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OF THE CZECH REPUBLIC



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TABLE OF CONTENTS

Executive Summary	1
1 GENERAL STRUCTURE OF THE POLITICAL AND LEGAL SYSTEM IN THE CZECH REPUBLIC	5
1.1 General Structure of the Political System and Institutional Context Relevant to Migration and Asylum	5
1.2 General Structure of the Legal System in the Area of Migration and Asylum	6
2 POLITICAL; POLICY AND LEGISLATIVE; AND INSTITUTIONAL DEVELOPMENTS	8
2.1 General Political Developments	8
2.2 General Overview of the Main Policy and Legislative Debates	9
2.2.1 <i>Impact of the Economic Crisis on Foreign Nationals</i>	10
2.2.2 <i>Projects of Voluntary Returns</i>	11
2.2.3 <i>Green Cards</i>	14
2.2.4 <i>Czech Language Exams as a Prerequisite for Permanent Residence</i>	14
2.2.5 <i>Czech Presidency of the Council of the EU</i>	14
2.2.6 <i>Extremism</i>	16
2.2.7 <i>Other Debates</i>	17
2.2.8 <i>Legislative Debates</i>	17
2.3 Institutional Developments	17
3 SPECIFIC DEVELOPMENTS IN ASYLUM AND MIGRATION	18
3.1 Control and Monitoring of Immigration	18
3.1.1 <i>European Pact on Immigration and Asylum</i>	18
3.1.2 <i>Additional/Complementary developments</i>	20
3.2 Refugee Protection and Asylum	22
3.2.1 <i>European Pact on Immigration and Asylum</i>	22
3.2.2 <i>Additional/Complementary developments</i>	23
3.3 Unaccompanied Minors and other vulnerable groups	24
3.3.1 <i>European Pact on Immigration and Asylum</i>	24
3.3.2 <i>Additional/Complementary developments</i>	24
3.4 Economic Migration	25
3.4.1 <i>European Pact on Immigration and Asylum</i>	25
3.4.2 <i>Additional/Complementary developments</i>	26
3.5 Family Reunification	28
3.5.1 <i>European Pact on Immigration and Asylum</i>	28
3.5.2 <i>Additional/Complementary developments</i>	28
3.6 Other legal migration	28
3.6.1 <i>European Pact on Immigration and Asylum</i>	28
3.6.2 <i>Additional/Complementary developments</i>	29
3.7 Integration	29
3.7.1 <i>European Pact on Immigration and Asylum</i>	29
3.7.2 <i>Additional/Complementary developments</i>	30

3.8	Citizenship and Naturalisation	31
3.8.1	<i>European Pact on Immigration and Asylum</i>	31
3.8.2	<i>Additional/Complementary developments</i>	31
3.9	Illegal Immigration.....	32
3.9.1	<i>European Pact on Immigration and Asylum</i>	32
3.9.2	<i>Additional/Complementary developments</i>	32
3.10	Actions against Human Trafficking	32
3.10.1	<i>European Pact on Immigration and Asylum</i>	32
3.10.2	<i>Additional/Complementary developments</i>	32
3.11	Return Migration	33
3.11.1	<i>European Pact on Immigration and Asylum</i>	33
3.11.2	<i>Additional/Complementary developments</i>	34
3.12	External relations/ Global Approach.....	34
3.12.1	<i>European Pact on Immigration and Asylum</i>	34
3.12.2	<i>Additional/Complementary developments</i>	36
3.13	Other policy areas and topics	36
3.13.1	<i>Solidarity and Management Flows programme – funding</i>	36
4	IMPLEMENTATION OF EU LEGISLATION	38
4.1	Transposition of EU Legislation in 2009	38
4.2	Experiences, Debates in the (non-) implementation of EU legislation	38
Annex	40
A 1.1	Methodology	40
A 1.2	Terms and Definitions	46

Note: Text highlighted in Grey represents Part 2 of the Report – developments additional/complementary to the Pact.

LIST OF ABBREVIATIONS

APS	Alien Police Service
AVR	Assisted Voluntary Return
CZSO	Czech Statistical Office
CZ PRES	Czech Presidency of the Council of the EU
FR PRES	French Presidency of the Council of the EU
DAMP of MoI	Department of Asylum and Migration Policy of the Ministry of the Interior
EEA	European Economic Area
EMN	European Migration Network
EO	Employment Office
EU	European Union
GDC	General Directorate of Customs
GDISC	Director Generals of Immigration Services Conference
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
MoFA	Ministry of Foreign Affairs of the Czech Republic
MoI	Ministry of the Interior of the Czech Republic
MoLSA	Ministry of Labour and Social Affairs of the Czech Republic
MS	Member State
NGO	Non-governmental organization
PCR	Police of the Czech Republic
SIS	Schengen Information System
UNHCR	United Nations High Commissioner for Refugees

Executive Summary

The *Annual Policy Report 2009 for the Czech Republic* provides an overview of the most significant changes and developments in the area of migration, asylum and integration during the year of 2009. Its structure is set by the *Annual Policy Report Specifications* (MIGRAPOL EMN Doc 171) and is divided into two parts. This version is a full-length Report – it contains both part 1, the contribution of the report to the *méthode de suivi* of the *European Pact on Immigration and Asylum*, and part 2 – additional developments to the Pact and other information as defined in the Specifications.

Part 1 – Issues Contained in the Pact Contribution

In the given period, the Czech Republic was affected by the economic crisis. This had influence on admission policies as well as on return policies.

Legal immigration – integration

The “Green Card” project is an essential element in regards to legal migration. The aim of the project is to accelerate the satisfaction of employers’ demand for foreign workers. The project monitors the need of employers to fill particular vacancies.

In the integration policy, there are principal efforts for enhancing local administration and local stakeholders by establishing Centres for integration of third-country nationals (Integration Centres). Integration Centres are information centres for third-country nationals that also create platforms for strengthened cooperation of all potential stakeholders of integration in the regions.

The new obligation to prove knowledge of the Czech language when applying for a permanent residence permit was to be introduced as of 2009.

Illegal migration

Besides the long-term programme of assisted returns that was already implemented, special temporary projects for voluntary returns of legally residing third-country nationals, who lost jobs in the Czech Republic as result of the current economic situation, was introduced. In addition, a temporary project for voluntary returns focused on illegally residing foreign nationals was introduced.

Border Control

With regard to border control, the Czech Republic has been implementing the National Plan for Integrated Border Management of the Czech Republic. This plan is based on the four-tier access control model and constitutes a complex strategy to assure high quality of border control at external borders.

Work practices and technological equipment of officers of the border control authorities have also been strengthened through several projects co-financed from the External Borders Fund.

The work of the Analytic Centre for Border Protection and Migration was further developed and it provided policy-makers with valuable information concerning the current migration in the Czech Republic.

Visa Policy

In 2008, along with other six EU Member States, the Czech Republic was included in the Visa Waiver Programme of the United States of America. Hence the EU made a significant progress in achieving main goal of the EU common visa policy i.e. full visa reciprocity with third countries, whose citizens are exempt from the obligation to possess a visa when crossing the external border of the EU (so-called positive or visa-free list).

However, the objectives of the EU common visa policy were essentially endangered in June 2009, when Canada reintroduced visa obligation for Czech citizens. Such step is an undesirable precedence - it is the first time when a third-country on "visa-free list" has imposed visa obligation on an EU-Member State. In order to rectify the situation, the European Community called on Canada to take adequate steps until the end of 2009 at latest, otherwise relevant reciprocal measures will be recommended.

Asylum

The most important milestone in the field of asylum was that the Czech Republic joined the resettlement activities by adopting the National Resettlement Programme in 2008. The Czech Republic was the first country out of the Member States which accessed EU in 2004 to join the resettlement activities based on the yearly quotas. The Czech Republic is actively involved in tackling global refugee problems not only at national level, but also on an international scale in cooperation with other countries. A special attention was also paid to the effective implementation of procedures and transfers concerning the Dublin Regulation.

Global Approach to Migration

In April 2009 in Prague, the Czech EU Presidency organised a ministerial conference entitled “Building Migration Partnerships”. The aim of the conference was to reinforce the implementation of the Global Approach to Migration with east and southeast EU neighbouring countries by approving the Joint Declaration defining concrete areas of co-operation. In the following period, the Czech Republic supported by a consortium of EU Member States will continue implementing a subsequent EU-financed project entitled “Building Migration Partnerships” via a series of expert missions and thematic workshops.

Part 2 – Developments Additional to the Pact

Political and Public Debates

The economic crisis and its consequences especially on labour migration including the introduction of specific projects of assisted returns were the main topics of political and public debates in the area of migration, asylum and integration in 2009.

Legislative, Political and Institutional Developments

As for legislative developments, there were no major changes, whereas concerning the political developments, these were significant. There was a change in Government. This was due to a no-confidence vote to then ruling right-wing coalition in March. A new administrative Government led by Mr. Jan Fischer was appointed. This Government consists of civil servants and leads the Czech Republic until a new Government is formed based on the outcomes of national elections to take place in May 2010. This change had no direct impact on migration issues.

However, the Ministry of the Interior began working on major amendments to the Act on the Residence of Aliens. The main reason for the amendments is the need to transpose and adapt several EU directives and regulations.

As per significant changes in the institutional structure relevant to migration, a shift of competences to issue permanent residence permits from the Alien Police Service to the Ministry of the Interior became effective on 1 January 2009, as part of the first stage of the reform of the Police of the Czech Republic.

