

**Act No. 326/1999 Coll.,
on the Residence of Aliens in the Territory of the Czech Republic
(Unofficial version as of 28 April 2006)**

Comments:

- *Act No. 326/1999 Coll. has been amended by Act No. 140/2001 Coll., Act No. 151/2002 Coll., Act No. 217/2002 Coll., Act No. 222/2003 Coll. Act No. 436/2004 Coll., Act No. 501/2004 Coll., Act No. 539/2004 Coll., Act No. 559/2004 Coll., Act No. 428 /2005 Coll., Act No. 444/2005 Coll., Act No.112/2006 Coll., Act No. 136/2006 Coll., Act No. 161/2006 Coll., and Act No. 165/2006 Coll.*
- *Changes that enter into effect as of the date of publication in the Collection of Acts and changes that enter into effect as of 26 June 2006, 1 September 2006, and 1 January 2007 are underlined within the text.* (Note: As of 1 September 2006, some of the footnotes will be renumbered as indicated within the text.)
- ***Changes that enter into effect as of the date that border controls are removed at common borders with the Czech Republic (i.e., full participation in the Schengen cooperation is indicated in italics and bold within the text.***

Parliament has adopted the following Act of the Czech Republic:

**CHAPTER I
INTRODUCTORY PROVISIONS**

Section 1
Subject Matter of the Legislation

(1) This Act establishes the conditions for an alien's entry to the territory of the Czech Republic (hereinafter referred to as the "Territory"), his/her stay in the Territory, and his/her departure from the Territory, and defines the competence of the Police of the Czech Republic (hereinafter referred to as the "Police"), the Ministry of the Interior (hereinafter referred to as the "Ministry"), and the Ministry of Foreign Affairs in this area of state administration.

(2) An alien is understood to be any natural person who is not a citizen of the Czech Republic¹⁾, including a European Union citizen^{1a)}.

(3) The provisions for the entry, stay, and departure of a European Union citizen^{1a)} also apply to a citizen of a country that is bound by an international treaty concluded with the European Community^{1b)} and to a citizen of a country that is bound by the Treaty on the European Economic Area^{1c)}, unless the treaty provides otherwise.

Section 2
Scope of the Act

This Act does not apply to an alien who:

¹⁾ Act No. 40/1993 Coll. on Acquiring and Losing Citizenship of the Czech Republic, as amended

^{1a)} Treaty Establishing the European Community

^{1b)} i.e., the Treaty concluded between the European Communities and its Member States as one party and the Swiss Confederation as the other party.

^{1c)} Annexes V and VIII to the Treaty on the European Economic Area

- a) has applied to the Czech Republic for protection in the form of asylum or to whom refugee status has been granted, unless this Act or special legal provisions²⁾ provide otherwise; (until 31 August 2006)
- a) has applied to the Czech Republic for international protection in the form of asylum or subsidiary protection, or to a person to whom either refugee status or subsidiary protection has been granted, unless this Act or special legal (provisions) regulation²⁾ provides otherwise; (as of 1 September 2006)
- b) resides in the Territory on the basis of special legal (provisions) regulation governing the temporary stay of foreign armed forces in the Territory; ³⁾
- c) has applied to the Czech Republic for a residence permit for the purpose of providing temporary protection in the Territory or to an alien who has been granted a residence permit for the purpose of temporary protection and is staying in the Territory on the basis thereof, unless this Act or special legal (provisions) regulation^{3a)} provides otherwise.

CHAPTER II ENTRY TO THE TERRITORY

Section 3

(1) An alien has the right to enter the Territory through a border crossing point at the location and time specified for performing border controls.

(2) A border crossing point is understood to be:

- a) a location that is defined by an international agreement that is binding on the Czech Republic (hereinafter referred to as “International Treaty”) and is designated for crossing the state borders of the Czech Republic under the conditions defined by the International Treaty or this Act;
- b) *an international airport; ⁴⁾ or - (until Schengen)*
- b) *an international airport that is an external border as defined by special legal (provisions)^{3b)} regulation, under the condition that it meets the following criteria:*
1. *it is designated as an international airport pursuant to special legal (provisions)⁴⁾, and*
 2. *the operator of the airport has met the security (provisions) requirements established by special legal (provisions) regulation^{a)}; - (valid as of Schengen)*
- c) *internal borders^{3b)}, or - (valid as of Schengen)*
- c) (d) the area (on board) of an international train or on board of an international passenger or freight ship at the time that border control is carried out in this area.

²⁾ Act No. 325/1999 Coll. on asylum and amendments to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act) – (until 31 August 2006)

²⁾ Act No. 325/1999 Coll. on asylum and amendments to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act), as amended – (as of 1 September 2006)

³⁾ Act No. 310/1999 Coll. on the stay of foreign armed forces in the Territory of the Czech Republic.

^{3a)} Act No. 221/2003 Coll. on the temporary protection of aliens

⁴⁾ Act No. 49/1997 Coll. on civil aviation and amendments to Act No. 455/1991 Coll. on licensed trades (Trade Licensing Act), as amended by Act No. 189/1999 Coll.

^{3b)} Act No. 216/2002 Coll. on the protection of the state borders of the Czech Republic and amendments to some Acts (the State Border Protection Act).

⁴⁾ Act No. 49/1997 Coll. on civil aviation and amendments to Act No. 455/1991 Coll. on licensed trades (Trade Licensing Act), as amended by Act No. 189/1999 Coll.

^{3b)} Act No. 216/2002 Coll. on the protection of the state borders of the Czech Republic and amendments to some Acts (the State Border Protection Act)

(3) Border control is understood to be the screening of an alien carried out at a border crossing point in relation to the intended crossing or completed crossing of the state border of the Czech Republic.

Section 4

(1) An alien is (required) obliged to submit to border control without delay after crossing the state border if border control is carried out in the Territory, or to cross the state border immediately after completion of border control if it is carried out outside the Territory. ***At internal borders, border controls will be carried out if a governmental decision is passed on ensuring the protection of internal borders pursuant to special legal (provisions) regulation.^{3b)} - (valid as of Schengen)***

(2) At the time border control is carried out, the Police can shorten the expected period of the alien's stay in the Territory if the proof of funds presented for the expected stay in the Territory (Section 13) is not sufficient for this period.

(3) If so provided for in directly applicable legal (provisions) regulation of the European Communities^{4a)} or if so requested by the alien, the Police are (required) obliged to confirm the alien's entry to the Territory by placing an entry stamp in the alien's travel document.

(4) If the Police perform border control outside of the Territory on the basis of an International Treaty, this control and any acts carried out on the basis thereof will have the same legal effects as border control carried out in the Territory.

Section 5

If so requested by the Police, during border control an alien is (required) obliged to:

- a) present the following documents, unless provided for otherwise below:
1. a travel document (Section 108) held by the alien; a travel document that is co-held by a married couple entering the Territory for the purpose of a temporary stay in the Territory will also be recognised as such by the Police;
 2. a Visa allowing the alien to stay in the Territory, if the alien is subject to a Visa requirement;
 3. a document confirming that funds are available for the stay in the Territory (Section 13) or a certified invitation that was certified by the Police no more than 180 days prior to the date of entry (Sections 15 and 180);
 4. proof that travel medical insurance coverage in a minimum amount of EUR 30,000 has been concluded for the purpose of covering the cost of treatment associated with an injury or sudden illness suffered in the Territory, including the expenses incurred for the transfer of the ill individual back to the (country) state that issued the alien's travel document or to the (country) state wherein the alien holds residence, (hereinafter referred to as a "Travel Medical Insurance Certificate"); the insurance must be valid for the entire period of the alien's stay in the Territory; an alien is (required) obliged to present a Travel Medical Insurance Certificate even if insurance

^{3b)} Act No. 216/2002 Coll. on the protection of the state borders of the Czech Republic and amendments to some Acts (the State Border Protection Act)

^{4a)} Council Regulation (EC) No. 2133/2004 of 13 December 2004, which defines the responsibility of the competent authorities of the member states to systematically stamp the travel documents of third country nationals when they cross the external borders of the member states and which amends the provisions of the convention implementing the Schengen Agreement and the related Common Manual.

- pursuant to special legal (provisions) regulation⁵⁾ has not yet been arranged as at the date of the alien's entry to the Territory;
5. a document confirming that accommodation has been secured for the duration of the alien's stay in the Territory, unless the alien proves that accommodation has been ensured in some other manner; and
 6. a Visa for the alien's destination country or for any (country) state across whose state borders the alien intends to travel to his/her destination (country) state from the Territory; this provision does not apply if the alien is allowed to stay in the (applicable) mentioned country without a Visa;
- b) prove that the costs related to departing from the Territory (Section 12) to the (country) state that issued the alien's travel document or to another (country) state wherein the alien holds permanent residence have been secured, if there is justifiable concern that the Czech Republic would have to subsequently bear these expenses;
 - c) complete and sign the state border crossing report;
 - d) provide all details in the scope required for a Visa application (Section 54); and
 - e) allow the verification of the authenticity of his/her travel document and verification of his/her identity by means of the personal (information) data recorded in the travel document, or, if the travel document in question contains a data chip with biometric data, by means of comparing the biometric data contained on the data chip with the assistance of technical equipment that allows the alien's actually portrayed biometric data to be compared with the biometric data contained on the travel document data chip. – (as of 1 September 2006)

Section 6

(1) The obligations as provided for in Section 5 do not apply to an alien who is being taken over from the authorities of a foreign country pursuant to special legal (provisions) regulation^{5b)}, to an alien who is being transported across the Territory (Section 152), or to an alien who is being (transferred) readmitted in the Territory pursuant to an International Treaty or the legal regulation of the European Communities.

(2) The obligation to submit the documentation as provided for in Section 5 (a)(3) through (a)(6) and the obligations as provided for in Section 5 (b) through (d) do not apply to a European Union citizen^{1a)} or the family members thereof (Section 15a).

(3) The obligation to submit the documentation as provided for in Section 5 (a)(3) through (a)(6) and the obligations provided for in Section 5 (b) through (d) do not apply to an alien who, at the time of border control, presents a diplomatic passport, a service passport, or some other travel document with a diplomatic or Special Visa (Section 49).

(4) The obligation to submit the documentation as provided for in Section 5 (a)(3), (a)(5), and (a)(6), and Section 5 (b) does not apply to an alien who has been granted a Visa for a stay longer than 90 days (Section 30).

(5) The obligation to submit the documentation as provided for in Section 5 (a)(2) through (a)(6) and Section 5 (b) does not apply to an alien during the validity of his/her long-term residence permit or permanent residence permit (Section 65 et seq.) or to an alien as provided for in Section 87.

⁵⁾ Act No. 48/1997 Coll., on public medical insurance and amendments and supplements to related Acts, as amended.

^{5b)} Chapter 25 of the Penal Code

(6) The obligation to submit the documentation as provided for in Section 5 (a)(3), (a)(5), and (a)(6) and Section 5 (b) does not apply to an alien who, at the time of border control, presents a Visa as provided for in Section 26 or Section 30 that has been granted for the purpose of employment.

(7) The obligation to submit the documentation as provided for in Section 5 (a)(3), (a)(5), and (a)(6), and Section 5 (b) does not apply to an alien who, at the time of border control, presents a Visa that has been granted for a period exceeding 90 days for the purpose of collecting a long-term residence permit for the purpose of family reunification or a Visa that has been granted for the purpose of studies or participation in research and development. In addition, this obligation also does not apply to an alien who, at the time of border control, presents a Visa that has been granted for a period exceeding 90 days for the purpose of collecting a long-term residence permit for the purpose of study in the Territory. – (until 26 June 2006)

(8) The obligation to submit the documentation as provided for in Section 5 (a)(1) does not apply to an alien younger than 15 years of age recorded in the travel document of another alien.

(9) The obligation to provide proof of travel medical insurance does not apply if the alien is insured pursuant to special legal (provisions) regulation ⁵⁾, if any healthcare expenses will be paid on the basis of an international treaty, or if the alien proves that healthcare expenses will be paid in some other manner. The obligation to submit proof of travel medical insurance is not required of any alien who was not able to acquire medical insurance in the territory of their residence for objective reasons or an alien as specified in Section 42b (2); under these circumstances, the alien is (required) obliged to arrange insurance during the period of his/her stay in the Territory without undue delay and by no later than 3 working days after the date of entry to the Territory. Further, the obligation to provide travel medical insurance is not required if, at the time a diplomatic or Special Visa was granted, the embassy waived this requirement or if the alien is entering the Territory in conjunction with the interests of the Czech Republic. Further, the obligation to provide proof of travel medical insurance does not apply to family members of a European Union citizen.

(10) If, at the time of border control, a European Union citizen does not have a travel document or cannot obtain one, the Police will allow him/her to prove his/her identity and the fact that (they are) he/she is a citizen of a European Union member state by means of another type of document. If, at the time of border control, the family member of a European Union citizen does not have a travel document or cannot obtain one, the Police will allow him/her to prove his/her identity and the fact that he/she is a family member of a European Union citizen by means of another type of document.

Section 7 (repealed as of 1 September 2006)

(1) Within the framework of border control of an alien who has applied for asylum in the transit area of an international airport and an obstacle to the alien's departure from the Territory²⁾ is mentioned in the decision to deny the asylum, the Police will:

- a) grant the alien a Visa for a stay of up to 90 days, which allows the alien to stay in the territory for a period of 15 working days as of the date the Visa is granted and the Police will ensure that this Visa is affixed in the alien's travel document;
- b) if the alien is unable to present a travel document, issue the alien a state border crossing report and affixes the Visa mentioned in Subsection (a) above therein;

- c) advise the alien of his/her obligation to apply for a long-term residence permit for the purpose of receiving protection in the Territory during the period of time for which the Visa as provided for in Subsection a) above is valid.

(2) Subsection 1 above does not apply if any circumstances are found to exist that indicate that the alien might endanger state security during his/her stay in the Territory, specifically if the alien has used violence in promoting political goals, if the alien endangers the foundations of a democratic state through his/her activities, or because the alien is an undesirable person.

Section 8 (repealed as of 1 September 2006)

(1) The obligation to submit the documentation as provided for in Section 5 (a)(2) through (a)(6) and Section 5 (b) does not apply to an alien who is entering the Territory for the purpose of receiving a Visa for a stay of more than 90 days for exceptional leave to remain in the Territory.

(2) An alien who is unable to submit a travel document at the time border control is carried out is (required) obliged to prove his/her identity by means of some other officially issued document or an honourable declaration whereby the alien states his/her name and surname, date and place of birth, and country of citizenship.

Section 9

Refusal of Permission to Enter the Territory

- (1) The Police will refuse an alien permission to enter the Territory if:
- a) the alien fails to meet the obligation to submit the documents specified in Section 5 (a)(1) through (a)(3) or (a)(6) or the obligations provided for in Section 5 (b), (c), or (d);
 - b) the validity of the alien's Visa has been cancelled by the authority that granted it or the period of the Visa's validity has expired; the Police will indicate the Visa has been cancelled on the Visa;
 - c) the alien is an undesirable person (Section 154),
 - d) *the alien is included in the information system created by the states bound by international conventions on eliminating controls at common borders^{5a)} (hereinafter referred to as "Contracting States") for the purpose of obtaining an overview of aliens who are banned from entering the territories of the Contracting States (hereinafter referred to as the "Schengen Information System"); this will not apply if the alien has been granted a Visa allowing the alien to a stay solely in the Territory; - (valid as of Schengen)*
 - e) the validity of the alien's travel document has expired; this will not apply to a foreigner passport (Section 113) if the reasons for which the travel document was originally issued still exist;
 - f) the territorial validity of the travel document, if specified, does not include the Territory;
 - g) entries in the travel document are illegible or the travel document is not complete; this provision does not apply to a foreigner passport, travel identity document (Section 114), or travel document issued by the Czech Republic on the basis of an International Treaty

^{5a)} *The agreement between the governments of the states of the Economic Union of Benelux, the Federal Republic of Germany, and the Republic of France on the gradual elimination of controls at common borders, signed in Schengen in the Grand Duchy of Luxembourg on 14 June 1985.
The Convention signed in Schengen on 19 June 1990 by the Kingdom of Belgium, the Federal Republic of Germany, the Republic of France, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands on the implementation of the agreement signed on 14 June 1985 on the gradual elimination of controls at common borders.*

(Section 108 (1) (f)) if the reasons for which the travel document was originally issued still exist;

- h) the travel document contains inaccurate information or changes made in an unauthorized manner;
- i) the photograph in the travel document does not correspond to the document holder's appearance;
- j) the travel document has been declared invalid or stolen by the (applicable) competent authorities of the (country) state that issued the travel document;
- k) the alien stated untrue information about the purpose of his/her stay in the Territory or a well-founded suspicion exists that the alien intends to carry out unauthorized profitable activities in the Territory; this provision does not apply to a European Union citizen^{1a)};
- l) substantiated risk exists that, during his/her stay in the Territory, the alien might endanger state security, significantly disrupt public order, or obstruct the implementation of judicial or administrative decisions;
- m) ***substantiated risk exists that, during his/her stay in the territory of another Contracting State, the alien might endanger its security, disrupt public order in that state, or endanger the international relationships between the Contracting States; - (valid as of Schengen)***
- (n) an obligation created on the basis of an International Treaty would be breached as a result of the alien's entry to the Territory; or
- (o) the submitted Visa does not grant the right to enter at the place where border control is being carried out due to the fact that the Visa:
 - 1. specifies the border crossing point for entry to the Territory; or
 - 2. restricts the geographical (area covered by) validity of the Visa to a specific location or part of the Territory (Section 52).

(2) The Police can refuse the alien entry to the Territory if:

- a) the validity period of the alien's travel document does not exceed the validity of the Visa by a period of at least 90 days, or, in the case of a stay in a Territory for which a Visa is not required, does not exceed the expected period of the temporary stay in the Territory by at least 90 days; this provision does not apply to a European Union citizen;^{1a)}
- b) a well-founded suspicion exists that the alien suffers from a disease that is on the list issued by the Ministry of Health (Section 182a) (hereinafter referred to as "Serious Disease");
- c) the alien does not fulfil the obligation of submitting any documentation as provided for in Section 5 (a)(4) or (a)(5);
- d) the alien's travel document is full of official entries or Visas and it is thus impossible to place another official entry or Visa therein; this provision does not apply to an alien's passport submitted during border control in connection with his/her entry to the Territory, or to a travel document issued by the Czech Republic on the basis of an International Treaty, if the reasons for which the travel document was originally issued still exist; this provision also does not apply to a European Union citizen;

(3) An alien who has been granted a Visa for a stay of more than 90 days for the purpose of collecting a long-term residence permit for the purpose of family reunification can be refused entry to the Territory by the Police for the reasons provided for in Subsections (1)(a) through (1)(j), (1)(l) through (1)(o), and Subsection (2)(b). *The Police will proceed in similar manner in the case of an alien who has been granted a Visa for a stay of more than 90 days for the purpose of collecting a long-term residence permit or for the purpose of studies in the Territory.* – (as of 26 June 2006)

(4) When entry is refused as provided for in Subsection 2 above, the consequences of the refusal to permit entry must be (commensurate) adequate (with) to the reasons for

refusing entry. When evaluating the adequacy, the Police will primarily take into account the consequences of the refusal on the alien's personal or family life.

(5) If the Police refuse a European Union citizen^{1a)} entry to the Territory, the Police will issue a decision on refusal of entry. The Police will follow similar procedures in the case of a family member of a European Union citizen^{1a)}, under the condition that the family member is accompanying the citizen or if the family member can prove that the citizen of the European Union is staying in the Territory. A decision on the refusal of entry is not issued if the reason for the refusal of entry is a legally enforceable decision on judicial expulsion from the Territory or a legally enforceable decision on administrative expulsion.

(6) If an alien who has been granted a Visa pursuant to this Act is denied entry to the Territory for the reasons provided for in Subsection (1)(c), (1)(d), (1)(g) through (1)(m), or (1)(n), the Police will cancel the Visa's validity and will indicate this fact on the Visa.

(7) The Police will inform the alien of the reasons for refusing entry on a standardized form^{5c)} and will place an entry stamp in the alien's document, which they will then immediately invalidate^{5c)}.

Section 10 **Repealed**

Section 11

A holder of a diplomatic passport, which is accredited for the Territory, will be denied entry to the Territory by the Police, if the Police discover the existence of any of the reasons provided for in Section 9 (1)(b), (1)(d), (1)(g), (1)(h), (1)(i) or (1)(j).

Section 11a

If a decision on the refusal of entry was issued for the reasons specified in Section 9 (1)(c) or (1)(l), a European Union citizen or a family member thereof can submit an application to the Police for the issuance of a new decision^{5d)} no earlier than two years as of the date entry to the Territory was refused. The Police will issue a new decision within 180 days of the date the proceedings (start) initiate.

Section 12 **Availability of Funds Required to Depart from the Territory**

(1) The following can be used to prove the availability of funds required to depart from the Territory:

- a) a document confirming that transport has been arranged for the alien to travel from the Territory to another (country) state; or
- b) proof of sufficient financial resources to cover the costs of travel to a (country) state whose territory the alien is permitted to enter.

(2) The following methods can be used to prove the availability of funds required to depart from the Territory instead of the financial resources specified in Subsection (1):

^{5c)} EU Council Decision 2004/574/EC of 29 April 2004, which amends Section II of the Common Manual

^{5d)} Section 101 of Act No. 500/2004 Coll., the Administrative Code

- a) a bank account statement for an account maintained in the alien's name indicating that the alien is free to use finances in the amount specified in Subsection (1) during the alien's stay in the Czech Republic; or
- b) some other document certifying financial security, such as a valid, internationally recognised credit card.

(3) Financial resources can be presented by an alien in either Czech currency or in any other freely convertible foreign currency.

Section 13 Funds to Cover the Stay in the Territory

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

- a) financial resources amounting to at least the following:
 1. 0.5 times the subsistence minimum defined by special legal (provisions) regulation⁶⁾ as the amount required to cover subsistence and other basic personal needs (hereinafter referred to as "Subsistence Minimum for Personal Needs") – **until 31 December 2006**
0.5 times the existential minimum defined by special legal (provisions) regulation⁶⁾ (hereinafter referred to as "Existential Minimum Amount") – **as of 1 January 2007** for one day of stay provided that total length of the stay will not exceed 30 days.
 2. 15 times the *Subsistence Minimum for Personal Needs – until 31 December 2006*
15 times the *Existential Minimum – as of 1 January 2007*
if the duration of the stay in the Territory is to exceed 30 days, and, for each whole month of the expected stay in the Territory, this sum will be increased by double the *Subsistence Minimum for Personal Needs – until 31 December 2006*
double the *Existential Minimum – as of 1 January 2007*
 3. 50 times the *Subsistence Minimum for Personal Needs – until 31 December 2006*
50 times the *Existential Minimum – as of 1 January 2007*
if the stay is for the purpose of performing business activities and the total duration of the stay is to exceed 90 days; or
- b) a document confirming payment of the services associated with the alien's stay in the Territory or a document confirming that such services will be provided free of charge.

(2) The following can be used to prove the availability of funds for the stay in the Territory instead of the financial resources specified in Subsection (1):

- a) a bank account statement for an account maintained in the alien's name indicating that the alien is free to use finances in the amount specified in Subsection (1) during the alien's stay in the Czech Republic; or
- b) some other document certifying financial security, such as a valid, internationally recognised credit card.

(3) As proof of the availability of funds for his/her stay in the territory, an alien who will be studying in the Territory can submit a commitment from a state authority or legal entity that pledges to cover the alien's stay in the Territory by providing financial resources in the amount of the

⁶⁾ Section 3 Subsection (2)(e) of Act No. 463/1991 Coll., on the subsistence minimum, as amended
Section 1 of the Governmental Regulation No. 42/1998 Coll., increasing the amounts of the subsistence minimum – **until 31 December 2006**

⁶⁾ Section 5 Subsection 1 of Act No. 110/2006 Coll., on the subsistence and existential minimum – **as of 1 January 2007**

Subsistence Minimum for Personal Needs – until 31 December 2006

Existential Minimum – as of 1 January 2007

for 1 month of the expected stay, or a document confirming that all the costs associated with his/her studies and stay will be covered by the accepting organisation (the school). If the amount of the commitment is less than the required amount, the alien must submit a document proving his/her ownership of financial resources amounting to the difference between the

Subsistence Minimum for Personal Needs – until 31 December 2006

Existential Minimum – as of 1 January 2007

and the amount of the commitment for the period of his/her expected stay, however, not more than six times the Subsistence Minimum for Personal Needs. The document on the availability of funds for the stay can be substituted by a decision or an agreement on the allocation of a grant obtained on the basis of an International Treaty, which is binding on the Czech Republic.

(4) An alien who has not reached the age of 18 must prove the availability of the funds for his/her stay as provided for in Subsection 1 in an amount equal to one-half of the amount specified thereby.

Section 14

State Border Crossing Report

The state border crossing report is a registration document consisting of two identical sections and containing the alien's name; surname; day, month and year of birth; the same data for any aliens younger than 15 years of age travelling together with the alien; the series and number of the alien's travel document; country of citizenship; and sex. In addition, the state border crossing report also contains the Visa number; the (make) identification mark and model of the vehicle with which the alien is entering the Territory; the international license plate and state license plate codes of the vehicle; the vehicle's colour; date and place of entry to the Territory; date of departure from the Territory; and the purpose and place of the alien's stay in the Territory. The state border crossing report for an alien who is not authorised to stay in the Territory without a Visa will also include a photograph.

The state border crossing report is a registration document containing the alien's name; surname; day, month and year of birth; the same data for any aliens younger than 15 years of age travelling together with the alien; the series and number of the alien's travel document; country of citizenship; and sex. In addition, the state border crossing report also contains the Visa number; the identification mark (make) and model of the vehicle with which the alien is entering the Territory; the international license plate and state license plate codes of the vehicle; the vehicle's colour; date and place of entry to the Territory; date of departure from the Territory; and the purpose and place of the alien's stay in the Territory. (as of Schengen)

Section 15

Invitation

The person issuing an invitation undertakes to cover the costs:

- a) associated with the alien's subsistence throughout his/her stay in the Territory until the time the alien departs the Territory;
- b) associated with the alien's accommodation throughout his/her stay in the Territory until the time the alien departs from the Territory;

- c) associated with the provision of healthcare to the alien throughout his/her stay in the Territory until the time the alien departs from the Territory and, if applicable, with the transport of the alien if he/she falls ill or the remains of the deceased alien; and
- d) associated with the alien's stay in case he/she is detained in the Territory and his/her subsequent departure from the Territory.

Section 15a

(1) For the purpose of this Act, a member of the family of a European Union citizen^{1a)} will mean:

- a) spouse;
- b) parent, if the citizen of the European Union^{1a)} is younger than 21 years of age;
- c) child younger than 21 years of age or such child of the spouse of a European Union citizen; and
- d) a dependent direct relative in the ascending or descending line or such relative of the spouse of a European Union citizen.

(2) If the purpose of the stay of a European Union citizen^{1a)} are studies, then a family member will only mean spouse or dependent child.

(3) For the purpose of the provisions of Subsection (1)(d) a dependent person is considered to be an alien who:

- a) is systematically preparing for a future occupation;
- b) cannot systematically prepare for a future occupation or cannot perform gainful activity due to illness or injury; or
- c) is unable to perform systematic gainful activity due to a long-term unfavourable state of health.

(4) The provisions of this Act pertaining to the family member of a European Union citizen also apply to an alien who is:

- a) living in a common household with a European Union citizen or who cannot care for him/herself due to health reasons without personal care provided by the citizen of the European Union; or
- b) a family member of a citizen of the Czech Republic.

CHAPTER III TEMPORARY STAY IN THE TERRITORY

Part 1

Temporary Stay in the Territory

Section 16

(1) An alien is considered to be staying in the Territory temporarily:

- a) after crossing the state border of the Czech Republic and border control has been carried out, unless the Police refuse the alien entry to the Territory within the framework of border control;
- b) after crossing the state border, if no border control is carried out; or
- c) as of his/her date of birth in the Territory under the conditions provided for in this Act (Section 88).

(2) A temporary stay as defined in Subsection (1)(a) starts as of the day and hour the state border of the Czech Republic is crossed if border control is carried out outside the Territory, or as of the day and hour border control is completed if it is carried out at the state border of the Czech Republic or after the border is crossed.

Section 17

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

- a) without a Visa;
- b) on the basis of a short-term Visa, long-term Visa, Diplomatic Visa, or Special Visa;
- c) on the basis of a temporary residence permit; or
- d) on the basis of a departure order.

Section 17a Short-Term Visa

A short-term Visa is

- a) an airport Visa – Category A Visa;
- b) a transit Visa – Category B Visa;
- c) a Visa for a stay of up to 90 days – Category C Visa; or
- d) a Category A, B, or C Visa granted by a Contracting State, which allows its holder to also stay in the territory of another Contracting State (hereinafter referred to as the “Uniform Schengen Visa”). – (valid as of Schengen)**

Section 17b Long-Term Visa

A long-term Visa is

- a) a Visa for a stay of more than 90 days – Category D Visa,
- b) a Category D Visa (or a combination of Category C+D Visa) granted by a Contracting State, which allows its holder to also stay in the territory of another Contracting State (hereinafter referred to as the “Long-Term Visa of the Contracting States”). – (valid as of Schengen)**

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) if so provided for in directly applicable legal (provisions) regulation of the European Communities ^{6a)} and not provided otherwise in conformity with this legal regulation, an International Treaty or Decree of the Government (Section 181 Subsection (a));
- b) if so provided for in an International Treaty or Government Decree (Section 181 Subsection (b)), pursuant to directly applicable legal (provisions) regulation of the European Communities ^{6a)};
- c) if the alien is a European Union citizen ^{1a)};
- d) if the alien
 1. is in custody or imprisoned; under these circumstances, the alien can stay in the Territory even without a travel document during the period of such custody or imprisonment;
 2. has been detained in a police cell ⁷⁾ or at an alien detention facility (hereinafter referred to as “Facility” or “Facilities”) (Section 130); under these circumstances, the alien can

⁷⁾ Sections 26 through 32 of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by Act No. 163/1993 Coll.

- stay in the Territory even without a travel document during the period of this detainment; *or*
3. is younger than 15 years of age, () during the period of his/her hospitalization, provided that he/she arrived with another alien in whose travel document he/she is (included) recorded and this other alien has left the Territory; an alien younger than 15 years of age can stay in the Territory even without a travel document during the period of his/her hospitalization;
 4. ***holds a long-term residence permit or a permanent residence permit for the territory of another Contracting State and the duration of his/her stay in the Territory does not exceed 3 months. - (valid as of Schengen)***
 5. a school pupil who is not a citizen of a European Union member state but who is a resident of another state of the European Union and is travelling on a school excursion within the framework of the European Union as a member of a group of pupils accompanied by a teacher and is included in the standardized list^{7b)} issued by the school, which includes the identity of the students, as well as the purpose and length of their stay or transit;
 6. *holds a long-term residence permit or permanent residence permit in the Territory of another Contracting State and the period of his/her stay does not exceed the period specified by Section 22 (4); – (until Schengen)*
 7. holds a card of residence of a family member of a European Union citizen or a card of permanent residence permit issued by another European Union member state and the duration of his/her stay in the Territory does not exceed 3 months; or
 8. holds a permanent residence permit and legal status of a long-term resident in the European Communities in the Territory of another European Union member state^{7c)} (hereinafter referred to as “resident of another European Union member state”) and the period of his/her stay in the Territory does not exceed 3 months;
- e) if the alien is a family member of a European Union citizen, whose Visa for stay up to than 90 days or transit Visa has expired, under the condition that he/she is staying in the Territory with a European Union citizen and the period of his/her stay in the Territory does not exceed 3 months;
- f) if the alien is an active pilot or cabin crew member^{7a)} on a regularly scheduled flight, under the condition that the alien departs from the Territory on the same or next regularly scheduled flight of the aircraft; under these circumstances, the alien can stay in the Territory even without a travel document, if he/she can prove his/her identity as a crew member; or
- g) if the alien is an active pilot or cabin crew member^{7a)} of an aircraft providing transport on other than regularly scheduled flights for salary or hiring fees until such time that the aircraft departs; under these circumstances, the alien can stay in the Territory even without a travel document, if he/she can prove his/her identity as a crew member.

Section 19

Termination of a Temporary Stay in the Territory that does not Require a Visa and Expiration of the Stay

(1) An alien’s stay in the Territory for which no Visa is required will be terminated by the Police if the alien:

- a) intentionally endangers public order,

^{7b)} Council Decision on joint actions adopted by the Council on the basis of Section K.3 Subsection 2(b) of the Treaty on the European Union in relation to the possibility of travel for school pupils from third countries resident in any of the member states (94/795/JHA)

^{7c)} Council Directive 2003/109/EC of 25 November 2003 on the legal status of citizens of third countries who are long-term residents

^{7a)} Section 18 Subsection (1) of Act No. 49/1997 Coll., on civil aviation

- b) breaches any of the obligations provided for in this Act;
- c) stays in the Territory without a valid travel document unless authorized to do so under the provisions of this Act, or if the Police, while performing a residence control, discover any of the circumstances defined in Section 9 Subsection (1)(d), (1)(e), (1)(f), (1)(g) or (1)(h);
- d) when requested by the Police, fails to provide proof of the availability of funds for his/her stay in the Territory (Section 13) or a certified invitation (Sections 15 and 180);
- e) when requested by the Police, fails to provide proof of the availability of funds required to depart from the Territory; or
- f) is staying in the Territory using a travel document which has been declared invalid or stolen by the appropriate authorities in the issuing state (country), under the condition that the consequences of this decision are adequate to (commensurate with) the reasons for terminating the leave to stay. When evaluating the adequacy, the Police will primarily take into account the consequences of the decision on the alien's personal or family life.

(2) An alien's stay in the Territory for which no Visa is required will expire if the alien stays in the Territory in conflict with an International Treaty or a Governmental Decree issued pursuant to Section 181.

(3) The Police will terminate a stay according to the provisions of Subsection (1) by issuing a departure order. The departure order will be issued by the Police even if the alien's stay is terminated as provided for in Subsection (2). The alien is obliged (required) to depart from the Territory within the timeframe specified in the departure order, unless proceedings have been started on the expulsion of the alien pursuant to this Act (hereinafter referred to as "Administrative Expulsion").

Part 3

Temporary Stay in the Territory Based on a Short-Term Visa

Section 20

Repealed

Section 21

Repealed

Transit Visa

Section 22

(1) Unless provided for otherwise below, a transit Visa will be granted by a diplomatic mission or consulate of the Czech Republic (hereinafter referred to as "Embassy") at the request of an alien who intends to travel across the Territory.

(2) A transit Visa allows an alien to cross the Territory on his/her journey from the territory of one state (country) to the territory of another state (country).

(3) The validity period of a transit Visa will be established according to the anticipated number of journeys to the Territory, but the maximum validity period will be 6 months.

(4) A transit Visa

- a) issued as a one-way Visa, will permit the alien to stay in the Territory for 5 days;

- b) issued as a two-way Visa, will permit the alien to enter and remain in the Territory for 5 days twice;
- c) issued as an unlimited Visa, will permit the alien to enter and remain in the Territory for 5 days repeatedly.

(5) An application for a transit Visa can be submitted at a border crossing point if the alien was not able to submit the application at an Embassy due to unforeseeable serious reasons and applies for the Visa for humanitarian reasons, in the interests of the Czech Republic, on the basis of international obligations, or for some other serious reason. In these circumstances, the Police will grant the Visa and affix it in the alien's travel document. – (until Schengen)

(5) An application for a transit Visa can be submitted at a border crossing point under extraordinary circumstances as provided for in directly applicable legal regulation (provisions) of the European Communities.^{7d)} In these circumstances, the Police will grant the Visa and affix it in the alien's travel document. – (as of Schengen)

(6) An application for a transit Visa can also be submitted at a border crossing point by a family member of a European Union citizen^{1a)}. In these circumstances, the Police will grant the Visa and affix it in the alien's travel document.

Section 23

Requirements for a Transit Visa

(1) Unless provided for otherwise below, an alien is obliged (required) to present the following when requesting a transit Visa:

- a) travel document;
- b) Visa granted by another state (country), which is the alien's destination or across whose state borders the alien intends to travel to his/her destination country; this provision does not apply if the alien has the right to stay in the state in question without a Visa;
- c) sufficient funds to cover the stay in the Territory (Section 13) and proof of the availability of the funds for the costs associated with departing from the Territory;
- d) photograph; and
- e) if so requested, a medical report certifying that the alien does not suffer from a Serious Disease; the medical report can only be requested if a well-founded suspicion exists that the alien is suffering from a Serious Disease.

(2) When submitting an application as provided for in Section 22 Subsection (5), the alien is also obliged (required) to prove the reasons for which he/she is applying for a Visa at a border crossing point. If the reason for the application is that a specific aircraft did not land in the Territory, the alien does not have to submit a Travel Medical Insurance Certificate and a photograph with the application.

(3) When submitting an application for a transit Visa, a family member of a European Union citizen is obliged (required) to only submit a travel document, a document confirming that he/she is a family member of a European Union citizen, and a photograph.

Section 24

Airport Visa

^{7d)} EC Directive No. 415/2003 from 27 February 2003, on the issuance of Visas at borders, including the issuance of Visas to sailors in transit.

(1) An airport Visa is granted by an Embassy at the request of an alien who is forced to remain in the transit area of an international airport in the Territory while waiting for a connecting flight.

(2) The validity of an airport Visa is established on the basis of the expected number of stays in the transit area of an international airport in the Territory, but will not exceed 3 months.

(3) An airport Visa issued:

- a) as a one-way Visa, will permit the alien to stay in the transit area for the period of time until his/her flight as specified on the alien's flight ticket; or
- b) as a two-way Visa, will permit the alien to stay in the transit area twice for the period of time until his/her flight as specified on the alien's flight ticket.

(4) An alien, who is (included) mentioned in legal regulation (provisions) issued pursuant to Section 182 Subsection (1)(b), can stay in the transit area of an international airport only on the basis of an airport Visa.

(5) A holder of a travel document for refugees or a travel document in which the alien's country of citizenship is not indicated will, for the purpose of being granted an airport Visa, be considered as a citizen of the country that issued the travel document.

Section 25

Requirements for an Airport Visa

An alien is obliged (required) to submit the following when requesting an airport Visa:

- a) a travel document;
- b) a Visa issued by the state (country) that is the alien's destination; this provision does not apply if the alien has the right to stay in the state in question without a Visa;
- c) a photograph; and
- d) a flight ticket for a connecting flight that will ensure that the alien departs from the Territory.

Visa for a Stay of up to 90 days

Section 26

(1) Unless provided otherwise below, a Visa for a stay of up to 90 days will be granted by an Embassy on the basis of an application submitted by an alien.

(2) The validity of the Visa as provided by Subsection 1 will be established according to the expected number of trips to the Territory, but will not exceed 2 years.

(3) The Embassy will grant a Visa for a stay of up to 90 days on the basis of a request submitted by an alien as either a single entry Visa or a multiple entry Visa.

(4) A Visa for a stay of up to 90 days authorizes the alien to remain in the Territory for the period specified in the Visa. The alien's total stay in the Territory cannot exceed 3 months.

(5) An application for a Visa for a stay of up to 90 days can be submitted to the Police at a border crossing point, if the alien was not able to submit the application at an Embassy

due to unforeseeable serious reasons and is applying for the Visa for humanitarian reasons, in the interests of the Czech Republic, on the basis of international obligations, or for some other serious reason. – (until Schengen)

(5) An application for a Visa for a stay of up to 90 days can be exceptionally submitted at a border crossing point under the conditions established by directly applicable legal regulation (provisions) of the European Communities.^{7d)} In these circumstances, the Police will grant the Visa and affix it in the alien's travel document. – (as of Schengen)

(6) An application for a transit Visa can also be submitted at a border crossing point by a family member of a European Union citizen^{1a)}. In these circumstances, the Police will grant the Visa and affix it in the alien's travel document.

