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System ASPI – situation on 31.1.2008 to Chapter 8/2008 Coll. and 3/2008 Coll. of  
International Agreements  
Content and text 325/1999 Coll. – the latest version of the text

**325/1999 Coll.**

**ACT**

Of 11 November 1999

**on Asylum and Amendment to Act No. 283/1991 Coll., on the Police of the Czech  
Republic, as amended (the Asylum Act)**

Amendment: 2/2002 Coll.

Amendment: 217/2002 Coll., 320/2002 Coll., 519/2002 Coll.

Amendment: 222/2003 Coll. (part)

Amendment: 222/2003 Coll.

Amendment: 539/2004 Coll.

Amendment: 57/2005 Coll.

Amendment: 350/2005 Coll.

Amendment: 501/2004 Coll.

Amendment: 136/2006 Coll., 165/2006 Coll.

Amendment: 112/2006 Coll.

Amendment: 170/2007 Coll.

Amendment: 379/2007 Coll.

Amendment: 343/2007 Coll.

Parliament has adopted the following Act of the Czech Republic:

**PART ONE**

**INTERNATIONAL PROTECTION**

**CHAPTER I**

**INTRODUCTORY PROVISIONS**

**Section 1**

**Subject Matter of Regulation**

The Act regulates

- a) conditions of entry and stay of an alien who expresses his/her intention to apply to the Czech Republic for international protection in the form of asylum or subsidiary protection in the territory of the Czech Republic (hereinafter the "Territory"), and stay of a refugee or a person under subsidiary protection in the Territory 1),
- b) proceedings on the granting of international protection in the form of asylum or subsidiary protection and proceedings for the withdrawal of asylum or subsidiary protection 1a),
- c) rights and obligations of an applicant for international protection, of a recognised refugee and of a person under subsidiary protection in the Territory,
- d) powers of the Ministry of the Interior (hereinafter the "Ministry"), Ministry of Education, Youth and Physical Culture, and the Police of the Czech Republic (hereinafter the "Police") in this field of state administration,
- e) state integration programme,

f) asylum facilities.

## Section 2 Basic Definitions

(1) A safe country of origin means the country of which the alien is a citizen, or in case of a stateless person, the country of his/her last permanent residence,

a) where the state powers respect human rights and are capable of ensuring compliance with human rights and legal regulations,

b) which is not abandoned by its citizens or stateless persons for reasons referred to in Section 12 or 14a,

c) which has ratified and complies with international human rights and fundamental freedoms agreements,

d) which allows legal entities supervising the status of compliance with human rights to carry out their activities.

(2) A safe third country means a country other than that of which the alien is a citizen, or in case of a stateless person, the country of his/her last permanent residence, where the alien had stayed before he/she entered the Territory and to which the alien may return and apply for refugee status pursuant to an international agreement 1b) without being subject to prosecution, torture, inhuman or degrading treatment or punishment.

(3) The first asylum country means a country other than that of which the alien is a citizen, or in case of a stateless person, the country of his/her last permanent residence, where the alien had stayed before he/she entered the Territory if the other country granted him/her refugee status pursuant to an international agreement 1b) in case the alien may still avail himself/herself of the protection and may safely return to the other country.

(4) An application for granting of international protection means an application filed by an alien who may be expected to be seeking asylum or subsidiary protection in the Czech Republic.

(5) For the purposes of this Act, an applicant for international protection is an alien who requested the Czech Republic for international protection or an alien who filed an application for international protection in another Member State of the European Union if the application falls within the competence of the Czech Republic. The position of an applicant during the administrative proceedings on the granting of international protection and during judicial proceedings on an action against the decision of the Ministry is governed by a special regulation 1c), in case the action has a dilatory effect.

(6) A recognised refugee is an alien who has been granted asylum pursuant to this Act for the term of validity of the decision on the granting of asylum.

(7) A person under subsidiary protection is an alien who does not match the reasons for the granting of asylum pursuant to this Act but who has been granted subsidiary protection for the term of validity of the decision on the granting of subsidiary protection.

(8) For the purposes of this Act, persecution means serious violation of human rights as well as measures which result in psychological pressure or any other similar treatment if carried out, supported or sanctioned by state authorities, parties or organisations governing the country, or a substantial part of the country of which the alien is a citizen, or in case of a stateless person, of the country of his/her last permanent residence. Persecution also includes actions of private persons pursuant to the first sentence if it may be proved that the

country, parties or organisations including international organisations governing the country or a substantial part of the country are not able to provide protection against such actions in a sufficient manner. Persecution shall not be deemed a situation in which an alien considering his/her personal position, may get efficient protection in another part of the country of which the alien is a citizen, or in case of a stateless person, in another part of the country of his/her last permanent residence, provided the fear of persecution or threat of serious harm obviously applies only to a part of the country.

(9) For the purposes of this Act, permanent residence means the country where a stateless person stayed prior to his/her entry to the Territory and to which he/she developed links of a more permanent nature.

(10) For the purposes of this Act, an asylum facility means a reception centre, an accommodation centre and an integration asylum centre (Chapter XI).

(11) Unaccompanied minor is a child under 18 years of age who enters the Territory without being accompanied by an adult responsible for the minor according to the legal order applicable in the country of which the child under 18 years of age is a citizen, or in case of a stateless person, the country of his/her last permanent residence, for the period for which he/she is actually not in the care of such person; unaccompanied minor is also a child under 18 years of age who has been left unaccompanied after he/she has entered the Territory. 1d)

(12) For the purposes of the Act, a decision of the Ministry on an international protection matter means a decision issued pursuant to section 15 or 15a, and a decision on the granting of asylum, decision on granting or extension of subsidiary protection, decision not to grant international protection, decision to discontinue the proceedings, decision to reject an application for granting of international protection as manifestly unfounded and decision to withdraw asylum or subsidiary protection.

(13) For the purposes of the Act, a partner is a person who proves that he/she entered into officially confirmed permanent unity of two persons of the same gender. For the purposes of the Act, a partnership means officially confirmed permanent unity of two persons of the same gender pursuant to the first sentence.

## CHAPTER II

### DECLARATION OF THE INTENTION TO APPLY FOR INTERNATIONAL PROTECTION, VISA AND TRANSPORTATION OF THE ALIEN TO AN ASYLUM FACILITY

#### **Declaration of the Intention to Apply for International Protection**

##### Section 3

(1) The declaration of the intention to apply for international protection (hereinafter the "Declaration on International Protection") is an expression of the alien's will which makes it obvious that the alien is seeking protection in the Czech Republic against persecution or against a threat of serious harm.

(2) A Declaration on International Protection shall not be an expression of the alien's will pursuant to Subsection (1) made when leaving the Territory, provided the alien made such Declaration after legally effective completion of the proceedings on the granting of international protection, legally effective completion of legal proceedings on an action or a cassation complaint, after legally effective completion of proceedings on administrative expulsion or when serving his/her sentence of expulsion imposed by the court.

(3) The Declaration on International Protection may be made in writing or orally and entered into a record.

### Section 3a

An alien can make the Declaration on International Protection

a) to the Police

1. at the border crossing, 2)
2. in a reception centre,
3. in an Aliens Police regional headquarters (hereinafter the "Police Department") provided that he/she arrived voluntarily, or
4. in an aliens detention centre 3) except for an alien detained in order to extradite or transit him/her according to an international agreement or a legal regulation of the European Community 2a) and/or

b) the Ministry, if he/she is hospitalised in a medical facility or held in custody and/or imprisoned.

### Section 3b

(1) An alien's right to make the Declaration on International Protection in an aliens detention centre 3) expires 7 days after the day on which he/she has been informed by the Police of his/her option to apply for granting of asylum in the Territory and of the consequences of the expiration of this time limit.

(2) The Police shall inform the alien in a language in which he/she is able to communicate. The Police shall make a record of such act, which shall be signed by the alien and by the person making the record. If the alien refuses to sign the record or is unable to write, a note of such fact shall be made in the record.

### Section 3c

(1) For the purposes of providing medical care (Section 88) and accommodation, food and other necessary services [Section 42(1)a)], an alien who has made the Declaration on International Protection is deemed to be an applicant for international protection

a) for the period of time for which he/she is entitled to remain in the Territory on the basis of a visa for up to 90 days in order to file an application for granting of international protection (hereinafter the "entry visa"),

b) for a period of 5 days from the date of the Declaration on International Protection if he/she is not issued an entry visa,

c) from the date of the Declaration on International Protection made during hospitalisation or custody and/or imprisonment until the date on which he/she is obligated to appear at a reception centre.

(2) An alien's stay in the Territory cannot be terminated by an official decision during the period specified in Subsection (1).

### **Entry Visa**

#### Section 3d

(1) An entry visa shall be issued to an alien who has made the Declaration on International Protection at a border crossing, in a reception centre or at a Police Department and proved his/her identity by a travel document or certified his/her identity by an affirmation.

(2) Entry visas shall be issued by the Police.

(3) An entry visa shall be valid for 30 days from the date of its issue.

(4) An entry visa allows a stay in the Territory for the period of time specified therein.

#### Section 3e

(1) An alien who has made the Declaration on International Protection at a border crossing or at a Police Department is issued an entry visa by the Police, which visa entitles him/her to remain in the Territory for the period of time necessary to appear in a reception centre designated by the Ministry.

(2) The length of stay is deemed to be extended by the period of duration of an impediment beyond the alien's will that prevents him/her from appearing in a reception centre.

(3) An alien is obligated

a) to report such impediment to the Police or to the Ministry without undue delay,

b) to appear in the reception centre within 24 hours of the impediment ceasing to exist.

(4) After the alien has appeared in the reception centre, the Police shall extend the length of stay under the entry visa until the date stipulated by the Ministry for filing an application for granting of international protection (Section 10).

#### Section 3f

The Police shall issue an entry visa to an alien who has made the Declaration on International Protection in a reception centre, which entitles him/her to remain in the Territory until the date set by the Ministry for filing an application for granting of international protection (Section 10).

#### Section 3g

An entry visa cannot be issued if

a) at the moment of making the Declaration on International Protection, the alien is entitled to remain in the Territory based on a residence permit pursuant to a special legal regulation 4), or

b) the alien has made the Declaration on International Protection in the transit zone of an international airport.

### **Transportation of an Alien to an Asylum Facility**

#### Section 4

(1) The Police shall transport an alien who has made the Declaration on International Protection at a border crossing or in a Police Department to a reception centre designated by the Ministry if the alien's health condition so requires or if there is a reasonable concern that he/she will not appear in the reception centre within the stipulated period of time.

(2) The Police shall transport an alien who has made the Declaration on International Protection in the transit zone of an international airport where there is no reception centre to another reception centre at an international airport or another asylum facility operated as a reception centre at an international airport designated by the Ministry (Section 73).

(3) The costs connected with the alien's transportation shall be borne by the Ministry.

#### Section 4a

(1) An alien who has made the Declaration on International Protection is obligated to appear in the reception centre designated by the Ministry not later than 24 hours from the moment he/she was released from hospital, custody or prison; the provisions of Section 4(1) shall apply accordingly.

(2) The time limit specified in Subsection (1) does not elapse for the period when the discharge of this obligation is prevented by an impediment beyond the alien's will.

(3) An alien is obligated

a) to report the impediment to the Police or to the Ministry without undue delay,

b) to appear in the reception centre not later than 24 hours after the impediment ceases to exist.

#### Section 4b

An applicant for granting of international protection who has been released from an aliens detention centre shall be transported by the Ministry to the asylum facility designated by the Ministry.

#### Section 4c

(1) An alien who has made the Declaration on International Protection shall be obligated to submit himself/herself to fingerprinting and photographing with the aim to find out or verify his/her identity. The fingerprinting is ensured by the Police, the photographing is ensured by the Ministry.

(2) An alien who has made the Declaration on International Protection shall also be obligated to submit himself/herself to a body search and a search of his/her personal things in case of a reasonable suspicion that the alien is concealing something which could be used as the basis for a decision, in particular a travel or another document or a thing which puts the life or health of people in danger, or alcohol or another addictive substance or electronic communication device. Section 45 will be applied to a body search and a search of the alien's personal things accordingly.

### CHAPTER III

#### PROCEEDINGS ON INTERNATIONAL PROTECTION

Section 5  
**Repealed**

Section 6  
**Repealed**

Section 7  
**Repealed**

**Title omitted**

Section 8

The competence of the Ministry shall include

- a) the proceedings on the granting of international protection and proceedings for the withdrawal of asylum or subsidiary protection,
- b) determining a Member State of the European Union competent to examine an application for granting of international protection 4a), unless this falls within the competence of the Czech Republic.

#### Section 9

The Rules of Administrative Procedure shall apply to the proceedings on the granting of international protection and to the proceedings for the withdrawal of asylum or subsidiary protection, except for the provision on delivering to the delivery address or electronic address notified by the participant 5), the provision on delivering written documents to be delivered in one's own hands and delivered in another manner upon request 5a), the provision on delivering to addressees residing abroad 5b), also the provision on official board 5c), on appointment of a guardian for persons whose residence is unknown and persons residing abroad, if deliveries for them are not successful 5d), and on appointment of a representative for delivering 5e), and also provision to enable inspections of files by persons other than participants and their representatives 5f), on oral negotiations 5g), on provision of an exact copy of the decision upon the participant's request 5h), on time limits to make a decision 5i), and the provision on the appellate procedure and remonstrance procedure 5j).

#### Section 10

##### **Commencement of Proceedings**

(1) The proceedings on the granting of international protection shall be commenced by filing an application for international protection in the form attached as Schedule No. 1.

(2) An alien who has made the Declaration on International Protection is entitled to file an application for international protection.

(3) The Ministry shall invite an alien in writing without undue delay to file an application for granting of international protection; the invitation shall specify the place and time limit for filing the application. In the invitation the Ministry shall inform the alien in writing in his/her mother tongue or in a language in which he/she is able to communicate of the rights and obligations of an applicant for international protection and on the right to turn with a request for help to a natural person or legal entity engaged in providing legal assistance or in the protection of refugees, and to the Office of the United Nations High Commissioner for Refugees (hereinafter the "Office of the High Commissioner") at any time. If the information cannot be stated in the invitation, the Ministry shall inform the applicant for international protection in a sufficient period of time but not later than 15 days from the date of the Declaration on International Protection.

(4) If the proceedings on the granting of international protection have been terminated pursuant to Section 25(a), (d) or (h) or if an application for granting of international protection has been rejected as manifestly unfounded pursuant to Section 16(1)b) or (h) or Section 16(2) and the Czech Republic is competent to examine a new application for international protection 4a), new proceedings on the matter will be held 5k).

#### Section 10a

##### **Inadmissibility of an Application for International Protection**

The application for international protection shall be inadmissible

- a) if it was filed by a citizen of the European Union 5l) who does not comply with the conditions stipulated by the law of the European Community 5m)
- b) if another Member State of the European Union is competent to examine the application for international protection 4a)
- c) if the alien was awarded the refugee status pursuant to an international agreement 1b) by another Member State of the European Union,
- d) if the alien might have found effective protection in the first asylum country, or
- e) if the alien repeatedly filed an application for granting of international protection without stating any new facts or findings, which were not, for reasons for which the alien is not to blame, examined as reasons for granting international protection in previously legally completed proceedings on international protection.

#### Section 10b

### **Transportation of an Applicant for International Protection to the Member State of the European Union Competent to Examine the Application for International Protection**

If the proceedings on granting of international protection has been discontinued due to inadmissibility of the application for international protection pursuant to Section 10a(b), the Ministry shall ensure transportation of the applicant for international protection to the Member State of the European Union competent to examine the application for international protection 4a).

#### Section 10c

### **Transportation of an Applicant for International Protection if the Czech Republic is Competent to Examine the Application for International Protection**

In case the Czech Republic is competent to examine an application for international protection 4a) the Ministry shall ensure transportation of the applicant for international protection from a border crossing to the reception centre or accommodation centre designated by the Ministry.

#### Section 11

Proceedings on withdrawal of asylum or subsidiary protection shall be initiated by the Ministry.

