

**Act  
No 221/2003 Coll.  
on Temporary Protection of Aliens  
of 26 June 2003**

The Parliament has approved the following Act of the Czech Republic:

**Article 1  
Subject**

- (1) This Act sets out
- a) the conditions for the admission and residence of aliens<sup>1</sup> on the territory of the Czech Republic (further only „the territory“) for the purpose of provision of temporary protection and their departure from the territory;
  - b) the procedure on issuance/withdrawal of temporary protection residence permit on the territory (further only “temporary protection residence permit”);
  - c) legal status of aliens asking for the issuance of temporary protection residence permit (further only “applicant for temporary protection“) and aliens who have been issued temporary protection permit (further only “alien on temporary protection”);
  - d) the competence of the Ministry of Interior (further only “the Ministry“) and the Police of the Czech Republic (further only “the Police“) in this area of state administration.
- (2) The Czech Republic shall provide temporary protection to aliens on account of
- a) armed conflict, civic war or general violence;
  - b) natural disaster; or
  - c) constant or massive violation of basic human rights and freedoms or constant or massive persecution for national or religious reason.
- (3) The Czech Republic shall provide temporary protection
- a) to aliens who have left in large numbers their country of nationality, country of asylum or country
  - b) to aliens who have left in large numbers the country of their last permanent residence (in case of stateless persons);
  - c) to aliens unable to return to their state as per a) or b) if reasons for the provision of temporary protection under this Act occur or if the EU Council decides<sup>2</sup> on the provision of such residence.

---

<sup>1</sup> Art. 1, para 2 of the Act. No. 326/1999 Coll., on the Stay of Aliens on the Territory of the Czech Republic, as amended by the Act No. 217/2002 Coll.

<sup>2</sup> Council Directive No. 2001/55/EC of 20 July 2001, on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

## **Admission to the Territory for the purpose of temporary protection provision**

### **Article 2**

- (1) If during a border control<sup>3</sup> an alien indicates his/her intention to ask in the Czech Republic for temporary protection, the Police shall
- a) allow the alien admission to the Territory in order to enable him/her to submit an application for temporary protection and shall mark this fact into his/her travel document<sup>4</sup>;
  - b) inform the alien on his/her rights and duties in the context of provision of temporary protection in his/her mother tongue or in a language he/she is able to understand;
  - c) issue a special border card under special legal regulation<sup>5</sup> if the alien is unable to provide a travel document and mark into this document the admission permit to the territory;
  - d) take finger-prints;
  - e) set out the place of residence on the territory (a humanitarian centre, Art. 40), the mode of transportation to his/her place of residence; the Police shall transport an alien into the specified place of residence if this is required by his/her medical condition, if he/she does not provide travel document or when there are well-founded fears of public order violation. Costs connected with the transportation of the alien into the stipulated place of residence shall be borne by the Ministry.
- (2) As a demonstration of an intention to ask the Czech Republic for temporary protection is considered a demonstration of the alien's will indicating that he/she seeks temporary protection in the Czech Republic. Demonstration of such an intention can be made either in writing or orally into a record.
- (3) An alien is entitled to reside on the territory for at least the period set out for the submission of temporary protection application (Article 46). If the alien does not submit application for temporary protection within the stipulated period of time, he is obliged to leave the territory.
- (4) The Police shall inform the Ministry without delay about the number of persons who were allowed admission to the territory.

### **Article 3**

- (1) An alien who indicated his/her intention to ask the Czech Republic for temporary protection under this Act is obliged to demonstrate his/her identity by
- a) submission of a travel document<sup>4</sup>;

---

<sup>3</sup> Art. 3, para 3 of the Act No. 326/1999 Coll.

<sup>4</sup> Art. 108 of the Act No. 326/1999 Coll., on the Stay of Aliens on the territory of the Czech Republic as amended by the Act No. 140/2001 and Act No. 217/2002 Coll.

<sup>5</sup> Act No. 326/1999 Coll. as amended by later regulations.

- b) submission of another officially issued document of his/her country of nationality or country of his/her last permanent residence.
- (2) Documents as per paragraph 1 can be replaced by an affidavit containing information on the identity of the alien.
- (3) 'Showing identity' under this Act means to provide of information on the name , surname, day, month and year of birth, nationality and last place of permanent residence outside the Territory.

#### **Procedure on the issuance of temporary protection residence permit Article 4**

The authority competent to carry out the procedure on issuance and withdrawal of temporary protection residence permit is the Ministry.

