



Czech Republic: Law No. 326 of 1999 on Residence of Aliens in the Territory of the Czech Republic and Amendment to Some Acts

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

DIVISION ONE: RESIDENCE OF ALIENS IN THE CZECH REPUBLIC

Chapter I Introductory Provisions

Section 1 Subject Matter of Regulation

(1) This Act sets out the conditions for leave to enter the territory of the Czech Republic (hereinafter the "Territory"), leave to remain in the Territory and leaving the Territory and determines the powers of the Police of the Czech Republic (hereinafter the "Police"), the Ministry of Interior (hereinafter the "Ministry") and the Ministry of Foreign Affairs in this area of state administration.

(2) An alien means a natural person who is not a Czech national [1](#).

Section 2 Scope of the Act

This Act shall not apply to an alien who:

a. applied for protection by the Czech Republic in the form of asylum, and to refugees, unless provided otherwise by a special legal regulation [2](#),

b. remains in the Territory on the basis of a special legal regulation which governs the temporary stay of foreign armed forces in the Territory [3](#).

Chapter II Entry in the Territory

Section 3

(1) An alien shall be entitled to enter the Territory through a border crossing at the place and time as specified for border control.

(2) A border crossing means:

a. a place designated by an international agreement which is binding for the Czech Republic (hereinafter an "International Agreement"), which is intended for the crossing of the state border of the Czech Republic under the conditions as set out by the relevant International Agreement or by this Act,

b. an international airport⁴, or

c. the area on board of an international train or the dock of an international passenger or cargo ship at the time when border control is carried out therein.

(3) Border control means the control of an alien as carried out at the border crossing in connection with an intended or effected crossing of the state border of the Czech Republic.

Section 4

(1) An alien shall be obliged to submit to border control without delay after the crossing of the state border if border control is carried out in the Territory, or to cross the state border without delay after the completion of border crossing if the same is carried out outside the Territory.

(2) During the performance of border control, the Police may:

a. confirm the entry of the alien in the Territory in his travel document by attaching a stamp which contains the name of the border crossing, and the date and hour of entry in the Territory,

b. curtail the expected period of stay of the alien in the Territory if this period does not correspond to the funds for the stay in the Territory submitted (Section 13).

(3) The Police shall attach the stamp referred to in sub-section 2 (a) in the travel document if the alien so requests; the same shall not apply if the alien is not allowed entry in the Territory or if this is not possible with regard to the type of the travel document.

(4) If the Police performs border control on the basis of an International Agreement outside the Territory, this control and acts carried out as part thereof shall have the same legal effects as border control performed in the Territory.

Section 5

At the request of the Police, an alien shall be obliged to do the following during border control:

a. submit the following documents unless provided otherwise below:

1. a travel document (Section 108) held by the alien; the Police shall recognise as such a travel document also a travel document which is co-held by a married couple who are entering the Territory for the purpose of temporary stay in the Territory,

2. a valid Czech visa (hereinafter the "Visa") if the alien is required to have a visa,

3. a document confirming that funds are available for the stay in the Territory (Section 13) or a certified invitation not older than 90 days from the date of its certification by the Police (Sections 15 and 180),

4. a certificate of medical insurance to cover the cost of treatment in relation to an accident or sudden illness in the Territory including the cost of transfer of the diseased or the remains of the deceased (hereinafter an "Insurance Certificate") to cover the stay of the alien in the Territory; the same shall not apply if the alien has medical insurance under a special legal regulation⁵⁾, or if the payment of medical expenses is secured in another manner; the alien shall be obliged to submit the Insurance Certificate also in case the insurance under a special legal regulation is not arranged to be valid as at the day of entry of the alien in the Territory,
5. a document confirming accommodation of the alien during his stay in the Territory unless the alien proves in another manner that accommodation has been arranged,
6. a visa for the country of the alien's destination or a country through whose state border the alien intends to travel to his country of destination; the same shall not apply if the alien has leave to remain in the above country without a visa,
 - a. to prove that the cost of leaving the Territory for a country whose travel document he holds, or another country of permanent residence, has been secured (Section 12) in case of a valid concern that the Czech Republic will bear such costs,
 - b. to complete and sign the state border crossing report and to affix a photograph to it,
 - c. to provide details within the extent required by an application for a Visa (Section 54).

Section 6

- (1) The obligation pursuant to Section 5 shall not apply to an alien who is transported through the Territory (Section 152).
- (2) The obligation to submit a document pursuant to Section 5 (a) (3) to (6) and the obligation referred to in Section 5 (b) to (d) shall not apply to an alien who, during border control, presents a diplomatic, service passport or another travel document with a diplomatic or special Visa (Section 49).
- (3) The obligation to submit a document pursuant to Section 5 (a) (3), (5) and (6) and Section 5 (b) shall not apply to an alien who has been issued a Visa for the purpose of receiving a residence permit (Section 75) or a Visa for over 90 days (Section 30).
- (4) The obligation to submit a document pursuant to Section 5 (a) (2) to (6) and Section 5 (b) shall not apply to an alien during the validity period of his residence permit (Section 65 and following) and to an alien referred to in Section 87.
- (5) The obligation to submit a document pursuant to Section 5 (a) (3), (5) and (6) and Section 5 (b) shall not apply to an alien who, during border control, presents a Visa pursuant to Section 26 or Section 30 issued for the purpose of employment.
- (6) The obligation to submit a document pursuant to Section 5 (a) (3), (5) and (6) and Section 5 (b) shall not apply to an alien who, during border control, presents a Visa issued for the purpose of studies.
- (7) The obligation to submit a document pursuant to Section 5 (a) (1) shall not apply to an alien who is under 15 years of age and who is entered in the travel document of an alien.

Section 7 Entry in the Territory for the Purpose of Provision of Temporary Protection

(1) During the border control of an alien who applies for temporary protection of the Czech Republic, the Police shall:

a. at the alien's request, issue a Visa for up to 90 days which gives the alien leave to remain in the Territory for the period of 3 working days from the date of issue of the Visa, and it shall put this Visa in a travel document,

b. issue the alien with a state border crossing report if the alien is unable to submit a travel document, and put the Visa pursuant to sub-section (a) therein,

c. determine the following:

1. the place where the alien is to stay in the Territory,

2. type of transport to the above destination in the Territory; the cost related to the transfer shall be covered by state funds,

a. in an adequate manner, advise the alien of his right to apply for a Visa for the purpose of temporary protection during the validity period of the Visa referred to in sub-section (a).

(2) If the alien declares that accommodation has been arranged for him in the Territory or that he has funds to remain in the Territory, the Police shall abstain from determining the place or type of transport referred to in sub-section (1) unless such abstention endangers the public order or public health.

(3) For the purposes of providing medical care, the alien shall be considered an alien with a Visa issued for the purpose of temporary protection during the validity period of the Visa referred to in sub-section (1) (a).

Section 8

(1) An alien who is entering the Territory for the purpose of provision of temporary protection shall not be subject to the obligation to submit a document pursuant to Section 5 (a) (2) to (6) and Section 5 (b).

(2) An alien who cannot submit a travel document during border control shall be obliged to:

a. prove his identity with another, officially issued document of the country in whose territory the persons who were granted temporary protection are staying, or by a statutory declaration stating his surname, name, date and place of birth and country from which he has arrived,

b. to submit to fingerprinting and photographing.

Section 9 Refusal of Entry in the Territory

(1) Unless provided otherwise below, the Police shall refuse entry in the Territory to an alien if:

a. the alien fails to meet the obligation to submit a document pursuant to Section 5 (a) (1) to (4) or (6) and/or the obligation referred to in Section 5 (b), (c) or (d),

b. his Visa has been cancelled by the issuing body or has expired,

c. he is an undesirable person (Section 154),

d. his travel document has expired; the same shall not apply to an alien's passport (Section 113) if the

grounds for which the travel document was issued still persist,

- e. the geographical area covered by the travel document, if specified, does not include the Territory,
 - f. entries in the travel document are illegible or the entirety thereof has been damaged; the same shall not apply to an alien's passport, a travel identity document (Section 114) or a travel document issued by the Czech Republic under an International Agreement (Section 108 (1) (e)) if the grounds for which the travel document was issued still persist,
 - g. the travel document contains incorrect data or changes made in an unauthorised manner,
 - h. the photograph in the travel document does not correspond to the appearance of the holder,
 - i. the travel document has been declared invalid or stolen by the relevant body of the country of issue,
 - j. the alien stated untrue information about the purpose of his stay in the Territory or there is a well-founded suspicion that the alien intends to carry out profitable activity in the Territory in an unauthorised manner,
 - k. the alien, during his stay, might endanger the security of the state or the public order since he used violence in asserting political aims, his activity is a danger to the fundamentals of a democratic state, he repeatedly violated legal regulations or obstructs the exercise of court or administrative decisions,
 - l. the alien might endanger public health during his stay in the Territory,
 - m. an obligation under an International Agreement would be breached upon the entry of the alien in the Territory, or
 - n. the Visa as submitted does not give the right to enter at the place where the border control is carried out since it is conditional upon the following:
 - 1. specification of the border crossing for the purposes of entry in the Territory, or
 - 2. restriction of the geographical area covered by the Visa to a specific place or part of the Territory (Section 52).
- (2) The Police may refuse entry in the Territory to an alien if:
- a. the validity period of the travel document does not exceed the validity period of the Visa or, in the case of a stay in the Territory for which a Visa is not required, the expected length of the period of stay in the Territory, by at least 90 days,
 - b. the alien fails to meet the obligation to submit a document pursuant to Section 5 (a) (5),
 - c. the travel document of the alien is full of official entries or visas which makes it impossible to put another official entry or a visa therein; the same shall not apply to an alien's passport submitted by an alien during border control in connection with his entry in the Territory or to a travel document issued by the Czech Republic under an International Agreement or to a document which is recognised as a travel document under an International Agreement if the grounds for which the travel document was issued still persist.

(3) When entry is refused pursuant to sub-section 2, the reasons for the refusal shall correspond to the consequences thereof. When considering this correspondence, the Police shall take into account, in particular, the consequences of the refusal for the private and family life of the alien. The Police shall make a record on each refusal of entry without delay which shall include substantiation of this

correspondence. The Police shall destroy such a record not earlier than upon the expiry of 1 year from the date of the record.

Section 10

The Police shall refuse entry in the Territory to an alien who applies for temporary protection

a. if

1. the alien, prior to his entry in the Territory, committed a crime against peace, a war crime or a crime against humanity within the meaning of international instruments which contain provisions on such crimes, or a non-political crime which, through its merits, amounts to a criminal offence whereas the maximum penalty of imprisonment exceeds 10 years, or

2. the alien cannot be deemed a part of a group for which temporary protection has been declared, and/or

a. facts have been established which suggest that he might endanger the security of the state during his stay in the Territory, especially with regard to the fact that he used violence in asserting political aims or his activity is a danger to the fundamentals of the democratic state, and/or

b. the alien is on the list of undesirable persons.

Section 11

A holder of a diplomatic passport which is accredited for the Territory shall be refused entry in the Territory by the Police if reasons referred to in Section 9 (1) (b), (d), (f), (g), (h) or (i) are established.

Section 12 Availability of Funds Required to Leave the Territory

(1) The availability of funds required to leave the Territory shall be proven:

a. by a document confirming that transport has been arranged for the alien to travel from the Territory to another country; or

b. by way of submission of funds to cover the cost of travel to a country whose territory the alien may enter.

(2) Instead of funds as referred to in sub-section 1, the following may be used to prove that the cost of leaving the Territory is covered:

a. an account statement in the name of the alien confirming that the alien is free to use funds in the amount as referred to in sub-section 1 during his stay in the Czech Republic, or

b. another document to certify that funds are available, such as a valid internationally recognised credit card.

(3) Funds may be submitted by the alien in the Czech currency or in a foreign freely convertible currency.

Section 13 Funds to Cover the Stay in the Territory

(1) Unless provided otherwise below, the following shall be submitted to prove the availability of funds for the stay in the Territory:

a. funds amounting at least to the following

1. 0.5 times the subsistence minimum set out under a special legal regulation⁶⁾ as required to cover maintenance and other basic personal needs (hereinafter the "Subsistence Minimum for Personal Needs") per 1 day of stay if the total period of stay is not to exceed 30 days,
2. 15 times the Subsistence Minimum for Personal Needs if the period of stay in the Territory is to exceed 30 days while this sum shall be increased to double the subsistence minimum for each whole month of expected stay in the Territory,
3. 50 times the Subsistence Minimum for Personal Needs in case of stay for the purposes of business activity the total period of which is to exceed 90 days, or

a. a document confirming the payment of services connected with the stay of the alien in the Territory or a document confirming that services will be provided free of charge.

(2) Instead of funds as referred to in sub-section 1, the following may be used to prove the availability of funds for the stay in the Territory:

- a. a bank account statement in the name of the alien confirming that the alien is free to use funds in the amount as referred to in sub-section 1 during his stay in the Czech Republic, or
- b. another document to certify that funds are available, such as a valid internationally recognised credit card.

(3) An alien who will study in the Territory may submit, as proof of availability of funds for his stay, a commitment by a state authority or a legal entity to cover the stay of the alien by providing funds equivalent to the Subsistence Minimum for Personal Needs for 1 month of expected stay, or a document confirming that all costs related to his studies and stay shall be covered by the receiving organisation (school). If the sum referred to in the undertaking does not reach this amount, the alien shall be obliged to submit a document proving the ownership of funds equivalent to the difference between the Subsistence Minimum for Personal Needs and the amount of the commitment for the period of his expected stay, however, not more than 6 times the Subsistence Minimum for Personal Needs.

(4) An alien who has not attained 18 years shall be obliged to prove the availability of funds for his stay pursuant to sub-section 1 equivalent to a half of the amount.

Section 14 State Border Crossing Report

A state border crossing report is a registration document which consists of two identical parts containing the name and surname, day, month and year of birth of the alien and any aliens under 15 years who travel with the alien, the series and number of the alien's travel document, his nationality and sex. The state border crossing report also contains a photograph of the alien, Visa number, brand name of the vehicle with which the alien is entering the Territory, international vehicle registration number and national vehicle registration number and colour thereof, date and place of entry in the Territory and date of leaving the Territory, purpose and place of stay in the Territory.

Section 15 Invitation

In an invitation, the person inviting an alien shall undertake to cover the costs

- a. related to the maintenance of the alien throughout his stay in the Territory until he leaves the Territory,

- b. related to the accommodation of the alien throughout his stay in the Territory until he leaves the Territory,
- c. related to the provision of healthcare to the alien throughout his stay in the Territory until he leaves the Territory, and the transfer of the alien when ill or of the remains of the deceased,
- d. arising to the Police in connection with the alien staying in the Territory and leaving the Territory in case of administrative expulsion.

Chapter III Temporary Stay in the Territory

Part 1 Temporary Stay in the Territory

Section 16

(1) An alien is staying in the Territory on a temporary basis

- a. following his crossing of the state border of the Czech Republic and following the completion of border control provided that he was not refused entry in the Territory during border control,
- b. following his crossing of the state border if no border control is carried out, or
- c. from the date of birth in the Territory under the conditions as set out by this Act (Section 88).

(2) Temporary stay under sub-section 1 (a) shall commence on the day and hour of the crossing of the state border of the Czech Republic if border control is carried out outside the Territory, or on the day and hour of the completion of border control if the same is carried out at the state border of the Czech Republic, or following the crossing of the border.

Section 17

An alien may stay in the Territory on a temporary basis:

- a. without a Visa, or
- b. on the basis of a short-term or long-term Visa issued for the purpose of temporary stay in the Territory.

Part 2 Temporary Stay in the Territory Without a Visa

Section 18

An alien may stay in the Territory on a temporary basis without a Visa:

- a. on the basis of the provisions of an International Agreement on the abolition of visa requirement,
- b. on the basis of a government order (Section 181), or
- c. if the alien

1. is in custody or imprisonment; such an alien may also stay in the Territory without a travel document during the period of such custody or imprisonment,

2. is put in a police cell⁷⁾ or in a facility for the detention of aliens (hereinafter a "Facility") (Section 130); such an alien may also stay in the Territory without a travel document during such a period, or
3. is under 15 years during the period of hospitalisation if he arrived with another alien in whose travel document he is entered and this alien has left the Territory; an alien under 15 years may also stay in the Territory without a travel document during the period of such hospitalisation.

Section 19 Termination of Temporary Stay in the Territory for Which No Visa is Required and Expiry of the Stay

(1) The stay of an alien in the Territory for which no Visa is required shall be terminated by the Police if the alien

- a. intentionally endangered the public order,
- b. intentionally breaches an obligation set out by this Act,
- c. stays in the Territory without a valid travel document unless authorised to do so under this Act, or if the Police, during a residents' control, establishes any facts referred to in Section 9 (1) (d), (e), (f), (g) or (h),
- d. fails to prove, at the request of the Police, the availability of funds for his stay in the Territory (Section 13) or fails to submit a certified invitation (Sections 15 and 180),
- e. fails to prove, at the request of the Police, the availability of funds required to leave the Territory, or
- f. stays in the Territory using a travel document which has been declared invalid or stolen by the relevant body of the country of issue,

provided that the reasons for the termination of the stay correspond to the consequences thereof. When considering this correspondence, the Police shall take into account, in particular, the consequences of the refusal for the private and family life of the alien.

(2) The stay of an alien in the Territory for which no visa is required shall be expired if the alien stays in the Territory in contradiction with an International Agreement on the abolition of visa requirement or a government decree on the abolition of visa requirement.

(3) The Police shall terminate the stay pursuant to sub-section 1 by granting an exit Visa. The exit Visa shall be granted by the Police also in the case of the expiry pursuant to sub-section 2. The alien shall be obliged to leave the Territory at the time set out by the exit Visa if expulsion proceedings have not been commenced.

Part 3 Temporary Stay in the Territory on the Basis of a Short-Term Visa

Section 20 Exit Visa

(1) Exit Visa shall be issued and put by the Police in a travel document:

- a. at the request of an alien who is staying in the Territory without a Visa pursuant to Section 18 (a) or (b), and/or
- b. on the basis of its official authority.

(2) The exit Visa shall be valid for 60 days.

(3) An exit Visa shall give the alien leave to remain in the Territory for the period as specified in the Visa and the right to leave the Territory.

(4) The period of leave to remain based on an exit Visa shall be determined in such a way so that the aggregate period of stay in the Territory and the period of stay in the Territory as extended by the exit Visa issued on request does not exceed 90 days.