Czech EU Presidency

In addition, the Czech Republic presided the Council of the EU in the first half of 2009. Its greatest achievements were reached in the fields of Migration, Common European Asylum Policy and External dimensions, considerable developments could have also been noted under the Czech Presidency in the areas of Visa Policy and Schengen Cooperation. More precisely, major accomplishments in the area of migration were the following: overcoming the crisis concerning the development of the second generation Schengen Information System (SIS II), final adoption of so called Blue Card Directive and the Sanctions on employers Directive. In the area of asylum, significant developments were achieved concerning the establishment of the European Asylum Support Office and negotiations on the so-called first asylum package. As regards the topic of External relations, a ministerial conference entitled “Building Migration Partnerships” took place in Prague and resulted in the adoption of a Joint Declaration. Moreover, a compromise concerning the Visa Code was reached and the Code was adopted.

1 GENERAL STRUCTURE OF THE POLITICAL AND LEGAL SYSTEM IN THE CZECH REPUBLIC

1.1 General Structure of the Political System and Institutional Context Relevant to Migration and Asylum

The Czech Republic is a parliamentary democracy with the Prime Minister as head of the Government. The President is the formal head of state but has limited powers. The Constitution of the Czech Republic divides powers in the following way: legislative power executed by a two-chamber Parliament, executive power carried out by the Cabinet and the President, and judiciary power exercised by independent courts.

The Czech Republic is divided into 13 regions and the capital city of Prague, each of them governed by their administration. The basic territorial units are municipalities and corporate towns. Each municipality is administrated by a mayor. The head of corporate towns is a lord mayor. Regions are administrated by a governor (hejtman), while only in the capital city of Prague is this position reserved for Prague's Lord Mayor.

The **Ministry of the Interior** (MoI) is the main body responsible for immigration and asylum related issues in the Czech Republic, both at legislative and strategic levels, and partially also at the level of implementation. The **Department of Asylum and Migration Policy** (DAMP) is responsible for carrying out these tasks within the Ministry of the Interior.

The **Alien Police Service**¹ (APS) is an integral part of the Police of the Czech Republic. The APS performs tasks related to border control, security clearance within the long-stay visa and temporary residence permit procedures and other tasks related to the stay and residence of foreign nationals in the Czech Republic.

The **Ministry of Foreign Affairs** (MoFA) performs its state administration responsibilities related to the issuance of short-term visas through its diplomatic missions and consular posts. The consular posts decide on short-term visa applications. In case of long-stay visas or residence permits, the applications are submitted at the consular posts, but decisions are made by the APS.

¹ The previous name was Alien and Border Police Service.

The **Ministry of Labour and Social Affairs (MoLSA)** is liable for the integration of foreign nationals into the labour market. It also runs a project entitled **Selection of Qualified Foreign Workers**.

The following governmental departments and institutions have partial competences in the field of asylum and migration policy:

- Ministry of Industry and Trade,
- Ministry of Justice,
- Ministry of Education, Youth and Sports,
- Refugee Facilities Administration of the MoI
- and Customs Service.

More detailed information concerning the above-mentioned institutions can be found in the previously released EMN study entitled “Organisation of Asylum and Migration Policies in the Czech Republic”.

1.2 General Structure of the Legal System in the Area of Migration and Asylum

The Czech legal system is a system of civic law. It belongs among continental legal systems, more specifically to the Germanic legal system, based on the common history. The hierarchy of legal order is:

- Constitution and constitutional law (including the Charter of Fundamental Rights and Freedoms);
- international treaties ratified by the Parliament;
- laws adopted by the Parliament;
- derived legislation (adopted by the Government and ministries);
- legislative acts of self-regulated entities (territorial, as well as professional).

Because the Czech Republic is an EU Member State, the *acquis communautaire* and its legislative sources are also part of the Czech legal order.

The following are the most important legal provisions related to international migration and asylum:

- **Act on the Residence of Aliens** (hereinafter referred to as “the Alien Act”)² lays down i.a. rules concerning the entry and stay of foreign nationals (including EU citizens and their family members) in the Czech Republic including travel documents of aliens, administrative expulsion, detention and administrative offences of aliens and powers of the competent authorities.
- **Act on Asylum** (hereinafter referred to as “the Asylum Act”)³ covers international protection in the form of asylum and subsidiary protection and their proceedings.
- **Act on the Temporary Protection of Aliens**⁴ stipulates conditions of entry and stay of aliens for the purpose of temporary protection and its proceedings.
- **Act on the Police of the Czech Republic**⁵ defines the organization of the Police, its competences, procedures etc. In relation to international migration, it covers mainly state border protection, identification, detention and expulsion issues and other procedures concerning aliens.
- **Act on the Protection of State Borders**⁶ governs the protection of state borders from illegal crossings and ensures the fulfilment of obligations resulting from the Schengen acquis.
- **Labour Code**⁷ and **Act on Employment**⁸ constitute a general framework for the employment of foreign nationals.
- **Act on Acquisition and Relinquishment of the Citizenship of the Czech Republic**.⁹

More detailed information concerning the above-mentioned institutions can be found in the previously published EMN study entitled “Organisation of Asylum and Migration Policies in the Czech Republic”.

² Act on the Residence of Aliens in the Territory of the Czech Republic (Act No. 326/1999, Coll.)

³ Act on Asylum (Act No. 325/1999, Coll.)

⁴ Act on Temporary Protection of Aliens (Act No. 221/2003, Coll.)

⁵ Act on the Police of the Czech Republic (Act No. 283/1991, Coll.)

⁶ Act on the Protection of State Borders (Act No. 216/2002, Coll.)

⁷ Labour Code (Act No. 262/2006 Coll.)

⁸ Act on Employment (Act No. 435/2004 Coll.)

⁹ Act on the Acquisition and Relinquishment of the Citizenship of the Czech Republic (Act No. 40/1993, Coll.) In case of former citizens of Czechoslovakia, acquisition is governed by a special act - The Act on the Citizenship of Certain Former Citizens of Czechoslovakia (Act No. 193/1999, Coll.).

2 POLITICAL; POLICY AND LEGISLATIVE; AND INSTITUTIONAL DEVELOPMENTS

2.1 General Political Developments

The ruling coalition, which consisted of the Civic Democratic Party and two other minor parties – the Green party and the Christian and Democratic Union - Czechoslovak People's Party, lost in the **elections to the regional councils¹⁰ and to the Senate** of the Parliament of the Czech Republic (1/3 of the seats) in October 2008. As a result of such a loss of preferences for the ruling coalition, some personnel changes were made at the posts of several ministers in the beginning of 2009. Concerning ministries with relevance to migration and asylum matters, a change was made at the post of the Minister for Minorities and Human Rights – Ms. Džamila STEHLÍKOVÁ – who was replaced by Mr. Michael KOCÁB on 23 January 2009.

On 24 March 2009, the ruling Coalition led by the Civic Democratic Party's Chairman and Prime Minister Mr. Mirek TOPOLÁNEK, which only held a fragile majority in the Parliament, **lost in a no-confidence vote** accused of incorrect handling of the state economy as it headed for a recession. After weeks of political negotiations, an agreement was reached between the leading Civic Democratic Party of the former ruling coalition, the Green Party and the main opposition party (left-wing Czech Social Democratic Party) which resulted in a decision to create a new interim government. Mr. Jan FISCHER, chairman of the Czech Statistical Office, was asked to become the leader of this government. He was appointed Prime Minister by the President of the Czech Republic on 9 April 2009.

Consequently, on 8 May 2009, a **new interim Government was appointed**. The new Prime Minister and ministers of his Government were appointed as non-political experts, mostly civil servants, who were approved by the representatives of the major political parties in the Czech Republic and who fulfil the role of state-secretaries rather than politically active ministers. In contrast to normal political governments, this government was not formed from a coalition of political parties and did not depend on a politically clearly defined coalition majority. Its aim was not to implement a political programme, but to manage the country in a high-quality, impartially and, as far as possible, in a politically neutral manner until the early parliamentary elections. It was also agreed that this interim Government would be temporary and only be in power until the election initially planned for October 2009.

¹⁰ Members of the regional governments are elected each 4 years.

However, on 10 September 2009, a **ruling of the Constitutional Court striking down the mechanisms used to announce elections** was released. This came as a consequence after independent Deputy Miloš Melčák filed a challenge with the Constitutional Court over the early elections originally planned for October. In order to avoid this ruling, both Houses of Parliament passed a constitutional amendment with the necessary three-fifths majority on 11 September, which allowed for the Chamber of Deputies to dissolve itself. At the same time, they passed a law shortening the period in which the President has to call for new elections (from 60 to 50 days). This should have enabled the elections to be held already in early November 2009, but the process itself again appeared open to challenge in the Constitutional Court. Finally, a new national election could be held at the earliest in their original due date in May 2010 – they are scheduled for the weekend of 28 – 29 May 2010. As a consequence, the “Government of experts” was not dissolved and is still in power until a new government is appointed after the election in 2010.

As per the changes at the posts of ministers dealing with migration, asylum and integration issues, on 8 May 2009, the Minister of the Interior Mr. Ivan LANGER (Civic Democratic Party) was replaced by Mr. Martin PECINA, Minister of Labour and Social Affairs Mr. Petr NEČAS (Civic Democratic Party) by Mr. Petr ŠIMERKA and Minister of Foreign Affairs Mr. Karel SCHWARZENBERG (independent, nominated by the Green Party) by Mr. Jan KOHOUT. The post of non-departmental Minister for Minorities and Human Rights is still held by Mr. Michael KOCÁB.