(7) A Visa granted pursuant to Subsection 5 allows the alien to remain in the Territory for a maximum of 5 days (15 days - as of Schengen). This Visa is issued and affixed in the alien's travel document by the Police. **(Subsection 7 is repealed as of Schengen)**

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

Section 26a

(this section will be repealed as of Schengen)

(1) In special, justified cases, mainly on the basis of a reciprocal agreement, a Visa for a stay of up to 90 days can be granted by an Embassy for an extended stay of up to 180 days.

(2) A Visa as provided for in Subsection 1 is issued as a multiple entry Visa and will be valid for a period of 365 days.

Section 27

Requirements for a Visa for a Stay of up to 90 days

(1) Unless provided for otherwise below, an alien is (required) obliged to present the following when requesting a Visa for a stay of up to 90 days:

a) travel document;

b) photograph;

c) invitation certified by the Police, or proof of sufficient funds to cover the alien's stay in the Territory (Section 13) and proof of the alien's accommodation while staying in the territory, unless proof is submitted that expenses related to the stay will be covered by some other means;

d) *financial amount equal to the expenses required for departure from the territory to either the state(country) that issued the alien's travel document or to the state (country) of the alien's permanent residence by means of air carrier (hereinafter referred to as "Deposit"). This deposit is not required if the expenses as specified by the preceding sentence are secured by some other means; – (until Schengen)*

d) proof that the expenses related to travelling from the Territory are secured (Section 12); – (as of Schengen)

e) a medical report certifying that the alien does not suffer from a Serious Disease; the medical report can only be requested if a well-founded suspicion exists that the alien is suffering from a Serious Disease; and

^{7d)} EC Directive No. 415/2003 from 27 February 2003, on the issuance of Visas at borders, including the issuance of Visas to sailors in transit.

f) other documents confirming the veracity of the information provided in the application for the Visa.

(2) If an application for a Visa for a stay of up to 90 days is submitted for the purpose of employment, the alien is (required) obliged to submit a work permit⁸⁾ issued by the Employment Office of the Czech Republic, the items required by Subsections (1)(a), (1)(b), (1)(d), and (1)(e), along with a document confirming that accommodation has been ensured for the alien for the period of his/her stay in the Territory. The alien does not have to submit a work permit if a work permit is not conditional for performance of a job under special legal regulation (provisions).

(3) Prior to being granted a Visa for a stay of up to 90 days, the alien is obliged (required) to submit a Travel Medical Insurance Certificate for the period of his/her stay in the Territory; this does not apply in the circumstances specified in Section 6 Subsection (9). If the alien applies for this kind of Visa as a multiple entry Visa, he is obliged to submit an honourable declaration that he/she will be in possession of a Travel Medical Insurance for any further stay in the Territory.

(4) When submitting an application for a Visa for a stay of up to 90 days, a family member of a European Union citizen is (required) obliged to only submit a travel document, a document confirming that he/she is a family member of a European Union citizen, and a photograph.

(5) An alien will provide security deposit in cash with the Embassy or by way of a bank transfer to the Embassy's account and the Security deposit can be used to cover any costs incurred in relation to the alien's possible expulsion from the Territory pursuant to this Act (hereinafter referred to as "Administrative Expulsion"). The Embassy is obliged (required) to return any portion of the Security deposit that is not used for payment of expenses as specified by the previous sentence at the alien's request. The request for the return of the Security deposit can be filed after the Visa is no longer valid and the alien has left the Territory, however, no later than 1 year after the Visa expiration date. The condition of departing from the Territory applies only if the Visa was used for a stay in the Territory. – (repealed as of Schengen)

(6) The alien must collect the Security deposit in person. – (repealed as of Schengen)

(7) If the alien fails to request the return of the Security deposit within the period as specified in Subsection (3), the Security deposit is forfeited to the state and is included as income in the Czech Republic's national budget. – (repealed as of Schengen)

Section 28

When submitting an application as provided for in Section 26 Subsection (5), the alien is obliged (required) to submit a travel document and a Travel Medical Insurance Certificate for the period of his/her stay in the Territory and to specify the reasons why he/she is applying for a Visa at a border crossing point. The requirement to submit a Travel Medical Insurance Certificate does not apply to the cases specified in Section 6 Subsection (9). In addition, the alien is obliged (required) to submit proof of sufficient funds to cover his/her stay in the

⁸⁾ Act No. 1/1991 Coll., the Employment Act, as amended

Territory (Section 13), proof of sufficient funds required to depart from the Territory (Section 12), and a photograph.

Section 29 – (until Schengen)
Extending a Visa for a Stay of up to 90 Days

(1) Unless provided for otherwise below, the Police will extend a Visa for a stay of up to 90 days at the alien's request, under the condition that the alien submits the application while the Visa is valid and also submits the documentation specified in Subsection (3). The length of the extension is established in a manner whereby the sum of the period of the previous stay and the extended stay in the Territory does not exceed 3 months.

(2) The period of time that the alien is allowed to stay (remain) in the Territory cannot be extended if no reasons worthy of consideration are found for extending the Visa, if the reason for the application is a change in the purpose of the alien's stay in the Territory, or if the Police determine that a reason exists for instigate proceedings to cancel the validity of the Visa (Section 61).

(3) When submitting the application for an extension of a Visa as provided for in Subsection (1), the alien is obliged(required) to also submit the items specified in Section 27 Subsections (1) or (2), with the exception of the photograph, the Security deposit t, and furthermore the Travel Medical Insurance Certificate for the period of the stay in the Territory; this provision does not apply if the alien has medical insurance under special legal regulation (provisions)⁵⁾ or if payment for medical expenses is ensured in some other way.

Section 29 – (as of Schengen)
Extending the Validity Period and the Length of Stay on the basis of a Short-Term Visa

(1) The Police will extend the validity of a Visa for a stay of up to 90 days and the period of the stay allowed by this Visa at the alien's request, under the condition that the alien submits the application while the Visa is valid and also submits the documentation specified in Subsection (3). The Police will extend the validity of a transit Visa and the period of the stay allowed by this Visa at the alien's request, under the condition that the alien submits the application while the Visa is valid and also submits the documentation specified in Subsection (4). The length of the extension is established in a manner whereby the sum of the period of the previous stay and the extended stay in the Territory does not exceed 3 months.

(2) The period of time that the alien is allowed to remain in the Territory as for in Subsection (1) cannot be extended if no reasons worthy of consideration are found for extending the Visa, if the reason for the application is a change in the purpose of the alien's stay in the Territory, or if the Police determine that a reason exists for instigate (starting) proceedings to cancel the validity of the Visa (Section 61).

(3) When submitting an application for extending a Visa for a stay of up to 90 days and the period of the stay as allowed by this Visa, the alien is obliged (required) to also submit the items specified in Section 27 Subsections (1) or (2 (with the exception of the photographs), and furthermore the Travel Medical Insurance Certificate for the period of the stay in the Territory; this provision does not apply if the alien has medical insurance under special legal regulation(provisions)⁵⁾ or if payment for medical expenses is ensured some other way.

(4) When submitting the application for extending a transit Visa and the period of the stay as allowed by this Visa, the alien is obliged (required) to also submit the items specified in Section 23 Subsections (1), with the exception of photographs.

(5) The Police will extend the validity of an airport Visa at the alien's request, under the condition that the alien submits the application while the Visa is valid and also submits the documentation specified in Section 25, with the exception of the photograph. The length of the extension of the validity of the Visa is established in a manner whereby the period of the alien's stay in the transit area of an international airport located in the Territory does not exceed 3 months. The validity of the Visa cannot be extended if no reasons worthy of consideration are found for extending the Visa.

Uniform n Schengen Visa – (valid as of Schengen)

Section 29a – (valid as of Schengen)

Uniform Schengen Visa Issued by the Czech Republic

(1) The Czech Republic will grant a transit Visa, an airport Visa, or a Visa for a stay of up to 90 days as an Uniform Schengen Visa, provided that the following conditions are met:

- a) the alien has not been entered in the Schengen Information System;*
- b) there is no justified threat (reason to believe) that the alien, while staying in the territory of another Contracting State, would endanger that state's security, disrupt its public order, or endanger the international relationships between the Contracting States;*
- c) the Czech Republic is his/her destination country or, if the alien is travelling across the territories of the Contracting States, it is the first Contracting State that the alien enters with this Visa;*
- d) the travel document in which the Visa will be affixed , authorizes the alien to enter all the Contracting States; and*
- e) the alien submits the (requirements) supporting documents for the issuance of the requested type of Visa (Section 23, Section 25, and Section 27 Subsections (1) and (2)); if the Visa is to be granted pursuant to Section 26, the alien will also submit proof that a policy for Travel Medical Insurance has been concluded^{8a)}, which will pay for expenses in the scope specified in Section 5 Subsection (a)(4) for the period of the alien's stay in the territories of all the Contracting States, and, if the Visa to be granted is a multiple entry Visa, that the alien submits an honourable declaration stating that Travel Medical I Insurance will be concluded for every subsequent stay in the territories of the Contracting States.*

(2) The total period of the alien's stay in the territories of the Contracting States cannot exceed 3 months over the course of 6 months from the date of the first entry to the territory of these states.

(3) Pursuant to international treaties on removing border controls at common borders and the regulations issued on the basis thereof^{8b)}, if the conditions specified in Subsection

^{8a)} Council Decision 2004/17/EC from 22 December 2003, which amends Part V Point 1.4 of the Common Consular Instructions and Part I Point 4.1.2 of the Common Manual with regard to including the requirement to be in possession of travel medical insurance as one of the supporting documents for the issuance of a common entry Visa

^{8b)} The convention on applying the Schengen Agreement signed on 14 June 1985 between the governments of the states of the Economic Union of Benelux, the Federal Republic of Germany, and the Republic of France on the gradual elimination of controls at common borders.

(1) are not met, the Czech Republic has the right to limit the territorial validity of the Uniform Schengen Visa. The authority that grants this limited Visa will notify the other Contracting States of this fact.

Section 29b (- valid as of Schengen)
Uniform Schengen Visa Issued by Another Contracting State

(1) A Uniform Schengen Visa issued by another Contracting State allows an alien to stay in the territory of the Czech Republic for the period indicated in the Visa, unless the Czech Republic is excluded from its territorial validity.

(2) For a Uniform Schengen Visa issued by another Contracting State, the Police or the Ministry of Foreign Affairs can:

- a) extend the validity and length of the stay specified by a Uniform Schengen Visa issued by another contracting state, as long as the conditions specified in Section 29 are met; the Czech authorities will inform the authorities in the Contracting State that granted the Visa of its extension;*
- b) limit the validity of the Visa to a period that corresponds to the amount of the funds submitted for the stay in the Territory (Section 13); and*
- c) cancel the validity of the Visa, if the Visa holder ceases to fulfil any of the conditions for the issuance of the Visa; the Czech authorities will inform the authorities of the Contracting State that granted the Visa of its cancellation.*

Part 4
Temporary Stay in the Territory
on the Basis of a Long-Term Visa or Long-Term Residence Permit

Subpart 1
Visa for a Stay Longer than 90 Days

Section 30

(1) The Police will grant a Visa for a stay longer than 90 days on the basis of an application submitted by an alien who intends to stay in the Territory for purposes that require a stay of more than 3 months in the Territory.

(2) A Visa for a stay longer than 90 days can also be granted to an alien for the purpose of collecting a permanent residence permit or long-term residence permit for the purpose of family reunification or studies in the Territory, or for the purpose of submitting an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs (Section 49).

(3) The Visa specified in Subsection 1 will be granted with a validity period of 1 year; the Visa specified in Subsection 2 will be granted with a validity period of 6 months.

(4) A Visa for a stay longer than 90 days granted for the purpose of collecting a long-term residence permit for the purpose of family reunification or studies in the Territory, or a permanent residence permit, allows the alien to stay in the territory for a period of three working days. A Visa for a stay longer than 90 days granted for the purpose of submitting an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs allows the alien to remain for a period of 30 working days. If collecting a residence permit as

Executive Committee Decision SCH/Com-ex (99)13 from 28 April 1999, on the definitive versions of the Common Manual and Common Consular Instructions

Council Decision 2004/17/EC from 22 December 2003, which amends Part V Point 1.4 of the Common Consular Instructions and Part I Point 4.1.2 of the Common Manual with regard to including the requirement to be in possession of travel medical insurance as one of the supporting documents for the issuance of a common entry Visa.

specified by the first sentence of this subsection or the act of filing an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs as provided for in the second sentence of this subsection, is not possible for reasons beyond the alien's control, then the period that the alien is allowed to stay after his/her entry to the Territory will be considered as extended until such time that the reasons cease to exist. After the reasons as specified in the third sentence of this subsection cease to exist, in the case of a Visa for a stay longer than 90 days granted for the purpose of collecting a long-term residence permit for the purpose of family reunification or studies in the Territory, or for the purpose of collecting a permanent residence permit, the alien is obliged (required) to notify the Police of the reasons without undue delay, or, in the case of a Visa granted for the purpose of submitting an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs, this ministry is to be informed without undue delay.

(5) The Police will grant a Visa for a stay longer than 90 days as a long-term Visa of the Contracting States, Category D+C, if the conditions defined in Section 29a Subsections (1) and (3) are met. (This provision is not applied – effectiveness postponed until as of Schengen; derived from Section 17b Subsection b).)

Section 31

(Requirements) Supporting Documents for an Application for a Visa for a Stay Longer than 90 Days

(1) When submitting an application for a Visa for a stay longer than 90 days, an alien is obliged (required) to submit following supporting documents::

- a) travel document;
- b) a document confirming the purpose of his/her stay in the Territory;
- c) proof of sufficient funds to cover the alien's stay in the Territory (Section 13);
- d) a document confirming accommodation has been secured for the alien for the period of his/her stay in the Territory;
- e) a Criminal Register Extract as supporting document for determining a clean criminal record (Section 174); this provision does not apply to aliens younger than 15 years of age; and
- f) photographs.

(2) Together with an application for a Visa for a stay longer than 90 days for the purpose of employment, an alien must include the (items) supporting documents required pursuant to Subsections 1(a), (1)(d), (1)(e), and (1)(f). In addition, the alien must submit a work permit or specify the reference number assigned to the alien's request for a work permit by the employment office where this request was made. An alien does not have to submit a work permit or the reference number assigned to his/her request for such permit if the alien's job performance is not conditional on a work permit pursuant to special legal regulation (provisions)^{8c)}.

(3) The obligation to submit a Criminal Register Extract will be considered as fulfilled if the alien files an application for this extract with an Embassy and agrees that the extract will be sent to the Police. If the application for a Visa for a stay longer than 90 days is submitted for the purpose of doing business according to special legal regulation (provisions)^{8d)}, the obligation to submit confirmation of the purpose of the alien's stay in the territory will be considered as fulfilled if the alien specifies the reference number of the trade notification or

^{8c)} Act No. 435/2004 Coll., on employment

^{8d)} Act No. 455/1991 Coll., on trades (Trade Licensing Act), as amended

the request for a business license and the specific trade licensing office where he/she submitted notification of the trade or requested the business license.

(4) Together with the application for a Visa for a stay longer than 90 days, an alien is also (required) obliged to include the following attachments upon request:

- a) a document similar to a Criminal Register Extract as background (material) document for determining a clean criminal record (Section 174), which is issued by the alien's (country) state of citizenship, as well as by any other states (countries) in which the alien has stayed during the last 3 years for a continuous period of more than 6 months; if a (country) state does not issue a document of this kind, the alien can submit an honourable declaration in its stead; this document cannot be requested of an alien younger than 15 years of age; and
- b) a medical report certifying that the alien does not suffer from a Serious Disease; the medical report can only be requested if a well-founded suspicion exists that the alien is suffering from a Serious Disease.

(5) Prior to being granted a Visa for a stay of up to 90 days, the alien is obliged (required) to submit a Travel Medical Insurance Certificate for the period of his/her stay in the Territory; this provision does not apply in the circumstances specified in Section 6 (9).

Section 32
repealed

Section 33 (until 31 August 2006)
Visa for a Stay Longer than 90 Days
for the Purpose of Exceptional Leave to Remain in the Territory

(1) The Police will grant a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory to an alien:

- a) whose departure from the Territory is prevented by an obstacle that is beyond the alien's control;*
- b) whose departure is impossible (Section 179);*
- c) who is a witness or aggrieved(injured) in criminal proceedings and his/her participation in the proceedings is essential d;*
- d) whose legal action or cassation complaint in the matter of temporary protection resulted in the deferral of a court judgment⁹⁾;*
- e) who applied for a permanent residence permit pursuant to Section 67, Section 68, and Section 69 Subsection 2 while his/her authorization to stay was still valid, under the condition that a decision on this application was not made during the period when the alien's authorization to stay in the Territory was valid; or*
- f) who has filed an appeal against a decision made by the Ministry denying the alien's application for asylum as being evidently unjustified for one of the reasons specified in Section 16 Subsections a) through h) and Subsection j) of the Asylum Act²⁾ and concurrently submitted a petition for the deferring effect of this appeal.*

(2) The application for a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory is submitted to the Police in the Territory.

(3) The Police will affix the Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory in the alien's travel document.

⁹⁾ Act No. 150/2002 Coll., the Administrative Court Procedure Code, as amended.

(4) The validity period of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory will be established by the Police for a length that is indispensable , however this period will not exceed 1 year.

(5) An alien who was granted a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory for the reason defined in Subsection (1)(a) is obliged (required) to provide proof that the obstacle to his/her departure still exists when requested to do so by the Police; if the alien cannot present such proof for reasons beyond his/her control, the proof can be substituted by an honourable declaration.

Section 33 (as of 1 September 2006)
Visa for a Stay Longer than 90 Days
for the Purpose of Exceptional Leave to Remain in the Territory

(1) The Police will grant a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory to an alien:

a) whose departure from the Territory is prevented by an obstacle that is beyond the alien's control or if the conditions provided for in Section 179 Subsection (5) are met;

b) who is a witness or aggrieved (injured) in criminal proceedings and his/her participation in the proceedings is indispensable ;

c) who applied for a permanent residence permit pursuant to Section 67, Section 68, or Section 69 Subsection 2 while his/her authorization to stay was still valid, under the condition that a decision on this application was not made during the period when the alien's authorization to stay in the Territory was valid; or

d) who has filed an appeal against a decision made by the Police or the ministry on the basis of which the validity of the alien's Visa for a stay of more than 90 days or the alien's long-term residence permit was cancelled, or on the basis of which the alien's application for extending the validity of his/her long-term residence permit or application for permanent residence was denied, under the condition that the alien concurrently submits a petition for the deferring effect of this appeal.

(2) The application for a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory, as provided for in Subsection (1) is submitted to the Police in the Territory.

(3) The Police will also grant a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory to an alien whose departure from the Territory is not possible (Section 120a).

(4) The Police will affix the Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory in the alien's travel document.

(5) The validity period of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory will be established by the Police for a length that is inevitable , however this period will not exceed 1 year; if the Visa is granted pursuant to Subsection (1)(c) or (1)(d)m or Subsection (3), the validity period will be established as 6 months.

(6) An alien who was granted a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory for the reason defined in Subsection (1)(a) is obliged (required) to provide proof that the obstacle to his/her departure still exists when requested to do so by the Police; if the alien cannot present such proof for reasons beyond his/her control, the proof can be substituted by an honourable declaration.

Section 34

(Requirements) Supporting Documents for a Visa for a Stay Longer than 90 Days for the Purpose of Exceptional Leave to Remain in the Territory

When submitting an application for a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory, the alien is obliged (required) to include the following supporting documents :

- a) a travel document, if the alien holds one and if the validity of the travel document has not expired;
- b) a certified copy of a document confirming the existence of the reasons defined in Section 33 Subsection (1)(a), *(1)(d), or (1)(f)* **(repealed as of 1 September 2006)**; if the alien is unable to present such a document for reasons beyond his/her control, then this document can be substituted by a statutory declaration;
- c) photographs;
- d) a document confirming the existence of the reasons defined in Section 33 Subsection (1)(c) **(until 31 August 2006)** – (1)(b) **(as of 1 September 2006)**;
- e) a Travel Medical Insurance Certificate in the case of aliens defined in Section 33 Subsection (1)(e); **(until 31 August 2006)** – (1)(c) **(as of 1 September 2006)**;
- f) a document confirming that an action and a proposal for allowing a deferring effect in relation to this action has been brought (), in the case of aliens as provided for in Section 33 Subsection (1)(d). – **(as of 1 September 2006)**

Section 35

Extension of the Period of Leave to Remain in the Territory (Associated with) on the Basis of a Visa for a Stay Longer than 90 Days

(1) The Police will repeatedly extend the period of leave the alien is allowed to remain in the Territory at the alien's request if it is shorter than the validity period of the Visa for a stay longer than 90 days, under the condition that the same reason for which the Visa was originally granted still exists, but will not be extended beyond the expiration date of the Visa.

(2) Together with the application for extending the period of leave to remain in the Territory associated with a Visa for a stay longer than 90 days, the alien is obliged (required) to include the supporting documents specified in Section 31 Subsections (1)(a) through (1)(e) and, if so requested, the (attachment) supporting document specified in Section 31 Subsection (4)(b). Together with the application for extending the period of leave to remain in the Territory associated with a Visa for a stay longer than 90 days for the purpose of employment, the alien is obliged (required) to include the decision on the extension of the work permit, the supporting documents specified in Section 31 Subsections (1)(a), (1)(d), and (1)(e) and, if so requested, the supporting document specified in Section 31 Subsection (4)(b). In addition, the alien is obliged (required) to submit a Travel Medical Insurance Certificate for the period of the stay in the Territory; this provision does not apply if the alien has medical insurance under special legal regulation (provisions)⁵⁾ or if proof is submitted that payment for medical expenses is ensured some other way. The alien is also obliged (required) to submit new photographs at the request of the Police if his/her appearance has changed.

(3) The period of leave to remain in the Territory associated with a Visa for a stay longer than 90 days cannot be extended if the Police find a reason for instituting proceedings for the cancellation of the validity of this Visa (Section 37).

Section 36

Extension of the Validity of a Visa and the Period of Leave to Remain in the Territory (Associated with) on the Basis of a Visa for a Stay Longer than 90 Days for the Purpose of Exceptional Leave to Remain in the Territory

(1) Together with an application for an extension of the validity of a Visa and the period of leave to remain associated with a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory, the alien is obliged (required) to include the supporting documents as provided for in Section 34 Subsections (a), (b), (d), and (e), and he/she is also obliged (required) to submit new photographs at the request of the Police if his/her appearance has changed.

(2) Together with an application for an extension of the validity of a Visa and the period of leave to remain associated with a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory, an alien who was granted a Visa pursuant to Section 33 Subsection (3) is obliged (required) to submit the supporting document as specified by Section 34 Subsection (a), as well as to provide information or proof that the reasons why the alien cannot depart the territory still exist, and is also obliged (required) to submit new photographs at the request of the Police if the his/her appearance has changed. – as of 1 September 2006

(2)(3) The validity of a Visa and the period of leave to remain (associated with) on the basis of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory cannot be extended if the Police find a reason for instituting proceedings for the cancellation of the validity of this Visa (Section 38).

Section 37

Cancellation of the Validity of a Visa for a Stay Longer than 90 Days

(1) The Police will cancel the validity of a Visa for a stay longer than 90 days if:

- a) the alien has been convicted upon a final judgment of a wilfully committed crime;
- b) the alien does not fulfil the purposes for which the Visa has been granted; or
- c) the alien requests cancellation of the Visa.

(2) The Police will also cancel the validity of a Visa for a stay longer than 90 days if:

- a) an alien provides inaccurate information in the application for the Visa or submits forged or modified documents with the application;
- b) an alien ceases to meet any of the conditions for issuance of the Visa;
- c) during the course of a residence control (Section 167 Subsection (d)), the Police discover any circumstances as provided for in Section 9 Subsection (1)(g), (1)(h), or (1)(i); and
 1. the alien fails to present confirmation that he/she has applied for a new travel document within the timeframe specified by the Police; or
 2. although there are grounds for issuing a foreigner passport or travel identity document, the alien fails to request the Police for the issuance of this type of travel document;
- d) the alien's travel document has been declared invalid or stolen by the authorities of the state (country) that issued the travel document and the alien either fails to submit confirmation as provided for in Subsection (2)(c)(1) above or does not fulfil the provisions of Subsection (2)(c)(2) above;
- e) the alien has not fulfilled the obligations provided for in Section 88 Subsection 2;

f) another state of the European Union, or another Contracting State that has adopted the common procedures for expulsion of aliens from its territory^{9a)}, has decided to expel the alien from its territory due to the fact that the alien has been sentenced to imprisonment for a period of at least one year, or if a well-founded suspicion exists that the alien committed a serious crime or is preparing to commit such crime in the Territory of one of the states of the European Union or another Contracting State that has adopted the common procedures for expulsion, or because the alien has breached the legal provisions that govern the entry and stay of aliens in the aforementioned state's territory (as of Schengen); or

g) during the course of a residence control, the alien cannot prove his/her ability to pay the expenses for medical care and cannot submit this proof even within a timeframe established by the Police,

under the condition that the consequences of this decision are adequate to (commensurate with) the reasons for cancelling the validity of the Visa. When evaluating the adequacy, the Police will primarily take into account the consequences of their decision on the alien's personal or family life.

(3) Within their decision to cancel the validity of a Visa for a stay longer than 90 days, the Police will specify a timeframe within which the alien is (required) obliged to depart from the Territory and will impose a departure order on the alien; the alien is obliged (required) to depart from the Territory within the specified period.

Section 38

Cancellation of the Validity of a Visa for a Stay Longer than 90 Days for the Purpose of Exceptional Leave to Remain in the Territory

(1) In the case of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory granted for the reasons provided for in Section 33 (1)(a), an alien is obliged (required) to request cancellation of the Visa's validity by no later than 3 days after the obstacle preventing the alien from departing from the Territory ceases to exist, and, in the case of a Visa granted *for the reasons provided for in Section 33 (1)(b), the alien is obliged (required) to make this request without undue delay and by no later than 60 days after the obstacle preventing the alien from departing from the Territory ceases to exist (until 31 August 2006)*

for the reasons provided for in Section 33 (3), the alien is obliged (required) to make this request by no later than 5 days after the obstacle that makes departing from the Territory impossible ceases to exist. (as of 1 September 2006)

(2) The Police will cancel the validity of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory, if the reasons for which the Visa was granted have ceased to exist and the alien fails to apply for cancellation of the Visa's validity within the timeframe specified in the preceding Subsection or, if the Visa was granted for the reasons provided for in Section 33 (1)(d) and the court does not allow the deferral; in the case of the cancellation of a Visa granted for the reasons provided for in Section 33 (3), the Police will request the Ministry to issue a binding opinion^{9b)} on the fact that the obstacles that made departing from the Territory impossible have ceased to exist. (as of 1 September 2006)

(3) The Police will cancel the validity of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory that was granted for the reasons provided for in Section 33 (1)(f) if the court does not allow the deferral, if the petition is

^{9a)} Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals

^{9b) 9c)} **(as of 1 September 2006)** Council Directive 2003/86/EC from 22 August 2003, on the right to family reunification

denied, or if a judicial judgment (ruling), which annuls the Ministry's decision pursuant to special legal regulation (provisions)²⁾, becomes legally enforceable. (until 31 August 2006)

(4)(3) Within their decision to cancel the validity of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory, the Police will specify a timeframe within which the alien is obliged (required) to depart from the Territory and will impose a departure order on the alien; the alien is obliged (required) to depart from the Territory within the specified period.

Section 39

Long-Term Visa of the Contracting States

(1) A long-term Visa of the Contracting States, Category D+C, allows an alien to stay in the Territory of the Czech Republic for a maximum period of 3 months as of the date the Visa becomes valid.

(2) A long-term Visa of the Contracting States, Category D, allows an alien to stay in the Territory of the Czech Republic in a manner similar to a transit Visa (Section 22) over the course of 3 months as of the date the Visa becomes valid. (This provision is not applied – effectiveness postponed until Schengen; (constructed on the basis of) derived from Section 17b (b))

Subpart 2

Temporary Stay in the Territory on the Basis of a Diplomatic Visa or a Special Visa

Section 40

(1) A Diplomatic Visa is understood to mean an airport Visa, a transit Visa, a Visa for a stay of up to 90 days, or a Visa for a stay longer than 90 days, which is granted to an alien on the basis of an official application and marked as a “Diplomatic Visa”. A Diplomatic Visa can be affixed in the diplomatic passport or other travel document of an alien who enjoys the applicable privileges and immunities.

(2) A Special Visa is understood to mean an airport Visa, a transit Visa, a Visa for a stay of up to 90 days, or a Visa for a stay longer than 90 days, which is granted to an alien on the basis of an official application and marked as a “Special Visa”. A Special Visa can be affixed in a service passport or other travel document of an alien who enjoys the applicable privileges and immunities.

(3) Together with the application for a Diplomatic Visa or Special Visa, an alien is obliged (required) to submit a travel document and photographs. Prior to the time that the Visa is affixed in the travel document, the alien is, upon request, obliged (required) to submit a Travel Medical Insurance Certificate for the period of his/her stay in the Territory; this provision does not apply in the situations provided for in Section 6 (9).

(4) Diplomatic Visas and Special Visas are issued by an Embassy.

Section 41

Declaration of Invalidity of a Diplomatic Visa and a Special Visa

Invalidity of a Diplomatic Visa or Special Visa is declared by the Ministry of Foreign Affairs.

Subpart 3
Temporary Stay in the Territory on the Basis of a Long-Term Residence Permit

Section 42
Long-Term Residence Permit

(1) An alien staying in the Territory on the basis of a Visa granted for a stay longer than 90 days and who intends to stay in the Territory for a period of more than 1 year on a temporary basis has the right to submit an application for a long-term residence permit, under the condition that the purpose of the alien's stay has remained the same.

(2) In addition, an alien who was staying in the Territory on the basis of a Visa granted for a stay longer than 90 days for the purpose of exceptional leave to remain as provided for in section 33 (1)(a) through (1)(c) or Section 33 (3) (as of 1 September 2006) and who has subsequently been staying in the Territory on the basis of a long-term residence permit for the purpose of exceptional leave to remain that was granted pursuant to Section 43, also has the right to submit an application for a long-term residence permit, under the condition that the alien has stayed in the Territory for a period of at least 3 years.

(3) In addition, an alien, who is staying in the Territory as a staff member of a foreign embassy or an international governmental organization accredited in the Czech Republic, or as a family member thereof, also has the right to submit an application for a long-term residence permit.

(4) An application for a long-term residence permit is submitted on an official form to the Police. In the application, the alien is obliged (required) to provide the scope of information as required by the application for a permanent residence permit.

(5) An alien has the right to stay in the Territory for the period stated in the long-term residence permit.

Section 42a
Long-Term Residence Permit
for the Purpose of Family Reunification in the Territory

(1) An application for a long-term residence permit for the purpose of family reunification in the Territory^{9b) 9c)} (as of 1 September 2006) (hereinafter referred to as "Family Reunification") can be submitted by an alien who is:

- a) the spouse of an alien who has been granted leave to stay;
- b) a minor child or dependent adult child of an alien who has been granted leave to stay;
- c) a minor child or dependent adult child of the spouse of an alien who has been granted leave to stay;
- d) an alien of minor age who has been placed in the care of an alien who has been granted leave to stay (or the spouse thereof) on the basis of a decision issued by the competent authorities, or who was adopted by an alien who has been granted leave to stay (or the spouse thereof), or whose guardian (or spouse thereof) is an alien who has been granted leave to stay, under the condition that the care for the minor alien is provided in the Territory;
- e) the parent of a minor alien who was granted asylum according to special legal regulation (provisions)²⁾; if this minor alien does not have parents, another relative in the direct ascending line has the right to submit the application for a residence permit; if such relative does not exist, the minor's guardian has the right to submit the application;

f) a solitary alien older than 65 years, or without regard to age if said alien cannot care for him/herself due to health reasons, under the condition that the application is filed for the purpose of family reunification with a parent or child who has been granted leave to stay in the territory.

(2) For the purposes of this Act, an alien who has been granted a residence permit or asylum in the Territory,, is considered to be a holder of right (sponsor authorized) to request family reunification.

(3) The alien must file the application for a long-term residence permit for the purpose of family reunification at an Embassy.

(4) During the course of a stay in the Territory on the basis of a Visa for a stay longer than 90 days or on the basis of a long-term residence permit issued for other purposes, the alien can submit the application for a long-term residence permit for the purpose of family reunification to the Police in the Territory.

(5) A long-term residence permit for the purpose of family reunification will be granted to the alien if:

- a) the alien with whom family reunification is to take place holds a long-term residence permit or permanent residence permit and has been staying in the territory for a period of at least fifteen months; in the case of the reunification of a married couple, each of them must be at least 20 years of age;
- b) the spouse with whom family reunification is to be allowed was granted asylum pursuant to special legal regulation (provisions)²⁾, under the condition that the marriage took place prior to the time the alien entered the Territory;
- c) the minor alien with whom family reunification is to take place was granted asylum pursuant to special legal (provisions) regulation²⁾; or
- d) the alien in question meets the criteria provided for in Subsection (1))(d) or (1)(f).

(6) In the case of polygamous marriages, a long-term residence permit will not be issued for the purpose of family reunification to an alien whose spouse is authorized for family reunification and already lives in the Territory with another spouse.

Section 42b

(Requirements) Supporting Documents for Issue of a Long-Term Residence Permit for the Purpose of Family Reunification

(1) When submitting an application for long-term residence permit for the purpose of family reunification, the alien is (required) obliged to include the following supporting documents:

- a) the supporting documents specified in Section 31 (1)(a), (1)(d), (1)(e), and (1)(f);
- b) a document confirming the family relationship; in the case of an application for a long-term residence permit for the purpose of family reunification with a holder of right (sponsor who is authorized) for family reunification who has been granted asylum pursuant to special legal regulation (provisions)²⁾, the family relationship can also be proven in another credible manner if the aforementioned document cannot be submitted;
- c) consent with a minor's stay in the Territory provided by the minor alien's parent, other legal representative, or guardian, if the family reunification in question is not with this specific parent, legal representative, or guardian;

d) *a document proving that the aggregate family income after reunification will be sufficient for ensuring the subsistence and other basic needs for all family members and indispensable household expenses pursuant to special legal regulation (provisions)^{9c) 9d)} (as of 1 September 2006) – (until 31 December 2006)*

d) a document proving that the aggregate family income after reunification will not be lower than the sum of:

- i. the subsistence minimum amounts^{9c) 9d)} (as of 1 September 2006) of the family members; and
- ii. the highest amount of normative expenses for accommodation as established for the purpose of housing subsidies by special legal regulation (provisions)^{9i)9j)} (as of 1 September 2006) or the amounts that the alien proves in a credible manner as actual expenses outlaid for the family's housing. (as of 1 January 2007)

(2) If the application for a long-term residence permit is submitted for the purpose of family reunification with a holder of right for family reunification (authorized sponsor), who was granted asylum pursuant to special legal regulation (provisions)²⁾, within a timeframe of 3 months of the date on which the decision to grant asylum becomes legally enforceable, the alien is obliged (required) to submit only a travel document and photographs together with the application and prove the family relationship in the manner specified by Subsection (1)(b).

(3) If so requested, an alien submitting an application for long-term residence for the purpose of family reunification is obliged (required) to also submit the documents specified in Section 31 (4).

(4) Prior to the time that the Visa for a stay of longer than 90 days for the purpose of collecting a long-term residence permit issued for the purpose of family reunification is affixed in the travel document, the alien is obliged (required) to submit a Travel Medical Insurance Certificate for the period of his/her stay in the Territory; this provision does not apply in the situations provided for in Section 6 (9).

Section 42c

Long-Term Residence Permit for a Resident of Another European Union Member State

(1) A resident of another European Union member state has the right to submit an application for long-term residence if he/she wishes to remain in the Territory for a period of more than 3 months.

(2) A resident of another European Union member state submits the application for a long-term residence permit as provided for in Subsection 1 at an Embassy or to the Police in the Territory. If the application is submitted in the Territory, the resident of another European Union member state is obliged (required) to submit the application during the validity period of his/her leave for a temporary stay in the territory, specifically by no later than within 3 months of the date he/she enters the Territory.

(3) Together with the application for requesting a long-term residence permit as provided for in Subsection (1), the applicant is obliged (required) to submit:

a) a document proving his/her legal status as a resident of another European Union member state;

^{9c) 9d)} (as of 1 September 2006) Section 3 (2) and (3) of Act No. 463/1991 Coll., on the subsistence minimum, as amended Government Directive No. 664/2004 Coll., which increases the subsistence minimum

^{9d)} Sections 2 and 3 of Act No. 110/2006 Coll., on the subsistence and existential minimum – as of 1 January 2007

^{9j) 9j)} (from 1 September 2006) Section 26(1) of Act No. 117/1995 Coll., on state social support, as amended – as of 1 January 2007

- b) a Travel Medical Insurance Certificate, with the exception of the situations provided for in Section 6 (9);
- c) a document proving the availability of monthly financial resources sufficient for ensuring subsistence and other basic needs for the applicant and other persons supported thereby and the indispensable expenses for a household pursuant to special legal (provisions) regulation^{9c)9d)} ; (as of 1 September 2006)
- d) the supporting documents specified in Section 31 (1), with the exception of the supporting documents specified in Section 31 (1)(c); and
- e) if requested, the supporting documents specified in Section 31 (4).

(4) Together with an application for a long-term residence permit for the purposes of employment, the applicant must submit a work permit or specify the reference number assigned to the his/her request for a work permit and the employment office where this request was made, a statement provided by the employer that it will employ the alien, and the information specified in Section 31 (1)(a), (1)(d), (1)(e), and (1)(f). If so requested, the applicant is obliged (required) to provide the supporting documents specified in Section 31 (4).

(5) A family member of a resident of another European Union member state also has the right to submit an application for a long-term residence permit, under the condition that he/she (the applicant) has been permitted residence for the purpose of family reunification with the resident of another European Union member state within the territory of the state that granted the resident this legal status, or in the territory of the state in question the applicant was granted this legal status. .

(6) A family member of a resident of another European Union member state is obliged (required) to prove that the conditions provided for in Subsection (5) have been met and, together with the application, submit a Travel Medical Insurance Certificate, with the exception of situations specified in Section 6(9), a document proving the availability of monthly financial resources sufficient for ensuring subsistence and other basic needs for the applicant and other persons supported thereby and the indispensable expenses for a household pursuant to special legal regulation (provisions)^{9c)9d)} (as of 1 September 2006), as well as the supporting documents specified in Section 31 (1)(a), (1)(d), (1)(e), and (1)(f). If so requested, the applicant is also (required) obliged to provide the supporting documents specified in Section 31 (4).

Section 42d (until 26 June 2006)
Long-Term Residence Permit
for the Purpose of Studies in the Territory

(1) An alien has the right to submit an application for a long-term residence permit for the purpose of studies in the Territory^{9d) 9e)} (as of 1 September 2006) under the condition that the alien intends to reside temporarily in the Territory for a period of more than three months and the alien's studies meet the conditions specified in Section 64, with the exception of education at a primary school, secondary school, or conservatory, which does not take place within the framework of an exchange program or professional training performed for remuneration.