### **Reasons for Granting Asylum**

#### Section 12

Asylum shall be granted to an alien if it is established in the proceedings on the granting of international protection that the alien

- a) is persecuted for exercising political rights and freedoms, or
- b) has a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion in the country of which he/she is a citizen or, in case of a stateless person, in the country of his/her last permanent residence.

#### Section 13

### **Asylum for the Purpose of the Family Reunification**

- (1) A family member of a recognised refugee who has been granted asylum pursuant

to Section 12 or Section 14 shall be granted asylum for the purpose of the family reunification in a case requiring special consideration even if no reason for granting international protection pursuant to Section 12 has been ascertained in his/her case.

(2) For the purposes of the family reunification under Subsection 1, a family member is

- a) the recognised refugee's spouse,
- b) the recognised refugee's unmarried child under 18 years of age,
- c) a parent of a recognised refugee under 18 years of age, or
- d) an adult responsible for an unaccompanied minor pursuant to Section 2(11).

(3) The granting of asylum to the spouse of a recognised refugee for the purpose of the family reunification shall be conditional upon continued marriage before the granting of asylum to the recognised refugee. The granting of asylum to the partner of a recognised refugee for the purpose of the family reunification shall be conditional upon continued partnership before the granting of asylum to the recognised refugee.

(4) In case of a polygamous marriage, if the recognised refugee already has a spouse living together with him/her in the territory of the Czech Republic, asylum may not be granted for the purposes of the family reunification to another person who is the recognised refugee's spouse pursuant to the legal regulations of another state.

#### Section 14 **Humanitarian Asylum**

If no reason for granting asylum pursuant to Section 12 is found during the proceedings on the granting of international protection, asylum may be granted for humanitarian reasons in a case requiring special consideration.

#### **Reasons for Granting Subsidiary Protection**

##### Section 14a

(1) Subsidiary protection shall be granted to an alien who has not met the reasons for granting of asylum if it has been established in the proceedings on the granting of international protection that a well-founded concern exists in his/her case that if the alien is returned to the country of which he/she is a citizen or, in case of a stateless person, to the country of his/her last permanent residence, he/she will face an actual risk of serious harm pursuant to Subsection (2) and that he/she is unable to, or due to such concern, unwilling to avail himself/herself of the protection of the country of which he/she is a citizen or the country of his/her last permanent residence

(2) For the purposes of the Act, serious harm means

- a) imposition or enforcement of capital punishment,
- b) torture or inhuman or degrading treatment or punishment of an applicant for international protection,
- c) serious threat to life or human dignity by reason of malicious violence in situations of international or internal armed conflict, or
- d) if the fact that the alien leaves the country would contradict the international obligations of

the Czech Republic.

#### Section 14b

### **Subsidiary Protection for the Purposes of the Family Reunification**

(1) A family member of a person under subsidiary protection shall be granted subsidiary protection for the purpose of the family reunification in a case requiring special consideration even if no reason for granting of international protection has been established in the proceedings on the granting of international protection in his/her particular case.

(2) For the purposes of the family reunification pursuant to Subsection (1) a family member is

- a) a spouse or a partner of the person under subsidiary protection,
- b) an unmarried child of the person under subsidiary protection under 18 years of age,
- c) a parent of the person under subsidiary protection under 18 years of age, or
- d) an adult responsible for an unaccompanied minor pursuant to Section 2(11).

(3) The granting of asylum to the spouse of a person under subsidiary protection for the purpose of the family reunification shall be conditional upon continued marriage before the granting of subsidiary protection to the alien. The granting of asylum to the partner of a person under subsidiary protection for the purpose of the reunification of a family shall be conditional upon continued partnership before the granting of subsidiary protection to the alien.

(4) In case of a polygamous marriage, if the person under subsidiary protection already has a spouse living together with him/her in the territory of the Czech Republic, subsidiary protection may not be granted for the purposes of the family reunification to another person who is the spouse of the person under subsidiary protection pursuant to legal regulations of another state.

### **Reasons Excluding the Granting of International Protection**

#### Section 15

(1) Asylum may not be granted even if the reasons referred to in Section 12 are established, in case there is a well-founded suspicion that the alien who filed an application for granting of asylum

- a) committed a crime against peace, a war crime or a crime against humanity within the meaning of international documents which contain provisions on such crimes,
- b) committed a serious non-political crime outside the Territory prior to the filing of the application for granting of asylum, or
- c) committed acts that are contrary to the principles and goals of the United Nations Organisation.

(2) Subsection (1) will apply accordingly to an alien instigating another person to commit the crimes listed in Subsection (1) or participating in committing such acts.

(3) Furthermore, asylum cannot be granted if

- a) the alien avails himself/herself of the protection or enjoys the support from United Nations

Organisation bodies or professional organisations other than the Office of the High Commissioner; if for any reasons the protection or support is not granted to persons for whom the final decision on their status has not been made pursuant to the provisions of the relevant resolutions made by the United Nations General Assembly, the provisions of this Act shall apply to him/her,

b) the alien is recognized by the relevant authorities of the country in which he/she has settled in as the place of his/her residence to be a person who has been granted the rights and obligations equivalent to the citizenship of such country; this shall not apply in case of the country in which he/she faces a risk of persecution pursuant to Section 12.

#### Section 15a

(1) Subsidiary protection pursuant to Section 14a or 14b cannot be granted even if the reasons referred to in Section 14a are established, in case there is a well-founded suspicion that the alien who filed an application for granting of international protection

a) committed a crime against peace, a war crime or a crime against humanity within the meaning of international documents which contain provisions on such crimes,

b) committed an extremely serious crime,

c) committed acts that are contrary to the principles and goals of the United Nations Organisation, or

d) could threaten the security of the state.

(2) Subsection (1) will apply accordingly to an alien instigating another person to commit the crimes listed in Subsection (1) or participating in committing such acts.

(3) Furthermore, subsidiary protection cannot be granted to an alien who has committed one or more crimes other than the crimes referred to in Subsection (1) outside the Territory, if he/she has left the country of which the alien is a citizen, or in case of a stateless person, the country of his/her last permanent residence, only with the aim to avoid criminal prosecution for such crimes provided that these crimes could be punished by imprisonment in the Czech Republic.

#### Section 16

(1) An application for granting of international protection shall be rejected as manifestly unfounded if the applicant

a) refers to economic reasons only,

b) submits incorrect data on his/her identity or citizenship or refuses to provide such data without a serious reason,

c) applies for granting of international protection only to escape from a situation of general destitution,

d) arrives from a country which the Czech Republic considers to be a safe third country or a safe country of origin unless it is proven that in his/her particular case this country cannot be deemed to be such country,

e) holds more than one citizenship and failed to avail himself/herself of the protection of any of the countries of which he/she is a citizen unless the alien proves that he/she could not avail himself/herself of such protection for reasons referred to in Section 12 or 14a,

f) does not state any fact evidencing that he/she could be exposed to persecution for reasons specified in Section 12 or that he/she is under threat of serious harm pursuant to Section 14a,

g) submits manifestly untrustworthy facts, or

h) with the aim of aggravating the establishment of the actual state of the matter he/she destroyed, damaged or concealed his/her travel document or any other material instrument and/or submitted falsified or altered travel document or any other instrument with the same aim.

(2) An application for international protection shall also be rejected as manifestly unfounded if it is apparent from the applicant's procedure that he/she has filed it with the aim to avoid a threatening expulsion, extradition or transfer for criminal prosecution to a foreign country although he/she might have applied for granting of international protection earlier, unless the applicant proves the contrary.

(3) A decision to reject an application due to its manifestly unfounded nature shall be issued not later than 30 days from the date of commencement of the proceedings on the granting of international protection.

(4) An unaccompanied minor's application may not be dismissed as manifestly unfounded.

### **Reasons for Withdrawal and Termination of Asylum or Subsidiary Protection**

#### Section 17

(1) Asylum granted for a reason under Section 12 shall be withdrawn if

a) the recognised refugee submitted untrue data and/or concealed any facts relevant for the reliable establishment of the actual state of the matter before the asylum was granted,

b) the recognised refugee voluntarily re-availed himself/herself of the protection of the country of which he/she is a citizen or the country of his/her last permanent residence,

c) the recognised refugee voluntarily regained the citizenship of the country which he/she had left for reasons of well-founded fear of being persecuted,

d) the recognised refugee obtained a new citizenship and therefore has the option to avail himself/herself of the protection of such country,

e) the recognised refugee voluntarily stays in the country which he/she left for reasons referred to in Section 12,

f) the recognised refugee can avail himself/herself of the protection of the country of which he/she is a citizen since the reasons for which asylum was granted no longer subsist, or

g) the recognised refugee has no citizenship and can return to the country of his/her last permanent residence since the reasons for which asylum was granted no longer subsist,

h) the recognised refugee should have been or has been excluded from the possibility of granting asylum for the reasons pursuant to Section 15,

i) well-founded reasons exist for why the recognised refugee should be considered to constitute a threat to the security of the state, or

j) the recognised refugee was effectively sentenced for an extremely serious crime and therefore constitutes a threat to the security of the state.

(2) When considering the reasons referred to in Subsection (1)(f) and (g) it should be taken into account whether the change in circumstances is of such a significant and non-temporary nature that the reasons for which the recognised refugee has been granted asylum can no longer be regarded as well-founded.

(3) If the reason for which asylum has been granted for the purpose of the family reunification ceases to subsist and no other reason for its retention is found that requires consideration, asylum granted for the purpose of the family reunification shall be withdrawn.

(4) If the reason for which humanitarian asylum has been granted ceases to subsist and no other reason for its retention is found that requires consideration, asylum granted for humanitarian reasons shall be withdrawn.

(5) If the recognised refugee who has been granted asylum for the purposes of the family reunification should have or has been excluded from the possibility of being granted asylum due to reasons referred to in Section 15 or if he/she has been effectively sentenced for an extremely serious crime and therefore constitutes a threat to the security of the state, asylum shall be withdrawn.

#### Section 17a

(1) Subsidiary protection granted pursuant to Section 14a shall be withdrawn if

a) circumstances due to which subsidiary protection has been granted have ceased to exist or changed to such extent that subsidiary protection is no longer necessary,

b) a person under subsidiary protection should have been or has been excluded from the possibility of being granted subsidiary protection for reasons stated in Section 15a, or

c) misrepresentation or omission of certain facts including use of false or altered documents has been decisive for granting of subsidiary protection.

(2) When considering the reasons specified in Subsection (1), the Ministry shall consider whether the change in circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary protection no longer faces an actual risk of serious harm.

(3) If the reason for which subsidiary protection has been granted for the purpose of the family reunification ceases to exist and if no other reason requiring special consideration is ascertained for its continuation, subsidiary protection for the purpose of the family reunification shall be withdrawn.

(4) If a person under subsidiary protection for the purpose of the family reunification should have been or has been excluded from the possibility of being granted subsidiary protection for the reasons stated in Section 15a, subsidiary protection shall be withdrawn.

#### Section 18

International protection shall terminate

a) upon the death of the recognised refugee or the person under subsidiary protection or if the refugee or the person under subsidiary protection is pronounced dead,

- b) upon granting to the recognised refugee the citizenship of the Czech Republic 6),
- c) by way of a written declaration by the recognised refugee or the person under subsidiary protection on his/her waiver of asylum or subsidiary protection, or
- d) once the period of the right to stay in the Territory granted to the person under subsidiary protection expires (Section 53a).

## **Joint Provisions on Proceedings**

### Section 19

(1) The Ministry is entitled to establish any and all data required for issuing decisions on the matter of international protection. When establishing the data pursuant to the first sentence, the Ministry will take into consideration the protection of an applicant for granting of international protection and his/her family members in the country of which the applicant is a citizen or in case of a stateless person, a country of his/her last permanent residence. The Ministry or other state or public administration bodies, if applicable, shall not disclose any information regarding the application for granting of international protection to any person who is allegedly responsible for persecution or serious harm in any manner, and shall not obtain any information on the applicant for granting of international protection from any person who is allegedly responsible for persecution or serious harm in connection with the proceedings on international protection.

(2) The Ministry shall inform the participant in the proceedings about its obligation to care for personal data protection.

(3) When considering an application for granting international protection, the Ministry shall ensure that the materials required for the issuance of the decision are prepared by a qualified person.

### Section 20

#### **Participant in the Proceedings**

(1) A participant in the proceedings under this Act is

- a) an applicant for international protection,
- b) a recognised refugee with whom the proceedings for the withdrawal of asylum have been commenced,
- c) a person under subsidiary protection with whom the proceedings for the withdrawal of subsidiary protection have been commenced.

(2) During the entire course of the proceedings, the participant in the proceedings is entitled to be represented on the basis of a power of attorney; if such power of attorney is not granted to an attorney-at-law, the participant's signature affixed to the power of attorney must be officially certified. A power of attorney may not be granted to receive a decision made by the Ministry in the matter of international protection.

### Section 21

(1) A participant in the proceedings is entitled to request assistance from a legal entity or natural person engaged in providing legal assistance to refugees; the Ministry shall contribute to the payment of costs related to the provision of such assistance, at no charge, to a legal entity or natural person who has entered into a written agreement on the provision of legal assistance with the Ministry.

(2) The provision of Subsection (1) shall be without prejudice to the right of the participant in the proceedings to obtain legal assistance provided on the basis of another legal regulation; the costs related to the provision of such legal assistance shall be borne by the participant in the proceedings.

(3) A participant in the proceedings is entitled to be in touch with the legal entity or natural person providing legal assistance to him/her. In an asylum facility, legal assistance may be provided only on the premises designated for such purpose by the operator of the asylum facility.

## Section 22

(1) A participant in the proceedings is entitled to use his/her mother tongue or a language in which he/she is able to communicate during the course of the proceedings. For this purpose, the Ministry shall provide the participant, at no charge, with an interpreter for the entire course of the proceedings.

(2) A participant in the proceedings is entitled to engage an interpreter of his/her own choice at the participant's own costs.

## Section 23

### **Interview**

(1) An authorized employee of the Ministry shall conduct an interview with the applicant for international protection in order to establish the data necessary to make a decision. The interview shall be entered in a record. The interview shall not be conducted in case the proceedings on granting of international protection may be terminated due to inadmissibility of the application for international protection.

(2) The applicant for international protection is obligated to appear for the interview at the place and time determined by the Ministry. If he/she fails to appear for the interview in accordance with the first sentence, the fact shall be recorded.

(3) For reasons that require special consideration or upon an explicit request of the applicant for international protection, the Ministry shall arrange that the interview shall be conducted and, if feasible on the part of the Ministry, interpreting shall be provided by a person of the same gender.

(4) The interview with an applicant for granting international protection shall be conducted by a qualified person.

## Section 23a

The Ministry shall not make copies of the file or any part thereof.

## Section 23b

Instead of submission of a written document, the Ministry may admit an affirmation made by the applicant for international protection. The applicant for international protection shall be obligated to give complete and true information in the affirmation.

## Section 24

### **Serving of Documents on Applicants for International Protection**

(1) Documents shall be delivered to the applicant personally at the place of his/her registered address (Section 77) or to the delivery address under the conditions pursuant to

## Subsection 2.

(2) For the purposes of this Act, the delivery address shall mean the address of the asylum facility agreed by the applicant for international protection and the Ministry. The written record of the agreement shall state the first name, surname and date of birth of the applicant for international protection and the date from which documents should be delivered to the delivery address or the date by which documents should be delivered to the delivery address, and the address of the asylum facility. The Ministry shall deliver to the applicant for international protection to the delivery address only if the applicant for international protection states that it will be valid at least for a period of 15 days; in other cases, documents shall be delivered to the registered address. The delivery address may not be agreed earlier than one year from the date of commencement of the proceedings on granting of international protection. Any change to the delivery address shall be agreed between the applicant for international protection and the Ministry; the second sentence shall apply accordingly.