2.2 General Overview of the Main Policy and Legislative Debates

In general, during 2009, the policy and public debate paid **greater attention to the issues of migration** than in the years before. This was especially visible **at local level** and it was caused mainly by the pronounced effect the crisis had on employment of foreign nationals. Thus the main topics of debate were **labour migration** and the general setting of the policy in this area with regard to the **impact of the crisis**, tightening of a regulation of employment agencies, which often exploit foreign workers, and projects of voluntary return introduced by the Czech Government. The newly introduced VISAPPOINT system and a temporary restriction on the issuance of visas/residence permits for the purpose of work and business also received some attention in the media.

Furthermore, the Green Card system and Czech language exams for foreign nationals applying for permanent residence were also discussed, as they were both introduced on 1 January 2009.

2.2.1 *Impact of the Economic Crisis on Foreign Nationals*

The Czech Republic was **affected by the economic crisis** during 2009. As a consequence, many foreign workers – mainly employed through employment agencies - lost their job and were thus endangered by poverty or risked to become illegal migrants. These foreign nationals did not have money to return home. Moreover, they were often in debt due to the fees they owed to those who arranged their work in the CR.

As a result, starting already at the very end of 2008 and peaking during 2009, an **interest in the topic of labour migration rose significantly** in the Czech Republic – the debate shifted from expert platforms to the mainstream media and to some extent to the public as well. The issue of labour migrants who were jobless was even the topic of a few political debates.

NGOs, general newspapers and magazines reports warned about the **peculiar situation these migrants** faced due to the effect of the economic crisis in the area of employment. These often covered individual stories of migrants who lost their jobs¹¹ and raised the question of what could be done to assist these people. Often, the state administration, municipalities and employers were criticized for supporting the “import of foreign workers” at times when the Czech economy needed them, and than doing nothing to help them when the crisis came. Some¹² raised more general questions about the setting of the migration policy – regardless of the impact of the crisis which only enhanced the already existing problems – pointing out that the activity of the often **fraudulent employment agencies** were not sufficiently regulated by the state allowing them to exploit immigrants.

A Government Decision on the Security Situation in connection with dismissals of foreign workers due to the crisis triggered a discussion at political level. It responded to the situation with measures such as a tighter regulation of employment agencies, project of voluntary returns, closer monitoring of the situation, increased checks targeted at foreign nationals with the aim to detect illegal migrants and continuous expulsion of illegal migrants.

¹¹ Holeček, Chocholáčková, Křížková, Rozumek, Daniel, Nekorjak - Krize, etc.

¹² Čížinský – Analýza vzniku, Čížinský – Kdo má řídit, Saková, Nekorjak – Klientický systém, Kadlecová & Polanská, Rozumek – Migrační příležitosti, etc.

It also proposed to restrict the issuance of visas for certain work-related purposes if considered appropriate pursuant to a consideration of the situation on the Czech labour market. The Government Decision was approved later in 2009.

Dismissals of foreign workers and the consequences thereof set off a debate **also at local level** – mainly in towns with industrial belts such as Plzeň or Mladá Boleslav. Large industrial companies were employing several thousands of foreign nationals through employment agencies in these regions before the crises broke out and these workers were then dismissed. Many of them were EU nationals (Poles, Slovaks) but significant numbers came from third countries as well – mainly from Mongolia, Ukraine and Vietnam. They were in a difficult situation without sufficient means, some of them becoming illegal migrants and/or homeless. The councils also feared that they might present a security risk. A **conference entitled Immigrant Workers in Times of the Economic Crisis** was organised by the Pardubice town council on 12 May 2009. It was aimed at discussing and tackling the current situation concerning immigrant workers. The conference was attended by representatives of the relevant stakeholders including state/regional/local authorities, non-profit organizations, academia and employers.

Media, including Czech national TV, covered the **cases of returned Vietnamese workers** who lost their jobs and were staying illegally in the CR. They were returned to their country of origin despite the fact that they took legal actions against their return and a final verdict had not been made at the time of their return. This was criticized by NGOs.¹³

For debates on the specific topic of **Voluntary Returns** see following chapter.

2.2.2 Projects of Voluntary Returns

Perhaps the **greatest attention** concerning migration issues was dedicated in 2009 to **the newly introduced projects of voluntary returns**. This applies both to the expert and wider public debates. Due to its good tangibility, these special return projects were sometimes perceived by the media and public as the main – if not the only – solution the government came up with in order to tackle the situation concerning the growing number of jobless labour migrants without sufficient means to return to their country of origin.

¹³ Hospodářské noviny, etc.

These projects were proposed and then implemented by the government as one of the tools for addressing the situation of foreign nationals in a difficult position as a consequence of the economic crisis. The MoI launched – among other measures - two temporary Projects of Voluntary Returns – a two-phased project aimed at legal migrants in February and in July 2009, and a project aimed at illegally staying migrants in September 2009.

Up until the end of 2008, there was virtually **no political debate** about voluntary returns in the CR. Nevertheless, this topic was and still is discussed by the professional community (employees of NGOs and the relevant governmental bodies). A **change in the interest of politicians and media in the topic of returns** of foreign nationals only came with the arrival of the economic crisis and its consequences for the employment of foreign nationals. Employment of foreign nationals thus became subject of a more extensive political discussion for the first time and mass media also started to cover the topic of returns – mainly the serious media did so but marginally even the tabloids did.¹⁴

The Government justified these projects not only as an effort to help foreign nationals address their situation but it also stated that the reasons for implementing these projects were of security nature as well, especially the fact that these foreign nationals might become subject of illegal employment, crime or even organised crime. This project and the situation of foreign nationals during the economic crisis were the topic of a high-profile political discussion that took place in a television talk show entitled *Otázky Václava Moravce*, which was broadcast on the ČT1 and ČT24 channels on 22 February 2009. In its first phase, the costs of the project were 60 million CZK. According to a statement of the former Interior Minister Ivan Langer (Civic Democratic Party), this cost was well worth: firstly, the security risk will be reduced, and secondly, voluntary returns are cheaper than forced returns, in his opinion. “*If the Czech Republic had not taken the measures, it would pay 40 million Crowns more for the residence of unemployed foreign nationals, according to the Ministry.*” In this televised political debate, Langer also stated that if foreign nationals show increased interest in the system of voluntary returns, he would try to persuade the government to further extend the project. In fact, later on, the project was extended.

¹⁴ According to an analysis of L. Šafránková Pavlíčková, the *Právo* daily brought the largest coverage of the topic of employment and foreign nationals, followed by *MF Dnes*, *Haló noviny*, *Lidové noviny*, *Hospodářské noviny* and *Metro*. The analysis further states that tabloid daily newspapers rarely covered this topic. *Haló noviny* was an exception and gave an unexpectedly large coverage not only to human stories of dismissed foreign nationals and drew attention to their situation but this newspaper also criticised the governmental policy – which is something that other dailies avoided – and also put the topic in a broader context. However, there was an agenda behind these steps because it was an ideal starting platform for criticising the government of that time.

Nevertheless, František Bublan (the opposition Czech Social Democratic Party), the Interior Minister's shadow counterpart, said in a debate that sending unemployed foreign nationals back to their home countries would not solve the situation and proposed that some of them should carry out jobs of public benefit. In Bublan's opinion, the Voluntary Returns Project is more of a "marketing move for the citizens". He pointed out that the departure of 2,000 foreign nationals would not help the CR much because thousands more would remain in the country and would work illegally. He believes that some of them could earn money to pay for their return trip by performing jobs of public benefit or that some of them could secure jobs for themselves in the future by undergoing training at Czech schools.

Bublan also added that if Social Democrats replaced Langer in the Ministry of the Interior, they would establish an immigration office that would serve as a central point for the institutions dealing with the issues concerning foreign nationals. Jiří Paroubek, Chairman of Czech Social Democratic Party, stated in a declaration sent to the Czech Press Agency that this proposal was a response to the insufficient activity of the Government of Mirek Topolánek (Civic Democratic Party) in the matter of the current problem with jobless foreign nationals. "The government only takes repressive measures, and even these are insufficient. It can be understood from statements made by the Minister of Interior Mr. Ivan Langer in the TV show "Otázky Václava Moravce" that the government had given up on prevention," Paroubek wrote.

A discussion on this topic also took place among the **professional community**. The Project of Voluntary Returns for Legally staying Foreign Nationals was perceived quite favourably.¹⁵ Nevertheless, it was initially criticised that illegally staying foreign nationals were unable to enter this project. However, this changed when the second project designed for illegally staying foreign nationals was presented. In connection with the critical situation of unemployed foreign nationals, the employees and NGOs often blamed the shortcomings in the migration policy for this situation. They especially blamed the work-overloaded embassies abroad, the unfair practices of private employment agencies and the fact that the government had not paid sufficient attention to this problem (non-existent effective checks, etc.).¹⁶ The project of Voluntary Returns for Legally staying Foreign Nationals was also criticised from the point of view that it will not be attractive to a number of foreign nationals because the offered motivational contribution in the amount of 500 EUR is not sufficient with regard

¹⁵ Jan Schroth - Reakce

¹⁶ Rozumek, Křížková, Jelínková

to the extremely high amounts the foreign nationals had to pay for example before leaving Vietnam, the amounts they owe back home, and that it does not offer any preferential treatment to the foreign national in case they would come back to the CR.¹⁷

There were also voices saying that the **project was too expensive** and that Czech citizens actually paid for the returns of foreign nationals through the state budget. However, in this context, it needs to be said that a large part of the returned foreign nationals worked legally here before their return, i.e. they were paying taxes and contributed to social and medical insurance, which they mostly did not make use of, and these financial amounts will not be refunded to them.¹⁸

See chapter 3.11. *Return migration* for details on functioning of the projects and their evaluation by the government.

