

ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN THE CZECH REPUBLIC

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INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in the **Czech Republic**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by the Czech Republic in **February 2019**.

- integration of beneficiaries of international protection,
- European and international cooperation,
- assistance to compatriots,
- emergency foreign aid,
- Schengen cooperation,
- free movement of persons within the EU,
- returns,
- irregular migration.

DAMP is supported by the Analytic Centre for Border Protection and Migration (ANACEN), which was established in order to bring together experts of the state administration from different policy areas that may have an impact on migration issues. Its activities are managed by the Coordination Body for Managing the Protection of State Borders and Migration. The analyses are used to provide proposals for measures and solutions to concrete problem areas.

An operator of the reception, accommodation and integration asylum centres is the Refugee Facilities Administration of the Ministry of the Interior.

Other key actors are: the Directorate of the Alien Police Service, the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, other ministries, the National Central Unit for Combating Organised Crime, interna-



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The Ministry of the Interior (MoI) is the main body responsible for asylum and migration policy in the Czech Republic (CR) on legislative as well as a strategic level. The Department for Asylum and Migration Policy (DAMP) is responsible for carrying out these tasks within the Ministry of the Interior. It executes public administration in field of:

- international protection,
- entry and residence of foreign nationals,
- integration of foreign nationals,

tional organisations as IOM or UNHCR and NGOs.

THE LEGAL SYSTEM

In 29 July 2015, the Government of the Czech Republic adopted a comprehensive **Migration Policy Strategy of the Czech Republic** (in its Resolution No. 621), which define seven elemental principles on which the migration policy of the Czech Republic is based in accordance with its international legal obligations. National security is defined as a leading element of the document.

Asylum and migration is governed particularly by the following legislation:

- **Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic** and on amendments to certain Acts, as amended;
- **Act No. 191/2016 Coll., on the Protection of the State Borders of the Czech Republic** and on amendments to certain related Acts;
- **Act No. 325/1999 Coll., on Asylum**, as amended;
- **Act No. 221/2003 Coll., on the Temporary Protection of Foreign Nationals**, as amended;
- **Act No. 435/2004 Coll., on Employment**, as amended;
- **Act No. 186/2013 Coll., on the Citizenship of the Czech Republic** and on amendments to certain Acts.

Several amendments to the legislation have been enacted in the last years to ensure the compatibility of national law and to Council Directives, including: Act on the Residence of Foreign Nationals (326/1999), Act on Asylum (325/1999), Act on the Temporary Protection of Foreign Nationals (221/2003), the Act on the Police of the Czech Republic (273/2008) (in relation to international migration it mainly regulates state border protection, identification, detention and expulsions, as well as relations between the Police and the Ministry of the Interior with regard to sharing information from registers), the Labour Code (262/2006) and the Act on Employment (435/2004).

In 2017, a rather extensive **amendment to the Act on the Residence of Foreign Nationals** was adopted. The legislative amendment entered into force on 15 August 2017. The changes in the Act were associated mainly with ensuring the transposition of two Union Directives into the national legislation.

Also in 2018, an **amendment to the Act on the Residence of Foreign Nationals** was adopted by the Government and submitted to the Czech Parliament for approval. In addition to other provisions the amendment contains implementation of Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

In view of continuing economic growth, low level of unemployment rate and high demand for a workforce from abroad, implementation of migration projects on economic migration in the Czech Republic continued for workers from selected third countries and their employers. Economic migration projects approved by government ordinance are a significant labour migration management tool employed in Czech migration policy.

As regards the integration, the position of the Czech Republic on integration policy is defined in the **Policy for the Integration of Foreign Nationals in the Czech Republic – In Mutual Respect** (updated and valid since 2016). Annually, additional material, which is a kind of action plan that is connected with this Policy called **Procedure for Implementing the updated Policy for the Integration of Foreign Nationals – In Mutual Respect is prepared for concrete year** for the acceptance of the Government. Last material was approved by the Government on 7 January 2019.

Those foreign nationals who were granted international protection in the form of asylum or in the form of subsidiary protection can take advantage of the **State Integration Programme (SIP)**.

In the area of international cooperation there are two main humanitarian projects aimed at

providing assistance to countries affected by the mass inflow of refugees and to vulnerable persons: the **Programme of the Ministry of the Interior for the Assistance to Refugees in Regions of Origin and Prevention of Large Migration Flows** (also known as “Aid in Place” Programme) and the **MEDEVAC Programme**.

Within **Aid in Place Programme**, the assistance and support, which is complementary to the provision of humanitarian aid abroad within the purview of the Ministry of the Foreign Affairs is directed particularly to third countries with the purpose of providing refugees with direct support as well as providing support for building capacities for dealing with the issues of refugees and migration in the host states.

The **MEDEVAC Programme** is focused on providing professional medical care to vulnerable groups of inhabitants in regions affected by a refugee crisis or a natural catastrophe. The implementation of the MEDEVAC Programme takes place through the following activities, which involve sending medical teams abroad, carrying out medical humanitarian evacuations of persons to be treated in the CR, training medical staff and sending financial donations abroad to support and develop medical infrastructure in countries affected by war, humanitarian or natural catastrophes.



INSTITUTIONAL CHART

The most up to date Institutional Chart is added in as an Annex.