#### **Article 5**

Participant of the procedure under this Act is

- a) an applicant seeking temporary protection;
- b) an alien on temporary protection where a procedure on withdrawal of his/her temporary protection residence permit begun.

#### **Submission of an application for temporary protection residence permit**

#### **Article 6**

- (1) An alien who was allowed admission can apply for temporary protection within maximum of 24 hours after being allowed admission. If submission of the application for temporary protection is prevented by reasons deserving special consideration independent on the alien's will, he/she may do so without unnecessary delay after the reasons cease to exist.
- (2) Application for the issuance of temporary protection residence permit (further only "application for temporary protection") can be submitted by an alien
  - a) residing on the territory on the basis of a visa or long-term residence permit under special legal regulation or an alien not subjected to visa duty.
  - b) who resides on the territory without a valid residence permit provided, that he/she will approach voluntarily and without delay the nearest department of the Aliens and Border Police and apply for temporary protection there.
- (3) The Police will always arrange for the transportation of an alien under para 1c) into a humanitarian centre; the travel expenses connected with the alien's transportation shall be covered by the Ministry.

### **Article 7**

Duty stipulated in Article 3 applies to an alien who submitted an application for temporary protection.

### **Article 8**

Temporary protection application is submitted to the Ministry in a humanitarian centre on a form specified in the Attachment No. 1 to this Act.

### **Reasons for non-granting, withdrawal and termination of temporary protection residence permit**

#### **Article 9**

- (1) Temporary protection residence permit cannot be issued if there is a well-founded suspicion that the applicant for temporary protection:
  - a) has committed a crime against peace, war crime or crime against humanity in the sense of international documents containing provisions on these crimes;
  - b) is guilty of acts which are in contradiction with the principles and objectives of United Nations; or
  - c) may pose a risk for the State security.
- (2) Temporary protection residence permit can be refused to an applicant who
  - a) has been effectively sentenced for committing an especially serious crime provided that this fact continues to pose risk to the society; or
  - c) stated false information or withheld facts important for determination of the real state of facts.
- (3) Temporary protection residence permit cannot be issued if there is a well-founded suspicion that the applicant for temporary protection committed on the territory of another state before the submission of temporary protection application a serious crime.
- (4) Temporary protection residence permit cannot be issued when the Czech Republic has already reached the number of temporary protection residence permits stipulated by the relevant Instruction of the CR Government or in the decision of the EU Council. This provision does not apply to cases of family reunion under this Act.

#### **Article 10**

- (1) Temporary protection residence permit shall be withdrawn if
  - a) an alien on temporary protection gains temporary protection of another state or when he/she is issued permanent or similar residence permit by another state;
  - b) the alien on temporary protection was issued permanent residence permit under special legal regulation<sup>6</sup>, or
  - c) when reasons for which the temporary protection residence permit cannot be issued were identified (Art. 9, para 1).

---

<sup>6</sup> Act No. 326/1999 Coll., as later amended.

- (2) Temporary protection residence permit can be withdrawn if a reason, for which the issuance of temporary protection residence permit can be refused as per Art. 9, para 2 and 3, was found.
- (3) If the reason on the basis of which temporary protection residence permit for the purpose of family reunion has been issued ceases to exist and if no other reason deserving consideration<sup>8</sup> is identified, this residence permit shall be withdrawn.

### **Article 11**

Temporary protection residence permit ceases to exist

- a) when the person concerned dies or is proclaimed dead;
- b) when the period, for which temporary protection was provided, expires;
- c) when the person is granted asylum on the Territory<sup>7</sup> or is recognized as a refugee under international convention<sup>8</sup>,
- d) on the day when the Ministry received a written statement of an alien on temporary protection in the CR (with a notarized signature) renouncing his/her temporary protection residence permit;
- e) on the basis of a Governmental decision terminating the temporary protection regime (Article 62), or
- f) on the basis of the EU Council decision on the termination of the temporary protection regime<sup>2</sup>.

### **Joint Procedural Provisions**

#### **Article 12**

#### **Termination of the procedure**

The Ministry shall stop the procedure if

- a) the participant in the procedure died or was proclaimed dead;
- b) the participant did not correct faults in his application for the provision of temporary protection within the deadline set by the Ministry and for this reason, the procedure cannot continue;
- c) the period for the provision of temporary protection stipulated in the Resolution of the Government expired;
- d) the period for the provision of temporary protections stipulated by the Decision of the EU Council has expired<sup>2</sup>;
- e) the Government issued a decision cancelling the temporary protection;
- f) the EU Council issued a decision terminating the provision of temporary protection<sup>2</sup>;
- g) the participant of the procedure repeatedly doesn't show up for his/her interview (Art. 16) or does not provide information necessary in order to allow reliable determination of the real status quo and if it is not possible to decide on the basis of the yet collected information.