2.2.3 Green Cards

The Green Card system, which aims at facilitating labour migration to the CR, was introduced on 1 January 2009. Its media coverage included mainly information on how few foreign nationals take advantage of this system due to the crisis. Sometimes it was criticized that it started to function too late.¹⁹ However, the number of foreign nationals who used this system rose to 51 at the end of the year. The system is still considered very effective and was only temporarily reduced due to the economic crisis.

2.2.4 Czech Language Exams as a Prerequisite for Permanent Residence

As the new system of examinations for foreign nationals to fulfil their new obligation to prove the knowledge of the Czech language was established on 1 January 2009, this topic also received attention. The media mainly covered the topic in the end of the year when the experience with the conduct of these exams and corresponding data were published and could be commented on.²⁰

2.2.5 Czech Presidency of the Council of the EU

During the first half of 2009, the Czech Republic presided the Council of the EU which significantly influenced the content of activities performed by state authorities, including area of asylum and migration.

¹⁷ Jones and Hughes. For example, under the Spanish return project, foreign nationals are offered preferential treatment in obtaining work permits after 3 years and the period of absence is not taken into account when applications for permanent residence are processed.

¹⁸ Jan Schroth - Odpověď

¹⁹ Hospodářské noviny, Rozumek – Migrační příležitosti

²⁰ Hospodářské noviny, Ošmera

Czech media covered the relevant ministerial/expert meetings and conferences such as the ministerial conference entitled **Building Migration Partnerships** in April and its Joint Declaration or a conference entitled **Strengthening EU Competitiveness - Potential of Migrant Workers on the Labour Market** in February, meetings of the Council and meetings of the Troika (EU-USA, EU-Russian Federation, EU-Ukraine).

Even though the motto of the Czech Presidency (CZ PRES) was “Europe without Barriers”, the Czech Republic did not set the area of migration as its priority. However, the following can be noted among its main **achievements concerning the area of migration and asylum**:

Development of Migration IT systems (SIS II, VIS)

- CZ PRES implemented its plan to steer the second generation Schengen information system (SIS II) out of crisis.

- Important progress was achieved by amending the legal provisions and the wording of the Common Consular Instruction and by creating a monitoring mechanism for the progress of the national VIS projects based on updated questionnaires.

European Pact on Immigration and Asylum

- CZ PRES commenced the implementation of the Pact prepared by the FR PRES.

Blue Card Directive

- This directive was adopted during CZ PRES.

Directive on Sanctions against Employers of illegally staying third-country nationals

- This directive was adopted during CZ PRES.

First asylum package

- Discussions on this package were launched within the development of the Common European Asylum System, all proposals passed the first reading and CZ PRES compromise versions were debated.

European Asylum Support Office (EASO)

- CZ PRES achieved substantial progress in the negotiations of the draft regulation on the establishment of the EASO.

Ministerial conference “Building Migration Partnerships”

- CZ PRES organised this conference, which was attended by representatives of countries behind the eastern and south-eastern boundaries of the EU, where all the attendants expressed their clear support for a comprehensive approach to migration based on the principle of partnership and where a Joint Declaration was adopted.

Schengen evaluation plan

- CZ PRES launched the practical implementation of the new multiannual Schengen evaluation plan and put in practice its modified methodology.

Entry-Exit System

- CZ PRES paid attention to the possible introduction of an input-output system designed to give an overview of the duration of stays of Third-Country Nationals within the EU. In cooperation with the Commission, CZ PRES prepared a questionnaire for the MSs in order to obtain information on the national particularities related to this system.

Visa Code (regulation)

- Under CZ PRES, a compromise was reached on the final wording of the Visa Code and it was approved. This regulation harmonises the current scattered Community legal tools on common visa policy.

Visa liberalization with Western Balkans

- Considerable progress was made in the process of visa liberalisation with Western Balkans – during CZ PRES an expert evaluation of the readiness of the individual countries was carried out. This resulted in visa-waiver for FYROM, Montenegro and Serbia in second half-year 2009.

EU Visa Policy

- CZ PRES also initiated a comprehensive discussion on the EU visa policy towards Third Countries and on the possibility of preparing a comprehensive concept of an EU visa policy.

2.2.6 Extremism

The year 2008 can be perceived as a breakpoint in this area as it symbolises a qualitative change on the extreme-right wing scene. This problem of **rising of extremism** was often discussed in the media – one of the hot topics being the Government attempt to **dismiss the main extreme right-wing Workers’ Party**. The Workers’ Party includes in its Policy

Program measures such as a halt to immigration and to any support for immigrants including the provision of free health care. It also demands shutting down all of the asylum facilities.

2.2.7 *Other Debates*

Some other debates took place also in Senate of the Czech Republic – these concerned mainly the content of the Stockholm Program adopted under the Swedish EU Presidency and the continuation of the resettlement programme for Burmese refugees from Malaysia introduced in 2008.

Among experts, issues concerning immigrants' health insurance²¹, integration of immigrants' children²², newly introduced VISAPPOINT system at the Czech consulates²³ and newly established local integration centres²⁴ were discussed as well.

2.2.8 *Legislative Debates*

Neither the Asylum Act nor the Alien Act were significantly amended during the reference period of 2009 and thus **no significant debate** as regards national legislation acts took place. However, a significant amendment to the Alien Act is under preparation by the MoI. It is expected to be presented to the Parliament in 2010.

2.3 *Institutional Developments*

As part of an ongoing wider process aimed at facilitating services provided by the Police and making the Police more efficient by removing unnecessary bureaucratic burdens, the Alien Police Service (APS) will undergo **substantial organizational changes** within the next few years. The aim is to shift certain administrative tasks to the Ministry of the Interior (MoI) in order to separate the administrative agenda from repressive activities. The first stage of the changes concerning the reform of the APS organizational structure came into force on 1 January 2009 when the competence for issuing all permanent residence permits²⁵ was shifted from the APS to the MoI.

²¹ Hnilocová & Dobiášová,

²² Hlavničková

²³ Hospodářské noviny, Tošnerová - Visapoint , etc.

²⁴ Tošnerová – Podoba integrace

²⁵ Until 31 December 2008, the MoI only decided on granting permanent residence permits in certain specific cases such as permanent residence permits on humanitarian grounds, for the reasons worthy of special consideration or in the interest of the Czech Republic.

3 SPECIFIC DEVELOPMENTS IN ASYLUM AND MIGRATION

3.1 Control and Monitoring of Immigration

3.1.1 European Pact on Immigration and Asylum

- *II(c) ensure that risks of irregular migration are prevented*

A strategy to fight illegal migration was evaluated. In the following year, the preparation work on the new strategy is expected to begin.

Competent state authorities were implementing the **2008 Schengen Action Plan of the Czech Republic**, the national strategy focusing on a correct implementation of Schengen acquis for the period of 2008 – 2011. At the same time, it serves as a preparation for the Schengen evaluation scheduled in accordance with the new multi-annual plan to take place in 2012.

- *II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS/ implementation of Directive 2001/40/EC*

The Czech Republic cooperated with other MSs in the area of expulsion mainly by participating in joint flights coordinated by the FRONTEX. The Czech Republic also prepared for future cooperation with other MSs on specific projects within the framework of the **European Return Fund**.

- *III(a) more effective control of the external land, sea and air borders:*

With regard to border control at the air borders, the Czech Republic has been implementing the **National Plan for Integrated Border Management of the Czech Republic**. This plan is based on the four-tier access control model and constitutes a complex strategy to assure high quality of border control at external borders.

Work practices and technological equipment of officers of the border control authorities have also been strengthened through several projects co-financed by the **External Borders Fund**.

- ***III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas***

The Czech Republic has been developing the national part of the VIS in line with the European working schedule for the VIS project. The national part of the VIS will be launched in the first half of 2010 to serve as a domestic system until the VIS is launched at European level, which is scheduled for December 2010.

The first tier of the **National Plan for Integrated Border Management of the Czech National Borders** adopted in 2008 addresses consular cooperation at local level. This cooperation was intensified after the Czech Republic became fully integrated into the Schengen area on 21 December 2007. Forms of cooperation among MSs and new related legal regulations were analysed within the first tier of the Plan.

The Czech Republic also played an important role as coordinator of MSs' meetings within the framework of local consular cooperation during the Czech Presidency of the Council of EU in the first half of 2009.

Its experts analysed new legal regulations, primarily the Visa Code, that strengthen the role of Schengen consular cooperation and the Czech Republic adjusted its consulates' activities to the outcome of these analyses. As regards the forms of cooperation, the Czech Republic drafted an analysis of various forms of cooperation provided for by the Visa Code, and in order to negotiate possible consular representation, it actively approached other MSs in those third countries where it has no consulates.

