



THE CZECH REPUBLIC

BY THE GOVERNMENT OF THE CZECH
REPUBLIC



CZECH REPUBLIC OVERVIEW

Resettlement programme since: 2005	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2013:

Admission targets for UNHCR submissions :	40 (to be confirmed)
Total Resettlement Admission Target:	40

Regional Allocations for 2013:

Africa	
Asia and Pacific:	
Middle East and North Africa	
Europe:	
Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2013 Description, additional comments:
Emergency resettlement procedures	Yes
Medical cases	Yes
Women-at-risk cases	Yes
Unaccompanied children	
Family Reunion (within programme)	

1. Resettlement Policy

1.1 Description of the country's resettlement policy

The Czech Republic started its annual resettlement programme in 2008 by resettling 43 Burmese refugees from Malaysia. In 2010, 39 Burmese refugees residing in Thailand and Malaysia were resettled to Czech Republic.

Already since 2005 the Czech Republic has realized several emergency resettlement programmes and resettled a number of refugees mostly for humanitarian reasons or in emergency situation. Another three emergency cases were resettled under fast-track procedures.

1.2 Ministries and Departments responsible for resettlement policy

The responsible administrative body is the **Department for Asylum and Migration Policy** within the **Ministry of Interior of the Czech Republic**.

1.3 Process for deciding the annual resettlement quota and its composition

The annual quota for the resettlement programme is based on the current situation and on a needs analysis. The Minister of Interior makes a decision on the implementation of each resettlement action in the context of an annual plan following the approval by the Czech Cabinet. This decision stipulates the size of the future resettled group, the region of origin and an approximate timeframe for implementation.

July 2011, revised June 2013

The Minister decides on the basis of materials prepared by the intra-agency working group for resettlement composed of representatives of the Ministry of the Interior, the Ministry of Foreign Affairs and other relevant governmental actors.

All annual resettlement programmes are managed in close cooperation with UNHCR and IOM.

The cooperation between the Czech Republic and UNHCR on resettlement of refugees is governed by a bi-lateral international agreement which entered into force on 10 April 2010.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

The national legal instrument which defines the criteria for granting refugee status is Act No. 325/1999 Collection of Laws on Asylum (Asylum Act, latest amendment entered into force on 1 January 2011). Article 12 of the Asylum Act states:

Refugee status 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.

If the criteria for granting refugee status under Section 12 of the Asylum Act have not been met, granting asylum for humanitarian reasons under Article 14 or for the purposes of family reunification pursuant to Article 13 of the Asylum Act might be considered.

2.2 Refugee status criteria- asylum-seekers and resettled refugees

An alien who applies for international protection will be granted asylum or subsidiary protection if s/he meets the criteria laid down in Section 12, 13, 14, 14 a or 14 b of the Asylum Act. Under Section 90 of the Asylum Act, asylum can be granted without the previous proceedings to an alien recognized as a refugee under the mandate of UNHCR.

Refugees accepted for resettlement following submission of UNHCR are all granted asylum under the criteria defined in Section 12 of the Asylum Act. Upon arrival in the Czech Republic, they have to request for international protection in accordance with Section 90 of the Asylum Act. Individuals, who have been referred for resettlement to the Czech Republic by another organization than UNHCR, are eligible for granting asylum in the Czech Republic under Section 12, 13 or 14 of the Asylum Act.

3. Criteria for Resettlement

3.1 Refugee Resettlement Eligibility Criteria

The eligibility criteria for resettlement and for the Czech National Resettlement Programme Strategy correspond with the criteria upon which refugee status is granted in the Czech Republic. They are based on the Asylum Act of the Czech Republic, on the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and relate to persons with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Eligibility criteria for resettlement of a particular person or family could also be based on other specific humanitarian factors according to Article 14 of the Czech Asylum Act, such as: seriously ill persons, children, women at risk and other cases, in which "humanitarian asylum status" is granted.

3.2 Admissibility Criteria

In addition to these eligibility criteria, other criteria are also taken into consideration in order to give resettlement strategic effect in broader migration and foreign policy of the Czech Republic: foreign policy priorities, priorities of humanitarian aid policy, migration policy priorities etc. Integration aspects are also taken into consideration, such as: the willingness of the refugee in question to be resettled to the Czech Republic and the willingness to integrate into the Czech society.

Exclusion factors which would lead to the non-admission of a case submitted for resettlement consideration are mainly based on Article 1F of the 1951 Geneva Refugee Convention. Additionally, resettlement of an individual to the Czech Republic must not present a threat to public health or public order and must not harm the Czech Republic's national and international interests.

4. Resettlement Allocations/Processing Priorities

The resettlement allocations are established annually and based on the actual reception capabilities of the Czech Republic. In general around 40 refugees are resettled every year based on the relevant decision of the Czech Government. The Czech Republic does not apply any special sub-quotas. The decision on the quota is made following discussion with UNHCR and IOM.