---

<sup>7</sup> Act No. 325/1999 Coll., on Asylum, amending the Act No. 283/1991 Coll., on the CR Police, as amended by later regulations and by the Act No. 2/2002 Coll. and Act No. 217/2002 Coll.

<sup>8</sup> Information of the MFA No. 208/1993 Coll., on the Convention on the Status of Refugees and Protocol on the Status of Refugees.

### **Article 13**

#### **Interruption of the procedure**

The Ministry shall interrupt the procedure for a necessary period of time, if the applicant is unable to participate in the procedure because of medical reason or other long-term nature reasons.

#### **Joint provisions on the procedure**

### **Article 14**

Participant in the procedure is entitled to act in the procedure under this Act in his/her mother tongue or a language, which he/she is able to understand. For this purpose, the Ministry shall provide the participant with free interpreting services for the whole period of the procedure.

### **Article 15**

#### **Delivery of written communications**

- (1) Written communications are delivered hand-to-hand.
- (2) A communication which cannot have not been delivered hand-to-hand to the participant in the procedure shall be deposited in a humanitarian centre of the participant's registered residence or, if his/her registered residence is outside the humanitarian centre, in a humanitarian centre closest to his/her place of residence. Information on the deposit of the undelivered communication is placed on an Official Board in the humanitarian centre without unnecessary delay. If the addressee does not pick up the communication within ten days after its deposition, the last day of this period is considered as the date of delivery even when the addressee did not learn about the deposition.
- (3) In the procedure on issuance/withdrawal of temporary protection residence permit, delivery cannot be made via public announcement<sup>9</sup>.

### **Article 16**

Against a decision of the Ministry on temporary protection no appeal can be submitted, the decision cannot be reviewed and the procedure cannot be renewed<sup>10</sup>.

### **Article 17**

#### **Review of a decision on temporary protection**

- (1) Complaint against a decision of the Ministry can be submitted within 15 days from the day of delivery<sup>11</sup>.
- (2) A body competent in this procedure is a court, in the district of which the complainant has registered residence.

---

<sup>9</sup> Article 26 of the Act No 71/1967 Coll., Administrative Code.

<sup>10</sup> Part Four of the Act No. 71/1967 Coll.

<sup>11</sup> Act No. 150/2002 Coll., Administrative Judicial Code.

**Article 18**  
**Costs of the procedure**

The Ministry bears costs of the procedure on temporary protection until the day, when the decision of the Ministry comes into effect.

**Article 19**  
**Costs and remuneration of interpreting services**

Remuneration for interpreting services and the payment of costs connected with the performance of this activity shall be set in an agreement between the Ministry and the interpreter. The remuneration and payment of expenses cannot exceed limits set out by special legal regulations<sup>12</sup>.

**The Office of the United Nations High Commissioner for Refugees**  
**Article 20**

The Ministry shall upon request inform the Office of the United Nations High Commissioner for Refugees (further only "UNHCR") on the number of procedures commenced under this Act.

**Article 21**

- (1) The Ministry shall enable an authorized worker of the UNHCR upon his/her request without delay, if the participant in the procedure agrees with it,
  - a) to establish a contact with the participant in the procedure at any time;
  - b) to be present during an interview and oral contact.
- (2) Information gained by UNHCR during an interview or oral contact can be used by UNHCR only for the performance of its tasks.

**Legal Status of applicants for temporary protection**  
**Article 22**

An applicant for temporary protection is entitled to reside on the territory during the period of the procedure on temporary protection.

**Article 23**

- (1) A person, who indicated his/her wish to apply for temporary protection, is obliged to tolerate a personal search and a search of his/her personal effects
  - a) before he submits an applicant for temporary protection;
  - b) if there is a well-founded fear that he/she hides a thing necessary for a reliable determination of the real status quo (e.g. travel document or another document) or hides a thing posing a risk to his health or affecting the psychical condition of people.
- (2) The search shall be carried out by the Police. The Police shall write down a report on the performance of the search.
- (3) Personal search is carried out by a person of the same sex.