(3) If the applicant for international protection is not reached at the place of delivery, the deliverer shall deposit the document in the local premises of the post licence holder, at the municipal office or at the reception or accommodation centre where the applicant for international protection has his/her registered address, and shall notify the applicant for international protection thereof in an appropriate manner. Should the addressee fail to collect the document within a period of 3 days after it is deposited, the last day of this period shall be deemed the day of delivery.

(4) If the applicant for international protection was unable to collect the document due to his temporary absence or due to another serious reason for which he/she is not to blame, he/she may claim an obstacle in delivery within 15 days of the day it ceased to exist. The applicant for international protection shall receive the document within the same period of time. The obstacle may be claimed within 1 year of the day the document was deposited.

(5) The Ministry shall issue a decision on whether the document has been delivered, against which no remonstrance may be filed.

(6) The document for an applicant for international protection whose residence is unknown shall be deposited, for a period of 10 days, in the reception or accommodation centre where the applicant for international protection has his/her registered address or, if he/she has his/her registered address outside an asylum facility, in the asylum facility designated by the Ministry which is the nearest to the place of his/her registered address. The information on depositing the document shall be put on an official board in the reception or accommodation centre. The last day of this period shall be deemed the day of delivery.

### Section 24a Delivery of Decision

(1) An exact copy of the written decision shall be delivered to the participant in the proceedings at the place and time determined in the written invitation to receive the decision. The signature of an authorized person on the exact copy of the decision may be replaced with the clause "Signed in person" or with the abbreviation thereof, i.e. "v. r.", and the clause "Person responsible for correctness of the copy" with specification of the name(s), surname and signature of the person responsible for preparation of the written decision.

(2) Should the applicant for international protection fail to appear to receive the decision on the day specified in the invitation in spite of having been delivered the invitation, the day specified in the invitation for receipt of the decision shall be deemed to be the day of delivery of the decision to the applicant for international protection.

### Section 24b Official Board

The Ministry shall establish an official board in asylum facilities.

Section 25  
**Discontinuation of Proceedings**

The proceedings shall be discontinued if:

- a) the applicant for international protection withdrew the application for granting of international protection,
- b) the reason for proceedings commenced on the Ministry's initiative no longer subsists,
- c) the participant died during the course of the proceedings,
- d) the applicant for international protection failed to appear for an interview without any serious reason (Section 23(2)) or fails to provide information required for the reliable establishment of the actual state of the matter and a decision cannot be made on the basis of the facts established so far,
- e) the applicant for international protection failed to remove a defect in the filing within the period of time set by the Ministry and the proceedings cannot continue due to this reason,
- f) the period of suspension of proceedings has lapsed to no effect (Section 26) except for the suspension of the proceedings for health reasons and provided that a decision on the matter cannot be made on the basis of the documents on file,
- g) the applicant for international protection has been granted citizenship of the Czech Republic in the course of the proceedings,
- h) the applicant for international protection has made an unauthorized entry or an attempt at unauthorized entry in the territory of another country during the course of the proceedings,
- i) the application for international protection is inadmissible.

Section 26  
**Suspension of Proceedings**

The proceedings may be suspended

- a) for a maximum period of 14 days if the participant in the proceedings was requested to remove the defect in the filing within the stipulated period of time, or
- b) for a necessarily required period of time which, however, shall not exceed 90 days if the participant in the proceedings cannot attend the proceedings due to health or other significant reasons of a long-term nature.

Section 27  
**Decision**

A decision shall be issued by the Ministry on the matter within 90 days of the date of commencement of the proceedings. If, with respect to the nature of the matter, a decision cannot be made within this period of time, the Ministry may extend this period appropriately. It shall notify the participant in the proceedings in writing of the extension of the period without undue delay.

Section 28

(1) International protection shall be granted in the form of asylum or subsidiary protection; if the Ministry establishes, while making its decision, that the reasons for granting asylum have been fulfilled pursuant to Section 12, 13 or 14, it shall grant asylum preferentially.

(2) If the Ministry decides that there are no reasons for granting either form of international protection, it shall justify its decision in relation to both forms of international protection.

(3) If the Ministry rejects the application for international protection as manifestly unfounded due to the fact that the alien came from a safe third country, its decision will be accompanied by a document notifying the safe third country in its official language that during the proceedings on granting of international protection the compliance with reasons for granting asylum or subsidiary protection was not considered.

(4) If the Ministry decides to withdraw asylum, it shall specify in its decision whether or not the alien will be granted subsidiary protection.

### **Remonstrance**

Section 29  
**Repealed**

Section 30  
**Repealed**

Section 31  
**Repealed**

### **Legal Force of Decisions on International Protection**

Section 31a

The decision of the Ministry on the international protection matter becomes legally effective on the day of serving.

## **CHAPTER IV**

### **REVIEW OF DECISIONS ON INTERNATIONAL PROTECTION BY COURT**

#### **Title omitted**

Section 32

(1) An action against the decision of the Ministry on the international protection matter 1b) may be filed within 15 days of the serving of the decision.

(2) Within 7 days of the serving of the decision, an action may be filed against the decision on the application for granting of asylum

a) which rejects the application as manifestly unfounded,

b) which was served in an aliens detention centre, or 3)

c) by which the proceedings on granting of international protection were discontinued due to inadmissibility of the application for international protection.

(3) The filing of an action pursuant to Subsection (1) and (2) has a dilatory effect, except for an action against discontinuation of the proceedings pursuant to Section 25 and an action against a decision pursuant to Section 16(1)(d) and (e).

(4) The proceedings on an action fall within the competence of the regional court in the jurisdiction in which the applicant for the granting of international protection (petitioner) has its registered address on the day of filing the action. The proceedings on an action filed by an applicant for international protection (petitioner) who has made the Declaration on International Protection in the transit zone of an international airport (Section 73) fall within the competence of the Regional Court in Prague.

(5) Filing of a cassation complaint against the decision of the regional court on the action against the decision made by the Ministry on the international protection matter pursuant to Subsection (1) and (2) shall have a dilatory effect.

### Section 33

The court shall discontinue the proceedings if

- a) the applicant for international protection (petitioner) died during the course of the proceedings,
- b) the place of stay of an applicant for international protection (petitioner) cannot be established,
- c) the applicant for international protection (petitioner) has made an unauthorized entry in the territory of another country during the course of the proceedings,
- d) the applicant for international protection (petitioner) has been granted citizenship of the Czech Republic in the course of the proceedings, or
- e) the applicant for international protection (petitioner) does not stay at his/her registered address and failed to notify the change of his/her registered address to the court.

### Section 33a

**Repealed**

### Section 33b

**Repealed**

## CHAPTER V

### Costs and Fee of an Interpreter

#### Section 34

(1) Costs of administrative proceedings on the international protection matter shall be borne by the Ministry.

(2) The Ministry shall bear the costs incurred due to the provision of services and pocket money (Section 42) to the applicants for international protection.

#### Section 35

The fee for the activity of an interpreter and payment of costs related to this activity shall be stipulated by agreement between the Ministry and the interpreter. The size of the fee and the payment of the costs shall not exceed the amount stipulated by special legal

regulations 8).

## CHAPTER VI

### OFFICE OF THE HIGH COMMISSIONER

#### Section 36

The Ministry shall inform the Office of the High Commissioner upon request about the number of proceedings commenced pursuant to this Act.

#### Section 37

(1) The Ministry or other state or public administration bodies, if applicable, shall allow an authorized representative of the Office of the High Commissioner upon its request and promptly

- a) to make contact with a participant in the proceedings at any time,
- b) to inspect the file of a participant in the proceedings,
- c) to be present during an interview and oral hearing.

(2) The inspection of a file shall be conditional upon prior consent from the participant in the proceedings; this shall not apply in case of a well-founded assumption that the participant is no longer in the Territory. A similar consent shall be required with respect to the presence of an authorized representative of the Office of the High Commissioner at an oral hearing.

(3) The office of the High Commissioner may use the data obtained by it during the inspection of a file or during an oral hearing only for the needs of performing its tasks in the area of international protection.

#### Section 38

A participant in the proceedings pursuant to this Act shall be entitled to be in contact with the Office of the High Commissioner and with other organizations which are engaged in the protection of the rights of refugees for the entire course of the proceedings.

#### Section 39

The Ministry shall submit the following to the Office of the High Commissioner

- a) a copy of the decision issued in the proceedings pursuant to this Act,
- b) statistical information on proceedings pursuant to this Act.

#### Section 40

When obtaining information about persons who made the Declaration on International Protection (Section 3), the Office of the High Commissioner shall follow the provisions of this Chapter in so far as they are relevant.

## CHAPTER VII

### RIGHTS AND OBLIGATIONS

#### Part 1

## **Rights and Obligations of an Applicant for International Protection**

### **Section 41**

(1) When filing his/her application for granting of international protection, an alien is obligated to deliver his/her travel document to the Ministry; this shall not apply if he/she stays in the Territory based on a residence permit. The travel document shall be surrendered for the period of the proceedings. An alien to whom the obligation of delivering the travel document does not apply shall submit his/her travel document when filing an application for granting of international protection.

(2) The Ministry shall deliver the travel document of an alien who stays in a reception centre at an international airport to the Police without undue delay for the purpose of terminating his/her stay if

a) the alien did not file an action 1b) against the decision to reject the granting of international protection or if the action does not have a dilatory effect,

b) the alien did not file a cassation complaint 8a).

(3) If a decision has been made to grant asylum, the Ministry shall deliver the travel document to the Police for the purpose of its custody for the term of its validity.

### **Section 42**

(1) An applicant for international protection who has his/her registered address at an asylum facility will be provided with

a) accommodation, food, basic hygiene articles and

b) pocket money under the conditions stipulated in Section 42a.

(2) In addition to the services specified in Subsection (1)(a), the Ministry may ensure psychological, health, social and other necessary services and things with regard to the individual needs of the applicant for international protection and to support conflict-free common life in asylum facilities.

(3) An applicant for international protection who has his/her registered address at an asylum facility shall participate in payment of costs of food and accommodation. Only the financial means of the applicant for international protection that exceed the amount of the subsistence minimum 9) of the applicant and persons examined together with him/her may be used for payment of the costs of accommodation and food; for the purposes of this Act, persons examined together with him/her shall mean persons specified in Section 4(1)(a) to (c) of the Act on the subsistence minimum under the conditions specified in Section 4(2) and (3) of the Act on the subsistence minimum.

(4) With regard to the possibilities of the asylum facility to provide food, the applicant for international protection may be given, instead of food, a financial contribution in an amount corresponding to the subsistence minimum 9) of the applicant and persons examined together with him/her (Section 3). For the period of provision of the financial contribution there is no right to receive any pocket money.

(5) In a case requiring special consideration, the services pursuant to Subsection (1) or (2) may also be provided outside the asylum facility on the basis of a contract entered into with the Ministry and the service provider.

(6) In its decree, the Ministry shall determine financial payment for provided food and

accommodation in the amount of average necessary costs.

#### Section 42a

(1) Pocket money shall only be provided for the period during which the applicant for international protection is present in an asylum facility.

(2) The pocket money shall be paid in the payment term specified in the implementing legal regulation. If the applicant for international protection fails to appear to receive payment of the pocket money without a serious reason, the right to receive the pocket money for the payment term concerned shall cease to exist.

(3) If an applicant for international protection who is above 18 years of age is accommodated in a reception or accommodation centre, carries out activities in favour of the other applicants for granting of international protection which make adaptation to the environment in the asylum facility easier and at the same time contribute to the operation of the asylum facility and improvement of common life, he/she may receive increased pocket money. These activities may be carried out on the basis of assignment from the head of the asylum facility in a scope not exceeding 12 hours a month. The total amount of pocket money after such increase may be twice the amount of the pocket money specified by the implementing legal regulation.

(4) In its decree, the Ministry shall determine the amount of pocket money for a calendar day depending on the age of the applicant for pocket money for reception and accommodation centres.

#### Section 43

(1) An applicant for international protection with his/her registered address outside an accommodation centre shall cover the costs of living in the Territory from his/her own funds with the exception of medical care (Section 88).

(2) An applicant for international protection with a registered address outside an accommodation centre may be provided upon request and with regard to the proven property and financial situation of the applicant or his/her family with a financial contribution up to the amount of

a) 1.6 times the amount of the subsistence minimum of the applicant stipulated in the special legal regulation 9), if examined without any persons jointly with him/her (Section 42(3)),

b) 1.5 times the amount of the subsistence minimum of the applicant and persons examined together with him/her (Section 42(3)), if 2 to 3 persons are examined jointly,

c) 1.4 times the amount of the subsistence minimum of the applicant and persons examined together with him/her (Section 42(3)), if 4 persons are examined jointly,

d) 1.3 times the amount of the subsistence minimum of the applicant and persons examined together with him/her (Section 42(3)), if 5 or more persons are examined jointly; no financial contribution shall be provided if the alien remains in the Territory on the basis of a residence permit granted pursuant to the special legal regulation 4). A financial contribution can be provided during the period of the proceedings on granting of international protection not exceeding 3 months.

(3) Proceedings for the provision of a financial contribution pursuant to Subsection (2) fall within the powers of the Ministry.

(4) The applicant for a financial contribution pursuant to Subsection (2) is obligated to

state his/her financial and property situation or the financial and property situation of his/her family, if applicable, in the form of an affirmation, and evidence the same by all documents available.

(5) A financial contribution may not be provided if

a) the liability for payment of costs of accommodation is borne by a legal entity or natural person 9a),

b) the applicant for the financial contribution stated untrue data regarding his/her financial and/or property situation or the financial or property situation of his/her family,

c) the applicant for the financial contribution did not inform about facts decisive for the provision of the financial contribution or about any change therein, and/or

d) the applicant for the financial contribution has repeatedly filed an application for granting of asylum.

(6) The financial contribution shall be paid by the Ministry in the applicable asylum facility.

#### Section 44

The applicant for international protection shall be entitled to be provided with shared accommodation in the asylum facility where he/she has their registered address together with his/her spouse, a direct relative or a close person if these are applicants for granting of asylum and agree to that. Close persons are deemed to be persons declaring that they have personal relations with each other.

### **Obligations of an Applicant for International Protection**

#### Section 45

(1) An applicant for international protection shall report the financial funds available to him/her and submit anything that endangers the life or health of people, or alcohol and other addictive substances during the period of time of his/her stay in an asylum facility. An applicant for international protection accommodated in a reception centre shall be obligated to submit any electronic communication device.

(2) In case of a reasonable suspicion that an applicant for international protection has failed to report the financial funds available to him/her, or has failed to submit a thing that endangers the life or health of people, or alcohol and other additive substances, or is hiding something that may be used as information needed to issue a decision, in particular a travel document or another document, he/she shall be obliged to submit himself/herself to a body search and a search of his/her personal things. Furthermore, an applicant for international protection accommodated in a reception centre shall be obligated to submit himself/herself to a body search and a search of his/her personal things in case of a reasonable suspicion that he/she failed to submit any electronic communication device.

(3) The search shall be carried out by the Police upon request of the Ministry upon the arrival of the alien at a reception centre or at any time during his/her stay in an asylum facility if the reasons referred to in Subsection (1) are discerned. The Police shall withdraw any thing that endangers the life or health of people, or alcohol and other additive substances or an electronic communication device found during a body search and a search of his/her personal things, and submit them to the Ministry for the purpose of their custody. The Police shall make a record on the body search.

(4) The body search shall be carried out by a person of the same sex.

(5) The Police shall take away for the period of the proceedings on granting of international protection anything discovered during the body search or search of personal belongings pursuant to Subsection (2) which may serve as evidence in the proceedings on granting of international protection or in determination of the Member State of the European Union competent to examine the application for international protection (4a), and shall deliver it to the Ministry.

#### Section 46

(1) An applicant for international protection may not leave a reception centre until

a) identification acts pursuant to Section 47 are completed,

b) a medical examination is completed aimed at establishing whether the participant suffers an illness which endangers his/her life or health or the life or health of other persons,

c) a visa is issued for him/her to stay in the Territory for up to 90 days for the purposes of the proceedings on granting of international protection (hereinafter the "visa for the purpose of the proceedings on granting of international protection") and a certificate of the applicant for international protection is issued (Section 57),

d) quarantine or other measures related to the protection of public health are completed if these can take place in the reception centre.