^{9d) 9e)} (as of 1 September 2006) Council Directive 2004/114/EC of 13 December 2004, on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training, or voluntary service

(2) Together with the application for a long-term residence permit as provided for in Subsection (1), the alien is obliged (required) to:

- (a) provide the supporting documents specified in Section 31 (1)(a), (1)(b), (1)(d), (1)(e), and (1)(f);
- (b) submit the consent of his/her parent, or other legal representative or guardian as applicable, with the alien's stay in the Territory if the alien is a minor;
- (c) submit proof of sufficient resources for the stay in the Territory (Section 13) in the case of university studies or unremunerated training; in all other cases, submit a document proving that the expenses associated with the alien's stay are being assumed by the hosting organization; and
- (d) if so requested, provide the supporting documents specified in Section 31 (4).

(3) Prior to the time that the Visa for a stay of longer than 90 days for the purpose of collecting a long-term residence permit granted for the purpose of studies is affixed in the travel document, the alien is obliged (required) to submit a Travel Medical Insurance Certificate for the period of his/her stay in the Territory; this provision does not apply in the situations provided for in Section 6 (9).

Section 42e (as of 26 June 2006)
Long-Term Residence Permit
for the Purpose of Receiving Protection in the Territory

(1) A long-term residence permit for the purpose of receiving protection in the Territory^{9e)9f)} will be granted by the Ministry at the request of an alien who is:

- a. the probable victim of the criminal act of trafficking in human beings^{9f)9g)}(as of 1 September 2006), or
- b. a person for which illegal crossing of state border was arranged or enabled to, or ^{9g)9h)} whose testimony is significant for revealing the perpetrator or organized groups that are involved in organizing or enabling illegal crossing of state borders., under the condition that he/she cooperates with the authorities responsible for penal proceedings in course of prosecution of perpetrator suspected of committing this criminal act and does not cooperate with the suspect(s).

(2) A long-term residence permit for the purpose of receiving protection in the Territory can also be granted by the Ministry at the request of an alien whose petition regarding an obstacle to departing from the Territory has been acknowledged pursuant to special legal regulation (provisions)²⁾. (until 31 August 2006)

(3) The authorities responsible for penal proceedings must inform an alien that meets the criteria specified in Subsection (1) without delay, and in a language that he/she is capable of understanding (of comprehending), of his/her right to submit an application for a long-term residence permit for the purpose of receiving protection in the Territory and the conditions for this residence. An alien has a timeframe of 1 month as of the date he/she is informed as provided by the preceding sentence to decide whether he/she will cooperate with the authorities responsible for penal proceedings. Over the course of this timeframe, the alien cannot be expelled and his/her stay in the Territory cannot be terminated in any other manner.

^{9e)9f)} (as of 1 September 2006) Council Directive 2004/81/EC of 29 April 2004, on issuing a residence permit to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

^{9f)9g)} (as of 1 September 2006) Section 232a of the Penal Code

^{9g)9h)} (as of 1 September 2006) Section 171a of the Penal Code

The course of the timeframe does not have any impact on proceedings pertaining to the expulsion of the alien or his/her readmission (transfer) pursuant to any International Treaty that is included in the legal order of the Czech Republic.

(4) The application for the long-term residence permit for the purpose of receiving protection in the Territory is submitted by the alien to the Ministry.

(5) Together with the application for a long-term residence permit for the purpose of receiving protection in the territory, the alien is obliged (required) to submit his/her travel document (if one is held), even if the travel document has expired, a document proving that accommodation has been secured for the period of the aliens' stay in the Territory, and photographs. If an alien submits an application for a long-term residence permit for the purpose of receiving protection in the Territory as provided for in Subsection (1), the alien is also obliged (required) to submit (until 31 August 2006) – (as of 1 September 2006, will be replaced by) photographs, and confirmation provided by the authority responsible for penal proceedings that the conditions for submitting an application as provided for in Subsection (1) have been met.

Section 43

Long-Term Residence Permit for the Purpose of Exceptional Leave to Remain in the Territory

The Police will grant a long-term residence permit for the purpose of exceptional leave to remain in the Territory at the request of an alien who was granted a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory pursuant to Section 33 or special legal regulation (provisions)²⁾ (until 31 August 2006), under the condition that the alien's stay in the Territory will be longer than 1 year and the reasons for which the Visa was granted still exist.

Section 44

(1) The Police will issue a long-term residence permit to an alien in the form of a card of residence permit as defined by Section 78; the Police will indicate the purpose for which residence was granted in the card .

(2) An alien who is issued a long-term residence permit for the purpose of family reunification or studies in the Territory (Section 42d) on the basis of an application submitted at an Embassy must appear personally at the Police within 3 days of entering the territory in order to collect the card of residence permit. The decision on the basis of which the alien was granted long-term residence for the purpose of family reunification or studies becomes legally enforceable as of the date it is taken over from the Police.

(3) Section 79 (2) and Section 81 apply accordingly to the card of residence permit .

(4) The Police will issue the card of residence permit with a validity period as follows:

- a) the period that is required in order to attain the purpose of residence in the territory and is less than 1 year;
- b) 1 year, in the case of temporary residence for the purpose of studies that require residence of more than 1 year or a long-term residence permit for the purpose of exceptional leave to remain (as of 1 September 2006);
- c) in the case of family reunification, a period of time that corresponds to the validity of the card of residence permit (Subsection 1) that was issued to the holder of right (authorized sponsor) for family reunification, but for at least 1 year;
- d) 2 years in the case of family reunification, if the holder of right (sponsor authorized) for family reunification was issued a permanent residence permit;

- e) a period of time that corresponds to the period specified in the work permit;
- f) in the case of a family member of the resident of another European Union member state, for a period of time that corresponds to the validity of the card of residence permit that was issued to this resident; or
- g) corresponding to the period of time specified in the contract on the voluntary service of youth in a domestic host association if the long-term residence permit was granted for the purpose of studies in the territory pursuant to Section 42d; or (as of 26 June 2006)
- h) 2 years in all other cases.

(5) The Ministry issues a long-term residence permit for the purpose of receiving protection in the Territory with a validity period that corresponds to the time required to attain the reasons for the residence, however not for a period that is less than 6 months. (as of 26 June 2006)

Section 44a

(1) The validity period of the long-term residence permit can be renewed repeatedly , as follows :

- a. for the period specified in Section 44 (5);
- b. for no longer than the periods defined by Section 44 (4)(a), (4)(b), (4)(e) through 4(h);
- c. for the validity period of the long-term residence permit as specified by Section 44 (1), which was granted to a holder of right (sponsor authorized) for family reunification in the case of the validity of a long-term residence permit issued pursuant to Section 44 (4)(c);
- d. for a period of 5 years in the case of a long-term residence permit issued pursuant to Section 44 (4)(d).

(2) The validity of a long-term residence permit issued for the purpose of studies in the Territory (Section 42d) can be extended repeatedly, however not for a period of more than 2 years if it was issued for the purpose of training at a higher-level professional school or university studies. If the permit was granted for the purpose of unremunerated training, it can only be extended once for the period of time corresponding to the period specified in the contract on professional training with the domestic hosting organization. In all other cases, the validity of the permit is not extendable. (as of 26 June 2006)

(3) For the purposes of extending the validity of a long-term residence permit, the provisions of Section 35 (2) and (3), Section 36, Section 46 (3), and Section 47 apply accordingly.

(4) Together with the application for extending the validity of a long-term residence permit granted for the purpose of family reunification, the alien is obliged (required) to submit the supporting documents specified in Section 42b (1)(a), (1)(c), and (1)(d), and, in addition a Travel Medical Insurance Certificate for the period of the stay in the Territory; this provision does not apply if the alien has medical insurance pursuant to special legal regulation (provisions)⁵⁾ or if the alien proves that medical expenses will be paid in some other manner. If the holder of right (sponsor authorized) for family reunification has been granted asylum, the alien is obliged (required) to submit only a travel document. The validity of a long-term residence permit granted for the purpose of family reunification cannot be extended if the Police find any reasons to initiate proceedings on the cancellation of the validity of this permit (Section 46a).

(5) Together with the application for extending the validity of a long-term residence permit issued to a resident of another European Union member state, the alien is obliged (required) to submit the items specified in Section 42c (3), with the exception of the document

analogous to the criminal record extract issued by the alien's state (country) of citizenship or the state (country) in which the alien resided, and the medical report that the alien is not suffering from any Serious Disease. Together with the application for extending the validity of a long-term residence permit granted for the purpose of doing business, the alien is also (required) obliged to submit the items specified in Section 46 (7) or (8). Together with the application for extending the validity of a long-term residence permit granted for the purpose of employment in situations when a work permit is not required on the basis of special legal regulation (provisions)^{9h) 9i) (as of 1 September)}, the alien is also obliged (required) to submit an employment contract, contract of work or a contract for services, and the supporting documents specified in Section 31 (1)(a), (1)(d), (1)(e), and (1)(f).

(6) Together with the application for extending the validity of a long-term residence permit for the purpose of studies in the Territory, which has been granted pursuant to Section 42d, the alien is obliged (required) to submit:

- a) the supporting documents provided for in Section 31 (1)(a), (1)(b), (1)(d), and (1)(f);
- b) a Travel Medical Insurance Certificate for the period of the alien's stay in the Territory; this provision does not apply if the alien has medical health insurance pursuant to special legal regulation (provisions)⁵⁾ or if the alien proves that medical expenses will be paid in some other manner;
- c) in the case of university studies or unremunerated training, proof of sufficient resources for the stay in the Territory (Section 13); in all other cases, a document proving that the expenses for the alien's stay are being assumed by the domestic hosting organization; and
- d) if the alien is a minor, consent with the alien's stay in the Territory provided by his/her parent, other legal representative, or guardian as applicable.

(as of 26 June 2006)

(7) An application for extending the validity of a long-term residence permit granted for the purpose of receiving protection in the Territory is submitted to the Ministry. Together with the application, the alien is (required) obliged to submit the items specified in Section 43 (5), **(until 31 August 2006)** Section 42a(4), **(as of 1 September 2006)** with the exception of photographs, and, in the case of extending the validity period of a long-term residence permit granted pursuant to Section 42e (2), a document confirming the existence of obstacles that prevent the alien from leaving the country **(until 31 August 2006)**. If the alien's appearance has changed significantly, the alien is (required) obliged to also provide photographs upon request. **(as of 26 June 2006)**

Section 45

(1) An alien who intends to stay in the Territory for any other purpose than the one for which the alien's stay was originally permitted is obliged (required) to submit an application to the Police for a new long-term residence permit. A new long-term residence permit cannot be granted in the cases stated in Section 33 (1) or (3) **(as of 1 September 2006)**, with the exception of the cases specified in Section 42 (2).

(2) After staying in the Territory for a period of 5 years, an alien older than 18 years of age who was granted a long-term residence permit for the purpose of family reunification has the right to submit an application to the Police for a long-term residence permit for other purposes.

^{9h) 9i) (as of 1 September 2006)} Section 98 (m) of Act No. 435/2004 Coll. on employment, as amended by Act No. 161/2005 Coll.

(3) An alien who was granted a long-term residence permit for the purpose of family reunification and is the survivor of a deceased holder of right (authorized sponsor) for family reunification, has the right to submit an application to the Police for a long-term residence permit for other purposes if:

- a) as of the date of death of the holder of right (authorized sponsor) for family reunification, the alien has resided in the Territory continuously for a period of at least 2 years; the condition for continuous residence does not apply if, as a result of marriage to the holder of right (authorized sponsor) for family reunification, the alien lost citizenship of the Czech Republic; or
- b) the death of the holder of right (authorized sponsor) for family reunification resulted from a work-related accident or occupational illness.

(4) An alien who was granted a long-term residence permit for the purpose of family reunification and divorces the holder of right (authorized sponsor) for family reunification has the right to submit an application to the Police for a long-term residence permit for other purposes if, as of the date of the divorce, he/she has resided in the Territory continuously for a period of 2 years and the marriage lasted for a period of at least 5 years; the conditions for continuous residence and the length of the marriage do not apply if, as a result of marriage to the holder of right (authorized sponsor) for family reunification, the alien lost citizenship of the Czech Republic.

(5) Together with an application submitted pursuant to Subsection (3) or Subsection (4), the alien is obliged (required) to submit:

- a) a travel document;
- b) a document confirming that the conditions provided for in Subsection (3) or Subsection (4) have been met;
- c) a document confirming accommodation in the Territory;
- d) a document meeting the criteria specified in Section 42b (1)(d) or a work permit;
- e) a Travel Medical Insurance Certificate for the period of the stay in the Territory; this provision does not apply if the alien has medical health insurance pursuant to special legal regulation (provisions)⁵⁾ or if the alien proves that medical expenses will be paid in some other manner;
- f) a Criminal Record Extract as supporting material for determining a clean criminal record (Section 174); this provision does not apply to aliens younger than 15 years of age; and
- g) photographs.

(6) The right to submit an application for a long-term residence permit for any of the reasons provided for in Subsection (3) or Subsection (4) expires after 1 year as of the date the (right was acquired) reasons accrued.

(7) An alien who was granted a long-term residence permit for the purpose of receiving protection in the Territory has the right to submit an application to the Police for a long-term residence permit for another purpose. The Police will not grant a long-term residence permit for another purpose if (the Police) it find any reasons to cancel the validity of the long-term residence permit issued for the purpose of receiving protection in the Territory as provided for in Section 46c (1)(a) through (1)(d) (until 31 August 2006) (1)(c) (as of 1 September 2006)

(text of the Subsection as of 26 June 2006)

Section 46

(1) The provisions of Section 31 (1), Section 33, Section 34, Section 37, Section 38, Section 55 (1), Section 56, Section 58 (3), and Section 62 (1) that apply to a Visa for a stay longer than 90 days apply accordingly to a long-term residence permit.

(2) The provisions of Section 56 that apply to a Visa for a stay longer than 90 days apply accordingly to a long-term residence permit granted for the purpose of exceptional leave to remain in the Territory pursuant to Section 33 (1)(a).

(3) The provisions of Section 55 (1), Section 56 (1)(a) through (1)(c), (1)(e), (1)(g), and (1)(h), Section 56 (2)(a), and Section 62 (1) apply accordingly to a long-term residence permit granted for the purpose of family reunification.

(4) The provisions of Section 55 (1), Section 56 (1)(c), (1)(e), and (1)(h), Section 56 (2)(a), and Section 62 (1) that apply to a Visa for a stay longer than 90 days apply accordingly to a long-term residence permit granted to a resident of another European Union member state and his/her family member who has been permitted to stay in the Territory for the purpose of family reunification with this resident.

(5) The provisions of Section 37, Section 55 (1), Section 56 (1)(a) through (1)(c), (1)(e), (1)(g), and (1)(h), Section 56 (2)(a), and Section 62 (1) that apply to a Visa for a stay longer than 90 days apply accordingly to a long-term residence permit granted for the purpose of studies in the Territory (Section 42d). (as of 26 June 2006)

(6) Together with the application for a long-term residence permit for the purpose of employment, the alien is obliged (required) to submit the decision granting the work permit or the decision extending the validity of the work permit in addition to the items specified in Section 31 (1)(a) and (1d) through (1)(f).

(7) Together with the application for a long-term residence permit for the purpose of doing business, the alien is also obliged (required) to submit confirmation from the Tax Authorities of the Czech Republic that he/she does not owe any outstanding tax arrears and confirmation from the Regional Social Security Administration that he/she does not owe any social security or state unemployment insurance contributions (including penalties); for the purposes of this Act, a payable amount is also considered to include any amounts due for social security and state unemployment insurance contributions (including penalties) that the alien is permitted to pay in instalments pursuant to special legal regulation (provisions)^{9)i) 9)k)} (as of 1 September 2006). If the alien is not a taxable person nor payer of social security insurance and state unemployment contributions, the alien is (required) obliged to submit a document issued by the Tax Authorities of the Czech Republic or the Regional Social Security Administration confirming this fact.

(8) Together with the application for a long-term residence permit for the purpose of doing business pursuant to special legal regulation (provisions)^{8d)}, the alien is obliged (required) to submit a Trade License, Business License, or confirmation issued by the Trade Licensing Office confirming that the alien meets all the general and special conditions for performing a trade, together with the items specified in Subsection 7 and Section 31 (1)(a) and (1)(c) through (1)(f).

Section 46a

Cancellation of a Long-Term Residence Permit for the Purpose of Family Reunification

(1) The Police will cancel the validity of a long-term residence permit for the purpose of family reunification at an alien's request.

^{9)i) 9)k)} (as of 1 September 2006) Section 20a of Act No. 589/1992 Coll., on social security insurance and state unemployment contributions, as amended by Act No. 241/1994 Coll., Act No. 160/1995 Coll., Act No. 113/1997 Coll., and Act No. 492/2000 Coll.

(2) The Police will also cancel the validity of a long-term residence permit for the purpose of family reunification if:

- a) the alien was convicted upon a final judgment for committing an intentional crime;
- b) *another European Union member state or another Contracting State that has adopted the common expulsion procedures has decided to expel the alien from its territory^{9a)} due to the fact that the alien was sentenced to imprisonment for at least 1 year or a well-founded suspicion exists that the alien committed a serious crime or is preparing to commit a serious crime in the territory of any of the European Union member states or Contracting States that has adopted the common expulsion procedures, or if the alien has breached the legal provisions governing the entry and stay of aliens in their territory; (as of Schengen)*
- c) during the course of a residence control, the alien cannot provide proof of his/her ability to pay expenses related to medical care and cannot provide such proof even during the timeframe specified by the Police;
- d) it is determined that the alien, if allowed to stay further, would threaten the security of the Czech Republic or significantly disturb the country's public order;
- e) the alien no longer meets the conditions proven pursuant to Section 42b (1)(c) or (1)(d);
- f) the Police discover that the supporting documents provided together with the application for issuing (granting) or extending the validity of long-term residence for the purpose of family reunification are either forged or modified;
- g) the alien does not have accommodation secured in the Territory;
- h) the alien, if allowed to stay longer, could endanger public health due to the fact that he/she is suffering from a Serious Disease and this illness started prior to the alien's entry to the Territory;
- i) the alien is not fulfilling the purpose for which the permit was granted;
- j) it is determined that the alien concluded a marriage with the goal of obtaining this permit; this provision does not apply if a child is born out of this marriage or if a child is irrevocably adopted during the marriage; or
- k) the holder of right (authorized sponsor) for family reunification requests cancellation of his/her long-term residence permit or this permit was cancelled, under the condition that the consequences of the cancellation are adequate with the reasons why the validity is being cancelled. When evaluating the adequacy, the Police will primarily take into account the consequences of the cancellation on the alien's personal or family life.

(3) In its decision, the Police will specify a timeframe within which the alien is (required) obliged to depart from the Territory and will impose a departure order on the alien; the alien is obliged (required) to depart from the Territory within the specified period.

Section 46b
Cancellation of a Long-Term Residence Permit
Held by a Resident of Another European Union Member State

(1) The Police will cancel the validity of a long-term residence permit held by an alien who is a resident of another European Union member state^{7c)} at the alien's request.

(2) The Police will also cancel the validity of a long-term residence permit held by an alien who is a resident of another European Union member state if:

- a) the permit holder was convicted upon a final judgment for committing a significantly serious intentional crime;
- b) there exists a justified risk that the alien, if allowed to stay further in the Territory, would significantly disturb the country's public order or threaten the security of the Czech Republic;

- c) another European Union member state or another Contracting State that has adopted the common expulsion procedures has decided to expel this permit holder from its territory^{9a)} due to the fact that the alien was sentenced to imprisonment for at least 1 year or a well-founded suspicion exists that the alien committed a serious crime or is preparing to commit a serious crime in the Territory of any of the European Union member states or Contracting States that has adopted the common expulsion procedure; (as of Schengen)
- d) the permit holder is not fulfilling the purpose for which the permit was granted;
- e) during the course of a residence control, the permit holder cannot provide proof of his/her ability to pay expenses related to medical care and cannot provide such proof even during the timeframe specified by the Police;
- f) the permit holder does not have accommodation secured in the Territory;
- g) the permit holder cannot provide proof of the availability of monthly financial resources sufficient for ensuring subsistence and other basic needs for him/herself and other persons supported thereby and the required expenses for a household pursuant to special legal (provisions) regulation^{9c)9d)} (as of 1 September 2006); or
- h) the state that granted the permit holder's legal status as a resident of another European Union member state has decided to revoke this legal status and concurrently decided to cancel his/her permanent residence permit in its territory, under the condition that the consequences of this decision are adequate to (commensurate with) the reasons for cancelling the validity. When evaluating the adequacy, the Police will primarily take into account the consequences of the cancellation on the alien's personal or family life.

(3) If the validity of the long-term residence permit of a resident of another European Union member state is cancelled, the Police will also cancel the validity of the long-term residence permits granted to any of the alien's family members under the condition that this decision will be adequate (commensurate) from the point of view of impacting the alien's personal or family life. The Police will proceed against the family member of a resident of another European Union member state similarly in the event that the validity of the long-term residence permit of a resident of another European Union member state is cancelled on the basis of an expulsion order.

(4) In its decision, the Police will specify a timeframe within which the resident of another European Union member state or the family member thereof is obliged (required) to depart from the Territory and will impose a departure order on them ; the resident of another European Union member state or the family member thereof is obliged (required) to depart from the Territory within the specified period.

Section 46c - (as of 16 June 2006)
Cancellation of a Long-Term Residence Permit
for the Purpose of Receiving Protection in the Territory

(1) The Ministry will cancel the validity of a long-term residence permit granted for the purpose of receiving protection in the Territory^{9e) 9f)} (as of 1 September 2006), if:

- a) The alien no longer meets the conditions for this type of permit as provided for in Section 42e (1);
- b) *the Ministry decides to abolish the obstacles that prevent the alien from leaving the country pursuant to special legal regulation (provisions)²⁾; (until 31 August 2006)*
- c) b) it is necessary in order to protect public order or state security; or
- d) c) the alien requests the cancellation of the validity of the permit.

(2) In its decision on the cancellation of the validity of a long-term residence permit granted for the purpose of receiving protection in the Territory, the Ministry will specify a timeframe within which the alien is obliged (required) to depart from the Territory and will impose a departure order on the alien; the alien is obliged (required) to depart from the Territory within the specified period.

(3) The procedures specified in Subsection (2) do not apply if, as a result of the long-term residence permit for the purpose of receiving protection in the Territory being granted, the legal expulsion of the alien or the readmission (transfer) of the alien pursuant to an international treaty was postponed. In these circumstances, the Police will complete the expulsion of the alien or the readmission (transfer) of the alien pursuant to an international treaty.

(4) The authorities responsible for penal proceedings are obliged (required) to inform the Ministry without delay of any circumstances justifying terminating the validity of a long-term residence permit that was granted for the purpose of receiving protection in the Territory.

Section 47

(1) An alien is obliged (required) to file an application for a long-term residence permit no earlier than 120 days and not later than 14 days prior to expiration of a Visa for a stay longer than 90 days. In the event that the alien cannot submit the application within the period specified in the previous sentence due to reasons beyond the alien's control, the alien has the right to file the application within a timeframe of 3 working days after any such reasons cease to exist; the Visa will be deemed to be valid until this right expires.

(2) If the validity period of a Visa for a stay longer than 90 days expires prior to the time that a decision on the application for a long-term residence permit is made, even if the application was submitted within the timeframe specified in Subsection 1, the Visa will be deemed to be valid until the decision on the application becomes legally enforceable.

(3) An alien is also obliged (required) to submit an application for a long-term residence permit according to the provisions of Section 42 (3) within the period of validity of long-term residence permit issued by the Ministry of Foreign Affairs or during the period of his/her temporary stay as provided for in Section 18 (a) or (b) and within the period stipulated in section 1. . The provisions of Subsection 2 apply accordingly to the applications as specified above.

Section 48

For the purposes of paying healthcare expenses, if payment cannot be secured in any other manner, an alien, who has been granted leave to remain for the purpose of receiving temporary protection in the Territory according to special legal regulation (provisions)^{3a)} (hereinafter referred to as an "alien enjoying temporary protection"), is understood to be an alien who:

- a. was granted a Visa pursuant to Section 7 (1)(a) and Section 33 (1)(a) through (1)(d) (until 31 August 2006) Section 33 (1)(a) and (1)(b) and Section 33 (3) (as of 1 September 2006), or a long-term residence permit for the purpose of exceptional leave to remain in the Territory (Section 43);
- b. is included within the provisions of Section 42e (1), under the conditions and within the timeframe provided for in Section 42e (3) (until 31 August 2006) Section 42e (2) (as of 1 September 2006);
- c. submitted an application for a long-term residence permit for the purpose of receiving protection in the Territory; or

- d. who was granted long-term residence for the purpose of receiving protection in the Territory.
(points b., c., and d. – as of 26 June 2006)

Section 48a – (as of 26 June 2006)

(1) On the basis of a request submitted by an alien within the timeframe provided in Section 42e (3), by an alien who has applied for long-term residence for the purpose of receiving protection in the Territory, or by an alien who has been granted such permit, the Ministry will provide the alien with a financial contribution in an amount up to the subsistence minimum^{9c) 9d)} (as of 1 September 2006). The actual amount of this financial contribution is established based on the alien's assets. The financial contribution is provided as of the date the alien was informed of his/her rights as provided by Section 42e (3). The contribution is not provided during the period of time the alien is detained at a Facility.

2. An applicant who has submitted a request for a long-term residence permit for the purpose of receiving protection in the Territory has the right to remain in the Territory until such time that the decision on his/her application becomes legally enforceable.

3. For the period of time that a long-term residence permit for the purpose of receiving protection in the Territory is valid, the holder of this permit is considered to be an alien who has been granted permanent residence for the purpose of employment, self-employment, or studies.

Subpart 4

Section 49

**Temporary Stay in the Territory on the Basis of a Long-Term Residence Permit
Issued by the Ministry of Foreign Affairs**

(1) The Ministry of Foreign Affairs will grant long-term residence permits to staff members of a foreign embassy or an international governmental organization accredited in the Czech Republic, or to the family members thereof who are registered with the Ministry of Foreign Affairs. The maximum period for which such a permit can be issued is the validity period of their registration.

(2) A staff member of a foreign embassy or an international governmental organization accredited in the Czech Republic, or a family member thereof who is registered with the Ministry of Foreign Affairs, with the exception of persons staying in the Territory pursuant to Section 18 (a) or (b), is obliged (required) to apply for a long-term residence permit during his/her stay in the Territory of the Czech Republic on the basis of a Visa for a stay longer than 90 days that was granted to them for the purpose of filing an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs.

(3) A staff member of a foreign embassy or an international governmental organization accredited in the Czech Republic, or a family member thereof, will be allowed to stay in the Territory for the period stated in the long-term residence permit.

(4) The validity period of a long-term residence permit can be extended repeatedly.

(5) The Ministry of Foreign Affairs is authorized to declare a long-term residence permit as invalid.

Part 5

Temporary Stay in the Territory under a Departure Order

Section 50

Departure Order

(1) A departure order is a document issued by the Police within their official capacity after the validity of a Visa has been cancelled, after an application for a long-term residence permit has been denied, if a Visa expires after the validity of a long-term residence permit or permanent residence permit has been cancelled, after the temporary stay of a European Union citizen^{1a)} in the Territory has been cancelled, after the validity of a card of residence permit of a family member of a European Union citizen has been cancelled, after a temporary stay in the Territory for which no Visa is required has been terminated, after temporary protection in the Territory on the basis of special legal regulation (provisions)^{2),3a)} has been terminated, or in the event of administrative expulsion.

(2) A departure order can also be issued by the Ministry of Foreign Affairs after the validity period of a Diplomatic Visa or Special Visa (Section 41) has expired or been declared as invalid, after the validity of a long-term residence permit issued by this ministry (Section 49 (5)) has expired or been declared as invalid, or after a temporary stay in the Territory for which no Visa is required has been terminated. In addition, the ministry will impose a departure order after the validity of a long-term residence permit granted for the purpose of protection in the Territory or a permanent residence permit granted pursuant to Section 66 (1)(c) or Section 67 has been cancelled.

(3) A departure order allows the alien to temporarily remain in the Territory for the period of time that is necessary in order to perform any unavoidable acts and depart from the Territory.

(4) The period of time that an alien can remain in the Territory temporarily on the basis of a departure order cannot exceed 60 days. This period is established by the Police and specified in the departure order or, in the situations specified in Subsection (2) above, by the Ministry of Foreign Affairs or the Ministry.

(5) If the stay of a European Union citizen^{1a)} or a family member thereof is terminated, the period of time that the alien can temporarily remain in the Territory on the basis of a departure order as specified by the police or the Ministry of Foreign Affairs must be at least 1 month. The condition of establishing a minimum period for the stay does not apply if there is a substantiated risk that if the alien remains in the Territory he/she might endanger state security, significantly disrupt public order, or if it is determined that the alien suffers from a Serious Disease.

(6) The departure order includes information on the alien's identity, his/her travel document number, and the timeframe within which the alien is obliged (required) to depart from the Territory; in the interest of protecting state security, maintaining public order, protecting public health, or for the purposes of fulfilling the provisions of an International Treaty, the alien's departure from the Territory may be conditional on a specific border crossing point through which the alien must to depart from the Territory.

(7) A departure order is issued in the form of a sticker, which the Police, the Ministry, or the Ministry of Foreign Affairs affixes in a travel document; in justified cases, the departure order may be affixed outside a travel document.

Part 6
Common Provisions for Visas

Section 51

- (1) A Visa is understood to be a permit which, during the period of time it is valid, allows an alien to enter and remain in the Territory and to depart from the Territory unless provided for otherwise in this Act.
- (2) There is no statutory right to be granted a Visa.
- (3) A Visa is valid for the period indicated therein.
- (4) A Visa cannot be granted to a European Union citizen^{1a)}.
- (5) A Visa is considered as being granted once it is affixed.

Section 52

(1) In the interest of protecting state security, maintaining public order, protecting public health, or for the purposes of fulfilling the provisions of an International Treaty:

- a) a Visa may be conditional upon:
 1. specification of the border crossing point used for entering or departing the Territory;or
 2. a restriction of the territorial validity of the Visa to a certain place or part of the Territory;
- b) the validity period of a Visa may be reduced; and
- c) it may be requested that the Visa application be submitted at an Embassy in the alien's state (country) of citizenship, the state (country) that issued the alien's travel document, or the state (country) where the alien holds permanent or long-term residence.

(2) When the conditions as provided for in Subsection 1 above are established, the reasons for establishing the conditions must be adequate to (commensurate with) the consequences thereof. When evaluating the adequacy, the Police will primarily take into account the consequences of the impact the conditions will have on an alien's personal or family life.

Section 53

(1) An application for a Visa is to be submitted at an Embassy, unless provided for otherwise in this Act. An application for a Visa must be submitted on an official form.

(2) An Embassy will deny an application for a Visa for a stay longer than 90 days if an alien fails to submit the required items. The Embassy will record the denial and specify the reasons why the application was denied.

Section 54

In the Visa application, an alien is obliged (required) to state his/her name and surname; other names; sex; day, month and year of birth; place and country of birth; current country of citizenship and country of citizenship at the time of birth; the names and surnames

of his/her father and mother; his/her family status; his/her place of permanent residence abroad and a telephone number; the type, number, and issue and expiry dates of his/her travel document, including information on the authority that issued it; and, if the alien holds a residence permit in another country, information on whether the alien is allowed to return to its territory, including information on the issue number and validity of the relevant residence document; his/her occupation; his/her employer and the employer's address, including a telephone number (if the alien is a student, the name and address of the school that is being attended); the alien's trip destination; the type of Visa being requested; the period of time the alien will remain in the Territory; the number of entries to the Territory and the purpose thereof; the alien's anticipated arrival and departure dates; the place of entry to the Territory; in the case of transit, the alien's route and information on whether the alien has been granted the appropriate permission to enter the territory of his/her destination country, including the validity of this leave and information on the authority that issued the permit; the intended means of transport; the manner in which the alien will pay any costs associated with his/her stay; his/her address while in the Territory, including a telephone number or some other means of contact; information on the inviting person, if applicable, including name, surname, and residence address in the Territory for a natural person, or, in the case of a legal entity, the commercial name, registered office, and the name and surname of the authorized representative; more detailed information on the purpose of the stay in the Territory; information on any Visas granted within the past 3 years, including their validity periods; information on any of the alien's previous stays in the territories of the Contracting States; and information on the alien's spouse and children, including their names and surnames, other names, and day, month, year and location of their birth.

Section 55

Required Items for Visa Application

(1) The items that must be included with the Visa application cannot be older than 180 days, with the exception of the alien's travel document, any documents provided by a registry of vital statistics, and photographs of the alien, under the condition that the photograph corresponds to his/her actual appearance.

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

Section 56

Reasons for Denying a Visa Application

(1) With the exception of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory granted pursuant to *Section 33 (1(b)) (until 31 August 2006)* Section 33 (3) (as of 1 September 2006), the Police or Embassy will not grant a Visa to an alien if:

- a) the alien, at the request of the Police or Embassy, fails to appear for an interview, fails to submit any documents required for verification of the information stated in the Visa application within the specified timeframe, or if the verification of the information is not successful in spite of the fact that an interview was conducted and the submitted documents evaluated;
- b) the alien fills in the Visa application illegibly, incompletely, or untruthfully;
- c) the alien is included in the register of undesirable persons;
- d) evidence indicates that the costs associated with the alien's stay in the Territory would be borne by the Czech Republic;

- e) the alien fails to present the items that must be included with the Visa application, or submits forged or modified items;
- f) in the case of an application for a Visa for a stay of more than 90 days for the purpose of employment, the alien specifies only the reference number of his/her application for a work permit and information on the employment authority with whom the application was submitted, and the employment authority does not grant the work permit;
- g) in the case of an application for a Visa for a stay of more than 90 days for the purpose of doing business pursuant to special legal regulation (provisions)^{8d)}, the alien specifies only the reference number of his/her notification of performing a trade or application for a business license and information on the trade licensing authority that was notified of the performance of a trade or with whom the application was submitted, and the trade licensing authority does not issue confirmation that this alien meets all general and special conditions for performing a trade;
- h) any of the facts specified in Section 9 (1)(d) through (1)(j), (1)(l), (1)(m), or (1)(n) or in Section 9 (2)(b) are found to be true;
- i) facts are discovered that indicate that the alien will not depart from the Territory after the stay allowed on the basis of the Visa has terminated or that the alien intends to use the Visa for a purpose other than that for which the Visa was requested;
- j) prior to the time that the Visa is affixed in the travel document, the alien does not submit a Travel Medical Insurance Certificate for the period of time that he/she will remain in the Territory, with the exception of those cases specified in Section 6(9); or
- k) the alien's stay in the Territory is not in the Czech Republic's foreign policy interests or any other significant obstacle to the alien's stay in the Territory is discovered.

(2) With the exception of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory pursuant to *Section 33 (1)(b) (until 31 August 2006) Section 33 (3) (as of 1 September 2006)*, the Police or Embassy will not grant a Visa to an alien if:

- a) the alien fails to prove a clean criminal record if this is a required criterion for the Visa;
 - b) the validity period of the alien's travel document does not exceed the period of his/her stay in the Territory as provided by the requested Visa by at least 90 days; or
 - c) the alien has breached any obligation provided by this Act within the past 5 years;
- under the condition that the consequences of this decision are adequate to (commensurate with) the reasons for not granting a Visa. When evaluating the adequacy, the Police will primarily take into account the consequences of the denial on the alien's personal or family life.

(3) The reasons specified in Subsections (1) and (2) above will not be taken into consideration if the Visa is to be issued in the interest of the Czech Republic or in the interest of fulfilling an international obligation.

Section 57

(1) Prior to granting a Visa, an Embassy is obliged (required) to request the Police for its opinion. If the Police do not give their consent, the Visa cannot be granted. If the Embassy does not issue a Visa despite the fact that the Police give their consent, the Embassy is obliged (required) to notify the Police of this fact and specify the reasons for the denial without undue delay.

(2) Prior to sending an application for a Visa for a stay longer than 90 days to the Police, an Embassy has the right to express its opinion on this application. The Police will

take this opinion into account during the process of granting the Visa. If, prior to the time that the Visa is placed in the travel document, the alien does not submit a Travel Medical Insurance Certificate and the Visa is not granted for this reason, the Embassy will notify the Police of this fact; this provision does not apply in the circumstances specified in Section 6 (9).

(3) An Embassy has the right to conduct an interview with a Visa applicant.

Section 58

Affixing a Visa in a Travel Document

(1) Unless provided for otherwise in this Act, the Visa will be affixed in a travel document by an Embassy.

(2) In justified cases, the Visa may be affixed outside a travel document.

(3) In the case of a Visa for a stay longer than 90 days, multiple purposes for the stay can be indicated.

Section 59

Repealed

Section 60

(1) An alien will file an application for extending the period of leave to remain in the Territory associated with a Visa or for extending the validity of a Visa with the Police.

(2) In the case of long-term Visas, an alien has the right to apply for an extension of the period of leave to remain in the Territory associated with a Visa or an extension of the validity of a Visa no earlier than 120 days and no later than 14 days prior to the expiration of the period of leave to remain in the Territory or the validity of a Visa. In the case of short-term Visas, this timeframe is no earlier than 30 days and no later than 3 days.

(3) In the event that an alien cannot submit the application within the timeframe provided for in Subsection (2) above due to reasons beyond the alien's control, the alien has the right to submit the application within 3 working days of the date on which these reasons cease to exist. A Visa will be considered as valid until the right referred to in the preceding sentence expires.

(4) If the validity period of a long-term Visa or the period of leave to remain associated with a long-term Visa expires prior to a decision being made on the extension thereof, even though the application was filed within the period referred to in Subsection 2 or Subsection 3, the Visa will be considered valid and the period of leave to remain with such a Visa will be considered to have been extended until such a decision becomes effective.

(5) Unless provided for otherwise in this Act, the validity period of a Visa cannot be extended.

(6) The reasons why an application to extend the period of leave to remain in the Territory based on a Visa or extend the validity period of a Visa can be denied are the same as those for which a Visa application can be denied.

(7) If the decision regarding an application for a Visa for a period longer than 90 days for the purpose of exceptional leave to remain in the Territory as defined by Section 33 (1)(e) **(until 31 August 2006) (1)(c) (as of 1 September 2006)** is not made during the time that the alien is permitted to stay in the Territory, the alien's further stay in the Territory will be considered as a stay on the basis of this Visa up until such time that a decision is made on the application.

Section 61

Cancellation of the Validity of a Short-Term Visa

(1) The Police will cancel the validity of a short-term Visa if the alien:

- a) does not fulfil the purpose for which the Visa was granted; or
- b) requests cancellation of the Visa.

(2) The Police will cancel the validity of a short-term Visa if:

- a) the alien intentionally endangers public order;
- b) the alien breaches any of the obligations provided for in this Act;
- c) the alien no longer meets the conditions for granting a Visa;
- d) while performing a residence control, the Police determine the existence of any of the facts specified in Section 9 (1)(g), (1)(h) or (1)(i);
- e) the alien's travel document has been declared invalid or stolen by the applicable authorities of the country that issued the travel document; or
- f) during the course of a residence control, () the alien is not capable to prove his/her ability to pay expenses related to medical care and cannot provide such proof even within the timeframe provided by the Police;

under the condition that the consequences of this decision on the alien's personal or family life are adequate (commensurate) to (with) the reasons for cancelling the Visa.

(3) The validity of a Visa can be cancelled on the basis of a departure order; the alien will be required to depart from the Territory within the timeframe specified by the departure order. The Police have the right to mark the fact that the validity of a Visa has been cancelled in the Visa.

Section 62

Expiration of Visa Validity

(1) A Visa expires immediately at the time a decision on judicial expulsion¹⁰⁾ or a decision on administrative expulsion becomes legally enforceable.

(2) The validity of a Visa for a stay longer than 90 days, which has been granted pursuant to Section 30 (2), expires when a permanent residence permit, long-term residence permit for the purpose of family reunification or studies in the Territory, or a long-term residence permit issued by the Ministry of Foreign Affairs is received.

