Czech Rep. – persons detected	233	304	370	309	346	265	400	446	221	157	150	183	3,384
of them foreigners	221	253	307	242	306	227	301	310	205	145	139	181	2,837
of them international protection seekers	8	25	15	10	3	5	5	5	11	1	3	5	96
i.e.% of the number of foreigners detected as illegal migrants across the national border	3.6	9.9	4.8	4.1	1.0	2.2	1.7	1.6	5.4	0.7	2.2	2.8	3.4

Of the total **number of 96** international protection seekers who were in 2007 registered by border protection bodies, when attempting to illegally cross the national border of the Czech Republic, citizens of **Egypt** (12 persons, i.e. 12.5 %), **Turkey** (9 persons, i.e. 9.3 %), **China** (9 persons, i.e. 9.3 %), **Iraq** (8 persons, i.e. 8.3 %), and **Georgia** (8 persons, i.e. 8.3 %) displayed the highest share.

Most international protection seekers were registered when attempting to illegally cross the national border in the direction from the Czech Republic to Germany (49 persons, i.e. 51.0 %). They were mainly nationals of Egypt, (8 persons), Turkey (7 persons) and Sri Lanka (6 persons).

The second most frequent direction of illegal migration of the persons concerned was from the Czech Republic to Austria(31 persons, i.e. 32.3 %). Mostly citizens of China (5 persons), Georgia (5 persons) and Egypt (4 persons) were detected at this section of the national border.

And last but not least airports were used for the direction from the Czech Republic - 14 persons (i.e. 14.6 %). Nationals of China (4 persons), Iraq (4 persons), Turkey (2 persons) and Mongolia (2 persons) displayed the largest share.

In 2007 the number of international protection seekers who were detected **more than once** at the national border decreased by 21 persons (in total 51 persons). These were mainly nationals China (7 persons), Turkey (6 persons) and Sri Lanka (6 persons).

The share of international protection seekers who were repeatedly detected as attempting to illegally cross the national border continues to be substantially high if compared to total numbers (21.8 % of the total number of 96 international protection seekers). The share of persons repeatedly registered when trying to illegally cross the Czech national border was during the year reviewed 6.1 %.

The number of asylum seekers who were **assisted**, when illegally crossing the national border, **by another person**, i.e. they were smuggled across the national border, saw a decrease as well (17 persons, -40 persons, i.e. -70.2 %). Their share is quite high (17.7 % of the total number of 96 international protection seekers) if compared to total numbers (the share of persons who were assisted by another person when trying to illegally cross the Czech national border was during the year reviewed 16.5 %).

III.7. IMPLEMENTATION OF READMISSION AGREEMENTS

Policy aiming at the return of illegal migrants to their countries of origin is considered one of the primary interests of the Czech Republic as well as of the European Union. And readmission agreements are a principal instrument of this policy.⁹³

In 2007 in accordance with readmission agreements with neighbouring countries, **demands for the (re)admission** of a total of 1,119 persons (-43 persons, i.e. -3.7 %) at all sections of the national border were made. As in previous years the number of requests regarding readmission made by neighbouring countries prevailed. Neighbouring countries requested the Czech party to accept 923 persons (-62 persons, i.e. -6.3 %) whilst the Czech Republic requested neighbouring countries to receive 196 persons (+19 persons, i.e. +10.7 %).

1,020 persons **were readmitted** under readmission agreements, which accounted for 91.2 % of the total number of persons for whom admission was demanded. The Czech party accepted 920 persons (-15 persons, i.e. -1.6 %), while neighbouring countries took 100 persons (-64 persons, i.e. -39.0 %).

Most persons (75.0 %) were **admitted** by the Czech Republic in the framework of readmission agreements from border protection bodies of Germany (690 persons; +59 persons, i.e. +9.4 %). Most **readmitted** persons (64.5 %) were in 2007 reported from border crossing points with Slovakia (52 persons; -8 persons, i.e. -13.3 %).

Both parties **refused** to admit some of the persons concerned. These were for example cases where a state party insufficiently proved that such persons had illegally entered its territory from the territory of the other party, or cases when the admitting party refused to take over such persons within readmission agreements with regard to the Dublin Convention.

Of the total number of 196 persons proposed by the Czech party for readmission 96 persons (+46 persons, i.e. +92.0 %) were rejected. The Czech party did not admit three persons of those proposed by neighbouring countries authorities.

Implementation of readmission agreements with neighbouring countries - TOP 5

Person admitted on Czech border crossing points						
1 Jan – 31 Dec 2007						
	number of persons	i.e.%	of them on the section of the Czech national border			
			with Poland	with Austria	with Slovakia	with Germany
Total	920	100.0	24	194	12	690
of them most citizens from*						
Vietnam	351		13	2	0	336
Ukraine	138		0	83	3	52
Moldova	77		1	19	0	57
Czech Republic	74		4	34	9	27
Turkey	63		0	7	0	56

Key: *sequence according to the total number of admitted persons

bold type – citizens of non-neighbouring countries; regular type – Czech nationals or citizens of neighbouring countries

⁹³ See Chapter I.4. READMISSION AGREEMENTS

Implementation of readmission agreements with neighbouring countries - TOP 5

Person admitted at Czech border crossing points		1 Jan – 31 Dec 2007				
	number of persons		of them on the section of the Czech national border			
			with Poland	with Austria	with Slovakia	with Germany
Total	100	100.0	20	16	52	12
of them most citizens from*						
Ukraine	21		12	2	7	0
Pakistan	18		0	0	18	0
India	14		0	0	14	0
Germany	10		0	0	0	10
Iraq	8		0	2	6	0

Key: *sequence according to the total number of admitted persons

bold type – citizens of non-neighbouring countries; regular type – Czech nationals or citizens of neighbouring countries

The structure of nationalities at individual national border sections with neighbouring states confirms directions of migration preferred by these nationalities.

FINAL SUMMARY OF THE CHAPTER

The situation in illegal migration in the Czech Republic can be described, as in previous years, on the one hand, by decreasing numbers of persons who were detected as illegal migrants in the Czech Republic, and on the other hand by more frequent apprehension of persons who used, when illegally migrating, irregular documents or a smuggler.

In the year reviewed, in total 3,384 persons were detected, apprehended or investigated in relation to the protection of the national border and 2,837 of them were foreign nationals. 4,712 foreigners violated residence rules. **Illegal migration across the national border** of the Czech Republic displayed, in the year reviewed, **a year-on-year decline of 22.6 %** while foreign nationals accounted for 22.8 %. Illegal migration inland of the Czech Republic as a consequence of **violation of residence rules saw a decline of 33.8 %**.

Among third-country nationals who illegally crossed the Czech national border or demonstrably attempting to do so nationals of Vietnam, Ukraine, Moldova, Turkey, and China displayed the largest share.

Some persons attempted to **illegally cross the national border of the Czech Republic** independently while others used the services of organisations of smugglers, obtained false or forged travel documents, travelled across the border hidden in different vehicles, and if they did not succeed in crossing the border they repeated their attempt again. All described categories may be interconnected and individual cases often fell into two or even more of those categories.

In 2007 the use of irregular travel documents came into the fore again. During the same period **698 persons** who tried to use an **irregular travel document** (-67 osob, i.e. -8.8 %). when illegally migrating across the territory of the Czech Republic were exposed. Such persons' share in the total number of persons detected as illegal migrants accounted for 8.6 %. It must be, however, mentioned that, as regards individual categories of illegal migration, the development as well the share differed.

As regards illegal migration across the national border basic units of the border protection service reported **626 persons exposed when attempting to cross the national border** of the Czech Republic using an irregular travel document which accounted for 18.5, while in 2004 their proportion was 7.3 %, in 2005,13.7 %.and in 2006 this share accounted for 15.8 %. A further **72 persons** proved their identity with an irregular travel document **when their illegal residence in the country** was detected during checks carried out inland or at border crossing points when these persons attempted to leave the Czech Republic – this accounted for 1.5 % of the total number of persons detected during unauthorised residence.

Nationals of Ukraine, China, Moldova, China, Syria, and Turkey most often used irregular travel documents for illegal crossings of the national border of the Czech Republic, while the category of violating residence rules was dominated by citizens of Ukraine who accounted for 61 %.

Some apprehended persons possessed more than one travel document. In total **714 irregular documents** were seized, of which 639 documents were seized at the moment when a foreigner tried to illegally cross the national border (i.e. 89.5 %). Of the total number of 714 documents, 497 were passports and 217 were personal identity documents (identity cards).

In the year reviewed irregular travel documents of Poland , Romania, Lithuania, Slovakia, the Czech Republic, Bulgaria, and France were detected among illegal migrants. Ukraine, Korea and Syria were also among the first ten countries which travel documents were misused for illegal migration across the national border.

The above-mentioned facts demonstrate that the use of irregular travel documents continues to remain a serious form of illegal migration and thus one of the principal security risks. Therefore, a priority is introduction of travel documents containing biometric indicators.

684 persons, which is by 18.4 % less than in 2006, were detected as illegal migrants who attempted to illegally cross the national border of the Czech Republic **with the assistance of another person (a smuggler)**. Despite the stated numbers the share of smuggled persons increased from 15.6 % (in 2006) to 16.5 % in 2007). This category was dominated by citizens of Vietnam, Ukraine, Moldova, Iraq, and Turkey.

In comparison with 2006 the number of persons who were transported across the national border **hidden in vehicles** (152 persons; -17 persons, i.e. -10.1 %) fell. On the other hand, the share of these persons grew from 3.9 % to 4.5 %. The distribution of nationalities at individual sections of the national border differed. The most numerous groups at the national border with Germany were citizens of Vietnam (70 persons), Iraq (ten persons), Turkey (three persons), and Sri Lanka (three persons). National of Ukraine dominated at the national border with Austria (14 persons). Contrary to this at the border with Slovakia especially nationals of India (11 persons), Pakistan (10 persons) and Iraq (six persons) were detected when they wanted to illegally enter the Czech Republic. At the border with Poland these were mainly citizens of Poland (three persons), China (two persons) and Senegal (two persons) who wanted to cross the border to the Czech Republic hidden in vehicles.

In the year reviewed foreign nationals preferred for illegal border crossing to be hidden in trucks (43.4 %) and cars (49 %). The similar trend was registered in 2005, when technically modified trunks of cars were used to transport illegal migrants.

The number of persons who were detected when attempting **repeatedly to illegally cross** the national border dropped (208 persons; -37 persons, i.e. -15.1 %). Most nationals of Vietnam, Turkey, Ukraine, Moldova, and China were apprehended when they tried to cross illegally the national border of the Czech Republic more than once. These persons preferred the direction from the Czech Republic (91.1 % of the total number of registered persons) and the sections of the national border with Germany (47.9 %) and Austria (31.1 %).

Of the total number of foreign nationals who were in 2007 registered in connection with illegal migration across the national border, international protection seekers accounted for 3.4 %. These were mainly citizens of Egypt, Turkey, China, Iraq, and Georgia.

As in other European countries there is **a number of foreign nationals who reside in the Czech Republic illegally**. In the course of 2007 police units recorded 4,712 foreign nationals who lived in the Czech Republic unlawfully. Of the stated number 1,227 (-39.3 %) foreigners who violated residence rules were uncovered when attempting to leave the Czech Republic. The number of foreign nationals whose illegal residence was revealed by units of the Czech police inland was 3,485 (-31.6 %) foreign nationals. Some foreigners, specifically 1,551 persons, after finding out that they had been residing illegally in the Czech Republic came to inland offices of ABPS on their own initiative. With respect to security aspects, the category of foreigners detected during Czech police controls is more dangerous.

As regards nationalities, this category was dominated by citizens of Ukraine, who accounted for 61.6 %.followed, at a far distance, by nationals of Vietnam, China, Mongolia, Russia, and Belarus.

564 foreign nationals , i.e. 12.0 % of the total number, were detected as **repeatedly** violating residence rules.

On the basis of the above mentioned facts, it is obvious that citizens of Ukraine, Vietnam, China, Moldova, and Mongolia dominated illegal migration in the Czech Republic, either through

illegal border crossings or violations of residence rules. In 2007 citizens of Turkey and Syria ranked among the ten most numerous groups of foreign nationals in statistical records of illegal migration across the national border while citizens of Georgia and Kyrgyzstan dominated in the category of foreign nationals illegally residing in the Czech Republic.