(5) The period of leave to remain in the Territory based on an exit Visa issued pursuant to Section 1 (b) shall be determined by the Police.

(6) An application for an exit Visa may be filed within 3 working days prior to the expiry of the existing period of leave to remain in the Territory.

Section 21 Items Required for an Application for an Exit Visa

An alien shall be obliged to attach the following to an application for an exit Visa:

- a. a travel document,
- b. an Insurance Certificate to cover the period of stay in the Territory; the same shall not apply if the alien has medical insurance under a special regulation⁵⁾ or if the payment of medical expenses is ensured in another manner,
- c. photographs,
- d. funds to cover the stay in the Territory (Section 13) or a certified invitation unless the availability of funds in relation to the stay in the Territory is proven in another manner,
- e. a document proving the availability of funds required to leave the Territory.

Section 22 Transit Visa

(1) A transit Visa shall be issued by a diplomatic authority or consulate (hereinafter a "Diplomatic Authority") at the request of an alien who intends to travel through the Territory.

(2) A transit Visa shall be valid for 90 days.

(3) A transit Visa

- a. issued as a one-way Visa shall give the alien leave to remain in the Territory for 5 days,
- b. issued as a two-way Visa shall give the alien leave to enter and remain in the Territory for 5 days twice,
- c. issued without any limitation as to the number of trips shall give the alien leave to remain in the Territory repeatedly for 5 days.

(4) An application for a transit Visa in connection with air transport of an alien may be filed at the border crossing in exceptional circumstances, such as when a flight cannot take place due to adverse weather conditions. In such a case, the Visa shall be issued and put in the travel document by the Police.

Section 23 Items Required for an Application for a Transit Visa

(1) Unless provided otherwise below, an alien shall be obliged to attach the following to an application for a transit Visa:

- a. a travel document,
- b. a visa of another country which is his destination or through whose state border he intends to travel to the country of his destination; the same shall not apply if the alien has the right to stay in such a country without a visa,
- c. funds to cover the stay in the Territory (Section 13) and a proof of the availability of funds required to leave the Territory,
- d. photographs,
- e. an Insurance Certificate to cover the period of the alien's stay in the Territory.

(2) When filing an application pursuant to Section 22 (4), an alien shall be obliged to submit only a travel document and a flight ticket.

Section 24 Airport Visa

(1) An airport Visa shall be issued by a Diplomatic Authority at the request of an alien who is forced to stay in the transit area of an international airport in the Territory.

(2) An airport Visa shall be valid for 90 days.

(3) An airport Visa

- a. issued as a one-way Visa shall give the alien leave to remain in the transit area when waiting for the flight connection as stated in his flight ticket,
- b. issued as a two-way Visa shall give the alien leave to remain twice when waiting for the flight connection as stated in his flight ticket.

(4) Holders of diplomatic, service, official or special passports, members of air crews and citizens of the states in the case of which it is not provided otherwise by an implementing legal regulation shall be allowed to stay in the transit area of an international airport without an airport Visa.

Section 25 Items Required for an Application for an Airport Visa

An alien shall be obliged to attach the following to an application for an airport Visa:

- a. a travel document,
- b. a visa of the country of his destination; the same shall not apply if the alien has the right to stay in such a country without a visa
- c. photographs,
- d. an Insurance Certificate to cover the period of stay in the transit area of an international airport in the Territory,
- e. a flight ticket for a flight which will ensure that he will leave the Territory.

Section 26 Visa for up to 90 Days

(1) Unless provided otherwise below, a Visa for up to 90 days shall be issued by a Diplomatic Authority at the request of an alien.

(2) Visa pursuant to sub-section 1 shall be valid for 180 days.

(3) A Visa for up to 90 days based on a request of an alien shall be issued by a Diplomatic Authority as a single entry or multiple entry Visa.

(4) A Visa for up to 90 days shall give the right to remain in the Territory during the period as stated in the Visa. The total period of stay in the Territory shall not exceed 90 days.

(5) An application for a Visa for up to 90 days for the purposes of:

- a. participation in the proceedings conducted by a government body,
- b. attendance at a funeral of a close person,
- c. liquidation of a natural disaster or an especially serious crash in the Territory, or
- d. stay in the Territory in the public interest of the Czech Republic
- e. may be filed with the Police at the border crossing.

(6) A Visa granted under sub-section 5 shall give the right to remain in the Territory for no longer than 5 days. Such a Visa shall be granted and put in the travel document by the Police.

(7) The issuing authority shall state the purpose of the stay in the Visa for up to 90 days.

Section 27 Items Required for an Application for a Visa for up to 90 Days

(1) Unless provided otherwise below, an alien shall be obliged to attach the following to an application for a Visa for up to 90 days at the request of the issuing body:

- a. a travel document,
- b. an Insurance Certificate to cover the period of stay in the Territory; the same shall not apply if the alien has medical insurance under a special regulation⁵⁾ or if the payment of medical expenses is ensured in another manner,
- c. photographs,
- d. an invitation certified by the Police or funds to cover the stay in the Territory (Section 13) and a document proving that accommodation has been arranged for the alien for the period of his stay in the Territory unless the availability of funds in relation to the stay in the Territory is proven in another manner,
- e. a sum in cash equivalent to the cost of leaving the Territory for a country whose travel document he holds or to the country of his permanent residence with a flight carrier (hereinafter a "Deposit"). No Deposit shall be required if the payment of costs referred to in the previous sentence is ensured in another manner,
- f. other documents confirming the information given in the visa application.

(2) In case of an application for a Visa for up to 90 days for the purpose of employment, an alien shall be obliged to submit a work permit⁸⁾ issued by the Employment Office of the Czech Republic which

gives the right to carry out employment for up to 90 days; the items referred to in sub-section 1 (a), (c) and (e), a document confirming that accommodation has been arranged for the alien for the period of his stay in the Territory and an Insurance Certificate to cover the period of stay in the Territory unless he has medical insurance under a special legal regulation⁵⁾. An alien shall not be obliged to submit a work permit if the same is not a condition of employment under a special legal regulation.

(3) Deposit shall be made by the alien in cash with the Diplomatic Authority or by way of a bank transfer to the account of the Diplomatic Authority and may be used to cover the costs related to his expulsion from the Territory under this Act (hereinafter "Administrative Expulsion"). The Diplomatic Authority shall be obliged to return, at the alien's request, a Deposit which has not been used to cover the costs referred to in the previous sentence. The application for the return of the Deposit may be filed after the Visa has expired and the alien has left the Territory, however, no later than within 1 year from the date of expiry of the Visa. The condition of leaving the Territory shall apply if the Visa was used in the Territory.

(4) An alien shall be obliged to collect the Deposit in person.

(5) If the alien fails to file an application for the return of Deposit within the period referred to in sub-section 3, the Deposit shall be forfeited in favour of the state and shall become part of income in the state budget of the Czech Republic.

Section 28

When filing an application pursuant to Section 26 (5), an alien shall be obliged to submit a travel document, a document confirming the purpose of his stay in the Territory and to give in photographs.

Section 29 Extension of the Leave to Remain with a Visa for up to 90 Days

(1) Unless provided otherwise below, the period of the leave to remain in the Territory with a Visa for up to 90 days shall be extended by the Police at the alien's request if the alien has filed an application during the validity period of the Visa and has submitted the items referred to in sub-section 3. The length of the extended period shall be determined in such a way so that the aggregate length of previous and extended period of the leave to remain in the Territory does not exceed 90 days.

(2) The period of the leave to remain may not be extended if the Police establishes grounds to commence proceedings to cancel the Visa (Section 61).

(3) An alien shall be obliged to attach the items referred to in Section 27 (1) or (2) with the exception of photographs and Deposit to an application for the extension of a Visa pursuant to sub-section 1.

Part 4 Temporary Stay in the Territory with of a Long-Term Visa

Sub-part 1 Visa for over 90 Days

Section 30

(1) A Visa for over 90 days shall be issued by the Police at the request of an alien who intends to remain in the Territory for a purpose which requires him to remain in the Territory for over 90 days unless such a stay is based on an exceptional leave to remain (Section 35) or serves the purpose of temporary protection (Section 40). The relevant Diplomatic Authority shall state the purpose of the stay in the Visa.

(2) Visa under sub-section 1 shall be valid for 365 days. In case such a Visa was issued for the

purpose of employment, the validity period shall be determined to match the period of employment stated in the work permit. The period of employment stated in the work permit, which is attached to the application for a Visa for over 90 days, shall be over 90 days.

(3) If the purpose to be achieved through the stay in the Territory can be achieved within a shorter period of time than the validity period of the Visa for over 90 days, the Police shall determine the period of stay in the Territory as required to achieve this purpose.

Section 31 Items Required for an Application for a Visa for over 90 Days

(1) Unless provided otherwise below, an alien shall be obliged to attach the following to an application for a Visa for over 90 days:

- a. a travel document,
- b. a document confirming the purpose of his stay in the Territory,
- c. funds to cover the stay in the Territory (Section 13),
- d. a document with a certified signature of the person providing accommodation containing the consent thereof with the provision of accommodation to the alien during his stay in the Territory; in case of stay in the Territory for the purpose of studies, the alien shall submit a document issued by the relevant state authority or legal entity,
- e. an Insurance Certificate to cover the period of stay in the Territory; the same shall not apply if the alien has medical insurance under a special regulation⁵⁾ or if the payment of medical expenses is ensured in another manner,
- f. an extract from the Czech Criminal Register and a similar document of the country of the alien's nationality or the country where the alien stayed for a continuous period of over 6 months as a background material for the review of criminal record (Section 174) or a statutory declaration in case such a country does not issue similar documents; the same shall not apply in case of an alien under 15 years of age,
- g. photographs.

(2) In case of an application for a Visa for over 90 days for the purpose of employment, an alien shall be obliged to submit a work permit, the items referred to in sub-section 1 (a), (d), (f) and (g) and an Insurance Certificate to cover the period of stay in the Territory unless he has medical insurance under a special legal regulation⁵⁾. An alien shall not be obliged to submit a work permit if the same is not a condition of employment under a special legal regulation.

(3) The duty to submit an extract from the Czech Criminal Register is deemed to be fulfilled if the alien submits an application for the extract at the embassy and agrees the extract to be sent to the police.

Section 32 Submission of an Application for a Visa for over 90 days

(1) An application for a Visa to remain in the Territory for over 90 days may be filed in Czech with the Police provided that the alien submits the application during his stay in the Territory with a Visa for over 90 days issued for the purpose of family reunion covering a spouse of a single child under 18 years and the alien applies for a Visa for another purpose with the exception of a Visa for the purpose of employment and business activity.

(2) A Visa pursuant to the previous sub-section shall be put in a travel document by the Police.

Section 33 Extension of a Visa for over 90 days and the Period of Leave to Remain in the Territory with this Visa

(1) A Visa for 90 days may be repeatedly extended by the Police by 365 days provided that the same purpose for which the Visa was issued still persists. When determining the period of stay in the Territory, the procedure described in Section 30 (3) may be followed.

(2) An alien who is repeatedly issued a work permit during his stay in the Territory shall be extended the Visa for over 90 days by the Police for the period of repeatedly permitted employment.

(3) The period of leave to remain in the Territory which is shorter than the period of validity of a Visa for over 90 days shall be repeatedly extended by the Police at the request of an alien provided that the same purpose for which the Visa was issued still persists, however, it shall not exceed the date of expiry of such a Visa.

(4) An alien shall be obliged to attach the items referred to in Section 31 to an application for the extension of a Visa for over 90 days or to an application for the extension of the period of leave the remain in the Territory with the exception of the item referred to in sub-section (g) and a document of another country similar to an extract from the Czech Criminal Register pursuant to sub-section (f).

(5) In case of an application for an extension of a Visa for over 90 days for the purpose of business activity, an alien shall also be obliged to attach a certificate of the Czech financial office on the payment of income tax for the last tax period and a certificate of the Czech Social Security Administration's authorities on the payment of social insurance for the last period.

(6) A Visa for over 90 days or the period of leave to remain in the Territory may not be extended if the Police establishes a reason for the commencement of proceedings to cancel the Visa (Section 34).

Section 34 Cancellation of a Visa for over 90 Days

(1) The Police shall cancel a Visa for over 90 days if the alien

- a. was convicted of a wilful criminal act,
- b. does not fulfil the purpose for which the Visa was issued, or
- c. requests that the Visa is cancelled.

(2) The Police shall cancel a Visa for over 90 days if

- a. the alien no longer meets any of the conditions for the issue of the Visa,
- b. during the residents' control (Section 167 (d)), the Police establishes the facts referred to in Section 9 (1) (f), (g) or (h) and
 1. the alien fails to submit, within the period as set out by the Police, a certificate proving that he applied for a new travel document, or
 2. although there are grounds for the issue of an alien's passport or a travel identity document, the alien fails to apply for such a travel document with the Police,
- a. the travel document of an alien who is a national of the country which issued the same is declared invalid or stolen and the alien fails to submit a certificate pursuant to sub-section (b) (1) or fails to

make an application for reasons referred to in sub-section (b) (2), and/or

b. the alien fails to meet the obligation referred to in Section 88 (2)

under condition that consequences of the decision are adequate to the reason for cancellation of the Visa validity. Assessing the adequacy the Police especially takes account of impacts of the decision to the private and family life of the alien.

(3) An alien shall be obliged to request that a Visa is cancelled not later than 3 days prior to his leaving the Territory.

(4) After the decision to cancel a Visa for over 90 days for reasons referred to in sub-section 1 (a) or (b) and sub-section 2 becomes effective, the Police shall issue an exit Visa and mark the Visa which has been cancelled accordingly.

(5) After a Visa has been cancelled for the reason referred to in sub-section 1 (c), the Police shall issue an exit Visa and mark the Visa which has been cancelled accordingly.

(6) An alien shall be obliged to leave the Territory at the time set out by the exit Visa.

Sub-part 2 Visa to Allow Exceptional Leave to Remain

Section 35

(1) A Visa to allow exceptional leave to remain shall be granted by the Police

a. at the request of an alien if the alien is prevented from leaving the Territory by an obstacle beyond his control,

b. to an alien who cannot leave the Territory (Section 179).

(2) For the purpose of the provision of healthcare, an alien pursuant to sub-section 1 (b) shall be an alien who has been issued a Visa for the purpose of temporary protection provided that he is not able to arrange for the payment for healthcare himself, for example through medical insurance.

(3) A Visa to allow exceptional leave to remain shall be put in a travel document by the Police.

Section 36

(1) The validity period of a Visa to allow exceptional leave to remain shall be determined by the Police for a necessary period, however, not longer than 365 days.

(2) The validity period of the Visa may be repeatedly extended.

Section 37

An alien who has been issued with a Visa pursuant to Section 35 (1) (a) shall be obliged to prove to the Police on request that the obstacle which prevents him from leaving the Territory still persists; if the alien is prevented from doing the same by an obstacle beyond his control, the proof may be substituted for with a statutory declaration.

Section 38 Items Required for an Application for a Visa to Allow Exceptional Leave to Remain

(1) An alien shall be obliged to attach the following to an application for a Visa to allow exceptional leave to remain:

- a. a travel document held by him provided that the validity period of the travel document has not expired,
- b. a certified copy of a document confirming the existence of a reason pursuant to Section 35 (1) (a); if he cannot submit such a document for reasons beyond his control, such a submission may be substituted for with a statutory declaration,
- c. photographs.

(2) In case of an application for an extension of a Visa to allow exceptional leave to remain, the alien shall also be obliged to submit the items referred to in sub-section 1 (a) and (b) and the item referred to in sub-section 1 (c) at the request of the Police if the appearance of the alien has changed.

Section 39 Cancellation of a Visa to Allow Exceptional Leave to Remain

(1) An alien shall be obliged to request the cancellation of a Visa issued under:

- a. Section 35 (1) (a) not later than 3 days after the obstacle preventing him from leaving has ceased to exist,
- b. Section 35 (1) (b) without undue delay, however, not later than 60 days after the obstacle preventing him from leaving has ceased to exist.

(2) The Police shall cancel a Visa to allow exceptional leave to remain if the reasons for which the Visa was issued no longer exist and the alien did not request the cancellation of the Visa within the term as stated in the previous sub-section.

(3) After the decision to cancel a Visa to allow exceptional leave to remain for a reason referred to in sub-section 2 becomes effective, the Police shall issue an exit Visa and mark the Visa which has been cancelled accordingly.

(4) On the basis of a request referred to in sub-section 1, the Police shall cancel the Visa to allow exceptional leave to remain, issue an exit Visa and mark the Visa which has been cancelled accordingly.

(5) An alien shall be obliged to leave the Territory at the time set out by the exit Visa.

Sub-part 3 Visa for the Purpose of Temporary Protection

Section 40

(1) An alien shall be entitled to file an application for a Visa for the purpose of temporary protection with the Police during his stay in the Territory with a Visa issued under Section 7 (1) (a).

(2) The period of stay with a Visa pursuant to the previous sub-section shall be considered extended if the alien was prevented from filing an application for reasons beyond his control. The right to file an application for a Visa for the purpose of temporary protection shall expire 3 working days after the date when the reasons referred to in the previous sentence ceased to exist.

(3) A Visa for the purpose of temporary protection shall be put in a travel document by the Police.

Section 41

A Visa for the purpose of temporary protection shall be issued by the Police at the request of an alien who flees from the country of his nationality or from a country which granted him asylum status or, in case of stateless persons, the country of his former habitual residence

- a. before an armed conflict, a civil war or permanent violence, in particular if
 1. he was a war prisoner or was held in a detention camp and cannot be protected in any other way against a danger to his life or deprivation of his personal liberty for reasons beyond his control,
 2. he is injured or seriously ill and cannot receive medical treatment at the place where he is currently staying,
 3. there is or was an immediate danger to his life or danger of imprisonment and it is not possible to provide him with protection in any way at the place of his permanent residence,
 4. he was a victim of sexual violence and it is not possible to provide him with suitable care in safe areas which are located as close as possible to the place of his permanent residence, and/or
 5. he arrives directly from combat areas where fighting continues and human rights are being violated,
 - a. before a natural disaster,
 - b. for reason of constant or mass violation of human rights, or
 - c. for reason of constant or mass persecution for the reason of nationality or religion,
- unless provided otherwise below.

Section 42

(1) A Visa for the purpose of temporary protection shall be issued by the Police on request to the spouse or child under 18 years of an alien who has been granted temporary protection, or to a descendant of such an alien over 18 years if the same is not able to support himself although they do not meet the conditions under Section 41.