(3) The validity of a Visa for a stay longer than 90 days for the purpose of receiving protection in the Territory, which has been granted pursuant to Section 33 (3), expires as of the date the ruling for granting asylum or subsidiary protection pursuant to special legal provisions²⁾ becomes legally enforceable. (as of 1 September 2006)

¹⁰⁾ Section 57 of Act No. 140/1961 Coll., Penal Code, as amended

(3)(4) The validity of a Visa granted pursuant to Section 22 (4)(a), Section 24 (3)(a), or Section 33, or the validity of a single-entry Visa granted pursuant to Section 22 (4)(b) or Section 24 (3)(b), expires at the time the alien departs from the Territory. The validity of a Visa granted pursuant to Section 22 (4)(b) or Section 24 (3)(b) expires at the time the alien departs from the Territory a second time. The validity of other types of Visas remains unaffected if the alien departs from the Territory.

Section 63

An alien is obliged (required) to appear personally at the request of the Police or an Embassy in order to provide explanations prior to a Visa being granted and to submit any such explanations.

Section 64

Studies

(1) For the purposes of this Act, studies are understood to mean:

- a) *studies at a primary or secondary school, professional college, university, or secondary vocational school; (until 25 June 2006)*
- a) education received at a primary or secondary school, conservatory, or professional college or university studies; (as of 26 June 2006)
- b) participation in a language or professional program in preparation for attending an accredited university study program organized by a public university, or participation in a language or professional course organized under an European Union program or on the basis of an International Treaty;
- c) consultations and experience exchanges, reciprocal educational stays, and participation in artistic, methodological, or other specialized courses and educational activities that are within the scope of competence of the Ministry of Education, Youth and Sports or the region;
- d) *professional practical training aimed at allowing the alien to obtain practical, professional experience during the period of his/her studies at a local or foreign university, secondary school or college, vocational school, training centre or specialized school, or during a period of no more than 5 years after completion of his/her studies at a university, or no more than 3 years after completion of his/her studies at a secondary school or college, vocational school, or specialized school and carried out within the framework of a local hosting organization. This professional, practical training must be organized or coordinated by a Czech university, the Academy of Sciences of the Czech Republic, a secondary school or college, vocational school, training centre, specialized school, or a relevant organization accredited by the Ministry of Education, Youth and Sports; (until 25 June 2006)*
- d) professional practical training aimed at allowing the alien to obtain practical, professional experience during the period of his/her studies at a local or foreign university, education at a secondary school or college, vocational school, or conservatory; or during a period of no more than 5 years after completion of his/her studies at a university, or no more than 3 years after completion of his/her studies at a secondary school or college, vocational school, or conservatory and carried out within the framework of a local hosting organization. This professional, practical training must be organized or coordinated by a Czech university, the Academy of Sciences of the Czech Republic, a secondary school or college, vocational school, conservatory, or a relevant organization accredited by the Ministry of Education, Youth and Sports; (as of 26 June 2006)
- e) professional practical training and voluntary service for young people aimed at allowing the alien to obtain practical, professional experience and carried out within the framework of a local hosting organization, under the condition that it forms part of a project within

the framework of a European Union program or initiative and is organized or coordinated by a Czech organization accredited for this purpose by the Ministry of Education, Youth and Sports; and

- f) experience exchanges and educational stays for persons responsible for educating and developing human resources, under the condition that these activities are included within the framework of a European Union program or initiative or within the framework of an International Treaty.

(2) For the purpose of granting a long-term residence permit for the purpose of studies in the Territory (Section 42d), education at a secondary school or college, or conservatory is understood to include only education within the framework of an exchange program included within the framework of a local hosting organization and professional training that is unremunerated. (as of 26 June 2006)

CHAPTER IV PERMANENT RESIDENCE IN THE TERRITORY

Part 1

Section 65

(1) An alien will be allowed to reside on grounds of a permanent residence in the Territory on the basis of:

- a) a permanent residence permit; or
- b) a ruling made by the appropriate authorities on placing an alien in foster care^{10a)}, under the condition that the provisions specified in Section 87 (1) are fulfilled.

(2) The provisions of this Chapter do not apply to a European Union citizen^{1a)} or the family members thereof.

Permanent Residence Permit

Section 66

(1) Aliens who meet the following criteria are eligible to receive a permanent residence permit without the condition of a previous continuous stay in the Territory:

- a) an alien who applies for this permit for humanitarian reasons, specifically:
 - 1. if he/she is a spouse of a refugee and the marriage took place prior to the time the refugee entered the Territory;
 - 2. is minor child of a refugee or a child that is dependent on the refugee for care if he/she does not apply for asylum; or
 - 3. is a former citizen of the Czech Republic;
- b) an alien who applies for this purpose for other reasons that are worthy of consideration;
- c) at an alien's request if the residence of this alien is in the Czech Republic's interest; or
- d) an alien who applies for this permit as the minor child or dependent adult child of an alien who resides in the Territory on the basis of a permanent residence permit, if the reason for the application is the reunification of these aliens.

^{10a)} The Family Act No. 94/1963 Coll., as amended.

(2) In addition, a permanent residence permit will be granted at the request of an alien whose previous permanent residence in the Territory was cancelled due to the reasons specified in Section 77 (1)(c) or (1)(d), under the condition that not more than 3 years have passed since the decision became legally enforceable.

Section 67

(1) A permanent residence permit will be granted after 4 years of continuous residence in the Territory to an alien who is residing in the territory on a temporary residence permit after the end of *asylum proceedings (until 31 August 2006) proceedings for granting international protection (as of 1 September 2006)*, and:

a) applies for this permit immediately after the asylum proceedings have ended; and
b) these proceedings, including any subsequent appeal proceedings, lasted a minimum of 2 years.

(2) The period of continuous residence as specified in Subsection 1 includes any period of residence on the basis of a Visa for a stay longer than 90 days, a long-term residence permit, and the period of residence during the asylum proceedings, including any subsequent proceedings on his/her cassation complaint.

(3) Continuous residence is maintained as long as the alien submitted *an application for asylum (until 31 August 2006) an application for international protection (as of 1 September 2006)* no later than 7 days after the end of temporary residence on the basis of a long-term Visa or a long-term residence permit.

(4) The condition of continuous residence and the condition for the length of the asylum proceedings can be waived, if the application for permanent residence in the Territory is submitted by a minor child, and adult dependent, or an alien who has been judged as incompetent for performing legal acts and has been placed in the care of an alien applying for permanent residence pursuant to Subsection (1).

Section 68

(1) A permanent residence permit will be granted after 5 years of continuous residence in the Territory at an alien's request.

(2) The period of continuous residence as specified in Subsection 1 includes any period of residence on the basis of a Visa for a stay longer than 90 days, a long-term residence permit, or the period of residence on the basis of subsidiary protection granted pursuant to special legal regulation (provisions)²⁾ (as of 1 September 2006). This period does not include any periods during which the alien resided in the territory on the basis of being assigned to the Territory by a foreign employer, legal entity, or natural person; any time spent in the Territory for the purpose of studies is counted at half-weight.

(3) The period of continuous residence as specified in Subsection 1 even includes any periods during which the alien was not present in the Territory, under the condition that any such individual period did not exceed 6 continuous months and the combined period did not exceed 10 months, and also includes any periods during which the alien was not present in the Territory due to the fact that the alien was sent to work abroad and this period did not exceed 12 continuous months. Continuous residence is also considered as having been maintained if the alien is not present in the Territory for a period that does not exceed 12 continuous months due to serious reasons, specifically pregnancy and childbirth, critical illness, studies, or

professional training, whereby this period is not included in the period of residence as provided for in Subsection.

(4) An application for a permanent residence permit can also be submitted by an alien who, at the time the conditions provided for in the preceding Subsections are met, is residing outside of the Territory. If the validity of the alien's long-term residence permit expires at a time when the alien is not present in the Territory, the alien is required to submit the application by no later than 6 months after the validity of the permit expires.

Section 69

(1) An application for a permanent residence permit as provided for in Section 66 is submitted at an Embassy unless provided for otherwise below.

(2) An application for a permanent residence permit as provided for in Section 66 (1)(a) or (1)(b) can also be submitted to the Police, if the alien who is to receive the permanent residence permit:

a) resides in the Territory within the framework of temporary residence and

1. is the minor child or adult dependent child of an alien who resides in the Territory on the basis of a long-term residence permit and the reason for the permanent residence permit application is the reunification of these aliens; or

2. is the spouse or minor child of an alien who was granted asylum for the reasons provided for in special legal regulation (provisions)¹¹⁾;

b) resides in the Territory on the basis of a Visa for a stay longer than 90 days or a long-term residence permit; or

c) resides in the Territory on the basis of a long-term residence permit for the purpose of receiving protection in the Territory, if this alien's cooperation with the authorities responsible for penal proceedings contributed to proving that the criminal act of trafficking in people was committed or proving that the illegal crossing of state borders was organized or enabled .

(3) An alien submits the application for a permanent residence permit as provided for in Section 66 (1)(c) to the Ministry if the alien resides in the Territory on the basis of temporary residence; aliens requesting a permanent residence permit pursuant to Section 67 also submit their applications to the Ministry.

(4) Aliens requesting a permanent residence permit pursuant to Section 68 (1) submit their applications to the Alien Police; applications pursuant to Section 68 (4) can also be submitted at an Embassy.

Section 70

(1) The application for a permanent residence permit must be submitted on an official form. In the application, the alien is obliged (required) to specify:

a) his/her first name, surname, and any other names; any other previous surnames; day, month and year of birth; place and country of birth; country of citizenship; family status; highest education attained; occupation; last employment prior to entering the Territory (position, employer's name and address); purpose of the alien's stay in the Territory; employment after entering the Territory (position, employer's name and address); last place of residence abroad; residence address in the Territory; any previous stays in the Territory longer than 3

¹¹⁾ Section 12 of Act No. 325/1999 Coll., as amended by Act No. 2/2002 Coll.

months (reason for the stay and place of residence); date of entry to the Territory; travel document number and expiration date;

- b) spouse's first name, surname, and any other names; any previous surnames, date of birth; place and country of birth; residence address; and occupation;
- c) first name, surname, and any other names; date of birth; place and country of birth; residence address; and occupation of the alien's parents;
- d) first name, surname, and any other names; date of birth; place and country of birth; residence address; and occupation of all the alien's children; and
- e) first name, surname, and any other names; date of birth; place and country of birth; residence address; and occupation of all the alien's siblings;

(2) Together with the application for a permanent residence permit, the alien is obliged (required) to submit the following items:

- a) photographs;
- b) travel document;
- c) document confirming the purpose of the stay in the Territory; i.e., birth certificate, marriage certificate, or other document confirming a family relationship, document proving that the alien was a citizen of the Czech Republic in the past¹⁾; this provision does not apply to aliens applying for a permanent residence permit pursuant to Section 68;
- d) document proving the availability of sufficient funds for permanent residence in the Territory (Section 71 (1)); this provision does not apply to an alien who is applying for a permanent residence permit pursuant to Section 67, or an alien as defined in Section 87 who is applying for a permanent residence permit at the age of 18 for the reasons provided for in Section 66 (1)(a);
- e) a Criminal Register Extract and a similar document issued by alien's state (country) of citizenship or the state (country) of which the alien is a permanent resident, as well as by any other states (countries) in which the alien has stayed during the last 3 years for a continuous period of more than 6 months as background material for determining a clean criminal record; if a country does not issue a document of this kind, the alien can submit an honourable declaration in its stead. This provision does not apply to an alien younger than 15 years of age. An alien over 15 years of age who has been granted a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory or a long-term residence permit for the purpose of exceptional leave to remain in the Territory or an alien who was granted subsidiary protection pursuant to special legal regulation (provisions)²⁾(as of 1 September 2006) is required to submit only a Criminal Register Extract. An alien who is applying for a permanent residence permit pursuant to Section 67 does not submit a document similar to the Criminal Register Extract issued by the alien's country of citizenship or the country in which the alien resided;
- f) a document proving that the alien has secured accommodation in the Territory (Section 71 (2)); and
- g) consent provided by the minor alien's parent, or other legal representative or guardian as applicable, with the minor's permanent residence in the Territory, if family reunification is not intended with this specific parent, legal representative, or guardian..

(3) An alien who is the spouse or minor child of a refugee²⁾ or a child that is dependent on the refugee for care, or an alien who is applying for a permanent residence permit pursuant to Section 66 (1)(a) or (1)(b) and is staying in the Territory on the basis of a long-term residence permit for the purpose of receiving protection in the Territory, is obliged (required) to submit the items specified in Subsection (2)(a) through (2)(c) and (2)(f) together with the application for a permanent residence permit.

(4) An alien applying for a permanent residence permit pursuant to Section 66 (1)(a) or (1)(c) or Section (66)(2) is obliged (required) to submit a medical report certifying that the

alien is not suffering from a Serious Disease if requested by the Embassy or the Police. A medical report can only be requested if a well-founded suspicion exists that the alien is suffering from a Serious Disease.

Section 71

(1) For the purpose of proving sufficient resources for permanent residence in the Territory, acceptable proof is considered to be a document proving the availability of monthly financial resources sufficient for ensuring subsistence and other basic needs for the applicant and other persons supported thereby and the required expenses for a household pursuant to special legal regulation (provisions)^{9c)9d)} (as of 1 September 2006). In the case of an alien as defined by Section 66, this document can be substituted by a document that promises that the resources required for ensuring permanent residence in the Territory will be provided from the public budget.

(2) For the purpose of proving that accommodation has been secured as provided for in Section 70 (2)(f), acceptable proof is considered to be a document proving the alien's ownership of a flat or house, a document authorizing the alien's use of a flat, or the officially notarized signature of an authorized person providing written consent with providing the alien with accommodation. A notarized signature is not required if the authorized person signs the document before the Police or an authorized employee of the Ministry.

Section 72

The items that must be included with the application for a permanent residence permit cannot be older than 180 days, with the exception of the alien's travel document, birth certificate, marriage certificate, and photographs of the alien, under the condition that the photograph corresponds to his/her actual appearance.

Section 73

The Police or Ministry will notify the Central Office of the General Insurance Company of the Czech Republic (Všeobecná zdravotní pojišťovna) without delay of the date on which the decision on granting a permanent residence permit, or on the cancellation thereof, becomes legally enforceable in order that the Central Register of Insured Persons¹²⁾ maintained by the General Insurance Company can be updated.

Section 74

(1) An alien is obliged (required) to appear in person to pick-up the residence permit card within 3 working days of entering the Territory.

(2) In lieu of receiving a printed copy of the decision, the alien will be issued a card of residence permit^{12a)}. Together with this card of residence permit, the alien will also be provided with confirmation of leave to remain in the Territory.

Reasons for the Denial, Expiration, and Cancellation of a Permanent Residence Permit

¹²⁾ Section 27 of Act No. 592/1992 Coll., the General Health Insurance Contributions Act, as amended by Act No. 15/1993 Coll., Act No. 59/1995 Coll., Act No. 176/2002 Coll., and Act No. 438/2004 Coll.

^{12a)} Section 151 of Act No. 500/2004 Coll.

Section 75

(1) The Police will deny an application for a permanent residence permit if:

- a) an alien fails to present the items required by Section 70 (2)(a) through (2)(c), (2)(e), (2)(f) or (2)(g);
- b) an alien submits forged or modified information together with the application;
- c) in the case of a polygamous marriage, a holder of right (sponsor authorized) for family reunification already lived in the Territory with another spouse;
- d) an alien is included in the register of undesirable persons;
- e) an alien applying for a permanent residence permit pursuant to Section 66 is suffering from a Serious Disease;
- f) the existence of any of the facts specified in Section 77 (1)(a) or (1)(e) is determined during the proceedings; or
- g) any of the conditions specified in the application for permanent residence permit pursuant to Section 66 are not confirmed or the conditions provided for in Section 67 or Section 68 are not met.

(2) The Police or Ministry will also deny an application for a permanent residence permit if:

- a) ***the alien is included in the Schengen Information System; - (valid as of Schengen)***
- b) the alien fails to present a document confirming the availability of funds to cover permanent residence in the Territory;
- c) the alien fails to meet the condition of a clean criminal record (Section 174);
- d) the existence of any of the facts specified in Section 77 (2)(f) is determined during the proceedings;
- e) a well-founded suspicion exists that the alien might endanger state security or significantly disturb public order; or
- f) the alien has significantly disturbed public order or endangered the security of another European Union member state,
under the condition that the consequences of this decision on the alien's personal or family life are adequate (commensurate) to the reasons for the decision.

(3) The reasons specified in Subsections 1 and 2 will not be considered if the permanent residence permit is to be issued in the interest of the Czech Republic or for reason of fulfilling international obligations. ***In the case of the reason specified in Subsection (2)(a) above, the Police will discuss the issuance of a permanent residence permit with the Contracting State that entered the alien in the Schengen Information System , and, during the subsequent proceedings, the Police will consider the facts that led to the alien's inclusion in this system. If the residence permit is issued, the Police will notify the Contracting State that included the alien in the information system of this fact. (as of Schengen)***

Section 76

The validity of a permanent residence permit expires if:

- a) citizenship of the Czech Republic is acquired;
- b) a judgment imposing a penalty of judicial expulsion¹⁰⁾ on the alien or a decision on administrative expulsion becomes legally enforceable;
- c) another European Union member state grants the alien the status of legal resident in another European Union member state^{7(c)}; or
- d) the alien dies or a court ruling declaring the alien as deceased becomes legally enforceable.

Section 77

(1) The Police or the Ministry will cancel the validity of a permanent residence permit if:

- a) they determine that the alien entered into marriage solely with the aim of obtaining a permanent residence permit; this provision does not apply if a child is born out of the marriage or had been irrevocably adopted by the married couple;
- b) the alien was granted the permanent residence permit on the basis of forged or modified supporting documents ;
- c) the alien resides outside of the territory of the state of the European Union for a continuous period of more than 12 months, unless this absence was the result of serious reasons, specifically pregnancy and childbirth, a critical illness, studies or professional training, or a job assignment abroad;
- d) the alien resides outside of the Territory for a continuous period of more than 6 years;
- e) the cancellation is justified for the purpose of meeting obligations ensuing from an International Treaty; or
- b) the alien requests the cancellation.

(2) The Police or the Ministry will also cancel the validity of a permanent residence permit if:

- a) the alien repeatedly disturbs public order or the rights and freedom of others in a significant manner, or if there is substantiated risk that the alien might endanger state security;
- b) the reasons why the permanent residence permit were granted pursuant to Section 66 (1)(a)(1) or Section 66 (1)(b) cease to exist within a period of five years after the permit is granted;
- c) the validity of the permanent residence permit held by the statutory representative who was taking care of the alien holding this permit is cancelled;
- d) the alien fails to fulfil the obligations provided for in Section 88 (3);
- e) the alien had been convicted upon a final judgment by a court of the Czech Republic to imprisonment for a period of more than 3 years for a wilfully committed crime; or
- f) **another European Union member state or another Contracting State that has adopted the common expulsion procedures has decided to expel the alien from its territory^{9a)} due to the fact that the alien was sentenced to imprisonment for at least 1 year or a well-founded suspicion exists that the alien committed a serious crime or is preparing to commit a serious crime in the territory of any of the European Union member states or Contracting States that has adopted the common expulsion procedures, or if the alien has breached the legal provisions governing the entry and stay of aliens in their territory, (as of Schengen)**

under the condition that the consequence of this decision on the personal or family life are adequate to (commensurate with) the reasons behind this decision.

(3) In its decision on the cancellation of a permanent residence permit pursuant to Subsections (1) and (2) above, the Police or the Ministry will specify a timeframe within which the alien is obliged (required) to depart from the Territory and will impose a departure order on the alien; the alien is required to depart from the Territory within the specified period.

Section 78

Card of Residence Permit

(1) A card of Residence permit is a public instrument issued by the Police.

(2) A card of residence permit is issued as:

a) a separate document; or

b) in the form of a sticker that is affixed in the alien's travel document.

(3) A card of residence permit is used by its holder to prove his/her name, surname, and any other names; the type of residence, birth register number; and other information pertaining to the residence allowed in the Territory. If it is issued as a separate document, the holder also uses the card of residence permit to prove date and place of birth, and country of citizenship.

Section 79

Recording Data (Information) in a Card of Residence Permit and Its Validity Period

(1) The card of residence permit will contain all of the information defined in Section 78 (3).

(2) If the alien has been issued a birth certificate or a marriage certificate by the appropriate authorities of the Czech Republic, the name and surname as specified in such document will be specified. In all other cases, the alien's name, surname, and other names will be specified in the same way they are stated in Roman letters in the alien's travel document.

(3) If, on the basis of a court ruling, an alien is declared to be either partially incompetent or fully incompetent for the purpose of performing legal acts, the Police will indicate this fact in the travel document after the court's decision becomes legally enforceable.

(4) A card of residence permit is issued with a validity period equal to 10 years. The card of residence permit's validity can be extended for the same period of time repeatedly.

Section 80

Extending the Validity of a Card of Residence Permit

(1) An alien is obliged (required) to submit an application to the Police for an extension of the validity of a card of residence permit during a timeframe of 90 days prior to the expiration of the document's validity. In justified cases, this application can be submitted earlier.

(2) If an alien is prevented from submitting the application within the timeframe specified in Subsection (1) above due to reasons that are beyond the alien's control, the alien is obliged (required) to submit the application within 3 working days after these reasons cease to exist.

(3) The Police will not extend the validity period of a card of residence permit, if it determines the permanent residence permit should be cancelled pursuant to Section 77.

Section 81

Requirements for Extending the Validity of a Card of Residence Permit

When submitting an application for an extension to the validity of a card of residence permit, the alien is obliged (required) to include a travel document. If the applicant's appearance has changed, photographs corresponding to the alien's actual appearance must also be submitted.

Section 82

(1) When submitting an application for the issuance of a card of residence permit as a replacement for one that has been lost, destroyed, stolen, or damaged, an alien is required to submit photographs, a travel document, the damaged card of residence permit or confirmation issued by the Police stating that the loss or theft have been reported. The same procedure to an application for an extension to the validity of a card of residence permit and this change can no longer be indicated in the document or any application for the issuance of a card of residence permit after its validity expires as provided for in Section 86 (2).

(2) When changes are made to the of residence permit, the same procedures are followed as at the time of original issue. Photographs are required only if the applicant's appearance has changed.

Part 2

Legal Status of Long-Term Residents of the European Community in the Territory

Section 83

(1) Within its decision on a permanent residence permit, the Police will grant the alien legal status as a long-term resident in the European Communities in the Territory^{7c)} (hereinafter "Resident in the Territory"), if the alien:

- a) meets the condition of 5 years of continuous residence in the Territory (Section 68);
- b) has not significantly disturbed public order or endangered the state security of the Czech Republic or any other European Union member state; and
- c) provides proof of sufficient resources for permanent residence in the Territory as provided for in Section 71.

(2) The Police will grant the legal status of Resident on the Territory to an alien with a permanent residence permit in the Territory who was not granted this legal status at the time the permanent residence permit was granted if the alien so requests in writing and meets the conditions provided for in Subsection (1) above.

(3) An alien whose legal status of a Resident in the Territory is cancelled (section 85 (1)), has the right to request the reinstatement of this legal status under the condition that at least 5 years have passed since the decision on cancelling the legal status as Resident in the Territory became legally enforceable and provides proof of sufficient resources for permanent residence in the Territory as provided for in Section 71. The Police will grant the legal status of Resident in the Territory to an alien under the condition that the alien has resided in the Territory continuously for the specified period of time (Section 68), the reasons for the cancellation of this legal status have ceased to exist, and no well-founded suspicion exists that the alien might significantly disturb public order or endanger the state security of the Czech Republic or any other European Union member state.

Section 84

The Police will include the entry of “Residence permit for a long-term resident — EC”^{7c)} in the card of residence permit held by the Resident.

Section 85

(1) The Police will cancel the validity of the decision granting the legal status of Resident in the Territory, even if there are no reasons for cancelling the validity of the permanent residence permit, if:

- a) the Resident in the Territory significantly disturbs public order or endangers state security; or
- b) another European Union member state decides to terminate the temporary stay of a Resident in the Territory in its territory due to the fact that he/she significantly disturbed its public order.

(2) After a decision as specified in Subsection (1) above becomes legally enforceable, the Police will invalidate the entry of “Residence permit for long-term resident — EC”^{7c)} in the card of residence permit held by the Resident.

(3) The validity of the decision to grant the legal status of Resident in the Territory expires at the time the validity of the permanent residence permit is cancelled.

Part 3

Expiration of the Card of Residence Permit

Section 86

(1) The validity of the card of residence permit expires:

- a) at the end of the timeframe specified therein;
- b) (if the document is lost or stolen) loss or theft of the document is reported;
- c) when a court decision declaring the document holder to be either partially or fully incompetent for performing legal acts becomes legally enforceable;
- d) if citizenship of the Czech Republic is acquired; or
- e) the alien dies or a court ruling declaring the alien as deceased becomes legally enforceable.

(2) The Police will terminate the validity of a card of residence permit if:

- a) the card is damaged in a manner whereby the entries are illegible or the card is not complete;
- b) the card contains incorrect data or unauthorized changes; or
- c) the photograph in the card does not correspond to the holder’s actual appearance.

(3) If the holder of the card of residence permit is present and fully acknowledges the reasons why the validity of the card of residence permit is being cancelled, the status of the situation as provided for in Subsection (2) above is considered as proven and the order is given immediately.^{12b)} The justification for the order is substituted by the document holder’s personally signed declaration that he/she is in agreement with the cancellation of the validity of the card of residence permit. Once the declaration is signed, the order becomes a legally enforceable and executable decision. The document holder must be informed of this fact beforehand.

^{12b)} Section 150 of Act No. 500/2004 Coll.

Part 4

Residence of an Alien Placed in Foster Care by Decision of the Competent Authorities

Section 87

(1) An alien younger than 18 years of age who has been placed in foster care on the basis of a decision made by the competent authorities^{10a)} has the right to remain permanently in the Territory if at least one natural person into whose care the alien was placed holds permanent residence in the Territory or if the institution in which the child has been placed is located in the Territory.

(2) The right referred to in Subsection (1) originates as of the date the decision on placing the alien in foster care becomes legally enforceable. After this decision has been presented, the Police will issue confirmation of permission for permanent residence in the Territory to the alien.

(3) An alien meeting the provisions of Subsection (1) above has the right to remain in the Territory until the age of 15 without a travel document.

(4) The Police will provide an alien meeting the provisions of Subsection (1) above with a card of residence permit upon request. The alien is obliged (required) to submit a travel document and photographs together with the application.

(5) An alien meeting the provisions of Subsection (1) above is obliged (required) to apply for a card of residence permit by no later than 30 days after reaching the age of 15.

(6) The right to permanent residence in the Territory held by an alien placed in foster care expires prior to the time the alien reaches the age of 15 if:

- a) the person into whose care the alien was placed notifies the Police in writing that the alien is waiving this right; this notification must include the notarized signature thereof;
- b) the alien acquires citizenship of the Czech Republic pursuant to special legal regulation (provisions)¹⁾;
- c) the foster care as specified in Subsection (1) above ends; or
- d) the natural person as specified in Subsection (1) above terminates his/her permanent residence in the Territory.

(7) The right to permanent residence in the Territory held by an alien placed in foster care expires after the alien reaches the age of 15 if:

- a. the alien
 - 1. is convicted upon final judgment by a court of the Czech Republic to imprisonment of more than 3 years for a wilfully committed crime;
 - 2. notifies the Police that he/she is waiving this right; the notification must include the consent of a statutory representative together with the notarized signature thereof;
 - 3. acquires citizenship of the Czech Republic pursuant to special legal regulation (provisions)¹⁾; or
 - 4. reaches the age of 18; this provision does not apply if a court has declared the alien incompetent for performing legal acts or until such time a decision is made on a application submitted pursuant to Section 66 (1)(a), if the alien submits this application within 60 days of reaching the age of 18;
- b) the care as defined by Subsection (1) above is terminated prior to the time the alien reaches the age of 18; or

c) the natural person as specified in Subsection (1) above 1 terminates his/her permanent residence in the Territory.

(8) On the same date that the right to permanent residence expires as provided for in Subsection (6) or Subsection (7) above, the validity of the confirmation of the right to permanent residence in the Territory and the validity of the card of residence permit (if one was issued to the alien) expire as well.

(9) The provisions of Section 80 through Section 82 apply accordingly to aliens with a right to permanent residence.

(10) If the alien was placed in foster care prior to reaching the age of 15, his/her residence in the Territory after reaching the age of 15 is considered as residence as provided for in Section 65 (1)(a).

Chapter IVa

Residence of a European Union Citizen and Family Members in the Territory

Part 1

Temporary Residence Permit

Section 87a

(1) The Police will issue a certificate of temporary residence in the Territory to a European Union citizen^{1a)} upon request, if the citizen of the European Union:

- a) intends to stay in the Territory temporarily for a period of more than 3 months¹³⁾; and
- b) did not endanger state security or significantly disturb public order.

(2) Together with the application for the certificate he/she will present the following as supporting documents to the application:

- a) a travel document;
- b) a document confirming the purpose of his/her stay, i.e., employment, doing business or performing other economic activities,^{13a)} or studies;
- c) photographs; and
- d) a document confirming that he/she has medical insurance; this provision does not apply if the purpose of the residence is employment, doing business, other economic activities, or studies;
- e) a document confirming that accommodation in the Territory has been secured.

(3) The family member of a European Union citizen, who is also a European Union citizen and intends to temporarily stay in the Territory for a period of more than 3 months¹³⁾ with the citizen of the European Union, is obliged (required) to submit the items specified in Subsection (2) above together with the application, with the exception of the items specified in Subsection (2)(b), in addition to a document certifying that he/she is a family member of a European Union citizen. In the case of an alien as defined by Subsection 15a (1)(d), a document confirming that he/she is a dependant person must also be submitted.

Section 87b

¹³⁾ Council Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the Member States

^{13a)} i.e., the Commercial Code, the Trade Licensing Act, Act No. 220/1991 Coll., on the Czech Medical Chamber, the Czech Dental Chamber and the Czech Pharmaceutical Chamber, as amended by later legislation, and Act No. 85/1996 Coll. on the legal profession, as amended by later legislation.

(1) A family member of a European Union citizen, who is not a national of a European Union member state and intends to stay in the Territory on a temporary basis for a period of more than 3 months¹³⁾ together with the citizen of the European Union, is obliged (required) to request the Police for a temporary residence permit. This application must be submitted within 3 months of the date of entry to the Territory.

(2) Together with the application for a temporary residence permit, the family member is obliged (required) to submit the items specified in Section 87a (2), with the exception of the items specified in Section 87a (2)(b), in addition to a document certifying that he/she is a family member of a European Union citizen. In the case of an alien as defined by Subsection 15a (1)(d), a document confirming that he/she is a dependant person must also be submitted.

(3) The Police will issue a temporary residence permit to a family member in the form of a card of residence permit of a family member of a European Union citizen.

Section 87c

(1) A European Union citizen^{1a)}, who is staying in the Territory as a staff member of a foreign embassy or an international governmental organization accredited in the Czech Republic, and the family members thereof who are registered with the Ministry of Foreign Affairs and are also European Union citizens, will be issued a certificate of temporary residence by the Ministry of Foreign Affairs upon request.

(2) A family member of a European Union citizen, who is staying in the Territory as a staff member of a foreign embassy or an international governmental organization accredited in the Czech Republic and is not a national of a European Union member state, and is registered with the Ministry of Foreign Affairs, is obliged (required) to request a temporary residence permit within 3 months of the date of entry to the Territory. A family member as defined by the preceding sentence will be issued a temporary residence permit in the form of a card of residence for a family member of a European Union citizen.

(3) Together with an application submitted pursuant to Subsections (1) and (2) above, a European Union citizen^{1a)} or the family member thereof, is obliged (required) to submit a travel document and photographs. The family member of a European Union citizen must also submit a document confirming that he/she is a family member of a European Union citizen.

Section 87d

Reasons for Denying an Application for a Certificate of Temporary Residence in the Territory and the Expiration of the Validity Thereof and Reasons for Cancelling the Temporary Residence of a European Union Citizen

(1) The Police will deny an application for issuing a certificate of temporary residence in the Territory if:

- a) the applicant does not submit the items required by law;
- b) the applicant becomes an unjustifiable burden on the social care system of the Czech Republic (Section 106 (3)), with the exception of individuals to whom directly applicable legal regulation (provisions) of the European Communities apply^{13b)};

^{13b)} Council Regulation (EEC) No. 1612/68 of 15 October 1968, on the freedom of movement for workers within the Community

- c) there is substantiated risk that the applicant might present a threat to state security or significantly disturb public order; or
- d) the applicant is included in the register of undesirable persons (Section 154).

(2) The temporary residence of a European Union citizen^{1a)} in the Territory will be cancelled on the basis of a Police decision if:

- a) the he/she becomes an unjustifiable burden on the social care system of the Czech Republic (Section 106 (3)), with the exception of individuals to whom directly applicable legal regulation (provisions) of the European Communities apply^{13b)};
- b) there is substantiated risk that the he/she might, during the period of his/her residence, present a threat to state security or significantly disturb public order; or
- c) he/she is endangering public health due to the fact that he/she is suffering from a Serious Illness if this illness started within a period of 3 months of entering the Territory, under the condition that the consequences of this decision on the alien's personal or family life are adequate to (commensurate with) the reasons for cancelling the Visa.

(3) In its decision on cancelling the temporary residence of a European Union citizen^{1a)} in the Territory, the Police will specify a timeframe within which the alien is obliged (required) to depart from the Territory and will impose a departure order on the alien; the alien is obliged (required) to depart from the Territory within the specified period.

(4) The provisions of Section 76 (a) (b), and (d) apply accordingly to the expiration of the validity of the certificate of temporary residence in the Territory.

Section 87e

Reasons for Denying an Application for a Temporary Residence Permit

(1) The provisions of Section 87d (1) apply accordingly to a denial for issuing a temporary residence permit. () The Police will also deny the request if the applicant:

- a) is endangering public health due to the fact that he/she is suffering from a Serious Illness if this illness started within a period of 3 months of entering the Territory;
- b) is included in the Schengen Information System, or (as of Schengen)**
- c) concluded a marriage with the goal of obtaining a temporary residence permit in the Territory; this provisions does not apply if a child is born out of this marriage or if a child is irrevocably adopted during the marriage.

(2) The reasons provided for in Subsection 1(a) above will only be taken into consideration if the consequences of denying the application on the applicant's personal or family life are adequate to (commensurate with) the reasons for the denial.

(3) The reasons specified in Subsection 1(b) above will not be taken into consideration if the temporary residence permit is to be issued in the interest of the Czech Republic or in the interest of fulfilling an international obligation. The Police will discuss the issuance of a temporary residence permit with the Contracting State that entered the alien in the Schengen Information System, and, during the subsequent proceedings, the Police will consider the facts that led to the alien's inclusion in this system. If the temporary residence permit is issued, the Police will notify the Contracting State that included the alien in the information system of this fact. (as of Schengen)

Section 87f

Reasons for Cancelling the Temporary Residence of a Family Member of a European Union Citizen who is staying in the Territory with this Citizen of the European Union

(1) The Police will cancel the temporary residence of a family member of a European Union citizen^{1a)} in the Territory, who is not a national of a European Union member state and is staying in the Territory with this citizen of the European Union, for the reasons specified in Section 87e.

(2) In addition, the Police will cancel the temporary residence of a family member of a European Union citizen in the Territory if:

- a) the temporary residence of the citizen of the European Union in the Territory is cancelled; this provision does not apply in the event that the family member of the citizen of the European Union is actually caring for a child for the entire period of time that a child of a European Union citizen is studying at a primary school, secondary school or college, conservatory, or university;
- b) the citizen of the European Union dies in the Territory during his/her temporary residence; this provision does not apply if the family member of the citizen of the European Union was present in the Territory for at least 1 year prior to the death of the citizen of the European Union; or
- c) the marriage to a European Union citizen was terminated on the basis of a legally enforceable court decision on divorcing the marriage or declaring the marriage as invalid, unless a child of a European Union citizen has been placed in the custody of the family member of the citizen of the European Union on the basis of a decision made by the applicable authorities^{10a)} or the family member was granted visitation rights with such child only in the Territory; or if, prior to the time the divorce proceedings started, the marriage lasted less than 3 years and during the marriage the family member of the citizen of the European Union held temporary residence in the Territory for a period of less than 1 year, under the condition that the consequences of this decision on the alien's personal or family life are adequate to (commensurate with) the reasons for cancelling the Visa.

(3) In its decision on cancelling the temporary residence of a family member of a European Union citizen, the Police will specify a timeframe within which the family member is obliged (required) to depart from the Territory and will impose a departure order on the family member; the family member is obliged (required) to depart from the Territory within the specified period.

(4) The provisions of Section 76 (a) (b), and (d) apply accordingly to the expiration of the temporary residence permit of a family member of a European Union citizen.

Part 2

Permanent Residence Permit

Section 87g

(1) The Police will issue a European Union citizen^{1a)} a permanent residence permit¹³⁾ at the citizen's request if:

- a) he/she has held temporary residence in the Territory for a continuous period of at least 5 years;
- b) at the time that the citizen's employment, performance of business or other economic activities^{13a)} ends, he/she has reached the legal age of eligibility for receiving a retirement pension^{13c)} or has acquired the right to receive a retirement pension prior to reaching

^{13c)} Section 32 of Act No. 155/1995 Coll., on pension insurance

retirement age^{13d)} and requested this acknowledged pension prior to reaching retirement age, under the condition that the citizen's activities were performed in the Territory for the 12 months immediately preceding the date on which the application for a permanent residence permit is submitted and that the citizen has continuously resided in the Territory for a period of at least 3 years;

- c) the citizen ends his/her employment, performance of business or other economic activities^{13a)} due to acquiring the right to receive full disability and has continuously resided in the Territory for a period of at least 2 years; the provision for continuous residence does not apply if the right to receive a full disability pensions is the result of a work-related accident or occupational illness^{13e)};
- d) he/she is employed, or performs business or other economic activities in the territory of another European Union member state and returns to the Territory every day, or at least once a week, under the condition that he/she continuously resided in the Territory previously and was employed, or performed other business or economic activities in the Territory, for a period of at least 3 years; or
- e) the citizen of the European Union is younger than 18 years of age who has been placed in foster care on the basis of a decision made by the appropriate authorities.

(2) The Police will also issue a permanent residence permit to a European Union citizen^{1a)} at the citizen's request if the citizen of the European Union is applying for the permit for humanitarian reasons or other reasons worthy of special consideration.

(3) The Ministry will issue a permanent residence permit to a European Union citizen^{1a)} at the citizen's request if this citizen's residence is in the interests of the Czech Republic.

(4) For the purposes of issuing a permanent residence permit pursuant to Subsection (1)(b) or (1)(c) above, the time of performing employment, business, or other economic activities^{13a)} on the territory of another European Union member state is considered as time of performance in the Territory under the condition that the citizen of the European Union was employed or performed business or other economic activities in the territory of another European Union member state and regularly returned to the Territory on a daily basis, or at least once a week.

(5) The condition for the period of time residence in the Territory is held and the condition for the period of performing employment, business, or other economic activities^{13a)} as specified in Subsection (1)(b) or (1)(c) above do not apply if the individual in question is a European Union citizen whose spouse is a citizen of the Czech Republic¹⁾ or whose spouse lost citizenship of the Czech Republic as a result of marrying the citizen of the European Union or acquiring the citizenship thereof.

(6) The period of time during which a European Union citizen^{1a)} is included in the files of the Employment Office of the Czech Republic is included in the required period for employment as provided for in Subsection (1)(b) or (1)(d), under the condition that the employment relationship that the citizen of the European Union had was terminated for reasons beyond his/her control.