---

<sup>12</sup> Act No. 36/1967 Coll., on Experts and Interpreters as amended by later regulations.

#### **Article 24**

- (1) An applicant for temporary protection is obliged to reside in a humanitarian centre until
  - a) identification procedures as per Art. 28 are finished;
  - b) medical checks identifying possible illnesses posing a risk to the health/life of other people are finished;
  - c) the termination of a quarantine or other measure in connection with public health protection, if this can be done in the humanitarian centre.
- (2) The Ministry shall perform tasks as per paragraph 1, letter a) and b) without unnecessary delay.

#### **Article 25**

An applicant for temporary protection is obliged to hand over his/her travel document at the time of submission of his temporary protection request; this does not apply, if he/she resides on the territory on the basis of a visa or long-term residence permit issued under special legal regulation<sup>5</sup> or if he/she is not subject of a visa duty or is an asylum seeker<sup>6</sup>. Travel document is being handed over during the procedure under this Act.

#### **Article 26**

- (1) Applicant for temporary protection is obliged to tolerate fingerprints taking and picture taking during the submission of an application for temporary protection.
- (2) Fingerprints are taken by the Police.
- (3) Picture taking is done by the Ministry.

#### **Article 27**

Applicant for temporary protection residence permit is obliged to provide necessary co-operation to the Ministry and to state truthful and complete information necessary in order to reliably determine the status quo.

#### **Article 28** **Medical care**

- (1) Applicant for temporary protection and his/her child receives during the procedure under this Act, during the period for submission of complaint against a decision of the Ministry (Art. 17, para 1) and during the period of assessment of this complaint provided that the complaint was recognized as having suspensive effect, free care in the extent stipulated in special legal regulation<sup>13</sup> and medical care related quarantine stipulated or another public health protection measure until the termination of the procedure on temporary protection.

---

<sup>13</sup> Act No. 48 Coll. on Public Medical Insurance amending and changing certain related legislation.



- (2) Costs connected with the provision of medical care as per paragraph 1 are covered by the State; costs which occurred to the medical establishment are covered by the Ministry.
- (3) A child born to an alien on temporary protection residing on the Territory shall receive free medical care under paragraph 1 until the time of issuance of a decision on the provision of temporary protection.

### **Legal Status of Aliens on Temporary Protection**

#### **Article 29**

An alien on temporary protection, asking for accommodation in a humanitarian centre, is obliged to tolerate personal search if there is a well-founded suspicion that he/she is hiding a thing posing a threat to the health of people or affecting their psychological condition. Personal search is carried out under the conditions stipulated in Art. 23, para 2 and 3.

#### **Article 30**

An alien on temporary protection, registered for residence outside humanitarian centre, covers the expenses connected with his/her residence on the territory himself/herself.

#### **Article 31**

- (1) On the basis of a request of an alien on temporary protection the Ministry assesses, if his/her material and personal condition (or the material/personal conditions of his family members) are such as to justify provision of financial contribution up to the living minimum level.<sup>14</sup> Application for financial contribution is submitted to the Ministry in a humanitarian centre.
- (2) An applicant for financial contribution in his/her application describes his/her personal and material situation on the Territory, or the situation of his/her family members and supports his/her statement by all accessible documents or by an affidavit.
- (3) It is not possible to submit a complaint against the Ministry's decision on application for financial contribution.

#### **Article 32**

- (1) An alien on temporary protection is, for the purposes of employment and independent income generating activity, considered as an alien with permanent residence permit.
- (2) An alien on temporary protection is, for the purposes of medical insurance, considered as an alien with permanent residence permit.

---

<sup>14</sup> Art. 3, para 2 and 3 and Art. 4 of the Act No. 463/1991 Coll., on Living Minimum, as amended by later regulations, Art. 1 and 2 of Governmental Decree No. 333/2001 Coll.

### **Article 33**

For the purpose primary, secondary, higher and university education, an alien on temporary protection has the same status as citizens of the Czech Republic.