(2) An applicant for international protection may not leave a reception centre at an international airport even after the acts referred to in Subsection (1) are completed.

(3) An alien for whom the proceedings on granting of international protection has been discontinued due to inadmissibility of his/her application for international protection pursuant to Section 10a (b) may not leave a reception or accommodation centre until he/she is transported to a Member State of the European Union competent to examine the application for international protection unless he/she leaves in order to travel out of the Territory.

(4) The case of leaving the reception centre for the purposes of provision of urgent healthcare or a medical examination that cannot be performed in the reception centre and is aimed at finding out whether or not the applicant for international protection suffers from an illness endangering his/her life or the lives or health of other people shall not be considered a case of leaving the reception centre pursuant to Subsection (1).

(5) The case of leaving an asylum facility for the purpose of presence of the applicant for international protection or an alien in an ordered hearing before a public authority body, provision of urgent healthcare or medical examination is aimed at finding out whether or not the applicant for international protection suffers from an illness endangering his/her life or the lives or health of other people in case it cannot be performed in the reception centre shall not be considered a case of leaving the reception centre pursuant to Subsection (2) or (3). In cases of leaving the asylum facility in accordance with the first sentence, the Police shall provide the applicant for international protection or the alien with accompaniment upon request of the Ministry.

(6) The Ministry shall carry out the acts referred to in Subsection (1) (a), (b) and (c) without undue delay.

(7) The provisions of Subsections (1) and (2) shall not apply to an alien who stays in the Territory on the basis of a residence permit granted under a special legal regulation (4).

## Section 46a

(1) The Ministry will decide that an applicant for international protection except for applicants who are unaccompanied minors, parents or family with handicapped minors or persons of full age, seriously handicapped persons, pregnant women or persons who have been tortured, raped or subject to any other forms of mental, physical or sexual violence, should stay in a reception centre until leaving the Territory but never more than 120 days

- a) if the applicant's identity was not established in a reliable manner,
- b) if the applicant produced falsified or altered identity documents, or
- c) in case of a well-founded assumption that the applicant could threaten security of the state,  
if it shall not contradict the international obligations of the Czech Republic.

(2) The decision of the Ministry pursuant to Subsection (1) becomes legally effective on the day of service.

(3) Within 7 days after the service of the decision, an action may be filed against the decision of the Ministry pursuant to Subsection (1); the filing of an action does not have a dilatory effect.

(4) For the validity period of the decision pursuant to Subsection (1) the Ministry reviews the reasons for the continuance of the applicant's stay in a reception centre. In the decision pursuant to Subsection (1) the Ministry notifies the applicant of his/her right to request that the reasons for his/her stay in reception centre be reviewed after one month from the effective date of the decision of the Ministry or, in case the applicant filed an action, from the effective date of the decision on the action.

(5) The proceedings on an action fall within the competence of the regional court in the jurisdiction of which the applicant for the granting of international protection (petitioner) has the registered address on the day of filing the action. The court deals with the action preferentially 9c).

(6) Section 46(5) will be applied similarly to applicants for the granting of international protection pursuant to Subsection (1).

(7) An alien compulsorily staying in a reception centre pursuant to Subsection (1) on the effective date of the judgement of the regional court on the action against the decision of the Ministry under which

- a) international protection is not granted or may not be granted,
- b) application for granting of international protection is rejected as manifestly unfounded, or
- c) the proceedings on the granting of international protection is discontinued,  
shall be entitled to file a cassation complaint within 15 days after the effective date of the judicial decision, unless the court discharged the decision of the Ministry.

(8) An alien who failed to file or expressly waived his/her right to file a cassation complaint pursuant to Subsection (7), or if the court decides that the cassation complaint does not have a dilatory effect, is obligated to leave the Territory immediately and not later than within 30 days after the effective date of the decision of the regional court on the action or after the effective date of the decision pursuant to which the cassation complaint does not have a dilatory effect.

(9) If an alien filed a cassation complaint within the period stipulated in Subsection (7) and if at the same time he/she applied for the granting of a dilatory effect with respect to such complaint, he/she is not obligated to leave the Territory until the judicial decision on the dilatory effect of the cassation complaint.

#### Section 47

(1) An applicant for international protection shall be obligated to submit himself/herself to fingerprinting and photographing with the aim to find out or verify his/her identity. The fingerprinting is ensured by the Police; the photographing is ensured by the Ministry.

(2) An applicant for international protection shall submit himself/herself to a medical examination if it is necessary for the protection of public health 9c).

#### Section 48

An applicant for international protection shall be obligated

- a) to respect the accommodation rules of asylum centres,
- b) to respect hygiene regulations on accommodation premises of the asylum facility and participate in maintenance of the hygiene standard on the premises of the asylum facility stipulated by the rules for accommodation,
- c) to fulfil orders and instructions in the asylum facility given by the Police and the Ministry while ensuring tasks in accordance with this Act, and
- d) to protect the property of the asylum facility as well as of the other residents.

#### Section 49

An applicant for international protection shall be obligated

- a) by submitting the certificate of an applicant for international protection (Section 57) to prove his/her identity or other facts entered in the certificate to relevant bodies,
- b) to protect the certificate of an applicant for international protection against damage, destruction, loss, theft or abuse; in case such circumstances occurred, to report them promptly to the Police,
- c) to surrender the certificate of an applicant for international protection which is invalid (Section 58),
- d) to surrender the certificate of an applicant for international protection to the Ministry after the proceedings are completed.

#### Section 49a

An applicant for international protection shall be obligated to provide the Ministry with the necessary assistance and to submit true and complete information during the course of the proceedings required to establish the information needed to issue a decision.

## **Part 2 Rights and Obligations of Refugees**

#### Section 50

The rights related to permanent residence of a refugee in the Territory shall not be affected by this Act.

#### Section 50a

(1) Upon a request submitted by a refugee not later than within 3 days after the decision to grant asylum becomes legally effective, the Ministry shall provide the refugee who was, as an applicant for asylum, provided with pocket money, with a single financial contribution in the amount of the subsistence minimum 9) of the person and persons examined together with him/her (Section 42(3)).

(2) The Ministry shall inform the alien in writing in his/her mother tongue or in a language in which he/she is able to communicate of his/her rights and obligations not later than within 3 days of the decision to grant asylum.

### **Obligations of a Recognized Refugee**

#### Section 51

A recognized refugee shall notify the Ministry of any facts relevant for the continuance of asylum status such as the granting of citizenship of the Czech Republic.

#### Section 52

A recognized refugee is obligated

- a) to protect his/her certificate of residence permit of a recognized refugee and his/her travel document against damage, destruction, loss, theft or abuse; in case such circumstances occurred, is obligated to report them promptly to the Police,
- b) by submitting the certificate of residence permit of a recognized refugee, to prove his/her identity or other facts entered in the certificate by virtue of law to the relevant bodies,
- c) to apply promptly to the Ministry for the issue of a new certificate of residence permit of a recognized refugee if the validity of his/her existing certificate has expired,
- d) to apply to the Ministry for an extension of validity of the certificate of residence permit of a recognized refugee before the validity of his/her certificate expires,
- e) to surrender his/her certificate of residence permit of a recognized refugee and his/her travel document to the Police in case his/her asylum is withdrawn or terminated. In case of the termination of asylum for a reason referred to in Section 18(a), the obligation shall apply to the person to whom the recognized refugee handed over the certificate or the person, who found the certificate,
- f) to surrender to the Police an invalid document issued pursuant to this Act,
- g) to report to the Police any period of stay outside the Territory exceeding 365 days.

#### Section 53

A recognized refugee shall be obligated to submit himself/herself to identification acts pursuant to Section 47 if legal reasons for the withdrawal of asylum arise.

### **Part 3**

### **Rights and Obligations of Persons under Subsidiary Protection**

### Section 53a

(1) The Ministry shall grant a residence permit for the Territory to a person under subsidiary protection for the period for which he/she faces serious harm pursuant to Section 14a, at least for 1 year, and shall provide such person with a certificate of residence permit with essential elements pursuant to Section 60a. If the reasons for which subsidiary protection has been granted continue or if the reasons referred to in Section 17a do not occur, the Ministry shall extend this period upon request submitted by the person under subsidiary protection at least 30 days prior to the expiry of the period for which subsidiary protection has been granted, even repeatedly, always by at least 1 year; the period of validity of the certificate of residence permit of the person under subsidiary protection shall also be extended. If the Ministry fails to decide on the application within the period of validity of the residence permit for the Territory, the residence permit granted for the Territory shall be extended until the day the decision on the application made by the Ministry becomes legally effective. If the filing of the application in the specified period was prevented by reasons independent of the alien's will, he/she shall have the right to file the application within 3 days after these reasons cease to exist.

(2) The Ministry shall inform the person under subsidiary protection in writing in his/her mother tongue or in a language in which he/she is able to communicate of his/her rights and obligations not later than within 3 days of the decision to grant subsidiary protection.

### Section 53b

A person under subsidiary protection shall be obligated

- a) to notify the Ministry of facts relevant for retaining subsidiary protection,
- b) to protect his/her certificate of residence permit of a person under subsidiary protection and his/her travel document against damage, destruction, loss, theft or abuse; in case such circumstances occurred, is obligated to report them promptly to the Police,
- c) by submitting the certificate of residence permit of a person under subsidiary protection, to prove his/her identity or other facts entered in the certificate by virtue of law to the relevant bodies,
- d) to surrender his/her certificate of residence permit of a person under subsidiary protection and his/her travel document to the Police in case his/her subsidiary protection is withdrawn or terminated. In case of termination of subsidiary protection for a reason referred to in Section 18(a), the obligation shall apply to the person to whom the recognized refugee handed over the certificate or the person, who found the certificate,
- e) to surrender to the Police an invalid document issued pursuant to this Act,
- f) to report to the Police any period of stay outside the Territory exceeding 365 days,
- g) to submit himself/herself to identification acts pursuant to Section 47 if legal reasons for the withdrawal of subsidiary protection arise.

### Section 53c

A person under subsidiary protection shall be considered a person with permanent residence in the Territory for the purposes of healthcare and employment.

## Part 4

## **Obligation of an Alien to Leave the Territory and Obligations of Other Persons**

### Section 54

(1) If an alien failed to file an application for international protection pursuant to Section 10 although the Ministry appealed him/her to do so, he/she will be detained by the Police in order to leave the Territory.

(2) An alien shall be obligated to leave the Territory within the period of time specified in the departure order pursuant to a special legal regulation 9d); if no departure order has been granted to the alien, the period of time shall be 30 days after the proceedings on granting of international protection have been completed in a legally effective manner.

(3) Subsection (1) and (2) shall not apply if the alien is entitled to remain in the Territory under a special legal regulation.

### Section 54a

#### **Voluntary Repatriation**

(1) If it is in the public interest, the Ministry may bear the costs related to the voluntary return

a) of an applicant who failed to file an application for international protection within the period of time pursuant to Section 10 based on his/her written request submitted within such period of time,

b) of an applicant for international protection based on his/her written request, or

c) of an alien based on his/her written request submitted in the course of the period of time for filing an action against the decision of the Ministry pursuant to Section 32(1) or (2), within 7 days after the decision on an action against the decision on the Ministry becomes legally effective pursuant to a special legal regulation 1b), in the course of the period for filing a cassation complaint, in the course of the cassation complaint proceedings 8a) or within 24 hours after the decision on a cassation complaint becomes legally effective, to his/her country of origin or another state.

(2) An alien who has filed an application for voluntary repatriation shall be regarded, for the purposes of healthcare (Section 88), accommodation, food and other necessary services, as an applicant for international protection, in particular until the moment of leaving or until the moment the Ministry informs him/her that it shall not pay the costs related to voluntary repatriation.

#### **Obligations of Other Persons**

### Section 55

Legal entities or natural persons that invited an applicant for international protection to the Territory according to a method stipulated in a special legal regulation 4) shall be obligated to cover the costs related to the stay of the applicant if the applicant's registered address is outside an accommodation centre, with the exception of the costs referred to in Section 88.

### Section 56

Any person who finds a certificate of an applicant for international protection, a certificate of residence permit of a recognized refugee, a certificate of residence permit of a person under subsidiary protection or a travel document shall be obligated to promptly

surrender the same to the Ministry or to any Police station.

#### Section 56a

(1) An airline company may not transport an alien to the territory of the Czech Republic who does not have a travel document.

(2) An airline company which has transported an alien to the territory of the Czech Republic pursuant to Subsection (1) shall transport such alien from the territory of the Czech Republic if at the time when the decision to reject the granting of international protection or to reject an application for granting of international protection as manifestly unfounded or to discontinue proceedings on the granting of international protection becomes legally effective, the alien is placed in a reception centre at an international airport.

#### Section 56b

A medical facility in which an alien is hospitalised shall enable the Ministry to perform necessary acts related to the proceedings on the granting of international protection, unless the performance of such obligation is prevented by a different legal regulation. The Ministry shall compensate the medical facility for any property damage incurred as a result of the performance of the obligation pursuant to the preceding sentence. The right to receive compensation for property detriment must be claimed no later than 30 days after the date of occurrence thereof; otherwise, the right shall cease to exist. If no agreement is reached, the compensation and the amount thereof shall be decided by a court.

### CHAPTER VIII

#### CERTIFICATE OF AN APPLICANT FOR INTERNATIONAL PROTECTION, CERTIFICATE OF RESIDENCE PERMIT OF A RECOGNIZED REFUGEE, CERTIFICATE OF RESIDENCE PERMIT OF A PERSON UNDER SUBSIDIARY PROTECTION, TRAVEL DOCUMENTS

##### **Part 1**

##### **Certificate of an Applicant for International Protection**

#### Section 57

(1) A certificate of an applicant for international protection shall be issued by the Ministry to an applicant for international protection within a maximum period of 3 days after the Declaration on International Protection.

(2) A certificate of an applicant for international protection shall be issued by the Ministry to an applicant for international protection within a maximum period of 3 days after the applicant for international protection arrives at an asylum facility if the application for international protection was filed during the period of arrest, imprisonment, or in an alien detention centre 3).

(3) A certificate of an applicant for international protection is a document proving its holder's identity. The holder of the certificate of an applicant for international protection shall not be obligated to prove the facts recorded therein in any other manner unless this is stipulated in a special legal regulation.

(4) The data on the identity of an applicant for international protection, on his/her citizenship, place of stay and on the visa issued (Section 72 and Section 85b) shall be recorded in the certificate of an applicant for international protection.

(5) The validity period of the certificate of an applicant for international protection shall be determined in accordance with the validity period of the visa for the purposes of the

proceedings on the granting of international protection. The validity period of the certificate of an applicant for international protection may be extended repeatedly. The applicant for international protection shall be present in person for the purposes of extending the validity period, making changes in or completing the data recorded in the certificate of an applicant for international protection; the Ministry may permit an exception due to a reason requiring special consideration.

(6) A sample certificate of an applicant for international protection is attached as Schedule No. 2.

#### Section 58

### **Invalidity of the Certificate of an Applicant for International Protection**

(1) A certificate of an applicant for international protection shall be invalid if

- a) the term of validity contained therein has expired,
- b) its loss or theft was reported,
- c) its holder died or was pronounced dead, or
- d) a decision made by the Ministry in the matter of international protection or a judicial decision on action against a decision made by the Ministry in accordance with a special legal regulation 1b) has become legally effective.

(2) The invalidity of a certificate of an applicant for international protection shall be decided on by the body competent to issue the certificate, if

- a) the holder thereof has substantially changed his/her appearance,
- b) it was damaged in such a way that the records contained therein are illegible or its integrity is seriously affected, or
- c) it contains incorrect data or changes made in an unauthorized manner.