(2) An alien shall be obliged to prove a direct family relation in compliance with sub-section 1 with a marriage certificate or a birth certificate; if he is not able to submit any of the above documents for reasons beyond his control, such a proof may be substituted for with a statutory declaration. In case of a descendant over 18 years, an alien who has been granted temporary protection shall be also obliged to prove that this descendant is dependent on his care.

Section 43

(1) The validity period of a Visa for the purpose of temporary protection shall be determined in accordance with a government order (Section 181).

(2) The validity period of a Visa for the purpose of temporary protection may be repeatedly extended by a period as set out by the government order.

Section 44

(1) The Police shall not issue a Visa for the purpose of temporary protection if it establishes a reason for the refusal of entry in the Territory pursuant to Section 10.

(2) The Police shall cancel a Visa issued for the purpose of temporary protection if:

a. a reason for the refusal of such a Visa occurs; the same shall not apply if the Visa expires in accordance with Section 62 (1),

b. the alien requests that the Visa is cancelled, or

c. the government decides to terminate the provision of temporary protection.

(3) The Police shall:

a. issue an exit Visa to an alien following the refusal of a Visa for the purpose of temporary protection,

b. after the decision to cancel a Visa for the purpose of temporary protection for reasons referred to in sub-section 2 (a) becomes effective, issue an exit Visa and mark the Visa which has been cancelled accordingly,

c. after a Visa has been cancelled for reasons referred to in sub-section 2 (b) or (c), issue an exit Visa and mark the Visa which has been cancelled accordingly.

(4) An alien shall be obliged to leave the Territory at the time set out by the exit Visa.

(5) For the purpose of the provision of healthcare, until an alien leaves the Territory, he shall be considered an alien who has been issued a Visa for the purpose of temporary protection.

Section 45

(1) If an alien who has been granted temporary protection cannot arrange for accommodation, accommodation shall be arranged for him by the Ministry. If an alien for whom accommodation has been arranged cannot cover the cost related to his entry and stay in the Territory, these costs shall be borne by the Ministry.

(2) An alien who has been granted temporary protection and whose registered address is outside an accommodation centre shall cover the cost related to his stay in the Territory himself.

(3) An alien who has been granted temporary protection and whose registered address is outside an accommodation centre shall be provided with a financial contribution of up to the amount of the subsistence minimum²⁾ at his own request and with regard to the financial situation of such a participant or his family.

(4) A financial contribution shall be provided at the request of an alien who has been granted temporary protection filed with the relevant district municipal office.

(5) In his application, an applicant for a financial contribution shall be obliged to state his personal and financial status or the personal and financial status of his family by way of a statutory declaration and to document the status with all documents available.

(6) The application for a financial contribution shall be decided by the Ministry. The financial contribution shall be paid by the relevant district municipal office.

(7) A financial contribution may not be provided if the cost related to the stay of an alien who has

been granted temporary protection is borne by the legal entity or natural person who invited the alien to the Territory.

(8) A financial contribution includes the following:

- a. a contribution to cover sustenance and other basic personal needs,
- b. a contribution to special diet food,
- c. a contribution to cover necessary household expenses.

Section 46

For the purposes of employment and studies, an alien shall be considered an alien with a permanent residence permit during the validity period of a Visa for the purpose of temporary protection.

Section 47 Office of the United Nations High Commissioner for Refugees

The staff of the Office of the United Nations High Commissioner for Refugees shall be entitled to deal in person with an alien who has been granted a Visa for the purpose of temporary protection. The same shall not apply if the personal liberty of the alien is deprived for reasons set out by law.

Section 48

Prior to the issue of a Visa for the purpose of temporary protection, an alien shall be obliged to allow a medical examination and necessary quarantine restrictions if required due the state of his health.

Sub-part 4 Stay in the Territory with a Diplomatic Visa and Special Visa

Section 49

(1) A diplomatic Visa means a Visa issued to an alien on the basis of an official request/note and marked as a "Diplomatic Visa". A diplomatic Visa may be put in a diplomatic passport or another travel document of an alien who enjoys diplomatic immunities and privileges.

(2) A special Visa is a Visa issued to an alien for the purpose of his presence in the Territory on official business on the basis of an official request/note and marked as a "Special Visa". A special Visa may be put in a service passport or another travel document of an alien.

(3) A Diplomatic Authority shall issue a diplomatic Visa or special Visa abroad.

(4) The Ministry of Foreign Affairs shall issue and put in a travel document a diplomatic Visa and a special Visa in the Territory.

(5) A diplomatic Visa and a special Visa shall be issued for the period of the fulfilment of diplomatic duties and/or for the period of stay for the purpose of official business if the same complies with the principle of mutual reciprocity.

Section 50 Declaring a Diplomatic Visa and a Special Visa Invalid

A diplomatic Visa or a special Visa shall be declared invalid by the Ministry of Foreign Affairs.

Part 5 Joint Provisions on Visas

Section 51

(1) A Visa means a permit which, during its validity period, allows an alien to enter and remain in the Territory and to leave the Territory unless provided otherwise by this Act.

(2) There is no statutory right to the issue of a Visa.

(3) The validity period of a Visa means the period from the date of issue until the date marked in the Visa as the expiration thereof.

Section 52

(1) In the interest of protecting state security, maintaining public order or protecting public health and/or in the interest of complying with an International Agreement:

a. Visa may be restricted by a condition which

1. specifies the border crossing for the purpose of entering or leaving the Territory, or
2. restricts the validity of the Visa to a certain place or part of the Territory,

a. the validity period of a Visa may be restricted.

(2) When specifying the condition under sub-section 1, the reason for specifying the condition shall correspond to the consequences thereof. When considering this correspondence, the Police shall take into account, in particular, the consequences of the condition for the private and family life of the alien.

Section 53

An application for a Visa shall be filed with a Diplomatic Authority unless provided otherwise by this Act. An application for a Visa shall be filed on an official form.

Section 54 Application for a Visa

In an application for a Visa, an alien shall be obliged to state his name and surname, other names, sex, day, month and year of birth, place and country of birth, nationality, address of permanent residence abroad, type and number of travel document, profession, employer and the address thereof, length of stay in the Territory and purpose thereof, address in the Territory, information on funds to cover the stay in the Territory (Section 13), intended means of transport, country of final destination in case of a transit Visa, information about previous stays in the Territory, further information on the purpose of stay in the Territory, information on any earlier or pending proceedings concerning an offence in the Czech Republic and any pending criminal proceedings, on family status, information on the spouse and children under 15 years if the same are entered in the alien's travel document and travel together with the alien including their surnames, names, other names, day, month and year of birth, country of birth, nationality, and information on persons who are staying in the Czech Republic and who may provide information concerning visa proceedings including their names, surnames, dates of birth, addresses and nationality, and names, identification numbers and registered addresses in case of legal entities.

Section 55 Items Required for an Application for a Visa

(1) Items required to be attached to an application for a Visa shall not be older than 180 days with the

exception of a travel document and a photograph of the alien.

(2) With the exception of a travel document, the items required to be attached to an application for a Visa shall not be required if the Visa is to be issued in the interest of the Czech Republic.

Section 56 Reasons for the Refusal of a Visa

(1) With the exception of a Visa for the purpose of temporary protection or a Visa to allow exceptional leave to remain pursuant to Section 35 (1) (b), the Police or a Diplomatic Authority shall not issue a Visa to an alien if

- a. the alien, at the request of the Police or a Diplomatic Authority, fails to appear for an interview or fails to submit, within the specified period of time, documents required for the verification of the information stated in the application for a Visa, or if it is not possible to verify the information even after an interview is conducted and the documents submitted are reviewed,
- b. the alien fails to complete the application for a Visa in a legible or complete or accurate manner,
- c. the alien is registered in the register of undesirable persons,
- d. the Police or the Diplomatic Authority is in possession of information which indicates that the cost related to the stay of the alien in the Territory would be borne by the Czech Republic,
- e. the alien fails to submit the items required for the application for a Visa,
- f. facts referred to in Section 9 (1) (d) to (i), (k), (l) or (n) are established, and/or
- g. facts are established which indicate that the alien will not leave the Territory following the expiry of the period of stay as set out by the Visa or that the alien intends to abuse the Visa for a purpose other than that stated in the application for a Visa.

(2) With the exception of a Visa for the purpose of temporary protection or a Visa to allow exceptional leave to remain pursuant to Section 35 (1) (b), the Police or a Diplomatic Authority shall not issue a Visa to an alien if

- a. the alien fails to prove a clean criminal record if the same is a condition for the issue of the Visa,
- b. the validity period of the alien's travel document does not exceed the period of stay in the Territory according to the Visa required at least by 90 days, or
- c. the alien breached an obligation set out by law during the preceding 5 years,

provided that the reasons for the refusal of the Visa correspond to the consequences thereof. When considering this correspondence, the Police shall take into account, in particular, the consequences of the refusal for the private and family life of the alien

Section 57

(1) Prior to the issue of a Visa, a Diplomatic Authority shall be obliged to request the opinion of the Police. A Visa shall not be issued if the Police disagrees. If a Diplomatic Authority does not issue a Visa despite the Police approval, the Diplomatic Authority shall be obliged to notify the Police thereof without undue delay and to give reasons therefor.

(2) Before a Diplomatic Authority sends an application for a Visa for over 90 days to the Police, it shall be entitled to state its opinion on the application. The Police shall take this opinion into account

when issuing the Visa.

(3) A Diplomatic Authority shall be entitled to conduct an interview with an applicant for a Visa.

Section 58 Putting Visa in a Travel Document

(1) Unless provided otherwise by this Act, a Visa shall be put in a travel document by a Diplomatic Authority.

(2) If required, a Visa may be put outside a travel document.

Section 59

If the application for a Visa of an applicant includes an alien under 15 years who is entered in the applicant's travel document, the Visa shall apply to such an alien.

Section 60

(1) An application for an extension of the period of leave to remain in the Territory with a Visa or for an extension of a Visa shall be filed by an alien with the Police.

(2) An alien shall be entitled to apply for an extension of the period of leave to remain in the Territory with a Visa or for an extension of a Visa in case of long-term Visas not earlier than 30 days and not later than 14 days and in case of short-term Visas earlier than 30 days and not later than 3 days prior to the expiry of the period of leave to remain in the Territory or the validity period of the Visa.

(3) In case the alien is prevented from filing an application within the period as set out in sub-section by reasons outside his control, the alien shall be entitled to file the application within 3 working days after such reasons cease to exist; a Visa shall be considered valid until the expiry of the right pursuant to the previous sentence.

(4) Unless provided otherwise by this Act, the validity period of a Visa may not be extended.

(5) The reasons for the refusal to extend the period of leave to remain in the Territory based on a Visa or to extend the validity period of a Visa shall be similar to the reasons for the refusal of a Visa.

Section 61 Cancellation of a Short-Term Visa

(1) The Police shall cancel a short-term Visa if the alien

- a. does not fulfil the purpose for which the Visa was issued, or
- b. requests that the Visa is cancelled.

(2) The Police shall cancel a short-term Visa if

- a. the alien intentionally endangered the public order,
- b. the alien intentionally breached an obligation set out by this Act,
- c. the alien ceased to meet any of the conditions for the issue of the Visa,
- d. the Police, during a residents' control, establishes any facts referred to in Section 9 (1) (f), (g) or (h), and/or

e. the travel document of the alien has been declared invalid or stolen by the relevant body of the country of issue,

provided that the reasons for this decision correspond to the consequences thereof. When considering this correspondence, the Police shall take into account, in particular, the consequences of the decision for the private and family life of the alien.

(3) A Visa shall be cancelled upon the issue of an exit Visa; an alien shall be obliged to leave the Territory at the time set out by the exit Visa. The Police shall be entitled to mark the Visa which has been cancelled accordingly.

Section 62 Expiry of a Visa

(1) A Visa shall expire if a sentence of expulsion¹⁰ has been passed or if a valid decision on administrative expulsion has been taken; the same shall not apply if the alien filed a complaint against the decision on administrative expulsion with the court.

(2) After an alien leaves the Territory, a Visa pursuant to Section 20, 22 (3) (a), 24 (3) (a) and 35 and a single-entry Visa for under 90 days shall expire; a Visa pursuant to Section 22 (3) (b) and 24 (3) (b) shall expire after the alien leaves the Territory for the second time. The validity of other types of Visa shall remain unaffected if the alien leaves the Territory.

Section 63

At the request of the Police or a Diplomatic Authority, an alien shall be obliged to appear in person for the purpose of providing explanations prior to the issue of a Visa and to provide such explanations.

Section 64 Studies

For the purposes of this Act, studies mean:

- a. studies at a primary or secondary school, a college or a university level school or secondary apprentice centre,
- b. attendance at language courses accredited by the Ministry of Education, Youth and Physical Culture,
- c. consultations and exchange of experience, exchanges and attendance at specialised courses in the area of arts and methodology and other fields within the competence of the Ministry of Education, Youth and Physical Culture,
- d. vocational training aimed at obtaining practical, technical experience of an alien and carried out during his studies or during 2 years at the most after completing his studies at a home or foreign university level school, a secondary school or a college or a secondary apprentice centre forming a part of a national educational system in the subject that the alien takes or took at that school, and provided that the organizing vocational training is ensured or co-ordinated by a home university level school, a secondary school or a college, a secondary apprentice centre or an organization duly accredited for this purpose by the Ministry of Education, Youth and Physical Culture.

CHAPTER IV Permanent Stay in the Territory

Part 1 Permanent Stay in the Territory with a Residence Permit

Section 65

(1) Without the condition of previous continuous stay in the Territory, a residence permit may be applied for by an alien

- a. who applies for the residence permit for the purpose of family reunion with a Czech national whose registered permanent address is in the Territory provided that the alien is
 1. the spouse of the Czech national,
 2. a lone parent over 70 years of a Czech national and such a national is over 18 years,
 3. a minor child of a Czech national and the Czech national was awarded custody of the child by a court decision following a divorce,
 4. a major child of a Czech national and such a national is a lone person over 70 years,
 5. a person who adopted a child who was a Czech national or a person in whose care¹¹⁾ a child who is a Czech national was placed or who was appointed the guardian of such a child if the child is to be cared for in the Territory, or
 6. a minor child who was on the date of the adoption by a Czech national abroad,
- a. who applies for the permit for humanitarian reasons or for other deserving reasons, in particular, if such an alien is the spouse or minor child of an asylum seeker²⁾ who is dependent on the alien's care unless he applies for asylum or was a Czech national in the past, and/or
- b. whose stay in the Territory is in the foreign political interest of the Czech Republic.

(2) For the purposes of this Act, a lone person is a divorced, single or widowed person.

Section 66

Following 8 years of continuous stay in the Territory with a Visa for over 90 days or a Visa for the purpose of temporary protection, a residence permit may be applied for by an alien who applies for the permit for the purpose of reunion with an alien who is a holder of a residence permit provided that the applying alien

- a. has been his spouse for at least 5 years,
- b. is a minor single child placed in the care of a holder of a residence permit or a major child dependent on the care of a holder of a residence permit, and/or
- c. is a lone parent of a holder of a residence permit who is over 70 years of age.

Section 67

Following 10 years of continuous stay in the Territory with a Visa for over 90 days or a Visa for the purpose of temporary protection, a residence permit may be applied for by any alien.

Section 68

The period pursuant to Sections 66 and 67 shall not include the period of stay in the Territory based on a Visa for over 90 days issued for the purpose of studies.

Section 69 Place of Filing an Application for a Residence Permit

- (1) An alien shall be entitled to file an application for a residence permit with a Diplomatic Authority.
- (2) An application for a residence permit may be filed in the Territory by an alien who
 1. is staying in the Territory with a long-term Visa and meets other condition under this Act,
 2. is the spouse or a single child under 18 years of a Czech national, or
 3. has obtained a leave to remain pursuant to Section 87 and has attained 18 years of age.
- (3) An application shall be submitted on an official form.

Section 70 Obligations of an Alien upon the Submission of an Application for a Residence Permit

(1) Unless provided otherwise below, an alien shall be obliged to attach the following items to an application for a residence permit:

- a. photographs,
- b. a travel document,
- c. a document confirming the purpose of stay in the Territory, such as a marriage certificate, a birth certificate or another document confirming a family relation, a document confirming that the alien was a Czech citizen in the past¹⁾,
- d. a document confirming the availability of funds to cover permanent stay in the Territory (Section 71),
- e. an extract from the Czech Criminal Register and a similar document of the country of the alien's nationality or the country where the alien has a permanent address as a background material for the review of criminal record or a statutory declaration in case such a country does not issue similar documents; the same shall not apply in case of an alien under 15 years of age and an alien who is applying for a certificate of permission to reside in exchange of a decision on a residence permit,
- e. a document with a certified signature containing the consent of a person who will provide accommodation to the alien in the Territory.

(2) An alien who is the spouse or minor child of a refugee²⁾ who is dependent on the care of the asylum seeker shall be obliged to attach the items referred to in sub-section 1 (a) to (c) to an application for a residence permit.

(3) In an application for a residence permit, an alien shall be obliged to state his name and surname, all previous names, day, month and year of birth, place and country of birth, nationality, ethnic origin, marital status, the highest level of education received, profession, employment details prior to arrival in the Territory (position, name and address of employer), purpose of stay in the Territory, employment after entry in the Territory (position, name and address of employer), last address abroad, address in the Territory, previous stay in the Territory longer than 3 months (reason and place of stay), date of entry in the Territory, number and validity of a passport. In addition, the alien shall be obliged to state the following in the application: name and surname, previous surname, nationality, date of birth, place and country of birth, address and profession of spouse, name, surname, date of birth, nationality, address and professions of parents, name, surname, date and place of birth, nationality,

address and professions of children, name, surname, date of birth, nationality, address and professions of siblings.

Section 71 Document Confirming the Availability of Funds to Cover Permanent Stay in the Territory

For the purposes of an application for a residence permit, the following shall be considered a document confirming the availability of funds to cover permanent stay in the Territory:

- a. a confirmation of the transfer of financial benefits paid to the alien by the country of his nationality or another country in which such benefits are paid to him provided that the monthly sum thereof is equivalent to 2 times the sum of the Subsistence Minimum for Personal Needs,
- b. an undertaking of the person who the alien applies for the permission to join, with a certified signature, to cover the cost related to the stay of the alien in the Territory; this undertaking must be documented by a certificate of an employer confirming the amount of earnings or by a statement of bank account, or
- c. a statement of account held in a bank in the Territory or in another country at least in the amount of 70 times the Subsistence Minimum for Personal Needs in the name of the applicant.