### **Cards and Alien´s Passport**

#### **Article 34**

##### **Card of an applicant for temporary protection**

- (1) The Police shall issue to the applicant for temporary protection a card of an applicant for temporary protection (further only "card of the applicant"). The specimen of the card of the applicant is contained in the Attachment No. 2 of this Act.
- (2) The card of the applicant is issued with 90 days validity. In the procedure on provision of temporary protection is not effectively terminated within the time of validity of the card, then the validity of the card is extended by 30 days. The applicant for temporary protection is obliged to come without delay for the extension of the card validity.
- (3) The card of the applicant is a public deed by which the alien shows his name and surname, date and place of birth, marital status, nationality, place of registered residence on the territory and the length of his/her permitted residence.
- (4) Into the card of the applicant, the Police will record, upon the alien´s request, information on his/her children under 15 years of age – the name, surname, date of birth, place of registered residence on the Territory and the length of the allowed residence.
- (5) The card of the applicant is issued and its validity period is extended by the district directorate of the Aliens and Border Police according to the place of registered residence of the alien.
- (6) The card of the applicant stops being valid on the day when a decision on temporary protection comes into effect.

#### **Article 35**

##### **Card of an alien on temporary protection**

- (1) An alien who was granted temporary protection shall be issued by the Police a card of an alien on temporary protection (further only "alien´s card") valid for the period of validity of the entitlement to reside for the purpose of temporary protection under this Act. The validity of the card is extended if a decision on the extension of temporary protection provision is made. An alien on temporary protection is obliged to come without delay for the extension of the validity of his/her alien´s card.
- (2) The card of an alien is a public deed by which the alien on temporary protection demonstrates his/her name, surname, date and place of birth,

marital status, nationality and place of registered residence on the territory.

- (3) If a child under 18 years was not issued alien's card, the Police shall upon a request of an alien on temporary protection register information on his children under 15 years of age – the name, surname, date of birth and place of registered residence on the Territory.
- (4) The card of an alien is issued, the length of its validity is extended and information into it are recorded by the district directorate of the Aliens and Border Police according to the place of registered residence of the alien on temporary protection.
- (5) A specimen of the card of an alien is contained in the Attachment No. 3 to this Act.
- (6) The alien's card validity expires on the day when temporary protection residence permit is withdrawn or ceases to exist.

#### **Article 36**

The card of an applicant and card of the alien is invalid if the authority responsible for its issuance decides that

- a) its holder's likeness has changed significantly;
- b) has been damaged in such a way that the information recorded there are illegible or its integrity is damaged;
- c) contains wrong information or unauthorized changes.

#### **Article 37**

The alien on temporary protection who does not possess a travel document is entitled to ask the Police for the issuance of an alien passport under special legal regulation<sup>5</sup>.

### **Reporting on place of residence**

#### **Article 38**

- (1) The place of registered residence of an applicant for temporary protection is the humanitarian centre in which he/she is accommodated. The applicant for temporary protection is obliged to register for residence at a district directorate of the Aliens and Border Police according to the place of his/her new residence within three working days after the change of registered residence; this does not apply if the alien has registered residence under special legal regulation.
- (2) The place of registered residence of an alien on temporary protection is humanitarian centre in which he/she is accommodated. The alien on temporary protection residing outside a humanitarian centre is obliged to register for residence at the district directorate of the Aliens and Border Police according to the place of his new residence within three working

days after the change of his registered place of residence; this does not apply if the alien has registered residence under special legal regulation.

### **Article 39**

- (1) During reporting on the place of residence, the applicant for temporary protection or an alien on temporary protection is obliged
  - a) to provide information (by filling a form) indicating his/her name, surname, day, month, year and place of birth, nationality, permanent residence abroad, number of the card of applicant for temporary protection or alien on temporary protection and the expected length of stay; the alien shall attach his/her own signature.
  - b) to provide certificate containing the agreement of the owner of the building, or its part, with having registering residence there. The consent must include the identification number of the building, the building must be suitable for living or accommodation; if the owner is a legal entity then the consent must include the name, address and identification number, stamp and name, surname and signature of authorized person. The consent must bear an officially verified signature of the owner. The condition of official verification of signature does not apply if the owner signs the consent in front of a worker of the district directorate of the Aliens and Border Police and at the same time provides his/her identity card;
  - c) to show his/her card of an applicant of alie´s card.
- (2) The Police shall without delay inform the Ministry on the change of the place of residence of an alien on temporary protection.

### **Humanitarian centre**

#### **Article 40**

- (1) A humanitarian centre is an organizational part of the State administrative structure established by the Ministry.
- (2) Humanitarian centre serves as an accommodation place for applicants for temporary protection during the period of procedure under this Act, for the period stipulated for the submission of a complaint against this decision (Art. 17. para 1) and for the priod of procedure on this complaint provided that the complaint are recognized as having retroactiv effect, the and aliens on temporary protection who are unable to find another accommodation. For these purposes, the Ministry may use asylum facilities under special legal regulation<sup>6</sup>.