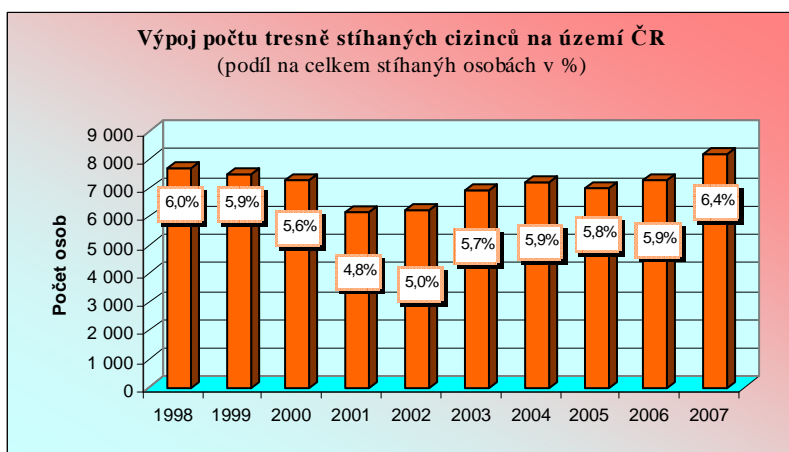
In this context increased attention must be paid to returns of illegally residing foreign nationals from the Czech Republic to their country of origin not only through administrative expulsions but also by means of voluntary returns.

Although illegal migration in the Czech Republic demonstrated at the end of the year reviewed a trend of decline, it is necessary to continue with future residence controls and security actions aimed at detecting foreigners illegally residing in the Czech Republic, since such activities are of both a suppressive and preventive nature. The same efforts should be devoted to detecting illegal migrants transported across the Czech Republic, mainly when they are hidden in vehicles. When combating illegal migration increased attention should be paid to security of international airports which are the external border of the Schengen area.

IV. Criminal Activities of Foreign Nationals

IV.1. FOREIGN NATIONALS PROSECUTED IN THE CZECH REPUBLIC

Fig. Development in the number of foreign nationals prosecuted in the Czech Republic (the share in all prosecuted persons as percentage)



In 2007 the total number of persons against whom criminal prosecution was commenced in the Czech Republic increased. In total 127,718 persons (+4,965 persons, i.e. +4.0 %) persons were prosecuted in the Czech Republic. This increase is also reflected in the number of prosecuted foreign nationals.

The share of foreigners in all persons prosecuted in the Czech Republic has oscillated since 1993

around 6 %, with the exception of 2001 when it was, as shown by the below diagram, less than 5 %. The numbers of prosecuted foreigners reflect the situation pertaining to legal and illegal migration in the Czech Republic.

Persons prosecuted

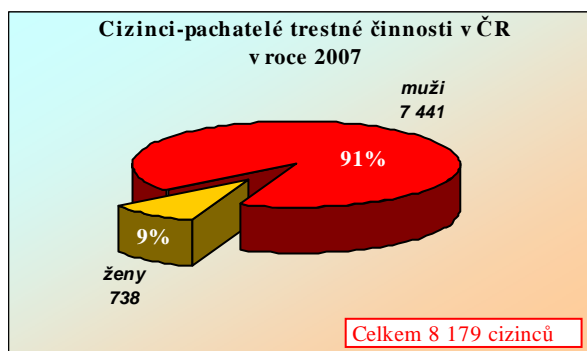
Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total number of prosecuted persons	129,271	127,887	130,234	127,856	123,964	121,393	121,531	121,511	122,753	127,718
of them foreigners prosecuted in the Czech Republic	7,698	7,491	7,261	6,166	6,238	6,923	7,215	6,994	7,284	8,179
i.e. % of total	6.0	5.9	5.6	4.8	5.0	5.7	5.9	5.8	5.9	6.4

In the year monitored, in total 8,179 (+895 persons, i.e. +12.3 %) foreigners were prosecuted in the Czech Republic, which meant an increase from 5.9 % in 2006 to 6.4 %.

Fig: Foreign criminal offenders in the Czech Republic
Red – men (7,441); yellow – women (738)

If we compare the share of male and female offenders among prosecuted foreigners then the share of men accounted for 91.0 % (which is in absolute numbers 7,441 persons) while the proportion of women was 9.0 % (which is in absolute numbers 738 female offenders).

In comparison with 2006 the number of prosecuted male foreigners increased by 804 persons, whilst the number of prosecuted foreigners – women displayed a lower increase by 91 persons.



The structure of criminal offences for which foreigners are prosecuted in the Czech Republic depends on a range of factors, such as nationality, the type of their residence in the Czech Republic as well as conditions in the regions where these persons reside or where a given criminal offence was committed.

In total 9,262 criminal offences committed by foreign nationals were reported and this number shows a growth of 8.6 % which accounts for 6.4 % of the total number of solved crimes. The number of violent crimes, namely of intentional injuries to health (+47 offences, 308 offences detected) and murders (+10 offences, 35 offences detected) where the offender was a foreigner increased. The number of crimes against property and economic crimes decreased. A high share of prosecuted and investigated foreign nationals increased as regards frustration of an official decision - 21.4 %, murders - 21.6 %, robberies - 13.6 % and pickpockets - 14.7 %.

Solved crimes committed in the Czech Republic by foreigners from 1 January to 31 December 2006 and 1 January to 31 December 2007

Types of crimes	2006	2007	Year-on-year change as %
Murders	25	35	40.0
Intentional injuries to health	261	308	18.0
Violent crimes	1,011	1,043	3.2
Sexually motivated crimes	113	105	-7.1
Burglaries	696	626	-10.1
Thefts	1,346	1,330	-1.2
Crimes against property	2,456	2,297	-6.5
Economic crimes	1,801	1,709	-5.1
Murders	1,527	1,250	-18.1
Total crime	8,529	9,262	8.6

Again in 2007, citizens of **the Slovak Republic** came top in the numbers of prosecuted foreign nationals and with the number of 3,478 prosecuted persons (+497 persons, i.e. +16.7 %) and accounted for 42.5 % of the total number of prosecuted foreign nationals. Slovak nationals were prosecuted mainly for so-called other crimes and also for crimes against property.

Slovakians were, in criminal statistics, followed, at a far distance, by citizens of **Ukraine**. In 2007 in total 1,520 nationals of Ukraine (+136 persons, i.e. +9.8 %) were prosecuted and they accounted for 18.6 % of the total number of criminally prosecuted foreign nationals. Their criminal offences are closely linked to illegal migration in the Czech Republic since the majority of prosecuted Ukrainians were prosecuted for frustrating an official decision.

Following places in 2007 in the statistics reporting prosecuted criminals were occupied by citizens of **Vietnam** (746 persons; +87 persons, i.e. +13.2 %), **Poland** (469 persons; +99 persons, i.e. +26.8 %) and **Russia** (219 persons; +5 persons, i.e. +2.3 %).

Statistical records in 2007 showed that, when compared with the previous year, the first ten places of prosecuted foreigners did not change as these were occupied by the same nationalities, however the sequence moderately changed. Nationals of Moldova were an exception (125 persons; +38 persons, i.e. +43.7 %), who moved among the first ten nationalities and exchanged citizens of Lithuania.

The capital city of Prague has been, for a long period of time, the most affected territory in the Czech Republic with respect to criminal offences committed. When comparing various indicators relating to the movement of foreigners in the Czech Republic, a certain link between illegal migration in the Czech Republic, the concentration of foreign nationals possessing residence

permits, and the share of prosecuted foreigners can be seen. The highest share of foreigners – criminal offenders – is in the capital city of Prague (14.7 %) followed by the Central Bohemian Region (7.4 %) and the West Bohemian Region (7.6 %).

Fig: Development of criminal offences committed by foreign nationals in the Czech Republic from 1994 to 2007

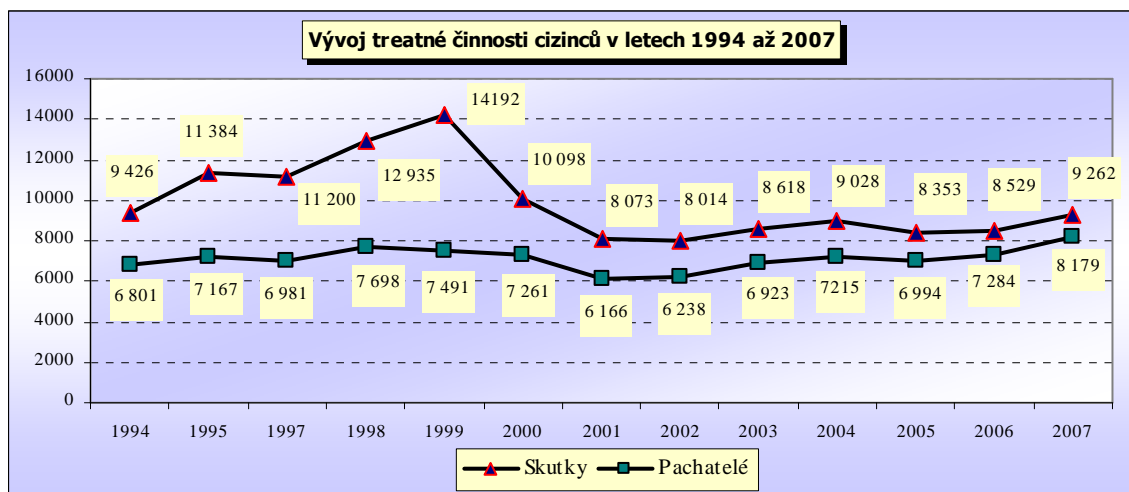


Figure above: purple = offences, green = offenders

Links between some criminal offences committed by foreign nationals and international organised crime remain a serious security risk. In addition to the good financial and economic background of organised crime, its international links, alongside perfect organisation and flexibility, the ethnic base of individual groups of organised crime represent a serious danger for the security as well as for political, economic, and social stability of a state.

Criminal organisations operating in the Czech Republic usually have direct links to foreign countries and their activities are based on trends of international organised crime. Groups of organised criminals from the countries of the former Soviet Union (in particular Russians, Ukrainians, Armenians, Georgians, Chechnyans, and Dagestanians) have been rooted in the Czech Republic for a long period of time. These are followed by groups from the Balkans (mainly Albanians, Bulgarians, and Romanians) and Asia (particularly Vietnamese and Chinese). In order to commit criminal offences foreign groups traditionally use nationals of the Czech Republic.

Criminal organisations operating in the Czech Republic are predominantly involved in production, trafficking in and distribution of drugs, tax fraud, attacks on assets in public ownership, organising prostitution and trafficking in human beings, organising illegal migration, counterfeiting, producing and selling fake goods and infringements of copyright, money laundering, extortion and racketeering, corruption, forgery, international trade in weapons and ammunition, organised thefts of cars, bank fraud and robberies.

Organised crime has a number of common points and similar features with terrorism with an essential difference being that the main aim of organised crime is to reach a maximum profit with a minimal risk while terrorism is primarily driven by ideological or political motives. Nevertheless, risks arising from possible cooperation between organised crime and terrorist organisations cannot be underestimated.

Recent experience from a number of old EU Member States also shows that terrorists use for funding their activities, in addition to legally earned money, also different types of criminal activities. Most often it is dealing in drugs, extortion, counterfeiting and trade in weapons and ammunition.

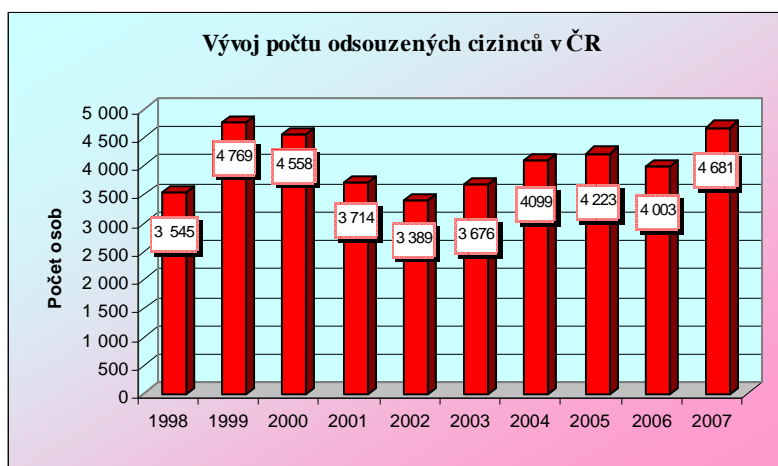
In general it might be stated that some measures primarily adopted to combat organised crime can be also used to prevent and combat terrorism. The Czech Republic is not only a transit country but it is also a territory for short-term residence of persons suspicious of being connected with terrorist groups, their supporting organisations or radical individuals.