Section 72

Items required to be attached to an application for a Visa shall not be older than 180 days with the exception of a travel document and a photograph of the alien.

Section 73

(1) An alien under 15 years shall be issued with a residence permit by the Police in the form of a written administrative decision which shall give the alien a permanent leave to remain in the Territory and which shall be valid until the alien attains 15 years.

(2) An alien over 15 years shall be issued with a residence permit by the Police in the form of a certificate of permission to reside.

Section 74

(1) A certificate of permission to reside as issued by the Police shall be valid for 10 years. The validity period of the certificate may be extended twice for 10 years.

(2) For the purposes of determining the validity period of a certificate of permission to reside, a replacement pursuant to Section 83 shall be considered an extension of the validity period of a certificate of permission to reside.

(3) The validity period of a certificate of permission to reside shall be curtailed by the Police in accordance with the validity period of a travel document in order that it is always shorter by 60 days than the validity period of the travel document.

Section 75 Visa for the Purpose of Receiving a Residence Permit

(1) A Diplomatic Authority shall issue a Visa for the purpose of receiving a residence permit to an alien who is staying abroad.

(2) A Visa pursuant to sub-section 1 shall be valid for 180 days and shall give the leave to remain in the Territory for 3 working days. In case the alien is prevented from receiving the residence permit for reasons beyond his control, the period of stay following the alien's entry in the Territory shall be considered extended until such reasons cease to exist. After the reasons pursuant to the previous sentence cease to exist, the alien shall be obliged to notify the Police of the reasons without delay.

Section 76

An alien shall be obliged to appear in person to receive a residence permit within 3 working days following his entry in the Territory.

Section 77

The decision which gives permanent leave to remain in the Territory to an alien is executable on the day of its receipt.

Section 78 Reasons for the Refusal of Residence Permit, Expiry of Residence Permit and Cancellation of Residence Permit

The Police shall not issue a residence permit if:

- a. the alien fails to submit the items referred to in Section 70,
- b. the alien has been sentenced to expulsion¹⁰⁾ unless he has been pardoned by the president or an amnesty granted by the president applies thereto,
- c. a decision on administrative expulsion is valid, or
- d. facts referred to in Section 80 (1) (a) and (d) and Section 80 (2) (a) and (g) are established during the proceedings.

Section 79

A residence permit shall cease to be valid if:

- a. the alien becomes nationalized by the Czech Republic,
- b. the alien has been sentenced to expulsion¹⁰⁾ or a decision on administrative expulsion has been taken, or
- c. the alien dies.

Section 80

(1) The Police shall cancel a residence permit if:

- a. it establishes that the alien entered into marriage solely with the aim of obtaining a residence permit; the same shall not apply if a child was born out of the marriage or was irrevocably adopted,
- b. a marriage terminates on the basis of a valid decision of the court on the divorce of the marriage or on the basis of a valid decision of the court on declaring the marriage invalid within 5 years after the issue of the residence permit and no child was born out of the marriage or was irrevocably adopted,

- c. the alien requests the same, or
- d. it is justified by the fulfilment of an obligation arising from an International Agreement.

(2) The Police shall cancel a residence permit if:

- a. an alien fails to apply with the Police for an extension of the validity period within the period pursuant the Section 84; this shall not apply if the alien was prevented from filing application for an extension for reasons beyond his control,
- b. an alien repeatedly violates the public order in a serious manner, endangers public health and/or the protection of rights and freedoms of others,
- c. it expires within 5 years after the issue of the residence permit pursuant to Section 65 (1) (b) or (c),
- d. accommodation has not been provided to the alien in the Territory,
- e. the certificate of permission to reside of a statutory representative who took care of the alien who is the holder the certificate has ceased to be valid,
- f. the alien failed to meet an obligation under Section 88 (3), or
- g. the alien was sentenced to imprisonment of over 3 years in a valid manner by a Czech court for a wilfully committed crime,

provided that the reasons for this decision correspond to the consequences thereof. When considering this correspondence, the Police shall take into account, in particular, the consequences of the decision for the private and family life of the alien.

(3) In the decision to cancel a permission to reside, the Police shall determine the period within which the alien is to leave the Territory and issue an exit Visa to the alien; the alien shall be obliged to leave the Territory at the time set out by the exit Visa.

Section 81 Certificate of Permission to Reside of an Alien

(1) A certificate of permission to reside is a public instrument which contains the name, surname and other names of an alien, date and place of birth of the alien, his nationality, passport number, registered address of permanent residence in the Territory and birth number.

(2) If an alien has been issued a registry document of the Czech Republic, the name and surname shall be stated in the form as given in such a registry document, or they shall be changed in the existing certificate of permission to reside to reflect the same. In other cases, the name and surname and other names of the alien shall be stated in the form as given in the Latin alphabet in the travel document.

(3) The alien shall be obliged to apply for the entry of the birth number with the body responsible for the issue of the same¹²⁾ within 180 days from the date of issue of the certificate of permission to reside.

Section 82 Replacement of a Decision on a Residence Permit with a Certificate of Permission to Reside

(1) Unless provided otherwise below, an alien shall be obliged to file an application pursuant to subsection 2 not later than 30 days before he attains 15 years of age and to appear in person at the Police to have the decision on a residence permit replaced with a certificate of permission to reside within 30

days after he attains 15 years of age.

(2) The alien shall be obliged to attach the items referred to in Section 70 (1) (a) to (d) and (f) to an application for the issue of a certificate of permission to reside pursuant to the previous sub-section. The items required to be attached to the application shall not be older than 180 days with the exception of a travel document and a photograph of the alien.

Section 83 Replacement of a Decision on a Residence Permit with a Certificate of Permission to Reside

(1) When an alien defined in Section 87 attains 15 years of age, the Police shall replace his certificate of permanent leave to remain with a certificate of permission to reside.

(2) An alien pursuant to the previous sub-section shall be obliged to appear at the Police at the request of the Police, to submit photographs and to present for inspection his birth certificate or another document confirming his identity.

Section 84 Extension of the Validity Period of a Certificate of Permission to Reside

(1) An alien shall be entitled to apply with the Police for an extension of the validity period of a certificate of permission to reside 90 days prior to the expiry of the validity period of the certificate. Where appropriate, an application pursuant to the previous sentence may be filed earlier; the right pursuant to the first sentence shall expire on the fourteenth day prior to the expiry of the validity period of the certificate of permission to reside.

(2) In case an alien is prevented from filing an application under sub-section 1 for reasons beyond his control, the alien shall be entitled to file the application within 3 working days after such reasons cease to exist.

(3) If the validity period of the certificate of permission to reside expires prior to the issue of a decision on its extension, the certificate shall be deemed valid until the decision becomes effective.

Section 85 Items Required for an Application for an Extension of the Validity Period of a Certificate of Permission to Reside

(1) An alien shall be obliged to attach the items referred to in Section 70 (1) (b) to (d) to an application for an extension of a certificate of permission to reside; if the appearance of the applicant has changed, he shall be also obliged to submit photographs.

(2) The items required to be attached to the application for an extension of the validity period of a certificate of permission to reside shall not be older than 180 days with the exception of a travel document and a photograph of the alien.

Section 86

(1) If an alien applies for the issue of a certificate of permission to reside in replacement of a lost, destroyed, stolen or damaged certificate, he shall be obliged to submit photographs, a travel document, the destroyed or damaged certificate and/or a police report on the theft of the certificate.

(2) If an alien applies the Police for the issue of a certificate of permission to reside in the cases if the validity period cannot be extended any more he shall be obliged to submit photographs, a travel document and a certificate of permission to reside.

Part 2 Stay of an Alien Placed in Care by Decision of the Relevant Authority

Section 87

(1) An alien placed in care by decision of the relevant authority¹³⁾ shall be granted permanent leave to remain in the Territory if at least one natural person in whose care the alien has been placed has a registered permanent address in the Territory or if the institution in which the child has been placed is located in the Territory.

(2) The leave to remain pursuant to sub-section 1 shall be granted as at the date when the decision on the placement of the alien in care becomes effective.

(3) The Police shall issue a certificate of permanent leave to remain to an alien pursuant to sub-section 1.

(4) Until an alien pursuant to sub-section 1 attains 15 years, he shall be entitled to remain in the Territory without a travel document.

(5) A permanent leave to remain pursuant to sub-section 1 shall terminate if

a. the alien

1. was sentenced to imprisonment of over 3 years in a valid manner by a Czech court for a wilfully committed crime,

2. who is under 18 years notifies the Police that he waives the same; the consent of his statutory representative with a certified signature shall be attached to the notice,

3. becomes nationalized by the Czech Republic under a special legal regulation¹⁾, or

4. attains 18 years; the restriction of the leave to remain by age shall not apply if the alien has been declared legally incapable by a court decision, or if he has filed an application pursuant to Section 65 (1) (b) within 30 days after he attains 18 years of age, until the application is decided,

a. care pursuant to sub-section 1 terminates before the alien attains 18 years, or

b. the natural person pursuant to sub-section 1 cancels the registration of his permanent address in the Territory.

Chapter V Stay of an Alien Born in the Territory

Section 88

(1) If an alien is born in the Territory, his stay in the Territory during the period of stay of his statutory representative, however, no longer than 60 days from the date of birth, shall be considered temporary provided that the payment of the costs related to the provision of healthcare is ensured, for example through medical insurance.

(2) If the statutory representative of a newly born alien is staying in the Territory with a Visa, he shall be obliged, within the period of time pursuant to the previous sub-section, to file with the Police at the place of his registered address in the Territory an application for the entry of the newly born alien in the Visa; the same shall not apply if the newly born alien leaves the Territory within this period of time.

(3) If the statutory representative of a newly born alien is staying in the Territory on the basis of a residence permit, he shall be obliged, within the period of time pursuant to sub-section 1, to file with the Police an application for a Visa for over 90 days or, if a reason pursuant to Section 65 exists, for a residence permit; the Police shall issue the Visa in the travel document of the child or in the passport of the statutory representative in which the child is entered; the same shall not apply if the newly born alien leaves the Territory within this period of time. In case of an application for a residence permit, the stay of a newly born alien during the proceedings shall be considered temporary.

(4) The period pursuant to sub-section 1 shall be considered extended if the alien was prevented from filing the application for reasons beyond his control until such reasons cease to exist. The alien shall be obliged to notify the Police of the reasons pursuant to the first sentence without delay.

Section 89

The statutory representative shall be obliged to attach the following to an application pursuant to Section 88 (2) or (3):

- a. a travel document of the child; in case of a statutory representative who is an alien, the travel document of the statutory representative in which the child is entered may be submitted in place of the travel document of the child,
- b. the birth certificate of the child,
- c. an Insurance Certificate to cover the period of stay in the Territory; the same shall not apply if the payment of the medical expenses is ensured in another manner.

Chapter VI Leaving the Territory by an Alien

Section 90

(1) An alien shall have left the Territory after crossing the state border and after a border control if such border control is carried out at the relevant border crossing.

(2) An alien shall be entitled to leave the Territory at a border crossing at the place and time intended for border control. A place pursuant to the previous sentence shall also mean the area on board of an international train or the dock of an international passenger or cargo ship at the time when border control is carried out therein.

Section 91

An alien shall be obliged to:

- a. leave the Territory during the period of leave to remain in the Territory with a Visa put in a travel document held by him; the same shall not apply if provided otherwise by this Act or a government order issued under Section 181,
- b. submit to border control at the request of the Police,
- c. act in such a manner so that border control can be carried out not later than within 1 hour after the crossing of the state border if border control is carried out outside the Territory, or to cross the state border not later than within one hour from the completion of border control if the same is carried out in the Territory.

Section 92 Refusal to Allow an Alien to Leave the Territory

The Police shall refuse to allow an alien to leave the Territory if he has left in the Territory an alien under 15 years whose statutory representative he is unless the alien submits the following during the border control:

- a. a certificate verified by the Police confirming that the alien under 15 years is staying in the Territory with a passport and has been issued a Visa if the same is a condition of the stay in the Territory, and that a natural person over 18 years or a legal entity has undertaken to bear the cost related to the subsistence of the alien, his accommodation and medical treatment throughout the period of stay in the Territory until the alien leaves the Territory and any costs arising to the Police in connection with a decision on administrative expulsion, or
- b. a certificate of a medical facility confirming that the alien under 15 years is hospitalized; the Police shall allow the alien to leave the Territory even if a certificate of a medical facility is not submitted provided that the statutory representative signs a statutory declaration confirming that his leaving the Territory is not contrary to the interests of the alien whom he is leaving in the Territory.

Chapter VII Reporting of Address in the Territory

Section 93

(1) An alien who has been issued with a Visa for up to 90 days or a long-term Visa shall be obliged to report to the Police the commencement, place and expected length of stay within 3 working days of the date of the commencement of temporary stay unless this obligation is met by the provider of accommodation; the same shall not apply if accommodation is provided to the alien by the Ministry.

(2) An alien who is the holder of a Visa for the purpose of receiving a residence permit shall have met the reporting duty upon his receipt of the residence permit.

Section 94

An alien who has been granted temporary leave to remain in the Territory without a Visa shall be obliged to report to the Police the place of stay in the Territory within 30 days from the date of the commencement of stay unless the expected stay in the Territory is longer than 30 days. He shall be also obliged to report to the Police the commencement and expected length of temporary stay in the Territory.

Section 95

The duty to report a stay in the Territory shall not apply to an alien who is in custody or imprisonment or who has been placed in a police cell⁷ or in a Facility (Section 130).

Section 96

(1) A natural person in whose care an alien has been placed¹³ or a legal entity which provides an alien with institutional care shall be obliged to register the permanent address in the Territory on behalf of an alien under 15 years or an alien who is incapable of carrying out such an act under this Act within 3 working days from the date when permanent leave to remain was granted (Section 87).

(2) The person referred to in the previous sub-section shall submit to the Police a court decision or a decision of an authority for the social and legal protection of the child and, in case of a natural person,

a document confirming that such a person has a registered permanent address in the Territory.

Section 97

When registering an address in the Territory, an alien or a person referred to in Section 96 (1) shall be obliged to notify the Police, by completing a registration form, of the name, surname of the alien registered, day, month, year and place of his birth, his nationality, permanent address abroad, number of passport and Visa if Visa is put in the passport, expected length of accommodation, purpose of stay in the Territory and the registration number of a motor vehicle.

Section 98 Reporting Changes

(1) An alien who has been issued a residence permit shall be obliged to report to the Police a change of address in the Territory within 3 working days from the date of the change if the expected duration of the change of address exceeds 180 days.

(2) A person referred to in Section 96 (1) shall report a change on behalf of an alien pursuant to Section 87 who is not capable of such an act under this Act.

(3) An alien who stays in the Territory with a long-term Visa shall be obliged to report a change of address in the Territory within 30 days from the date of the change to the Police according to the new address if the expected duration of the change of address exceeds 30 days.

(4) Changes pursuant to the previous sub-sections shall be reported by an alien or a person pursuant to Section 96 (1) by completing a registration form; at the request of the Police, the person reporting the change shall be obliged to submit documents confirming the accuracy of the information as stated in the form.

Section 99 Provider of Accommodation and His Duties

For the purposes of this Act, a provider of accommodation is every person who:

- a. provides accommodation to an alien for a consideration, or
- b. provides accommodation to more than 5 aliens concurrently; the same shall not apply if the aliens and the provider of accommodation can be considered mutually close persons¹⁴.

Section 100

A provider of accommodation shall be obliged to:

- a. notify the Police without delay of the death of an alien to whom he has been providing accommodation,
- b. allow the Police entry in the places where the alien may be staying if such a place is used for business or other economic activity provided that such entry does not violate the alien's right to privacy or to family life,
- c. notify the Police that accommodation has been provided to an alien (Section 102),
- d. issue a certificate confirming accommodation to an alien at the alien's request showing the name, surname, street, place and period of accommodation,
- e. maintain a guest register and submit the same for inspection at the request of the Police.

Section 101 Guest Register

- (1) A guest register is a document wherein a provider of accommodation enters details within the scope as referred to in Section 97.
- (2) A guest register for the purposes of inspection pursuant to Section 100 (e) shall be maintained by a provider of accommodation in writing; a digital form shall be excluded for the purposes of inspection.
- (3) Entries in the guest register shall be made in a clear and comprehensible manner. Entries shall be arranged in a sequential time order.
- (4) A guest register shall be kept by the provider of accommodation for 6 years after the date of the last entry.
- (5) Personal data maintained in the guest register shall be treated only in the manner as set out in a special legal regulation¹⁵⁾.

Section 102 Reporting of the Provision of Accommodation

- (1) A provider of accommodation shall be obliged to report that accommodation has been provided to an alien on the working day following the provision of accommodation.
- (2) The report pursuant to sub-section 1 shall be made to the Police.
- (3) The obligation to report the provision of accommodation may be met
 - a. by way of submitting a registration card which is an identical copy of an entry in the guest register, or
 - b. with the help of technical data media and telecommunication transfer thereof if such transfer is possible.

Chapter VIII Duties

Section 103 Duties of Alien

In addition to obligations set forth in other provisions of this Act, the alien shall be obliged:

- a. on the first working day following the day of release from custody or prison sentence to appear before the Police, unless the alien is a holder of a valid travel document and a Visa, if it is a condition of his leave to remain in the Territory;
- b. at the request of the provider of accommodation, to submit a travel document or a certificate of permission to reside;
- c. in the proceedings pursuant to this Act, to provide true and complete information required within the extent set out by this Act;
- d. at the request of the Police, to identify himself by submitting his travel document, certificate of permission to reside or identity document issued by the Ministry of Foreign Affairs to persons enjoying privileges and immunities under international law and within a period stipulated by the Police to prove that he meets the requirements for leave to remain in the Territory;
- e. to report to the Police any change in surname, personal status and any change in the travel

document or certificate of permission to reside within 3 working day of the day when the change occurred;

f. to protect documents issued pursuant to this Act against loss, theft, damage or abuse and to see that such documents contain true information;

g. in case of change of appearance, to apply for the issue of a new document with a photograph without undue delay;

h. to surrender to the Police, without undue delay, the document issued pursuant to this Act which is invalid or full of official entries;

i. to surrender to the Police, no later than 3 days prior to the termination of leave to remain in the Territory, the document issued pursuant to this Act, except for a Visa and travel identity document if issued for the purposes of leaving the Territory;

a. to report any loss, destruction, damage or theft of the document issued pursuant to this Act to the Police within 3 working days of the day when such event occurred, if it occurred in the Territory. If such an event occurred abroad, he shall report the same within the same period to a Diplomatic Authority;

b. to submit to fingerprinting and taking of a picture by the Police in connection with declaring his Visa as invalid, proceedings regarding administrative expulsion, detention for the purposes of administrative expulsion or establishment of identity or in connection with the provision of temporary protection;

c. in case it is required by his health conditions, to submit to a medical examination and other measures to limit the occurrence and the spread of communicable illness;

d. to immediately report to the Police any loss or theft of a travel document according to Section 108(1)(a) or (b);

e. to remain in the Territory only with a valid travel document, unless stipulated otherwise in this Act;

f. at the request of the Police, to prove the possession of a proportionate part of funds for the remaining period of his stay in cases pursuant to Section 13(1) (a) (1) and (2) and pursuant to Section 13 (2) and (3) or funds in the full amount in cases pursuant to Section 13(1) (a) (3),

g. in case that he leaves in the Territory an alien under 15 years of age whose statutory representative he is to request a competent Police authority or a medical facility to issue a certificate pursuant to Section 92 and to submit this certificate at a border check when leaving the Territory.