- ***III(d) solidarity with MS subjected to disproportionate influxes of immigrants***

The Czech Republic paid continuous attention to the tackling of a problem of disproportionate influxes of immigrants – both when holding the EU Presidency and later on from its own initiative.

- ***III(e) deploy modern technological means for border control***

The Czech Republic set as one of the priorities of its presidency of the Council of the EU an effective utilisation of modern technologies for security and a safe utilization of modern technologies. In the area of justice and home affairs and regarding the issue of the use of modern technologies at borders, the Czech EU Presidency cooperated with the European Commission in order to obtain the necessary data to draft proposals for the establishment of the EES (Entry/Exit System). It also continued with the preparation for SIS II and VIS.

- ***III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control***

The Czech Republic is the leading country of an EU-financed project entitled **GDISC Ukraine - Capacity Building and Technical Support to Ukrainian Authorities to Effectively Respond to Irregular Transit-Migration (ERIT)**. It is a multilateral project financed by the European Commission aimed at improving the general migration and border management in Ukraine by using a multidimensional approach that includes improving conditions and protection capacity for asylum seekers, ameliorating detention conditions for illegal migrants, establishing country of origin information system, supporting return policy and practices and enhancing visa capacity. It focuses on building capacity of Ukrainian migration authorities by using integrated training process, technical support and support to strategies in six topical components – Reception (led by Hungary), Asylum Procedure (led by Poland), Country of Origin Information (led by Slovakia), Detention Capacity (led by the Czech Republic), Return Capacity (led by the United Kingdom) and Visa Capacity (led by the Netherlands).

Together with some MSs, the Czech Republic joined a consortium for an EU-financed project entitled “**Southern Caucasus Integrated Border Management**”. The consortium is led by the United Nations Development Programme (UNDP). The implementation of the project is scheduled to start in January 2010.

Similar projects funded by the Czech Development Cooperation are implemented in the countries of Southern Caucasus, Central Asia, Western Balkans and Iraq.

3.1.2 Additional/Complementary developments

Starting from 1 June 2009, a new internet-based system called **Visapoint** for reservations of visa appointments was introduced at 16 selected consulates/embassies in order to make the issuing of visas more transparent, to ensure equal treatment of applicants and to reduce the risk of corruption among intermediaries. It enables applicants for visas for a stay exceeding 90 days to reserve an appointment at www.visapoint.eu.

Development in the number of foreign nationals

The number of foreign nationals residing in the CR (including EU nationals) **dropped in 2009 for the first time since 2000**. Unlike in recent years, when it was growing steadily, in 2009 statistics showed a decrease by 1.1 % (4,996 persons). There were **433,305 foreign nationals** in the residence permit evidence of the APS to date 31 December 2009, 181,161 (41.8 %) of which were foreign nationals with permanent residence permits and 252,144 were foreign nationals with long-term residence permits. A total of 137,703 (32 %) were EU, EEA or Swiss citizens and **295,602 (68 %) were Third-Country Nationals**.

As in previous years, the most numerous groups of foreign nationals possessing a residence permit were citizens of **Ukraine, Slovakia, Vietnam, Russian Federation and Poland**. Citizens of these countries account for approximately $\frac{3}{4}$ of the total number of foreign nationals with residence permits in CR to date 31 December 2009. Compared to the figure of 31 December 2008, the **largest increase** in numbers among Third-Country Nationals can be found among the citizens of **the Russian Federation** (+3,217 persons, i.e. +11.8 %), and the most significant **decrease among citizens of Mongolia** (-2,824, i.e. -33.0 %).

In comparison with the previous year (to date 31 December), a **decrease** caused by the impact of the crisis was noted in the numbers of issued residence **permits for the purpose of employment** - dropped by 16.7 %, and participation in a legal person – executive manager - dropped by 20.6 %. However, employment still remained the most common purpose of residence among foreign nationals with long-term residence permits (40.1 %) in 2009, followed by the participation in a legal person – executive manager (20.6 %).

On the contrary, the numbers of residence permits issued **for the purpose of family reunification rose significantly** (by 28.1 %) and the same applies to the purpose of business based on trade licences - increase by 15.8 % - and of study with an increase by 11.7 %. Due to the impact of the economic crisis, many foreign nationals changed the purpose of their stay in the CR from employment to business.

As regards specifically the category of **Third-Country Nationals residing in the CR on the basis of a visa for a stay exceeding 90 days**, these **decreased sharply**. In comparison with the numbers from 31 December 2008, it fell by 72.9 % (-23,117 persons). Considering the same time-frame, the numbers of Third-Country Nationals with long-term residence permits increased by 13.2 % (+18,339 persons).

The increase in the stock numbers of foreign nationals with long-term residence permits was caused both by the „pouover“ from the category of stays exceeding 90 days and the higher number of foreign nationals applying straight away for long-term residence permits. An increase was evident mainly in the category for the purpose of family unification.

The reason for the drop in the stock number of foreign nationals residing in the CR on the basis of a visa for a stay exceeding 90 days was the restriction in issuing new visas for citizens of selected countries from April 2009 (see chapter 3.4.1 for details).

Foreign nationals in general are **concentrated in the capital city of Prague** (with 148,398 registered foreigners; i.e. 34.2 %), followed by Středočeský kraj (Central Bohemia region) with 13.5 %, Jihomoravský kraj (South Moravia Region) with 8.6 %, Ústecký kraj (7.4 %) and Plzeňský kraj (6.4 %). In comparison with figures from 31 December 2008, the largest growth was visible in the territory of Prague (+6,313 persons, i.e. +4.4 %) and in Jihomoravský kraj (+1,320 persons, i.e. +3.7 %). On the contrary, the highest fall was registered in Ústecký kraj. (-3,439 persons, i.e. -9.7 %).

3.2 Refugee Protection and Asylum

3.2.1 European Pact on Immigration and Asylum

- ***IV(c) solidarity with MSs who face specific and disproportionate pressures on their national asylum systems:***

The Czech Republic is a member of a working group for tackling particular pressures of illegal migrants within the framework of GDISC (HLWGPP). This group focuses on identifying possibilities for providing aid to those MSs who face a disproportionate influx of immigrants through a joint project of GDISC MSs. One of the outputs of this project is the implementation of a pilot project of GDISC aimed at providing aid to Malta exposed to a massive influx of migrants and asylum seekers. This project was implemented during the summer and September of 2009.

The Czech Republic adopted the **National Resettlement Program** in 2008 and continues implementing it by resettling a group of Burmese refugees from Malaysia.

- *IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection*

Officers of the border control authorities are being trained in accordance with the Common Core Curriculum for Border Guards. The Czech Republic updates the curriculum of this training whenever necessary and it also flexibly reacts to any recognised trends.

3.2.2 Additional/Complementary developments

During 2009, 1,258 persons filed applications for international protection which represents a **drop by 24.0 %** (1,656 persons) when compared **to the situation in 2008**. The downward trend continued from the previous years – it started already in 2004 after the CR entered the EU.

2009 was the second year that the former two year mandatory period for resubmitting an application was no longer applicable as result of the EU Procedural Directive²⁶ implemented into the Czech Asylum Act. Therefore, foreign nationals are allowed to file a new application immediately after a negative decision on granting international protection comes into force. This fact led to an even higher share of repeated applications in 2009 than in the previous year. During 2009, a total of **625 applications for international protection were resubmitted**, which is about a half (**49.7 %**) of the total number of applications. The number of **newly arriving seekers** of international protection was only **633**.

In 2009, foreigners from 60 states applied for international protection. Just as in the previous year, **Ukrainian nationals submitted the highest number of applications** (203). They were followed by nationals of Kazakhstan with 186 applications (+154,8 %) and nationals of Mongolia (159), who took up the third place this year, as they did in the preceding one, for the most frequent source country. Nationals of Turkey (66) were fourth, though with far fewer applications. These four nationalities made up almost more than 50 % of the total number of applications submitted. The ten main source countries were Vietnam (63), Russia (57), Belarus (54), Syria (45) and Nigeria (41), while the highest number of applications was filed by stateless persons (65, +109, 7 %).

In 2009, the Ministry of the Interior of the CR issued a total of **1,030 decisions in proceedings on international protection**. In **103 cases, international protection was**

²⁶ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

granted in the form of asylum or subsidiary protection. International protection was granted to a ratio²⁷ of 20.8 % seekers in 2009 which is approximately the same as in 2008.

Asylum was granted in 75 cases – most numerous being the citizens of **Myanmar** (21) who resettled to the CR and were granted asylum due to political reasons. They were followed by citizens of Ukraine (9), who were granted asylum mostly due to humanitarian reasons, and citizens of Vietnam (8) – mainly for family reunification or humanitarian reasons. Asylum was further granted to citizens of Afghanistan (7) and Kazakhstan (7).

Subsidiary protection was granted in 28 cases, most often it was to citizens of the **Russian Federation** (7), **Iraq** (7) and **Cuba** (5).

3.3 Unaccompanied Minors and other vulnerable groups

3.3.1 European Pact on Immigration and Asylum

No explicit mention is made in the objectives of the Pact to this aspect and, therefore, no information is provided here.

3.3.2 Additional/Complementary developments

MoLSA elaborated a **Methodical Recommendation for authorities involved in the social and legal protection** of unaccompanied minors at the turn of 2008/2009. A leaflet concerning this topic was published and distributed among the municipalities with extended jurisdiction. The main pressing problems remained similar as in previous years: disappearances, family tracing and age assessment.