(3) If the certificate holder is present and fully recognises the reasons for invalidity of the certificate of an applicant for international protection, the state of affairs according to Subsection (2) shall be deemed to have been proved and the authority competent to issue the certificate shall issue an order on the spot 9e). The justification of the order shall be replaced with the certificate holder's statement signed in person that he/she agrees to the decision on certificate invalidity. By signing the statement, the order shall become a legally effective and enforceable decision. The certificate holder shall be informed about this fact in advance.

#### **Part 2**

### **Certificate of Residence Permit of a Recognized refugee**

#### Section 59

(1) A certificate of residence permit of a recognized refugee is a public instrument which the recognized refugee uses to prove his/her first name and surname, date and place of birth, marital status, citizenship, birth registration number, information on the granting of asylum and registered address in the Territory.

(2) Upon request of the recognized refugee, the Ministry shall record in the certificate of residence permit of a recognized refugee the data on his/her children under 15 years of age to include their first name, surname, date of birth and place of stay in the Territory.

(3) The certificate of residence permit of a recognized refugee shall be valid for 5 years. The validity of the certificate may be extended twice always by a period of 5 years.

(4) The certificate of residence permit of a recognized refugee shall be issued, records in the certificate shall be made and the validity of the certificate shall be extended by the Ministry.

#### Section 60

### **Invalidity of a Certificate of Residence Permit of a Recognized Refugee**

(1) The certificate of residence permit of a recognized refugee shall become invalid if

- a) the reason referred to in Section 58(1) occurs,

- b) the decision to withdraw asylum has become legally effective, or

- c) asylum terminates due to the reason referred to in Section 18(b) or (c).

(2) The invalidity of a certificate of residence permit shall be decided on by the body competent to issue the same if

- a) the holder thereof has substantially changed his/her appearance,

- b) it was damaged in such a way that the records contained therein are illegible or its integrity is seriously affected, or

- c) it contains incorrect data or changes made in an unauthorized manner.

(3) If the certificate holder is present and fully recognises the reasons for invalidity of the certificate of residence permit of a recognized refugee, the state of affairs according to Subsection (2) shall be deemed to have been proved and the authority competent to issue the certificate shall issue an order on the spot 9e). The justification of the order shall be replaced with the certificate holder's statement signed in person that he/she agrees to the decision on certificate invalidity. By signing the statement, the order shall become a legally effective and enforceable decision. The certificate holder shall be informed about this fact in advance.

### **Part 3**

### **Certificate of Residence Permit of a Person under Subsidiary Protection**

#### Section 60a

(1) A certificate of residence permit of a person under subsidiary protection is a public instrument which the person under subsidiary protection uses to prove his/her first name and surname, date and place of birth, marital status, citizenship, birth registration number, information on the granting of subsidiary protection and registered address in the Territory.

(2) Upon request of the person under subsidiary protection, the Ministry shall record in the certificate of residence permit of a person under subsidiary protection the data on his/her children under 15 years of age to include their first name, surname, date of birth and place of stay in the Territory.

(3) The certificate of residence permit of a person under subsidiary protection shall be issued, records in the certificate shall be made and the validity of the certificate shall be extended by the Ministry.

#### Section 60b

### **Invalidity of a Certificate of residence Permit of a Person under Subsidiary Protection**

(1) The certificate of residence permit of a person under subsidiary protection shall become invalid if

- a) the reason referred to in Section 58(1) occurs,
- b) the decision to withdraw subsidiary protection has become legally effective, or
- c) subsidiary protection terminates due to the reason referred to in Section 18(c) or (d).

(2) The invalidity of a certificate of residence permit of a person under subsidiary protection shall be decided on by the body competent to issue the same if

- a) the holder thereof has substantially changed his/her appearance,
- b) it was damaged in such a way that the records contained therein are illegible or its integrity is seriously affected, or
- c) it contains incorrect data or changes made in an unauthorized manner.

(3) If the certificate holder is present and fully recognises the reasons for invalidity of the certificate of residence permit of a person under subsidiary protection, the state of affairs according to Subsection (2) shall be deemed to have been proved and the authority competent to issue the certificate shall issue an order on the spot 9e). The justification of the order shall be replaced with the certificate holder's statement signed in person that he/she agrees to the decision on certificate invalidity. By signing the statement, the order shall become a legally effective and enforceable decision. The certificate holder shall be informed about this fact in advance.

## **Part 4 Travel Documents**

### **Travel Document**

#### Section 61

(1) The Police shall issue a travel document, which is a public instrument, to a recognized refugee upon his/her request. The travel document shall be issued in the Czech language and two foreign languages in accordance with international practice.

(2) A travel document which contains a data carrier with biometric data such as data on facial appearance and on fingerprints, shall be issued with a validity period of 10 years; in case of a recognized refugee aged from 5 to 15, with a validity period of 5 years. The travel document shall be issued within a period of 30 days after the day the application was filed. In case of a recognized refugee for whom a travel document is issued with a data carrier with biometric data, the correctness of the personal data specified in the travel document being issued, the functioning of the data carrier with the biometric data and correctness of the biometric data processed in it shall be verified at his/her request. The functioning of the data carrier and the correctness of the biometric data processed in it shall be verified by means of a technical instrument enabling comparison of the recognized refugee's biometric data currently shown with the biometric data processed in the data carrier of the travel document. If the data carrier with biometric data is found not to be functioning or if any incorrect personal data processed in the travel document are found, the recognized refugee shall be entitled to be issued a new travel document.

(3) A recognized refugee for whom it is impossible to take fingerprints due to anatomical or physiological changes or due to an injury to his/her fingers, shall be issued a travel document with a data carrier in which, of all biometric data, only the data on facial appearance are processed. In this case, the information on the impossibility to take

fingerprints shall also be processed in the data carrier. The travel document shall be issued within 30 days after the date the application has been filed, and the period of validity specified in Subsection (2) shall apply.

(4) If a recognized refugee applies for a travel document to be issued in a period shorter than 30 days, he/she shall be issued a travel document without a data carrier with biometric data and without machine-readable data, which does not contain any digital processing of the recognized refugee's photograph or signature, within a period of 15 days. This document shall be issued with a validity period of 6 months.

(5) A recognized refugee below 5 years of age shall be issued a travel document without a data carrier with biometric data and without machine-readable data, which does not contain any digital processing of the recognized refugee's photograph or signature, in the period of time in accordance with Subsection (4); this document shall be issued with a validity period of 1 year.

(6) The recognized refugee's travel document issued in accordance with Subsection (2) or (3) shall contain a machine-readable zone. The data are recorded in the machine-readable zone in the following order: document type, code of the issuing country, alien's surname and first name(s), travel document number, citizenship, date of birth, sex, validity period of the travel document, birth registration number and control figures expressing selected data in the machine-readable zone.

#### Section 61a

(1) Biometric data may be used exclusively to verify the authenticity of a travel document and to verify the recognized refugee's identity by means of personal data recorded in the travel document, or to compare biometric data (Section 61(2)) processed in the data carrier by means of a technical instrument enabling comparison of the recognized refugee's biometric data currently shown with the biometric data processed in the data carrier of the travel document.

(2) The holder of a travel document containing a data carrier with biometric data shall be entitled to require any authority competent to issue this travel document, or a diplomatic mission or a consular office (hereinafter the "Diplomatic Mission") except for a consular office headed by a honorary consular official, for verification of the data in the travel document. If the data carrier with biometric data is found not to be functioning, or if any incorrect personal data processed in the travel document are found, the recognized refugee shall be entitled to be issued a new travel document; in this case the issuing of a new travel document shall be subject to an administrative fee only if the non-functioning of the data carrier with biometric data has been caused due to circumstances about which the recognized refugee has clearly known may cause damage to or non-functioning of the data carrier with biometric data.

(3) In a decree, the Ministry shall specify technical conditions and the procedure for the collection of biometric data including the procedure for collection of biometric data in the case of persons with unusual anatomical or physiological preconditions for a facial appearance or for taking fingerprints on the right and left hand.

#### Section 61b

(1) The data processed in a data carrier with biometric data (Section 61(2)) may not be processed in any manner other than that specified by law.

(2) The territorial validity of the travel document pursuant to Section 61 shall include all countries of the world with the exception of the country of which the alien is a citizen or, in case of a stateless person, the country of his/her last permanent residence. The validity of the travel document cannot be extended.

## Section 62

(1) A travel document shall be issued by the Police Department according to the recognized refugee's registered address.

(2) The Police Department shall promptly notify the Ministry of the issue of a travel document and of any change to its term of validity.

(3) The first issue of a travel document shall not be subject to any administrative fee. A special legal regulation 10) shall apply to any subsequent issue and extension of the validity of the travel document.

## Section 63

(1) In the application for the issue of a travel document, an alien shall state his/her first name, surname, other names, sex, day, month and year of birth, place and country of birth, citizenship and registered address in the Territory.

(2) The recognized refugee shall attach 2 photographs to an application filed in accordance with Section 61(4) and (5).

## Section 64

### **Invalidity of a Travel Document**

- (1) A travel document shall be invalid if
- a) the reason referred to in Section 58(1) occurs,
  - b) the decision to withdraw asylum has become legally effective, or
  - c) asylum terminates due to the reason referred to in Section 18(b) or (c).

(2) The invalidity of a travel document shall be decided on by the body competent to issue the same if

- a) the holder thereof has substantially changed his/her appearance,
- b) it was damaged in such a way that the records contained therein are illegible or its integrity is seriously affected, or
- c) it contains incorrect data or changes made in an unauthorized manner.

## Section 64a

### **Travel Document Issued to a Person under Subsidiary Protection**

A person under subsidiary protection shall be issued an alien's passport pursuant to a special legal regulation 4) if he/she resides in the Territory without a valid document and cannot obtain it in the country whose national he/she is or, in case of a stateless person, in the country of his/her last permanent residence.

## Section 65

### **Travel Identity Document**

(1) A travel identity document shall be issued by the Diplomatic Mission upon a request of a recognized refugee or a person under subsidiary protection who has lost his/her travel document abroad, for the purpose of the return of the recognized refugee or the person under subsidiary protection to the Czech Republic.

(2) The term of validity of a travel identity document pursuant to Subsection (1) is 30 days; in justified cases it may be extended by the Diplomatic Mission by another 30 days.

(3) A travel identity document shall become invalid due to the reason referred to in Section 58(1).

(4) In the application for the issue of a travel identity document, the recognized refugee or person under subsidiary protection shall state his/her first name and surname, day, month and year of birth, place of stay in the Territory, and shall attach 2 photographs to the application.

(5) A travel identity document shall be withdrawn during a border check.

(6) The entity that issued the travel identity document shall promptly notify the Ministry of the issue of the travel identity document and of any change to its term of validity.

#### Section 65a

(1) A travel identity document shall be issued in the Czech language and generally in two foreign languages according to international practice.

(2) Upon the request of the alien, the Diplomatic Mission shall record in the travel document the data regarding his/her children under 15 years of age.

### **Part 5 Retention of a Document Issued under This Act**

#### Section 66

(1) When carrying out a document control (1), the Police shall retain a document issued under this Act that is invalid or the validity of which is to be decided on.

(2) The Police shall promptly notify the Ministry of the retention of the document pursuant to Subsection (1).

(3) If a document is retained pursuant to Subsection (1), the Police shall promptly issue a certificate stating the grounds for its retention.

#### Section 67

The Police shall promptly deliver the retained document to the entity that has issued the document.

## CHAPTER IX

### STATE INTEGRATION PROGRAMME

#### Section 68

The State Integration Programme is a programme aimed at assisting recognized refugees and persons under subsidiary protection during their integration into society. Creation of preconditions to obtain knowledge of the Czech language and, in case of recognized refugees, to ensure housing, constitutes a part of the State Integration Programme.

#### Section 69

The State Integration Programme in the area to ensure housing shall be implemented by regional authorities in the form of a one-off accommodation offer to a recognized refugee from the state funds. The amount shall be allocated to individual regions by the government based on percentage quotas.

## Section 70

(1) The State Integration Programme in the area of obtaining a command of the Czech language is implemented by the Ministry of Education, Youth and Physical Culture in the form of free language courses.

(2) The Ministry of Education, Youth and Physical Culture shall offer a Czech language course to a recognized refugee or a person under subsidiary protection not later than 60 days from the day on which the decision to grant asylum or subsidiary protection has become legally effective.

## CHAPTER X

### RECORD-KEEPING, PLACE OF STAY AND REPORTING OF ADDRESS

#### Section 71 **Record-Keeping**

(1) The Ministry shall keep

- a) records of aliens who have made the Declaration on International Protection,
- b) records of places of stay of applicants for international protection, persons under subsidiary protection and recognized refugees,
- c) records of applicants for international protection, aliens who filed a cassation complaint 8a), persons under subsidiary protection and recognized refugees,
- d) records of aliens born in the Territory to applicants for international protection, to persons under subsidiary protection or to recognized refugees,
- e) records of photographs pursuant to Section 4c and Section 47,
- f) records of applicants for granting of financial contribution,
- g) records on aliens for whom the proceedings on the granting of international protection have been discontinued due to inadmissibility of the application for international protection.

(2) When fulfilling their tasks pursuant to this Act and special legal regulations 12), the Police and Intelligence Services of the Czech Republic may use the data kept in the records pursuant to Subsection (1), including personal data.

(3) The Ministry may use the data kept in the records pursuant to Subsection (1) only to fulfil tasks pursuant to this Act. Data from the records may be provided if applied for in accordance with a special legal regulation.

(4) Personal data processed in the records pursuant to Subsection (1)a) to (d) and (g) are kept to the extent specified in the application for granting of international protection.

(5) The Police shall keep records of visas issued under this Act, records of places of stay of applicants for international protection, records of places of stay of aliens who have filed a cassation complaint, records of places of stay of persons under subsidiary protection

and places of stay of recognized refugees, and records of fingerprints taken from applicants for international protection. When fulfilling their tasks pursuant to this Act and special legal regulations 12), the Intelligence Services of the Czech Republic may use the data kept in the records including personal data. The Police shall also keep records of recognized refugees who have been issued a travel document pursuant to Section 61, in the scope of the data in the application for issuing a travel document including data on the recognized refugee's facial appearance and on fingerprints.

(6) The Ministry shall operate an information system on recognized refugees who have applied for the issuing of a travel document of a recognized refugee pursuant to Section 61(2) and (3). This information system shall contain data in the scope of the application for issuing of a travel document for a recognized refugee including biometric data.

(7) The Police shall destroy the data kept in records in written form pursuant to Subsection (5) after five years from termination of the alien's stay in the Territory. The Police shall keep the data stored on a technical information carrier for a period of 20 years after termination of the alien's stay in the Territory.

(8) The Police shall destroy the data kept in records of recognized refugees who have been issued a travel document pursuant to Section 61 after fifteen years from termination of the validity of the travel document, except for fingerprints, which the Police shall destroy after sixty days from the day the manufactured travel document is delivered to the Ministry. The data kept by the Ministry pursuant to Subsection (6) shall be stored for 60 days from the delivery of the manufactured travel document to the Ministry.

#### Section 71a

#### **Delivery of Personal Data to Other Countries**

The obligation to apply to the Office for the Protection of Personal Data for a permit to deliver or keep delivering to other countries personal data regarding applicants for international protection, persons under subsidiary protection or recognized refugees shall not apply to the Ministry 12a).

#### Section 71b

#### **Access to the Information System of Contracting Countries**

Pursuant to directly applicable legal regulation of the European Community 12b) and the international Agreement on Removal of Checks at Common Borders 12c), the Ministry may access the data kept in the information system created by the countries which are bound by international agreements on the removal of checks at common borders and related regulations of the European Union.

#### Section 72

#### **Stay on the Basis of a Visa for the Purpose of Proceedings on the Granting of International Protection**

(1) An applicant for international protection shall be issued a visa by the Police for the purpose of the proceedings on the granting of international protection; this shall not apply if the alien stays in the Territory on the basis of a residence permit issued under a special legal regulation 4) or if he/she is placed in an aliens detention centre 3), or if he/she filed the application for granting of international protection in a reception centre at an international airport. The Police shall issue a visa not later than within 3 days of the day on which the reason specified in the preceding sentence ceases to exist.