IV.2. CONVICTED FOREIGN NATIONALS

Fig: Development of the number of convicted foreign nationals in the Czech Republic

In the year reviewed, the number of foreign nationals, as the number of foreigners residing in the Czech Republic, who were prosecuted in the Czech Republic for committing criminal offences increased (by 678 persons).

According to the data of the Ministry of Justice, during the course of 2007, in total 4,681 foreigners were lawfully sentenced and their share in the total number of persons convicted in the Czech Republic (75,728 persons) increased, when compared to 2006, from 5.8 % to 6.2 %. This share corresponds with the share of foreign nationals in the total number of criminally prosecuted persons in the year reviewed.



The structure of nationalities that were most often among prosecuted foreigners in the Czech Republic corresponds with the structure of **convicted** foreign nationals. As in the group of criminally prosecuted foreigners also in this group (convicted foreigners) nationals of **Slovakia** occupied the first place with the number of 1,889 convicted persons and their numbers displayed a year-to-year increase (+592 persons, i.e. +45.6 %). Second place was occupied by citizens of **Ukraine** with the number of 1,025 convicted persons (+60 persons, i.e. +6.2 %). These two nationalities were followed, at a far distance, by citizens of **Vietnam** (433 persons; +44 persons, i.e. +11.3 %), **Poland** (242 persons; +52 persons, i.e. +27.4 %) and **Russia** (137 persons; -3 persons, i.e. -2.1 %).

Among EU nationals who occupied top positions among convicted foreigners were, in particular, nationals of Romania (99 persons; -26 persons, i.e. -20.8 %), Germany (77 persons; +11 persons, i.e. +16.7 %) and Bulgaria (62 persons; -4 persons, i.e. -6.1 %).

The share of the aforementioned nationalities in the total number of convicted foreigners was as follows: citizens of Slovakia 40.4 %, Ukraine 21.9 %, Vietnam 9.3 %, Poland 5.2 %, Russia 2.9 %, Romania 2.1 %, Germany 1.6 %, and Bulgaria 1.3 %.

The above-mentioned statistical records demonstrate that in 2006, when compared to the previous year, the first ten places in the statistics of convicted foreigners were occupied by the same nationalities, however some changes in the sequence could be seen.

Convicted persons - comparison of the same periods of 2006 and 2007

Period of the year	2006	i.e.%	2007	i.e.%	Change in comparison with the previous period
Total – convicted persons	69,379	100.0	75,728	100.0	+6,349
of them					
Czech nationals	65,366		71,038		+5,672
Foreign nationals	4,003		4,681		+678
Czech Republic + other nationality	3		2		-1
More nationalities	1		1		0
Stateless persons	6		3		-3
Not ascertained	0		3		+3

As of 31 December 2007, in total 276 foreign nationals were placed in deportation (expulsion) custody of District Courts, and of these 194 foreigners were deported while 50 attempts to deport foreigners were unsuccessful.

As of the same date, in total 19 foreigners were placed in deportation (expulsion) custody of Regional Courts, and of these 13 foreigners were deported while six attempts to deport foreigners were unsuccessful.

Extradition and custody facilities accommodated a total of 45 foreign nationals. 37 foreigners were extradited, while in 8 cases extradition was not carried out.

The courts of the capital city of Prague sentenced the most foreigners (1,525 persons) followed by courts of the South Moravian Region (624 persons), West Bohemian Region (527 persons), and Central Bohemian Region (526 persons).⁹⁴

Convicted persons – according to courts in individual regions - 2007

Region ⁷⁶	Prague	CBR	SBR	WBR	NBR	EBR	SMR	NMR	Total – Czech Rep.
Number of convicted persons	10 196	7,843	4,332	7,147	12,340	7,648	11,783	14,439	75,728
of them									
Czech nationals	8,668	7,317	4,141	6,618	11,916	7,281	11,158	13,939	71,038
foreign nationals	1,525	526	191	527	423	366	624	499	4,681
Czech Republic + other nationality	1	0	0	0	1	0	0	0	2
More nationalities	1	0	0	0	0	0	0	0	1
Stateless persons	1	0	0	1	0	1	0	0	3
Not ascertained	0	0	0	1	0	0	1	1	3

Key: ⁷⁶ According to the structure of courts.

IV.3. CRIMINAL OFFENCES DETECTED BY UNITS OF APS OF THE POLICE OF THE CZECH REPUBLIC

As of 1 January 2007 Binding Instruction of the Police President No.203/2006 came into effect and it extended the scope of functional and factual competence of APS units over other crimes.

⁹⁴ According to the structure of courts.

In 2007 individual units of the APS detected criminal offences falling under Section 171 of the Criminal Code - frustrating an official decision (approximately 45 %), under Sections 180d and 182 of the Criminal Code – other crimes (approximately 17 %), under Section 201 and 201a of the Criminal Code – endangering other under the influence of a narcotic substance (approximately 17 %) and under Section 176 of the Criminal Code – forgery and falsifying an official documents (approximately 14 %). Criminal offences under Sections 171a, 171b and 171c of the Criminal Code – illegal border crossing (approximately 7 %) occurred in lower numbers.

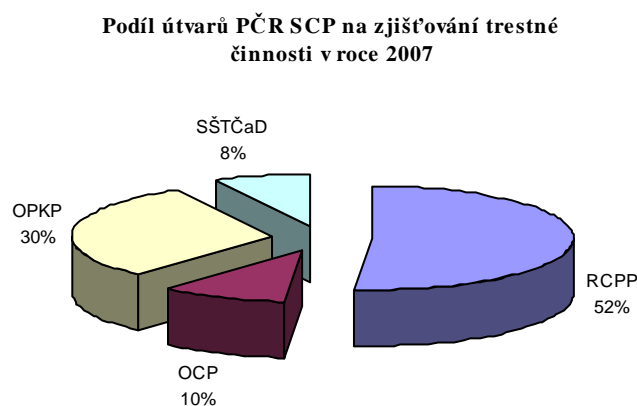
Criminal offences - comparison of the same periods of 2006/2007

Period of a year	1 Jan – 31 Dec 2006	1 Jan – 31 Dec 2007	Change in comparison with the previous period	
			[%]	[%]
Criminal offences detected	1,585	1,557	-1.8	-28
Commencement of investigation of criminal offences in relation to crossing the national border	327	256	-21.7	-71
Commencement of investigation of criminal offences in relation to violation of residence rules	534	512	-4.1	-22

Fig: Share of units of APS in detecting criminal offences in 2007

Key: OPKP = ARICID; SSTCD = GIDCO; RCPP = SUABPS; OCP = UAPS

In 2007 units of the APS detected in total **1,557 criminal offences** (-28, i.e.-1.8 %) of which 1,334 criminal offences (+473, i.e. +54.9 %) were under the competence of the APS. Of the total number of detected criminal offences 799 crimes (-177, i.e. -18.1 %), were under the competence of Sub-units of the Alien Police Service, 162 (+1, i.e. +0.6 %), were under the responsibility of Units of the APS, 473 (+118, i.e. +33.2 %) were under the responsibility of the ARICID and 123 (+30, i.e. +32.3 %) were within the competence of Groups for Investigation and Documentation of Criminal Offences (hereinafter referred to as 'GIDCO').



As it was stated above of the total number of criminal offences which were within the scope of their competencies, units of the APS solved most frequently the offence of frustrating an official decision under Section 171 of the Criminal Code. This criminal offence was committed mainly by foreign nationals who were, within administrative proceedings, issued a decision on administrative expulsion, they however did not leave the Czech Republic and continued residing illegally or were repeatedly apprehended because they attempted to cross the national border illegally.

V. Integration and Citizenship

V.1. INTEGRATION OF FOREIGN NATIONALS

Promotion of the integration of foreigners residing in the country for a long period of time has been from 1999 one important step towards solving the migration situation in the Czech Republic. Since 2004, issues relating to the *Strategy for the Integration of Foreigners in the Czech Republic* (hereinafter referred to as the “*Strategy*”) have been under the responsibility of the Ministry of Labour and Social Affairs of the Czech Republic⁹⁵.

The Ministry of Labour and Social Affairs in cooperation with other ministries annually draws up and submits to the Government, for its approval, a document evaluating the development of the *Strategy for the Integration of Foreigners* in the given year and setting tasks for the upcoming period. In 2006 Resolution of the Government of the Czech Republic No. 126 of 8 February 2006 approved the ***2005 Report on Implementation of the Strategy for the Integration of Foreigners*** where, in comparison with the previous report based on mainstreaming, the Government stressed in chapter I.3 (*Comprehensive Proposal of Long-term Legislative and Practical Measures*) priority areas and key prerequisites for the integration of foreigners. As a follow up to such priorities in 2006, work was commenced on implementing necessary fundamental measures targeting the integration of foreign nationals, especially as regards the Czech language, economic independence, the orientation of foreigners within society, and relations between foreigners and members of the majority society. A summary of how these objectives are met can be found in the ***2007 Report on Implementation of the Strategy for Integration of Foreigners and on Further Procedure***, which should be submitted to the Government in the first half of 2008.

Knowledge of the Czech language was set as an unambiguous priority within policy on integration of foreigners.⁹⁶ In 2007 preparations for creating a system of teaching and studying the Czech language for foreigners and the introduction of a single examination continued. The Ministry of Education, Youth and Sports submitted to the Government of the Czech Republic a draft document entitled ***The System of Czech Language Instruction and Examinations for Foreign Nationals as One of the Conditions for Granting Permanent Residence***. The Government, however, interrupted discussions on this document in July 2007 and returned the document to the Ministry of Education, Youth and Sports to supplement and complete it.

Furthermore, an emphasis is put on strengthening the knowledge of third-country nationals which should support their ability to understand legal and social systems in the Czech Republic. To this end, the Ministry of Labour and Social Affairs in cooperation with other ministries and NGOs published in September 2007 a second edition of the ***Information Booklet for Foreign Nationals in the Czech Republic*** in the Czech, Ukrainian, English, Russian, and Vietnamese languages. The second edition was published in the form of a reprint of the first edition, supplemented by a sheet listing all changes and amendments occurring since the publication of the first edition, i.e. between 2006 until 1 May 2007. In order to increase the provision of information to foreign nationals the Ministry of Labour and Social Affairs published in 2007 an information leaflet titled ***Information for Foreign Nationals with a Permanent Residence in the Czech Republic***. In addition to publication in hard copy, both documents were also published on www.cizinci.cz

⁹⁵ All issues relating to the coordination of the Strategy for the Integration of Foreigners in the Czech Republic were transferred under Czech Government Resolution No. 1252 of 10 December 2003 from the Ministry of the Interior to the Ministry of Labour and Social Affairs.

⁹⁶ Courses of the Czech language have been so far organised only for child EU nationals within language preparation courses under the Education Act and for recognised refugees within the National Integration Programme.

in the section Informacni materialy a prirucky (Information Documents and Handbooks/Guidelines).

The Czech Statistical Office published in 2007 a handbook entitled *Foreign Nationals in the Czech Republic* which is annually updated and provides statistical data concerning migration and the status of foreign nationals in the Czech Republic, and which, besides being printed in hard copy, is also published on the website of the Czech Statistical Office. Further the Czech Statistical Office published in 2007 a brief booklet containing basic information regarding foreign nationals - *Life of Foreign Nationals in the Czech Republic* – which is determined for the general public.

The website of the Ministry of Labour and Social Affairs www.cizinci.cz is a basic instrument for providing information not only to foreigners but in particular to civil servants, officials of regional and local authorities and NGOs. This website also supports communication between the Ministry of Labour and Social Affairs, NGOs, and regions.

With regard to the identified necessity to ensure that sufficient information is provided to third-country nationals from all ministries involved in the integration of foreigners, the accuracy of which will be guaranteed by state administration, representatives of the Ministry of Labour and Social Affairs alongside representatives of the Ministry of the Interior agreed that the current sections titled “Cizinec” (“Foreigner”) in the internet Portal of Public Administration of the Czech Republic <http://portal.gov.cz> will be essentially changed, however the individual ministries involved will continue to be the guarantors of the information provided. Each ministry was requested to appoint responsible representatives. Then the Ministry of Labour and Social Affairs, on the basis of data provided by appointed experts, created a new concept for Ministry’s web sites, which were completed and put online by the Ministry of the Interior. The current version of the web sites closely corresponds to the Information Booklet for Foreign Nationals. In mid 2007 an English version of this web section was published.