5. Submission and Processing via Dossier Selection

5.1 Dossier submission policies

The Czech Republic allows for selection of candidates for resettlement on a dossier basis, especially for cases submitted by UNHCR under urgent or emergency priority or in cases of security or financial constraints for organizing the selection mission.

5.2 Case documentation and processing times

In such cases the decision to accept the refugees is made directly on the basis of documents provided by UNHCR (the resettlement file, health reports etc.) and the response is issued as soon as possible.

Once this decision is taken, the UNHCR office in the Czech Republic is informed and coordinates all the following communication with the UNHCR office in the country of asylum of the refugee. The transport is also usually organized as soon as possible.

5.3 Recourses, appeals

The Czech Resettlement Programme does not provide for the possibility to appeal against a decision of the Minister of Interior to reject a resettlement application. However, if new facts relevant for the assessment of a resettlement claim have been ascertained, UNHCR can request the Ministry of Interior to reassess the previously rejected case.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

As stated above, the selection procedure of refugees eligible for resettlement is established in the National Resettlement Programme Strategy and is based on a "dossier basis" method, as well as on "in-country selection missions". These missions are conducted by the Department of Asylum and Migration Policy within the MOI which is the responsible administrative body for resettlement.

6.2 Case documentation and processing

Within these missions all the refugees who have been submitted for resettlement consideration are interviewed. During this interview and based on information received from UNHCR, information relevant to the granting of asylum in the Czech Republic, namely grounds for granting asylum according to the 1951 Geneva Refugee Convention, Czech Asylum Act and other humanitarian reasons, are carefully reviewed.

In addition, information concerning the refugees' family members and family composition is also collected during the interview. In addition to the above, during in-country selection interviews, other relevant information concerning the refugees' social background is collected, such as level of education, work experiences, health, social or other skills, which are considered important to facilitate the post-departure integration phase in the Czech Republic.

Part of the selection mission is also cultural-orientation program. Its role is not only to deliver to the refugees some basic facts about the Czech Republic, but also to explain the scope of assistance they can expect after arrival, in order to create realistic expectations which are a key element of successful integration. This pre-arrival orientation also helps to prepare for the living conditions in the Czech Republic from the perspective of long-term integration prospects.

6.3 Processing times

A decision on resettlement is taken by the Minister or Deputy Minister of the Interior based on the outcomes of the selection mission.

Once the decision is taken, the UNHCR Office in the Czech Republic is informed, who coordinate any further communication with the UNHCR Office in the refugees' current country of asylum. Transport from the current asylum country to the Czech Republic is organized usually by IOM as soon after the selection mission as possible.

6.4 Recourses, appeals

As in the case of dossier based decisions, there are no possibilities to make an appeal or other recourse against a decision not to accept a refugee for resettlement into the Czech Republic. However, if new facts relevant for the assessment of a resettlement claim have been ascertained, UNHCR can request the Ministry of Interior to reassess the previously rejected case.

7. Emergency Cases/Urgent Cases

7.1 Policies for receiving emergency and/or urgent case submissions

The Czech Republic receives annually a number of submissions in respect of refugees who need to depart from their countries of first asylum on an urgent basis.

7.2 Case documentation for emergency cases

As mentioned above, in these cases the Czech Republic would make a decision on a "dossier basis", by reviewing all the documentation submitted by UNHCR in respect of the case without the need for a personal interview with the concerned refugee. In such a case, the Embassy or Consulate of the Czech Republic located in the refugee's country of asylum is normally involved in the arrangements of the refugee's departure for resettlement.

7.3 Processing times for emergency cases

In terms of processing times, the decision to accept such a case is made as soon as possible. The decision is taken by the Ministry of Interior of the Czech Republic. Once this

decision is taken, the UNHCR Office in the Czech Republic (and/ or IOM) is informed and coordinates all the following communication with the UNHCR office in the country of residence of the refugee. The transport is organized as soon as possible.

7.4 Recourses, appeals

There is no possibility to make an appeal or other recourse against a decision not to accept a refugee for resettlement into the Czech Republic. However, if new facts relevant for the assessment of a resettlement claim have been ascertained, UNHCR can request the Ministry of Interior to reassess the previously rejected case.

8. Special Categories/Special Needs

The Czech Republic does not operate any particular sub-quota dedicated to cases which present specific needs.

9. Medical Requirements

The Czech Republic, in cooperation with IOM, arranges for pre-departure basic health-checks and treatments, including tuberculosis tests, to ensure that all refugees are fit to travel to the Czech Republic.

There is no specific admissibility criteria linked to the health status of the refugees.