(7) The condition for continuous temporary residence is met as long as the absence of the citizen of the European Union^{1a)} from the Territory does not exceed a total of 6 months per year, or, if it does exceed 6 months,

- a. it was due to performing mandatory military service, or

^{13d)} Section 30 and Section 31 of Act No. 155/1995 Coll.

^{13e)} Section 25 and Section 38 (b) of Act No. 155/1995 Coll.

b. if one length of absence is not longer than 12 consecutive months and is due to serious reasons, such as pregnancy and childbirth, critical illness, studies or professional training, or due to a job assignment abroad.

(8) The provisions of Section 87 apply accordingly to a European Union citizen younger than 18 years of age who was placed in foster care on the basis of a decision made by the appropriate authorities.

Section 87h

(1) The Police will issue a family member of a European Union citizen a permanent residence permit¹³⁾ at the family member's request if:

- a) he/she has held temporary residence in the Territory for a continuous period of at least 5 years;
- b) if he/she is a family member of a citizen of the Czech Republic¹⁾ who is registered as a permanent resident in the Territory or a family member of a citizen of another European Union member state^{1a)} who has been issued a permanent residence permit in the Territory;
- c) is a survivor of a citizen of the Czech Republic who was registered as a permanent resident in the Territory; or
- d) is a survivor of a citizen of another European Union member state^{1a)} who resided in the Territory for the purposes of performing employment, business, or other economic activities and
 - 1. as of the date of his/her death, was a citizen of another European Union member state residing in the Territory for a continuous period of at least 2 years;
 - 2. the death of the citizen of another European Union member state was the result of a work-related accident or occupational illness; or
 - 3. lost citizenship of the Czech Republic as a result of marrying the citizen of the European Union or acquiring the citizenship thereof.

(2) The Ministry will issue a permanent residence permit to a family member of a European Union citizen^{1a)} at the family member's request if this individual's residence is in the interests of the Czech Republic.

(3) The provisions of Section 87g (7) apply accordingly to the continuity of the temporary residence of a family member of a European Union citizen.

Section 87i

(1) Together with the application for a permanent residence permit, the citizen of the European^{1a)} or the family member thereof is required to submit:

- a) a travel document;
- b) in the case of a European Union citizen, a document confirming that the conditions defined in Section 87g (1) have been met, or, in the case of a family member thereof, that the conditions defined in Section 87h (1) have been met;
- c) photographs; and
- d) a document confirming that accommodation has been secured.

(2) For the purpose of proving that accommodation has been secured as provided for in Subsection (1)(d) above, acceptable proof is considered to be a document proving the alien's ownership of a flat or house, a document authorizing the use of a flat, or the officially notarized signature of an authorized person providing written consent with providing

accommodation to the citizen of the European Union or the family member thereof. A notarized signature is not required if the authorized person signs the document before the Police.

Section 87j

(1) In lieu of receiving a printed copy of the decision, a European Union citizen, or a family member thereof who is also a European Union citizen, will be issued only a card of permanent residence permit of a European Union citizen (Section 87r); and his/her family member who is not a national of a European Union member state will receive only a card of permanent residence permit (Section 87t).^{12a)} Together with this proof of residence document as provided for in the preceding sentence, the alien will also be provided with confirmation of leave to remain in the Territory.

(2) The Police will notify the Central Office of the General Insurance Company of the Czech Republic (Všeobecná zdravotní pojišťovna) without delay of the date on which the decision on granting a permanent residence permit, or on the cancellation thereof, becomes legally enforceable in order that the Central Register of Insured Persons¹²⁾ maintained by the General Insurance Company can be updated.

Section 87k

Reasons for Denying an Application for a Permanent Residence Permit

(1) The Police or Ministry will deny an application for a permanent residence permit if:

- a) the applicant does not submit the items required by law;
- b) there is substantiated risk that the applicant might present a threat to state security or significantly disturb public order; or
- c) the applicant concluded a marriage with the goal of obtaining a permanent residence permit; this provision does not apply if a child is born out of this marriage or if a child is irrevocably adopted during the marriage.
- d) the applicant is included in the register of undesirable persons (Section 154);
- e) the applicant had been entered into the Schengen Information System and the applicant is a family member of an European Union citizen but is not personally a European Union citizen^{1a)} ; or (as of Schengen)***
- f) the applicant is endangering public health due to the fact that he/she is suffering from a Serious Illness if the permanent residence permit is being requested without the condition of prior continuous residence in the Territory and this illness started within a period of 3 months of entering the Territory.

(2) The reasons specified in Subsection (1)(e) above will not be taken into consideration if the permanent residence permit is to be issued in the interest of the Czech Republic or in the interest of fulfilling an international obligation. The Police or the Ministry will discuss the issuance of a permanent residence permit with the Contracting State that entered the family member of a European Union citizen in the (Schengen) Information System, and, during the subsequent proceedings, the Police will consider the facts that led to the inclusion in this system. If the permanent residence permit is issued, the Police will notify the Contracting State that included the family member of a European Union citizen in the information system of this fact. (as of Schengen)

Section 87l

Reasons for Cancelling a Permanent Residence Permit and the Expiration Thereof

(1) The Police or the Ministry will cancel a permanent residence permit if the holder of this permit:

- a) endangers state security or significantly disturbs public order, unless administrative expulsion proceedings are initiated ;
- b) concluded a marriage with the goal of obtaining a permanent residence permit; this provision does not apply if a child is born out of this marriage or if a child is irrevocably adopted during the marriage; or
- c) does not reside in the Territory for a period of more than 2 consecutive years, under the condition that the consequences of this decision on the permit holder's personal or family life are adequate to (commensurate with) the reasons for the decision.

(2) The Police or the Ministry will also cancel a permanent residence permit if the holder of the permit so requests.

Section 87m

The provisions of Section 76 (a), (b), or (d) apply accordingly to the expiration of a permanent residence permit.

Part 3 **Certificates and Cards**

Section 87n

(1) The certificate of temporary residence in the Territory is a public document.

(2) By means of the certificate of temporary residence in the Territory, an alien proves his/her, name, surname, and other names; date and place of birth; country of citizenship; travel document number; registered address in the Territory; Birth Register Number; and other information pertaining to the alien's temporary stay in the Territory.

Section 87o

Card of Residence of a Family Member of a European Union citizen

(1) The card of residence of a family member of a European Union citizen is a public document. It is executed in Czech and, as a rule, in two foreign languages according to international custom.

(2) The card of residence of a family member of a European Union citizen is issued as a separate document, which the holder uses to prove his/her, name, surname, and other names; date and place of birth; country of citizenship; travel document number; registered address in the Territory; Birth Register Number; and other information pertaining to the alien's temporary stay in the Territory.

(3) The Police will issue the card of residence of a family member of a European Union citizen immediately after the decision on permitting temporary residence becomes legally enforceable.

(4) The card of residence of a family member of a European Union citizen is issued with a validity period equal to the anticipated length of the stay of the family member of a European Union citizen, however not for a length of time that exceeds 5 years.

Section 87p

Extending the Validity of a Card of Residence of a Family Member of a European Union citizen

(1) Together with the application for extending the validity of card of residence of a family member of a European Union citizen, the applicant is obliged (required) to submit the items specified in Section 87a (2)(a), (2)(d), and (2)(e), in addition to a document confirming that he/she is staying in the Territory with a European Union citizen. If the applicant's appearance has changed, he/she is also obliged (required) to submit photographs that correspond to his/her actual appearance.

(2) The Police will not extend the validity of a card of residence of a family member of a European Union citizen if it determines the existence of reasons for terminating the temporary residence pursuant to Section 87f.

Section 87r

Card of Permanent Residence of a European Union citizen

(1) The card of permanent residence of a European Union citizen is a public document. It is executed in Czech and, as a rule, in two foreign languages according to international custom.

(2) The card of permanent residence of a European Union citizen is issued as a separate document, which the holder uses to prove his/her, name, surname, and other names; date and place of birth; country of citizenship; travel document number; registered address in the Territory; Birth Register Number; and other information pertaining to the alien's stay in the Territory.

(3) The Police will issue the card of permanent residence of a European Union citizen immediately after the decision on permitting permanent residence becomes legally enforceable.

(3) The card of permanent residence of a European Union citizen is issued with a validity period of ten years. The validity of the document can be extended for an additional 10 years on a repeated basis.

Section 87s

Extending the Validity of a Card of Permanent Residence of a European Union citizen

(1) A European Union citizen is obliged (required) to request the Police for an extension to the validity of the card of permanent residence of a European Union citizen by no later than 15 days after the validity of the document has expired.

(2) In the event that the application cannot be submitted within the timeframe specified in Subsection (1) above due to reasons beyond the applicant's control, the applicant is obliged (required) to submit the application within 3 working days of the date on which these reasons cease to exist.

(3) Together with the application for extending the validity of card of permanent residence of a European Union citizen, the applicant is obliged (required) to submit his/her travel document. If the applicant's appearance has changed, he/she is also obliged (required) to submit photographs that correspond to his/her actual appearance.

(4) The Police will not extend the validity of a card of permanent residence document of a European Union citizen if it determines the existence of reasons for cancelling the permanent residence pursuant to Section 87l.

Section 87t

Card of Permanent Residence

(1) The card of permanent residence is a public document. It is executed in Czech and, as a rule, in two foreign languages according to international custom.

(2) The card of permanent residence is issued as a separate document, which the holder uses to prove his/her, name, surname, and other names; date and place of birth; country of citizenship; travel document number; registered address in the Territory; Birth Register Number; and other information pertaining to the alien's stay in the Territory.

(3) The provisions of Section 87r (3) and (4) and Section 87s apply accordingly to the card of permanent residence .

Part 5

Common Provisions

Section 87u

(1) If a European Union citizen or a family member thereof has been issued a birth certificate or a marriage certificate by the appropriate authorities of the Czech Republic, the name and surname as specified thereby will be used in the certificate of temporary residence in the Territory, card of residence of a family member of a European Union citizen, card of permanent residence of a European Union citizen, or card of permanent residence . In all other cases, the alien's name, surname, and other names will be specified in the same way they are stated in Roman letters in the alien's travel document.

(2) If, on the basis of a court ruling, a European Union citizen or a family member thereof is declared to be either partially incompetent or fully incompetent for the purpose of performing legal acts, the Police will indicate this fact in the certificate of temporary residence in the Territory, card of residence of a family member of a European Union citizen, card of permanent residence of a European Union citizen, or card of permanent residence after the court's decision becomes legally enforceable.

Section 87v

(1) A European Union citizen who is requesting the issuance of a certificate of temporary residence in the Territory as a replacement for a certificate that has been lost, destroyed, stolen, damaged, is obliged (required) to submit his/her travel document and the damaged certificate.

(2) A European Union citizen or the family member thereof who is requesting the issuance of a card of residence of a family member of a European Union citizen, card of permanent residence of a European Union citizen, or card of permanent residence permit as a

replacement for a document that has been lost, destroyed, stolen, damaged, is obliged (required) to submit photographs, his/her travel document, and the damaged document. The same procedures are followed if a new document is being requested due to expiration of the validity as provided for in Section 87z (2).

(3) A European Union citizen or the family member thereof who is requesting changes in a card of residence of a family member of an European Union citizen, card of permanent residence permit of a European Union citizen, or card of permanent residence permit, is obliged (required) to submit his/her travel document, the document in which the change is to be made, and a document proving the requested change. If it is not possible to make the requested change in the document, the holder will be issued a new document. In the case of a certificate of temporary residence in the Territory, changes are not made; the Police will issue the holder a new certificate of temporary residence in the Territory.

Section 87w

The items submitted with an application for the issuance of a certificate of temporary residence in the Territory, card of residence of a family member of a European Union citizen, card of permanent residence permit of a European Union citizen, or card of permanent residence permit, or with an application for extending the validity of a card of residence of a family member of a European Union citizen, cannot be more than 180 days old, with the exception of the travel document, the birth or marriage certificate, and the photographs, under the condition that they correspond to the applicant's actual appearance.

Section 87x

(1) The applicant has the right to submit an application for the issuance of a certificate of temporary residence in the Territory, card of residence of a family member of a European Union citizen, card of permanent residence permit of a European Union citizen, or card of permanent residence permit, or an application for extending the validity of a document to the Police.

(2) The application for the issuance of a certificate of temporary residence in the Territory, card of residence of a family member of a European Union citizen, card of permanent residence permit of a European Union citizen, or card of permanent residence permit, or an application for extending the validity of a document must be submitted on an official form. The applicant is obliged (required) to specify:

- a) his/her name, surname, and other names; any other previous surnames; day, month and year of birth; place and country of birth; country of citizenship; family status; occupation; last employment prior to entering the Territory (position, employer's name and address); purpose of the alien's stay in the Territory; employment after entering the Territory (position, employer's name and address); last place of residence abroad; residence address in the Territory; any previous stays in the Territory longer than 3 months (reason for the stay and place of residence); date of entry to the Territory; travel document number and expiration date;
- b) spouse's first name, surname, and any other names; any previous surnames, country of citizenship; date of birth; place and country of birth; and residence address; and
- c) first name, surname, and any other names; date of birth; country of citizenship; residence address; and occupation of both the applicant's parents and any children the applicant has;

Section 87y

A family member of a European Union citizen, who is not a national of a European Union member state and is staying in the Territory with the citizen of the European Union, has the right to remain in the Territory until such time that the decision on his/her application becomes legally enforceable; during this period of time, his/her stay in the Territory is considered as temporary residence. The right to remain in the Territory until the decision on the application becomes legally enforceable does not apply if a decision on terminating the residence of the family member becomes legally enforceable.

Section 87z

Expiration of Validity of Cards

(1) The validity of a card of residence of a family member of a European Union citizen, card of permanent residence permit of a European Union citizen, or card of permanent residence permit expires:

- a) at the end of the timeframe specified therein;
- b) if the document is reported loss or stolen;
- c) when a court decision declaring the document holder to be either partially or fully incompetent for performing legal acts becomes legally enforceable;
- d) if the holder acquires citizenship of the Czech Republic; or
- e) when the holder dies or a court ruling declaring the holder as deceased becomes legally enforceable.

(2) The Police will terminate the validity of a card of residence of a family member of a European Union citizen, card of permanent residence permit of a European Union citizen, or card of permanent residence permit if:

- a. the card is damaged in a manner whereby the entries are illegible or the card is not complete;
- b. the card contains incorrect information or unauthorized changes; or
- c. the photograph in the card does not correspond to the holder's actual appearance.

(2) If the holder of the card is present and fully acknowledges the reasons why the validity of the card is being cancelled, the (status of the situation)

(3) the face of affairs as provided for in Subsection (2) above is considered as proven and the order is given immediately.^{12b)} The justification for the order is substituted by the document holder's personally signed declaration that he/she is in agreement with the cancellation of the validity of the document. Once the declaration is signed, the order becomes a legally enforceable and executable decision. The document holder must be informed of this fact beforehand.

Section 87aa

Expiration of Validity of a Certificate of Temporary Residence in the Territory

(1) The validity of a certificate of temporary residence in the Territory expires:

- a. if the certificate is reported loss or stolen;
- b. if the holder acquires citizenship of the Czech Republic;
- c. when a court decision declaring the document holder to be either partially or fully incompetent for performing legal acts becomes legally enforceable;

d. when the holder dies or a court ruling declaring the holder as deceased becomes legally enforceable.

(2) The Police will terminate the validity of a certificate of temporary residence in the Territory if:

- a. the document is damaged in a manner whereby the entries are illegible or the document is not complete; or
- b. the document contains incorrect information or unauthorized changes.

(3) If the holder of the certificate is present and fully acknowledges the reasons why the validity of the certificate of temporary residence in the Territory is being cancelled, the face of affairs as provided for in Subsection (2) above is considered as proven and the order is given immediately.^{12b)} The justification for the order is substituted by the document holder's personally signed declaration that he/she is in agreement with the cancellation of the validity of the certificate of temporary residence in the Territory. Once the declaration is signed, the order becomes a legally enforceable and executable decision. The document holder must be provably informed of this fact beforehand.

CHAPTER V STAY OF AN ALIEN BORN IN THE TERRITORY

Section 88

(1) If an alien is born in the Territory, his/her stay in this Territory for the period of his/her statutory representative's stay, however not for a period of more than 60 days after the date of birth, is considered to be a temporary stay, unless hereinafter provided otherwise.

(2) If the statutory representative of the newly born alien is staying in the Territory on the basis of a Visa, he/she is obliged required to submit an application on behalf of the newborn alien within the period specified in Subsection (1) above to the Police in the district where he/she is registered for residence in order to request that the same type of Visa be granted to the newborn; this provision does not apply if the newborn alien departs from the Territory within this period of time.

(3) If the statutory representative of the newly born alien is staying in the Territory on the basis of a long-term residence permit or a permanent residence permit, he/she is obliged (required) to submit an application on behalf of the newborn alien within the period specified in Subsection (1) above to the Police in order to request that either a Visa for a stay longer than 90 days or a permanent residence permit be granted to the newborn; the Police will place the Visa in the child's travel document or in the travel document of the statutory representative wherein the child has been recorded; this provision does not apply if the newborn alien departs from the Territory within this period of time. If an application for a permanent residence permit is submitted, the newborn alien's stay from the moment of birth until such time that the decision on this application becomes legally enforceable is considered as permanent residence.

(4) The period specified in Subsection (1) above is considered to be extended in the event that the application is not filed during this timeframe due to reasons beyond the alien's control and will be extended until such time that these reasons cease to exist. The alien is

obliged (required) to inform the Police without delay of any reasons as specified in the preceding sentence.

Section 89

(1) Together with the application specified in Section 88 (2), the statutory representative of a newborn alien is obliged (required) to submit:

- a) the child's travel document; if the statutory representative is an alien, the child's travel document can be substituted by the representative's own travel document in which the child has been recorded;
- b) the child's birth certificate; and
- c) a Travel Medical Insurance Certificate for the period of the stay on the Territory or an honourable declaration that he/she will pay the expenses related to the child's healthcare.

(2) Together with the application specified in Section 88 (3), the statutory representative of a newborn alien is required to submit the items specified by Subsection (1)(a) and (1)(b).

CHAPTER VI AN ALIEN'S DEPARTURE FROM THE TERRITORY

Section 90

(1) An alien is considered as having departed from the Territory after he/she crosses the state border and after border control is completed, if border control is carried out at the applicable border crossing point.

(2) An alien is allowed to depart from the Territory through a border crossing point at the location and during the time period designated for border control. The location as specified in the preceding sentence also includes the area onboard an international train or onboard an international passenger or cargo ship at the time that border control is carried out.

(3) The Police are obliged (required) to validate the alien's departure from the Territory by placing an exit stamp in the alien's travel document, if so established by a directly applicable legal regulation of the European Communities^{4a)} or if so requested by an alien.

Section 91

(1) An alien is obliged (required) to:

- a) depart from the Territory during the period of permitted leave to remain in the Territory and with the alien's own travel document in which a Visa has been affixed ; this provision does not apply if provided for otherwise in this Act or by the Government on the basis of a any regulations it issues pursuant to Section 181;
- b) submit to border control at the request of the Police; and
- c) act in a manner whereby border control can be carried out not later than 1 hour after the state border is crossed if border control is carried out outside the Territory, or to cross the state border by no later than 1 hour after border control is completed if it is carried out in the Territory.

(2) The Police will allow a European Union citizen and the family members thereof who are travelling to another European Union member state to depart from the Territory even without a travel document under the condition that:

- a) the citizen of the European Union submits another form of document proving his/her identity and the fact that he/she is a citizen of European Union member state or a document proving that he/she holds a card of permanent residence permit of a European Union citizen; and/or
- b) the family member of a European Union citizen, who is not a national of a European Union member state, submits another form of document proving his/her identity and the fact that he/she is a family member of a European Union citizen, or a card of residence of a family member of a European Union citizen or card of permanent residence permit..

Section 92

Refusal of Permission to Depart from the Territory

The Police will refuse an alien permission to depart from the Territory if he/she is the statutory representative of an alien younger than 15 years of age and he/she is leaving the minor alien behind in the Territory, unless he/she submits the following items during border control:

- a) written confirmation verified by the Police that the alien younger than 15 years of age is staying in the Territory with a travel document and has been granted a Visa (if one is required for the stay in the Territory), and that a natural person older than 18 years of age or a legal entity has undertaken to bear the costs associated with the minor's subsistence, accommodation, and any required medical treatment during the period of his/her stay in the Territory until such time that the minor alien departs from the Territory, as well as any expenses that will be incurred by the Police in connection with any possible decision on administrative expulsion; or
- b) written confirmation from a medical facility confirming that the alien younger than 15 years of age is hospitalized; the Police will allow the alien to depart from the Territory even if confirmation from medical facility is not submitted, under the condition that the statutory representative sign an honourable declaration stating that his/her departure from the Territory is not in conflict with the interests of the minor alien whom he/she is leaving behind in the Territory.

CHAPTER VII

REPORTING THE PLACE OF RESIDENCE IN THE TERRITORY

Section 93

(1) An alien is required to report the place of his/her residence in the Territory (Section 97) to the Police within 3 working days of the date that the Territory is entered; this provision does not apply if the alien is younger than 15 years of age, a staff member of a foreign embassy or an international governmental organization accredited in the Czech Republic or a family member thereof who is registered with the Ministry of Foreign Affairs, or an alien for whom accommodation is ensured by the Ministry. The obligation to report the place of residence to the Police also does not apply to an alien who has fulfilled this obligation with the accommodation provider (Section 103 (b)).

(2) A European Union citizen^{1a)} is obliged (required) to report the place of his/her residence in the Territory to the Police within 30 days of the date that the Territory is entered, if the anticipated length of his/her stay is longer than 30 days; this obligation also applies to a family member of a European Union citizen if this citizen is staying in the Territory. The

obligation to report the place of residence to the Police also does not apply to an alien who has fulfilled this obligation with the accommodation provider (Section 103 (b)).

(3) The alien does not acquire any rights to the premises, or against the owner of the premises, where the alien's accommodation is located on the basis of reporting his/her place of residence.

Section 94 (to be repealed as of Schengen)

An alien who has been granted temporary leave to remain in the Territory without a Visa is obliged(required) to report his/her place of residence in the Territory to the Police within 30 days of the date on which his/her stay started, if the anticipated length of the stay in the Territory is longer than 30 days. He/she is also obliged (required) to report the starting date and anticipated length of the temporary stay in the Territory to the Police.

Section 95

The obligation to report a stay in the Territory does not apply to an alien who is in custody, serving a prison sentence, or who has been placed in a police cell⁷⁾ or at a Facility (Section 130).

Section 96

(1) A natural person into whose foster care an alien has been placed, or a legal entity that is providing an alien with institutional care, is obliged (required) to register an alien, who is either younger than 15 years of age or not competent as provided for in this Act for the purpose of performing this acts, for permanent residence in the Territory within 3 working days of the date on which the right to permanent residence is acquired (Section 87).

(2) A person or entity as specified in the preceding Subsection will provide the Police with a decision passed by a court or the authorities for the social and legal protection of the child and, in the case of a natural person, a document confirming that he/she is registered for permanent residence in the Territory.

Section 97

When reporting an alien's address in the Territory, the alien or the person or entity specified in Section 96 (1), is obliged (required) to inform the Police of the following information by completing a registration form: the alien's name and surname; day, month, year, and place of birth; country of citizenship; permanent address abroad; travel document number; Visa number (if a Visa had been affixed in the travel document); starting date of the stay and place of residence; anticipated length and purpose of the stay in the Territory; and the license plate code of the motor vehicle in which the alien arrived in the Territory.

Section 98 **Reporting Changes**

(1) An alien who has been issued a card of residence of a family member of a European Union citizen, a card of permanent residence permit, or card of residence permit; or a European Union citizen who has fulfilled the reporting obligation pursuant to Section 93
(2) or who has been issued a certificate of temporary residence in the Territory or a card of

permanent residence permit of a European Union citizen, is obliged (required) to notify the Police of any changes in his/her residence address in the Territory within 30 days of the date on which the change took place, if the anticipated length of the change in residence address is longer than 180 days.

(2) The person or entity specified in Section 96 (1) is required to report any such change on behalf of an alien as specified in Section 87 who is not competent to perform these acts pursuant to the provisions of this Act.

(3) An alien who is staying in the Territory on the basis of a Visa for a stay longer than 90 days or a long-term residence permit, is obliged (required) to notify the Police, in whose jurisdiction his/her new place of residence is located, of any changes to his/her residence address in the Territory within 30 days of the date on which the change took place if the anticipated length of the change in residence address is longer than 30 days.

(4) An alien who is permitted to stay in the Territory temporarily without a Visa is obliged (required) to notify the Police, in whose jurisdiction his/her new place of residence is located, of any changes to his/her residence address in the Territory within 30 days of the date on which the change took place if the alien knows that the change in residence address will be for a period longer than 90 days.

(5) The alien, or the person or entity specified in Section 96 (1), provides notification of the changes specified in the preceding Subsections by completing a registration form; if so requested by the Police, the person or entity reporting the changes is obliged (required) to submit documents confirming the truthfulness of the information stated in the form.

Accommodation Provider and the Obligations Thereof

Section 99

(1) For the purpose of this Act, an accommodation provider is considered to be anyone that provides accommodation in return for compensation.

(2) For the purposes of this Act; accommodation is understood to be a contractual relationship based on a contract for accommodation, rental contract, sub-rental contract, or any other contract with similar contents.

Section 100

An accommodation provider is obliged (required) to:

- a) report the death of an alien housed thereby to the Police without delay;
- b) provide the Police with access to any areas where the alien might be found if these areas are used for business or other economic activities, under the condition that this access does not violate the alien's right to privacy or his/her family life;
- c) notify the Police that an alien has been provided with accommodation (Section 102);
- d) provide the alien with accommodation that is not obviously disproportional with the level of accommodation provided by accommodation providers in buildings of a similar nature in the municipality, district, or region; the proportionality is evaluated primarily on the basis of comparing hygiene conditions and the number of persons accommodated;

- d) at the alien's request, provide an alien with written confirmation that accommodation has been provided, including the accommodation provider's name and surname, street address, location, and the period of time for which the accommodation is provided; and
- e) maintain a guest register and submit it for inspection if so requested by the Police.

Section 101 **Guest Register**

(1) A guest register is a document wherein an accommodation provider enters the name and surname of the alien who has been provided accommodation, his/her day, month and year of birth; country of citizenship; travel document number; and the starting and ending dates of the period for which accommodation is provided.

(2) For the purpose of inspections as specified in Section 100 (e), an accommodation provider will maintain the guest register in writing; a digitized format cannot be used for the purpose of the inspections.

(3) Entries in the guest register must be made in a clear and comprehensible manner. The entries must be arranged chronologically.

(4) The accommodation provider must retain the guest register for a period of 6 years as of the date of the last entry.

(5) The personal data maintained in a guest register can be handled only in the manner specified by special legal regulation (provisions).¹⁵⁾

Section 102 **Notification of Provision of Accommodation**

(1) An accommodation provider is obliged (required) to submit notification that an alien has been provided with accommodation within 3 working days of the date on which accommodation is provided.

(2) The notification specified in Subsection (1) above is to be submitted to a Police unit.

(3) The obligation to provide notification of the provision of accommodation can be met by:

- a) submitting a completed registration form; or
- b) by means of technical data media and telecommunication transfer of this data in the scope maintained in the guest register, if such transmission is possible; if this method is used, the registration form must subsequently be submitted within 10 days of the date on which accommodation is provided to an alien.

CHAPTER VIII OBLIGATIONS

Section 103

¹⁵⁾ Act No. 256/1992 Coll., on the protection of personal data in information systems

Alien's Obligations

In addition to the obligations assigned to an alien by the other provisions of this Act, an alien is obliged (required) to:

- a) appear personally to the Police on the first working day following the date he/she is released from custody or prison, unless the alien holds a valid travel document and Visa, if this is a condition of his/her leave to remain in the Territory;
- b) present a travel document, card of residence permit, certificate of temporary residence in the Territory, card of residence of a family member of a European Union citizen, card of permanent residence permit, or card of permanent residence permit of a European Union citizen to the accommodation provider and to personally complete and sign a registration form (Section 97); the obligation to personally complete and sign a registration form does not apply to aliens younger than 15 years of age;
- c) provide true and complete information in the scope provided for in this Act for all proceedings conducted pursuant to this Act;
- d) at the request of the Police, prove his/her identity by means of submitting a travel document or identity card issued by the Ministry of Foreign Affairs to persons enjoying privileges and immunities under international law, and, within the timeframe specified by the Police, provide evidence that he/she is in compliance with the conditions of his/her leave to remain in the Territory; a European Union citizen is obliged (required) to prove his/her identity by means of submitting a travel document or other proof of identity document, including proof that he/she holds citizenship in another European Union member state, or by submitting a card of permanent residence permit of a European Union citizen; a family member of a European Union citizen, who is not a national of a European Union member state, is obliged (required) to prove his/her identity by means of submitting a travel document or card of residence of a family member of a European Union citizen or card of permanent residence permit; if the alien does not hold any of the aforementioned documents, he/she can prove his/her identity by means of submitting another type of document, however, he/she must concurrently prove that he/she is a family member of a European Union citizen;
- e) notify the Police of any change in his/her surname or personal status, as well as of any changes in his/her travel document, card of residence of an alien, certificate of temporary residence in the Territory, in a card of residence of a family member of a European Union citizen, in a card of permanent residence permit, or in a card of permanent residence permit of a European Union citizen, within a timeframe of 3 working days of the date on which the changes occurred, or, in the case of a European Union citizen or a family member thereof, within a timeframe of 15 working days of the date on which the changes occurred;
- f) protect any documents issued pursuant to this Act against loss, theft, damage, or unauthorized use, and to ensure that these documents contain true information;
- g) apply for the issuance of a new version of any document containing a photograph without undue delay, if the alien's appearance changes;
- h) surrender any document issued pursuant to this Act, which is invalid or full of official entries, to the Police without undue delay; an alien is also obliged (required) to return any such document after his/her permanent residence has been cancelled or the validity of his/her permanent residence has expired;
- i) surrender any document issued pursuant to this Act, except for a Visa and a travel identity document if these were issued for the purposes of departing from the Territory, to the Police no later than 3 days prior to the end of his/her stay in the Territory;
- j) report the loss, destruction, damage, or theft of any document issued pursuant to this Act to the Police within 3 working days of the date on which any such event occurred if it

- occurred in the Territory; if the event occurred abroad, the alien is obliged (required) to report it within the same timeframe to an Embassy;
- k) submit to being fingerprinted and photographed by the Police in relation to his/her Visa being declared invalid, administrative expulsion procedures, detention for the purpose of administrative expulsion, or for the purpose of readmission under international treaty or for the purpose of establishing his/her identity;
 - l) submit to a medical examination and any other measures required for limiting the occurrence and spread of contagious diseases in situations wherein this is justified due to the condition of the alien's health;
 - m) inform the Police without delay of the loss or theft of a travel document issued pursuant to Section 108 (1)(a), (1)(b), (1)(c), (1)(g), or (1)(h);
 - n) remain in the Territory only with a valid travel document and Visa, unless this Act provides otherwise;
 - o) at the request of the Police, prove that he/she possesses the required funds for his/her stay; this provision does not apply to a European Union citizen^{1a)} or a family member thereof, or to an alien who is staying in the Territory on the basis of a long-term residence permit for the purpose of receiving protection;
 - p) in the event that he/she is the statutory representative of an alien younger than 15 years of age and he/she will leave the minor alien behind in the Territory, request the appropriate Police authority or medical facility to issue confirmation as provided for in Section 92 and to submit this confirmation during border control carried out at the time the alien departs from the Territory; and
 - r) during the course of a residence control, prove that expenses for healthcare have been secured; this provision does not apply to an alien who is staying in the Territory in the interest of the Czech Republic or to an alien for whom an embassy has waived the requirement to submit a Travel Medical Insurance Certificate.

Section 104 **Carrier's Obligations**

(1) An air carrier or a water transport operator is required to transport an alien back to a foreign country if the Police denies an alien entry to the Territory due to the fact that the alien is unable to submit a travel document and Visa at the time that border control is carried out and if these are necessary for the purpose of the trip.

(2) An air carrier is obliged (required) to transport an alien back to a foreign country if the alien fails to present a travel document or airport Visa if these are necessary for a stay in the transit area of an international airport in the Territory.

(3) A transport operator on scheduled international bus lines must not transport an alien across the state border into the Territory if an alien does not have a travel document or Visa if these are necessary for the purpose of the trip and the alien's destination.

(4) The obligations defined in Subsections (1) and (2) do not apply to a carrier if the Visa issued to the alien was declared invalid by the authority that issued the Visa or by the Police.

(5) An air carrier or a water transport operator is obliged (required) to bear any expenses associated with the stay of an alien until the obligations stated in Subsections (1) and (2) above are fulfilled.

Section 105

Obligations of the Courts, Custody Facilities, and Prisons

(1) A court that has passed a final (enforceable) judgment on:

- a) convicting an alien;
- b) declaring an alien to be partially or fully incompetent for the purpose of performing legal acts ;
- c) declaring an alien as deceased; or
- d) divorcing a marriage or declaring a marriage invalid in cases when a participant in the proceedings is an alien

is obliged (required) to inform the Police unit in the district where the alien is registered of this fact; in the event that there are any doubts as to which Police unit is appropriate, the court will inform the Police unit that has territorial jurisdiction according to the court's location.

(2) A custody facility or a prison will inform the Police unit that has territorial jurisdiction on the basis of the custody facility's or prison's location of any decisions on releasing an alien from custody or terminating an alien's prison sentence.

Section 106

Obligations of State Administration Authorities

(1) The Employment Offices of the Czech Republic are obliged (required) to inform the Police without delay if:

- a) an alien without a residence permit is employed;
- b) an alien does not take up the employment position specified in the alien's work permit;
- c) an alien's employment ends prior to the end of the timeframe for which the alien's work permit was issued, and

in addition, they are obliged (required) to immediately send the Police a copy of any decisions made on granting, not granting, extending, or revoking an alien's work permit.

(2) The Trade Licensing Offices are obliged (required) to inform the Police in writing without delay regarding the issuance of a confirmation verifying that a foreign natural person, who has provided notification of a trade or requested a business license, has fulfilled all the general and special conditions for performing a trade; this obligation of the Trade Licensing Offices also applies to the issuance of a trade license, decisions on granting a business permit and issuing a business license, the suspension or cancellation of a trade license, decisions on not authorizing the performance of a trade on the basis of notification or that the applicant did not meet the conditions for acquiring the authorization to perform a trade, decisions on halting proceedings for granting a business license, and decisions on denying an application for a business license.

(2) The Social Security Authority^{15a)} is required to inform the Police in writing without delay that a European Union citizen, or a family member thereof, residing in the Territory has become an unjustifiable burden on the social care system of the Czech Republic.¹²⁾

Section 107

Obligations of Other Persons and Entities

^{15a)} Part One of Act No. 114/1988 Coll., on the jurisdiction of social security authorities in the Czech Republic, as amended

(1) Any person who finds or in any other manner obtains a travel document as specified in Section 108 (1), a card of residence permit, certificate of temporary residence in the Territory, card of permanent residence permit, card of residence of a family member of a European Union citizen, or card of permanent residence permit of a European Union citizen, is obliged (required) to turn any such document over to the Police without delay.

(2) Anyone who provides an alien with accommodation is obliged (required) to issue a document confirming accommodation, including specification of the timeframe for which the accommodation is being provided, upon being requested to do so by the alien.

(3) Any person who invites an alien is obliged (required) to provide compensation for any damages, whether material or nonmaterial, suffered by the state as a result of a breach of the obligations stated in an invitation that was certified by the Police.

(4) Anyone, who accepted the obligations provided for in Section 15, is obliged (required) to inform the Police immediately of his/her withdrawal from these commitments. It is not possible to withdraw from any of the obligations specified in Section 15 during the period that the invited alien is staying in the Territory.

(5) A university, secondary vocation school or college, is required to notify the Police in writing without delay when an alien, who holds a long-term residence permit in the Territory for the purpose of studies, interrupts or completes his/her studies. (as of 26 June 2006)

CHAPTER IX TRAVEL DOCUMENT

Section 108

- (1) For the purposes of this Act, a travel document is considered to be:
- a) a public document recognized by the Czech Republic as a travel document;
 - b) a public document which meets the conditions provided for in Subsection (2) below;
 - c) an identification card held by a European Union citizen;^{1a)}
 - d) a special foreigner passport valid for use in all the states (countries) in the world;
 - e) a travel identity document;
 - f) a travel document issued by the Czech Republic on the basis of an International Treaty;
 - g) an emergency travel document issued by the European Union;^{15b)} or
 - h) a list of pupils travelling on a school excursion within the framework of the European Union,^{7b)} if it includes photographs of those pupils that are not able to prove their identity by means of a proof of identity document that contains a photograph, a confirmation issued by the European Union member state wherein the pupil resides confirming the fact that the pupil has the right to return to this state, and under the condition that the European Union member state wherein the pupil reside has notified the Czech Republic that it is to accept the list of pupils as a travel document.

(2) For the purposes of this Act, a public document issued by a foreign country for the purpose of travelling abroad can be recognized as a travel document as defined by Subsection (1)(b) above, under the condition that the format and language in which the information is

^{15b)} Decision of the representatives of the governments of the member states, meeting within the Council of 25 June 1996 on the establishment of an emergency travel document (96/409/CFSP)

provided is in compliance with international practice, its territorial validity includes the Territory, and the following information can be obtained thereof :

- a) information on the alien's citizenship;
- b) information on the alien's identity;
- c) a photograph of the document holder; and
- d) information on the document's validity.

Section 109

(1) A special foreigner passport, travel identity document, or travel document as defined in Section 108 (1)(f) will be issued by the Police at an alien's request, unless for otherwise below.

(2) An Embassy, if requested by the alien, will issue an alien who loses any of the documents stated in Subsection (1) above while abroad with a travel identity document for a trip to the Czech Republic; the issuance is conditional upon consent being provided by the Police.

(3) The travel documents stated in Subsection (1) above are public documents.

Section 110 (to be repealed as of 1 September 2006)

(1) A foreigner passport and a travel identity document will be issued in Czech and, as a rule, in two additional foreign languages in accordance with international practice.

(2) At the request of an alien, the Police will record a child younger than 15 years of age in the alien's foreigner passport or travel identity document.

Section 111

(1) In the application for a foreigner passport, travel identity document, or travel document as specified in Section 108(1)(f), the alien must state his/her surname, name, and any other names; sex; day, month, and year of birth; place and country of birth; country of citizenship; and place of residence in the Territory. Together with an application for a travel identity document or travel document as defined by Section 108 (1)(f), which does not include a data chip with biometric data, the alien must also submit photographs. (as of September 2006)

(2) Together with an application for a travel identity document or travel document as defined by Section 108 (1)(f), which does not include a data chip with biometric data, the alien must also submit photographs. (as of 1 September 2006)

(2)(3) A foreigner passport, travel identity document, or travel document as provided for in Section 108 (1)(f) will specify all the information listed in Subsection (1) above and will include a photograph of the alien applying for the issuance of the document. A foreigner passport issued pursuant to Section 113 (1) and (2) will also contain a data chip with biometric data that includes an image of the alien's face and fingerprint information. (as of 1 September 2006)

Section 112

When changes are being made in the travel documents specified in Section 108 (1)(d), (1)(e), and (1)(f) *or when their validity period is being extended (until 31 August 2006), which do not include a data chip with biometric data (as of 1 September 2006)*, similar procedures will be followed as those used for the issuance thereof; no photographs will be required.