The Ministries of Labour and Social Affairs, of the Interior, of Education, Youth and Sports, of Industry and Trade, for Regional Development, of Health, of Culture, and of Finance, as well as other authorities and institutions (for example the Czech Statistical Office, social partners of the Council of Economic and Social Agreement, NGOs, Association of Regions, Association of Towns and Villages, and the Academy of Sciences) were involved in implementing the *Strategy* in 2007. During the course of 2007 the Ministry of Labour and Social Affairs maintained contact with representatives of individual regions and some towns and villages with the view of involving self-governing bodies in foreigner integration, since national as well as international experience shows that integration is implemented especially at the local level, thus it is important to engage local authorities in policy on the integration of foreigners.

The *Commission of the Minister of Labour and Social Affairs* (hereinafter referred to as “the Commission”), established within the Ministry of Labour and Social Affairs as an advisory body to the Minister of Labour and Social Affairs, works at the Ministry in question. The Commission assists the Minister with creating conditions for preparing and implementing governmental policy in the field of integration of foreigners and meeting tasks resulting from Government Resolutions adopted in this area. The Commission continued its activities also in 2007, however the cornerstone of its activities was transferred to *expert consultative groups* (ECG) set up as working parties of the Commission (the ECG for Statistics and Research; the ECG for Strategy and Legislation; the ECG for Non-Profit Making Organisations, Regions and Social Partners; and the ECG for Mapping Needs for Studies and Research on Foreign Nationals and Their Communities). Meetings of individual ECGs are held on an ad hoc basis if urgent problems are to be solved or new information and experience pertaining to the relevant area of foreigners’ integration needs to be provided.

Significant attention was, as in previous years, devoted to projects supporting the integration of foreigners through resources allocated from the state budget. Projects were implemented by non-

profit making non-governmental organisations, mainly in areas where state administration bodies and self-governing bodies have no direct influence. These were efficiently focused on, in particular, improving the provision of information to foreigners as well as to public service officers regarding aspects of foreigner integration, continuing the development of social and legal advisory services for foreigners (including assistance for their communication with authorities), supporting education, language skills and other qualifications of foreigners, promoting the competition of foreigners in the labour market, developing the cultural and social life of foreigners by promoting relationships between foreigners and foreign communities with Czech citizens, psychological assistance concerning the integration of foreigners, building and developing the activities of community and multicultural centres, and supporting tolerance and human co-existence. In 2007 CZK 25 million was earmarked from the state budget for the implementation of these projects. This amount was divided among the ministries concerned and the Czech Statistical Office. Similarly, in 2007 several tens of projects with the goal of integrating foreigners were supported by regions and municipalities.

As regards assistance provided by the European Union, six principal sources of EU funding are currently available in the Czech Republic. The following are generally used for subsidising programmes for the integration of foreigners:

- Programme of Community Initiative EQUAL – so-called 2nd round of Community Initiative EQUAL;
- Operational Programme Human Resources Development;
- Single Programming Document for Objective 3 of NUTS 2 region – Prague;
- European Refugee Fund;
- Joint Regional Operational Programme;
- INTI Programme- Pilot Project on Integration of Third Country Nationals.

Projects financed in 2007 from EU sources successfully supported the integration of foreigners in the Czech Republic. Large financial amounts enabled the implementation of multi-annual projects which complement targeted, however small-scale, usually one-year projects subsidised by individual ministries.

In order to understand the situation and status of foreign nationals in the Czech Republic in more detail the Ministry of Labour and Social Affairs initiated the drawing up of two surveys. The first, implemented through the European Social Fund, is the *Analysis of Access of Female and Male Immigrants to Education and the Labour Market*. The survey, in addition to questionnaires distributed among more than six hundred male and female foreigners from Vietnam, China, Ukraine and Russia, was given to two hundred recognised refugees of both genders, and focused also on in-depth interviews with the staff of NGOs and schools as well as with officials from municipalities and labour offices. In order to present the outcomes of this analysis in 2007 a final conference for those professionals involved was held in September 2007 and a booklet summarising the main conclusions of the survey entitled *The Approach of Female and Male Immigrants to Education and the Labour Market in the Czech Republic* was issued. This contained also a list of relevant NGOs dealing with the issue concerned and a list of all projects supported from 2004 to 2006 from the European Social Fund aiming to support the integration of foreign nationals.

Another survey commenced in 2007 (to be completed in 2008) is the project entitled the *Efficiency of Services Provided by NGOs in the Area of Foreigners' Integration*. The aim of the project is to find out and evaluate the efficiency of services and activities provided by NGOs within the field of integration of foreign nationals and the accessibility of such services to foreigners, and to define the respective need for changes to measures concerning foreigners' integration.

The Ministry of Labour and Social Affairs, as a coordinator of the integration of foreigners, concentrated on work not only at the national level but, in 2007, it ensured, within its competencies, contact with EU institutions, namely with the European Commission through expert working groups known as National Contact Points on Integration, and committees of the Council of Europe, in particular with the Committee of Experts on Access to Employment and Economic Opportunities of Legal Immigrants and Persons with an Immigrant Background.

The Ministry of the Interior devoted great attention to projects supporting the integration of foreigners. The Ministry financially supported projects aimed, in particular, at providing free legal assistance for long-term and permanently residing foreigners with regard to their residence in the Czech Republic and obtaining Czech nationality as well as projects with the aim of developing relations between foreign nationals, foreign communities and citizens of the Czech Republic.

Additional activities of the Ministry of the Interior concentrated in 2007 also on other projects relating to the integration of foreigners. The Ministry financially supported or directly implemented for example the drawing up of a handbook for police officers, personnel of the prison service and officials of public administration on the risks of organised crime, radicalisation and terrorism, projects aimed at training police officers or other employees of state administration on current security risks related to integration of foreigners in the Czech Republic, and a pilot project of the Regional Working Group for Combating Illegal employment of Foreign Nationals and the Client System.

Costs for implementing the above-mentioned projects of the Ministry of the Interior were covered from the budget chapter General Cash Management (item - Resources for Foreigners' Integration); the costs amounted to CZK 2,400,000.

The Ministry of Education, Youth and Sports (MEYS) is responsible for the education of foreigners, since the preparedness of the education system and its ability to respond to changing conditions ranks unambiguously among the principal prerequisites for the successful integration of foreigners.⁹⁷

Conditions for education of foreign nationals are ensured under Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act) as amended. MEYS also met tasks in compliance with *the Plan of Integration Policy of the Ministry of Education, Youth, and Sports*.

MEYS every year calls for projects to support activities in the field of integration of foreigners in the Czech Republic. Such projects are covered, in accordance with the relevant Government Resolutions, by funds earmarked from the budget chapter 'General Cash Management'. Topics of such projects focus on promoting the multicultural education of children and youth, teaching and learning the Czech language as a foreign language, and studies relating to the issue of the education of migrating foreigners, as well as organising a seminar dealing with the education of foreigners.

The implementation of projects contributes to removing communication barriers and facilitates the integration of foreign children in every day life whilst respecting differences between individual ethnic groups, their culture, religion, customs, and so on. Another objective of the project is to assist teachers in acquiring the skills necessary for their work with foreign children, especially

⁹⁷ As regards education, foreigners have access to basic, secondary, and post-secondary vocational education in the Czech Republic, including institutional and protective education, under the same conditions as nationals of the Czech Republic. With regard to study at university, under Act No. 111/1998 Coll. on Higher Education Institutions and on the Amendment to Some Other Related Acts (the Higher Education Act), as amended, foreigners are able to study at public universities and colleges under the same conditions as citizens of the Czech Republic.

for teaching them Czech, integrating such children in out of school activities, and solving conflicts arising from mutual misunderstandings.

In 2007 MEYS approved the allocation of subsidies to the projects organised within the 'Programme on Promoting Activities in the Field of Foreigners' Integration in the Czech Republic in 2007'. Altogether seventeen projects were selected and these will be subsidised by the amount of CZK 1,645,000,- Kc.

Education of Foreigners at Basic and Secondary Schools in the Czech Republic

From December 2006 until February 2007 the Czech School Inspectorate (CSI) carried out inspections at basic, secondary and tertiary professional schools (post-secondary vocational schools) as a follow up to inspections implemented in the academic year of 2005/2006.

Third-country nationals prevailed among school pupils with a ratio of 4:1 as compared with EU citizens. At basic schools such pupils are predominantly from Vietnam, Azerbaijan, Ukraine, Slovakia, and Russia (in the same order). As regards secondary schools, pupils from Vietnam, Russia, Ukraine, Azerbaijan and Slovakia prevail. Whilst the number of foreign nationals from non-EU countries increased and the number of EU nationals decreased at basic schools, at secondary schools a reverse trend can be seen.

The majority of inspected schools had a climate favourable to foreign national pupils who were usually without any significant problems integrated into their classes. Foreign pupils frequently participated in out-of-school activities together with their fellow pupils. At all schools inspected foreign pupils had opportunities equal to those of their Czech peers. Cooperation with parents was evaluated positively. Elements of multicultural education were applied at schools within individual subjects. Foreign culture is presented at events common to all pupils and foreigners have opportunities to provide their Czech school mates with information on their countries of origin. Projects play an important role within multicultural education. Consultancy services are provided both at the level of schools by education advisors, teachers responsible for preventing pathological social phenomena and other authorised teaching staff, and also in cooperation with school advisory services.

Facilities for Unaccompanied Foreign Children

A facility for foreign children (hereinafter referred to as the 'Facility') is a facility providing care to foreign children who have been found in the Czech Republic unaccompanied by statutory representatives or any other close relatives, and who have a communication barrier, especially due to the fact that they do not speak Czech. The aim of such Facility is to provide these children with care at the same level as care for Czech children in orphanages, to help them to find their statutory representatives and to prepare them for a productive life in our country.

As of 1 November 2003 the Ministry of Education, Youth and Sports set up a Facility for unaccompanied foreign children. This is an organisation receiving contributions from the state budget. The Facility provides care to children who are not Czech nationals and who satisfy conditions stipulated in Sec. 2 (2) and (3) of Act No. 359/1999 Coll. on Social and Legal Protection of Children as amended by Act No. 381/2005 Coll. The purpose of the Facility is to take care of minors, usually from 13 to 18 years of age, or adults up to 19 years of age (hereinafter referred to as 'a child') upon the decision of the court on institutional or protective education or on a preliminary measure for foster care in the interest of healthy development and due education. Territorial competence is given by Sec.15 of Decree No. 334/2003Coll. as amended by Decree No. 339/2005 Coll. The competence of the Facility is nationwide and is not subject to the territorial

competence of other diagnostic institutions.

In 2007 in total 112 children were accepted to the Facility. Of these 112 children, 83 were boys and 29 were girls. There were 40 children under 15 years and 68 children over 15 years of age.

Overview of children accepted in 2007 according to the records of the Facility for foreign children

Total children accepted	112 children	According to the country of origin:	
		Nationality	Number
Of them children included more than once due to escapes	28	Bulgaria	2
		China	15
Boys	83	Georgia	2
Girls	29	India	1
		Cameron	2
Under 15 years	44	Congo Democratic Republic	2
Over 15 years	68	Mongolia	4
		Nigeria	2
International protection seekers	34	Poland	1
Recognised refugees	2	Slovakia	11
		Somalia	3
		Syria	2
		Turkey	17
		Ukraine	2
		Vietnam	42
		Not determined	5

Most children were placed in the facility after being found unaccompanied in the street (55 children) or they were transferred from the Refugee Facility Administration of the Ministry of the Interior of the Czech Republic, namely from the detention facility for foreign nationals in Jezova (24 children), from the reception centre in Vysni Lhoty (23 children), from the reception centre Velke Prilepy (one child), and from the detention facility in Postorna (one child). A further six children were accepted for diagnostic purposes from an orphanage with a school and from a reform house; two children who had been separated from their parents were accepted for a voluntary diagnostic stay. After a two-month diagnosis in the Facility – diagnostic institute, 19 children were transferred to the Facility Permon – an orphanage with a school and a reform house; eight children were given to the care of parents; four children were transported to a different facility; one child, after the date of birth was verified, was transferred to the residence centre of the Refugee Facility Administration Zastavka u Brna; one person, after his/her identity was verified, was taken to the Alien Police; one person was released after his/her identity was verified and then was referred to the consulate of his/her country of origin; one child passed away; two children left the Facility as they had become adults; and 66 children escaped from the Facility.

V.2. INTEGRATION OF RECOGNISED REFUGEES

The National Integration Programme⁹⁸ for recognised refugees and for persons enjoying subsidiary protection was in 2007 implemented in accordance with Government Resolution No. 1463 of 20 December 2006 and in compliance with the Principles for Providing Subsidies from the State Budget to the Benefit of Municipalities according to three priorities:

⁹⁸ The National Integration Programme is a programme focusing on helping recognised refugees to integrate into Czech society. A part of this Programme is to create preconditions for acquiring knowledge of the Czech Language and providing accommodation.