Section 104 Duties of Carrier

(1) An air carrier or an operator of ship transportation services (hereinafter the "Carrier") shall be obliged to transport an alien back to a foreign country if the Police refused to grant leave to enter the Territory on the grounds that during the border control, the alien failed to submit a travel document and a Visa, if necessary, taking into account the purpose of the trip.

(2) The duty pursuant to sub-section (1) shall not apply to the Carrier if the Visa was declared invalid by a body which issued such Visa.

Section 105 Duties of Custody or Prison Facility

A custody or a prison facility shall, without undue delay inform the relevant department of the Police, depending on the location of the custody or prison facility, of any release of an alien from custody or of termination of prison sentence of an alien.

Section 106 Duty of the State Administration Authorities

(1) The Employment Office of the Czech Republic shall be obliged to inform the Police, without undue delay, of any withdrawal of a work permit to an alien.

(2) The Trade Office shall be obliged to inform the Police, without undue delay, of any issuing or withdrawal of a trading licence to an alien.

Section 107 Duties of Other Persons

(1) A person who shall find or otherwise obtain a travel document stated in Section 108(1) or a certificate of permission to reside shall be obliged to surrender the same to the Police.

(2) A provider of accommodation shall be obliged, at the request of an alien, to produce a document confirming that accommodation was provided and stating the period for which accommodation has been provided.

(3) The person who invited an alien shall be obliged to provide compensation for loss, whether property or non-property related, incurred by the state as a result of failure to meet obligations stated in the invitation certified by the Police.

(4) A person who bound himself according to Section 15 shall be obliged to inform the Police immediately of his withdrawal from his obligation. The obligation according to Section 15 may not be withdrawn while the invited alien remains in the Territory.

Chapter IX Travel Document

Section 108

(1) For the purposes of this Act, a travel document shall mean:

- a. a public instrument recognised by the Czech Republic as a travel document;
- b. a public instrument which meets conditions set out in sub-section (2);
- c. an alien's passport valid world-wide;
- d. a travel identity document; or
- e. a travel document issued by the Czech Republic on the basis of an International Agreement.

(2) For the purposes of this Act, a public instrument issued by a foreign state for the purposes of travelling abroad, provided that its territorial validity includes the Territory and also provided that the following may be established on the basis of such document:

- a. information on nationality of an alien;
- b. information regarding his identity;
- c. photograph of its holder;

d. information as to the validity of such document.

may be recognised as a travel document according to sub-section (1)(b).

Section 109

(1) An alien's passport, travel identity document and travel document pursuant to Section 108 (1) (e) shall be issued by the Police, at the request of an alien, unless stated otherwise below.

(2) A Diplomatic Authority shall, on request, issue a travel identity document to travel to the Czech Republic to an alien who mislaid abroad any of the documents stated in sub-section (1); the issue is conditional upon the consent of the Police.

(3) Travel documents stated in sub-section (1) are public instruments.

Section 110

(1) An alien's passport and travel identity document shall be issued in the Czech language and usually in two other foreign languages in accordance with international custom.

(2) On request, the Police shall record in an alien's passport or travel identity document his child under 15 years of age.

Section 111

(1) In the application for an alien's passport, travel identity document or travel document pursuant to Section 108(1)(e), the alien shall state his surname, name, other names, sex, day, month, year of birth, place and state of birth, nationality and place where he is registered for the purposes of permanent residence. Photographs shall be attached to the application.

(2) All information stated in sub-section (1) may be contained in an alien's passport, travel identity document or travel document pursuant to Section 108(1)(e) together with the photograph of the alien applying for such document.

Section 112

Similar procedures as set forth in the section relating to the issue of documents shall be followed when making changes in travel documents pursuant to Section 108(1)(c), (d) and (e) or when extending their validity; photographs are not required.

Section 113 Alien's Passport

(1) An alien's passport shall be issued by the Police

a. at the request of an alien who has leave to remain in the Territory on the basis of a residence permit, does not have a valid travel document and proves that he is unable to obtain a travel document due to reasons beyond his control;

b. at the request of an alien who is entitled to permanently remain pursuant to Section 87 if

1. he is under 15 years of age; or

2. his legal capacity has been limited by a decision of a court;

3. to an alien who is not a holder of a travel document and was granted a Visa for the purposes of temporary protection.

(2) The Police shall issue the alien's passport which shall be valid for a period of 5 years to an alien pursuant to sub-section (1)(a) or (1)(b)(2).

(3) The Police shall issue the alien's passport which shall be valid as stipulated by Government order (Section 181) to an alien pursuant to sub-section (1)(c).

(4) Validity of an alien's passport pursuant to sub-section 1(a) or (b)(2) may be extended twice, always for a period of 5 years.

(5) Validity of an alien's passport pursuant to sub-section 1(c) may be repeatedly extended for a period as stipulated by Government order (Section 181).

(6) An alien under 15 years of age shall be issued with an alien's passport valid for 2 years without any option for extension.

(7) An alien's passport shall cease to be valid on the day when the decision to cancel the residence permit comes into effect or on the day when the authority to obtain permanent leave to remain pursuant to Section 87 shall cease to exist or by virtue of temporary protection termination.

Section 114 Travel Identity Document

(1) A travel identity document to leave the Territory shall be issued at the request of an alien who

- a. does not have a valid travel document and may not obtain a travel document in any other manner due to reasons beyond his control;
- b. was granted a Visa to allow exceptional leave to remain pursuant to Section 35(1)(a) if he remains in the Territory without a valid travel document;
- c. is under 15 years of age, is hospitalised and whose statutory representative left the Territory and signed an affidavit pursuant to Section 92(b).

(2) The Police shall issue a travel identity document which is valid world-wide for a maximum period of 180 days to an alien pursuant to sub-section 1(a) and (c). The Police shall issue a travel identity document which is valid world-wide for a maximum period of 365 days to an alien pursuant to sub-section 1(b).

(3) An alien who remains in the Territory without a valid travel document shall be issued with a travel identity document by the Police if

- a. his short-term Visa was declared invalid;
- b. a decision to terminate a long-term Visa came into effect;
- c. a decision to terminate the residence permit came into effect;
- d. the authorisation to obtain permanent leave to remain (Section 87) ceased to be valid;
- e. temporary protection is no longer provided; or
- f. the Visa to allow exceptional leave to remain pursuant to Section 35(1)(b) is granted; validity of the document shall then be stipulated in order to be consistent with the validity of the Visa granted.

(4) An alien whose expulsion was irrefutably decided upon and who does not have any other travel document shall also be issued with a travel identity document to leave the Territory.

Section 115 Reasons for Withdrawal or Non-issuance of an Alien's Passport, Travel Identity Document or Travel Document Pursuant to Section 108 (1) (e)

(1) The Police shall not issue or shall withdraw an alien's passport, a travel identity document or travel document pursuant to Section 108(1)(e) if reasons for which it was or is to be issued no longer exist.

(2) The Police shall not issue or shall withdraw an alien's passport, travel identity document or a travel document pursuant to Section 108 (1) (e) if it concerns an alien against whom

a. execution of a maintenance order was ordered due to failure to meet his obligations to support his dependants or to satisfy his financial obligations; or

b. criminal proceedings have been commenced or who did not serve a prison sentence imposed by a court unless he was excused from the sentence or the sentence is statute-barred;

on condition that the consequences of such decision shall correspond to the grounds for non-issuance or withdrawal of travel document. When considering this correspondence, the Police shall take into account, in particular, the consequences of such decision on the private and family life of an alien.

Section 116 Invalidity of Travel Document

For the purposes of this Act, a travel document shall be deemed to be invalid if:

a. the validity period stated therein has expired;

b. the travel document has been damaged in such a way that information recorded therein is illegible;

c. its entirety has been damaged;

d. it contains incorrect data or changes made in an unauthorised manner;

e. the photograph contained therein does not correspond to the actual appearance of its holder; or

f. the holder of the document died or was declared dead.

Section 117 Retention of Travel Document

(1) The Police shall retain at the time of border or residents' control:

a. a travel document if not issued in the name of the alien controlled and

1. the alien uses this document to prove his identity as his own document, or

2. the alien fails to plausibly explain why he retains such document;

a. a travel document pursuant to Section 108 (1)(c), (d) or (e) if it may be deemed invalid pursuant to this Act;

b. a travel document pursuant to Section 108 (1) (a) or (b) if declared invalid or stolen by a body of the state which issued such document.

(2) If it was decided or if it may be reasonably expected that a decision will be made to withdraw a

travel document, such travel document may be retained by a body engaged in criminal proceedings.

(3) The Police shall provide the holder of a travel document pursuant to Section 108 (1)(c), (d) or (e) with confirmation that the travel document had been retained and shall immediately pass the document retained onto the relevant Police department according to the address of the holder in the Territory stating reasons for the retention; the department mentioned in the preceding sentence shall take a decision on the withdrawal of the document retained or on its return within 15 days of receipt of notice. In case the document is retained pursuant to sub-section (1)(b), the relevant department shall destroy the document after 60 days of its receipt unless the document is to be used as evidence in criminal proceedings.

(4) The Police shall provide the holder of a travel document pursuant to Section 108 (1)(a) or (b) with confirmation that the travel document had been retained and shall immediately pass the document onto the Ministry of Foreign Affairs unless the document is false or changed or unless the document is to be used as evidence in criminal proceedings.

Chapter X Administrative Expulsion

Section 118

(1) Administrative expulsion shall mean the termination of leave to remain of an alien in the Territory when the deadline to leave the Territory and the period during which the alien may not be granted leave to enter the Territory is stipulated. The period during which the alien may not be granted leave to enter the Territory shall be identical to the validity period of the decision. On an individual basis, the decision may stipulate the border crossing to be used when leaving the Territory.

(2) For the purposes of administrative expulsion, temporary leave to remain in the Territory shall also mean any illegal stay of an alien in the Territory or any stay of an alien in the transit area of an international airport.

(3) A decision on administrative expulsion of an alien shall not give any grounds for collective administrative expulsion of aliens.

Section 119 Administrative Expulsion from Temporary Stay in the Territory

(1) The Police shall pass a decision on administrative expulsion of an alien with temporary leave to remain which shall be valid for a period of

- a. 10 years, if there is a danger that the alien could, were he granted leave to remain, endanger the state's security;
- b. 5 years if
 1. an alien presented at either a border or a residents' check, a document which is false or which was illegally amended;
 2. an alien has been employed in the Territory without a work permit or carries on profitable activities in the Territory which are subject to tax without a licence issued under a special legal regulation¹⁶⁾ or employs an alien without a permit;
 3. an alien fails to make himself subject to a border control upon a request by the Police; or
 4. an alien is hiding to avoid border control;

c. 3 years if

1. an alien has presented an invalid travel document either at a residents' or border control when leaving the Territory;
2. an alien has failed to meet the obligation set out in Section 19(3), Section 34(6), Section 39(5), Section 44(4) and/or Section 61(3); or
3. an alien has refused to present or otherwise prove his identity in a reliable manner.

(2) The Police shall pass a decision on administrative expulsion of an alien which shall be valid for

- a. up to 10 years, if there is a danger that the alien could seriously endanger public order, were he granted leave to remain in the Territory;
- b. up to 5 years, if an alien entered the Territory outwith a border crossing;
- c. up to 3 years,
 1. if an alien remains in the Territory beyond the period stipulated by an International Agreement on the abolition of visa requirement or Government order on the abolition of visa requirement or in some other way acts in contradiction with such agreement or Government decision;
 2. if an alien remains in the Territory after the expiry of his Visa or leave to remain in the Territory stipulated by the Visa; or
 3. if an alien supplied untrue information in the proceedings pursuant to this Act

on condition that the consequences of this decision shall correspond to the grounds for administrative expulsion. When considering the correspondence, the Police shall take into account, in particular, the consequences of such decision on the private and family life of an alien.

(3) If an alien fails to leave the Territory within a deadline stipulated in the decision on administrative expulsion although he did not file a complaint against such decision, the police shall take the decision on the extension of the validity period of expulsion by 5 years.

Section 120 Administrative Expulsion of Alien who was Granted a Residence Permit

(1) The Police shall pass a decision on the administrative expulsion of an alien who was granted a residence permit which shall be valid for

- a. 10 years, if there is a danger that the alien could, were he granted leave to remain in the Territory, endanger the state's security;
- b. 3 years, if an alien fails to meet the obligation pursuant to Section 80 (3).

(2) If an alien fails to leave the Territory within the period stipulated in the decision on administrative expulsion, even though the alien did not file a complaint against such decision, the Police shall take a decision that the validity of the expulsion be extended by 5 years.

Section 121

Provided that any other state gives its consent to admit a stateless person, such person may be expelled by administrative expulsion to such country.

Section 122 Conditions to Mitigate Harshness of Administrative Expulsion

(1) Throughout the validity of a decision on administrative expulsion, the Police shall grant a Visa or leave to enter the Territory if

a. the purpose of the stay in the Territory is connected with the birth or funeral service of a person related to an alien pursuant to Section 65 (1)(a); or

b. the purpose of the stay in the Territory is a visit of a seriously ill person related to an alien pursuant to Section 65(1)(a), however, such person may only be visited once in a calendar year;

on condition that the grounds for administrative expulsion shall correspond to the grounds for granting the Visa or leave to enter. When considering the correspondence, the Police shall take into account the period that has lapsed from the date of issue of the decision on administrative expulsion, grounds leading to such decision and other facts that may have any bearing on granting of a Visa.

(2) For the duration of a decision on administrative expulsion, the Police shall grant a Visa or leave to enter the Territory provided that the grounds for leave to enter the Territory is a request of a state authority of the Czech Republic and provided that the matter may not be dealt with from abroad.

(3) Leave to remain in the Territory granted pursuant to sub-section (1) and (2) above shall not exceed 30 days.

(4) Provided that a Visa or leave to enter the Territory is not granted, the Police shall, without undue delay, prepare a record containing the grounds leading to such decision. The record shall be destroyed not earlier than upon the expiry of 1 year from the date of the record.

(5) At the request of an alien, the Police may render a decision on administrative expulsion as being cancelled provided that grounds on the basis of which the decision was adopted no longer exist and provided that one half of the period for which the decision was to be valid has lapsed.

Section 123 Compensation for Costs Connected with Administrative Expulsion

(1) Costs of administrative expulsion shall be paid out of the Deposit.

(2) If the costs cannot be paid out of the Deposit, they may be paid out of, at least in part, cash funds which an alien, who is to be expelled on the basis of the decision on administrative expulsion, has at hand.

(3) If the costs cannot be compensated pursuant to the preceding sub-sections, the costs shall be paid for in the following order by:

a. a person who employed the alien without a work permit;

b. a person who acted as intermediary in the employment without a work permit;

c. a person who is bound to do so on the grounds of the invitation certified by the Police;

d. a carrier who failed to meet the obligation pursuant to Section 104(1).

(4) Provided that the costs connected with administrative expulsion cannot be paid for pursuant to the preceding sub-sections, these costs shall be borne by the Police.

(5) The Police shall include in the costs connected with administrative expulsion any costs of accommodation and food, transportation costs and any other necessary monetary costs.

Chapter XI Detention of Alien

Section 124 Detention of Alien for the Purposes of Administrative Expulsion

(1) The Police shall be entitled to detain an alien who was delivered a notice of commencement of proceedings concerning administrative expulsion if there is a risk that the alien could endanger state's security, seriously interfere with public order or frustrate or exacerbate the execution of a decision on administrative expulsion.

(2) An alien may be detained on the grounds stipulated in sub-section (1) after a written decision on his detention containing grounds leading to such decision was delivered to him or after he refused to receive service of such decision; the Police shall record refusal to receive service of the decision. The decision shall come into effect either on the day of service of the decision or on the day when an alien refused to receive service of the decision.

(3) An alien who has been detained shall be entitled to file a motion to commence proceedings pursuant to a special legal regulation¹⁷⁾ in which a court shall take a decision on the legitimacy of the detention and shall order the release of an alien in the case of the detention being illegal.

Section 125

(1) The period of detention shall not exceed 180 days and shall run from the moment of deprivation of personal liberty.

(2) The Police shall, without undue delay, report the detention of an alien to a family member to whom leave to remain in the Territory has been granted. Unless an International Agreement stipulates otherwise, the Police shall also report the detention of an alien for the purposes of administrative expulsion to the relevant Diplomatic Authority or a consulate of a foreign country, if the Diplomatic Authority or the consulate have an office in the Territory and if the Police is asked to do so by the alien.

Section 126

The Police shall be obliged:

- a. throughout the detention to determine whether or not the reasons for detention persist;
- b. immediately after an alien is detained, to inform the detained alien, in a language in which the alien is able to communicate, of the possibility of having a court review on the legitimacy of the detention. If a language may not be determined and if such information may not be communicated in any other way, the Police shall not communicate the information and shall record it. The record shall be destroyed not earlier than upon the expiry of 1 year from the date of the record.

Section 127

The detention shall terminate without undue delay

- a. if the grounds on which it was granted no longer exist;
- b. if so decided by a court upon the application of an alien to review the legitimacy of the detention.

Section 128

(1) A detained alien, whose leave to remain in the Territory is to be terminated on the basis of an irrefutable decision on administrative expulsion shall be transported by the Police to a border crossing for the purposes of leaving the Territory; this shall not apply if the detained alien has produced a proof that a complaint was filed. The Police shall also transport the alien detained to a border crossing once the complaint against a decision on administrative expulsion has been rejected.