Section 113 (until 31 August 2006) Foreigner Passport

- (1) The Police will issue a foreigner passport:
- a) at the request of an alien who is staying in the Territory on the basis of a permanent residence permit, does not have any valid travel document, and can prove that he/she is prevented from obtaining such a travel document for reasons beyond his/her control;
 - b) at the request of an alien who has a permanent residence permit issued pursuant to Section 87, under the condition that that:
 1. he/she is younger than 15 years of age; or
 2. his/her competency to perform legal acts has been limited on the basis of a court decision;
 - c) to an alien who is enjoying temporary protection pursuant to special legal regulation (provisions)^{3a)} and does not hold a travel document.

(2) The Police will issue an alien who meets the conditions specified in Subsection (1)(a) or (1)(b)(2) a foreigner passport valid for 5 years; the Police will issue an alien who is enjoying temporary protection a foreigner passport valid for a period of time that equals the validity period of the card of residence held by the alien enjoying temporary protection pursuant to special legal regulation (provisions).^{3a)}

(3) The validity period of a foreigner passport as specified in Subsection (1)(a) or (1)(b)(2) can be extended twice, each time by 5 years; the validity period of a foreigner passport issued pursuant to Subsection (1)(c) can be extended repeatedly for a period of time that corresponds to the card of residence held by the alien enjoying temporary protection pursuant to special legal regulation (provisions).^{3a)}

(4) The Police will issue an alien younger than 15 years of age a foreigner passport valid for 2 years. The Police will issue an alien younger than 15 years of age who is enjoying temporary protection a foreigner passport valid for a period of time that equals the validity period of the card of residence held by the alien enjoying temporary protection pursuant to special legal regulation (provisions).^{3a)} The validity period of a foreigner passport issued to an alien younger than 15 years of age cannot be extended.

(5) A foreigner passport ceases being valid as of the date a legal decision on cancelling the alien's permanent residence permit becomes legally enforceable, on the date the aliens' right to permanent residence expires pursuant to Section 87, or on the date that the right to remain in the Territory for the purpose of temporary protection pursuant to special legal provisions^{3a)} expires.

Section 113 (as of 1 September 2006)

(1) A foreigner passport that contains a data chip with biometric data is issued with a validity period of 10 years; aliens between 5 and 15 years of age are issued a foreigner passport valid for 5 years; aliens who are enjoying subsidiary protection are issued a foreigner passport valid for a period of time that equals the validity period of the card of residence held by a person enjoying subsidiary protection pursuant to special legal regulation (provisions)²⁾; and aliens who are enjoying temporary protection are issued a foreigner passport valid for a period of time that equals the validity period of the card of residence held by a person enjoying temporary protection pursuant to special legal regulation (provisions)^{3a)}. A foreigner passport is issued within a timeframe of 30 days as of the date the application is submitted. An alien, who is issued a foreigner passport that contains a data chip with biometric data, can request that the accuracy of the personal data contained in the foreigner passport issued thereto be verified, as well as the functionality of the a data chip containing the biometric data and the accuracy of the biometric data contained thereon. The functionality of the a data chip and the accuracy of the biometric data contained thereon is verified using technical equipment that allows the alien's actually portrayed biometric data to be compared with the biometric data on the data chip contained in the foreigner passport. In the event that it is determined that the a data chip with the biometric data is not functional or that the personal data contained thereon is inaccurate, or if it is discovered that the personal data contained in the foreigner passport is not accurate, the alien has the right to be issued a new foreigner passport.

(2) An alien from whom it is not possible to obtain fingerprints due to anatomical or physiological changes or due to health disabilities with the fingers on his/her hands, is issued a foreigner passport containing a data chip with biometric data only on the alien's facial image. In these cases, the data chip will also include information on the impossibility of obtaining fingerprints. A foreigner passport is issued within a timeframe of 30 days as of the date the application is submitted and the same periods of validity as those specified in Subsection (1) above are applicable.

(3) An alien, who requests the issuance of a foreigner passport within a timeframe of less than 30 days, is issued a foreigner passport, which does not contain a data chip with biometric data, machine readable information, a digitally processed photograph of the alien, or the alien's signature, within a timeframe of 15 days of the date the application is submitted. This document is issued with a validity period of 6 months, or a validity period that equals either the validity period of the card of residence held by a person enjoying temporary protection pursuant to special legal provisions^{3a)} or the validity of the card of residence held by a person enjoying subsidiary protection pursuant to special legal regulation (provisions)²⁾ if this period is less than 6 months.

(4) An alien younger than 5 years of age is issued a foreigner passport, which does not contain a data chip with biometric data, machine readable information, a digitally processed photograph of the alien, or the alien's signature, within a timeframe of 15 days as of the date the application is submitted. This document is issued with a validity period of 1 year, or a validity period that equals either the validity period of the card of residence held by a person enjoying temporary protection pursuant to special legal regulation (provisions)^{3a)} or the validity period of the card of residence held by a person enjoying subsidiary protection pursuant to special legal regulation (provisions)²⁾, if this period is less than 1 year.

(5) A foreigner passport issued pursuant to Subsection (1) or Subsection (2) above contains a machine readable zone. The data are recorded in the machine readable zone in the following sequence: type of document, issuing country, surname, name (or names as applicable), number of the foreigner passport, country of citizenship, date of birth, sex, validity period of the foreigner passport, birth register number, and a check digit, which is based on a numeric calculation of selected data from the machine readable zone.

(6) The validity period of a foreigner passport cannot be extended. A foreigner passport ceases being valid as of the date a decision on cancelling the alien's residence permit becomes legally enforceable, on the date the aliens' right to permanent residence expires as provided for in Section 87, or on the date that the right to remain in the Territory for the purpose of temporary protection pursuant to special legal regulation (provisions)^{3a)} expires.

(7) The data processed on a data chip with biometric data (Subsection (1)) cannot be processed in any manner other than that provided by law.

(8) The Police will issue a foreigner passport:

- a) at the request of an alien who is staying in the Territory on the basis of a residence permit, does not have any valid travel document, and can prove that he/she does is prevented from obtaining such a travel document for reasons beyond his/her control;
- b) at the request of an alien who has permanent residence pursuant to Section 87, under the condition that that:
 - 1. he/she is younger than 15 years of age; or
 - 2. his/her competency to perform legal acts has been limited on the basis of a court decision;
- c) to an alien who is enjoying temporary protection pursuant to special legal regulation (provisions)^{3a)} and does not hold a travel document; and
- d) at the request of an alien who has been granted subsidiary protection pursuant to special legal regulation (provisions)²⁾, does not have any valid travel document, and can prove that he/she is prevented from obtaining such a travel document for reasons beyond his/her control.

(9) A holder of a foreigner passport, which contains a data chip with biometric data, has the right to request any of the authorities authorized to issue this type of passport, or an Embassy, to verify the functionality of the data chip with biometric data and the accuracy of the biometric data contained thereon. In the event that it is determined that the data chip with biometric data is not functional or that the personal data contained thereon is inaccurate, or if it is discovered that the personal data contained in the foreigner passport is not accurate, the alien has the right to be issued a new foreigner passport. In these circumstances, the issuance of a new foreigner passport is subject to an administrative fee only if the non-functionality of the data chip with biometric data was caused by circumstances that the alien provably knew could cause damage or non-functionality of the a data chip with biometric data.

(10) The biometric data can be used solely for the purpose of verifying the authenticity of a foreigner passport and the alien's identity with the help of the personal data recorded in the foreigner passport or a comparison of the biometric data (Subsection 1(1)) processed on the data chip by means of using technical equipment that allows the alien's actually portrayed biometric data to be compared with the biometric data contained on the data chip contained in the foreigner passport.

Section 114

Travel Identity Document

(1) The Police will issue a travel identity document for the purpose of departing from the Territory at the request of an alien:

- a) who does not have a valid travel document and cannot obtain one for reasons beyond his/her control;
- b) who was granted a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory as provided for in Section 33 (1)(a), (1)(c), or (1)(d) **(until 31 August 2006)** (1)(a), or (1)(b) **(as of 1 September 2006)**, a long-term residence permit for

the purpose of exceptional leave to remain in the Territory as provided for in Section 43, or a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory pursuant to special legal regulation (provisions)²⁾, under the condition that he/she is staying in the Territory without a valid travel document; or

- c) who is younger than 15 years of age, hospitalized, and whose legal representative has departed from the Territory and signed an honourable declaration as provided for in Section 92 (b).

(2) The Police will issue an alien as defined in Subsection (1)(a) or (1)(c) above a travel identity document that is valid for no more than 180 days and has territorial validity for all states (countries) of the world. The Police will issue an alien as defined in Subsection (1)(b) above a travel identity document that is valid for no more than 365 days and has territorial validity for all states (countries) of the world.

(3) The Police will issue a travel identity document at the request of an alien who is staying in the Territory without a valid travel document after:

- a) the alien's short-term Visa is declared invalid;
- b) a decision on cancelling the validity of a Visa for a stay longer than 90 days or a long-term residence permit becomes legally enforceable;
- c) a decision on cancelling the validity of a permanent residence permit in the Territory becomes legally enforceable;
- d) the right to permanent residence expires (Section 87); or
- e) a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory is granted pursuant to Section 33 (1)(b) (**until 31 August 2006**) Section 33 (3) (as of 1 September 2006), or after a long-term residence permit for the purpose of exceptional leave to remain in the Territory is granted pursuant to Section 43 for the same reasons; the validity period of this document will be established according to the validity period of the Visa or long-term residence permit that is granted.

(4) The Police will also issue a travel identity document for the purpose of departing from the Territory to an alien who does not have any other travel document and on whose expulsion a legally valid decision has been made or for whom protection in the Territory provided pursuant to special legal provisions^{2),3a)} has been terminated.

(5) The Ministry will issue a travel identity document to an alien who has been granted a long-term residence permit for the purpose of receiving protection in the Territory, under the condition that the alien does not hold a valid travel document and cannot obtain one in any other manner for reasons beyond his/her control. The Ministry will issue the travel identity document that has territorial validity for all states (countries) of the world and is valid for a period of time that corresponds to the validity of the long-term residence permit that was granted for the purpose of receiving protection in the Territory. (as of 26 June 2006)

Section 115

Reasons for Withdrawing or Denying a Foreigner Passport, Travel Identity Document, or Travel Document Pursuant to Section 108 (1)(f)

(1) The Police will not issue a foreigner passport, travel identity document, or travel document pursuant to Section 108 (1)(f) to an alien, or will withdraw a document that has been issued, if the reasons for the issuance thereof cease to exist.

(2) The Police will not issue a foreigner passport, travel identity document, or travel document pursuant to Section 108 (1)(f) to an alien, or will withdraw a document that has been issued, in the case of an alien against whom:

- a) execution of a decision has been ordered for his/her failure to comply with the obligation to support and maintain or for failure to perform financial obligations; or
- b) criminal proceedings are underway or the alien has failed to serve a prison sentence imposed by a court, unless his/her sentence was commuted or the statute of limitations has run out,

under the condition that the consequences of this decision on the alien's personal or family life are adequate to (commensurate with) the reasons for the decision.

(3) The Police will not issue a foreigner passport pursuant to Section 113 (8)(d) if:

- a) substantiated risk exists that the state security of the Czech Republic would be threatened or public order significantly disturbed; or
- b) the alien is included in the Schengen Information System. (as of 1 September 2006)

Section 115a

Emergency Travel Document of the European Union

(1) An Embassy will issue an emergency travel document of the European Union^{15b)} at the request of a European Union citizen whose travel document has been lost, stolen, destroyed, or is not available for other reasons, if the applicant's country of citizenship does not have permanent diplomatic or consular representation in the territory where its citizen is currently located, is not represented in any other manner, or is inaccessible. An emergency travel document of the European Union will be issued under the condition that the applicant's country of citizenship provides its consent therewith.

(2) An emergency travel document of the European Union can be issued for one trip to the European Union member state that is the requestor's country of citizenship or the country where he/she is permanently resident, or, in extraordinary situations, to another country.

(3) In the application for an emergency travel document of the European Union, the applicant must provide his/her name (and any other names as applicable), surname, sex, physical height, date of birth, place and country of birth, country of citizenship, permanent residence address, contact address, and justification for the application. Together with the application, the applicant must submit any available documents proving his/her identity and country of citizenship, specify his/her intended destination country, and include photographs.

(4) The Embassy will issue an emergency travel document of the European Union with a validity period equal to the time that is required for completing the trip for which the emergency travel document is being issued.

(5) The Embassy will send a copy of the emergency travel document that it issues to the appropriate authorities of the European Union member state that is the applicant's country of citizenship.

Section 116

Invalidity of a Travel Document

For the purposes of this Act, a travel document will be considered as invalid if

- a) the validity period stated therein has expired;
- b) it is damaged to an extent whereby the entries are illegible;

- c) its entirety has been damaged;
- d) it contains incorrect information or changes made in an unauthorized manner;
- e) the photograph in the document does not correspond to the document holder's actual appearance; or
- f) the document holder has died or been declared as deceased.

Section 117

Seizure of a Travel Document

(1) During border control or residence control, the Police will seize:

- a) a travel document if it is not issued in the name of the alien being controlled, and
 - 1. the alien has presented this document as his/her own; or
 - 2. the alien does not give a plausible reason as to why he/she has this travel document in his/her possession;
- b) a travel document as defined by Section 108 (1)(d), (1)(e) or (f), if it can be considered as invalid pursuant to this Act; or
- c) a travel document as defined by Section 108 (1)(a), (1)(b), (1)(c), (1)(g), or (1)(h) if it has been declared invalid or stolen by the authorities of the country that issued it.

(2) If a decision had been made, or if it can be reasonably expected that a decision will be made, on the withdrawal of a travel document, the travel document can be seized by the authorities participating in criminal proceedings.

(3) The Police will issue the holder of a travel document as defined by Section 108 (1)(d), (1)(e), or (1)(f) written confirmation of the seizure of the document and will submit the seized document without delay to the Police unit that has territorial jurisdiction over the holder's place of residence in the Territory, or, if the document in question is a card of identity issued pursuant to Section 114 (5), to the Ministry, specifying the reason for the seizure of the document. The Police unit specified above, or the Ministry, will make a decision on either withdrawing the seized document or returning it within 15 days of the date on which it receives notification of the seizure. If the seizure concerns a document as defined in Subsection (1)(b) above, the document will be destroyed 60 days after being submitted, unless this document is evidence in criminal proceedings.

(4) The Police will issue the holder of a travel document as defined by Section 108 (1)(a), (1)(b), (1)(c), (1)(g), or (1)(h) written confirmation of the seizure of the document and will submit the seized document without delay to the Ministry, unless it is a forged or modified document or a document that is evidence in criminal proceedings.

CHAPTER X ADMINISTRATIVE EXPULSION

Section 118

(1) Administrative expulsion is understood to mean the termination of an alien's stay in the Territory and includes establishing a specific timeframe during which the alien is required to depart from the Territory and a specific period of time during which the alien is banned from entering the Territory, *and, if substantiated risk exists that the alien's presence might significantly threaten public order or the security of the Contracting States, then a period of time during which the alien is banned from entering the territories of the Contracting States will also be specified.* – (valid as of Schengen). The Police will establish the duration

of the ban on entering the Territory within the decision on administrative expulsion of the alien. In justified cases, the decision can also specify the border crossing point through which the alien must leave the Territory.

(2) For the purposes of administrative expulsion, a temporary stay in the Territory is also understood to include an alien's unauthorized stay in the Territory, an alien's stay in the transit area of an international airport, or a stay based on a Visa granted pursuant to special legislation²⁾. It also includes a stay until a decision made by the Ministry on granting leave to stay in the Territory for the purpose of receiving temporary protection in the Territory^{3a)} or a judicial decision in a case on temporary protection becomes legally enforceable. In the event that such decision does not result in an order for administrative expulsion due to the fact the consequences of expulsion on the alien's personal or family life would not be adequate to (commensurate with) the reasons for expulsion, the Police will impose a departure order on the alien. The alien is obliged (required) to depart from the Territory during the timeframe specified in the departure order.

(3) Collective administrative expulsion of a group of aliens based on a single decision is prohibited.

Section 119

Administrative Expulsion from a Temporary Stay in the Territory

(1) The Police will issue a decision on the administrative expulsion of an alien who is staying in the Territory on a temporary basis and establish the duration of the ban on entering the Territory as follows:

a) for up to 10 years;

1. if there is a substantiated risk that the alien, during his/her stay in the Territory, might endanger state security by using violence for promoting political aims, performing activities that endanger the foundations of a democratic state or are aimed at disrupting the integrity of the Territory, or in some other comparable manner; or
2. if there is a substantiated risk that the alien might significantly disturb public order or endanger public health, due to the fact that he/she is suffering from a Serious Illness, during his/her stay in the Territory; or
3. if the alien intentionally breaches legal provisions or obstructs the execution of judicial or administrative decisions on a repeated basis;

b) for up to 5 years;

1. if, during the course of border control or residence control, the alien attempts to prove his/her identity by using a document that had been forged or by means of presenting someone else's document as his/her own;
2. if, during a residence control or during the course of border control carried out at the time of the alien's departure from the Territory, he/she attempts to prove his/her identity by using a document that is invalid for the reasons provided for in Section 116 (a), (b), (c) or (d);
3. if the alien is employed in the Territory without a work permit, although a work permit is required for performing the work, or if the alien performs taxable, gainful activity without a license as provided for in special legal regulation¹⁶⁾, employs an alien without a work permit, or coordinates any such employment for an alien;
4. if the alien acted or was to have acted on behalf of a legal entity that employed an alien without a work permit or coordinated any such employment;
5. if the alien fails to submit to border control at the request of the Police;

¹⁶⁾ I.e., Act No. 455/1991 Coll., on licensed trades (Trade Licensing Act), as amended

- 6. if the alien crosses the state border in a concealed manner or attempts to do so, ;
 - 7. if the alien crosses the state border elsewhere other than at a border crossing point; or
 - 8. if the alien cannot prove in a credible manner that he/she is staying in the territory of the **Contracting States (as of Schengen)** during the period in which he/she is allowed to stay in this territory without a Visa or on the basis of a short-term Visa;
- c) for of up to 3 years;
- 1. if the alien stays in the Territory without a travel document, in spite of not being authorized to do so;
 - 2. if the alien stays in the Territory after the validity of his/her Visa expires or past the period for which he/she is allowed to stay in the Territory, either on the basis of a Visa or without a Visa, in spite of not being authorized to do so; or
 - 3. if the alien had provided any inaccurate information with the intent of influencing the decision-making of an administrative authority during any of proceedings conducted pursuant to this Act.

(2) A decision on the administrative expulsion of a European Union citizen^{1a)}, or a family member thereof, who is staying in the Territory on a temporary basis, can only be made if the citizen of the European Union, or a family member thereof:

- a) endanger state security;
- b) significantly disturbs public order; this provision does not apply to a European Union citizen who has been residing in the Territory for a continuous period of at least 10 years;
or
- c) endangers public health due to the fact that he/she is suffering from a Serious Illness, if this illness started within a period of 3 months after the date of entry to the Territory.

(3) A decision on the administrative expulsion of a citizen who is staying in the Territory on the basis of a long-term residence permit granted for the purpose of family reunification or studies in the Territory can only be made if the alien endangers state security, significantly disturbs public order, or endangers public health due to the fact that he/she is suffering from a Serious Illness, and cancellation of the alien's permit is not sufficient when the seriousness of his/her actions is taken into consideration. A decision on administrative expulsion of an alien as provided for in the first sentence of this Subsection for the reason of endangering public health cannot however be passed if the alien becomes ill only after collecting his/her long-term residence permit for the purpose of family reunification or studies in the Territory.

(4) A decision on the administrative expulsion of a citizen who is staying in the Territory on the basis of a long-term residence permit granted to a resident of another European Union member state can only be made if the alien endangers state security or significantly disturbs public order, and cancellation of the his/her permit is not sufficient when the seriousness of his/her actions is taken into consideration. If the appropriate authorities of the European Union member state that granted this legal status to the alien in question agree with this procedure, the Police will expel the alien to an area outside of the territory of the states of the European Union that are bound by the special legal provisions of the European Communities^{7c)}.

(5) A decision on the administrative expulsion of an alien who has applied to the Czech Republic for protection in the form of asylum will be executable after a decision on not granting asylum becomes legally enforceable, whereby the application for asylum is denied, any procedures on the application are stopped or asylum that has been granted is withdrawn, under the condition that the timeframe allowed for filing an appeal against the Ministry's decision in the matter of asylum has expired without any action on the part of the alien or if

filing an appeal against the Ministry's decision in the matter of asylum does not have a deferring effect pursuant to special legal regulation(provisions).²⁾ (until 31 August 2006)

(5) A decision on the administrative expulsion of an alien who has applied to the Czech Republic for international protection will be executable after a decision becomes legally enforceable, whereby:

a) international protection is not granted;

b) the application for international protection is denied as being apparently groundless;

c) the proceedings on granting international protection are stopped; or

d) asylum or subsidiary protection are withdrawn,

under the condition that the timeframe allowed for filing an appeal against the Ministry's decision in the matter of international protection has expired without any action on the part of the alien or if filing an appeal against the Ministry's decision in the matter of international protection does not have a deferring effect pursuant to special legal regulation (provisions).²⁾

The decision on administrative expulsion is not executable if the court acknowledges a deferring effect regarding the appeal at the alien's request. (as of 1 September 2006)

(6) A decision on the administrative expulsion of an alien who has applied for permission to stay for the purpose of receiving temporary protection in the Territory pursuant to special legal regulation (provisions)^{3a)} will be executable after a decision on denying the application becomes legally enforceable or a decision on stopping the proceedings in the matter of this application becomes legally enforceable, under the condition that the timeframe allowed for filing an appeal against the Ministry's decision in the matter of temporary protection has expired without any action on the part of the alien or if the court does not accommodate the alien's request for a deferring effect or revokes its acknowledgement of a deferring effect.

Section 119a

(1) A decision on administrative expulsion pursuant to Section 119 (1)(b)(6) or (1)(b)(7) will not be issued if an alien, who is requesting protection in the form of asylum (until 31 August 2003) international protection pursuant to special legal provisions²⁾ (as of 1 September 2006) in the Territory, arrives in the Territory directly from a country where his/her life or freedom is in danger (until 31 August 2006) where he/she is in danger of persecution or serious injury^{16a} (as of 1 September 2006), enters the Territory or stays in the Territory without permission, and, of his/her own volition, reports to the Police or Ministry without delay and provides evidence of a serious reason for his/her unauthorized entry to the Territory or his/her residence.

(2) A decision on administrative expulsion pursuant to Section 119 cannot be issued if it would result in disproportional consequences on the alien's personal or family life.

(3) A decision on the administrative expulsion of a minor citizen of the European Union pursuant to Section 119 can only be issued if state security is in danger or if it is in the minor's interest as provided for in the Convention on the Rights of the Child.

(4) A decision on administrative expulsion pursuant to Section 119 cannot be executed in the case of an alien who has applied for a long-term residence permit for the purpose of receiving protection in the Territory or has been granted such a permit; the Police will halt

^{16a} Section 2 (7) and Section 14a (2) of Act No. 325/1999 Coll., as amended by Act No. 165/2006 Coll.

any proceedings on administrative expulsion that are not concluded prior to the time that the long-term residence permit is granted. (as of 26 June 2006)

(5) The Police will revoke a decision on administrative expulsion made pursuant to Section 119 against an alien who has been granted a long-term residence permit for the purpose of receiving protection in the Territory, under the condition that the alien's cooperation with the authorities responsible for penal proceedings contributed to revealing or convicting the perpetrators of criminal activity or, due to the cooperation the alien provided, his/her life or health could be in danger after the alien departs from the Territory. (as of 26 June 2006)

Section 120

Administrative Expulsion of an Alien with a Permanent Residence Permit

(1) The Police will issue a decision on the administrative expulsion of an alien who holds a permanent residence permit and establish the duration of the ban on entering the Territory as follows:

- a) for up to 10 years, if there is a substantiated risk that the alien, during his/her stay in the Territory, might endanger state security by using violence for promoting political aims, performing activities that endanger the foundations of a democratic state or are aimed at disrupting the integrity of the Territory, or in some other comparable manner;
- b) for up to 10 years, if there is a substantiated risk that the alien, during his/her stay in the Territory, might significantly disturb public order; or
- c) for of up to 3 years, if the alien does not fulfil his/her obligations as provided for in Section 77(3).

(2) A decision on the administrative expulsion of a European Union citizen^{1a)}, or a family member thereof, who was granted a permanent residence permit can only be issued if the alien endangers state security or significantly disturbs public order and, with regard to the seriousness of his/her behaviour, withdrawal of the residence permit is not sufficient.

(3) A decision on administrative expulsion cannot be issued if it would result in disproportional consequences on the alien's personal or family life.

Section 120a (until 31 August 2006)

(1) *In its decision on administrative expulsion pursuant to Section 119 and Section 120, the Police will concurrently decide whether any obstacles exist that would prevent the alien in question from departing from the Territory (Section 179).*

(2) *If the reasons that were acknowledged as obstacles to the alien's departure pursuant to Subsection (1) above cease to exist, the Police will issue a decision stating that the obstacles to departure have ceased to exist.*

(3) *Once the decision specified in Subsection (2) above becomes legally enforceable, the validity of the Visa for a stay of longer than 90 days for the purpose of exceptional leave to remain in the Territory, which was granted to the alien due to the existence of obstacles to his/her departure, expires. The Police will impose a departure order on the alien and specify the timeframe during which he/she is obliged(required) to depart from the Territory.*

(4) *The validity of the decision on administrative expulsion expires if the obstacles preventing the alien's departure from the Territory last for a period of time that:*

- a) *in the case of a decision issued pursuant to section 119 (1)(a) or (1)(b) or Section 120 (1)(a) or (1)(b), is equal to the duration of the ban on entering the Territory as specified in the decision on administrative expulsion; or*
- b) *in the case of a decision issued pursuant to section 119 (1)(c) or Section 120 (1)(c), is equal to one-an-a-half times the duration of the ban on entering the Territory as specified in the decision on administrative expulsion;*

This timeframe starts on the date that the decision on administrative expulsion becomes legally enforceable.

Section 120a (as of 1 September 2006)

(1) Within the framework of making a decision on administrative expulsion pursuant to Section 119 or Section 120, the Police are obliged (required) to request the Ministry for its binding opinion^{9b)} as to whether the alien's departure is possible (section 179).

(2) In the event that reasons preventing the alien's departure arise after the decision on expulsion becomes legally enforceable, the Police will issue a new decision in the matter pursuant to special legal regulation (provisions)^{5d)} after requesting the Ministry to issue its binding opinion pursuant to Subsection (1) above.

(3) The Ministry will issue its binding opinion without delay.

(4) If the alien's departure is not possible as provided for in Subsection (1) or (2) above, the Police will specify this fact in its decision on administrative expulsion and will grant the alien a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory (Section 33 (3)).

(5) If the reasons preventing the alien's departure cease to exist, the Police will issue a new decision in the matter pursuant to special legal regulation (provisions)^{5d)}. As of the date this decision becomes legally enforceable, the validity of the Visa granted to the alien pursuant to Section 33 (3) expires. The Police will impose a departure order on the alien and specify the timeframe during which he/she is obliged (required) to depart from the Territory.

(6) An alien, whose departure is not possible as provided for in Subsection (1) or Subsection (2) above, has the right to request the Ministry for international protection pursuant to special legal regulation (provisions)²⁾ without delay after the decision on administrative expulsion is issued. If the alien does not submit a request as provided for in the first sentence within two months of the date on which the decision on administrative expulsion becomes legally enforceable, the right to request international protection expires. The right to submit this request does not expire if the alien was prevented from submitting the request due to reasons beyond his/her control and submits the request within 3 days of the date on which these reasons cease to exist.

(7) The validity of the decision on administrative expulsion expires if the decision on granting asylum or subsidiary protection is valid for a period of time that:

- a) in the case of a decision issued pursuant to section 119 (1)(a) or (1)(b) or Section 120 (1)(a) or (1)(b), is equal to the duration of the ban on entering the Territory as specified in the decision on administrative expulsion; or
- b) in the case of a decision issued pursuant to section 119 (1)(c) or Section 120 (1)(c), is equal to one-an-a-half times the duration of the ban on entering the Territory as specified in the decision on administrative expulsion;

(8) The timeframe specified in Subsection (7) above starts on the date that the decision on administrative expulsion becomes legally enforceable.

Section 121

If some other country expresses its consent with admitting a stateless person, this person can be expelled from the Territory to this country on the basis of administrative expulsion.

Section 122

Conditions for Eliminating the Harshness of Administrative Expulsion

(1) For the duration of the ban on entering the Territory imposed on the alien on the basis of a decision on administrative expulsion, the Police will grant the alien a Visa or permission to enter the Territory, if the consequences of not granting a Visa or permission to enter the Territory would be disproportionate on the alien's personal or family life.

(2) For the duration of the ban on entering the Territory imposed on the alien on the basis of a decision on administrative expulsion, the Police will grant the alien a Visa or permission to enter the Territory if the purpose of the stay in the Territory is a summons from a governmental authority of the Czech Republic and the matter cannot be resolved from abroad.

(3) The period of the stay specified in Subsections (1) and (2) above cannot be set for a period that exceeds 30 days.

(4) After denying a Visa or refusing to grant permission to enter the Territory, the Police will make a record specifying the reasons for this decision without delay.

(5) At the request made by an alien, the Police can issue a new decision^{5d)}, whereby the validity of a decision on administrative expulsion is revoked if:

- a) the reasons why the decision was issued have ceased to exist and a time period equal to one-half of the duration of the ban on entering the Territory imposed on the alien has passed; or
- b) the alien in question was placed in foster care (Section 87), has reached the age of 18, and, based on the opinion of the authorities responsible for the social and legal protection of children, the alien has expressed an effort to integrate in the Territory.

(6) At the request made by citizen of the European Union or a family member thereof, the Police can issue a new decision^{5d)}, whereby the validity of a decision on administrative expulsion is revoked if:

- a) the reasons why the decision was issued have ceased to exist and a time period equal to one-half, or at least 3 years, of the duration of the ban on entering the Territory imposed on a European Union citizen or a family member thereof has passed; or
- b) the alien in question was placed in foster care (Section 87), has reached the age of 18, and, based on the opinion of the authorities responsible for the social and legal protection of children, the alien has expressed an effort to integrate in the Territory.

Section 123

Payment of Expenses Associated with Administrative Expulsion

(1) The expenses associated with administrative expulsion will *be paid from the Security Deposit . (until Schengen) be paid from the financial y resources of the alien who is to be expelled from the Territory on the basis of a decision on administrative expulsion. (as of Schengen)*

(2) *If the expenses cannot be paid from the Security Deposit t, they will be paid, even if only in part, from the financial resources of the alien who is to be expelled on the basis of a decision on administrative expulsion. (to be repealed as of Schengen)*

(3)(2) If the expenses cannot be paid either from the Security deposit t or (to be repealed as of Schengen) from the alien's financial resources, either the remaining amount, or the partial amount, will be paid by the person or entity that undertook this obligation in the invitation that was certified by the Police.

(4)(3) If the expenses cannot be paid in the manner specified in the preceding subsections, the following persons or entities are required to pay these expenses, prioritized as follows:

- a) the person or entity that employed the alien without a work permit;
- b) the person or entity that coordinated employment without a work permit; and
- c) a carrier that fails to meet the obligation provided for in Section 104.

(5)(4) If the expenses cannot be paid in the manner specified in the preceding subsections, these expenses are borne by:

- a) the Police, in the case of an alien detained pursuant to special legal regulation (provisions) ^{16a) 16b) (as of 1 September 2006)}; or
- b) the Ministry in all other cases.

(6)(5) The expenses related to administrative expulsion include costs for accommodation and food, transport costs, and any other required financial amounts.

(7)(6) If the expenses related to the administrative expulsion of an alien are not paid either from the Security Deposit or (to be repealed as of Schengen) from the alien's financial resources, the Police or the Ministry will issue a decision on who must pay these expenses (or a partial amount thereof) and the amount that is to be paid. This decision becomes legally enforceable on the date that it is delivered or the date on which acceptance thereof is refused.

CHAPTER XI DETENTION OF AN ALIEN

Section 124

Detention of an Alien for the Purpose of Administrative Expulsion

(1) The Police have the right to detain an alien older than 15 years of age to whom notification of the start of administrative expulsion proceedings has been delivered, if there is a risk that the alien might endanger state security, significantly disturb public order, or obstruct or hinder the execution of a decision on administrative expulsion, especially if it is determined that the alien took actions such as those specified in Section 119 (1)(a), (1)(b)(6), or (1)(b)(7) in the past, is recorded in the record of undesirable persons (Section 154), *or is an undesirable person included in the Schengen Information System. (valid as of Schengen)*

^{16a) 16b) (as of 1 September 2006)} Section 15 of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by Act No. 326/1999 Coll.

(2) For the reasons stated in Subsection (1) above, an alien can be detained after a written decision on detention specifying the reasons thereof is delivered to the alien or after the alien refuses to accept this decision; the Police will make a written record of the alien's refusal to accept the decision. The decision becomes legally enforceable upon its delivery or the alien's refusal to accept the decision.

(3) If the detained alien is an unaccompanied minor (Section 180c), the Police will appoint a trustee. The Police will immediately inform the alien of the trustee's appointment and the tasks to be performed thereby.

(4) A detained alien, or a trustee appointed on the behalf of a detained unaccompanied minor alien, has the right to submit an application for proceedings pursuant to special legal regulation (provisions)¹⁷⁾ in which a court will decide on the duration of the detention or will order the alien's release if the legal reasons for continuing the detention have ceased to exist.

Section 124a (as of 1 September 2006)

The Police have the right to detain an alien for the purpose of administrative expulsion, who has submitted a declaration for international protection or submitted a request for international protection, if a decision on the expulsion of this alien has already become legally enforceable or if proceedings on the alien's administrative expulsion have already been initiated pursuant to Section 119 (1)(a), (1)(b)(6), or (1)(b)(7).

Section 125

(1) The detention period cannot exceed 180 days and starts as of the moment personal liberty is restricted. In the case of an alien younger than 18 years of age, the detention period cannot exceed 90 days.

(2) The Police will immediately notify a relative of the alien, who has leave to stay in the Territory, of the alien's detention for the purpose of administrative expulsion; if the detainee is an unaccompanied minor alien, the Police will inform the authorities responsible for the social and legal protection of children. If the alien, or a trustee appointed on the behalf of an unaccompanied minor alien, so requests, the Police will also notify the applicable diplomatic mission or foreign consulate, if one is located in the Territory, of an alien's detention for the purpose of administrative expulsion, unless for otherwise in an International Treaty; this provision does not apply in the case of the detention of an alien who has applied the Czech Republic for *protection in the form of asylum (until 31 August 2006) international protection pursuant to special legal regulation (provisions)*²⁾. **(as of 1 September 2006).**

Section 126

The Police are obliged (required) to:

- a) confirm the continuing existence of the reasons for detention throughout the entire period that the alien is detained; and
- b) inform an alien immediately after his/her detention in a language that the alien is capable (of comprehending) to communicate of the possibility of a judicial review regarding the legality of the detention. If any such a language cannot be identified and the information cannot be provided in any other manner, the Police will provide the alien with a written version of the information on the possibility of a judicial review regarding the legality of

¹⁷⁾ Section 200o et seq. of the Civil Procedure Code

the detention in Czech, English, French, German, Chinese, Russian, Arabic, and Spanish. The Police will make a written record of the fact that a written document containing the information was provided.

Section 127

- (1) Detention must be terminated without undue delay:
- a) after the reasons for detention cease to exist;
 - b) if a court in the administrative judiciary decides to cancel the decision on an alien's detention or if a court orders release of the alien in proceedings conducted pursuant to special legal regulation (provisions);¹⁷⁾ or
 - c) if the alien is granted asylum²⁾ or subsidiary protection (as of 1 September 2006); or
 - d) if the alien is granted a long-term residence permit for the purpose of receiving protection in the Territory. (as of 26 June 2006)

(2) An application for asylum (until 31 August 2006) for international protection (as of 1 September 2006) submitted during the period of detention will not be a reason for terminating the detention.

Section 128

(1) The Police will transport a detained alien, whose stay in the Territory is to be terminated on the basis of a legally enforceable decision on administrative expulsion, to a border crossing point for the purpose of the alien's departure from the Territory; this provision does not apply if the detained alien presents confirmation that he/she has submitted an appeal. The Police will also transport a detained alien to a border crossing point after an appeal against a decision on administrative expulsion is denied.

(2) The Police have the right to leave an alien as specified in Subsection (1) above at a Facility for the period of time that is necessary in order to secure the conditions for the alien's departure from the Territory.

Section 129

Detention of an Alien for the Purpose of Readmission (Transfer) or Transit

(1) The Police will detain an alien, who entered or stayed in the Territory in an unauthorized manner, for the period of time that is required for the purpose of his/her readmission (transfer) pursuant to an International Treaty or directly applicable regulations of the European Communities.^{17a)} The Police will also detain an escorted alien for the period of time that is necessary in the event that his/her transit through the Territory cannot be completed without an interruption.

(2) The Police will, without delay, complete a written record on the information concerning the identity of the detained alien, the date, time and location of detention, and the reasons for his/her transfer or transit.

(3) In cases when the (transfer) readmission or transit of the alien cannot be completed within a timeframe of 48 hours, or, in the case of transit by air, within a timeframe of 72 hours, the Police will issue a decision on the detention of the alien and will place him/her at a

^{17a)} Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

Facility. This decision becomes legally enforceable at the time that it is delivered to the alien or the alien refuses to accept the notification. The detention period cannot exceed 180 days and starts as of the time that the alien's personal freedom is restricted.

(4) The Police are obliged (required) to act in a manner whereby the alien is (transferred) readmitted or the alien's transit through the Territory is completed within the shortest timeframe possible after detention.

CHAPTER XII FACILITIES

Section 130

(1) As a rule, a decision on detaining an alien is carried out at a Facility.

(2) The Facilities are operated by the Ministry through a state (organizational unit) structural component established thereby (hereinafter referred to as the "Operator").

(3) Facilities are divided into a section with a moderate regime of detention (hereinafter referred to as "moderate regime area") and a section with a strict regime of detention (hereinafter referred to as "strict regime area").

(4) Once the decision on detention becomes legally enforceable, the Police will transport the detained alien to a Facility designated by the Operator without delay.

Section 131

(1) At the time the alien is placed at a Facility, or without delay thereafter, the Operator will inform the alien about the rights and obligations connected to the alien's stay at the Facility and about the Facility's internal code of conduct. This information will be provided in the alien's native language or a language that the alien is capable (of comprehending) to communicate.

Section 132

(1) The moderate regime area of a Facility consists of an accommodation room, common sanitary and cultural facilities, and additional space wherein the aliens can move around freely at a time specified by the Facility's internal code of conduct.

(2) The strict regime area of a Facility is separate from the moderate regime area and consists of an accommodation room and additional space designated as a leaving area.

Section 133

(1) The accommodation room in the moderate regime area is equipped with beds, cabinets for storing personal belongings, tables, and a sufficient number of chairs to accommodate the number of aliens that are being housed.

(2) The accommodation room in the strict regime area is equipped with beds, tables, sufficient number of chairs to accommodate the number of aliens that are being housed, sanitary facilities separated from the remaining space by a non-transparent divider, and a signalling (calling) device. This room can only be locked from the outside.