- Czech language instruction,
- provision of accommodation,
- assistance to compete in the labour market.

Czech Language Instruction

The Ministry of Education, Youth and Sports organised the teaching of free lessons of the Czech language for refugees and persons enjoying subsidiary protection.⁹⁹

As in previous years such instruction was provided by the Association of Citizens Dealing with Immigrants (SOZE) Brno under an agreement entered into with the Ministry of Education, Youth and Sports.

SOZE successfully operated a comprehensive and effective network of contractual partners providing instruction and working throughout the Czech Republic. Qualified trainers remained as the basis of the network. They provided instruction especially in areas neighbouring Integration Asylum Centres of the Refugee Facility Administration of the Ministry of the Interior, but also in Prague and in Brno.

In 2007 SOZE implemented, under an agreement with the Ministry of Education, Youth and Sports, a project aimed at teaching Czech recognised refugees, during which the *New Strategy and Guidelines for Instruction of Initial Courses for Recognised Refugees and Persons Enjoying Subsidiary* was completed. The project was accomplished as of 30 June 2007 and its results will be presented to professionals in Prague on 27 June 2007.

According to the aforementioned Strategy the instruction of all recognised refugees was commenced on 1 July 2007 in its full scope. Refugees were taught by trainers trained by the original provider. The scope of instruction in one-to-one courses was 400 lessons and in courses for groups participants were taught within 600 lessons.

In the course of the year reviewed, in total 6,993 lessons were taught, of which 4,699 lessons were in group courses, and 2,294 lessons in one-to-one courses. If compared to 2006, the number of taught lessons increased - due mainly to a transfer to new forms of instruction.

In the year monitored in total 82 recognised refugees completed their Czech lessons, primarily through attending group courses (54 persons). As regards one-to-one courses, 15 passed an exam and in total 13 persons decided to take an examination without previous instruction. A further 74 recognised refugees participated in the courses; some of them were about to take an examination and several new recognised refugees enrolled on courses of the Czech language.

Provision of Accommodation

Activities of the Ministry for Regional Development relating to the integration of recognised refugees concentrated in 2007 on finding funds to complete construction of municipal block of flats according to the '2005 Programme Supporting the Construction of Municipal Flats'.

In 2007 municipalities were subsidised by the amount of CZK 11,922,244 to provide accommodation for 147 recognised refugees in 49 integration flats. A further 18 recognised

⁹⁹ A free course in the Czech language is offered to recognised refugees within 30 days of the date on which the decision on granting asylum comes into effect, whereby Ministry of the Interior informs MEYS of the recognition of the respective refugees.

refugees were provided accommodation in eight integration flats which were released by previous tenants (also recognised refugees). **In 2007 accommodation was provided in total to 165 recognised refugees in 57 integration flats.** The Government recommended in its Resolution that the Heads of Regions ('hejtman' in the Czech language) secure accommodation for recognised refugees according to percentage quotas for individual regions. The given quota was met or exceeded only by the Liberec Region, the Usti Region and, in particular, by the capital city of Prague.

Moreover, the Government agreed, in the reviewed year, to release resources amounting to CZK 500,000 to NGOs so that they can provide accommodation and employment for recognised refugees. However only four non-governmental organisations satisfied during the course of 2007 the stipulated conditions and received a subsidy of CZK 80,000.

Assistance in Competing in the Labour Market

Recognised refugees applying for jobs were in 2007 included, on an ongoing basis, in re-qualifying programmes. If compared with the same period of the previous year the number of recognised refugees registered in re-qualifying programmes increased by 2.5 percent. There were no substantial changes in such programmes: those programmes focusing on work with personal computers prevailed.

Further the offer of an individual action plan was provided on an ongoing basis. The aim of this initiative is in particular the active cooperation of a recognised refugee with a relevant labour office when seeking a job, which should enhance his/her chances in the labour market.

The Ministry of Labour and Social Affairs is the responsible party for meeting tasks in this area.

V.3. RELOCATION OF COMPATRIOTS

The Programme to Complete the Relocation of Compatriots Living in Kazakhstan under Government Resolution No. 1248 of 1 November 2006 was implemented during the course of 2007.

At the beginning of the project, in February 2007, consular days were held directly in Akjubinsk, a town with a large Czech community. There were representatives of the Asylum and Migration Policy Department and staff of the Czech consulate in Kazakhstan who enabled compatriots to apply for permanent residence without the obligation to visit the consulate personally.

In total 157 persons representing 48 families, who can be according to family relations included into 19 broader families formed by parents, their children, siblings and so on applied for relocation.

Relocated compatriots were provided 46 municipal flats in 27 villages and towns located throughout the whole republic. The majority of such flats were provided by towns (29 flats in 17 town) or statutory cities (10 flats in six statutory cities). Only two flats were provided by a small village.

Compatriots were transported in cooperation with the Czech army, which provided a special airplane. Compatriots were transported in three groups. After arriving in the Czech Republic they were all temporarily accommodated in the recreational centre of the Ministry of the Interior in Herlikovice from where they were, within one week, transported to their new homes.

The programme for the relocation of compatriots was allocated in total CZK 31,400,000. Of this amount CZK 27,548,000 was used for the accommodation and integration of compatriots and the remaining funds were utilised or allocated for the purpose of financing the transportation of persons and property, accommodation in Herlikovice and so forth.

An average amount of CZK 598,870 was paid for one integration flat whereby, on average, the amount of CZK 435,652 was used to secure accommodation and CZK 163,217 was used for personal costs, i.e. language courses, and social and financial assistance of compatriots to furnish their flats and cover the first month of their residence.

V.4. CZECH NATIONALITY (CITIZENSHIP)

The rules for granting, losing and confirming Czech nationality are laid down in Act No. 40/1993 Coll. on Acquiring and Removing Nationality of the Czech Republic, as amended. Special regulations are included in Act No. 193/1999 Coll. on Citizenship of Some Former Citizens of Czechoslovakia, as amended by Act No. 320/2002 Coll. and Act No. 46/2006 Coll. which enabled former Czech or Czechoslovak citizens who were deprived of their Czech or Czechoslovak citizenship during the totalitarian regime to declare their nationality of the Czech Republic.

The Ministry of the Interior in compliance with Government Resolutions No. 881 of 13 July 2005 and No. 113 of 5 February 2007 drew up and on 21 December 2007 submitted to the Government the initial draft of the Constitutional Act on Czech Nationality and initial draft on the Act on Czech Nationality.

The Draft act on Nationality will be submitted to the Government in compliance with Government Resolution No. 254 of 17 March 2008 not later than on 31 May 2009 and its content will correspond to the initial draft on nationality (see above), approved by the Government Resolution cited. The new legal regulation should come into effect on 1 January 2010 and the draft act will be submitted for comments from other ministries at the beginning of 2009.

Integration – granting Czech nationality

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Number of foreigners who acquired Czech nationality	1 128	1 031	1 059	1 121	1 150	1 267	1 495	1 177	1 355	1 027

Note: The data in the table does not include nationals of Slovakia

In 2007 nationality of the Czech Republic was granted to **1,027** foreign nationals (the figure does not include Slovak citizens). Of these, Czech citizenship was granted to 32 persons who had previously been granted asylum in the Czech Republic.

Among those foreign nationals who acquired Czech citizenship in 2007, the largest nationality was that of Ukraine - 418 (in 2006 - 423) Ukrainian citizens, which was then followed by citizens of Russia - 98 (in 2006 -106), citizens of Poland - 50 (in 2006 - 86), citizens of Vietnam - 40 (in 2006 - 43), citizens of Belarus - 29 (in 2006 -18), and citizens of Armenia - 26 (in 2006 - 60).

During the year reviewed, the Ministry of the Interior turned down 577 applications for Czech nationality, i.e. 40 less than in 2006. 319 applicants lodged an appeal against a negative decision, and of these the Minister of the Interior accepted the applications of 92 applicants. Further the Ministry of the Interior issued during the year reviewed 782 promises that Czech nationality would be granted (meaning that the Ministry of the Interior suspended the process and required from the applicant a document proving that he/she lost the previous nationality).

In 2007 altogether 131 Slovak citizens were granted Czech nationality. 268 Slovak citizens acquired Czech nationality by declaring it under Sec. 18a of Act No. 40/1993 Coll.; 49 Slovak

nationals acquired Czech nationality by declaring it under Sec. 18b of the same Act; and 177 Slovak nationals by declaring it under Sec. 18c of the same Act. In 2007 in total 625 Slovak citizens acquired Czech nationality (either by being granted nationality or by declaring it).

VI. Humanitarian, Development and Migration Projects

VI.1. HUMANITARIAN PROJECTS

1. The Programme of Humanitarian Evacuations of Disabled People (MEDEVAC)

The Programme of Humanitarian Evacuations of Disabled People (MEDEVAC), which is implemented by the Ministry of the Interior in cooperation with the Ministry of Defence and the Ministry of Health, was in 2007 carried out under the following Government Resolutions: *Government Resolution No. 907 of 26 July 2006 on continuing the Programme of Humanitarian Evacuations of Disabled People* and *Government Resolution No 765 of 11 July 2007 on the Programme of Humanitarian Evacuations of Disabled People (MEDEVAC)*.

The humanitarian Programme MEDEVAC is determined for patients (preferably for children) from war or otherwise affected regions who cannot be cured in local conditions and whose health condition is so serious that their lives are endangered. It is a Programme which primarily serves patients for whom medical care in their country is, under the current circumstances, unavailable.

The Ministry of the Interior offers the technology and the means to cure such seriously ill and/or injured patients in the Czech Republic. At the same time the Ministry of the Interior guarantees to provide such persons with legal residence in the Czech Republic and to cover all related medical costs. In order to operate on a child patient the written consent of the statutory representative of the child approving the necessary medical intervention, whose exact scope is ascertained after special examinations carried out by the relevant medical facility in the Czech Republic, is required. Consequently, it is necessary for child patients to be accompanied by their statutory representatives.

The patients, together with those who accompanied them, are granted legal residence in the Czech Republic, and their medical care and transportation back to their country of origin are fully covered. The Asylum and Migration Policy Department is the responsible party, within the Ministry of the Interior, for this Programme.

The total number of people treated in the Czech Republic within the humanitarian Programme MEDEVAC from 1993 to 2007 has been 114 persons, who were transported (the vast majority being children) from regions affected by war or natural disasters, such as Bosnia and Herzegovina, Kosovo, Chechnya, Iraq, Pakistan, and Afghanistan.

So far the last part of the Programme was approved by Government Resolution No. 765 of 11 July 2007 on continuing the Programme of Humanitarian Evacuations of Disabled People (MEDEVAC), and as a result of this the Government agreed to release resources amounting to CZK 5,000,000 and enabled to be included **in total 13 child patients from Kosovo and Afghanistan (congenital heart diseases and burns)** to the Programme. The children were selected through cooperation between the Asylum and Migration Policy Department and the Joint Operations Centre of the Ministry of Defence, the Czech army, the Child Cardio-Centre of the University Hospital in Motol (FN Motol), the Central Military Hospital in Prague (UVN Praha), the Afghan Ministry of Health, and Berkat – a civil association.

In order to implement the Programme **two medical missions for the purpose of selection of suitable child patients to be included in the MEDEVAC Programme were carried out**. These were namely to the military base in Sajakovac, Kosovo, and the mobile army surgical hospital of the Czech army in Kabul:

1) **Selection of child patients suffering from congenital heart diseases (MEDEVAC Kosovo):**

An expert medical team consisting of Colonel Lieutenant MUDr. Milos Bohonek (UVN Praha), MUDr. Tibor Klein (Child Cardio-Centre of FN Motol) and Warrant Officer Dagmar Steigerova (Military Hospital in Olomouc), carried out, at the request of the Asylum and Migration Policy Department, personal screening of about 40 Kosovan children suffering from congenital heart diseases and recommended by the Pristina University Hospital. Eventually nine Kosovan children were selected and successfully treated in the Czech Republic .