(2) The Police shall be entitled to keep an alien pursuant to sub-section (1) in a detention facility for such a period of time necessary to complete all the formalities for the alien to leave the Territory.

Section 129 Detention of an Alien for the Purpose of his Repatriation under an International Agreement

(1) The Police shall detain any alien who entered the Territory illegally for the purposes of his repatriation under an International Agreement for as long as necessary.

(2) The Police shall be obliged to act in such a way to repatriate an alien as soon as possible after the alien has been detained.

Chapter XII Facility

Section 130

(1) A Facility is a place where an alien shall be obliged to remain on the basis of a decision on detention pursuant to this Act.

(2) The Police shall place an alien in the Facility within 48 hours of deprivation of personal liberty, if the grounds for detention persist.

(3) The Facility is operated by the Police.

(4) The Facility is divided into a facility with moderate regime for aliens detained and a facility with severe regime for aliens detained.

(5) The Facility shall correspond to the purpose for which it was established, shall be in compliance with hygienic standards and shall be equipped in such a way as to prevent any injury to the life and limb of aliens and damage to the property of the Facility.

Section 131 Facility with Moderate Regime for Aliens Detained

(1) The Police shall place an alien in the part of the facility with moderate regime for detained aliens if it does not have any reasons to place the alien in the part of the facility with the severe regime.

(2) The part of the facility with moderate regime for detained aliens shall consist of the accommodation facility, common sanitary installations, common room and another area where the aliens may move freely during determined hours and may meet each other.

(3) In the accommodation part of the Facility, an alien shall be allocated a bed and a locker to deposit his personal belongings. The room in which the alien is accommodated shall also have, if possible, a table and chairs, the number of which shall correspond to the number of aliens accommodated.

Section 132 Facility with Severe Regime for Aliens Detained

(1) The part of the facility with severe regime for detained aliens shall consist of accommodation

facility which may only be locked from outside, equipped with a bed, table and number of chairs corresponding to the number of aliens accommodated, sanitary installation separated from the rest of the Facility by a non-transparent partition, alarmed equipment and other area for walks.

(2) The Police shall place an alien in the part of the facility with severe regime

- a. if there is a valid concern that the alien could endanger the purpose of the detention;
- b. if an alien is aggressive or requires stricter supervision for some other reason or if it is for the purposes of protection of health or rights and freedoms of other aliens;
- c. throughout quarantine due to an infectious illness or any other health reason;
- d. if the alien fails to meet his obligations or interferes with internal rules of the Facility; or
- e. if his identity may not be verified.

Section 133 Division of Family

In case of division of a family placed in the Facility, for example due to a member of a family being placed in the part with severe regime, it shall always be procured that the consequences of such division are consistent with the grounds leading to such division.

Section 134 Personal Search and Retention of Things

(1) Once an alien is placed in the Facility, the Police shall be entitled to carry out a search of an alien and a search of his things to establish whether or not the alien possesses a thing pursuant to Section 147(2). The Police shall be entitled to carry out the search of an alien and his personal things at any time during the alien's stay in the Facility if there exist a suspicion that the alien may have in its possession a thing pursuant to the preceding sentence. The search of an alien shall be carried by a person of the same sex. The Police shall make a record of any search carried out while the alien stays in the Facility. Such record shall be destroyed not earlier than upon the expiry of 6 months from the date of such record.

(2) The Police shall be entitled to put into its custody a travel document and things pursuant to Section 147(2) found during a search of an alien, search of personal things or otherwise.

Section 135 Informing Alien of his Rights and Duties

Immediately after being placed in the Facility, the alien shall be informed of his rights and duties connected with the detention and of the internal rules of the Facility. The information shall be provided in his mother tongue or in a language the alien is able to communicate in.

Section 136 Internal Rules

(1) The internal rules shall stipulate

- a. time schedule for walks;
- b. time schedule for personal hygiene;
- c. time schedule and scope of health care provided;
- d. time schedule for serving food;

- e. time schedule for cultural activities;
- f. visitor's hours;
- g. area designated for walks

and other details regarding organisational and technical aspects of alien's stay in the Facility.

(2) The internal rules shall be issued in Czech, English, German, French and Russian languages.

Section 137 Placement of Aliens

(1) When placing aliens in the accommodation facility, the Police shall take into account religious, ethnical or national aspects, family and matrimonial connections, age or health conditions.

(2) The following aliens shall not be placed together:

- a. men and women, an exception may be made in the case of relatives;
- b. aliens under 15 years of age and older aliens, an exception may be made in the case of relatives and persons close to each other.

Section 138 Accommodation Room

Each room designated to accommodate aliens shall have electrical lighting. Space provided to each alien shall be at least 3,5m².

Section 139 Food

An alien shall be provided with food three times a day according to his age and energy and biological needs¹⁸⁾. If possible, when selecting the food, custom ensuing from the religion of the alien shall be taken into account.

Section 140 Clothing

If clothing, underwear and shoes of an alien do not comply with hygienic and esthetical conditions, the alien shall be obliged to use the clothing, underwear and shoes provided by the Police. At the same time, the Police shall arrange for the custody of the original clothing, underwear and shoes.

Section 141 Written Communication

An alien may receive and at his own cost send any written communication; there shall be no limits in this respect.

Section 142 Visitors

(1) An alien who was placed in the Facility may receive up to 2 visitors once every three weeks. The visit shall not exceed 30 minutes. On an individual basis, the head of the Facility may permit more frequent visits, i.e. more often than once a three weeks, more than 2 visitors or the time limit for visits may be extended to last more than 30 minutes.

(2) Visits shall take place in a room designated for such purpose with the presence of the Police.

(3) An alien shall be entitled to be visited by his legal representatives; there shall be no limits imposed on such visits.

Section 143 Receiving Packages and Money

(1) An alien may receive, once every two weeks, a package with food, books and personal things up to 5 kg in weight. The limit shall not apply to packages with clothing sent for the purposes of replacing the same.

(2) The Police shall be entitled to inspect any package. An alien shall not be given things which may not be possessed while remaining in the Facility (Section 147(2)). Things which were not handed-over shall be returned by the Police to the sender at his cost, save for things the possession of which would be in contradiction with the law of the Czech Republic.

(3) An alien may receive money sent to him to the Facility; there shall be no limits in this respect. The Facility shall be obliged to procure that money is safely deposited.

Section 144 Cultural Needs

An alien shall be entitled to order, at his own cost, books, daily newspapers and magazines, including foreign, if they are distributed domestically.

Section 145 Healthcare

(1) An alien shall be entitled to eight hours of continuous sleep.

(2) An alien placed in the part of the facility with severe regime shall be entitled to take part in a walk every day in the designated area of the Facility lasting for at least an hour. Due to serious reasons, the walk may be, on the basis of a decision of the head of the Facility, limited or cancelled. The head of the Facility shall prepare a report on the limitation or cancellation of a walk. Such record shall be destroyed not earlier than upon the expiry of 1 year from the date of the record. As for ill and pregnant aliens, walks shall take place upon the approval of an attending physician and in accordance with his recommendations.

(3) An alien shall be obliged to make himself subject to preventive medical examinations carried out when admitted to the Facility, when leaving the Facility and also periodically. If so required, an alien shall also make himself subject to an extraordinary medical examination within the scope stipulated by the physician including necessary diagnostic and laboratory examinations and vaccinations and preventive measures stipulated by a body for the protection of public health.

(4) If health conditions of an alien require medical care which may not be provided at the Facility, the Police shall procure such care in a medical establishment outside the Facility.

(5) If an alien has wilfully caused a detriment to his health, he shall be obliged to pay the costs of his medical treatment and the actual costs incurred in connection with security and transportation to the medical establishment.

Section 146 Protection of Aliens' Rights

(1) To enforce his rights, an alien may file applications and complaints to state authorities of the Czech Republic; the Facility shall be obliged to send the same immediately.

(2) At the request of an alien, he shall be allowed, without undue delay, a consultation with the head of the Facility or his deputy.

Section 147 Obligations of Aliens

(1) An alien shall be obliged to adhere to the internal rules of the Facility, comply with orders and instructions of the Police, protect the property of the Facility and other aliens and behave properly to all persons he encounters.

(2) An alien shall not be entitled, without a permission of the Police, to leave the Facility, manufacture, receive and drink alcoholic beverages and other addictives¹⁹⁾, manufacture and receive objects that could be used to endanger the safety of persons and property or to escape, or which could, by its quantity or nature, interfere with order or cause a detriment to health.

Section 148 Use of Enforced Means

If it is necessary to maintain internal order and security in the Facility, the Police shall be entitled to use against an alien, refusing to comply with his obligations, enforced means set out in a special legal regulation²⁰⁾.

Section 149 Termination of Detention

Prior to the termination of a stay of an alien in the Facility, the Police shall return to the alien any and all money and other things which were taken into custody save for things the possession of which would be in contradiction with the law of the Czech Republic.

Section 150 Control

The Police presidium of the Czech Republic shall be informed of a control of detention carried out pursuant to special legal regulations.

Section 151

The Police shall be entitled to place in the Facility an alien who is dependant on or is in the custody of a detained alien provided that the care for the alien concerned cannot be arranged for in any other manner. If such a person is able to realise the consequences of being placed in the Facility, his will shall be taken into account.

CHAPTER XIII Transit of an Alien through the Territory and Undesired Person

Section 152 Transit of an Alien

For the purposes of this Act, a transit of an alien through the Territory shall mean leave to enter in the Territory, leave to remain in the Territory and alien's leave from the Territory arranged for by the Police regardless of the will of the alien, if so stipulated by an International Agreement.

Section 153

(1) The Police shall, throughout the whole period of transit, deprive an alien transited on the basis of an International Agreement of personal liberty and freedom of movement. The alien shall be obliged to allow a search of his person carried out by the Police the purpose of which is to establish whether the alien has in its possession any weapon or other object that could endanger the life or health of the alien or other persons; a search of the alien shall be carried by a person of the same sex.

(2) The Police shall provide the alien transited with food, usually every 6 hours since the deprivation of his liberty.

(3) If a transited alien becomes ill or causes detriment to his health or attempts to commit a suicide, the Police shall take necessary measures leading to the protection of his life and health, in particular, it shall provide first aid, procure the provision of medical treatment including an assessment by a physician as to whether or not the status of the alien allows for the completion of the transit.

(4) The Ministry shall cover the costs of medical treatment provided.

Section 154 Undesired Person

(1) An undesired person shall mean an alien who may not be granted leave to enter the Territory on the grounds that such alien could, was he granted leave to remain in the Territory, endanger the state's security, the public order, protection of public health or protection or rights and freedoms of others or similar interest protected on the basis of an obligation ensuing from an International Agreement.

(2) It is at the discretion of the Police to decide whether or not an alien is an undesired person on the basis of its own findings, requirement of a central administrative body of the Czech Republic, requirement of the intelligence service of the Czech Republic and/or an obligation ensuing from an International Agreement.

(3) The Police shall declare an alien to be an undesired person on the basis of:

- a. an irrefutable decision of a court on the expulsion from the Territory¹⁰; or
- b. an irrefutable decision on administrative expulsion.

(4) A person who requires for an alien to be registered in the register of undesired persons pursuant to sub-section 1 shall take into account that the grounds for such registration must correspond to the consequences of such registration. The Police shall be entitled to request the person who requires the registration pursuant to sub-section 1 to prove the correspondence pursuant to the preceding sentence provided that such correspondence has not been proved in the requirement. When proving the correspondence, the consequences of such decision on the private and family life of the alien shall, in particular, be taken into account.

(5) An alien who has been declared as an undesired person shall be registered in the register of undesired persons.

(6) The Police shall not be obliged to inform the alien that he has been registered with the register of undesired persons.

Section 155

(1) The Police shall examine the grounds leading to the registration of an alien in the register of undesired persons pursuant to Section 154 (2) once a year or always when it has any doubts and on the basis of such review shall either leave the alien in the register or shall promptly remove the alien from the register. If the Police is unable to review the grounds candidly, it shall ask the person who enforced the requirement to declare an alien as an undesired person to carry out the review.

(2) The Police shall erase an alien from the register of undesired persons upon the expiry of the decision on the administrative expulsion or upon the expiry of the period for which the expulsion was requested or upon the excuse from the expulsion¹⁰ on the basis of a pardon by the president or an amnesty granted by the president which is applicable thereto.

CHAPTER XIV Administrative Offences

Section 156

(1) An administrative offence shall be committed by

- a. a Carrier who shall transport into the Territory an alien without documents entitling the alien to be granted leave to enter; or
- b. a provider of accommodation who failed to meet his obligation pursuant to this Act.

(2) With respect to an offence set out in sub-section 1(a), the Police shall impose a penalty in the amount of 25 times the Subsistence Minimum for Personal Needs and a penalty in the amount of 50 times the Subsistence Minimum for Personal Needs shall be imposed for a repeated breach of this obligation.

(3) With respect to an offence set out in sub-section 1(b), the Police shall impose a penalty up to 12 times the Subsistence Minimum and a penalty of up to 25 times the Subsistence Minimum for Personal Needs for a repeated breach of this obligation.

(4) A penalty may be imposed within 1 year from the day when the Police learned about an act pursuant to sub-section 1, however, no later than 3 years from the occurrence of such event.

(5) A penalty shall be payable within 30 days of the day when the decision on the basis of which the penalty was imposed has come into effect.

(6) A penalty shall be collected by the Police and exacted by the relevant financial authority. Proceeds from the penalty shall be deemed to be part of the income of the state budget. When collecting and exacting the penalties, provisions of a special legal regulation shall be followed²¹⁾.

(7) Provisions of Part IV, Chapter 2 and Part 5 of the Administrative Code shall not apply to offence proceedings pursuant to this Act.

Section 157

(1) A person shall commit an offence if

- a. he has abused a travel document of another person with the intention to cross a state border;
- b. he has intentionally avoided a residents' or border control;
- c. he has made unauthorised changes in the documents entitling him to enter the Territory or in the certificate of permission to reside or has arranged for such changes to be made;
- d. he has intentionally submitted false or changed documents or documents issued to another person or has provided untrue information in order to extend the residence permit; or
- e. he has intentionally breached an obligation stipulated in this Act.

(2) With respect to an offence set out in sub-section 1(a), (b) or (c), the Police shall impose a penalty up to 5 times the Subsistence Minimum for Personal Needs; a penalty of up to 3 times the Subsistence Minimum for Personal Needs shall be imposed for an offence set out in sub-section 1(d) and a penalty of up to 1,5 times the Subsistence Minimum for Personal Needs shall be imposed for an offence set out in sub-section 1(e).

- (3) Unless stated otherwise below, a special legal regulation²²⁾ shall apply to offence proceedings pursuant to this Act.
- (4) Offences pursuant to this Act shall be investigated by the Police.
- (5) Penalties in ticket proceedings for offences pursuant to this Act shall be imposed and collected by the Police.
- (6) Penalties shall be exacted by financial authorities pursuant to a special legal regulation²¹⁾.
- (7) A penalty of up to 1,5 times the Subsistence Minimum for Personal Needs may be imposed in ticket proceedings.

CHAPTER XV Information Systems

Section 158

- (1) When exercising state administration pursuant to this Act, the Police shall operate information systems containing
- a. information on the entry of an alien in the Territory, stay in the Territory and leave from the Territory;
 - b. information on applicants for Visa, Visa granted and not granted and extensions of the same;
 - c. information on aliens to whom leave to remain in the Territory was granted, certificate of permission to resides issued and extension of the same;
 - d. information on applicants for alien's passport, travel identity document, travel document pursuant to Section 108 (1)(e); extensions of the same and information on aliens to whom a travel document was issued on the basis of official authority;
 - e. information on aliens with respect to whom a decision on administrative expulsion pursuant to this Act has been taken or who have been punished by means of being expelled from the Territory¹⁰⁾;
 - f. information on aliens whose invitations pursuant to this Act have been certified by the Police and on persons inviting aliens to stay in the Territory;
 - g. information on aliens registered with the register of undesirable persons including their name, surname, day, month and year of birth, nationality and place of birth;
 - h. information on aliens who have committed an offence pursuant to this Act;
 - i. information on travel documents pursuant to Section 108(1)(a) or (b) which were lost or stolen; information on travel documents pursuant to Section 108(1)(c), (d) or (e) which were lost, destroyed, damaged or stolen and information on travel documents which were declared invalid by the relevant body of the issuing state.
- (2) The Police shall be entitled to operate other information systems provided that the operation of such systems is a necessary condition to perform tasks pursuant to this Act. These information systems may only contain information obtained when performing a task which resulted in the creation of the information system.
- (3) Information systems maintained by the Police pursuant to this Act shall contain information on

aliens and other persons within the extent of information provided in an application for a Visa or within the extent of information provided on other forms completed pursuant to this Act and/or information obtained in proceedings pursuant to this Act. Name, surname and other names of the alien may be kept in the information system in the form in which the name and surname is transcribed, moved or transcribed verbatim, letter by letter, from the travel document of such alien.

(4) Information from information systems maintained by the Police pursuant to this Act may be merged with information from other information systems maintained pursuant to special legal regulations, if it is necessary to perform tasks imposed by this Act.

(5) The Ministry of Foreign Affairs shall maintain an information system containing

- a. information to the extent stated in an application for a Visa;
- b. information on travel documents and Visas granted.

Section 159

(1) Unless otherwise stated below, an applicant may be provided with data from the information system which the applicant needs to perform his tasks stipulated by the Act the scope of which shall be: surname, name, maiden name, date and place of birth, nationality, birth number and place and type of stay in the Territory. The scope of data provided may be extended, should it be a condition for the fulfilment of tasks according the law and the data required may not be acquired otherwise. Data so acquired may not be collected, passed on or used beyond the scope of stipulated authorisation pursuant to special legal regulations.

(2) Upon a request made pursuant to a special legal regulation²³⁾, an alien may be provided with data within the extent as stipulated in sub-section 1.

(3) The Police shall pass onto the Ministry any data from the information system relating to aliens with leave to remain and aliens remaining in the Territory on the basis of a long-term Visa within 10 days from the day when they were obtained.

(4) Data from information systems maintained pursuant to Section 158 shall be provided to state authorities, if required by them to perform their tasks.

Section 160

(1) The data in information systems pursuant to Section 158 may be kept in written form, on technical data media or in a combination thereof and may be transferred in the same ways.

