

## CZECH REPUBLIC

### 1 Arrivals

#### 1 Total number of applications for asylum lodged, with monthly breakdown and percentage variation between years

2004: 5,459 (2003: 11,400) - 47.89%.

Source: Czech Statistical Office

#### Comments

The considerable decrease is partly due to changes in national law after joining the EU, especially with respect to the Dublin Regulation (EC Directive No.343/2003) and partly a reflection of the general decrease in the number of asylum seekers submitting applications across Europe.

#### 2 Breakdown according to the country of origin/nationality of applicant, with percentage variation

Table 1:

Country	Number	%	2003
Ukraine	1600	- 21.68	2043
Russia	1498	- 69.13	4852
Vietnam	385	- 31.98	566
China	324	- 62.06	854
Byelorussia	226	-19.57	281
Georgia	201	- 36.99	319
Kyrgistan	138	+ 42.03	80
Slovakia	137	- 87.01	1055

Source: Czech Statistical Office

### 5 Unaccompanied minors

No figures available

### 2 Recognition Rates

#### 6 The statuses accorded at first instance and appeal stages as an absolute number and percentage of overall decisions

Table 2:

	Number applications decided	Decisions on merits	Asylum granted		Cases referred back on appeal	Obstacles to return/ tolerated stay	
			No.	%		No.	%
<b>2004</b>	7,876	4,775	140	2.93	233	36	0.75
<b>2003</b>	15,019	9,315	208	2.23	207+123 *	51	0.55

\* parallel different regulations on appeal

Source: Czech Statistical Office

Comments

Temporary protection not applicable during 2004.

**7 Subsidiary and other status recognition rates (by percentage and total number) according to nationality/country of origin.**

Table 3:

<b>Obstacles to return to country of origin/tolerated stay</b>		
Cuba	6	16.66
Republic of Belarus	4	11.11
Kazakhstan	3	8.33
Azerbaijan	3	8.33
Sri Lanka	3	8.33
Vietnam	3	8.33
Stateless persons	3	8.33
Ukraine	2	5.55
<b>Total</b>	<b>36</b>	<b>100</b>

Source: Czech Statistical Office (total figure only)

**3 Returns, Removals, Detention and Dismissed Claims**

**11 Number of applications determined inadmissible**

No figures available.

**12 Number of asylum seekers denied entry to the territory**

No figures available.

**14 Deportations of rejected asylum seekers**

Asylum seekers in the Czech republic, whose applications have been rejected after being substantively examined, are not subject to forced deportation. If they don't chose the option of voluntary repatriation, they have to leave the country on their own within the validity of their exit visa, which is granted to them after the end of the asylum procedure for a period of up to 2 months.

Some of these persons (it is not possible to estimate the percentage) leave the country and return to their country of origin or try to move to another EU country. The remainder stay illegally on the territory. If caught by the police, they are put in a detention facility for a period of up to 6 months. A decision is then made to remove them and they are deported to their Country of Origin.

**16 Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin II Regulation**

No figures available.

As of 1 May 2004, the Czech Republic began returning asylum seekers, in accordance with the Dublin Regulation, to the first EU country they entered. Many Chechen asylum seekers have been returned to Poland, their first point of entry into the EU.

[www.migrationinformation.org](http://www.migrationinformation.org)

## **4 Specific Refugee Groups**

Special attention has been paid to Chechen refugees, although the number of new applications for asylum being made dropped significantly during 2004. Another significant group of refugees which NGO's have been providing assistance to are politically persecuted Byelorussians. In the first half of the year 2005 there was an increase in the number of refugees from Kyrgistan caused by the political instability in that country.

The policy in respect of Chechen refugees has become more " soft " as refugees from Chechnya get to a greater extent more protection in the Czech republic (asylum granted, tolerated stay) than was the case in previous years. One of the reasons for this could be a remarkable drop in the number of new asylum seekers arriving from Chechnya.

The policy towards Iraqis (as noticed by NGO workers) is to extend the duration of the asylum procedure for as long as possible. This means that they have not been given any decision on their application since the beginning of the Iraq crisis. They usually stay in the Czech republic for several years and most of them continue with the status of asylum seeker, which is unlikely to change.

## **5 Legal and Procedural Developments**

### **18 New legislation passed**

There have been changes in Czech asylum law during 2004 to implement EU regulations into national law (including several amendments to the Czech asylum Act). This included above all the harmonisation of the Czech asylum act with the EU minimum standards (directive 2003/9/EC) and implementation of Dublin Regulation practice (directive 2003/343/EC).

## **6 The Social Dimension**

### **23 Changes in the reception system**

Asylum Act No. 325/1999 Coll. as amended is compatible with the Council Directive 2003/9/EC of 27 January 2003 Laying down Minimum Standards for the Reception of Asylum Seekers. Council Directive 2003/9/EC was transposed into Czech asylum Law by the Amendment of the Asylum Act of 27 January 2005.

This provides, amongst other things, that the Ministry of the Interior must inform (in accordance with the Directive, Article 5) asylum seekers of the obligations they must comply with and the benefits to which they are entitled no more than fifteen days after they have lodged their applications.

According to the Directive (Article 14) the Amendment of the Asylum Act also states that applicants have the right to communicate with their legal advisors

The Organisation for Aid to Refugees welcomes new specific provisions in the Czech Asylum Act (in order to the Directive, Article 15 /1) for persons with special needs (namely unaccompanied minors, minors, pregnant women, disabled persons, victims of torture and violence, traumatized refugees etc.). In accordance with the Directive, unaccompanied minor detainees will be placed with legal guardians or in school accommodation centres suitable for minors. The legal guardians will represent unaccompanied minors. The Asylum Act, as amended according to the Directive (Article 10 and also Article 18) also states that asylum seekers have the same access to education as nationals. These amendments are welcomed by the Organisation for Aid to Refugees, which has been critical of previous practice.

## **European Council on Refugees and Exiles - Country Report 2004 – Czech Republic**

According to the Directive (Article 7) the freedom of movement of an asylum seeker can be restricted to a specific area. The Czech authority may decide to restrict movement of the applicant for reasons of public interest or public order etc.

## **Biography**

Jaroslav Gramel

CENTRUM PRO OTAZKY MIGRACE

(Centre for Migration)

Senovazna 2

110 00 Prague 1

The centre for migration provides legal, social and psychological assistance to non-nationals (including asylum seekers) in the Czech republic to assist their efforts to integrate into Czech society.

[WWW.MIGRACE.ECN.CZ](http://WWW.MIGRACE.ECN.CZ)