2) **Selection of child patients suffering from congenital heart diseases, burns and facial cleft defects (MEDEVAC Afghanistan):**

An expert medical team consisting of Colonel Lieutenant MUDr. Milos Bohonek (UVN Praha) and MUDr. Tibor Klein (Child Cardio-Centre of FN Motol) carried out in mid December 2007, at the request of the Asylum and Migration Policy Department, personal screening of about 40 Afghanistan children suffering from congenital heart diseases, burns and facial cleft defects who had been recommended for such screening in cooperation with the Afghan Ministry of Health and Berkat, a civil association. Finally a group of twelve Afgan children was selected to be transported to the Czech Republic where they are expected to undergo treatment within the MEDEVAC Programme. A currently selected three patients with congenital heart defects are being treated in the Czech Republic.

Within the MEDEVAC Programme **one severely burnt Afghan boy**, recommended by members of *the 5th contingent of the Czech army operating within ISAF–PRT and located in Fajzabd, Afghanistan*, is being treated in the Czech Republic.

2. Resettlement

The Czech Republic has acquired within the Central European region the reputation of a country ready to provide humanitarian aid and the reputation of a country involved in solving global refugee issues not only at the national level but also within the international dimension. Activities of the Czech Republic in the field of resettlement, as a tool of protection and provision of durable solutions based on individual needs as well as of systematic solution of the situation of particular individuals or groups of refugees fit the context described above.

Policy of the National Resettlement Programme

In accordance with a pilot resettlement programme the Asylum and Migration Policy Department is working on the policy of the National Resettlement Programme which is to be a key strategic document defining options of the Czech Republic pertaining to the area of resettlement (both in terms of theory and of practice). This document will be submitted for the Czech Government's approval next year.

International Resettlement Cooperation

In 2007 the Czech Republic actively participated in a range of activities at the international level whose topics were resettlement and its implementation in EU Member States.

In 2007 the Czech Republic along with Belgium and the Netherlands became a participant of the ARGO twinning Project 'Durable Solutions in Practice'. This is a project aimed at broadening cooperation relating to the implementation of Community law and exchanges of experience with resettlement between partner organisations of Member States. The fundamental objective of the

project is to enable countries which do not have their own resettlement programmes to acquire sufficient theoretical and practical experience on the basis of which these countries will be able to reconsider their options in this area or to establish their own resettlement programmes. The projects enabled representatives of the Czech Republic to participate in the Dutch Commission for the Selection of People for Resettlement as well as in the Dutch Cultural Oriented Resettlement Commission where participants became acquainted with the process used for selecting candidates for resettlement and other procedures regarding the pre-departure period. Part of the project also involved detailed training on the Dutch resettlement system since the Netherlands as one of several European countries has long lasting experience with resettlement. Participation was very beneficial for the Czech Republic and it enabled Czech representatives to acquire valuable knowledge and to compare this with the experience of the Czech Republic.

On 14 February 2007 a workshop organized by ICMC was held in Prague. The purpose of this meeting was to inform participants – members of NGOs, governmental and international organisations - on the resettlement process as such and on activities carried out by ICMC in this area.

On 31 May 2007 the Association of Citizens Dealing with Refugees organised in Prague alongside the international organisation CCME a seminar entitled 'Resettlement – Extension Options in Europe'. Representatives of the Asylum and Migration Policy Department presented at this seminar the approach of the Czech Republic towards resettlement and forecasts for the future in this area.

On 12 and 13 November 2007 an official of the Asylum and Migration Policy Department participated in the 'Regional Conference on Resettlement' held in Budapest. The conference was organised by the Hungarian Ministry of Justice in cooperation with the regional office of UNHCR Budapest. This conference was organised as a meeting of representatives of the countries concerned with Central European countries and its aim was to discuss perspectives of the Central European region in the area of resettlement with an emphasis placed on admission and integration. A representative of the Asylum and Migration Policy Department presented at the conference activities of the Czech Republic relating to resettlement and positive as well as problematic experiences.

Resettlement of Cuban Refugees

During March 2007 the Czech Republic in cooperation with the United States of America and the International Organisation for Migration accepted within a humanitarian resettlement initiative three families of Cuban refugees who had left their mother country since they were persecuted because of the political conviction and religious belief of a certain member of a family.

Families were granted international protection through asylum and were provided complete assistance for successful integration into Czech society. In this matter the Asylum and Migration Policy Department closely cooperated with the Refugee Facility Administration, the International Organisation for Migration and NGOs.

The Czech Republic understood the projects of resettlement of Cuban refugees not only as targeted assistance to persons whose fundamental human and civil rights had been substantially violated in their country of origin but also as political solidarity with a country ruled by one of the most authoritarian regimes in the world and the lowest level of human rights. Cuba is one of the priority areas of Czech foreign policy, which has been involved for a long time and in many ways in supporting democratic opposition in Cuba. Thus the resettlement of Cuban citizens must be perceived in this context.

Family Reunification of Uzbek Recognised Refugees

In June 2007 the Ministry of the Interior succeeded in reuniting families of two Uzbek recognised refugees who had been admitted to the Czech Republic in December 2005 within the humanitarian resettlement initiative. After more than two years of separation an Uzbek couple met their four children and another recognised refugee was able to welcome his wife and two children.

The Ministry of the Interior decided on direct intervention among individual families after many negotiations at the international level which unfortunately, due to many factors, did not bring about any results.

The reunification of the families in question was, from the humanitarian point of view, one of the key priorities of the Ministry of the Interior. It was successful only thanks to the cooperation of all stakeholders, in particular the Ministry of the Interior, the Ministry of Foreign Affairs and the embassy of the Czech Republic in Kazakhstan, the UN High Commissioner for Refugees, and the International Organisation for Migration.

VI.2. PROJECTS OF INTERNATIONAL DEVELOPMENT COOPERATION

In 2007 in total twelve **bilateral projects** were implemented under the responsibility of the Asylum and Migration Policy Department, under *Czech Government Resolution No. 686 of 7 June 2006 concerning international development aid in 2007, and the medium-term outlook for funding such aid until 2009* in cooperation with the **Charity of the Czech Republic** (four projects), with the **People in Need** organisation (three projects), with the **International Organisation for Migration** (three projects) and with **Berkat – a civic association** (one project). One project was directly implemented by **the Asylum and Migration Policy Department**.

Regards those sectors covered, the projects focused on *preventing illegal migration, combating the so-called client system, stabilising potential migrants, assisting in creating an asylum infrastructure, and building capacity within public administration*. Territorial priorities reflected security and migration aspects of target countries. Countries of the Southern Caucasus (Georgia and Armenia), the Russian Federation (Chechnya), Bosnia and Herzegovina, Ukraine, and Moldova were among selected source and transit migration countries supported through the projects.

1. Continuing Projects of International Development Cooperation

➤ *Centre for Women - IMAN Project (Implemented by: Berkat – a civil association; Period of Implementation: 2005/07)*

The development objective of the project was to improve the economic and social status of women who were mainly the breadwinners of socially excluded families, to support their own initiatives and to establish a cooperative community. The main activity of the project was to ensure the operation of the Iman Centre for Women which organised courses of sewing, lessons on computers, courses of First Aid, Sunday courses of traditional Chechnyan dances (Marscho School), the provision of health, psychological, social and legal advisory services, and a Saturday ‘tea time’ for senior citizens and very low-income families. Courses were during the project transformed in workshops which used contact with small scale donators from the Czech Republic.

➤ ***Preventing Illegal Migration from Armenia to the Czech Republic – Support for the Development of Selected Communities and Improving the Economic Situation of Displaced Persons in the Kotaya Region (People in Need; 2006/08)***

The current scope of competence covered by the Information Centre in Yerevan was extended in the areas of implementation and prevention strategies. The centre carries out a number of activities with the view to inform the Armenian public about the risks of illegal migration and about the situation in the Czech Republic and in the European Union as a whole in terms of their asylum policies, procedures for accepting recognised refugees, and opportunities in the labour market (i.e. how to obtain jobs and residence permits and so forth). Other project outcomes were to identify the beneficiaries of assistance through the support of small enterprises, and capacity building of local NGOs and public administration authorities. The region where the majority of activities in this field was implemented is situated in the Ankavan area of the Kotaya Region, in other words, near the town of Megradzor. The objective of capacity building as regards public authorities was met, in particular, by means of the *Job Centre* project, where, in cooperation with four labour offices in the Kotaya Region, a database of vacancies was created which serves those local inhabitants who are interested in finding a job.

➤ ***Preventing Illegal Migration from Georgia to the Czech Republic – Support of Infrastructure and Development of a Selected Region in Georgia Suffering from Strong Recession as a Consequence of Ethnic, Political, or Economic Circumstances (People in Need; 2005/07)***

The development objective of the project was to restrict illegal migration from Georgia to the Czech Republic and from the broader point of view to EU Member States, to protect those who become victims of international criminal networks, and to contribute to stabilising and developing conditions of life in the selected region. As regards the area of implementation of information and preventive strategies the target Georgian public was provided with information on the risks of illegal migration and trafficking in human beings; people also received information on asylum procedures in the Czech Republic and EU Member States and opportunities in the labour market by means of publishing information brochures and newspaper articles, organising seminars, and training courses for journalists. As regards support of infrastructure in the Tkibuli region, education and health care capacities were developed, farmers were supported and the capacities of partner NGOs were built.

➤ ***Stabilising the Situation of Inhabitants of Georgia and Preventing Migration (Charity of the Czech Republic; 2005/07)***

The objective of all project activities was to motivate individuals or even whole families displaying a higher migration potential so that they apply their human capital in Georgia through attending managerial training courses in social skills, re-qualifying courses and courses which would increase their qualifications as start-up entrepreneurs in the Samtskhe/Javakheti region. The most prospective participants of the courses received in the last year subsidies for their business plans which are refundable to the Development Fund and which will be used for the village from which they come. Two community projects corresponding to the aims of the principal project were supported as well.

➤ ***Stabilising Potential Illegal Migrants through Support of Job Creation in Moldova (Charity of the Czech Republic; 2006/08)***

The development objective of the project was to contribute to decreasing illegal migration from Moldova and to increasing the provision of information about risk aspects of migration. The direct aim was to stabilise target groups of the population in a selected region through supporting suitable sources of making a living and to disseminate preventive information on migration among young people as well as information about development projects of other

organisations targeting migration issues. During the last year the implementing activities of the project were extended by building the capacity of the implementing partner and training for farmers, supporting the development of local villages Costeşti (the district of Ialoveni), Holuboje (the district of Cahul), Ribnița/Raschkov, Ivanovka, and Picalovo (the zone along the Dnepr river).

➤ ***Preventing Irregular Migration from Armenia through Training Courses and Creating Work Opportunities (International Organisation for Migration; 2005/07)***

The objective of the project was to contribute to the reduction of irregular migration through supporting economic integration and creating working opportunities for students coming from socially weak families and from selected boarding schools, by means of developing their professional skills in the following branches: hairdressing, sewing, carpet weaving, carpentry, shoe making and repairing, domestic animal breeding, bee-keeping; mending and washing cars, and so forth. Moreover, teachers of boarding schools and students from various regions of Armenian were offered trainers' trainings and vocational training courses with the aim of enhancing the capabilities of teachers to teach vocational subjects and to increase the capabilities of students to compete in the local labour market or to start up their own business once they complete school education. New and effective teaching methods, including new syllabi for courses, thanks to the project, were included in the curricula of schools.

➤ ***Assistance in Stabilising Potential Migrants and Preventing Irregular Migration of Minors - Moldova (International Organisation for Migration; 2005/07)***

The project offered to pupils of boarding schools in different regions of Moldova vocational courses which should contribute to their stabilisation; after they leave school the courses should enable them to find jobs more easily or to start up their own businesses. Vocational courses were held in all partner schools and included, *inter alia*: knitting, crocheting, embroidery, and weaving – this means hand-made work, which is continuously in demand in the Moldovan market. Within the project activities the project provider also focused on the prevention of trafficking in human beings in relation to an endangered segment of the Moldovan population. Therefore activities carried out last year at boarding schools were linked to a series of lectures on the prevention of irregular migration and trafficking in human beings which were supported by a network of volunteers working for the local branch of the project provider.

2. New Projects of International Development Cooperation (launched in 2007)

➤ ***Establishment of an Advisor and Intermediation Centre in Tbilisi (International Organisation for Migration; 2007)***

The objective of the pilot project was to introduce an effective mechanism leading to the establishment of a functional labour advisory and intermediation centre in Tbilisi, which will provide professional advisory services concerning labour law area to Georgian returnees. Project activities included also research on the local labour market on the basis of which a central database of vacancies was created. Furthermore, guidelines were drawn up and the staff at the advisory centres were trained in advisory and intermediation skills.