#### **Article 41**

Humanitarian centres are run by the Ministry or a legal entity in the extent of a contract concluded with the Ministry for a remuneration.

#### **Article 42**

- (1) An alien residing in a humanitarian centre is during the procedure under this Act entitled to:

- a) free provision of accommodation, food and other services provided by the humanitarian centre, and
- b) pocket-money;

under the condition that he/she tolerated acts necessary in order to determine his/her financial/property situation and this situation is such that he/she cannot be asked for even a partial payment of services under letter a).

(2) An alien on temporary protection, who did not tolerate personal search at the time of admission to the humanitarian centre under Art. 29, can be refused accommodation in a humanitarian centre for security reason.

#### **Article 43**

Taking into account the possibilities of the humanitarian centre, accommodated aliens can be offered financial contribution corresponding to the living minimum under special legal regulation instead of food services<sup>15</sup>.

#### **Article 44**

An alien accommodated in a humanitarian centre is entitled, taking into account the possibilities of the humanitarian centre,

- a) to free provision of basic hygienic standard;
- b) taking into account the possibilities of the humanitarian centre, to a free provision of food corresponding to the principles of healthy nutrition and medical condition of the alien; in case of children under 15 years five times per day;
- c) to a bed and a closet for his/her personal effects;
- d) to receive visitors;
- e) to receive parcels and money;
- f) to receive and send off (at his expenses) written communication.

#### **Article 45**

##### **Contribution to the municipality**

The Ministry provides to the municipality contribution

- a) to the payment of expenses connected with the establishment and operation of the humanitarian centre on its territory;
- b) to payment of non-investment costs of primary schools visited by the applicants for temporary protection and aliens on temporary protection.

#### **Duty to depart and voluntary return**

##### **Article 46**

If an alien does not submit an application for the provision of temporary protection within the stipulated period of time (Art. 7, para 1, letter a)), then he/she is obliged to depart from the territory within 24 hours. Entitlement to reside ceases to exist after the expiry of this period.

##### **Article 47**

The departure is governed by special legal regulation<sup>5</sup>.

---

<sup>15</sup> Act No. 463/1991 Coll. as amended.

### **Article 48**

#### **Voluntary return**

The Ministry may bear, if this is in public interest, costs related with voluntary return into the country of origin or another country

- a) of an applicant for temporary protection on the basis of his/her written request submitted during the procedure on provision of temporary protection, or
- b) of an alien on the basis of his/her written request submitted within 24 hours after the decision on on-granting the temporary protection, decision on withdrawal of temporary protection residence permit or a decision on the termination of procedure on temporary protection came into effect; or
- c) of an alien on the basis of his/her application submitted within 24 hours after the temporary protection residence permit under Art. 11, letter b), c), d) and e) ceased to exist.

### **Record-keeping**

#### **Article 49**

- (1) The Ministry keeps in its information system records on applicants for temporary protection and aliens on temporary protection.
- (2) The Ministry may use the information kept in records under paragraph 1 only for the performance of tasks under this Act. Information from the records can be requested if this request is made in line with special legal regulation<sup>16</sup>.
- (3) Information kept in records under paragraph 1 are maintained in an extent stipulated in the application for temporary protection residence permit.
- (4) The Ministry shall forward information kept in records under paragraph 1 for discard procedure five years after their last amendment.<sup>17</sup>

### **Article 53**

- (1) The Police keep records on aliens who were granted admission under Art. 2, para 1, letter a).
- (2) The Police keep records on fingerprints of applicant for temporary protection and aliens on temporary protection and information as per Art. 52, para 2; after five years from the last amendment of these records it shall forward them for discard procedure with a proposal to destroy them<sup>14</sup>.

---

<sup>16</sup> Act No. 101/2000 Coll., on the protection of personal data as amended by later regulations.

<sup>17</sup> Instruction No. 117/1974 Coll. setting out criteria for the assessment of archives and details of discard procedure.

- (3) Information kept as per paragraph 1 are maintained in the extent of information contained in the application for the provision of temporary protection.
- (4) Information contained in the record as per paragraph 1 will be forwarded for destruction five years after the last amendment of the information contained there.<sup>18</sup>

#### **Article 50**

- (1) The Police maintains records of aliens, who were allowed entry as per Article 2, para 1, letter a).
- (2) The Police maintains fingerprints of applicants for temporary protection and aliens on temporary protection. Five years after the last amendment, these record will be forwarded for destruction<sup>18</sup>.
- (3) The Police and intelligence services of the Czech Republic may, during the performance of tasks under this Act and special legal regulations<sup>19</sup>, use information kept in records under Art. 52, para 1, including personal information.