(2) Data kept on technical data media shall be kept for a period of

- a. 20 years from the termination of leave to remain in the Territory with respect to permanent leave to remain or leave to remain on the basis of a Visa or from the date when nationality of the Czech Republic was acquired;
- b. 10 years from the expiration of a period of time during which the alien was registered with the register of undesired persons;
- c. 10 years from the date of occurrence of an event of fact with respect to information relating to a loss or theft of travel documents set out in Section 108 and travel documents set out in Section 108 (1) (a) and (b) which were declared invalid by the relevant bodies of the issuing state;

d. 5 years from the expiration of an alien's passport, travel identity document or travel document pursuant to Section 108 (1) (e); or

e. 5 years from the occurrence of an event which is subject to registration in other cases.

(3) Data kept in written form shall be kept for a period of

a. 10 years from the termination of leave to remain in the Territory with respect to permanent leave to remain or leave to remain on the basis of a Visa or from the date when nationality of the Czech Republic was acquired;

b. 5 years from the expiration of a period of time during which the alien was registered with the register of undesired persons;

c. 5 years from the expiration of an alien's passport, travel identity document or travel document pursuant to Section 108 (1) (e); or

d. 5 years from the occurrence of an event which is subject to registration in other cases.

(4) Provided that records on an alien consist of any information merged pursuant to Section 158(4), the period during which the complete information is required to be kept shall correspond to the longest period stipulated for one of the parts of the information so merged.

(5) The period for which any data maintained in information systems pursuant to Section 158 (2) shall be kept shall not exceed 30 years.

(6) Upon expiration stipulated in sub-sections 2, 3, 4 or 5, the Police shall destroy the data, unless stipulated otherwise by a special legal regulation²⁴.

CHAPTER XVI

Competence of the Police and the Ministry of Foreign Affairs and Authorisation of the Police

Section 161 Competence of the Police

(1) The Police shall exercise the state administration in the area of alien's leave to enter and remain in the Territory and their leave, unless stipulated otherwise below.

(2) The jurisdiction of the Police shall be stipulated according to the place where an alien is registered for the purposes of leave to remain or according to the place where an alien, who is not obliged to report his place of stay, remains.

(3) Departments of the Police authorised to administer this Act are:

a. the Police Presidium of the Czech Republic;

b. the Head Office of Foreign and Border Police of the Police Presidium of the Czech Republic (hereinafter the "Head Office of Foreign and Border Police");

c. departments of foreign and border police and their dislocated offices being

1. sections of foreign police located in a district;

2. offices of foreign police located at individual border crossings (hereinafter the "Offices of Foreign Police") and the department of Foreign Police at Praha-Ruzyni;

- a. sections of border police.

Section 162 Police Presidium of the Czech Republic

The Police Presidium of the Czech Republic shall:

- a. decide in administrative appeal proceedings against a rejection of a motion to cancel the decision on administrative expulsion;
- b. supervise that legal regulations are complied with when an alien is being detained as well as during the detention;
- c. establish and wind-up any of the Facilities.

Section 163 Head Office of Foreign and Border Police

The Head Office of Foreign and Border Police shall

- a. procure that obligations ensuing from an International Agreement are met;
- b. carry out a residents' control;
- c. manage and control the activities of the Departments of Foreign and Border Police and their dislocated offices;
- d. operate the Facilities;
- e. provide escort services in connection with expulsion of aliens or in connection with police transit of aliens through the Territory;
- f. take pictures and fingerprints in connection with the detention for the purposes of administrative expulsion, establishment of an alien's identity or when satisfying an obligation ensuing from an International Agreement;
- g. decide in administrative proceedings on
 1. an appeal against the decision on administrative expulsion of an alien from the Territory;
 2. an appeal against the rejection of an application for a residence permit, appeal against the rejection of an application to extend a certificate of permission to reside and an appeal against the cancellation of a residence permit;
 3. an appeal against the rejection of an application to extend the validity or a period of stay with a Visa for over 90 days and the cancellation of a validity period of a Visa for over 90 days,
 4. an appeal against the rejection of an application for an alien's passport, travel identity document or travel document pursuant to Section 108 (1)(e), an appeal against the rejection of an application to extend or amend the same or an appeal against the withdrawal of the same;
 5. an appeal against the decision on offences pursuant to this Act;
 6. an application to cancel the decision on administrative expulsion.
- a. decide on whether or not a person will be declared an undesired person, his registration with the register of undesired persons and removal from such register;

- b. operate information systems pursuant to Section 158 (1) to the extent of its competence;
- c. arrange for travel and transportation documents (air tickets, tickets etc.) and grant Visa to leave to the alien expelled from the Territory;
- d. require a duplicate from the records maintained by the Criminal Register of the Czech Republic;
- e. decide on granting of the Visa or leave to enter the Territory pursuant to Section 122.

Section 164 Department of Foreign and Border Police

(1) The Department of Foreign and Border Control shall

- a. procure that obligations ensuing from an International Agreement are met;
- b. carry out a residents' control;
- c. adopt a decision not to grant leave to enter the Territory to an alien;
- d. adopt a decision not to permit to an alien to leave the Territory;
- e. adopt a decision to grant, extend the leave to remain and cancel Visa for over 90 days, Visa for the purposes of temporary protection and visa to allow exceptional leave to remain to the extent set out in this Act; it shall also adopt a decision to grant transit Visa pursuant to Section 22 (4), Visa for up to 90 days pursuant to Section 7(1)(a) and Section 26(5) and exit Visa and to extend leave to remain or to cancel Visa for up to 90 days;
 - a. adopt a decision to issue a residence permit or to cancel a residence permit validity;
 - b. adopt a decision to extend a certificate of permission to reside;
 - c. retain a travel document pursuant to Section 117(1);
 - d. adopt a decision to issue and withdraw an alien's passport and travel identity document, to extend and amend the same;
 - e. adopt a decision on offences pursuant to this Act;
 - f. certify invitations;
 - g. exact compensation for costs connected with administrative expulsion;
 - h. operate information systems pursuant to Section 158(1) to the extent of its competence;
 - i. serve as a reporting body to the extent set out in this Act;
 - j. provide escort services in connection with expulsion of aliens or in connection with the police transit of aliens through the Territory;
 - k. carry out a border control;
 - l. request a duplicate from the records maintained by the Criminal Register of the Czech Republic;
 - m. take pictures and fingerprints in connection with the declaration of a Visa as invalid, administrative expulsion, detention of alien for the purpose of administrative expulsion, establishment of an alien's identity or when satisfying an obligation ensuing from an International Agreement or in

connection with the provision of temporary protection;

- n. adopt a decision on administrative expulsion of aliens;
- o. issue confirmations regarding authorisation to permanent leave to remain in the Territory;
- p. certify confirmation pursuant to Section 92(a);
- q. issue a confirmation that a travel document pursuant to Section 117 has been retained;
- r. adopt a decision on the detention of an alien for the purposes of administrative expulsion, for the purposes of establishing his identity or for the purposes of meeting obligations ensuing from an International Agreement.

(2) The Section of Foreign Police located in a district shall have the authority to perform tasks pursuant to sub-section 1 (a), (b), (f) to (o) and (r) to (x). This section shall also adopt decisions to extend leave to remain on the basis of a Visa for up to 90 days and to cancel such Visa and to grant, extend and cancel:

- a. Visa for over 90 days;
- b. Visa for the purposes of temporary protection;
- c. Visa to allow exceptional leave to remain;
- d. exit Visa.

(3) Offices of the Foreign Police and the Department of the Foreign Police at Praha-Ruzyni shall have the authority to perform tasks pursuant to sub-section 1 (a), (c), (d), (h), (j), (m), (o), (p), (s), (t), (w) and (x). They shall also adopt decisions to grant a transit Visa pursuant to Section 22(4), Visa for up to 90 days pursuant to Section 7 (1)(a) and pursuant to Section 26 (5), exit Visa, to cancel all types of Visa save for airport Visa and to recognise a public instrument pursuant to Section 108(1)(b) as a travel document.

Section 165 Section of Border Police

The Section of Border Police shall

- a. secure the state border of the Czech Republic;
- b. control and supervise that conditions for crossing of the state border outwith border crossings to the extent set out in a list pursuant to Section 182(2) are met;
- c. procure that obligations ensuing from an International Agreement are met;
- d. investigate offences pursuant to this Act;
- e. retain an alien's passport or a travel identity document;
- f. carry out residents' and border control.

Section 166 Competence of the Ministry of Foreign Affairs

(1) The Ministry of Foreign Affairs shall exercise the state administration with respect to granting leave to remain in the Territory to aliens enjoying the immunities and privileges under international

law.

(2) The Ministry of Foreign Affairs shall exercise the state administration with respect to granting a Visa to the extent stipulated in this Act through a Diplomatic Authority.

Section 167 Authority of the Police

The Police shall be entitled:

- a. to request a duplicate from the records maintained by the Criminal Register of the Czech Republic in connection with proceedings pursuant to this Act;
- b. to take fingerprints and pictures in connection with declaring Visa as invalid, proceedings on administrative expulsion, detention for the purposes of administrative expulsion, when establishing an alien's identity or in connection with the provision of temporary protection;
- c. when fulfilling tasks pursuant to this Act, to request a clarification in connection with the fulfilment of tasks;
- d. to carry out a residents' control:
 1. on an alien to determine whether such alien remains in the Territory legally and whether such alien meets the conditions to remain in the Territory pursuant to this Act;
 2. on an alien or other persons to determine whether they meet the obligations stipulated by this Act.
 - a. in connection with border or residents' control, to require an alien to identify himself;
 - b. to enter into accommodation facilities on conditions stipulated by this Act and to inspect guest registers;
 - c. to carry out a search of persons and of personal things if so stipulated by this Act;
 - d. to record in a travel document that an alien has been charged with administrative expulsion.

CHAPTER XVII Administrative Proceedings and Court Review

Section 168 Administrative Proceedings

The Administrative Code shall not apply to proceedings pursuant to Section 4 (2)(b), Section 7 (1), Section 9, Section 10, Section 11, Section 19(1), Section 20, Section 22, Section 24, Section 26, Section 29, Section 30, Section 34(1)(c), Section 35, Section 36, Section 39(4), Section 40, Section 42, Section 43(2), Section 44 (2)(b) and (c), Section 49, Section 50, Section 61, Section 75, Section 92, Section 122(1) and (2), Section 124, Section 154 (2), Section 155(1) and Section 180.

Section 169 Deviations from the Administrative Code

(1) A decision which may not be delivered to a participant to the proceedings within 180 days shall be deemed to be delivered by being put on a notice board of the Diplomatic Authority for a period of 15 days provided that the decision is a decision of such authority.

(2) Provided that an application of an alien to extend leave to remain with a Visa for over 90 days or to extend such Visa, to grant a residence permit, to issue or extend an alien's passport or travel identity document, is fully satisfied, provisions of Section 47 of the Administrative Code shall not be

followed. The decision shall become final following the receipt of the residence permit, alien's passport, travel identity document or the public instrument extended pursuant to the preceding sentence.

(3) An application for a residence permit shall be dealt with within 180 days from the day of submission of the application.

(4) An alien shall be obliged to personally participate in the proceedings, if so requested.

(5) The proceedings shall be held in the Czech language; if the instrument concerned is not in this language, the alien shall be obliged to attach to the application a translation prepared by a court appointed translator²⁵⁾.

(6) An appeal against a decision to withdraw an alien's passport, travel identity document or travel document pursuant to Section 108 (1)(e) shall not have a deferring effect.

(7) The Police shall decide on administrative expulsion within 7 days of the commencement of the proceedings; if the Police is unable to adopt a decision within the stipulated period of time, the Police shall be obliged to inform the participant to the proceedings of the reasons.

(8) An appeal may be submitted against a decision on administrative expulsion within 5 days from the day when the decision was announced.

(9) The Police shall discontinue the proceedings if an alien

a. fails to remove any discrepancies in documents submitted after the proceedings initiated at the request of the alien were interrupted;

b. fails to receive his residence permit within the time period pursuant to Section 76 and fails to inform the Police that the receipt of the same is prevented from by reasons beyond his control;

c. who submitted the application in the Territory, fails to receive the residence permit within 30 days from the day when he was notified to do so and fails to inform the Police that the receipt of the same is prevented from by reasons beyond his control; and/or

d. who submitted an application for a residence permit pursuant to Section 66 or Section 67, fails to meet the condition of uninterrupted stay in the Territory or if such application has been submitted after the stay in the Territory on the basis of Visa for over 90 days was terminated.

(10) To the extent pursuant to Part IV, Section (2) to (4) of the Administrative Code, decisions of

a. the Police Presidium of the Czech Republic shall be reviewed by the Ministry;

b. the Head Office of Foreign and Border Police shall be reviewed by the Police Presidium of the Czech Republic;

c. of other departments of Police mentioned in Sections 164 and 165 shall be reviewed by the Head Office of Foreign and Border Police.

(11) An application to extend leave to remain with a Visa for over 90 days or an application to extend such Visa shall be dealt with by the Police within 14 days.

Section 170

(1) An application for a Visa, save for diplomatic or special Visa, an application to extend leave to

remain in the Territory with a short-term Visa or to extend Visa to allow exceptional leave to remain and/or Visa for the purposes of temporary protection must be filed in person by the alien concerned. On a case to case basis, the Diplomatic Authority may decide that the conditions pursuant to the preceding sentence do not have to be met.

(2) An application for a transit Visa, exit Visa, Visa for the purposes of temporary protection or Visa for up to 90 days pursuant to Section 26 (5) shall be dealt with by the Police without undue delay.

(3) An application for a Visa for up to 90 days, an airport Visa and a transit Visa shall be dealt with by the Diplomatic Authority within 30 days of the submission of the application.

(4) An application for a Visa to allow an exceptional leave to remain pursuant to Section 35(1) (a) shall be dealt with by the Police within 30 days of the submission of the application.

(5) An application for a diplomatic or special Visa shall be dealt with by the Ministry of Foreign Affairs or the Diplomatic Authority within 60 days of the submission of the application.

(6) An application for a Visa for over 90 days shall be dealt with by the Police within 180 days of the submission of the application. An application for a Visa for over 90 days for the purposes of studying shall be dealt with by the Police within 30 days of the submission of the application.

(7) An application to extend leave to remain with a Visa for up to 90 days and with a Visa for the purposes of temporary protection shall be dealt with by the Police within 7 days of the submission of the application; an application to extend leave to remain in the Territory with a Visa to allow exceptional leave to remain shall be dealt with by the Police within 30 days.

(8) Proceedings with the Police shall be held in the Czech language; if an instrument concerned is not in this language, the alien shall be obliged to attach to the application a translation prepared by a court appointed translator²⁵.

(9) Upon completion of the proceedings, the Visa shall be put in the travel document or any other document in accordance with conditions stipulated in this Act or the applicant shall be informed at the time of submission of the application at the Police that his application is not to be satisfied or, when the application is submitted abroad, the Diplomatic Authority shall return the travel document.

Section 171 Court Review

The following is excluded from a court review:

- a. decision not to grant a Visa;
- b. decision to refuse entry;
- c. decision on administrative expulsion provided that the alien remained illegally in the Territory or in a transit area of an international airport prior to the commencement of the expulsion proceedings;
- d. decision to terminate leave to remain provided that the alien remained illegally in the Territory or in a transit area of an international airport prior to the commencement of the proceedings to terminate leave to remain.

Section 172 Complaint

(1) A complaint against an administrative decision²⁶ must be filed within 30 days of the delivery of the decision of an administrative authority in the last instance or from the date of notification of other

decision of an administrative authority, unless stipulated otherwise below. Any delay in exercising the same within the stipulated period may not be excused.

(2) A complaint against an administrative decision on expulsion must be filed within 10 days of the delivery of the decision of an administrative authority in the last instance. Any delay in exercising the same within the stipulated period may not be excused.

(3) A complaint against a decision on the expulsion of an alien shall have a deferring effect.

(4) The deferring effect of a complaint against a decision on the expulsion shall not affect the provisions governing the extension of Visas, leave to remain in the Territory with a Visa or the extension of certificate of permission to reside.

CHAPTER XVIII Joint Provisions

Section 173

An alien who permanently remains in the Territory shall be entitled to enter the Territory, remain in the Territory and leave the Territory without a Visa.

Section 174 Clean Criminal Record

(1) For the purposes of this Act, an alien with a clean criminal record shall be an alien who

- a. has no record of being finally convicted of a criminal offence in the extract from the Criminal Register of the Czech Republic;
- b. has no record of being convicted for acts which correspond to the merits of a criminal offence in a document issued by a foreign state which is similar to the extract from the Criminal Register of the Czech Republic.

(2) A clean criminal record shall be proved by an extract from the Criminal Register of the Czech Republic which shall not be older than 6 months or by similar documents issued by the state whose nationality the alien holds as well as states in which such person remained for an uninterrupted period longer than 3 months during the last 3 years.

Section 175 Procedure pursuant to an International Agreement

If provisions of an International Agreement which was approved and declared as being incorporated by the Parliament of the Czech Republic stipulate otherwise than stipulated in this Act, the provisions of the International Agreement shall apply.

Section 176

(1) Throughout the validity of a Visa for the purposes of temporary protection and throughout any detention for the purposes of administrative expulsion, the alien shall be provided with medical care in the Territory in connection with his injury or any sudden illness, prescribed quarantine or any other measure in connection with the protection of public health.

(2) Costs of medical care provided pursuant to sub-section 1 and costs connected with a medical examination pursuant to Section 48 shall be borne by the state.

(3) Compensation for costs pursuant to sub-section 2 incurred by the medical establishment shall be

provided by the Ministry from the General Treasury Administration chapter of the state budget.

Section 177 Identity

For the purposes of this Act, identity shall mean a proof of name, surname, date, month and year of birth and nationality or last known address of permanent residence outside the Territory.

Section 178 Legal Capacity

For the purposes of this Act, save for proceedings pursuant to Section 168, an alien shall be considered capable of acts in law if he is above 15 years of age and is able to express his will and to act independently, unless stipulated otherwise by this Act (Section 87(5)(a)(2)).

Section 179 Obstacles to Leave

(1) A decision to terminate leave to remain may not be enforced

a. if an alien would be forced to enter or was expelled to

1. a country where his life or freedom are in danger for reasons of race, religion, nationality, membership of a particular social group or political opinion;

2. a country where he is in danger of torture, inhuman or degrading treatment or punishment and/or his life is in danger as a result of a war; or

3. a state which is requesting his extradition due to a crime which carries the death penalty according to the laws of that state; or

a. if it was contrary to the obligation ensuing from an International Agreement.