Section 134

(1) Pursuant to the conditions established by this Act, the Provider will:

- a) provide the alien with a bed , chair, cabinet for personal belongings, food, and basic hygiene products ;
- b) allow the alien to accept and send written messages without any limitations;
- c) allow the alien to have visitors;
- d) allow the alien to order books, daily newspapers and magazines, including foreign ones under the condition that they are distributed in the Czech Republic;
- e) allow the alien to submit a request, complaint, or message of another nature to the state authorities of the Czech Republic or to international organizations for the purpose of exercising his/her rights and will send any such messages without delay;
- f) at the alien's request, will make arrangements without delay for an interview with the director of the Facility, the representative thereof, or the Police, which will take place at the Facility;
- g) will allow the alien to sleep for eight continuous hours during night time hours; and
- h) will allow the alien to move about freely within the moderate regime area and to have contact with the other aliens in this area.

(2) The Operator will ensure that the alien receives a medical examination, including any required diagnostic and laboratory tests, vaccinations, and other protective measures established by public health protection authorities.

(3) The Operator will allow a detained alien who is placed in the moderate regime area to move about the designated leaving area for at least one hour daily. The director of the Facility can limit or cancel this period of leaving time due to serious reasons. If the leaving time is limited or cancelled, a written record of this fact will be completed without delay.

(4) The Operator can provide the detained alien with psychological and social services, as well as any other services and items required for securing the alien's stay at the Facility.

Section 135

(1) The Police will place a detained alien in strict regime area at the Operator's recommendation or on the basis of its own determination if:

- a) the alien is aggressive or requires a higher level of monitoring for other serious reasons;
- b) repeatedly disturbs the Facility's internal code of conduct in a significant manner; or
- c) repeatedly breaches his/her obligations or prohibitions as provide by this Act.

(2) An alien younger than 18 years of age can be placed in the strict regime area only for the reasons specified in Subsection (1)(a) or (1)(c) above.

(3) An alien can be placed in the strict regime area for the necessary period of time, however for not more than 30 days. During the period of time the alien is placed in the strict regime area, the Police will determine whether the reasons for this placement still exist. If, during the period of time specified in the preceding sentence, the alien commits any of the action specified in Subsection (1) above or the reasons for a higher level of monitoring still exist, the aliens placement in this area will be extended by an additional 30 days, otherwise the alien will be relocated to the moderate regime area without delay.

(4) The Police will complete a written record of the alien's placement in the strict regime area without delay, and will include the details and reasons for this placement.

Section 136

- (1) An alien who has been detained is (required) obliged to:
- a) adhere to the Facility's internal code of conduct;
 - b) conserve the Facility's property;
 - c) follow the instructions issued by the Police or the Operator for performing tasks in relation to the detainment;
 - d) avoid any behaviour that would hinder the purpose of the detainment;
 - e) suffer the limitation of his/her rights, specifically the right to privacy and freedom of movement, and a stay in the length of time that is necessary in order to meet the purposes of the detainment or for the protection of public health; and
 - f) maintain quiet during night time hours.

(2) In addition, an alien who is detained must undergo a medical examination at the time of his/her entry to the Facility, periodically while detained, at time of his/her exit from the Facility, and, if necessary, on a special basis in the scope defined by a physician, including any required diagnostic and laboratory tests, vaccinations, and other preventive measures established by public health protection authorities. If this task cannot be performed due to resistance on the part of the alien, the Police have the right to overcome this resistance. They cannot, however, cause the alien any harm that is not in proportion with the seriousness of the alien's behaviour.

- (3) During the period of time that the alien is placed at a Facility, he/she cannot:
- a) bring in, produce, keep, or consume alcohol or any other addictive substances;
 - b) bring in, keep, or produce any items that endanger human health or life or can damage property;
 - c) bring in or keep any items that might, based on quantity or nature, disturb the peace or endanger health; or
 - d) leave the Facility without the consent of the Police.

Section 137

(1) At the time an alien is placed at a Facility, the Police have the right to carry out a personal examination of the alien and his/her belongings for the purpose of determining whether the alien has a travel document, monetary resources, or an item that the alien is forbidden to bring into the Facility, produce at the Facility, or keep at the Facility.

(2) The Police also have the right to carry out a personal examination of a detained alien and his/her belongings if a well-founded suspicion exists that the alien might have a travel document or an item that the alien is forbidden to bring into the Facility, produce at the Facility, or keep at the Facility.

(3) The personal examination will be performed by a person of the same sex. The Police will complete a written record of the examination.

(4) The Police have the right to seize and take into custody a travel document, financial resources, and any items that the alien is forbidden to bring into the Facility, produce at the

Facility, or keep at the Facility, which are found during the personal examination, inspection of personal belonging, or in any other manner.

(5) The Police will turn over any seized items, with the exception of a travel document, weapons as specified by special legal regulation (provisions)¹⁸⁾, and any items¹⁹⁾ that are in conflict with the legal code of the Czech Republic, together with a list of these items, for safekeeping with the Operator.

Section 138

(1) The Operator will publish an internal code of conduct for the Facility, which will specify:

- a) the time schedule for providing health, psychological, and social care;
- b) the meal schedule;
- c) the time schedule and offering of cultural and sport activities;
- d) details on satisfying cultural requirements and sport activities,
- e) the time schedule for the distribution of hygiene products, footwear, clothing, and linen;
- f) the visiting schedule;
- g) the area designated for leaves and the time schedule for leaves in the strict regime area;
- h) the areas that aliens are forbidden to enter unless accompanied by the Police or a Facility employee;
- i) the manner in which mandatory schooling is to be attended; and
- j) any other organizational and technical details as required.

(2) Within the internal code of conduct at a Facility at which families with children and unaccompanied minor aliens are staying, the Operator will also establish a selection of cultural, sport, and other activities designed specifically for various age groups.

(3) A Facility's internal code of conduct will be made available in Czech, English, French, German, Russian, Spanish, Chinese, Arabic, Vietnamese, Hindu, and any other language that might be necessary in order to ensure that aliens staying at the Facility remain informed.

(4) A Facility's internal code of Conduct will be located in a manner whereby it is accessible to all the aliens detained at the Facility.

Section 139

A family might be divided within the framework of a Facility if any of the family members are placed in the strict regime area.

Section 140

(1) The Operator has the right to place an alien, for whose subsistence and care a detained alien is responsible, in the moderate regime area if care for him/her cannot be

¹⁸⁾ Act No. 119/2002 Coll., on firearms, ammunition, and amendments to Act No. 156/2000 Coll., on the verification of firearms, ammunition, and pyrotechnic articles, and amendments to Act No. 288/1995 Coll., on firearms and ammunition, i.e., the Firearms Act, as amended by Act No. 13/1998 Coll., and Act No. 368/1992, on administrative fees, as amended by later legislation, and Act No. 455/1991 Coll., on performing trades (Trade Licensing Act), as amended by later legislation, (the Weapons Act), as amended by later legislation

¹⁹⁾ Section 1 (2) and (3) of Act No. 37/1989 Coll., on Protection Against Alcoholism and Other Drug Addictions, and Act No. 167/1998 Coll., on addictive substances and amendments to some other acts, as amended by later legislation

secured in any other manner (hereinafter referred to as “housed alien”). A housed alien will be provided with any other services in the same manner as a detained alien. If a housed alien is capable of comprehending the limitations connected with staying at a Facility, the alien’s personal wishes will be taken into consideration.

(2) A housed alien can leave a Facility if his/her care is secured in another manner. In the case of a minor or a person who has been declared incompetent for the purpose of performing legal acts, he/she can leave a Facility only if the written consent of his/her legal representative is obtained beforehand.

(2) A housed alien is required to adhere to a Facility’s internal code of conduct.

Section 141

(1) When assigning places in the accommodation room, the Operator will take any special religious, ethnic, or national characteristics into consideration as much as possible, as well as any kinship and marriage relationships, age, and condition of health.

(2) The following persons will be placed separately:

- a) unaccompanied minor aliens will be placed separately from adult aliens; and
- b) men will be separated from women; an exception can be made in the case of close family members

(3) An alien younger than 18 years of age or an alien who has been declared incompetent for the purpose of performing legal acts will be placed with a close family member or with the person into whose care he/she has been placed.

Section 142

(1) The Operator is obliged (required) to provide any alien who is placed at a Facility and is subject to mandatory school attendance with the opportunity to fulfil this obligation.

(2) An alien can leave a Facility for the purpose of meeting a requirement for mandatory school attendance if a school is not available in the Facility or for the purpose of additional activities supporting the alien’s personal development. In justified cases, transportation will be provided by the Facility’s Operator.

(3) The Operator will pay for textbooks and school needs for a citizen who has been placed at a Facility and is fulfilling the requirement for mandatory school attendance if these expenses are not paid by the state and the alien is not able to pay for these items in any other manner.

Section 143

(1) A detained alien will be provided with food according to proper dietary principles and corresponding to the alien’s health condition three times a day; children younger than 18 years of age will be provided with food five times a day.

(2) When selecting food, the requirements of a detained alien’s cultural and religious traditions will be taken into account as much as possible.

Section 144

(1) A detained alien has the right to accept up to 4 concurrent visitors once a week. The length of the visit cannot exceed one hour. In justified cases, the director of a Facility, or the representative thereof, can allow lengthier visits more often than once a week if an agreement is reached with the Police; if the capacity of the area designated for visits is sufficient, the number of concurrent visitors can also be increased.

(2) The visits will take place in rooms designated for this purpose.

(3) A detained alien has the right to accept the visit of a person who is providing him/her with legal assistance without any restrictions.

(4) A visit with a detained alien who has been placed in the strict regime area will take place in the presence of the Police.

Section 145

(1) A detained alien is allowed to receive a package with food, books, and personal items once a week. The weight of the package cannot exceed 5 kg. This limit does not apply to packages of clothing sent for the purpose of replacing the alien's clothing.

(2) The Police have the right to inspect all packages. The Police will not give the alien any items that cannot be brought into the Facility, or produced or kept at the Facility, and will prepare a written list of any such items. Items not given over to a detained alien, with the exception of items¹⁹⁾ that are in conflict with the legal code of the Czech Republic, will be given to the Operator who will send them back to the original sender at the sender's expense.

(3) A detained alien has the right to receive an unlimited amount of money that is delivered to him/her at the Facility or given to him/her in some other manner; the alien is obliged (required) to deposit these financial resources to the Operator for safekeeping. The Operator can accept other items into safekeeping at an alien's request, specifically valuables and documents. The Operator will prepare a written list of any financial resources and other items and will ensure that they are stored safely.

(4) During the course of an alien's detention, the Operator will, at an alien's request, give him/her the stored financial resources, or a portion thereof, however not in an amount that exceeds CZK 12.00 per day of the stay at a Facility. The Operator will record the amount that was given on the list of stored financial resources; the alien will confirm the receipt thereof in writing.

Section 146

(1) The Ministry has the right to use any financial resources, in Czech or any other freely convertible currency, which a detained alien deposits for safekeeping, for the purpose of paying any expenses, even partially, in relation to the alien's stay at a Facility and his/her administrative expulsion.

(2) The Ministry will issue a detained alien a document on any financial resources used as provided for in the provisions of Subsection (1) above.

Section 147

(1) At the time a detained alien is released from a Facility, the Ministry will return to him/her any financial resources and other items that were either seized or accepted for safekeeping, with the exception of items that are in conflict with the legal code of the Czech Republic and any financial resources that were paid out to the alien in cash during the course of his/her stay at a Facility pursuant to Section 146. Any financial resources that are in a currency that is not freely convertible will be returned to the alien in full.

(2) At the time an alien is released from a Facility, the Police will return to him/her any travel documents that it has retained; if, after being released from a Facility, an alien is escorted to a border crossing point for the purpose of administrative expulsion or (transfer) readmission pursuant to an International Treaty, the Police will return the travel document to the alien at the border crossing point. If there is a risk that the alien would destroy the travel document or get rid of it in any other manner in order to make administrative expulsion or (transfer) readmission pursuant to an International Treaty impossible, the Police will give the travel document to the carrier or the state authorities of the country to whose territory the alien is being returned or (transferred) readmitted pursuant to an International Treaty.

Section 148

(1) The Ministry will monitor adherence to the provisions of this Chapter with regard to the behaviour towards any aliens detained at a Facility. The legal authority for monitoring pursuant to special legal regulation (provisions) remains intact.

(2) An alien can submit any complaints on the breach of the provisions of this Chapter to the Ministry. The Ministry will process the complaint within 30 days of the date on which it is delivered. The person filing the complaint must be informed of the manner in which the complaint was processed. It is possible to submit an appeal against the manner in which a complaint was processed to the Ministry of the Interior.

Section 149

The Operator and the Police at a Facility must be informed on any controls of detention procedures that are performed by an authority other than the Ministry.

Section 150

Repealed

Section 151

Repealed

CHAPTER XIII TRANSIT TRANSPORT OF ALIENS AND UNDESIRABLE PERSONS

Transit of an Alien

Section 152

(1) For the purposes of this Act, transit transport of an alien across the Territory is understood to be the alien's entry to the Territory, stay in the Territory, and departure from the Territory, which is carried out by the Police independent of the alien's will. If the transit

transport is carried out by air with a stopover in the Territory²⁰⁾ (hereinafter “transit by air”), the transit transport is understood to be the alien’s entry and stay in the transit area of an international airport in the Territory and his/her departure from the transit area of an international airport, which is carried out by the Police independent of the alien’s will.

(2) The Police carries out transit transport of an alien across the Territory on the basis of an International Treaty or a request made by the appropriate authorities of a European Union member state or any other country that is a part to the common procedures²⁰⁾ in the case of transit by air.

(3) The Police can refuse to carry out transit transport if there is reason to do so on the basis of an International Treaty or, in the case of transit by air, if:

- a) the alien has been accused of criminal activity in the Territory or is required to serve a prison sentence;
- b) transit through other states (countries) or acceptance by the designated destination country is not possible;
- c) the transit transport of the alien to the designated destination country requires a change of airports in the Territory;
- d) the requested assistance is not possible at the required time due to practical reasons; or
- e) the alien might endanger state security, public order, the protection of public health, or other similar interests that are protected on the basis of the obligations ensuing from an International Treaty.

(4) The Police have the right to request that the transit transport through the territory of another country be secured on the basis of an International Treaty. If transport of the alien by air to the designated destination country requires a stopover in the territory of another European Union member state or any other state (country) that is a part to the common procedures in the case of transit by air, the Police have the right to request the appropriate authorities of that country to secure the transit transport during the stopover in the territory of that country.

Section 153

(1) Throughout the entire period of the transit transport of an alien, the Police will restrict the alien’s personal liberty and freedom of movement. In the case of transit by air, the Police will ensure that the alien is watched during the entire duration of the stopover and, if required, will provide escort activities in relation to the entry of the alien to the transit area of an international airport and will restrict the alien’s personal liberty and freedom of movement up until the time the alien boards the airplane at departure time. In the case of transit by air, the alien is not allowed to leave the transit area of an international airport; this provision does not apply if the alien must leave this area for any of the reasons specified in Subsection (5) below or Section 129 (3).

(2) After taking over the alien being transported, the Police will take the alien’s travel document for the purpose of safekeeping.

(3) An alien is obliged (required) to undergo a personal examination performed by the Police with the goal of determining whether the alien is in possession of a weapon or any

²⁰⁾ Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

other item that could threaten the life or health of the alien or any other persons; the personal examination of an alien will be performed by a person of the same sex.

(4) The Police will provide an alien being transported with food on a regular basis every 6 hours, starting at the time that the alien's freedom is restricted.

(5) If an alien being transported becomes ill, harms him/herself, or attempts to commit suicide, the Police will take any measures required in order to protect the alien's life and health including, but not limited to, providing first aid, ensuring healthcare is provided including a physician's opinion on whether the alien's state of health allows for the completion of the transit transport of the alien being transported.

(6) The Ministry will pay the expenses for any healthcare provided to an alien being transported.

Undesirable Person

Section 154

(1) An undesirable person is understood to be an alien who cannot be admitted to the Territory for the reason that this alien might, during his/her stay in the Territory, endanger state security, public order, the protection of public health, or the protection of the rights and freedoms of others, or any other similar interests that are protected on the basis of obligations ensuing from an International Treaty.

(2) The Police will designate an alien as an undesirable person on the basis of its own experience, at the request of the central administrative authority of the Czech Republic, at the request of the intelligence service of the Czech Republic, or on the basis of obligations ensuing from an International Treaty.

(3) The Police will designate an alien as an undesirable person on the basis of:

- a) a legally enforceable court decision on the penalty of expulsion from the Territory; ¹⁰⁾ or
- b) a legally enforceable decision on administrative expulsion.

(4) Anyone who requests that an alien be included in the record of undesirable persons as defined in Subsection (1) above must ensure that the consequences of the alien's inclusion in the register are adequate to (commensurate with) the reasons for the inclusion. The Police have the right to request any person making a request pursuant to Subsection (1) above to provide evidence of the adequacy (commensurateness) as specified in the preceding sentence if this is not provable on the basis of the request itself. For the purpose of proving adequacy (commensurateness), the anticipated impact of the decision on the alien's personal and family life must be considered.

(5) An alien who has been designated as an undesirable person will be included in the record of undesirable persons. ***If there is a substantiated risk that an alien designated as an undesirable person might significantly endanger public order or state security in the Contracting States, the Police will input information on the alien's name and surname, any other names, date and place of birth, sex, country of citizenship, and the reasons why the alien was designated as an undesirable person into the Schengen Information System; this provision does not apply to a European Union citizen ^{1a)} or a citizen of a Contracting State.***
- (valid as of Schengen)

(6) The Police will not inform an alien that he/she has been included in the record of undesirable persons.

Section 155

(1) The Police will review the reasons that led to the inclusion of an alien in the record of undesirable persons as provided for in Section 154 (2) once a year or at any time that the Police have any reason to doubt the justification for the inclusion, and, dependent on the results of this review, the Police will either leave the alien in the register or will delete the alien from the register without delay. In the event that the Police are unable to review the reasons objectively, the Police will request the (person) subject that requested the designation of an alien as an undesirable person to perform the review.

(2) The Police will delete an alien from the list of undesirable persons if a legally enforceable decision passed by a court or administrative authority (Section 154 (3)) has been executed, after a penalty of expulsion is abolished, after amnesty is granted by the President of the Czech Republic, or after the validity of a decision on administrative expulsion is cancelled by a court or administrative authority.

(3) When an alien is deleted from the record of undesirable persons, the Police will delete the information from the Schengen Information System that was entered therein pursuant to Section 154 (5).

CHAPTER XIV ADMINISTRATIVE OFFENCES

Section 156

(1) A carrier will be guilty of committing an administrative offence if it:

- a) transports an alien without a travel document to the Territory;
- b) transports an alien without a Visa to the Territory, if a Visa is required by law;
- c) does not fulfil its obligation to transport the alien back to a foreign country pursuant to Section 104 (1) or (2); or
- d) does not fulfil its obligation to bear the burden of any expenses associated with an alien's stay pursuant to Section 104 (5).

(2) A legal entity or natural person performing business activities as an accommodation provider will be guilty of committing an administrative offence if it:

- a) does not allow the Police to access the areas wherein an alien might be located;
- b) does not maintain a guest register as provided for in the requirements established by law (Section 101);
- c) does not submit the guest register to the Police for verification if so requested;
- d) does not notify the Police that it has provided accommodation to an alien or does not perform this task within the designated timeframe;
- e) does not provide an alien with confirmation of accommodation upon request;
- f) does not inform the Police of the death of an alien; or
- g) provides an alien with accommodation that is of significantly lower quality than that defined in Section 100 (d).

(2) The Police will impose a penalty of up to CZK 200,000 per alien for an administrative offence as defined by Subsection (1) above or CZK 50,000 for an administrative offence as defined by Subsection (2) above.

Section 156a (as of 1 September 2006)

(1) A legal entity or natural person performing business activities will be guilty of committing an administrative offence if it processes data included on a data chip containing biometric data in an unauthorized manner.

(2) The Police will impose a penalty of up to CZK 10,000,000 for an administrative offence as defined by Subsection (1).

Section 157

- (1) An alien will be guilty of committing an offence if he/she:
- a) crosses the state border elsewhere than through a border crossing point;
 - b) misuses a travel document (Section 108) that has been issued to another alien or a travel document that has been issued pursuant to special legal regulation (provisions)²¹⁾;
 - c) avoids residence control or border control;
 - d) makes unauthorized changes or allows unauthorized changes to be made in the documents that grant permission to enter the Territory or in any documents issued pursuant to this Act;
 - e) leaves a Facility during the period of his/her detainment;
 - f) presents modified documents or documents issued to another person;
 - g) during the course of residence control or during border control at the time of his/her departure, presents a travel document that is invalid as provided for in the provisions of Section 116 (a), (b), (c), or (d);
 - h) intentionally destroys or damages a document issued pursuant to this Act;
 - i) does not fulfil his/her obligation to return without unnecessary delay a document issued pursuant to this Act which is invalid or full of official records. ;
 - j) does not report the loss, destruction, damage, or theft of a document issued pursuant to this Act within a timeframe of 3 working days of the date on which he/she becomes aware of such;
 - k) does not immediately notify the Police of the loss or theft of any of the travel documents defined in Section 108 (1)(a), (1)(b), or (1)(c);
 - l) remains in the Territory without a travel document in spite of the fact that he/she is not authorized to do so;
 - m) remains in the Territory after the validity of his/her Visa or the period of leave to remain in the Territory on the basis of a Visa has expired, or without a Visa in spite of the fact that he/she is not authorized to do so;
 - n) uses a border crossing point without authorization for the purpose of crossing the border during other than the designated time of operation or in conflict with the purpose of a border crossing point ;
 - o) does not submit an application for extending the validity period of a card of residence permit within the timeframe provided for in law;
 - p) as a legal representative, does not submit an application for a Visa or permanent residence permit on behalf of an alien born in the Territory within the timeframe provided for in law (section 88 (2) and (3));
 - q) provides any untrue or incomplete information during any proceedings held pursuant to this Act;

²¹⁾ Act No. 329/1999 Coll., on travel documents and amendments to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended, (i.e., Travel Document Act), as amended by later legislation.

- r) does not fulfil his/her obligation to report his/her residence address in the Territory or any changes in this address;
- s) does not present an accommodation provider with a travel document or document issued pursuant to this Act or does not personally complete and sign the registration document;
- t) does not report any changes to surname and/or personal status, changes to information in a travel document or document issued pursuant to this Act within 3 working days, or, in the case of a European Union citizen or a family member thereof, within a timeframe of 15 working days;
- u) does not fulfil his/her obligation to prove his/her identity as provided for in this Act;
- v) does not provide proof of his/her ability to pay healthcare expenses during the course of residence control; or
- w) during the course of border control or residence control, presents in lieu of a a travel document an another documentary evidence that, in fact, has not nature of a passport. .

(2) A penalty of up to CZK 10,000 can be imposed for any of the offences specified in Subsection (1)(a) through (1)(e); a penalty of up to CZK 5,000 can be imposed for any of the offences specified in Subsection (1)(f) through (1)(n); and a penalty of up to CZK 3,000 can be imposed for any of the offences specified in Subsection (1)(o) through (1)(w). A penalty of CZK 3,000 can be imposed () on a ticket - as a fixed penalty for an administrative delict.

Section 157a

(1) A natural person will be guilty of committing an offence if he/she:

- a) does not submit a travel document or document issued pursuant to this Act, which he/she finds or obtains in any other manner, to the Police without delay;
- b) provides untrue information in a document on the provision of accommodation to an alien;
- c) does not immediately notify the Police of withdrawal from his/her obligation as provided for in Section 15; or
- d) processes data included on a data chip with biometric data in an unauthorized manner. (as of 1 September 2006)

(2) A natural person acting as an accommodation provider will be guilty of committing an offence if he/she:

- a) does not allow the Police to access the areas wherein an alien might be located;
- b) does not maintain a guest register as provided for in the requirements established by law (Section 101);
- c) does not submit the guest register to the Police for verification is so requested;
- d) does not notify the Police that it has provided accommodation to an alien or does not perform this task within the designated timeframe;
- e) does not provide an alien with confirmation of accommodation upon request;
- f) does not inform the Police of the death of an alien; or
- g) provides an alien with accommodation that is of significantly lower quality than that defined in Section 100 (d).

(3) A penalty of up to CZK 5,000 can be imposed for any of the offences specified in Subsection (1)(a) through (1)(c) **(as of 1 September 2006)**. A penalty of CZK 3,000 can be imposed on a ticket.

(4) A penalty of up to CZK 1,000,000 can be imposed for the offence specified in Subsection (1)(d). (as of 1 September 2006).

(5) A penalty of up to CZK 50,000 can be imposed for any of the offences specified in Subsection (2). A penalty of CZK 5,000 can be imposed on a ticket.

Section 157b
Common Provisions

(1) A legal entity is not liable for an administrative offence if it can prove that it exerted all possible effort to avoid a breach of legal obligations.

(2) When establishing the amount of a penalty imposed on a legal entity, the seriousness of the administrative offence will be taken into consideration, specifically the manner in which it was committed, the consequences thereof, and the circumstances under which it was committed.

(3) The liability of a legal entity for an administrative offence expires if the administrative authorities do not initiate (start) proceedings on the offence within 1 year of the date on which they learnt of this offence, however not more than 3 years after the date on which the offence was committed.

(4) Administrative offences as defined by this Act, with the exception of the administrative offence defined by Section 156a and the offence defined by Section 157a (1)(d), are processed by the Police authorities (Section 161). The administrative offences defined by Section 156a and Section 157a (1)(d), are processed at the first level by the Office for the Protection of Personal Data. (as of 1 September 2006)

(5) The provisions of this act on the liability of a legal entity and the sanctions applied thereto will also be applied to the liability for the behaviour of a natural person performing business activities^{21a)} or in direct relation therewith.

(6) An administrative offence as defined by Section 156 (2) can be processed by means of assessing a penalty imposed on a ticket if the administrative offence has been reliably proven and the accommodation provider is willing to pay the penalty on the spot.

(7) A penalty of up to CZK 5,000 can be imposed in course of administrative hearing on a ticket on an administrative delict.

(8) For the purpose of imposing and levying a penalty, the Police will use tickets for levying penalties (hereinafter referred to as “penalty ticket block”) that are imposed for administrative delicts in course of administrative hearing (^{21b}). In the penalty ticket block, the Police will indicate against whom the penalty is levied and the breach of obligations for which the penalty is being imposed. The penalty ticket block serves as a receipt confirming the fact that the penalty was paid in cash on the spot.

(9) An appeal cannot be filed against a penalty imposed in course of administrative hearing on a ticket.

(10) *The penalties are levied by the Police authorities and collected by the tax authorities with the proper territorial jurisdiction. (until 31 August 2006) The penalties are levied by the authority that imposes the penalty and collected by the customs authority with the appropriate jurisdiction. (as of 1 September 2006)* Income collected from penalties is income for the state budget.

(11) When levying and collecting any penalties that have been imposed, the procedures provided for in special legal regulation (provisions)²²⁾ apply.

^{21a)} Section 2 (2) of the Commercial Code

^{21b)} Act No. 200/1990 Coll., on offences, as amended by later legislation

²²⁾ Act No. 337/1992 Coll., on the administration of taxes and fees, as amended by later legislation

CHAPTER XV INFORMATION SYSTEMS

Section 158

(1) Within the course of carrying out the activities within its competence as provided for in this Act, the Police operate an information system that contains an alien's name (or names as applicable) and surname (including any previous names and/or surnames); day, month, and year of birth; sex; country of citizenship, birth register number or any other identification data provided by this alien; a pictorial image of the alien (such as a photograph); and his/her fingerprints. In addition, the information system maintained on aliens also includes:

a) information in the following scope:

1. applications for a Visa (Section 54), long term residence permit (Section 42 (4)), or permanent residence permit (Section 70 (1));
2. applications for the issuance of a confirmation of a temporary stay in the Territory, card of residence of a family member of a European Union citizen, card of permanent residence permit of a European Union citizen, or a card of permanent residence permit (Section 87x);
3. applications for the issuance of a foreigner passport, travel identity document, or travel document pursuant to Section 108 (1)(f) (Section 111 (1)); and
4. departure order (Section 50 (6)), border crossing report (Section 14), copy of an invitation (Section 180 (2)), and registration form (Section 97);

b) information on:

1. day, month and year that a Visa or any document pursuant to this Act was issued, its reference number, type, and validity period;
2. day, month and year that an invitation was certified or denied;
3. day, month, and year that a decision on denying an application for issuance of a document pursuant to this Act became legally enforceable and the reasons for the denial;
4. day, month, and year that a departure order was issued, its reference number, and validity period;
5. cancellation, expiry, or termination of the validity of a Visa or document issued pursuant to this Act, including specification of the type and reference number, and the reasons for the cancellation, expiry, or termination of validity;
6. hour, day, month, and year that the state border was crossed and information on refusing either entry to or departure from the Territory;
7. reasons for inclusion in the register of undesirable persons, including information on the duration of the ban on entering the Territory;
8. reasons for allowing entry to the Territory pursuant to Section 122 (1) or (2);
- 9. inclusion in the Schengen Information System by another Contracting State, including information on the duration of the ban on entering the territory of the Contracting States, and the authority of the other state that included the alien in the system; (as of Schengen);***
10. day, month, and year that a decision on administrative expulsion was issued, the date on which this decision became legally enforceable, and the reasons why it was issued;
11. day, month, and year that the state border was crossed for the purpose of transit transport, the authority that requested the transit transport, and the authority that allowed the transit transport;
12. day, month, and year that a decision on an administrative offence pursuant to this Act became legally enforceable; designation of the administrative offence as provided for in legal provisions, the facts of the case according to the judicial statement, the manner

in which the matter was resolved, and information related to levying and collecting the penalty that was imposed; and

13. type, reference number, and validity period of any lost or stolen documents; and

c) information that:

1. makes it possible to determine the authorities that made a decision in matters pursuant to Subsection 1(b) above;

2. makes it possible to determine any records pertaining to the alien and filed with matters pursuant to Subsection (1)(b) above; and

3. pertains to the course of any proceedings held pursuant to Subsection (1)(b) above and the execution of decisions carried out pursuant to this Act.

(2) Within the course of carrying out the activities within its competence as provided for in this Act, the Police also operate information systems that contain information on:

a) the day, month, and year that a decision on an administrative offence, as defined by this Act and committed by a legal entity or a natural person performing business activities, becomes legally enforceable, specification of the administrative offence as stipulated in legal provisions, the facts of the case as specified in the judicial statement, and information pertaining to levying and collecting the penalty that was imposed;

b) the person issuing an invitation in the scope provided in a copy of the invitation form (Section 180 (2)), the names, surnames, day, month, and year of birth, and country of citizenship of the alien who was invited, the reasons why certification of the invitation was denied, any breaches of obligations accepted in the invitation, and information on the authorities that participated in the matter; and

c) reference number and type of document that was declared as invalid by an authority in the issuing country, including the reasons why it was declared invalid.

(3) The Police have the right to operate other information systems, under the condition that the operation thereof is a prerequisite for performance of the tasks defined in this Act. These information systems can contain information only in the scope obtained during the performance of the task.

(4) The data maintained in the information systems operated pursuant to Subsections (2) and (3) above can also be included in the information system operated pursuant to Subsection (1) above, if it pertains to an alien who has been entered in this information system.

(5) The data from an information system operated pursuant to this Act can be integrated with the data contained in another information system operated pursuant to special legal regulation (provisions) under the condition that this is a prerequisite for performance of the tasks defined in this Act.

Section 158a

(1) Within the course of carrying out the activities within its competence as provided for in this Act, the Ministry of Foreign Affairs operates an information system that contains an alien's name (or names as applicable) and surname (including any previous names and/or surnames); day, month, and year of birth; sex; country of citizenship; a pictorial image of the alien (such as a photograph); birth register number or any other identification data provided by this alien; together with other data:

a) in the scope provided in an application for a Visa (Section 54), long term residence permit (Section 42 (4)), issuance of a confirmation of a temporary stay in the Territory or card of residence of a family member of a European Union citizen (Section 87x), issuance of a travel card of identity (Section 111 (1)), or issuance of an emergency travel document of the European Union (Section 115a);

- b) on the manner in which an application submitted pursuant to this Act was processed, specifying the reference number, type, issued date, and validity period of a Visa or other document and specification of the authority that issued the Visa or document; in the event that the application was denied, specification of the date of denial, the reasons for the denial, and the applicable authority that decided in re. ;
- c) on the issuance of a departure order, specifying the travel document number, departure order number, issued date, validity period, and designation of the authority that imposed the departure order;
- d) cancellation or expiration of the validity of a Visa or other document issued pursuant to this Act, including the type of document, reference number of the Visa or document, the reasons for the cancellation or expiration, and designation of the authority that decided in re. (the matter); and
- e) that make it possible to determine any records pertaining to the alien and filed with matters pursuant to Subsection (1)(a) through (1)(d) above, and any other information pertaining to the course of any proceedings held pursuant to Subsection (1)(a) through (1)(d) above.

(2) Within the course of carrying out the activities within its competence as provided for in this Act, the Ministry of Foreign Affairs operates an information system on aliens who have submitted applications for a long-term residence permit for the purpose of receiving protection in the Territory. This information system contains:

- a) information in the scope provided in the application for a long-term residence permit (Section 42 (4));
- b) the reason specified in the confirmation issued by the authorities responsible for penal I proceedings, including information on this authority;
- c) birth register number or other identification data provided by the alien;
- d) information on the manner in which the application is processed, reference number and type of document, day, month, and year of issue, and validity period;
- e) day, month, and year on which a decision on denying the application became legally enforceable and the reasons for the denial;
- f) day, month, and year on which a departure order was issued, its number, validity period, and information on the authority that issued the departure order; and
- g) information that makes it possible to determine any records pertaining to the alien and filed with matters pursuant to Subsection (1)(a) through (1)(f) above, and any other information pertaining to the course of any proceedings held pursuant to Subsection (1)(a) through (1)(f) above.

(3) The Ministry of Foreign Affairs and the Ministry have the right to use the information specified in Subsection (1) in the scope that is required in order to fulfil any task provided for in this Act.

Section 159

(1) Unless provided for otherwise below, an applicant can be provided with data from the information system only in the scope that he/she needs to perform the tasks assigned by the Act, specifically surname, name, maiden name, date and place of birth, country of citizenship, birth register number, place of residence and type of residence in the Territory. This scope can be expanded if it is required for the purpose of completing the tasks assigned by law and the necessary information cannot be obtained in any other manner. Information obtained in this way does not in any way provide authorization to collect, transfer, or use this data above the framework of established authorization pursuant to special legal regulations (provisions).

(2) On the basis of a request submitted by an alien pursuant to special legal regulation (provisions)²³⁾, he/she can be provided with data in the scope specified in Subsection (1) above.

(3) Data from the information systems operated pursuant to Section 158 is provided to state authorities if this information is required for the purpose of performing their tasks. When performing tasks pursuant to special legal regulations (provisions)^{23a)}, intelligence services can use the stored information, including personal data, in a manner that allows uninterrupted and remote access. (as of 1 September 2006)

(4) The Police will provide the data from the information systems operated pursuant to Section 158 in the scope established by the agreement concluded by the European Communities to the appropriate authorities of a state (country) that is not a European Union member state under the condition that this agreement is binding on the Czech Republic. In addition, the Police will provide information from the information systems operated pursuant to Section 158 to the embassy of the alien's state (country) of citizenship in the scope that is required for the purpose of issuing an emergency travel document.

(5) The Ministry of Foreign Affairs will provide data from the information systems operated pursuant to Section 158 (1) in the scope established by the agreement concluded by the European Communities to the appropriate authorities of a state (country) that is not a European Union member state, under the condition that this agreement is binding on the Czech Republic.

(6) The Police will provide data on an alien who was issued a long-term residence permit as a resident of another European Union member state to the appropriate authorities of the European Union member state that granted the alien the status of resident of another European Union member state or granted the alien residence for the purpose of family reunification; the Police will inform this authority of the cancellation of the validity of this permit for long-term residence in the Territory or the expulsion of a resident of another European Union member state, including information on the alien's departure from the Territory.

(7) The Police will provide data on an alien who was granted the legal status of a resident in the Territory^{7c)} to the appropriate authorities of another European Union member state which had previously granted this alien the legal status of a resident in the territory of another member state.

(8) The Police will provide data on an alien, for whom the validity of the decision granting this alien the legal status of resident in the Territory^{7c)} was cancelled pursuant to Section 85 (1)(b), to the appropriate authorities of another European Union member state, which decided to terminate the temporary stay of this resident in its territory due to the fact that the alien significantly disturbed public order.

(9) The Ministry will provide the Police without delay with data in the scope of name and surname; day, month, and year of birth; and country of citizenship for any alien whose application for a long-term residence permit for the purpose of receiving protection in the Territory was denied or whose permit was cancelled, as well as information on the day,

²³⁾ Section 17(l) of Act No. 256/1992 Coll.

^{23a)} Act No. 153/1994 Coll., on intelligence services in the Czech Republic, as amended by later legislation; Act No. 154/1994 Coll., on security information services, as amended by later legislation; Act No.289/2005 Coll., on military intelligence

month, and year on which this decision became legally enforceable and the validity period of the departure order.

Section 160

(1) The data in the information systems specified in Section 158 can be kept in paper form, on technical data media, or in a manner that combines these two methods, and can also be transferred in the same form.

(2) The information that is recorded on technical data media will be retained as follows:

- a) in the case of temporary or permanent residence, a period of 20 years as of the date the alien's stay in the Territory was terminated or as of the date citizenship of the Czech Republic is acquired;
- b) a period of 15 years as of the date the validity of a foreigner passport pursuant to Section 113 (1) and (2) expires, with the exception of fingerprints and other data maintained by the Ministry on alien's requesting the issuance of this type of passport, which are kept for a period of 60 days as of the date the completed foreigner passport is delivered to the Ministry; (as of 1 September 2006)
- c) a period of 10 years as of the end of the timeframe for which an alien was included in the record of undesirable persons;
- d) a period of 10 years as of the date a recordable event occurred, if the information pertains to the loss or theft of any of the travel documents specified in Section 108, or any of the travel documents specified in Section 108 (1)(a), (1)(b), (1)(c), (1)(g), or (1)(h) and (b), which were declared invalid by the authorities of the state (country) that issued these documents;
- e) a period of 5 years as of the date the validity of a foreigner passport as stipulated in Section 113 (3) and (4) (as of 1 September 2006), travel identity document, or travel document as specified in Section 108 (1)(f) expires; or
- f) a period of 5 years as of the date an event that is subject to being recorded occurs in all other cases.

(3) The information that is kept in paper form will be retained as follows:

- a) in the case of temporary or permanent residence, a period of 10 years as of the date the alien's stay in the Territory was terminated or as of the date citizenship of the Czech Republic is acquired;
- b) a period of 5 years as of the end of the timeframe for which an alien was included in the record of undesirable persons;
- c) a period of 5 years as of the date the validity of a foreigner passport, travel identity document, or travel document as specified in Section 108 (1)(f) expires; or
- d) a period of 5 years as of the date an event that is subject to being recorded occurs in all other cases.

(4) If the information recorded on an alien consists of combined data as provided for in Section 158 (5), the retention period for the full set information will be equal to the longest retention period defined for one of the segments of the combined information.

(5) The retention period for data maintained in the information systems specified in Section 158 (2) and (3) cannot exceed a period of 30 years.

(6) If the period defined in Subsections (2), (3), (4) or (5) above elapses, the Police will destroy the information, unless provided for otherwise in special legal regulation (provisions).²⁴⁾

**CHAPTER XVI
COMPETENCY OF THE POLICE
AND MINISTRY OF FOREIGN AFFAIRS
AND POLICE AUTHORIZATION**

Section 161

State Administration Activities Performed by the Police and Territorial Jurisdiction

(1) Within the framework of the Police, the following hold the competency of administrative authorities as provided for in this Act:

- a) the Directorate of Alien and Border Police Service;
- b) Regional Directorates of Alien and Border Police Service and their remote worksites, which consist of:
 1. Alien Police Offices;
 2. Alien and Border Police Departments; and
 3. Investigation and Residence Control Units.