#### **Family reunion**

##### **Article 51**

- (1) A family member of an alien on temporary protection under this Act shall be issued residence permit for the purpose of temporary protection on the basis of his/her application.
- (2) A family member of an alien on temporary protection for the purposes of family reunion and provision of financial contribution is:
  - a) a spouse, if the marriage exist at the time when facts justifying the provision of temporary protection occurred;
  - b) a single child under 18 years;
  - c) a parent of a minor alien under 18 years on temporary protection;
  - d) a common law spouse, if they lived permanently together during the time when events justifying the provision of temporary protection occurred and if the harm suffered by one of them would be reasonably perceived by the other as his/her own harm.

##### **Article 52**

Persons close<sup>20</sup> to an alien on temporary protection, not included in the list as per Art. 51, para 2, can receive temporary protection residence permit on the basis of reasons deserving special consideration under the condition that they lived permanently together with the alien at the time when events leading to the mass influx of displaced persons to the Territory took place.

---

<sup>18</sup> Instruction No. 117/1974 Coll., setting out criteria for the assessment of written documents to be archived or destroyed.

<sup>19</sup> Act No 153/1994 Coll., on Security Service, as amended.

<sup>20</sup> Art 116 of the Civic Code.

### **Article 53**

- (1) If family members enjoy temporary protection separately in various EU member states, the Ministry shall adopt measures necessary for family reunion when conditions as per Art. 51 and 52 are met.
- (2) The Ministry shall
  - a) contact the relevant EU member state and together they will decide, on the territory of which country the family shall be reunited, taking into account the wish of the family;
  - b) issue a card for the transfer of an alien on temporary protection if the family reunion takes place on the territory of another EU member state; a specimen of the transfer card is contained in the attachment No. 4 to this Act.
- (3) For the purpose of family reunion, the Ministry shall provide the EU member state with information stated in the Attachment No. 5 to this Act in line with special legal regulation<sup>21</sup>.

### **Article 54**

#### **Hand-over of personal information to other states**

The obligation to ask the Office for the protection of personal information for the approval to hand-over personal information on applicants for temporary protection or aliens on temporary protection to other states does not apply to the Ministry<sup>17</sup>.

### **Article 55**

#### **Offences**

- (1) An alien who
  - a) does not stay in a humanitarian centre until the termination of identification acts as per Art. 26;
  - b) leaves humanitarian centre before the end of a medical examination (Art. 24, para 1, letter b)) or before the end of the quarantine or another public health protection measure (Art. 24, para 1, letter c)) and hereby puts at risk the life and health of other persons, or
  - c) violates the duty to report his/her place of residence under Art. 41,can be asked to pay for the offence a fine of up to 2.000 CZK.
- (2) General conditions of the responsibility for a offence under paragraph 1 shall be assessed and the offence shall be discussed under special legal regulation<sup>22</sup>.
- (3) Offence under paragraph 1 is discussed by the Ministry.

---

<sup>21</sup> Act No. 101/2000 Coll., on the Protection of Personal Information.

<sup>22</sup> Act No. 200/1990 Coll., on Offences as amended.



## **Joint and empowering provisions**

### **Article 56**

#### **Legal capacity**

An alien over 18 years of age capable of demonstrating his/her will and of acting independently is considered as having legal capacity to act in the procedure on temporary protection.

### **Article 57**

- (1) If an applicant asks for temporary protection under special legal regulation<sup>6</sup> or if he is an asylum seeker under special legal regulation<sup>6</sup>, provisions of Art. 24, Art. 28 and Art. 40-44 do not apply on him/her.
- (2) If an alien on temporary protection asks for asylum under special legal regulation<sup>6</sup> or if he is an asylum seeker under special legal regulation<sup>6</sup>, provisions of Art. 31, Art. 32, para 2 and Art. 42 to 44 do not apply on him/her.

### **Article 58**

- (1) The Ministry will inform the applicant for provision of temporary protection or an alien on temporary protection on his rights and obligations related to the procedure on temporary protection and temporary protection status on the Territory or related to the return to a state he/she left (Art. 1, para 3) in his/her mother tongue or in a language in which he/she is able to communicate.
- (2) The Ministry covers costs connected with the provision of services, pocket-money and financial contribution to an alien.