10. Orientation (pre-departure)

A cultural-orientation program is a part of the selection mission. Its role is not only to deliver some basic facts about the Czech Republic to the refugees, but also to explain the scope of assistance they can expect after arrival, in order to create realistic expectations which are a key element of successful integration. This pre-arrival orientation also helps to prepare for the living conditions in the Czech Republic from the perspective of long-term integration prospects.

11. Travel

All travel arrangements are coordinated between the Ministry of Interior of the Czech Republic, the respective Czech consulates abroad, IOM and UNHCR. Once all necessary proceedings concerning the refugee status, health and travel documents are completed, the Czech Consulate sur place issues a visa for the Czech Republic in the travel document of the refugee. In case the refugee does not possess valid travel document, the Consulate assists with issuing adequate substitute (i.e. ID document for purpose of travelling, ICRC Travel Documents).

All costs concerning the travel from the country of asylum to the Czech Republic are covered by the allocated resettlement programme budget of the Czech Republic. The logistics of the travel are organized and managed by IOM in close cooperation with the Czech Consulate in the country of asylum.

12. Status on Arrival and the Path to Citizenship

12.1. Immigration status on arrival

No later than two days after arrival to the Czech Republic, all resettled refugees need to formally apply for international protection in the Czech Republic. After 3-4 weeks, all resettled refugees are granted asylum status in the Czech Republic. In the interim, the resettled refugees have a status of asylum-seekers.

Once refugee status is obtained, all resettled refugees have the same rights, obligations and documentation as any other refugee granted asylum in the Czech Republic through the asylum procedure.

Under Section 90 of the Asylum Act, asylum can be granted without the previous proceedings to an alien recognized as a refugee under the UNHCR mandate. Should a person have been resettled without UNHCR mandate refugee status, refugee status will be granted based on the regular asylum procedure as described in Section 12, 13 or 14 of the Asylum Act.

All resettled refugees are provided with the right to reside permanently in the Czech Republic for the duration of the validity of the decision on the granting of asylum. They have the same rights and obligations (except the right to vote) as citizens of the Czech Republic.

12.2 Documentation issued, including travel documents

In addition, all resettled refugees are provided with a residence permit which also serves as an identity card. Upon request, a travel document can be issued to the refugees, which in accordance with the 1951 Geneva Refugee Convention, allows the refugee to freely travel outside the territory of the Czech Republic while being under the protection of the Czech Republic.

12.3 Requirements for citizenship

A refugee can apply for citizenship of the Czech Republic after five years of permanent residence. There are some additional requirements, such as clearance of any criminal record and certain level of knowledge of the Czech language. The Czech Republic does not currently permit dual citizenship, and applicants must declare their intention to renounce their original nationality should their application for naturalisation be approved. When citizenship is granted, refugee status is automatically ceased. From this moment the resettled refugees have all the rights of a citizen, including the right to vote.

In case of children born to resettled refugees in the Czech Republic, their parents can apply for a residence permit based on family reunification or they can also apply for asylum based on the regular asylum procedure.

13. Domestic Settlement and Community Services

13.1 Overview of services

Following the initial period of approximately six months in an Integration Asylum Centre in the Czech Republic, refugees move to host municipalities, which offer them rental contracts in apartments owned by the municipalities. Prior to moving to those municipalities several coordination meetings are held with representatives of the Ministry of Interior, the municipalities, NGOs, schools and other civil society actors to prepare further integration of the resettled refugees on local level.

13.2 Reception

Right after their arrival to the Czech Republic the resettled refugees are accommodated in one of the Integration Asylum Centers for a period of approximately six months. During this period, resettled refugees attend intensive courses of Czech language (400hrs) and socio-cultural adaptation course, which aim to help the refugees to adapt to a new situation.

13.3 Orientation

This course focuses on issues relating to the day to day life in the Czech Republic, for example health care, education, shopping, finance, employment, cultural and social habits and so on. During this period all minor children are attending local primary/secondary schools. Social and health insurance, similar to the one provided to Czech citizens, is

covered by specifically allocated funds. During this period, cooperation between the Integration Asylum Centre and non-governmental organizations is set up to support the integration process of the resettled refugees.

13.4 Housing

Resettled refugees fall under the national State Integration Programme, which has been developed to support the integration process for refugees. It is this programme which provides refugees with housing in municipal owned apartments across the Czech Republic. Municipalities, on voluntary basis, offer rental contracts to refugees and are eligible for donations from the Czech government for infrastructure development and financial support to furnish these apartments. Refugees sign standard municipal lease agreements, usually for one year with an automatic extension for up to five years. Also, social assistance for a period of 6 months is covered under this National State Integration Programme. After this period another six months of social assistance can be provided by local NGOs.

13.5 Health

Refugees have mandatory health insurance similar in coverage and conditions as those provided to Czech citizens.

13.6 Language Training

Intensive language courses of Czech language are provided during their 6 months stay in the Integration Asylum Centre. These courses cover 400 hours of language training. Nevertheless, the language barrier is one of the most problematic parts of the refugees' integration process.