(2) Provisions of the preceding sub-section shall not apply if the alien

a. can travel to another country; or

b. is a danger to the security of the state or has been convicted for an especially serious crime, and/or the above is justified by the fulfilment of international obligations; in such a case, the alien shall be allowed a maximum period of 60 days to seek reception in another state. If the alien proves that he cannot leave the Territory, he shall be given exceptional leave to remain by the Police.

Section 180 Certification of Invitation and Refusal to Certify Invitation

(1) An invitation shall be certified by the Police at the request of a natural person or a legal entity.

(2) A natural person inviting an alien shall state in the invitation his name, surname, birth number, day, month and year of birth and place of residence in the Territory. Provided that the person inviting an alien is a legal entity, it shall also state its name, registered address and company ID and shall also attach to the invitation its seal and name, surname and officially verified signature of its signatory (statutory body).

(3) The Police shall verify the invitation within 7 working days of the submission of application to certify an invitation.

(4) A natural person inviting an alien shall appear in person at the Police on the 7th working day of submission of the application to certify an invitation, or earlier if so agreed with the Police, to collect

the certified invitation. Similar obligation shall apply to representatives of a legal entity inviting an alien.

(5) The Police shall refuse to certify an invitation

- a. if the alien invited is registered in the register of undesired persons;
- b. if the person inviting an alien fails, at the request of the Police, to prove his ability to meet the obligation pursuant to Section 15;
- c. if the person inviting an alien has breached the obligation pursuant to Section 15 or the obligation pursuant to Section 100; or
- d. if grounds pursuant to Section 9(1) (k), (l) or (n) are established.

(6) If the Police refused to certify the invitation, the Police shall inform the person inviting an alien at the time the person appears at the Police. At the request of the person inviting an alien, the Police shall also confirm the same in writing, however, without stating a reason leading to such decision.

(7) The Police shall endorse the invitation with the certification.

CHAPTER XIX Authorising and Transitory Provisions

Section 181 Authorising Provisions

The Government of the Czech Republic may by virtue of its order

- a. on condition of reciprocity, stipulate that a national of another state may remain in the Territory without a Visa for a period stipulated in such order, the order shall specify the purpose of leave to remain in the Territory which is not subject to a Visa;
- b. stipulate, that the Czech Republic shall grant a temporary protection to aliens and at the same time stipulate
 1. states whose citizens will be granted a Visa for the purposes of temporary protection,
 2. a period of time for which temporary protection will be granted,
 3. the number of aliens to be covered by the temporary protection,
 4. the amount of funds granted to the Ministry for the purposes procuring the stay of aliens in the Territory within the scope of the temporary protection.

Section 182

(1) The Ministry shall, by means of a legal regulation, stipulate

- a. the particulars of a photograph and the number of photographs required to be submitted by an alien pursuant to this Act,
- b. the states whose state citizens shall be allowed to stay in the transit area of an international airport in the Territory only on the basis of an issued airport Visa.

(2) The Ministry shall announce a list of border crossings, their opening hours and persons who may, on the basis of an International Agreement, enter or leave the Territory at the border crossing by

publishing the same (including changes thereto) in the Collection of Laws.

Section 183 Transitory provisions

- (1) Administrative proceedings commenced prior to this Act coming into effect shall be completed pursuant to legal regulations valid at the time of commencement of proceedings.
- (2) Unless stated otherwise below, Visa granted and decisions made prior to this Act coming into effect shall be deemed to be Visa and decisions pursuant to this Act.
- (3) A permanent leave to remain granted pursuant to the existing legal regulation shall be deemed to be a residence permit.
- (4) When other regulations mention a short-term or a long-term residence permit, this shall be understood as temporary leave to remain pursuant to this Act.
- (5) Stay in the Territory pursuant to the existing legal regulations shall not be counted as a part of stay pursuant to Sections 66 and 67.
- (6) A travel identity document and a certificate of permission to reside issued pursuant to the existing legal regulations shall be deemed to be issued pursuant to this Act for a period of time endorsed therein.
- (7) Written information recorded prior to this Act coming to effect shall be archived pursuant to legal regulations valid at the time when the records were taken, unless it exceeds the period set out in Section 160(5). Provided that the stipulated archiving period exceeds the period set out in Section 160(5) or if no archiving period is stipulated with respect to individual files of records, the administrator shall assess such records for the purposes of their further archiving in accordance with a special legal regulation²⁴ and shall destroy any materials which are of no archiving value.
- (8) The existing archives shall be reviewed and records shall be selected for further archiving by their administrator within 30 years of this Act coming into effect.
- (9) The validity of decisions on the prohibition of stay adopted pursuant to the existing regulations shall not be affected thereby. For the purposes of proceedings pursuant to Section 122, decisions pursuant to the preceding sentence shall be deemed to be decisions on administrative expulsion.
- (10) Present decisions of the Government to cancel a Visa requirement shall remain valid for a period of 24 months from the day when this Act comes into effect.

Section 184

An alien who remains in the Territory for the purpose of a temporary protection on the day when this Act comes into effect is obliged to submit an application for a Visa for the purpose of temporary protection to the Police by 30 days from the day when this Act comes into effect. If he fails to submit the application during that period he is obliged to leave the Territory without undue delay.

DIVISION TWO Amendments to the Act on the Police of the Czech Republic

Section 185

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, findings of the Constitutional Court of the Czech Republic

published under No. 186/1997 Coll., findings of the Constitutional Court of the Czech Republic published under No. 138/1999 Coll., Act No. 168/1999 Coll. and Act No. 325/1999 Coll. shall be amended as follows:

1. In Section 2(2), in the second sentence, words "and stay of aliens" shall be deleted.
2. Section 15, including Note 6 shall read as follows:

"Section 15

(1) A policeman shall be entitled to detain an alien for the purposes of delivering the alien to a body which, on the basis of a special legal regulation, decides on the termination of leave to remain in the Czech Republic or on administrative expulsion⁶⁾ if

- a. the alien committed an act for which leave to remain in the territory of the Czech Republic may be terminated or on the basis of which proceedings on administrative expulsion may be commenced;
- b. proceedings on administrative expulsion have been commenced and the policeman established the grounds to detain an alien pursuant to a special legal regulation⁶⁾;
- c. an alien is to be expelled on the basis of an enforceable decision;
- d. there is a reason to believe that the alien has entered or remains in the territory of the Czech Republic illegally.

(2) A body which decides on the termination of leave to remain in the territory of the Czech Republic or on administrative expulsion shall be entitled to detain an alien for such a period of time until it takes steps pursuant to a special legal regulation.⁶⁾

(3) Detention of an alien pursuant to sub-section 1 may last up to 24 hours from the moment of deprivation of personal liberty. Detention pursuant to sub-section 2 may last up to 48 hours from the moment of deprivation of personal liberty. Provided that a body which detained the alien pursuant to sub-section 1 is identical with the body deciding on the termination of leave to remain or on the administrative expulsion, periods of detention shall be added up. The total period of detention pursuant to sub-sections 1 and 2 shall not exceed 48 hours from the moment of deprivation of personal liberty.

⁶⁾ Act No. 326/1999 Coll. on Residence of Aliens in the Territory of the Czech Republic and Amendments to Some Acts."

DIVISION THREE Amendments to the Act on Administrative Fees

Section 186 Administrative Fees

Attachment to Act No. 368/1992 Coll., on Administrative Fees, as amended by Act No. 10/1993 Coll., Act No. 72/1994 Coll., Act No. 85/1994 Coll., Act No. 273/1994 Coll., Act No. 36/1995 Coll., Act No. 118/1995 Coll., Act No. 160/1995 Coll., Act No. 301/1995 Coll., Act No. 151/1997 Coll., Act No. 305/1997 Coll., Act No. 149/1998 Coll., Act No. 157/1998 Coll. Act No. 167/1998 Coll., Act No. 63/1999 Coll., Act No. 166/1999 Coll., Act No. 167/1999 Coll. and Act No. 223/1999 Coll. shall be amended as follows:

1. Item 99 (a) the words "or travel identity document" shall be deleted.

2. Item 99 (Relief) shall read as follows:

"Relief:

No fee shall be charged for the issue of a travel card for children under 15 years of age."

3. A note shall be added to item 99 which shall read as follows (including the heading):

"Note:

No fee shall be charged by an administrative body for the issue of a travel document on the basis of its official authority."

4. Item 100, including a note, shall read as follows:

"Item 100

a) Residence permit for an alien

CZK 1,000

b) Residence permit for an alien under 15 years of age

CZK 500

c) Extension of a certificate of permission to reside

CZK 1,000

d) Changes requested to be made in the certificate of permission to reside (for each change requested)

CZK 300

e) Replacement of a certificate of permission to reside due to damage, destruction, loss or theft

CZK 1,000

Note:

The administrative body shall not charge a fee for the issue of a certificate of permission to reside as a replacement for a decision on the residence permit and for the issue of such certificate as a replacement for a confirmation authorising to permanent leave to remain."

5. Item 101, including the relief, authorisation and note shall read as follows:

"Item 101

a) Granting of Czech visa to remain in the territory of the Czech Republic at a border crossing of the Czech Republic

CZK 1,500

b) Granting of visa to remain in the territory of the Czech Republic for over 90 days

CZK 1,000

c) Granting of one-way transit visa, exit visa, visa to grant exceptional leave to remain in the territory of the Czech Republic

CZK 200

d) Extension of leave to remain with a Visa for up to 90 days granted at a border crossing of the Czech Republic or by a Czech Diplomatic Authority

CZK 200

e) Extension of leave to remain with a Visa for over 90 days, including the extension of validity thereof

CZK 1,000

f) Extension of visa to allow exceptional leave to remain

CZK 200

g) Certification of invitation of an alien in the Czech Republic

CZK 200

Relief:

The following shall be relieved from the fees pursuant to this item:

- a. Granting, extension of validity or leave to remain with a Czech visa on the grounds of medical assistance.
- b. Granting or extension of a Czech visa to an alien under 15 years of age. Entry of a child under 15 years of age born in the territory of the Czech Republic into the visa of his statutory representative shall also be considered as granting of a Czech visa. Extension of leave to remain with a Czech visa for an alien under 15 years of age shall also be relieved from the fee pursuant to this item.
- c. Granting of a Czech visa at a border crossing of the Czech Republic to an alien who has applied for temporary protection and granting of a Czech visa entitling the alien to remain for the purposes of temporary protection applied for in the territory of the Czech Republic, including the extension thereof.

Authorisation:

1. On the basis of reciprocity, the administrative body may refrain from collecting the fee pursuant to this item or may reduce the fee.
2. An administrative body may refrain from collecting the fee pursuant to this item if it concerns the granting of a Czech visa at a border crossing for the purposes of necessary leave to remain in the territory of the Czech Republic during air transit transport, emergency landing of an aircraft or in other emergency cases not caused by the alien and/or if an alien is returned to the territory of the Czech Republic by bodies of a foreign state.

Note:

An administrative body shall charge the fee pursuant to letter (e) of this item even in case if only the period of leave to remain is being extended.

An administrative body shall not charge the fee if a chargeable act pursuant to this item is provided on the basis of its official authority."

6. Item 132(1) shall read as follows:

"1. Granting

(a) one entry visa for up to 90 days, one-way transit visa one-way airport visa

CZK 800

(b) multiple entry visa for up to 90 days

CZK 3,000

(c) visa for over 90 days

CZK 1,500

(d) two-way transit visa, two-way airport visa

CZK 1,200

(e) transit visa with no limitation as to number of entries

CZK 3,000".

7. Item 132, the relief shall read as follows:

"Relief:

The following shall be relieved from the fees pursuant to this item:

granting of a diplomatic or special visa provided that the principle of reciprocity is maintained;

granting of a Czech visa to important persons, persons under 15 years of age or on the grounds of medical and humanitarian assistance;

granting of a visa for the purpose of receiving a residence permit;

granting of a visa for the purposes of studying provided that the principle of reciprocity is maintained."

8. Item 153(a) shall read as follows:

"a) on decision to issue a residence permit

CZK 200".

DIVISION FOUR Amendments to Act on Travel Documents

Section 187

Act No. 216/1991 Coll. on Travel Documents and on Travelling Abroad, as amended by Act No. 150/1996 Coll. shall be amended as follows:

Provisions of Section 5 (3), Section 11 and Section 26 shall be deleted.

DIVISION FIVE Amendments to the Code of Civil Procedure

Section 188

Act No. 99/1963 Coll., the Code of Civil Procedure, as amended by Act No. 36/1967 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll., Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992 Coll., Act No. 24/1993 Coll., Act No. 171/1993 Coll., Act No. 117/1994 Coll., Act No. 152/1994 Coll., Act No. 216/1994 Coll., Act No. 84/1995 Coll., Act No. 118/1995 Coll., Act No. 160/1995 Coll., Act No. 238/1995 Coll., Act No. 247/1995 Coll., findings of the Constitutional Court No. 31/1996 Coll., Act No. 142/1996 Coll., findings of the Constitutional Court No. 269/1996 Coll., Act No. 202/1997 Coll., Act No. 227/1997 Coll., Act No. 15/1998 Coll., Act No. 91/1998 Coll. and Act No. 165/1998 Coll. shall be amended as follows:

1. In Section 120 (2), a comma and words "in the proceedings on the legitimacy of the detention of an alien and his release" are inserted after the words "renewing their activities".
2. New Sections 200(o) to 200(u) are being inserted after Section 200(n) which shall read as follows (including the heading and Note 34(e)):

"Proceedings on the legitimacy of the detention of an alien and his release

Section 200(o)

- (1) If a body of the Police of the Czech Republic (hereinafter the "Police") has irrefutably decided, pursuant to a special law^{34e)}, on the detention of an alien, the alien may approach a court requesting a review of the legitimacy of the irrefutable decision to detain and issue of an order to be released. Filing of a motion does not have a deferring effect with respect to the enforceability of the decision.
- (2) If the detention of an alien pursuant to a special law^{34e)} has not been terminated, the alien may approach the court in order to be released on the grounds that conditions for the detention set out by a special law have not been met.
- (3) Motion pursuant to sub-section 1 shall, in addition to general particulars (Section 42(4)), contain the names of participants to the proceedings, name of the decision contested, reasons, which in the opinion of the petitioner are the basis for the illegitimacy of the decision, evidence used by the petitioner and it must be evident what is requested by the petitioner.
- (4) Motion pursuant to sub-section 2 shall, in addition to general particulars (Section 42(4), Section 79(1)), contain the name of the decision on the basis of which the petitioner was detained, it shall also be stated which facts are considered by the petitioner as giving grounds for illegitimacy of the detention, it shall also list the evidence used by the petitioner and it must be evident what is requested by the petitioner.
- (5) The petitioner shall be obliged to attach exhibits used by him to the motion unless these are exhibits contained in the file of the contestant relating to the decision issued.

^{34e)} Act No. 326/1999 Coll. on Residence of Aliens in the Territory of the Czech Republic and Amendments to Some Acts

Section 200(p)

(1) Competence for the proceedings shall pertain to the court within whose jurisdiction the detention facility (hereinafter the "Detention Facility"), in which the petitioner is required to remain, is located, if the petitioner is not placed in the Facility at the time of filing the motion, the competence for the proceedings shall pertain to the court within whose jurisdiction the body of the Police, which decided on the detention of the petitioner, is located.

(2) Parties to the proceedings shall be the petitioner and the relevant body of the Police which issued the decision on detention.

Section 200(q)

(1) A motion is filed with the competent court or through a body of the Police which issued the decision on detention.

(2) The court shall request files relating to the detention of the petitioner. The relevant body of the Police shall be required to submit the same to the court without undue delay. If the motion is filed through the body of the Police, such body shall be obliged to attach to the motion any files relating to the petitioner and deliver the same together with the motion to the competent court within 24 hours.

Section 200(r)

(1) The relevant body of the Police which issued the contested decision shall be obliged to allow to the petitioner to take part in a hearing.

(2) A hearing does not have to be ordered if, on the basis of information obtained from the file, there is no doubt that the decision on the detention is illegal or that statutory conditions for the detention have not been met.

Section 200(s)

(1) If a motion pursuant to Section 200(o)(1) is filed, the court shall use evidence necessary to assess the correctness of the contested decision and to assess whether the grounds for the detention still exist; grounds for the detention may not be changed. Evidence introduced in the proceedings preceding the contested decision may be used by the court as evidence of fact, unless put in doubt by the petitioner in his motion.

(2) For the purposes of reviewing the legitimacy of a decision, facts at the time when the contested decision was issued shall be decisive for the court. The court shall take into account any defects in the Police proceedings only if such defects could have affected the contested decision.

(3) If the court concludes that the contested decision is legitimate, it shall deny the motion; otherwise it shall declare the contested decision as void and shall order that the petitioner be released. If the motion was denied, however, the grounds on which the contested decision was issued no longer exist, the court shall decide that the petitioner be released.

Section 200(t)

If the court concluded, after discussing the motion pursuant to Section 200(o)(2), that statutory conditions for the detention stipulated by special legislative provision have not been met, it shall decide that the petitioner be released. If the motion was denied, the petitioner shall be entitled to request further review of the legitimacy of the detention on the same grounds, however, no earlier

than 3 weeks from the day when the decision comes into effect.

Section 200(u)

(1) The court shall be obliged to hear the motion with priority and as quickly as possible.

(2) The court shall decide in a ruling.

(3) No remedies shall be permissible against the ruling of the court.

(4) The decision becomes enforceable by its delivery to the petitioner.

(5) Provided that the court has ordered at the hearing, by means of a ruling, that the petitioner be released, the ruling shall be delivered to the parties to the proceedings immediately after it is announced. If a ruling was made without a hearing, the court shall deliver the ruling to the parties to the proceedings within 24 hours of its adoption. A body of the Police which issued the decision on the detention shall be, in both cases, obliged to take measures, without any delay after the delivery of the decision, to arrange for the body of the Police, operating the Facility where the petitioner is detained, to release the petitioner without any delay.

DIVISION SIX

FINAL PROVISIONS

Section 189 Repealing Provisions

The following shall be repealed:

1. Act No. 123/1992 Coll. on Leave to Remain in the Territory of the Czech and Slovak Federal Republic.
2. Act No. 190/1994 Coll. which amends and supplements Act No. 123/1992 Coll. on Leave to Remain in the Territory of the Czech and Slovak Federal Republic.
3. Chapter I of Act No. 150/1996 Coll. which amends and supplements Act No. 123/1992 Coll. on Leave to Remain in the Territory of the Czech and Slovak Federal Republic

Section 190 Effect

This Act shall come into effect on January 1, 2000.

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