➤ ***Integration of Socially Weak People – Operations of a Sheltered Workshop and Re-qualification Centre in Grozny (People in Need; 2007/09)***

In order to implement the development objective, the principal aim of the project was to

contribute to the development of the economic and social stabilisation of Groznian society, in particular as regards physically disabled people and/or otherwise disadvantaged people - due to the war conflict in Chechnya. The aim should be met by means of a sheltered workshop and a re-qualification centre. Another activity of the project was to find jobs for a permanent working team of the workshop and limited carpentry production. The target group consists mainly of young people (predominantly men from 18 to 30 years) who did not receive, due to the long war conflict, any opportunity to attain the knowledge and skills necessary to compete in the labour market.

➤ ***Prevention of Irregular Migration from Ukraine to the Czech Republic (Charity of the Czech Republic; 2007/09)***

Migration consultancy services, training and vocation oriented courses which were to strengthen the civil law, financial and social background of potential labour migrants heading for EU Member States and migrants from third countries were offered at individual places of project implementation (i.e. Lviv, Kiev, Kharkiv, and Uzhhorod). Leisure clubs for youth social and psychological advisory services and consultancy services focused on acquiring jobs for vulnerable groups of young people were among other activities carried out within the project.

➤ ***Prevention of the Abuse of Labour in the European Labour Market with a Focus on the Czech Republic (Charity of the Czech Republic; 2007)***

In 2007 a pilot phase of a project aimed at preventing the abuse of Ukrainian nationals migrating to the Czech Republic was implemented. The project was implemented in three Ukrainian regions (Lviv, Kharkiv, and Uzhhorod) where information centres for those interested in working in the Czech Republic were established. At the same time a network of partner information and consultative centres were set up in the Czech Republic in Prague, Pilsen, Brno, and Hradec Kralove.

The project provides professional advisory services focusing on legal entry in the Czech labour market to Ukrainian nationals who intend to work in the Czech Republic. The applicants are provided with complete information on conditions for entry and residence in the Czech Republic for the purpose of employment. At the same time an applicant is provided, if applicable, assistance when he/she decides to contact the Czech embassy or consulate and apply for a visa for over 90 days for the purpose of employment. Czech centres then help find a suitable job for Ukrainian applicants – the clients of the Ukrainian centres. In other words they contact suitable employers in the Czech Republic, assist with job permits for a particular foreigner for a specific job, help find accommodation, and so on.

During a pilot phase of the project a functioning network of assistance centres was established where foreign nationals can find all services relating to legal entry to the Czech labour market. Several tens of people joined the project within its pilot phase and they were in the vast majority successfully placed in the Czech labour market. With regard to the current success rate of this project it will continue in 2008, whereby contact information centres will be extended both in Ukraine and in the Czech Republic.

➤ ***Assistance in Building the Migration and Asylum Infrastructure of Bosnia and Herzegovina (Asylum and migration Policy Department;, 2007/09)***

A multi-year bilateral Czech-Bosnian project financed from resources of international development aid, ‘Assistance in Building the Migration and Asylum Infrastructure of Bosnia and Herzegovina and the Training of Experts for Asylum Administrative Procedure’, was launched in 2004. The project is implemented by the Asylum and Migration Policy Department, while supporting assistance is provided by the International Organisation for Migration. In the

framework of this project significant support was provided to the partner Ministry of Security of Bosnia and Herzegovina both in terms of training professionals in matters of asylum and migration and the purchase of necessary technological equipment. Mainly assistance pertaining to asylum was implemented in the first phase of the project. In the second phase of the project launched during the last year activities of the project were far more focused on providing support in the area of migration. In November 2006 the Service for Work with Foreign Nationals – an executive body aimed at foreigners’ issues – was established at the aforementioned Ministry. In cooperation with Bosnian partners, training courses were developed for top and middle management of the Bosnia and Herzegovina Government. Training courses dealt with the competences of individual public authorities covering comprehensively the issue of migration in the Czech Republic, the development of an organisational structure of the Alien and Border Police Service, the legal regulation of entry and residence of foreign nationals in the Czech Republic, visa policy, and collating migration data. Attention was also paid to the verification of travel document and exposing forged or false documents, topics of administrative and court expulsion, and the issue of readmission agreements. One training course also included a visit to the detention facility for foreigners in Velke Prilepy, part of which was a lecture on operations and rules to be adhered to in such facility. Participants also visited the department of the Alien Police in Usti nad Labem to see how it functions. The training was organised in cooperation with the Asylum and Migration Policy Department and the Refugee Facility Administration of the Ministry of the Interior.

VI.3. MIGRATION PROJECTS

1. Capacity Building in the Area of Iraqi Migration Management

In 2006 the project *Capacity Building in the Area of Iraqi Migration Management* was implemented in cooperation between the International Organisation for Migration, the Ministry of Foreign Affairs, and the Ministry of the Interior. It was built on three study trips made by Iraqi migration officers to the Czech Republic. The project met its envisaged aims therefore it was decided to help the Iraqi party combat illegal migration also in 2007 and the project *Capacity Building in the Area of Iraqi Migration Management* was extended. With respect to the Czech Republic, Iraq is among its foreign policy priorities. The Czech Republic wishes for democratic transformation of Iraq to be successful and for the security situation in the country to be stabilised. The activities of terrorist groups in which foreign nationals, i.e. persons residing in Iraq illegally, are widely involved and other violent acts rank among the largest problems of Iraq. As a result, the assistance of the Czech Republic focusing on the fight against illegal migration and the increase of the capabilities of the Iraqi border police when checking persons arriving into the country seems to be a priority area.

The following parties were in 2007 involved in this project and paid from the resources of the Ministry of the Interior: the Directorate of the Alien and Border Police Service of the Czech police, the Secondary Police School in Holesov, the Ministry of the Interior, and the International Organisation for Migration. The project, reflecting the requirements of the Iraqi party, was designed as follows:

- An extensive training course for trainers held in the Czech Republic for 15 Iraqi experts who were employees of the Ministry of the Interior of Iraq. These experts were trained in exposing forged and falsified travel documents. With respect to its long-term impact the course contributed to the establishment of a group of experts on travel documents in Iraq who apply acquired knowledge, skills and teaching techniques when training officials authorised to check travel documents in Iraq.

- The purchase and free provision of 49 training devices for exposing forged and falsified travel documents – so called ELATEST III documents. These devices are determined for a training centre in Baghdad and for land, air and maritime border crossing points in Iraq.

Due to its successful results achieved in 2007 the project will continue also in 2008

VII. Projects of the Ministry of the Interior Aimed at Specific Categories of Foreign Nationals

1. Programme on Supporting and Protecting Victims of Trafficking in Human Beings in the Czech Republic

The '*Programme on Supporting and Protecting Victims of Trafficking in Human Beings in the Czech Republic*' (hereinafter referred to as the '*Programme*') was newly approved in the framework of the Crime Prevention Strategy 2008 -2011, approved by Czech Government Resolution No. 1150 of 15 October 2007.

The aim of this *Programme* is to provide victims of trafficking in human beings support and at the same time to motivate them to cooperate with law enforcement bodies and thus to contribute to the punishing of offenders.¹⁰⁰ The *Programme* is implemented through a national reference mechanism which involves public and inter-governmental organisations and, on the basis of an agreement, also NGOs helping persons engaged in prostitution, supporting identified victims of trafficking in human beings and implementing preventive activities relating to the issue in question.

NGOs offer to trafficked persons crisis psychological, social and health care, accommodation, support in their integration into daily life, and so forth. If foreigners reside in the Czech Republic illegally their residence status is adjusted.

As in the previous year, in 2007 the Ministry of the Interior also prolonged agreements with two NGOs: La Strada in the Czech Republic, and the Charity the Czech Republic.

These organisations were in the year reviewed subsidised from the programme entitled *Prevention of Trafficking in Human Beings and Assistance to Victims*. La Strada in the Czech Republic received a subsidy of CZK 982,000 and the Charity of the Czech Republic was supported by the amount of CZK 2,480,000.

Several new elements were introduced to the *Programme* by the *Minister of the Interior's Instruction No. 64 of 26 October 2007* which established an interdisciplinary working group within a coordination mechanism for support and protection of victims.

First of all the Instruction requires the Head of the Crime Prevention Department to include or exclude victims of trafficking in/from the *Programme* (originally it was the duty of the First

¹⁰⁰ More about the Programme: All victims of trafficking in human beings, both women and men who were trafficked for the purpose of enforced prostitution or labour, can be included in the Programme. The procedure for inclusion in the Programme is as follows:

- the police, NGOs or any other institution (for example a consulate) identifies a victim of trafficking and submits a proposal to include her/him in the Programme to the national coordinator through the Crime Prevention Department;
- after a victim is included in the Programme there is a time limit of 30 days during which the victim, if necessary, receives intensive care (crisis prevention) and at the same time he/she must decide whether he/she will cooperate with law enforcement bodies;
- after the time limit (30 days) lapses a "non-cooperating victim" is offered a programme of voluntary return to the country of origin, while a "cooperating victim" receives a visa for the purpose of tolerated stay under the provisions of Section 33 of the Act on the Residence of Aliens in the Czech Republic, which can be extended until the final and conclusive close of criminal proceedings;
- if a victim breaches the conditions of the Programme he/she shall be excluded from the Programme;
- after the close of criminal proceedings the victim may voluntarily return to the country of origin or, in the case that her/his return to the country of origin may endanger her/his life or freedom, he/she may, upon his/her application, be awarded a residence permit under Section 65 of Act on the Residence of Aliens, which is a permanent residence on the basis of reasons requiring special consideration.

Deputy Minister of the Interior who was a coordinator of the *Programme*). Secondly, the Instruction assigned members of the working groups to analyse the situation of trafficking in human beings and assistance provided to victims and actively propose how to enhance care for victims.

New Guidelines No. 5 of 26 October 2007 issued by the Deputy Minister of the Interior on the functioning of the Programme on Supporting and Protecting Victims of Trafficking in Human Beings and its institutional coverage brought about changes to the Programme .

The Instruction in particular prolonged the reflection period which can be used by a victim for crisis intervention and psychological stabilisation, so that the victim is able to decide whether he/she is willing to cooperate with law enforcement authorities, from 30 to 60 days.

During the year 2007 eighteen victims of trafficking in human beings who cooperated with law enforcement authorities and in several cases considerably contributed to the exposure of offenders of the crime of trafficking in human beings and related crimes were included in the *Programme*.

Among trafficked persons who joined the *Programme* were only three male victims. The vast majority of persons were victims of trafficking in human beings for the purpose of sexual exploitation; only in three cases persons were trafficked for the purpose of forced labour. Five victims were Czech nationals; three persons came each from Russia and Ukraine, two came from Macedonia, two from Vietnam, one person came from Slovakia, and one from Kyrgyzstan.

Voluntary return to the country of origin was arranged through the International Organisation for Migration in Prague. There were three Czech females repatriated from the United Kingdom, one person was repatriated to Kyrgyzstan, and one to Russia.

In 2007 round tables devoted to the issue of trafficking in human beings were held in Olomouc and Usti nad Labem. Their aim was to inform representatives of local and regional authorities on the forms of prevention of trafficking in human beings and on options provided by the *Programme*, and to enter into regional cooperation focused on this issue.

As regards education and training, attention focused on members of the Alien and Border Police Service working at international airports in Ostrava-Mosnov, Karlovy Vary, Brno-Turany and Pardubice who were also, thanks to financial contributions of the Ministry of the Interior, trained by trainers of La Strada (Prague – Ruzyne airport) and staff of IOM Prague (all other airports) who are able to identify victims of trafficking in human beings. Such trainings were held in the context of the Czech Republic's accession to the Schengen area and the courses placed an emphasis on the identification of unaccompanied minors.

During autumn 2007 staff of the Refugee Facility Administration of the Ministry of the Interior were trained on how to identify potential victims of trafficking in human beings or already trafficked persons, how to provide initial crisis intervention at facilities managed by the Refugee Facility Administration and on options offered by the *Programme*. Staff of residence centres (the trainer was the Charity the Czech Republic - Project Magdala, 1 day) as well as staff of reception centres (the trainer was La Strada in the Czech Republic and IOM Prague, 2 days) were trained separately.

In 2007 the Campaign against Trafficking in Human Beings focused on clients of prostitutes was launched which was a follow up to the pilot project carried out in 2006. The campaign was held from between August 2007 to January 2008. It concentrated on depicting the 'symptoms' of trafficking in human beings and involuntary prostitution and offered options on reporting, safely and anonymously, any suspicions and to find more about the phenomenon of trafficking in human beings through newly established web sites, telephone lines and information leaflets. The campaign was implemented by IOM Prague in cooperation with La Strada and the Charity of the Czech Republic– Magdala Project - which established a platform 'TOGETHER – against Trafficking in

Human Beings' (SPOLU – Spolu Proti Obchodu s lidmi).