13.7 Education

Shortly after arrival in the Czech Republic all children (under 18 years of age) start attending primary or secondary schools. The integration of these children has so far proven to be very effective and efficient.

13.8 Employment-related training

Employment-related training based on the individual needs is closely connected to the refugee's knowledge of the Czech language..

13.9 Employment

The Czech Republic considers employment, in addition to housing, education and knowledge of the Czech language, as the key factor to ensure successful integration of the resettled refugee into Czech society. During the first phase of their life in the Czech Republic (first one to two years), the possibilities to find high-profile employment are very low, often based on the limited knowledge of the Czech language, low level of education and/or professional training of the resettled refugees. Most of the resettled refugees start working in positions relating to community services, with fixed term contracts, which are offered to them by the municipalities in which they are living.

13.10 Financial assistance

Resettled refugees have the same rights and obligations as citizens when it comes to social welfare and financial assistance, including in the case of unemployment. However, in cooperation with the municipalities, resettled refugees are eligible for special social assistance aiming to help better and faster integration on local level for a period of one year.

13.11 Supplemental supports for refugees with specific needs

Refugees with special needs, in particular refugees with disabilities, are provided with all necessary health care and support just like Czech citizens. Local NGOs, civil society (churches, social clubs, etc), as well as local municipalities, all play a vital role in providing this kind of supplementary support.

13.12 Mechanisms to share information with service providers; including details on expected populations, specific cases, and integration issues

The Czech resettlement programme continuously works and communicates with all relevant actors, such as the Ministry of Interior, the municipalities, NGOs, UNHCR, schools, churches, local civil society, etc.

14. Family Reunification of Refugees

14.1 Legislation regarding rights and restrictions to family reunification

There are no specific mechanisms under the National Resettlement Programme Strategy concerning the family reunification of resettled refugees after their arrival to the Czech Republic. Regular family reunification provisions applicable to refugees who have been granted refugee status in the Czech Republic via its asylum procedure also apply to resettled refugees.

The conditions for family reunification are stipulated in the Czech Alien Act (Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic). According to the Act, foreigners may apply through the local Embassy either for temporary or permanent residence permit. In case of family members of resettled refugees (as well as of recognised refugees in general) many procedural requirements are lifted and the procedure is therefore lighter (the family members are mainly requested to present their travel documents and proof of family ties).

The family members of resettled (and recognised refugees) can also arrive to the Czech Republic and apply for asylum on the basis of family reunification as defined in the Asylum Act. In case neither of above mentioned options is feasible, the Ministry is ready to consider, with the assistance of UNHCR, reunite the family through resettlement channels.

It is necessary to stress, that according to the relevant legislation, only direct relatives qualify for family reunification, namely husband/wife (including same-sex persons in registered partnerships), parents and minor children under 18 years of age. Elderly parents (over the age of 65) could also be considered as close relatives.

14.2 Case Documentation and processing

Resettlement procedures and mechanisms are not used for the processing of family reunification. For example, UNHCR Resettlement Registration Forms are not used and cooperation with UNHCR is only of subsidiary nature. The Agreement on Resettlement states that the Czech Government is responsible to facilitate the process of family reunion for resettled refugees while UNHCR is expected to cooperate with the Government in processing asylum claims in this respect.

As regards the actual procedure for family reunification: a family member of a refugee may apply to the Czech consulate in the applicant's country of residence for a long-term residence permit for the purposes of family reunification within three months from the date refugee status was granted to his/her family member in the Czech Republic. The only requirement for submitting the application is the possession of a travel document, a passport photo and a proof of relationship with the person granted refugee status in the Czech Republic.

14.3 Status of family members on arrival

In case of a positive decision, the family member will be granted with a long-term residence permit after arrival, with the possibility to apply for a permanent residence permit after five years of residence in the Czech Republic. The family member can also apply for asylum on the basis of his/her family reunification with the refugee. Family members enjoy the same rights and obligations as any other refugee in the Czech Republic.

14.4 Entitlements for family members

The Czech Republic does not provide the family members within the family reunification process with any specific pre-departure or post-departure assistance. However, when family members of resettled refugees (as well as of recognised refugees in general) apply for temporary or permanent residence permit on the basis of family reunification, many procedural requirements are lifted and the procedure is therefore lighter (the family members are mainly requested to present their travel documents and proof of family ties).

15. References/Resources

<http://www.unhcr.cz/dokumenty/dohoda-o-presidlovani-do-CR.pdf>

<http://www.unhcr.cz/dokumenty/national-resettlement-programme-concept.pdf>

<http://www.unhcr.cz/dokumenty/resettlement-of-burmese-refugees.pdf>

<http://www.mvcr.cz/mvcren/article/asylum-migration-integration-asylum.aspx>