### **Article 59**

- (1) The Government of the Czech Republic stipulates in its instruction,
  - a) countries the citizens of which shall gain temporary protection residence permit;
  - b) period for which the temporary protection shall be provided;
  - c) the number of aliens who can gain the temporary protection residence permit if reasons for providing temporary protection occur.
- (2) The Government of the Czech Republic shall decide on the extension of the period of provision of temporary protection on the territory.
- (3) The Government of the Czech Republic shall decide on the termination of provision of temporary protection to aliens.

### **Article 60**

#### **Effectiveness**

- (1) This Act comes into effect on 1 January 2004, with the exception of the provision of Art. 1, para 4 (part containing the term "by the decision of the EU Council"), Art. 9, para 3 of the first sentence containing the term "decision of the EU Council", Art. 11, letter f), Art. 12, letter d) and f) and

Art. 53, which will come into effect as of the day of the CR accession to the EU.

- (2) Provision of Art. 1, para 2, Art. 1, para 4 in part containing the term "by the instruction of the Government, or", Art. 9, para 4, first sentence containing wording "by the instruction of the Government", Art. 11, letter e), Art. 12, letter c) and e) and Art. 59 will cease to be valid as of the day of the CR accession to the EU.

Zaorálek  
Klaus  
Špidla

## Attachment No. 1

Humanitarian Centre  
Photograph (3.5 x 4.5 cm)  
Registration Number:

### **Application for Provision of Temporary Protection**

1.
  - a) Name:
  - b) Surname:
  - c) Former surnames:
2. Date and place (country) of birth:
3. Permanent residence before the arrival to the Czech Republic (the country, town or municipality where you have been living):
4. Sex:
5. Nationality:
  - a) at time of birth:
  - b) current (state all):
  - c) if stateless, please specify reasons:
6. Marital status:
7. Number of dependants:
  - a) Children under 18, their place of residence:
  - b) Name and surname of spouse, his/her place of residence:
  - c) other family members, their place of residence:
8. Are there relatives in your country of origin, who stayed behind?
9. Documents confirming your family relationship:
10. Which documents do you currently possess:
  - a) Passport (type, number, validity):
  - b) Other identity documents:
11. Were you issued residence permit or similar permit by an EU Member State (type, number, validity)?
12. Were you issued visa by an EU Member State (number, validity)?
13. Did you previously apply for temporary protection or similar status on the territory of an EU Member State (when, where, what was the result)?
14. a) Do you currently have some finances?
  - c) Do you have movable/real estate property?
  - d) Are you entitled to pension benefits or other social assistance (what benefit, where)?
  - e) Are you receiving material assistance (what type, from whom)?
15. Were you in the past prosecuted (when, where, why and what was the result)?
16. What is your medical conditions?

I hereby confirm that I was informed about my rights and obligations during my stay on the territory of the Czech Republic, including the right to contact at any time the UNHCR office as well as other organizations working in the area of refugees.

In ..... on.....

Signature of the applicant    Signature of the interpreter/translator

**Attachment No. 2**

Picture

**Attachment No. 3**

Picture

**Attachment No. 4  
Sample**

**Card for transportation of an alien on temporary protection**

Czech Republic

Photograph

Registration Number:

Card issued as per Art. 53, para 2, letter b) of the Act No. 221/2003 Coll., on Temporary Protection. This card has the validity of a travel document and serves only for the transportation of a person on temporary protection.

This card is valid for the transfer from ..... to .....

The holder must arrive on ..... to (place) .....

Issued (who, when, where):

To a person enjoying temporary protection of the Czech Republic:

Surname:

Name:

Date and place (state) of birth:

Sex:

Nationality:

Legal representative (name, surname, date of birth):

Official stamp:

In ..... on .....

Signature of the issuing person:

Validity of the card holder was verified from the following document (type, number, validity): .....

The identity of the card holder was not determined.

**Attachment No. 5**  
**Information provided to another EU Member State**  
**for the purposes of family reunion**

1. Personal information about the alien (name, nationality, date and place of birth, marital status and family relationship).
2. Travel or other identity documents.
3. Documents confirming their family relation.
4. Other information supporting the claim on family ties.
5. Residence permit, visa (recent issuance or rejections by an EU Member State).
6. Visa applications or residence permits submitted by the aliens in a Member State.