The numbers of unaccompanied minors detected in the CR have been **diminishing in the last few years**. This trend continued in 2009, as only 12 unaccompanied minors applied for international protection. It represents a decrease by 2/3 when compared to the previous year, when 36 unaccompanied minors applied for international protection. Most of the applicants (58 %) were older than 15 years when lodging the application.

As per the total number of unaccompanied minors, including minors who did not end up applying for international protection, there were **89 new admissions** to the specialised Facility for Foreign Children in 2009. Out of this number, **64 were newly admitted children**,

²⁷ Total ratio of granted international protection = total number of granted subsidiary protection and asylum / (total number of granted subsidiary protection and asylum + number of rejected applications for asylum) * 100

19 were repeated admissions after escapes, 5 were admitted for re-diagnosis and 1 for a voluntary stay. Out of the newly admitted minors, 37 were boys and 27 girls, 38 children were older than 15, and 7 were seekers of international protection. Most of the minors placed in the Facility for Foreign Children were previously removed from their parents' care (32 children), mainly due to educational failures, criminal activities of the children or the parents etc. 22 children were found directly in the streets and were placed in the Facility after being detained by police during random checks of documents or when they committed a crime.

3.4 Economic Migration

3.4.1 European Pact on Immigration and Asylum

- ***I(a) Implement policies on labour migration***

In order to simplify the bureaucratic demands posed on both the employers and the foreign nationals concerning their employment, **the Green Card system** was launched in January 2009. It aims to speed up the procedures related to the drafting of foreign workers to the Czech Republic. Its key benefits are an on-line register of vacancies for specific work positions and the fact that the green card combines a work permit with a residence permit in one single permit (card) granted through one application procedure, faster than the standard procedure. Due to the economic crisis, access to green cards is limited, as currently only citizens of 12 source countries listed in a ministerial regulation can apply for it. Owing to the impact of the economic crisis, the demand for foreign workers decreased and thus the Green Card system has not been used as much as anticipated.

In reaction to the crisis, the Czech Government adopted certain other measures related to the employment of foreign nationals. A governmental resolution changed rules for the employment of foreign nationals through employment agencies – these agencies can now only mediate work to qualified workers and, as per the non-qualified, it is only possible for specific professions. In general, work permits for third-country nationals are now issued for shorter periods of time and an emphasis is placed on filling the current vacancies with Czech and EU nationals instead of foreign nationals.

Furthermore, due to the economic crisis a **temporary more restricted system for applications for long stay visas or residence permits for purpose of work and business** was introduced at the Czech consulates/embassies.

In February 2009, the Czech Presidency of the Council of the EU held an international conference entitled “**Strengthening EU Competitiveness – Potential of Migrant Workers on the Labour Market**”, which focused on the integration of foreign nationals, competitiveness and labour market.

- *I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:*

Generally, the Czech Republic transposed the relevant directives (students, researchers).

Moreover, a **new setting of a project entitled Selection of Qualified Foreign Workers** was approved by the Government on 29 September 2009. With regard to the economic crisis, the quotas of foreign nationals foreseen to participate in the project were reduced for the remainder of 2009 and for the entire 2010 by half – instead of 2,000, only up to 1,000 will be allowed to enter the project. The Government also introduced a new mechanism within this project, which prioritizes foreign nationals who work in professions that Czech labour offices consider short on labour supply.

New measures aimed at **facilitating the process of employment of foreign nationals** were introduced on 1 January 2009. Some were aimed at facilitating the employment of foreign students who no longer need to apply for a work permit provided they prove their student status, as well as of foreign graduates of Czech schools and universities who no longer need to apply for a work permit either.

- *I(c) Do not aggravate the brain drain:*

There has been no significant development in this area. However, brain drain is to some extent prevented in a project entitled **Selection of Qualified Foreign Workers**. This project is explicitly **not open to students** whose studies in the Czech Republic are financed through Foreign Development Cooperation.

3.4.2 Additional/Complementary developments

The Czech Republic was **affected by the economic crisis** during 2009. As a consequence, many foreign workers – mainly employed through employment agencies - lost their jobs. As a consequence, many lost their jobs and became illegal residents. Many of them

had sold all of their belongings back home or did not have money to return. Moreover, they were often in debt due to the fees they owed to those who arranged their work in the CR.

In response to estimates expecting an aggravation of the situation of foreign nationals' employment and also as a partial solution to the escalating problem of fraudulent employment agencies, the **Projects of Voluntary Returns** were implemented during 2009 with the aim to assist immigrants in their difficult situation. This project is described in greater detail in chapter 3.11.1 on return migration. Other means to tackle the difficult situation were also considered: a restriction in the issuance of long-term visas in selected source countries of work migration to the Czech Republic, a new system of issuance of long-term visas and residence permits, tougher and more rigorous control of employment agencies (work intermediaries for foreign nationals), introduction of responsibility of employers for the possible irregular stay of the foreign nationals they had previously employed, tightening of the conditions for foreign nationals' residence permit for the purpose of business and regulation of the possibilities of foreign nationals having mandataries act on their behalf when dealing with the authorities. In the area of integration, two so-called "**emergent projects**" in towns with high concentration of foreign nationals affected by the crisis (Mladá Boleslav and Plzeň) were initiated in close cooperation among the MoI, the relevant municipalities and other stakeholders at regional level. For details, see the relevant chapters.

In general, **labour migration decreased** due to the crisis. Also, a restriction on the issuance of visas was introduced as its consequence. Some 27,700 Third-Country Nationals lost their jobs in 2008-2009. Eight percent of them returned to their countries of origin under the assisted voluntary return program which was aimed at those who had lost their jobs due to the crisis.

The impact of the crisis was visible also in the **numbers of trading licences** issued to foreign nationals. The numbers were rising rather sharply as obtaining a trading licence and subsequently a residence permit for the purpose of business is rather easy under the current Czech regulation. Moreover, there are virtually no channels of how to control whether the foreign national in reality does run a business or not. Therefore, it is suspected that many foreign nationals who lost their employment due to the economic crisis simply formally switched to the purpose of doing business in order to be able to remain in the country.

As per the actual figures, to date 31 December 2009, a total of 73,666 **work permits** were issued to Third-Country Nationals in comparison with the 128,934 permits issued by the end of 2008, which represents a **decline of 43 %**.

Although only 1 Green Card had been issued by May 2009, at the end of the year there were already 51 green card holders.

The number of foreign **nationals employed through employment agencies** decreased sharply during 2009. Compared to the situation at the end of the year with 19,341 foreign nationals employed in this way, only 5,158 were recorded to date 30 September 2009, which represents a **drop by 73%**. However, activities of employment agencies still remain problematic.

3.5 Family Reunification

3.5.1 European Pact on Immigration and Asylum

- *I(d) To regulate family migration more effectively*

As per applications for residence permits filed in the Czech Republic, an increase in the share of applications filed on the grounds of family reunification was noted. The same increase appeared in regards to the numbers of permits issued. The situation is currently being analysed by Czech authorities.

3.5.2 Additional/Complementary developments

There have been no significant developments. For trends concerning the figures, see chapter 3.1.2.

3.6 Other legal migration

3.6.1 European Pact on Immigration and Asylum

- *I(f) Improve information on the possibilities and conditions of legal migration*

Providing information to foreign nationals on the conditions of entry into and stay in the Czech Republic made a significant progress in 2009. Both the Ministry of the Interior and the Ministry of Foreign Affairs launched new parts of their **websites addressing foreign nationals** and providing them with useful and practical information as never before.

Comprehensive information is now available both in Czech and English.

The Czech Republic also launched a **project aimed at raising the level of awareness of migrants from Mongolia** concerning work-related issues. The Mongolian community became one of the fastest growing communities of foreign workers in the Czech Republic. Information was provided both in the Czech Republic and Mongolia and it comprised of information on the conditions of the Czech labour market, costs of living in the Czech Republic, obligations and rights of immigrants and possibilities of consultancy/counselling concerning residency status issues.

Another **project aimed at providing specifically labour-law consultancy to migrant workers** was launched in March 2009. It should prevent illegal employment of foreign nationals and provide foreign nationals with legal aid when their labour-law rights are violated.

An **information brochure specifically for foreign nationals with long-term residence** is under preparation. This brochure will describe the conditions of residence and the scope of rights and obligations of foreign nationals with this particular type of residence. Other - already existing – information brochures for foreign nationals are regularly updated.

3.6.2 Additional/Complementary developments

There have been no significant developments. For trends concerning the figures see chapter 3.1.2.

3.7 Integration

3.7.1 European Pact on Immigration and Asylum

- ***I(g) Promote harmonious integration in line with the common basic principles***

In the Czech Republic, the policy of harmonious integration is embodied in the national **Strategy for the Integration of Immigrants**. This strategy targets third-country nationals legally residing in the territory of the Czech Republic. It is based on four main principles - knowledge of the Czech language, immigrants' economic self-sufficiency, immigrants' orientation in society and on community relations between immigrants and the majority population. The integration process is put into practice at the places of residence or work of immigrants by means of **specific measures**. To support the setting-up and the

implementation of integration policy at regional level, the first six regional **Integration Centres** for third-country nationals were established. These centres serve as information points for the third country nationals and, at the same time, provide space for building platforms to facilitate the cooperation of all regional stakeholders involved in the issue of integration.