(2) The visa referred to in Subsection (1) shall entitle the alien to remain for up to 90 days unless otherwise stipulated by this Act; the term of stay shall be extended by the Police for up to 90 days upon the alien's request. The alien shall be obligated to file an application

for the extension of the stay while this visa is still valid. The validity of a visa for the purpose of proceedings on the granting of international protection expires at the time the decision on the international protection matter becomes legally effective.

(3) If an alien stays outside an asylum facility, the stay pursuant to Subsection (2) shall be extended by the relevant Police Department with local jurisdiction according to the alien's registered address, and it shall promptly notify the Ministry of such extension.

(4) If the alien has no registered address, the visa pursuant to Subsection (1) shall be granted and the stay pursuant to Subsection (2) shall be extended by the relevant Police Department with local jurisdiction according to the address of the asylum facility in which the alien was last registered.

### Section 73

#### **Proceedings in a reception centre at an international airport**

(1) The Police shall place an alien who has made the Declaration on International Protection in the transit zone of an international airport into a reception centre at the international airport, unless the alien should be detained pursuant to special legal regulation 4).

(2) A reception centre at an international airport means a centre at another international airport or another asylum facility designated by the Ministry, in case it is impossible to place an alien in a reception centre at the international airport where the alien has made the Declaration on International Protection for the reasons of safety, hygiene, capacity or other similarly serious reasons.

(3) The Police are entitled to restrict personal freedom and freedom of movement of an alien during his/her transportation to a reception centre pursuant to Subsection (2).

(4) The Ministry will decide on application for granting of international protection within 4 weeks since the date of the Declaration on International Protection made by an alien. Should the Ministry fail to decide within the given period, it will enable the alien to enter the territory without the decision and transport him/her into an asylum facility at the territory. The Ministry will make a decision on whether the alien is allowed to enter the Territory or not within five days since the date of the Declaration on International Protection. An alien

a) whose identity was not established in a reliable manner,

b) who produced falsified or altered identity documents, or

c) for whom there is a well-founded assumption that he/she could threaten security of the state, public health or public order,

will not be allowed to enter the Territory.

(5) Within 7 days after the service of the decision, an action may be filed against the decision of the Ministry not to allow entering the Territory; the filing of an action does not have a dilatory effect. The court deals with the action preferentially 9b).

(6) An alien is entitled to apply for a permit to enter the Territory after 1 month since the effective date of the decision of the Ministry issued with respect to the matter pursuant to Subsection (4) or the effective date of a judicial decision on the action filed against such decision.

(7) The Ministry will decide on the permit to enter the Territory for an alien who has made the Declaration on International Protection in the transit zone of an international airport

and transport him/her into a reception centre at the Territory, if the alien is an unaccompanied minor, a parent or a family with handicapped minors or persons of full age, seriously handicapped alien, pregnant woman or a person who has been tortured, raped or subject to any other forms of mental, physical or sexual violence.

(8) An alien placed in a reception centre at an international airport on the effective date of the judgement of the regional court on the action against the decision of the Ministry, under which

a) international protection is not granted or may not be granted,

b) application for granting of international protection is rejected as manifestly unfounded, or

c) the proceedings on the granting of international protection is discontinued,

shall be obligated to leave the Territory within 30 days unless the court discharged the decision of the Ministry. Provision of section 32(5) for proceedings in reception centres at international airports does not apply.

(9) The length of stay of an alien in a reception centre at an international airport shall not exceed 120 days from the date of the Declaration on International Protection made by the alien. Should the Ministry fail to decide on the action against the decision of the Ministry regarding international protection within the given period, it will enable the alien to enter the Territory without the decision and transport him/her into an asylum facility at the Territory. It is allowed to extend the given period only due to the alien's leaving the Territory pursuant to Subsection (8).

(10) At an alien's reception into a reception centre at an airport, the Ministry will inform him/her about the fact that the act of filing an application for granting of international protection does not imply that he/she is entitled to enter the Territory, and if the alien insists on filing the application for granting of international protection, he/she will be obligated to stay in a reception centre at an airport during the proceedings on his/her application and not more than 120 days from the date of his/her Declaration on International Protection, unless decided otherwise by the Ministry. The Ministry will also inform the alien about his/her right to file an action against the decision not to permit an entry to the Territory and/or apply for a permit to enter the Territory pursuant to Subsection (6).

(11) The stay of an alien in a reception centre at an international airport, his/her transfer to another reception centre at an international airport or to another asylum facility pursuant to Subsection (2) and his/her stay in there is not deemed an entry and stay in the Territory. Section 46, Subsection (2) and (5) applies similarly to stay of an alien in asylum facilities.

(12) External security guard of another asylum facility designated by the Ministry pursuant to Subsection (2) is provided by the Police.

(13) An alien who applied for a voluntary repatriation (section 54a) in a reception centre at an international airport or who is obligated to leave the centre will be transported to the border crossing by the Police.

Section 74  
**Repealed**

Section 75  
**Repealed**

Section 76  
**Residence of a Recognized Refugee**

A recognized refugee shall have a permanent residence in the Territory for the period of validity of the decision to grant asylum.

### **Reporting the Registered Address**

#### Section 77

(1) The registered address of an applicant for international protection shall be that of the asylum facility in which he/she was placed by the Ministry.

(2) An applicant for international protection shall apply for a change of his/her registered address in a written request filed at the Police Department with local jurisdiction according to the alien's new registered address. Attached to the request shall be a written certificate containing the consent to the change of the registered address by the owner of the building, or any defined part thereof, which must be identified by a description or registry number or street number, if applicable, and which is designated for dwelling or accommodation; if the owner is a legal person, the certificate shall include its firm or corporate name, registered office and identification number, and the company stamp and the first name(s), surname and signature of the authorized person (the company authorized representative). The Police shall refer the request with their opinion to the Ministry within 15 days.

(3) The Ministry will not grant its consent to the change of the place of registered address if it establishes any fact that justifies a concern that the applicant for international protection cannot be easily reached at the new place of registered address for the purpose of the proceedings on the granting of international protection or if it discerns that the submitted documents contain any untrue fact.

(4) The applicant for international protection shall report the change of the registered address to the relevant Police Department with local jurisdiction according to the place of the new address.

(5) When reporting the change of his/her registered address, the applicant for international protection is obligated to

a) state his/her surname, name, day, month, year and place of birth, citizenship, permanent residence abroad, number of the certificate of an applicant for international protection and the estimated period of accommodation, by filling in a registration form,

b) submit the certificate pursuant to Subsection (2). The certificate must contain the officially certified signature of the owner. The prerequisite regarding the official certification shall not apply if the owner signs the certificate in the presence of an employee of the Police Department while producing his/her identity document,

c) submit his/her certificate of an applicant for international protection,

d) submit the consent by the Ministry to the change of the place of registered address.

(6) The new registered address shall become the place of registered address of the applicant for international protection on the day of registration. The applicant for international protection shall submit the certificate of an applicant for international protection to the Ministry for inspection within three business days of the registration.

(7) The Police Department shall decide on the deletion of the data on the place of registered address if the entry was made on the basis of altered, invalid or falsified documents, untrue or incorrectly stated facts and/or upon the owner's request.

(8) The Directorate of the Aliens Police shall decide on an appeal against the decision on cancellation of the information on the place of registered address.

(9) After the decision pursuant to Subsection (7) becomes legally effective, the registered address shall be deemed to be the asylum facility in which the applicant for international protection had his/her last registered address.

#### Section 78

(1) A recognized refugee is obligated to register for residence with the Police Department within 3 working days of the date of

a) delivery of the decision on asylum, or

b) change of the place of permanent residence.

(2) The obligation pursuant to Subsection (1) shall also apply to a person under subsidiary protection reporting his/her registered address to the Police Department.

(3) The Police Department shall inform the Ministry of the change of the registered address of the recognized refugee or the person under subsidiary protection.

(4) When registering the registered address of a recognized refugee or a person under subsidiary protection and any changes thereof, the procedure under a special legal regulation 4) shall apply.

#### Section 78a

The Police Department shall notify the Ministry of the report on a change of the registered address within 3 business days.

#### Section 78b

#### **Stay on the Basis of a Visa for a Period Exceeding 90 Days to Allow Exceptional Leave to Remain in the Territory**

(1) A visa for a period exceeding 90 days to allow exceptional leave to remain in the Territory (hereinafter the "Visa to allow exceptional leave to remain") shall be issued by the Police upon request to an alien who submits a document on having filed a cassation complaint against the court decision on the action against the Ministry's decision on the international protection matter. A visa to allow exceptional leave to remain may not be issued if the alien repeatedly files a cassation complaint against a decision made by a regional court although a legally effective decision on the cassation complaint has already been made or if the alien resides in the Territory on the basis of a residence permit pursuant to a special legal regulation 4).

(2) The time validity of a visa to allow exceptional leave to remain shall be determined by the Police for the necessary period but not more than for 1 year. Upon the alien's request, if the proceedings on the cassation complaint are pending, the validity period of the visa to allow exceptional leave to remain may be extended, even repeatedly.

(3) The validity of a visa to allow exceptional leave to remain shall terminate on the day the decision on the cassation complaint made by the court becomes legally effective or on the day the alien leaves the Territory. The Police shall indicate the termination of validity of the visa to allow exceptional leave to remain issued to the alien and shall issue a departure order for the alien with a maximum validity period of 1 month. The alien shall appear at the Police for the purposes of indicating the termination of validity of the visa to allow exceptional

leave to remain without undue delay and not later than 15 days after the decision on the cassation complaint becomes legally effective.

(4) To apply for a visa to allow exceptional leave to remain or extending its term of validity, an alien is obliged to submit

a) a travel document if he/she holds any,

b) a document proving the existence of a reason for the granting of this visa,

c) 3 photographs; if an alien applies for an extension of the term of validity, photographs shall not be required unless there has been a substantial change in his/her appearance.

(5) The Police shall promptly notify the Ministry of the issue of a visa to allow exceptional leave to remain, of the extension of its term of validity or indication of termination of its validity and issuing of a departure order.

(6) The Police shall cancel the validity of the visa to allow exceptional leave to remain upon the alien's request.

(7) The legal position of an alien residing in the Territory on the basis of a visa to allow exceptional leave to remain shall be governed by a special legal regulation 4) unless otherwise stipulated by this Act.

#### Section 78c

If an alien who was issued a visa pursuant to Section 78b is not able to provide for his/her own accommodation, the Ministry shall do so.

#### Section 78d

(1) An alien who was issued a visa to allow exceptional leave to remain shall cover the costs incurred in relation to the stay in the Territory by himself/herself.

(2) An alien who was issued a visa to allow exceptional leave to remain may, upon request and with regard to the proven property and financial situation of the applicant or his/her family, receive a financial contribution up to the amount of

a) 1.6 times the amount of the subsistence minimum of the applicant stipulated in a special legal regulation 9), if examined without any persons jointly with him/her (Section 42(3)),

b) 1.5 times the amount of the subsistence minimum of the applicant and persons examined together with him/her (Section 42(3)), if 2 to 3 persons are examined jointly,

c) 1.4 times the amount of the subsistence minimum of the applicant and persons examined together with him/her (Section 42(3)), if 4 persons are examined jointly,

d) 1.3 times the amount of the subsistence minimum of the applicant and persons examined together with him/her (Section 42(3)), if 5 or more persons are examined jointly

(3) The applicant for a financial contribution is obligated to state his/her financial and property situation or the financial and property situation of his/her family, if applicable, in the form of an affirmation, and evidence the same by all documents available.

(4) A financial contribution may not be provided if

a) the liability for payment of costs of accommodation is borne by a legal entity or natural person 9a),

b) the applicant for the financial contribution stated untrue data regarding his/her financial and/or property situation or the financial or property situation of his/her family, or

c) the applicant for the financial contribution did not inform about facts decisive for the provision of the financial contribution or about any change therein.

(5) Proceedings on the provision of a financial contribution fall within the powers of the Ministry. The financial contribution shall be paid by the Ministry in the applicable asylum facility.

## CHAPTER XI

### ASYLUM FACILITIES

#### Section 79

(1) Asylum facilities are used to provide collective accommodation to applicants for international protection and recognized refugees under conditions guaranteeing that human dignity will be respected.

(2) A reception centre is used to provide accommodation to an alien until the acts referred to in Section 46 are completed or for the period stipulated by this Act.

(3) An accommodation centre is used to provide accommodation to an applicant for international protection until a decision on his/her application for granting of international protection becomes legally effective.

(4) An integration asylum centre is used to provide temporary accommodation to recognized refugees.

(5) The Ministry may exceptionally enable the provision of food and accommodation in an asylum facility to persons other than the persons referred to in Subsection (1) to (3), in particular

a) to a minor family member for whom the proceedings on granting of international protection have been discontinued if his/her statutory representative is an applicant for international protection, for the maximum period until the proceedings on granting of international protection are discontinued,

b) to a statutory representative for whom the proceedings on granting of international protection have been discontinued if a minor family member is an applicant for international protection, for the maximum period until the proceedings on granting of international protection are discontinued,

c) to a citizen of the Czech Republic who is a statutory representative of an applicant for international protection, or

d) to a citizen of the Czech Republic whose statutory representative is an applicant for international protection.

(6) The Ministry shall create conditions for safe stay in asylum facilities and for development of support of coexistence of applicants for international protection or recognized refugees with the population.

#### Section 80

(1) Asylum facilities are founded by the Ministry.

(2) Reception centres are operated by the Ministry.

(3) Accommodation centres and integration asylum centres are operated by the Ministry or a legal person to the extent of the authorization granted by the Ministry and at a consideration.

(4) Applicants for international protection shall have access to education under the terms and conditions stipulated by the Education Act 12c). Through the Ministry of Education, Youth and Physical Culture, the state shall ensure conditions for the successful integration of children of applicants for international protection who are subject to compulsory education pursuant to the laws of the Czech Republic, at an elementary school.

#### Section 81

(1) An alien accommodated in a reception or accommodation centre is entitled to

- a) enjoy basic hygiene standards at no charge,
- b) receive food corresponding to the correct nutrition principles and the alien's health condition three times a day, in case of children under 15 years of age, five times a day,
- c) have a bed and a locker for placing his/her personal things,
- d) receive visitors,
- e) receive packages and money,
- f) receive and send, at his/her own costs, written communications,
- g) be allowed a continuous eight hours of sleep,
- h) leave the accommodation centre under the conditions stipulated in Section 82.

(2) The operator of a reception or accommodation centre shall take into account the specific needs of an applicant for international protection in case of an unaccompanied minor, person under 18 years of age, pregnant woman, handicapped person, person who has been tortured, raped or subject to any other forms of mental, physical or sexual violence, and also another person in cases requiring special consideration. An unaccompanied minor shall be placed in a school facility for performance of special education treatment or in the care of a person designated in the judicial decision after the acts pursuant to Section 46(1) have been completed.

#### Section 81a

(1) A person accommodated in a reception or accommodation centre is not allowed to bring, make, store or consume alcohol or other addictive substances in this centre and is not allowed to make and store any things in this centre which might be used to jeopardise the safety of people or property or that might disturb order or damage health due to their quantity or nature.

(2) The Ministry may take away the things referred to in Subsection (1) and deposit them in custody. The thing shall be returned to the person after the decision in the matter of international protection shall become legally effective or when the person leaves for the place of his/her registered address outside the asylum facility except for things that expire quickly

or for alcohol or other foods that have not been taken away in intact packaging. The Ministry shall apply the same procedure in case of things taken away from persons by the Police during a body search and delivered to the Ministry to be deposited.

(3) A person accommodated in a reception centre is not allowed to bring or store any electronic communication device in this centre. The Ministry may take away electronic communication devices and deposit them in custody. The electronic communication devices shall be returned to the person after the decision in the matter of international protection shall become legally effective or when the person leaves for the place of his/her registered address outside the asylum facility or, in case of an alien placed in a reception centre at an international airport, when he/she leaves the centre. The Ministry shall apply the same procedure in case of an electronic communication device taken away from persons by the Police during a body search and delivered to the Ministry to be deposited.