Visuals were presented in public transportation in Prague, at border crossing points with Germany and Austria, as well as in bars and clubs in Prague, Brno, Ostrava, Pilsen, Teplice, Karlovy Vary, and Ceske Budejovice. In October 2007 picture postcards were distributed, mainly in the evening, at border crossing points with Austria and Germany and were given especially to lonely men or groups of men arriving in the Czech Republic. Visuals of the campaign were presented in the underground in Prague, information centres for tourists, on tourist maps as well as in the erotic press.

2. Programme on Combating Illegal Migration

The Asylum and Migration Policy Department of the Ministry of the Interior, the responsible party for the issue of international migration and asylum in the Czech Republic, developed and in 2007 submitted for the Government's approval the *Programme on Combating Illegal Migration* (hereinafter referred to as the '*Programme*'). The Programme was approved by Government Resolution No. 502 of 16 May 2007 and its pilot phase was launched. It was implemented from June to December 2007.

The above-mentioned *Programme* arises from individual provisions of *Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*. In order to implement this Directive the Act on the Residence of Aliens was amended in 2006 and a new type of residence permit was established – a long-term residence permit for the purpose of protection in the Czech Republic – under the provisions of Section 42e of the Act on the Residence of Aliens. This type of residence permit may be granted to third-country nationals who become victim to the criminal act of trafficking in human beings (Section 232a of Act 140/1961 Coll., the Criminal Code) or who were assisted with illegally crossing the border or for whom illegal border crossing was organised (Section 171a of Act No. 140/1961 Coll., the Criminal Code); however, such persons must terminate their cooperation with the offenders of the described criminal offences and voluntarily cooperate with law enforcement authorities.

The main objective of the *Programme* was to establish a coordinated and cooperative system within which the third-country nationals concerned will be provided with necessary legal, social and psychological support on the one hand, and on the other hand they will cooperate with law enforcement authorities which expose and clear up the described criminal offences.

The Asylum and Migration Policy Department, as a coordinator of the *Programme*, addressed and ensured participation in the *Programme* of the Alien Police Service, the Refugee Facility Administration of the Ministry of the Interior, law enforcement bodies, namely the Unit for Combating Organised Crime of the Czech police, the International Organisation for Migration, and NGOs dealing with provision of legal and social advisory services to foreign nationals residing in the Czech Republic. All these entities have within the *Programme* precisely defined competence and prescribed procedures for their activities and the exchange of information.

Within the pilot phase of the *Programme* in 2007 the Asylum and Migration Policy Department received 55 pieces of information concerning foreign nationals who were able to provide findings relevant for law enforcement authorities. After their evaluation 26 pieces of information were delivered to law enforcement authorities. The vast majority of foreign nationals who entered into cooperation with law enforcement authorities decided to cooperate without any requirement to be provided services which could be provided from within the *Programme*, and after they provided their information they left the Czech Republic.

On the basis of the findings the Asylum and Migration Policy Department gathered what; during implementation of the pilot phase of the *Programme* and amendments to the *Programme* were drawn up in 2007 so that in the upcoming period the Programme would correspond to the needs of its application, set goals and react to actual changes. In the course of the year reviewed the Act on the Residence of Aliens was amended again by Act No. 379/2007 Coll., which, effective of 21 December 2007, extended the category of persons who can be granted a long-term residence permit for the purpose of protection and who can be provided services within the *Programme*. This is included in the new provisions of Section 42e (5) which enable family members of a foreign national who was granted a long-term residence permit for the purpose of protection to apply for the same residence permit. Family members concerned are spouses, adult or minor unprovided children or persons who are due to their legal incapacity entrusted in the care of such foreigner but only in the case that they stay in the Czech Republic and the reason is reunification of the family.

Another essential amendment brought about by the Act on the Residence of Aliens is the option to apply for a long-term residence permit for the purpose of protection also by foreigners who in the Czech Republic applied for international protection.

At the end of 2007 work on preparing an evaluation of the pilot phase of the *Programme* was commenced. Although official evaluation will be submitted to the Government in the first quarter of 2008, within the meaning of Czech Government Resolution No. 1433 of 19 December 2007 on the Plan of Non-legislative Tasks of the Government of the Czech Republic for the first half of 2008 and on the Overview of Topics for the Plan of Non-legislative Tasks of the Government of the Czech Republic for the second half of 2008, the results of the *Programme* implementation was positively evaluated as early as towards the end of its pilot phase.

VIII. Conclusion

The Czech Republic has fully integrated into Schengen cooperation and joined the group of countries which do not carry out border checks on their joint border and which have brought their efforts towards meeting the right of free movement of persons to a successful conclusion. On the stroke of midnight leading from 20 to 21 December 2007 the Czech Republic abolished border checks along its land national border with neighbouring countries. Since that date only the air border at international airports has been protected. Border checks at airports were abolished on 30 March 2008 in the case of flights inside the Schengen area.

By its accession to the Schengen area the Czech Republic proved that it was an equal partner to other countries of the Schengen Agreement and that it can at any time participate in joint actions.¹⁰¹

Termination of border checks is an essential change the impact of which must be carefully monitored and to this end it is important to establish adequate monitoring mechanisms. In compliance with the National Plan for National Border Protection Management of the Czech Republic an **Analysis Centre for the Protection of the National Border and Migration**¹⁰² was established as of 1 September 2007. It is an inter-ministerial permanent analytical office whose objective is to carry out ongoing monitoring of the situation concerning border protection and illegal migration.

As regards migration, the priority of the Czech Republic is to formulate efficient measures which will support managed legal migration and at the same time diminish illegal migration. Instruments for meeting this aim are for example projects focused on selection of qualified foreign employees, Green Cards, and also an Action Plan for Combating Illegal Migration.

The integration of the Czech Republic into the European Union and its structures did not mean the termination of legislative work, since **ongoing implementation of all EU documents pertaining to the area of migration within** the prescribed transposition time limits was reviewed during the year and **has remained since then a permanent task in the legislative area.**

Harmonisation of visa policy is one of the prerequisites for the successful functioning of the Czech Republic within EU structures. Council Regulation (EC) No. 539/2001 of 15 March 2001, which provides a list of third countries whose citizens must be in possession of visas when crossing the external borders of the EU and those countries whose citizens are exempted from visa duty, is considered to be the basis of the common visa policy of the European Union. It might be stated that **the Czech Republic is in compliance with the Council Regulation.**

An important success of diplomatic activities in this area is the fact that as of 1 November 2007 **Canada abolished visa obligations** for citizens of the Czech Republic as regards residence which does not exceed 180 days from the date of entry for the purpose of tourist travels or short-term study if the visitor does not earn any money.

Contrary to this, despite the best efforts of Czech diplomacy **in 2007** the Czech Republic **has not yet managed to achieve visa free relations with the United States of America.** Since the

¹⁰¹ The term 'Schengen' is, in compliance with common practice, used as abbreviated denotation for the Schengen area or Schengen cooperation between states creating common territory for free movement without internal border checks. It is derived from the name of a small Luxembourg town where the Agreement on the gradual abolition of checks at states' common borders (the Schengen Agreement) was signed on 14 June 1985, and the Convention on Implementing the Schengen Agreement (the Schengen Implementing Convention) was signed on 19 June 1990.

¹⁰² The Analytical centre for National Border Protection and Migration was set up under the Czech Government Resolution No. 933 of 22 August 2007.

beginning of 2008 negotiations between Czech and American stakeholders on inclusion of the Czech Republic into the Visa Waiver Program, which is the condition for the abolishment of visa obligations, have been more intensive.

In the upcoming period the already commenced negotiations will need to be directed to **solving this asymmetric visa regime**. Another, not less important task in this area is **to participate both in national activities the aim of which is to simplify the procedure of granting visas and activities at the European level in relation to negotiating agreements on visa facilitation**.

A cornerstone of EU migration policy remains the return of migrants while respecting their fundamental rights. An effective return policy is crucial for ensuring public support for elements such as legal migration and asylum. To this end, readmission agreements remain a priority.

Currently the Czech Republic's activities are carried out in two directions. The Czech Republic apart from its own initiatives under international obligations, as an EU Member State, participates in the work of the European Commission in negotiating readmission agreements with certain third countries.

The priority in the field of negotiations on readmission agreements for 2008 will be to finalise some almost negotiated readmission agreements, to accomplish the internal approval process of already concluded agreements, and to continue cooperating, through a national expert, on negotiations on agreements to be concluded within the European Union. Last but not least, measures to enter into implementing protocols to readmission agreements concluded under the competence of the European Union will be adopted. Such protocols are prerequisites for flexible application of the agreements concerned.

The Czech Republic has also entered into close cooperation with international organisations and has participated in a range of international activities concerning individual aspects of migration. Due to the fact that migration is of common interest to all EU Member States, the Czech Republic considers the closest possible cooperation at both bilateral and multilateral levels and active involvement in formulating asylum and migration policy within the European Union to be of considerable importance.

An essential task for the upcoming period in the field of asylum and migration is preparation of the Czech Republic for the Presidency of the European Union¹⁰³, since during the Czech Presidency the final phase of the five-year strategic document for the area of justice and home affairs, the above-mentioned Hague Programme, will be evaluated. The Hague Programme is the strategic basis for building up the area of freedom, security and justice.

Common migration policy is one of the fundamental topics discussed within the High-Level Advisory Group on the Future of European Home Affairs Policy, the aim of which is political discussion on the successor to the aforementioned Hague Programme for the years 2010-2014 (the post-Hague Programme).

The main objective of the Czech Republic is, within debates on the post-Hague Programme in the field of migration, to effectively interconnect individual aspects of migration policy, to ensure efficient utilisation of all available tools, and to improve coordination and cooperation between EU Member States.

When drawing up the *2007 Status Report on Migration in the Czech Republic* the Ministry of the Interior of the Czech Republic used not only its own findings but also documents elaborated by the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Industry and Trade, the Ministry of Justice, the Ministry for Regional Development, and the Ministry of Education, Youth and Sports and the Security Intelligence Service.

¹⁰³ The Czech Republic will preside over the Council of the EU in the first half of 2009 (CZ PRES 2009).

The submitted *2007 Status Report on Migration in the Czech Republic* evaluates the level of migration in the Czech Republic in 2007 from various points of view and provides an analysis of migration trends. In the upcoming period the Report should function as a basic introductory document for further specification of the Czech Republic's migration policy and its coordination between specified ministries and the police, namely in the area of active immigration policy, as well as other issues relating to illegal migration, the monitoring of migration trends, and migration control in general carried out by respective public administration authorities.

The following trends were found as a results of the analysis of migration in the Czech Republic in 2007:

- growth in the number of foreign nationals legally residing in the Czech Republic, both persons who were granted long-term residence and persons in possession of permanent residence permits (in 2006 an increase of 43,144 foreign nationals whilst in 2007 growth by 70,631 foreign nationals was seen);
- lower numbers of persons detected as illegal migrants both in relation to protection of the national border or apprehended as illegal residents in the Czech Republic (in 2006 the overall year-to-year decline was 25.8 %; in 2007 the decline was 29.5 %);
- an increasing number of persons assisted by smugglers when attempting to illegally cross the national border (in 2006 the share of these persons was 15.6 % whereas in 2007 the proportion rose to 16.6 %);
- an increasing share of persons who were transported across the national border hidden in a vehicle (in 2006 the share of such persons accounted for 3.9 % whilst in 2007 it accounted for 4.5 %);
- an increasing share of persons who used irregular travel documents for illegal migration across the national border (in 2006 the share of such persons accounted for 15.5 % whilst in 2007 it accounted for 18.5 %);

Although illegal migration in the Czech Republic displayed at the end of the year reviewed a downward trend, in **2008 it will be necessary to intensify residence checks and security actions aiming at detection of foreign nationals who reside in the Czech Republic illegally.** Checks which focus on detection of illegally employed, or semi-illegally employed (whereby the employer does not report such persons to the required authorities) foreign nationals or foreigners violating obligations imposed on them by the Trade Licensing Act have an irreplaceable role.

In the context of the Czech Republic's accession to Schengen and the termination of border checks it is important to pay attention to inland controls targeting the **validity of travel document**, since using irregular travel documents remains a serious form of illegal migration and a principal security risk. The same attention needs to be paid to **uncovering persons transported across the Czech Republic who are hidden in the vehicle transporting them.**