On 1 January 2009, changes concerning permanent residency in the Czech Republic became effective. Since this date, granting permanent residency to third-country nationals not enjoying the Community right of free movement is preconditioned, among other conditions stipulated by **the Alien Act**, by successful passing of the **Czech language test**.

Due to the increasing numbers of foreign nationals in the Czech Republic and regional problems arising from their dismissals during the economic crisis, the Ministry of the Interior initiated and financially supported so-called **emergent integration projects** in selected municipalities. Emergent projects carried out at local level represent a new tool of Czech integration – it aims to provide complex integration measures that would improve the quality of coexistence of immigrants and the majority society, and prevent xenophobia.

In 2009, the **Anti-discrimination Act was adopted**. Foreign nationals are informed about the possibilities of protection against discrimination through information brochures and at courses of socio-cultural orientation.

- ***I(h) Promote information exchange on best practices in terms of reception and integration***

The Czech Republic participated in the work of National Contact Points on Integration. It was also actively involved in activities of the Integration Forum through two of its nominated participants, and it also supported the preparation of EU indicators. The Czech Republic was also engaged in workshops on intercultural dialogue and in updating EU websites. Generally, the exchange of experience and examples of good practice was set as one of the priorities in the field of international cooperation in the area of migrant integration.

3.7.2 Additional/Complementary developments

Continuous monitoring of the situation of integration was carried out at regional level. Workshops dedicated to integration were also arranged. The first conference in the CR as regards the topic of integration at local level was held in September 2009 in Plzeň. It was

initiated by the DAMP MoI and entitled **Conference of Corporate Towns dealing with Integration of Foreign Nationals at the Level of Local Governments.**

As per the newly introduced obligation to pass a Czech language test as one of the preconditions for permanent residence, which came into force on 1 January 2009, an evaluation of the exam system was carried out. The evaluation covered the period of the first ten months of the functioning of the system and it revealed that a total number of **3,761 foreign nationals were tested**, while 780 of them (**20 %**) **failed the exam**. Most foreign nationals obtained information about this exam from the APS (26.2 %), from a specialised website (19.7 %) and others from the DAMP MoI (17.2 %).

The Czech Republic has been actively providing assistance to refugees via specialised **State Integration Programme for Recognised Refugees**. This programme targets three main areas of assistance: housing, language training and labour market support. It also includes support of education of children.

3.8 Citizenship and Naturalisation

3.8.1 European Pact on Immigration and Asylum

No explicit mention is made in the objectives of the Pact on this aspect and, therefore, no information is provided here.

3.8.2 Additional/Complementary developments

A proposal of the Act on the citizenship of the Czech Republic, which was rejected by the government in 2008 for the third time, and a revised version of which should have been presented to the government by the end of May 2009, was further postponed. As the interim government does not have a political mandate to put it forward, in December 2009, it decided to re-schedule it. The proposal is thus expected to be presented when the new government is appointed based on the results of the May 2010 elections.

3.9 Illegal Immigration

3.9.1 European Pact on Immigration and Asylum

- *II(a) only case-by-case regularisation*

Measures in the form of regularisation are not applied in the Czech Republic. This policy approach has not been changed, not even as response to the current economic crisis. Nevertheless, a specific project aimed at voluntary returns of illegally residing immigrants was implemented from September till December 2009. For details see chapter 3.11 Return Migration.

- *II(g) take rigorous actions and penalties against those who exploit illegal immigrants*

Additional **sanctions on employers employing illegally staying foreign nationals** and a further enhancement of their responsibility for illegal migrant workers – such as the obligation to reimburse travel costs related to the return of these foreign nationals - are scheduled to be introduced among other changes in the upcoming amendment to the **Alien Act**.

3.9.2 Additional/Complementary developments

There have been no significant developments.

3.10 Actions against Human Trafficking

3.10.1 European Pact on Immigration and Asylum

- *II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat*

There has been no significant development in this area. However, the Czech Republic has been actively combating human trafficking via two specialised programs – **Program for the Support and Protection of Victims of Human Trafficking** and **Program of Support for the Fight against Illegal Migration**.

3.10.2 Additional/Complementary developments

There have been no significant developments.

3.11 Return Migration

3.11.1 European Pact on Immigration and Asylum

- *II(b) To conclude readmission agreements at EU or bilateral level*

An agreement between the Czech Republic and the Swiss Confederation on the readmission of persons staying in their territory without authorization was signed in Prague on 17 September 2009. However, the agreement has not yet entered into force as it has not yet been ratified.

An agreement between the Czech Republic and the Armenian Republic concerning readmission of illegally staying immigrants is currently under preparation.

As per Community Readmission Agreements, **bilateral negotiations on the implementing protocols with the Russian Federation and Montenegro** were in progress in 2009.

- *II(f) To devise incentive systems to assist voluntary return and to keep each other informed*

The Czech Ministry of the Interior in cooperation with the IOM have been implementing **the Programme of Voluntary Returns** aimed at illegally staying migrants and unsuccessful asylum seekers. These foreign nationals are assisted in the acquisition of travel documents and organization of their journey including the reimbursement of their travel costs.

During 2009, this general programme was complemented by two other projects. These projects **were** temporary, as they **were** implemented as one of numerous measures responding to the influence of the economic crisis on immigrants.

The first specific project was aimed at legally residing foreign nationals who lost their jobs due to the current economic crisis and who **did** not have sufficient financial means to return to their country of origin. Their travel costs **were** reimbursed and they received a financial contribution of up to 500 EUR for an adult or 250 EUR for a child under 15 years of age. The quota of 2 000 immigrants for the first phase of this project was reached and the project entered its second phase, where the financial contribution was reduced to 300/150 EUR. Throughout both phases of the project there were 2,089 third country nationals registered into the project. The highest amount of applications for registrations was submitted by citizens of Mongolia (1,342 – 64.2 %), followed by citizens of Uzbekistan (314 – 15 %),

Vietnam (263 – 13.5 %), Ukraine (60 – 2.9 %), Indonesia (28 – 1.3 %) and Moldova (17 – 0.8 %).

The second specific project was aimed at illegally residing immigrants. The main benefit of this project was the duration of the re-entry ban which had to be issued due to the illegal stay of the third country national concerned in the territory of the Czech Republic. For those who registered into the project the duration of the re-entry ban was issued on the lowest limits given by the law. The durations of re-entry bans to be issued during the project were published in advance and it differed based on the ability of the foreign national to cover the travel cost by him/herself. If the foreign national was unable to cover the travel cost by him/herself, the travel costs were reimbursed. There was no additional financial contribution. The duration of the project was strictly limited for 3 months (15 September – 15 December 2009). During these 3 month there were 169 foreign nationals registered into the project. The highest interest in registration was among citizens of Ukraine (70 – 41.4 %), Vietnam (20 - 11.9 %), Mongolia (15 – 8.9 %), Kyrgyzstan (14 – 8.3 %), Uzbekistan (13 – 7.7 %) and Moldova (13 – 7.7 %).

3.11.2 Additional/Complementary developments

Projects of voluntary returns were implemented in close cooperation with NGOs and other subjects active in this field such as APS, IOM and Refugee Facilities Administration.

The MoI views the special projects of voluntary returns as successful. There was no significant increase in illegal migration since the beginning of 2009, no growth in applications for international protection and no increase in number of serious crimes committed either by foreign nationals or to them.

3.12 External relations/ Global Approach

3.12.1 European Pact on Immigration and Asylum

- *V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development*

There has been no significant development in this area.

- *V(b) offer the nationals of partner countries to the East and South of Europe opportunities for legal immigration*

There has been no significant development in this area concerning specific measures aimed at nationals of partner countries, however, the Czech EU presidency held a ministerial conference entitled **Building Migration Partnerships** in April 2009 in Prague. See following paragraph for details.

- *V(c) cooperation with countries of origin and transit in order to deter or prevent illegal immigration*

The Czech presidency of the EU held a ministerial conference entitled **Building Migration Partnerships** in April 2009 in Prague. This conference was aimed at enhancing the implementation of the Global Approach to Migration with countries neighbouring with Europe from the East and the South-east (CIS, Western Balkans, Turkey). A **joint declaration** was agreed on at this conference defining specific areas of extended cooperation based on the principles of partnership in migration management in five topical areas which are preventing and fighting illegal migration, readmission, voluntary return and sustainable reintegration, legal migration, integration of legally residing migrants and migration and development.

The Czech Republic was actively engaged in the **Mobility Partnership with Moldova** and implemented projects that this partnership involved, particularly the project of support for migration management focusing on labour migration, and a reintegration project aimed at Moldovan migrants. As member of an international consortium led by ICMPD, the Czech Republic also participated in an EU-financed project focused on identifying forged and altered travel documents at Moldovan-Romanian borders and a project for capacity building.

- *V(d) more effective integration of migration and development policies*

The current national **Strategy for International Development Cooperation**, which was adopted in 2002, sets as a priority the contribution to poverty reduction by means of sustainable socio-economic development. By means of this strategy, the Czech Republic declared its participation in international development principles such as the principle of partnership, respect for the priorities of partnership countries and enhancing effectiveness. In the new strategy, which is currently under preparation, emphasis is given specifically to the area of migration and development in order to ensure a compliance of development policies.

- *V(e) promote co-development actions and support instruments for transferring migrant remittances*

There has been no significant development in this area.

3.12.2 Additional/Complementary developments

There have been no significant developments.