## Section 82

(1) An applicant for international protection who has his/her registered address in an accommodation centre may leave this centre for a maximum period of 10 days in a calendar month.

(2) An applicant for international protection shall be obligated to notify the Ministry in writing of his/her leaving the centre for any period exceeding 24 hours. In his/her notice, the applicant for international protection shall state the address at which he/she will stay and the period of his/her stay outside the accommodation centre. The applicant for international protection shall notify the Ministry in writing of any leaving of the accommodation centre for a period exceeding 3 days not later than 24 hours before leaving the accommodation centre.

(3) The Ministry may allow the applicant to leave the accommodation centre for more days in a calendar month than the period stipulated in Subsection (1) if this does not prevent due performance of the asylum proceedings.

(4) In case of failure to observe the notified or approved period of leaving the accommodation centre, the accommodation centre may provide the applicant for international protection with an alternative form of accommodation in connection with the possibilities of this centre for the necessary period of time.

## Section 83

(1) The Ministry shall issue accommodation rules for asylum facilities, which shall regulate particulars regarding the organizational and technical aspects of an alien's stay in an asylum facility.

(2) The accommodation rules shall set out in particular

- a) the time schedule for payments of pocket money,
- b) the time schedule for provision of food,
- c) the time schedule for provision of medical care, and
- d) visiting rules.

(3) If an alien is unable to understand the language in which the accommodation rules have been issued, the operator shall ensure that the alien be informed about the contents thereof in an alternative manner.

(4) The accommodation rules shall also be published in a language that an overwhelming majority of accommodated persons are able to understand, and they shall be

displayed at a place open to the public.

(5) The Ministry or the operator of the asylum facility shall be entitled to check compliance with the accommodation rules. A representative of the Ministry or the operator of the asylum facility may only enter the rooms used for accommodation if the person accommodated there has been informed about it; if he/she has not been informed about it, such entry is only possible in cases of imminent danger to life, health or property.

#### Section 84 **Contribution to a Municipality**

The Ministry provides a contribution to the municipality to be applied to compensate the costs incurred by the municipality in relation to the asylum facility located on its territory. The government shall decide on the amount of the contribution for the municipality for a calendar year.

### CHAPTER XII

#### JOINT, DELEGATING AND TEMPORARY PROVISIONS

##### Section 85

Unless otherwise stipulated by this Act, a special legal regulation 4) shall be applied when an alien terminates his/her stay and leaves.

##### Section 85a

(1) The making of the Declaration on International Protection terminates the validity of a visa or a long-term residence permit issued pursuant to a special legal regulation 4).

(2) The alien's legal status resulting from his/her placement in an aliens detention centre 3) shall not be affected by the Declaration on International Protection or by the filing of an application for granting of international protection (Section 10).

(3) An alien who has made the Declaration on International Protection or has filed an application for international protection shall submit himself/herself for placement in an aliens detention centre under the conditions stipulated by a special legal regulation 4).

##### Section 85b

(1) The validity of the visa granted pursuant to this Act may be restricted only to a part of the Territory in the interest of protection of security of the state, maintenance of public order, protection of public health or in the interest of fulfilment of an international agreement.

(2) In case of restriction of a visa pursuant to Subsection (1), an appropriate relation between the reason for such restriction and its consequences shall be maintained. While considering the appropriate relation, the Police shall particularly take into account the impacts of such restriction on the alien's private and family life. The validity of a visa may be restricted territorially for a maximum period of 3 months from commencement of the proceedings on granting of international protection.

##### Section 86

(1) The Ministry shall promptly notify the Police and the Intelligence Services of the Czech Republic of aliens who have been granted or withdrawn any of the forms of international protection in a legally effective manner.

(2) The Ministry shall notify the Ministry of Education, Youth and Physical Culture of persons who have been granted either form of international protection within 3 days after the decision becomes legally effective.

(3) The Ministry shall issue statistical surveys on the number of participants in proceedings pursuant to this Act and on the number of recognized refugees and persons under subsidiary protection.

## Section 87

(1) The Police, the Intelligence Services of the Czech Republic or the Ministry of Foreign Affairs shall provide the Ministry and/or a court, upon their request, with any information or opinion necessary to establish data required to make a decision in proceedings pursuant to this Act. The Police or the Intelligence Service of the Czech Republic shall refuse to disclose such information and/or provide such opinion if that would endanger the performance of their tasks. If the contents of such information or opinion include a fact that must be concealed in the interest of the Czech Republic, the information or opinion shall not become a part of the file.

(2) An organizational branch of the state established by the Ministry (Section 92c) and the Intelligence Services of the Czech Republic shall provide each other through the Ministry with information belonging to their competencies established when performing the tasks pursuant to this Act or special legal regulations 12). The Intelligence Services shall refuse to provide information if this would mean a risk to fulfilment of their tasks.

(3) The Police shall promptly notify the Ministry of any facts relevant for the commencement of proceedings for the withdrawal of asylum or subsidiary protection, and of any facts preventing an alien from appearing at the reception centre within the stipulated period.

(4) The Police shall promptly provide the address of a reception centre upon an alien's request.

(5) The Police shall notify the Ministry without undue delay of the first name, surname, date of birth, sex and citizenship of an alien who has made the Declaration on International Protection, and the date and place on which the Declaration on International Protection was made.

(6) The Police shall verify the facts contained in the notice pursuant to Section 77(2) upon the Ministry's request.

(7) The Police shall ensure acts pursuant to Section 10b and Section 10c upon the Ministry's request.

(8) The Ministry shall deliver to the Police the travel document of an alien which its holder failed to receive after the proceedings on granting of international protection were completed in a legally effective manner. The Police shall return an invalid travel document as a document found in the Territory to the country which issued it. A similar procedure shall also apply in the case of a travel document whose holder is not present in the Territory.

## Section 87a

(1) In the course of the period for filing an action pursuant to Section 32(1) or (2) which has a dilatory effect, the alien shall be deemed an applicant for international protection for the purposes of provision of medical care and services pursuant to Section 42, except for pocket money. A financial contribution (Section 43) cannot be provided.

(2) An alien who files an action after the expiry of the period pursuant to Section 32(1) or (2) shall not be entitled to be provided care and services pursuant to Subsection (1). A financial contribution (Section 43) cannot be provided, either.

(3) An alien placed in an asylum facility referred to in Section 73(1) or (2) shall be deemed an applicant for international protection for the purposes of provision of medical care and services pursuant to Section 42, except for pocket money. A financial contribution (Section 43) cannot be provided.

## Section 88 Medical Care

(1) An applicant for international protection and his/her child born in the Territory, and an alien who was issued a Visa to allow exceptional leave to remain and his/her child born in the Territory shall be provided, at no charge, with free medical care to the extent of care paid from health insurance stipulated by a special legal regulation 12a), and with medical care relating to mandatory quarantine and/or another measure connected with the protection of public health; this does not apply if the medical care is ensured pursuant to a different legal regulation 12d).

2) The costs related to the provision of medical care pursuant to Subsection (1) shall be borne by the state; the compensation of costs incurred by a medical facility shall be covered from public health insurance.

(3) An applicant for international protection and his/her child born in the Territory, and an alien who was issued a visa to allow exceptional leave to remain and his/her child born in the Territory, and a child who was delivered by a recognized refugee or a person under subsidiary protection and who is staying in the Territory shall, for the purposes of public health insurance, be deemed an alien with leave to permanently reside until a decision is made to grant international protection or any other type of a leave to remain in the Territory under a special legal regulation 4).

(4) If necessary to provide medical care for applicants for international protection, their children born in the Territory, aliens who were issued a visa to allow exceptional leave to remain, their children born in the Territory, the Ministry may make available, free of charge, certain premises in an asylum facility to the municipality in which territory the asylum facility owned by the Ministry is located or to another entity in order to operate a medical facility pursuant to a special legal regulation 12f).

### Section 88a

An applicant for international protection, a recognized refugee and a person under subsidiary protection are obligated to notify the Ministry of the birth of a child within 15 days.

### Section 88b

While searching for family members of a child who has filed a petition to initiate proceedings on granting of international protection and who is present in the territory of the Czech Republic unaccompanied by a person above 18 years of age who is responsible for the child pursuant to legal regulations applicable in the territory of the country whose citizen the child is, or in case of a stateless child in the country of his/her last residence, the life and freedom of the child and his/her family should not be endangered in particular in the country whose nationals they are or in case of stateless persons, in the country of their last residence.

### Section 89

(1) If an applicant for international protection is an unaccompanied minor, a guardian shall be appointed by the court to protect his/her rights and legally protected interests related to his/her stay in the Territory in accordance with a special legal regulation 13). With regard to the protection of a minor, the court on the initiative of the Ministry shall appoint a guardian without delay by way of a preliminary ruling. The proceedings on the appointment of a guardian shall not be subject to any special legal regulation 13a).

(2) The function of a guardian shall be performed by a relative of an unaccompanied minor who is staying in the Territory; if there is no such person or if such person cannot be entrusted with the function of a guardian, the function of the guardian shall be performed by another suitable natural or legal person or a municipal authority with extended powers according to the registered address of the unaccompanied minor. The powers assigned to the regional authority and the municipal authority with extended powers shall pursuant to this Act be the execution of delegated powers.

(3) If an applicant for international protection is an unaccompanied minor and there are justified doubts regarding his/her claimed age, a medical examination shall be carried out in order to establish his/her actual age. The Ministry shall present the findings of the medical examination to the court as evidence in the proceedings on the appointment of a guardian pursuant to Subsection (1). If for any reason an unaccompanied minor refuses medical examination, the Ministry shall consider him/her an adult applicant for international protection.

(4) The Ministry shall inform an unaccompanied minor of the option to determine his/her age in a medical examination pursuant to Section 3 in his/her mother tongue or a language in which he/she is able to communicate, in an invitation to file an application for international protection or within a maximum period of 15 days from the Declaration on International Protection. In the information, the Ministry shall also indicate the manner in which the examination is made and it shall inform the unaccompanied minor of any possible consequences and on the consequences of refusal to undergo medical examination related to his/her application for international protection.

#### Section 89a

The Ministry shall provide minors who have applied for the granting of international protection with school aids within the scope of compulsory school attendance.

#### Section 90

The Czech Republic may grant asylum to an alien without previous proceedings if he/she has been recognized as a recognized refugee according to an international agreement by a decision of the Office of the High Commissioner on condition that the principle of fair burden-sharing between the parties to the Convention on the Status of Refugees is adhered to.

#### Section 91 **Repealed**

#### Section 91a

The procedure for the issue of travel documents to a recognized refugee who has been awarded recognized refugee status based on an international agreement 1) in a different country and in whose case the liability under the international agreement has passed to the Czech Republic, shall be governed by Chapter VIII Part 4.

#### Section 92 **Competence to Perform Legal Acts**

An alien shall be considered competent to perform legal acts under this Act from the date when he/she attains the age of 18. If he/she cannot act independently, there shall be a guardian appointed for him/her.

#### Section 92a

If a guardian requires that his/her appointment to act as a guardian should be cancelled, the administrative authority shall immediately appoint another guardian.

#### Section 92b

(1) The Rules of Administrative Procedure shall not apply to the proceedings on the granting of an entry visa, a visa for the purposes of proceedings on the granting of international protection and visa to allow exceptional leave to remain or to the proceedings on termination of the validity of a visa to allow exceptional leave to remain.

(2) After discontinuation of the proceedings, the Police shall indicate the visa pursuant to Subsection (1) in a travel document or border pass document, or shall inform the applicant that his/her application has been rejected.

#### Section 92c

An organisational branch established by the Ministry may be authorized to perform tasks pursuant to Section 4b, 10b, 10c, Section 34(2), Section 42(1) to (5), Section 42a(1) to (3), Section 43(6), Section 45(3), Section 46(6), Section 48(c), Section 50a, 54a, Section 73(4), (7) and (9), Section 77(1), Section 78c, Section 78d(5), Section 79(5) and (6), Section 80(2) and (3), Section 81a(2), Section 82(4), Section 83(1) and (5), Section 88 and 89a.

### **Administrative Torts**

#### Section 93

#### **Offences**

(1) An alien commits an offence if he/she

- a) fails to appear in the reception centre within the stipulated period of time after his/her Declaration on International Protection,
- b) fails to fulfil his/her obligation to leave the Territory (Section 54),
- c) breaches the Ministry's decision which does not allow entry to the Territory (Section 73(4)),
- d) fails to deliver or submit his/her travel document when filing the application for international protection,
- e) stays in an asylum facility without being authorized to do so,
- f) leaves the territory where he/she is obligated to stay pursuant to the territorial restriction of the validity of his/her visa,
- g) refuses to submit himself/herself to a body search or a search of his/her personal things pursuant to Section 4c, or
- h) refuses to submit himself/herself to fingerprinting or photographing pursuant to Section 4c.

(2) An applicant for international protection commits an offence if he/she

- a) fails to deliver or submit promptly his/her travel document issued to him/her only during the proceedings on the granting of international protection,
- b) refuses to submit himself/herself to a body search or a search of his/her personal things pursuant to Section 45(2),
- c) breaches his/her obligation pursuant to Section 46(1) or (2),
- d) refuses to submit himself/herself to fingerprinting, photographing or medical examination,
- e) deliberately damages, destroys or otherwise abuses the certificate of an applicant for international protection, or fails to report promptly any damage, destruction, loss or theft of the certificate of an applicant for international protection to the Police,
- f) fails to deliver promptly an invalid certificate of an applicant for international protection to the Police or to the Ministry,
- g) fails to apply for an extension of the stay for the purpose of proceedings on the granting of international protection pursuant to Section 72(2) or applies for an extension of stay after the expiry of the visa validity period,
- h) leaves the accommodation centre where he/she has their registered address for more than 10 days in a calendar month or fails to return after the lapse of period of time for which he/she left the accommodation centre with the consent of the Ministry,
- i) fails to notify the Ministry in a due manner of his/her leaving the accommodation centre where he/she has their registered address for more than 24 hours,
- j) stays in an asylum facility without being authorized to do so,
- k) leaves the territory where he/she is obligated to stay pursuant to the territorial restriction of the validity of his/her visa,
- l) conceals his/her property or financial situation,
- m) fails to appear in person for an extension of validity, for modification or adding of data recorded in the certificate of an applicant for international protection although he/she has not been granted an exception by the Ministry regarding the obligation of personal participation,
- n) leaves a reception or accommodation centre after a decision on discontinuation of the proceedings due to inadmissibility of his/her application has been delivered to him/her,
- o) fails to comply with an order or instruction of the Police or the Ministry in an asylum facility (Section 48),
- p) wilfully causes damage to the property of an asylum facility or of the other accommodated persons,
- r) breaches his/her obligation to stay in a reception centre until leaving the Territory stipulated in the Ministry's decision (Section 46a(1)).

(3) A recognized refugee commits an offence if he/she

- a) deliberately damages, destroys or otherwise abuses the certificate of residence permit of a recognized refugee or the travel document, or fails to report promptly any damage, destruction, loss or theft of the certificate of residence permit of a recognized refugee or the

travel document to the Police,

b) fails to apply to the Police for a new certificate of residence permit of a recognized refugee in case it expired, or fails to apply to the Police for an extension of a certificate of residence permit of a recognized refugee prior to its expiry,

c) fails to deliver promptly the certificate of residence permit of a recognized refugee or the travel document to the Police in case of withdrawal or termination of asylum,

d) fails to deliver promptly an invalid certificate of residence permit of a recognized refugee or a travel document to the Police,

e) fails to notify the Police of his/her stay outside the Territory for a period exceeding 365 days,

f) fails to submit himself/herself to identification acts (Section 53), or

g) stays in an asylum facility without being authorized to do so.

(4) A person under subsidiary protection commits an offence if he/she

a) deliberately damages, destroys or otherwise abuses the certificate of residence permit of a person under subsidiary protection, or fails to report promptly any damage, destruction, loss or theft of the certificate of residence permit of a person under subsidiary protection or the travel document to the Police,

b) fails to deliver promptly the certificate of residence permit of a person under subsidiary protection or the travel document to the Police in case of withdrawal or termination of subsidiary protection,

c) fails to deliver promptly an invalid certificate of residence permit of a person under subsidiary protection or a travel document to the Police,

d) fails to notify the Police of his/her stay outside the Territory for a period exceeding 365 days, or

e) fails to submit himself/herself to identification acts (Section 53).

(5) A natural person commits an offence if he/she

a) fails to deliver promptly a certificate of an applicant for international protection, certificate of residence permit for a person under international protection, a certificate of residence permit for a recognized refugee or a travel document found or otherwise obtained to the Ministry or to the Police,

b) breaches a prohibition imposed on persons accommodated in a reception or accommodation centre (Section 81a(1)), or

c) unlawfully processes data processed in a data carrier with biometric data.

(6) A fine of up to CZK 2,000 may be imposed for any offence referred to in Subsection (1) to (4) and (5)b); a fine of up to CZK 1,000 may be imposed for any offence referred to in Subsection (5)(a); and a fine of up to CZK 1,000,000 may be imposed for any offence referred to in Subsection (5)(c).

(1) A medical facility shall commit an administrative tort if it fails to enable the performance of necessary acts related to the granting of international protection (Section 56b).

(2) A legal entity or natural person engaged in business activities shall commit an administrative tort if it/he/she unlawfully processes data processed in a data carrier with biometric data.

(3) A fine up to CZK 10,000 may be imposed for an administrative tort pursuant to Subsection (1). A fine up to CZK 10,000,000 may be imposed for an administrative tort pursuant to Subsection (2).

#### Section 93b **Joint Provisions**

(1) A legal entity shall not be liable for an administrative tort if it can evidence that it has made every effort that could be required in order to prevent any breach of the legal obligation.

(2) When determining the size of the penalty for a legal person, the seriousness of the administrative tort shall be taken into account, particularly the manner in which it has been committed and its consequences and the circumstances under which it has been committed.

(3) Liability of a legal person for an administrative tort shall cease to exist if the administrative body fails to commence the relevant proceedings within 1 year after it has learnt about the tort, but within a maximum period of 3 years from the day it was committed.

(4) Administrative torts pursuant to this Act shall be dealt with in the first instance by the Ministry, except for a tort pursuant to Section 93(5)(c) and an administrative tort pursuant to Section 93a(2), which are dealt with in the first instance by the Office for Personal Data Protection.

(5) The provisions of this Act on liability and sanctions against a legal entity shall apply to liability for acts conducted during business activities carried out by a natural person 13a) or in direct connection with it.

(6) Fines shall be collected and enforced by the relevant local customs office 13b). The income from penalties shall be income for the state budget.

(7) The procedure for collecting and claiming imposed fines is governed by a special legal regulation 14).

#### Section 94 **Temporary Provisions**

(1) An application for the granting of recognized refugee status filed by an applicant before this Act becomes legally effective shall be deemed to be an application to commence proceedings on the granting of asylum and shall be considered pursuant to this act.

(2) An alien who was awarded refugee status under the former regulation shall be deemed to be a refugee under this Act on the date on which this Act becomes legally effective.

## **PART TWO**

### Section 95

Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by Act No. 26/1993 Coll., Act No. 67/1993 Coll., Act No. 163/1993 Coll., Act No. 326/1993 Coll., Act No. 82/1995 Coll., Act No. 152/1995 Coll., Act No. 18/1997 Coll., the Award of the Constitutional Court No. 186/1997 Coll., the Award of the Constitutional Court No. 138/1999 Coll. and Act No. 168/1999 Coll., shall be amended as follows:

The words "and refugees" shall be deleted in Section 2(2), second sentence.

### **PART THREE**

#### **FINAL PROVISIONS**

##### Section 96

Act No. 498/1990 Coll., on Refugees, as amended by Act No. 317/1993 Coll., and Article III of Act No. 150/1996 Coll. shall be repealed.

##### Section 97

This Act shall become effective on 1 January 2000.

**Klaus, signed**

**Havel, signed**

**Zeman, signed**

**Schedule No. 1**  
**Form of the application for the granting of international protection**

Stamp of the reception centre

Photograph  
(3.5 x 4.5)

File No.

**Application**

1.a) Name:

b) Surname:

c) Previous surnames (indicate all):

2. Date and place (country) of birth:

3. Sex:

4. Citizenship(s):

a) at birth:

b) current (indicate all):

c) if none, state reasons:

5. Nationality/ethnic origin which you declare:

6.a) First name of father:

b) Surname of father:

c) Date and place of birth of father:

7.a) First name of mother:

b) Surname of mother:

c) Date and place of birth of mother:

8. In what languages are you able to communicate?

9. Marital status:

10. Number of dependants:

11.

a) children under 18 years of age on whose behalf you apply for the granting of international protection (first name and surname, date and place of birth, nationality, citizenship and family relation):

b) state first names and surnames, dates and places of birth and family relations of other family members who apply for the granting of international protection in the territory of the Czech Republic together with you:

c) other family members who remain outside the territory of the Czech Republic [places of their residence and other data as in (a)]:

d) relatives or acquaintances who stay in the territory of the Czech Republic, on whose assistance during the proceedings on the granting of international protection you rely on:

12. List places (country, town, street) and length of stay at places where you stayed during the last 10 years prior to your arrival in the Czech Republic:

13. List documents which you currently possess:

a) passport and visa (type, number, expiry date):

b) other identity documents (type, number, expiry date):

14. Religion:

15. Are you or is any member of your family a member of a political party or other organization?

16. When and where did you attend military service?

17. Highest level of education achieved: Certificates of education:

18. Profession:

a) Requisite professional skills:

b) Past position (over 1 year) and time in that position:

19.a) Do you currently possess any funds (amount and currency)?

b) Do you have any movable or immovable assets (what and where)?

c) Are you entitled to a pension or any other social benefit (what, where)?

d) Do you receive any material assistance (what, from whom)?

20. When and why did you leave your home country: State when and where you stayed from the time you left your country and before your arrival in the Czech Republic?

21. Have you stayed in another Member State of the European Union since you left your home country? If yes, list the Member States where you have stayed (country, town, street), length and purpose of stay, the permit under which you stayed in the territory of the Member State (type, expiry date)?

22. Have you left the territory of Member States of the European Union? If yes, state when you left the territory of Member States of the European Union, which country you travelled to and when you returned to the territory of Member States of the European Union. Describe the course of your travelling?

23. For what reasons do you apply for the granting of international protection?

24. Did your relatives to whom you have any obligations remain in your home country?

25. When, where and how did you enter the territory of the Czech Republic?

26. When, where and how did you enter the territory of Member States of the European Union?

27.a) Which countries did you cross on your way to the Czech Republic?

b) How long did you stay in the territory of these countries?

28. State whether the Czech Republic is your final or transit destination, describe your ideas about resolving your situation:

29. Have you been to the Czech Republic before; when and for what reason?

30. Have you made contact with the diplomatic mission of your home country during your stay abroad (where, when, why and with what result)?

31. Have you claimed asylum or international protection before, if yes (where, when, with what result)?

32. Have you been or are you subject to criminal prosecution (when, where, for what reason and with what result)?

33. What are you afraid of in case you return to your home country?

34. Indicate your health condition:

35. Describe on a separate sheet, which constitutes an integral part of the application for the granting of international protection, your reasons for applying for the granting of international protection in the Czech Republic, and any other relevant circumstances which may support the reasons for filing an application for the granting of asylum.

I confirm that I have been informed about my rights and obligations during my stay in the territory of the Czech Republic, including the right to seek assistance from the Office of the United Nations High Commissioner for Refugees at any time, and to contact other organizations which are engaged in the protection of refugees' interests.

In            On

.....      .....      .....

Signature of the applicant for asylum	Signature of the interpreter of the Ministry	Signature of the authorized employee
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**Schedule No. 2**  
**CERTIFICATE OF AN APPLICANT FOR INTERNATIONAL PROTECTION**

Picture 2-2002.pcx

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\*) ASPI Note: The certificate title is: "CERTIFICATE OF AN APPLICANT FOR INTERNATIONAL PROTECTION".

**Selected Provisions of Amendments**

Article II of Act No. 2/2002 Coll.

**Temporary Provisions**

1. An application for commencement of proceedings on the granting of asylum that has not been decided upon with legal effect by the date on which this Act becomes effective shall be deemed to be an application for the granting of asylum.

2. Proceedings on a remonstrance that have not been decided upon by the Minister of the Interior by the date on which this Act becomes effective shall be completed pursuant to the to-date legal regulation.

3. If the time limit stipulated by the to-date legal regulation for filing an action against a decision in the asylum matter has not expired, such action may be filed even after this Act becomes effective, through the Minister of the Interior.

4. Proceedings on the matter of a review of the lawful nature of a Ministry's decision commenced before this Act becomes effective or pursuant to point 3, shall be completed pursuant to the to-date legal regulation.

5. The legal status of an alien who is a participant in the proceedings under point 4 shall be governed by the to-date legal regulation.

6. When providing medical care during the term of validity of a visa to allow exceptional leave to remain pursuant to existing Section 73, the procedure shall be governed by the new legal regulation applicable to an applicant for asylum.

7. The procedure in the proceedings on the granting of a financial contribution to an alien who has been issued a visa to allow exceptional leave to remain shall be governed by Section 43, except for the last sentence of Subsection (2). If the provision uses the term "an applicant for asylum with his/her registered address outside an accommodation centre" it shall mean, for the purpose of such proceedings, an alien to whom a visa was issued to allow exceptional leave to remain.

8. If the proceedings on an action in the asylum matter have been suspended due to the fact that the place of stay of the applicant is unknown and such fact prevents a decision to be made in the matter, the court shall discontinue the proceedings upon the expiry of 90 days, unless a change in the circumstances occurs.

Article II of Act No. 350/2005 Coll.

**Temporary Provisions**

The legal status of an alien whose cassation complaint against a decision of the regional court issued prior to the date on which this Act becomes effective has not yet been decided, shall be subject to the to-date legal regulations during the proceedings on the cassation complaint.

Article V of Act No. 136/2006 Coll.

1. Proceedings commenced prior to the date on which this Act becomes effective shall be completed pursuant to Act No. 325/1999 Coll., as amended until the date on which this Act becomes effective.

2. Travel documents with a data carrier with biometric data on fingerprints shall be issued from 1 May 2008.

Article II of Act No. 165/2006 Coll.

**Temporary Provisions**

1. An alien who stays in the Territory due to an obstacle to travel granted pursuant to Section 91 of Act No. 325/1999 Coll., as amended until the date on which this Act becomes effective, shall be obligated to arrange his/her further stay in the Territory prior to the expiry of his/her visa for stays exceeding 90 days, or pursuant to a long-term residence permit for the purpose to allow exceptional leave to remain, pursuant to Act No. 325/1999 Coll., as amended until the date on which this Act becomes effective. In such cases, Section 10(3) of Act No. 325/1999 Coll., as amended from the date on which this Act becomes effective, shall not apply to the filing of an application for the granting of international protection.

2. Applications for the granting of asylum that have not been decided by the Ministry with legal effect by the date on which this Act becomes effective shall be deemed to be applications for the granting of international protection pursuant to Act No. 325/1999 Coll., as amended from the date on which this Act becomes effective.

Article IV of Act No. 379/2007 Coll.

**Temporary Provision**

Proceedings that have not been completed with legal effect by the date on which this Act becomes effective shall be completed pursuant to Act No. 325/1999 Coll., as amended until the date on which this Act becomes effective.

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1) Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

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

1b) Notice of the Ministry of Foreign Affairs No. 208/1993 Coll., on making a Convention on the legal status of refugees and protocol concerning the legal position of refugees.

1c) Part 1 of Chapter II of Part 3 of Act No. 150/2002 Coll., the Rules of Administrative Procedure.

1d) Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

2) Section 3(2) of Act No. 326/1999 Coll., on the stay of aliens in the territory of the Czech Republic and on amendment to certain acts.

2a) Section 129 of Act No. 326/1999 Coll.

3) Section 130 to 151 of Act No. 326/1999 Coll.

4) Act No. 326/1999 Coll.

4) Act No. 326/1999 Coll.

4) Act No. 326/1999 Coll.

4a) Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. Commission Regulation (EC) No. 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No. 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

5) Section 19(3) of the Rules of Administrative Procedure

5a) Section 19(4), (5) and (8) of the Rules of Administrative Procedure.

5b) Section 22 of the Rules of Administrative Procedure.

5c) Section 26 of the Rules of Administrative Procedure.

5d) Section 32(2)(d) of the Rules of Administrative Procedure.

5e) Section 33(4) of the Rules of Administrative Procedure.

5f) Section 38(2) of the Rules of Administrative Procedure.

5g) Section 49 of the Rules of Administrative Procedure.

5h) Section 69(4), second sentence of the Rules of Administrative Procedure.

5i) Section 71(1) and (3) of the Rules of Administrative Procedure.

5j) Section 81 to 93 and Section 152 of the Rules of Administrative Procedure.

5k) Section 101 of the Rules of Administrative Procedure.

5l) Article 17 of the Treaty establishing the European Community.

5m) Protocol on granting asylum to nationals of Member States of the European Union.

6) Act No. 40/1993 Coll., on gaining and losing citizenship of the Czech Republic, as amended.

8) Act No. 36/1967 Coll., on experts and interpreters. Decree No. 37/1967 Coll., on the implementation of the Act on experts, as amended.

8a) Part 1 of Chapter III of Part 3 of Act No. 150/2002 Coll.

9) Section 2 and 3 of Act No. 110/2006 Coll., on subsistence and existence minimum.

9) Act No. 463/1991 Coll., on subsistence minimum, as amended.

9a) Section 15 and 180 of Act No. 326/1999 Coll.

9a) Section 20 of Act No. 326/1999 Coll.

9b) Section 56(2) of Act No. 150/2002 Coll., as amended by Act No. 165/2002 Coll.

9c) Act No. 258/2000 Coll., on protection of public health and on amendment of certain related acts, as amended.

9d) Section 50 of Act No. 326/1999 Coll., as amended by Act No. 222/2003 Coll., Act No. 428/2005 Coll., Act No. 161/2006 Coll. and Act No. 379/2007 Coll.

9e) Section 150 of the Rules of Administrative Procedure.

10) Act No. 368/1992 Coll., on administrative fees, as amended.

11) Section 167(d) of Act No. 326/1999 Coll.

12) Act No. 153/1994 Coll., on intelligence services, as amended by Act No. 118/1995 Coll.

Act No. 154/1994 Coll., on the Security Information Service, as amended by Act No. 160/1995 Coll.

Act No. 67/1992 Coll., on Military Defence Intelligence Service, as amended.

12a) Act No. 48/1997 Coll., on public health insurance and on change and amendment of some related acts, as amended.

12b) Council Regulation (EC) No. 871/2004 of 29 April 2004 on the introduction of some new functions for the Schengen Information System, including in the fight against terrorism.

12c) Act No. 561/2004 Coll., on pre-school, elementary, secondary, higher technical or other education (the Education Act), as amended.

12d) Act No. 326/1999 Coll., on residence of aliens in the territory of the Czech Republic, as amended.

Act No. 169/1999 Coll., on serving prison terms, as amended.

12e) Act No. 561/2004 Coll., on pre-school, elementary, secondary, higher technical or other education (the Education Act), as amended.

12f) Act No. 160/1992 Coll., on health care in private health care facilities, as amended.

13) Act No. 94/1963 Coll., on the family, as amended.

13a) Section 2(2) of the Commercial Code.

13b) Section 5(4)(m) of Act No. 185/2004 Coll., on Customs Administration of the Czech Republic

14) Act No. 337/1992 Coll., on administration of taxes and fees, as amended.

16) Act No. 337/1992 Coll., as amended.