3.13 Other policy areas and topics

3.13.1 Solidarity and Management Flows programme – funding

As part of the general *Solidarity and Management Flows* programme, four funds / six annual programs were implemented in 2009.

Within the **European Refugee Fund** (ERF), the 2008 ERF Annual Program was implemented through 2 calls for proposals. The first call was published on 5 December 2008 and the second one on 9 June 2009. A total of 1.13 mil. EUR was allocated for the implementation in the CR. A total of 24 projects were approved and recommended for implementation in 2009, the financial support for these projects amounted to 15.51 mil. CZK.

As regards the **European Fund for the Integration of Third Country Nationals** (EIF), 2 annual programs were implemented with a total allocated sum of 3.11 mil. EUR. For the first one – EIF 2007 – a call for proposals was published on 5 December 2008. For the second programme – EIF 2008 – there were 3 calls – on 5 December 2008, on 9 June 2009 and on 26 August 2009. Altogether, 15 projects were approved and implemented with a financial support of 27.41 mil. CZK.

As per the **European Return Fund** (RF), only the 2008 RF Annual Program was implemented. The sum allocated for this annual program amounted to 1.16 mil. EUR. There were 2 calls for proposals – on 24 March 2009 and 14 August 2009. All 8 projects applying for the support were approved. However, only 7 were finally implemented. The total financial support for these 7 projects amounted to 7.82 mil. CZK.

As per the **External Borders Fund** (EBF), 2 annual programs were implemented – the 2007 EBF Annual Program and the 2008 EBF Annual Program. The total amount allocated for these programs was 3.78 mil. EUR. The calls for both programs were published on the

same day, 10 February 2009. A total of 19 projects were approved and supported by a financial sum of 58.13 mil. CZK.

4 IMPLEMENTATION OF EU LEGISLATION

4.1 Transposition of EU Legislation in 2009

Regarding the transposition of EU legislation into the Czech Alien Act and the Asylum Act, none took place nor came into force during the reference period of 2009. However, transposition of relevant EU legal acts into the legislation of the Czech Republic was under preparation during 2009 as part of a Bill amending the Alien Act and the Asylum Act. This regards mainly the transposition and preparation for the application of the following EU directives and regulation: Return Directive²⁸, Sanctions Directive²⁹, Visa Code³⁰ (relevant also for the Asylum Act), Regulation on the obligation of electronic chips with biometric data for certain residence permits³¹ (relevant also for the Asylum Act) and introduction of the Blue Cards Directive³². Other amendments included in the above-mentioned bill arise from practice and case law.

The Bill is being drafted by the DAMP of MoI, it was sent for comments to other departments of this Ministry in autumn and to other Ministries and other relevant bodies at the turn of the year. It is expected that the Bill will be submitted to the Parliament of the Czech Republic in 2010.

4.2 Experiences, Debates in the (non-) implementation of EU legislation

As no transposition of EU legislation took place in 2009, there was practically no debate on this topic either, the only exceptions being critical comments made by representatives of NGOs regarding the Common European Asylum System,³³ mainly in connection with the new

²⁸ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member-States for returning illegally staying third-country nationals

²⁹ Directive 2009/52/EC of the European Parliament of 18 June 2009 and of the Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

³⁰ Regulation (EC) 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community code on Visas (Visa Code)

³¹ Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals

³² Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

³³ Rozumek – Společný evropský azylový systém: idea versus realita, Rozumek – Stručný přehled

proposals of EU asylum legislation and with the alleged toughening of MSs' asylum policies as a consequence of establishing minimum standards in this area.

Annex

A 1.1 Methodology

This report was drafted on the basis of information provided by experts working in the area of migration, asylum and integration. As in the Czech Republic this agenda falls under the responsibility of the Ministry of the Interior, these experts were mainly various ministerial officials. The report is based on information provided by a wide range of actors in the field concerned – mainly other units and departments of the MoI, other relevant ministries and their organisations, as well as the Police. The information obtained from this Report was transformed into a more detailed summary with the help of certain strategic documents focusing on specific issues.

The analysis of press releases made by the MoI during 2009 and of relevant information and statements of major NGOs active in this field published on their websites was also drafted, specifically concerning the part as regards public and political debates. The website of the Multicultural Centre in Prague at <http://www.migraceonline.cz> was particularly useful in providing this kind of information.

Sources used included:

- Government Resolution No. 183 from 16 February 2009 on the Report on the Implementation of the Strategy for the Integration of Foreign Nationals in 2008 and on Further Procedures [*Usnesení vlády ČR č. 183 ze dne 16. února 2009 ke Zprávě o realizaci Konceptu integrace cizinců v roce 2008 a návrh dalšího postupu*]
- Government Resolution No. 171 from 9 February 2009 on the Security Situation of the Czech Republic in connection with Dismissals of Foreign Workers due to the Economic Crisis [*Usnesení vlády ČR č. 171 ze dne 9. února 2009 o Zajištění bezpečnostní situace České republiky v souvislosti s propouštěním zahraničních pracovníků v důsledku hospodářské krize*]
- Government Resolution No. 587 from 4 May 2009 on the Project of Voluntary Returns of Illegally Residing Foreign Nationals [*Usnesení vlády ČR č. 587 ze dne 4. května 2009 o projektu Dobrovolné návraty nelegálně pobývajících cizinců*]

- Government Resolution No. 588 from 4 May 2009 on the Project of Voluntary Returns – II. Phase [*Usnesení vlády ČR č. 588 ze dne 4. května 2009 o projektu Dobrovolné návraty – II. fáze*]
- Government Resolution No. 1205 from 16 September 2009 on the Suspension of Filling of Applications for Long-term Visas at Selected Consulates of the Czech Republic – Evaluation of the Situation and Further Procedures [*Usnesení vlády ČR č. 1205 ze dne 16. září 2009 k pozastavení nabírání žádostí o dlouhodobá víza na vybraných zastupitelských úřadech České republiky – vyhodnocení situace a další postup*]
- Government Resolution No. 1030 from 17 August 2009 concerning the Information on the Implementation of Objectives of the Action Plan for the Fight against Illegal Migration [*Usnesení vlády ČR č. 1030 ze dne 17. srpna 2009 k informaci o plnění úkolů Akčního plánu boje s nelegální migrací*]
- Government Resolution No. 846 from 29 June 2009 on the Project of Continuation of an Information Campaign Aimed at Preventing Illegal Migration of Mongolian Citizens [*Usnesení vlády č. 846 ze dne 29. června 2009 k projektu Pokračování informační kampaně na prevenci nelegální migrace mongolských občanů*]
- Government Resolution No. 1574 of 21 December 2009 on the Evaluation of the Implementation of the Czech Language Tuition and Exam System as one of the Prerequisites for Permanent Residence in 2009 and the Proposal for its Functioning in 2010 [*Usnesení vlády ČR č. 1574 ze dne 21. prosince 2009 k Vyhodnocení realizace Systému výuky českého jazyka a zkoušek pro cizince jako jedné z podmínek pro udělení trvalého pobytu v roce 2009 a návrh jeho zajištění v roce 2010*]
- websites of various NGOs or international organizations active in the field of migration, asylum and integration:
 - <http://www.migraceonline.cz> – website of the Multicultural Centre in Prague – Sections “Komentáře” and “Články”
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- <http://www.iom.cz> – website of the International Organization for Migration – Prague

- <http://www.opu.cz> – website of the Organization for Aid to Refugees (OPU)
- <http://www.uprchlici.cz> – website of the Association for Migration and Integration
- websites run or supported by the state:
 - <http://www.mvcr.cz> – website of the Ministry of the Interior
 - <http://www.mzv.cz> – website of the Ministry of Foreign Affairs
 - <http://www.euroskop.cz> – thorough information on EU affairs
 - <http://www.imigracecz.org> – website of the Project of Selection of Qualified Foreign Workers
 - <http://www.cizinci.cz> – website on the integration of foreign nationals established by the Ministry of Labour and Social Affairs
 - <http://cestina-pro-cizince.cz> – website operated by the Ministry of Education, Youth and Physical Education providing information on the system of examinations of the Czech language for foreign nationals as a requirement for receiving permanent residence
 - <http://www.czso.cz> – website of the Czech Statistical Office (ČSÚ)
 - <http://www.vlada.cz> – website of the Government of the Czech Republic
 - Policy Statement by the Government of the Czech Republic. 1 June 2009. [accessed on 2010-1-6]
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 - <http://www.ceskenoviny.cz> – Dobrovolné návraty využila třetina cizinců. 17.12.2009. [accessed on 2010-1-6]
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- Zelená karta? Tu má jediný cizinec. 10.7.2009. [accessed on 2010-01-02]
- Města řeší, co s cizinci bez práce. 14.1.2009. [accessed on 2010-01-02]

- <http://www.delnicka-strana.cz> – website of the Workers' Party

Significant developments were defined as changes and events in the area of immigration, asylum, integration or anti-discrimination on the grounds of ethnic origin of the following type:

- legislative changes of relevant extent;
- institutional changes of relevant extent;
- events that received media coverage and were discussed at least at expert level; and
- media and civil society discussions resulting in a manifestation of opinions of relevant extent.

When considering whether an occurrence is significant or not, the authors also carefully evaluated the extent of media coverage and the attention that NGOs paid to such occurrence.

A 1.2 Terms and Definitions

There were no technical terms or special concepts used in this study that require further clarification.