(2) The territorial jurisdiction of the administrative authorities as specified in Subsection (1) above is established on the basis of the area where the alien's registered residence address is located; in the case of aliens who do not have to register their residence address, jurisdiction is determined on the basis of the area where the alien is located the majority of the time.

Section 162

Repealed

Section 163

Directorate of Alien and Border Police Service

The Directorate of Alien and Border Police Service:

- a) ensures fulfilment of the obligations ensuing from an International Treaty;
- b) performs residence controls;
- c) manages and controls the activities of the Regional Directorates of Alien and Border Police Service and their remote worksites;
- d) provides escort activities in connection with the expulsion of aliens, the police transit transport of aliens across the Territory, and air transit;
- e) submits applications for permission for air transport with the appropriate authorities of an European Union member state or another country that subscribes to the common procedures²⁰⁾, and, in the case of air transit, processes applications for permission for air transit;
- f) takes pictorial images and fingerprints of an alien in connection with the alien's detainment for the purpose of administrative expulsion, (transfer) readmission pursuant to an International Treaty, or in relation to determining an alien's identity;
- g) during administrative proceedings:

²⁴⁾ Act No. 97/1974 Coll., on archiving, as amended by Act No. 343/1992 Coll.

1. acts as the superior administrative authority in relation to an Regional Directorate of Alien and Border Police (Section 164);
 2. makes a ruling on applications for cancelling the validity of a decision on administrative expulsion;
 3. makes a ruling on whether obstacles preventing departure have ceased to exist pursuant to Section 120a (2); and (until 31 August 2006);
 3. requests the Ministry to issue a binding opinion^{9b)} on whether an alien's departure is possible; and (as of 1 September 2006)
 4. makes a ruling on requests submitted pursuant to Section 66 (1)(a) and (1)(b);
- h) makes decisions on designating a person as undesirable through his/her inclusion in the record of undesirable persons and the deletion of individuals from this record ;
 - i) operates information systems pursuant to Section 158 within the scope of its competency;
 - j) secures travel and transport documents (air tickets, rail and bus tickets, etc.) and issues departure orders for aliens being expelled from the Territory;
 - k) requests copies of records from the Criminal Register;
 - l) makes decisions on the issuance of Visas or permission to enter the Territory pursuant to Section 122;
 - m) evaluates whether a public document as defined by Section 108 (1)(b) meets the conditions stipulated in Section 108 (2);
 - n) verifies if an alien did not conclude a marriage for the purpose of obtaining a residence permit;
 - o) issues new decisions on applications submitted pursuant to Section 11a; and
 - p) evaluates the reasons for refusing an alien entry to the Territory pursuant to Section 180e.

Section 164

Regional Directorates of Alien and Border Police Service

(1) An Regional Directorate of Alien and Border Police Service:

- a) ensures fulfilment of the obligations ensuing from an International Treaty;
- b) performs residence controls;
- c) makes decisions on refusing an alien entry to the Territory and, in specific cases, the concurrent cancellation of the validity of a Visa (Section 9 (1)(b) and Section 9 (6));
- d) makes decisions on refusing permission to depart from the Territory;
- e) makes decisions on granting transit Visas pursuant to Section 22 (5) and (6) and Visas for a stay longer than 90 days pursuant to Section 7 (1)(a) and (until 31 August 2006) Section 26 (5) and (6), or on granting Visas for a stay longer than 90 days or extending the validity or period of stay allowed on the basis thereof; in addition, it also makes decisions on extending the validity or period of stay allowed on the basis of a short-term Visa, cancelling the validity of a short-term Visa, terminating an alien's temporary stay in the Territory for which a Visa is not required, and imposes departure orders;
- f) makes decisions on issuing long-term residence permits, permanent residence permits, temporary residence permits, and certificates of temporary residence in the Territory, or on the cancellation thereof, if the decision-making in these matters is not delegated to the Ministry or the Directorate of Alien and Border Police Service;
- g) makes decisions on extending the validity of card of residence permit or card of permanent residence permit of European Union citizens;
- h) seizes travel documents pursuant to Section 117(1);
- i) *makes decisions on issuing and rescinding foreigner passports and travel identity documents, extending the validity thereof, or making changes thereto; (until 31 August 2006)*
- i) makes decisions on issuing and rescinding foreigner passports issued pursuant to Section 113 (1) or (2); (as of 1 September 2006)

- j) makes decisions on violations and administrative offences as provided for in this Act;
- k) certifies invitations;
- l) makes decisions on the payment of expenses in connection with the stay of a detained alien in the Territory and his/her departure from the Territory if the alien is detained pursuant to special legal regulation (provisions)^{16a) 16b) (as of 1 September 2006)}, and performs activities for the purpose of enforcing the payments;
- m) operates information systems pursuant to Section 158 within the scope of its competency;
- n) performs functions as the reporting authority in the scope defined by the Act;
- o) provides escort activities in connection with the expulsion of aliens, the police transit transport of aliens across the Territory, and air transit;
- p) performs border controls;
- q) makes decisions on the subsequent confirmation of information on the date and location of an alien's entry to the Territory (Section 180d);
- r) requests copies of records from the Criminal Register;
- s) takes pictorial images and fingerprints of an alien in connection with declaring a Visa as invalid, administrative expulsion, the alien's detainment for the purpose of administrative expulsion, determining an alien's identity, or fulfilment of obligations ensuing from an International Treaty or in connection with the provision of temporary protection;
- t) makes decisions on the administrative expulsion of an alien *and on whether obstacles preventing departure pursuant to Section 120a (2) have ceased to exist* (until 31 August 2006);
- u) issues confirmations of the right to permanent residence in the Territory;
- v) verifies confirmations pursuant to Section 92 (a);
- w) issues confirmation of the seizure of a travel document pursuant to Section 117;
- x) makes decisions on an alien's detainment for the purpose of administrative expulsion or for the purpose of fulfilling obligations ensuing from an International Treaty;
- y) verifies if an alien did not conclude a marriage for the purpose of obtaining a residence permit; and
- z) makes decisions on placing an alien at a Facility.

(2) In addition, a Regional Directorate of Alien and Border Police Service:

- a) ensures the external security of Facilities; in the case of the strict regime areas of Facilities, it ensures the internal as well as external security of these areas;
- b) provides escort activities in connection with transferring aliens between individual Facilities; secures the transportation and security for detained aliens between the Facility and healthcare facilities where they are to receive medical treatment, for the purpose of visiting a consulate, for performing acts for the purpose of criminal proceedings, for performing any other tasks pertaining to the purpose of the detainment, or to the courthouse, and then back to the Facility;
- c) makes decisions on issuing and rescinding travel identity documents and foreigner passports issued pursuant to Section 113 (3) or (4); (as of 1 September 2006)
- d) takes biometric data in relation to the issuance of a foreigner passport pursuant to Section 113 (1) or (2); and (as of 1 September 2006)/
- e) requests the Ministry to issue a binding opinion^{9b)} on whether an alien's departure is possible (as of 1 September 2006).

(3) An Alien Police Office, working at the district level, is competent to perform the tasks defined in Subsections (1)(a), (1)(b), (1)(f) through (1)(o), and (1)(q) through (1)(z) above (until 31 August 2006) (1)(f) through (1)(h), (1)(j) through (1)(o), (1)(r) through (1)(z) and Subsection (2)(c) above (as of 1 September 2006). In addition, these offices make decisions on extending the period of stay provided on the basis of Visas for a stay longer than

90 days and cancelling the validity of these Visas; on granting, extending the length of residence allowed, and cancelling the validity of Visas for a stay longer than 90 days; on terminating temporary residence in the Territory for which no Visa is required; and on issuing departure orders.

(4) The Alien and Border Police Departments are competent to perform the tasks defined in Subsections (1)(a), (1)(b), (1)(c), (1)(d), (1)(h), (1)(j), (1)(m), (1)(o), (1)(p), (1)(s), (1)(t), (1)(w), (1)(x), and (1)(z) above. In addition, these departments also make decisions on granting transit Visas pursuant to Section 22 (5); granting Visas for a stay of less than 90 days pursuant to Section (7)(1)(a) and (until 31 August 2006) Section 26 (5); imposing departure orders; cancelling any type of Visa, with the exception of airport Visas; issuing travel identity documents; and terminating a temporary stay in the Territory for which no Visa is required. They also evaluate whether a public document as defined by Section 108 (1)(b) meets the conditions provided for in Section 108 (2).

(4) The Investigation and Residence Control Units are competent to perform the tasks defined in Subsections (1)(a) through (1)(d), (1)(h), (1)(j), (1)(m), (1)(o), (1)(p), (1)(s), (1)(t), and (1)(w) through (1)(z). In addition, this Division also makes decisions on imposing departure orders, issuing travel identity documents, and terminating temporary stays in the Territory for which no Visa is required. It also evaluates whether a public document as defined by Section 108 (1)(b) meets the conditions stipulated in Section 108 (2).

Section 165

Competency of the Ministry

Within the framework of its competency in matters concerning the entry and stay of aliens in the Territory and their departure from the Territory, the Ministry:

- a) performs supervisory activities over the Police when the Police perform administrative tasks;
- b) performs the tasks of superior administrative authority in relation to the Directorate of Alien and Border Police Service;
- c) makes decisions on long-term residence permits for the purpose of receiving protection in the Territory and permanent residence permits pursuant to Section 66 (1)(c), Section (67), Section 87g (3), and Section 87h (2);
- d) establishes and operates Facilities;
- e) makes decisions on the payment of expenses in connection with the stay of a detained alien in the Territory and his/her departure from the Territory and performs activities for the purpose of enforcement of the payments; and
- f) performs any other tasks as stipulated in this Act.

Section 166

Competency of the Ministry of Foreign Affairs

(1) The Ministry of Foreign Affairs performs state administrative tasks in matters related to permitting the residence in the Territory of aliens who enjoy the privileges and immunities provided by international law.

(2) The Ministry of Foreign Affairs performs state administrative tasks in matters related to granting Visas in the scope provided for in this Act through the Embassies.

Section 167

Police Authorization

- (1) The Police are authorized to:
- a) request copies of records from the Criminal Register for the purpose of any proceedings conducted pursuant to this Act;
 - b) take fingerprints and pictorial images in relation to declaring a Visa invalid, proceedings on administrative expulsion, detainment for the purpose of administrative expulsions or for the purpose of readmission (transfer) pursuant to an International Treaty, or in order to determine an alien's identity;
 - c) request any explanation required in connection with the performance of any tasks performed pursuant to this Act;
 - d) perform a residence control of:
 1. an alien for the purpose of determining whether he/she is staying in the Territory on an authorized basis and whether he/she meets the conditions for his/her stay in the Territory as defined by this Act; and
 2. an alien or any other persons for the purpose of finding out whether they are acting in compliance with the obligations provided for in this Act;
 - e) request an alien to prove his/her identity in relation to border control or a residence control;
 - f) enter accommodation facilities under the conditions provided for in this Act and to inspect guest registers;
 - g) carry out a personal search and a search of items, if so stipulated in this Act;
 - h) record the fact that a decision on administrative expulsion was imposed on an alien in his/her travel document;
 - i) seize the financial resources from an alien who is detained pursuant to special legal regulation;^{16a) 16b) as of 1 September 2006)}
 - j) use the financial resources that have been seized from an alien pursuant to Subsection (j) above for the payment, even partial payment, of the expenses related to the detained alien's stay in the Territory and his/her departure from the Territory;
 - k) during the course of performing the tasks provided for in this Act, verify if an alien did not conclude a marriage for the purpose of obtaining a residence permit; and
 - l) take an alien's fingerprints and pictorial images on the basis of directly applicable legal regulation (provisions) of the European Communities^{5a)} in connection with issuing a foreigner passport and travel documents pursuant to special legal regulation (provisions).²⁾ **(as of 1 September 2006)**

(2) If the Police perform a residence control in cooperation with the authorities performing a control at employers pursuant to special legal regulations (provisions), the Police have the right to enter the premises and facilities of these employers.

CHAPTER XVII ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

Administrative Proceedings Section 168

The provisions of the Administrative Procedure Code^{24a)} on administrative proceedings do not apply to proceedings held pursuant to Section 4 (2), **Section 7 (until 31 August 2006)**, Section 9 (with the exception of proceedings held pursuant to Section 9 (5)), Section 11, Section 19 (1), Section 22, Section 24, Section 26, Section 29, **Section 29b (2)**,

^{24a)} Parts Two and Three of the Administrative Procedure Code

Section 30, Section 33, Section 36, Section 37 (1)(c), Section 38 (1) *and (3)* (until 31 August 2006), Section 40, Section 41, Section 49, Section 50, Section 53 (2), Section 61, Section 92, Section 115a, Section 122 (1) and (2), Section 124 (with the exception of proceedings held pursuant to Section 124 (3), Section 129, Section 148, Section 154 (2), Section 155 (1), Section 180, Section 180b, Section 180d, and Section 180e.

Section 169

Departures from the Administrative Procedure Code

(1) A decision that cannot be successfully delivered directly to a participant in any proceedings within a timeframe of 180 days will be delivered by means of posting this decision on the official notice board of an Embassy for a period of 15 days, if a decision of this authority is in question.

(2) If a decision cannot be issued forthwith, a decision is issued:

- a) within a timeframe of 120 days as of the date an application is submitted for a long-term residence permit of a resident of another European Union member state or a family member thereof;
- b) within a timeframe of 180 days as of the date an application is submitted for a permanent residence permit;
- c) within a timeframe of 270 days as of the date an application is submitted for a long-term residence permit for the purpose of family reunification in the Territory;
- d) within a timeframe of 60 days as of the date an application is submitted for a long-term residence permit for the purpose of studies; (as of 26 June 2006) or
- e) within a timeframe of 60 days as of the date an application is submitted for a long-term residence permit, permanent residence permit as stipulated in the provisions of Section 69 if it is submitted in the Territory, temporary residence permit; or a permanent residence permit as provided for in Section 87g and Section 87h.

(3) An alien is required to personally participate in proceedings if requested to do so.

(4) An appeal against a decision refusing entry to the Territory; against a decision on rescinding a foreigner passport, travel identity document, or travel document as stipulated in Section 108 (1)(f); against a decision made pursuant to Subsection 9; or against a decision on cancelling a card of residence , card of residence of a family member of a European Union citizen, card of permanent residence permit , or card of permanent residence permit of a European Union citizen, does not have a deferring effect.

(5) The Police will make a decision on administrative expulsion within a timeframe of 7 days as of the date the proceedings initiate (start); if the Police cannot make a decision within this timeframe, it is obliged (required) to inform the participant to these proceedings, including specification of the reasons thereof .

(6) An appeal against a decision on administrative expulsion can be submitted within a timeframe of 5 days as of the date notification of this decision is received; in the case of a decision on the administrative expulsion of an alien younger than 18 years of age, the timeframe for filing an appeal is 15 days as of the date notification of this decision is received.

(7) Proceedings can also be stopped on the basis of a decision if an alien:

- a) does not pick-up a card of residence permit within the timeframe specified in Section 44 (2) or a permanent residence permit within the timeframe specified in Section 74, unless

- he/she informs the Police during this timeframe that he/she is prevented from doing so due to reasons beyond his/her control;
- b) who submitted an application in the Territory and does not pick-up a permanent residence permit within a timeframe of 30 days of the date on which he/she receives notification, unless he/she informs the Police during this timeframe that he/she is prevented from doing so due to reasons beyond his/her control;
 - c) who submitted an application for a permanent residence permit in the Territory, in spite of not being authorized to do so pursuant to Section 69 (2); or
 - d) who submitted an application for extending the period of his/her stay on the basis of a Visa for a stay longer than 90 days, an application for a long-term residence permit, or an application for extending the validity of a long-term residence permit during a timeframe in which he/she is not authorized to do so.

(8) The Police will process an application for extending the period of stay allowed on the basis of a Visa for a stay longer than 90 days or an application for extending the validity of a Visa for a stay longer than 90 days within a timeframe of 14 days.

(9) In the event that new circumstances come to light after a decision has been issued on an application submitted at an Embassy for a long-term residence permit or a permanent residence permit, which would have otherwise caused the application to be denied, this decision will be cancelled if it is not legally enforceable.

Section 170

(1) An alien is obliged (required) to submit an application for a Visa, with the exception of a Diplomatic Visa or a Special Visa, an application for extending the period of leave to remain in the Territory on the basis of a short-term Visa, or an application for extending the validity of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory, in person. In justified cases, an Embassy or the Police can waive the obligations specified in the preceding sentence.

(2) The Police will process an application for a transit Visa pursuant to Section 22 (5) or an application for a Visa for a stay of up to 90 pursuant to Section 26 (5) without undue delay.

(3) An Embassy will process an application for a Visa for a stay of up to 90 days, an application for an airport Visa, or an application for a transit Visa within a timeframe of 30 days as of the date the application is submitted; in the case of a family member of a European Union citizen^{1a)}, who is not a national of a European Union member state, the application will be processed within a timeframe of 14 days as of the date the application is submitted.

(4) The Police will process an application for a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory pursuant to Section 33 (1) within a timeframe of 30 days as of the date the application is submitted.

(5) The Ministry of Foreign Affairs or an Embassy will process an application for a Diplomatic Visa or Special Visa, or an application for a Visa for a stay longer than 90 days granted to an alien for the purpose of submitting an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs (Section 30 (2)), within a timeframe of 60 days as of the date the application is submitted.

(6) The Police will process an application for a Visa for a stay longer than 90 days within a timeframe of 120 days as of the date the application is submitted. The Police will

process an application for a Visa for a stay longer than 90 days for the purpose of studies or for the purpose of educational and scientific research activities at primary schools, secondary schools, vocational schools, colleges, universities, or conservatories in the Czech Republic or at the Academy of Sciences of the Czech Republic, within a timeframe of 60 days as of the date the application is submitted.

(7) The Police will process an application for extending the period of a stay allowed on the basis of a Visa for a stay of less than 90 days within a timeframe of 7 days as of the date the application is submitted. The Police will process an application for extending the validity or the period of a stay allowed on the basis of a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory within a timeframe of 30 days as of the date the application is submitted;

(8) Proceedings held before the Police are conducted in Czech; if any documents are not in this language, the alien is obliged (required) to attach a certified translation of the document with the **application.**²⁵⁾

(9) After proceedings have been concluded, the Visa will be affixed in a travel document or another document as provided for in the conditions established by this Act, or, at the time the application is submitted to the Police, the applicant will be notified that his/her application is denied, or, if the application is filed abroad, the Embassy will return the alien's travel document to him/her.

Judicial Review

Section 171

The following will be excluded from a judicial review:

- a) decisions on not granting a Visa;
- b) decisions on refusing entry;
- c) decisions on administrative expulsion, if, prior to the start of proceedings on the expulsion, the alien stayed in the Territory or in the transit area of an international airport in an unauthorized manner; and
- d) decisions on the termination of a stay, if prior to the start of proceedings on terminating the stay, the alien stayed in the Territory or in the transit area of an international airport in an unauthorized manner.

Section 172

Appeals

(1) Action against an administrative decision²⁶⁾ must be filed within a timeframe of 30 days as of the date a decision made by the ultimate instance of administrative authority is delivered or as of the date notification of another decision made by an administrative authority is delivered, unless provided for otherwise below. Default of time () may not be waived.

(2) Action against an administrative decision on expulsion must be filed within a timeframe of 10 days as of the date a decision made by the ultimate instance of administrative authority is delivered. Default of time may not be waived.

²⁵⁾ Act No. 36/1967 Coll., on experts and interpreters

²⁶⁾ Sections 244 through 250k of Act No. 99/1963 Coll.

(3) Action against an alien's expulsion will have a deferring effect on the legal enforceability of the decision; this provision does not apply in the event that the alien was expelled due to the fact that he/she presented a threat to state security.

(4) The deferring effect of an action against a decision on expulsion has no impact on the provisions governing extensions of the validity period of a Visa, extensions of the period of leave to remain in the Territory with a Visa, extensions of the validity period of a card of residence permit, extensions of the card of residence of a family member of a European Union citizen, extensions of a card of permanent residence permit, or extensions of a card of permanent residence permit of a European Union citizen.

CHAPTER XVIII COMMON PROVISIONS

Section 173

An alien who has been issued a card of residence of a family member of a European Union citizen, card of residence permit, or card of permanent residence permit has the right to enter the Territory, remain in the Territory, and depart from the Territory without a Visa.

Section 174

Clean Criminal Record

(1) For the purposes of this Act, an alien with a clean criminal record is understood to be an alien who:

- a) has no record of ever having been convicted of a crime on the basis of a legally enforceable court judgment in an extract from the Criminal Register; and
- b) has no record of ever having been convicted for behaviour that meets the criteria of a crime in a document issued by a foreign country, which corresponds to an extract from the Criminal Register.

(2) A clean criminal record is proven by submitting an extract from the Criminal Register, which is not older than 6 months, or by submitting similar documents issued by the alien's state (country) of citizenship, as well as any other states (countries) in which the alien remained for a continuous period of more than 6 months during the last 3 years; in the event that a state (country) does not issue any such a document, it can be replaced with an honourable declaration.

Section 175

The provisions of this Act will apply, unless an International Treaty published in the Collection of International Treaties provides otherwise.

Section 176

Healthcare Provided During the Period of an Alien's Detainment

(1) During the period of time that an alien is detained in the Territory, he/she will be provided with healthcare as follows:

- a) immediately, in situations that:
 1. are life threatening;
 2. might lead to sudden death as a result of deteriorating health;
 3. might result in permanent damage to health if not treated immediately;

4. cause sudden pain and suffering;
 5. result in changes in the alien's behaviour and actions, whereby he/she is a threat to him/herself or his/her surroundings; or
 6. are related to pregnancy and childbirth, with the exception of abortions performed at an alien's request; or
- b) in situations connected with an ordered quarantine or the implementation of other measures for the purpose of protecting public health.

(2) The expenses for healthcare provided pursuant to Subsection (1) above or Section 134 (2) will be paid by the state, even in cases when detention is suspended.

(3) If the required healthcare cannot be provided at a Facility, the Operator will ensure that this care is provided at healthcare facilities, with which the Ministry or the Operator will conclude a contract on the provision of healthcare; this provision does not apply in situations that present an immediate threat to life or health.

(4) If an alien voluntarily causes harm to his/her own health during the period of his/her detainment, he/she is obliged (required) to pay the expenses for treatment, including any expenses actually outlaid in relation to providing guarding and transport to a healthcare facility and back.

(5) In cases whereby the expenses for any healthcare provided are paid by the state and the alien in question has not stated that he/she intends to apply *for asylum or has applied for asylum* (until 31 August 2006) for international protection or has applied for international protection, the expenses are paid by:

- a) the Ministry for aliens detained in Facilities; or
- b) the Police in all other cases.

Section 176a

Payment of Expenses Associated with an Alien's Stay at an Admission Centre in the Transit Area of an International Airport after the Legally Enforceable Conclusion of *Asylum Proceedings (until 31 August 2006)* **Proceedings on Granting International Protection (as of 1 September 2006)**

(1) An alien who, at the time that a decision pursuant to special legal regulation (provisions)²⁾ becomes legally enforceable, is placed in an admission centre in the transit area of an international airport, will pay the costs associated with his/her stay in this centre from his/her own resources up through the time of his/her departure from the Territory.

(2) An alien as specified in Subsection (1) above will be provided with any healthcare required in connection with an injury or sudden illness, an ordered quarantine, or the implementation of other measures for the purpose of protecting public health. The alien will pay the expenses related to this healthcare from his/her own resources.

(3) If an alien is unable to pay the costs specified in Subsections (1) and (2), even in part, from his/her own resources and if payment is not secured in any other manner, these expenses will be borne by the state. Payment of the expenses is secured by the Ministry.

Section 176b

Payment of Expenses Associated with an Alien's Detention

for the Purpose of Readmission (Transfer) or Transit

(1) Similar procedures as those applied in the case of payment of expenses associated with an alien's detention for the purpose of administrative expulsion apply to the payment of expenses associated with an alien's detention for the purpose of readmission (transfer) or transit pursuant to an International Treaty or an alien's detention for the purpose of air transit (Section 152 and Section 153).

(2) The expenses associated with an alien's detention for the purpose of readmission (transfer) pursuant to an International Treaty include any expenses incurred by the Police or the Ministry from the time that the alien is detained up through the time that the alien is (transferred to) the appropriate authorities of the other Contracting State.

(3) The expenses associated with an alien's detention for the purpose of transit on the basis of an International Treaty or air transit pursuant to Section 152 and Section 153 will be paid only in the event that the return of an alien staying in the Territory to the territory of his/her country of citizenship or to the territory of another country that will accept the alien, requires that the alien be detained during his/her transit through the territory of another state (country) with the assistance of the appropriate authorities of that state (country). In these situations, the expenses will also include any expenses incurred in relation to the transit activities of the appropriate state authorities in the state (country) through the territory of which the alien was transported on request.

Section 177

Identity

(1) For the purposes of this Act, identity is understood to be providing proof of the name, surname, day, month, and year of birth, and either the country of citizenship or last permanent residence outside of the Territory.

(2) For the purposes of expulsion, the provision of proof of identity can be substituted by fingerprints, a pictorial image of the alien and other information the Police obtained about the alien.

Section 178

Legal Competence

For the purpose of performing legal acts as stipulated in this Act, an alien older than 15 years of age who is able to express his/her own will and is capable of acting independently is considered as legally competent.

Section 178a

For the purpose of this Act, a solitary alien is understood to be an alien who is unmarried, widowed, or divorced.

Section 179 (until 31 August 2006)

Obstacles to Departing from the Territory

- (1) A decision on terminating a stay cannot be executed:
- a) if the alien would be forced to travel or expelled:
 1. to a (country) state where his/her life or freedom is in danger due to his/her race, religion, nationality, membership of a certain social group, or political opinions;

2. to a (country) state where he/she is in danger of torture, inhumane or humiliating treatment or punishment, or his/her life would be in danger due to a military conflict; or
 3. to a (country) state that requests his/her extradition for a crime for which the law of this country imposes a death penalty; or
- b) if it would be in conflict with an obligation ensuing from an International Treaty.

(2) The provisions of the preceding Subsection do not apply if an alien:

- a) can travel to some other (country) state; or
- b) endangers state security, has been convicted of an especially serious crime, or if it is justified for the purpose of fulfilling the provisions of an International Treaty; in these circumstances, the alien will be given a period of no more than 60 days to seek out admission to another (country) state. If the alien proves that he/she cannot depart from the Territory, the Police will grant the alien a Visa for the purpose of exceptional leave to remain.

Section 179 (as of 1 September 2006)
Obstacles to Departing from the Territory

(1) An alien's departure is not possible if reasonable doubt exists that, if the alien is returned to the (country) state of which he/she is a citizen, or, in the case of a stateless individual, to the (country) state in which he/she last held permanent residence, he/she would be in actual danger of serious harm as defined in Subsection (2) below and that, due to this danger, he/she is either unable or unwilling to accept protection from the (country) state of which he/she is a citizen or in which he/she last held permanent residence.

(2) For the purposes of this Act, serious harm is understood to be:

- a) the imposition or execution of a death penalty;
- b) torture, or inhumane or humiliating treatment or punishment;
- c) serious threat to life or human dignity due to unwarranted violence in situations of international or internal armed conflict; or
- d) if the alien's departure would be in conflict with the Czech Republic's international obligations.

(3) The provisions of Subsection (1) above do not apply if a well-founded suspicion exists that the alien:

- a) committed a crime against peace, a war crime, or other punishable crime against humanity as defined in international documents that contain provisions on these punishable crimes;
- b) committed an especially serious crime;
- c) committed any activity that is in conflict with the principles and goals of the United Nations; or
- d) presents a threat to state security.

(4) The provisions of Subsection (1) above also do not apply if the alien:

- a) incites others to commit any of the activities specified in Subsection (3) above or participates in any such activities; or
- b) committed one or several punishable crimes other than those specified in Subsection (3) above outside of the Territory and left the (country) state of which he/she is a citizen, or, in the case of a stateless individual, the (country) state in which he/she last held permanent residence with the goal of avoiding criminal prosecution for these crimes, under the condition that these are activities for which the punishment of imprisonment can be imposed in the Czech Republic.

(5) In the (situations) cases defined in Subsections (3) and (4) above, the alien will be given a period of no more than 60 days to seek out admission to another (country) state. If the alien proves that he/she has not obtained admission to another (country) state, the Police will allow the alien to submit an application for a Visa (Section 33 (1)(a)).

Section 180

Certification of an Invitation and Refusal to Provide this Certification

(1) An invitation will be certified by the Police on the basis of an application submitted by a natural person or a legal entity.

(2) An invitation must be submitted on an official form. In the invitation a natural person acting as the inviting party will specify his/her name, surname, birth register number, day, month and year of birth, and registered residence address in the Territory. A legal entity acting as the inviting party will also state its business name, registered office, and identification number, and will affix its official stamp together with the name, surname, and personal signature of an authorized person (statutory body). In addition, within the invitation the inviting party will also include information on the alien being invited in the scope of: name, surname, any other names, day, month, and year of birth, country of citizenship, residence address abroad, travel document number, the purpose of the trip, and the length of time for which the alien is being invited to the Territory.

(3) The Police will certify an invitation within 7 working days as of the date the application for certification of an invitation is submitted.

(4) A natural person acting as the inviting party is (required) obliged to personally appear at the Police seven working days after submitting the application for certification of an invitation, or earlier if an agreement is reached with the Police, for the purpose of picking-up the certified invitation. The same obligation also applies to the representative of a legal entity acting as the inviting party.

(5) The Police will refuse to certify an invitation if:

- a) the invited alien is included in the register of undesirable persons;
- b) the inviting party, at the request of the Police, fails to prove his/her/its ability to meet the obligations specified in Section 15;
- c) the inviting party breaches its obligations as specified in Section 15 or the responsibilities specified in Section 100;
- d) any of the reasons specified in Section 9 (1)(l), (1)(m), or (1)(n) are determined;
- e) the inviting party completes the official form illegibly, incompletely, or untruthfully, or
- f) the inviting party does not conclude a contract on travel medical insurance in spite of the fact that he/she/ submitted an honourable declaration that it would do so.

(6) If requested by the Police, the inviting party is required to prove its ability to fulfil the obligations contained in the invitation by submitting proof that:

- a) it has sufficient resources for the invited alien's stay in the scope defined in Section 13;
- b) it has resources equal to 0.25 times the *subsistence minimum for personal needs (until 31 December 2006) existential minimum⁶⁾ (as of 1 January 2007)* for each day of stay in the Territory, unless the alien will be housed by the inviting party;
- c) it submits a document confirming that a policy for travel medical insurance for the benefit of the invited alien has been concluded or an honourable declaration that such policy will be concluded prior to the alien's entry to the Territory, or that it has

sufficient resources, at a minimum EUR 30,000,- to pay for any expenses in the scope specified in Section 5 (a)(4) that might be incurred; and

- d) it has sufficient resources to pay for any expenses that might be incurred in relation to the invited alien's departure from the Territory in an amount that corresponds to the price of an air ticket to the alien's (country) state of citizenship or to the (country) state of his/her permanent residence.

Submitting proof of the ability to fulfil the obligations specified in Subsection (6)(a) through (6)(d) above does not waive the inviting party's obligation to pay the full amount of any actual expenses that might be incurred within the scope of obligations accepted on the basis of the invitation.

(7) If the Police refuse to certify an invitation, the Police will notify the inviting party of this fact when this party appears before the Police. On the basis of a request made by the inviting party, the Police will confirm this fact in writing, without specifying the reasons for the refusal.

- (8) The Police will indicate the certification on the invitation.

Section 180a

(1) If so provided for in an International Treaty, which is binding on the Czech Republic, an Embassy has the right to grant a Uniform Schengen Visa on behalf of another Contracting State.

(2) An Embassy verifies whether the entity that issues a Travel Medical Insurance Certificate is authorized to issue this type of document.

Section 180b

Identification Card Issued by the Ministry of Foreign Affairs

(1) An identification card is a public document valid only in the Territory of the Czech Republic, which the Ministry of Foreign Affairs will issue to the staff members of a foreign embassy or an international governmental organisation accredited in the Czech Republic or to the family members thereof.

(2) An identification card is a proof of identity document; the card also includes information on the scope of the privileges and immunities enjoyed by its holder in the Territory of the Czech Republic during the period of time he/she is registered with the Ministry of Foreign Affairs.

(3) The Ministry of Foreign Affairs has the right to declare an identification card as invalid.

Section 180c

Unaccompanied Minor Alien

For the purposes of this Act, an unaccompanied minor alien is understood to be an alien between the ages of 15 and 18 who arrives in the Territory unaccompanied by an adult responsible for him/her as provided for in the legal code that is valid in the minor alien's (country) state of citizenship, or in the case of a stateless individual, the (country) wherein he/she last holds residence, for as long as he/she is not actually taken into the care of such a person; an unaccompanied minor alien is also considered to be an alien younger than 18 years of age who is left unaccompanied after his/her arrival in the Territory.^{9b) 9c) (as of 1 September 2006)}

Section 180d

Subsequent Confirmation of Entry in an Alien's Travel Document

(1) If an alien does not have the time and place of entry to the Territory *of the Contracting States* (as of Schengen) (Section 4 (3)) entered in his/her travel document, the Police will subsequently provide confirmation of this information, under the condition that the alien can credibly prove the period of time for which he/she has been staying in the Territory *of the Contracting States* (as of Schengen) without a Visa or on the basis of a short-term Visa.

(2) When providing subsequent confirmation on the time and date of entry to the Territory *of the Contracting States* (as of Schengen), the Police will proceed as stipulated in the directly applicable legal (provisions) regulation of the European Communities.^{4a)}

Section 180e

Re-evaluation of the Reasons for Refusing an Alien Entry to the Territory

(1) An alien has the right to request the Police to re-evaluate the reasons why he/she was denied entry to the Territory pursuant to Section 9 (1), (2), or (3).

(2) An alien must submit the application for a re-evaluation of the reasons for refusing his/her entry to the Territory within a timeframe of 15 days as of the date entry to the Territory is denied to the Alien and Border Police Service Directorate.

(3) The Alien and Border Police Service Directorate will evaluate the conformance of the reasons why the alien was denied entry to the Territory with the reasons provided for in the provisions of Section 9 (1), (2), or (3).

(4) The Alien and Border Police Service Directorate will inform the alien of the results of its evaluation in writing within a timeframe of 60 days as of the date the alien's request is received.

CHAPTER XIX EMPOWERING AND TRANSITIONAL PROVISIONS

Empowering Provisions

Section 181

By means of a regulation the Government of the Czech Republic can, as provided for in the scope established by directly applicable legal provisions of the European Communities^{6a)}, establish that:

- a) the cancellation of Visa obligations does not apply to an alien; the regulation will specify the groups of individuals for whom a stay in the Territory is conditional upon being granted a Visa;
- b) an alien can remain in the Territory without a Visa for the period of time specified in the regulation; the regulation will specify the groups of individuals for whom a stay in the Territory is not conditional upon being granted a Visa.

Section 182

- (1) On the basis of a legal regulation, the Ministry will establish:

- a) the required specifications for the photograph and the number of photographs an alien must submit in accordance with this Act;
- b) a list of countries whose citizens can remain in the transit area of an airport in the Territory only on the basis of an airport Visa; this list will be prepared in accordance with an International Treaty^{26a)}, or legal regulation issued on the basis thereof;
- c) the amount of expenses required for accommodation, meals, and transport in the Territory for an alien who has been detained for the purpose of administrative expulsion;
- d) the technical conditions and procedures required for acquiring and processing biometric data, including the procedures for obtaining biometric data from aliens with unusual anatomical or physiological requirements for presenting a facial image or obtaining fingerprints from the right and left hands. (as of 1 September 2006)

(2) By means of a communication published in the Collection of Acts, the Ministry will provide a list of border crossings points and the scope of operations at these crossings.

Section 182a

The Ministry of Health will issue a public notice providing a list of diseases that could endanger public health and a list of diseases and disabilities that could significantly endanger public order.

Section 182b

For the purpose of keeping the public informed, the Police have the right to publish the numbers of lost, stolen, or invalid foreign passports, travel identity cards, cards of residence permit, cards of residence for family members of citizens of the European Union, cards of permanent residence permit, and cards of permanent residence permit for a European Union citizen, together with the date of the loss or theft of these documents, in a manner that provides remote access. The Police will follow the same procedures in the case of publishing the reference numbers of lost, stolen, or invalid confirmations of temporary residence in the Territory that have been issued to European Union citizens.

Transitional Provisions

Section 183

(1) Any administrative proceedings that start prior to the date on which this Act comes into effect will be concluded as stipulated in the legal provisions valid at the time that the proceedings were started.

(2) Any Visas granted and decisions passed prior to the date on which this Act comes into effect will be considered as Visas and decisions under this Act, unless hereinafter provided for otherwise.

(3) Permanent residence granted pursuant to heretofore existing legal provisions will be considered as a residence permit.

(4) References appearing in any other legal provisions pertaining either a short-term or a long-term residence permit are considered to be temporary residence in the Territory as defined by this Act.

^{26a)} Decision of the Executive Committee (SCH/Com-ex (99)13) of 28 April 1999, on the final version of the Common Manual and Common Consular Instructions

(5) An alien's travel identity card and card of residence, issued pursuant to heretofore existing legal provisions are considered as having been issued pursuant to this Act for the validity period indicated therein.

(6) The retention period for written records made prior to the date that this Act comes into effect will be guided by the regulations valid at the time that this information was recorded, under the condition that it will not exceed the period specified in Section 160 (5). If the designated retention period exceeds the period specified in Section 160(5) or if a retention period is not specified for individual files, the operator will evaluate any such materials from the perspective of further retention according to special legal (provisions) regulation²⁴⁾ and will destroy any materials that have no archival value.

(7) The operator of current archival resources will sort out these resources within a timeframe of 30 years as of the date this Act comes into effect.

(8) The validity of any decisions made regarding the prohibition of residence pursuant to heretofore existing regulations is not affected. These decisions are considered to be decisions on administrative expulsion.

(9) The Government's current decision on abolishing Visa obligations will remain in effect for a period of 24 months as of the date this Act comes into effect.

Section 184
repealed

Section 184a

On the basis of the obligations assumed by the Czech Republic as a result of ratification of the Convention on the Rights of the Child,²⁷⁾ as an International Treaty on human rights and fundamental freedoms as defined by Article 10 of the Constitution of the Czech Republic, and with reference primarily to the provisions of Article 23 (2) and (3), Article 24 (1) and (2) of the Convention, the Czech Republic undertakes to pay the healthcare expenses for a newborn child, born in the period from 1 January 2000 until the date this Act comes into effect to aliens who hold permanent residence in the Territory on the basis of a residence permit, under the condition that the newborn child does not have medical insurance during this timeframe. Payment for the care will be provided from a special account, which will be established by the Ministry of Health for this purpose from funds in the state budget.

Section 190
Effectiveness

This Act comes into effect as of 1 January 2000.

Transitional Provisions Pursuant to Act No. 217/2002 Coll.

1. The holder of a card of residence issued before the effective date of this Act will be considered as an alien to whom permanent residence in the Territory was granted pursuant to this Act. The Police will issue a confirmation of permanent residence to the holder of the card

²⁷⁾ Communication No. 104/1991 Coll., on adopting the Convention on the Rights of the Child.

specified in the first sentence of this Subsection by no later than the date on which the validity of the card of residence is extended. The confirmation of permanent residence is considered to be an administrative decision on a permanent residence permit.

2. A European Union citizen^{1a)} who holds a card of residence issued prior to the date on which this Act comes into effect is (required) obliged to personally request the Police to exchange this document for a card of residence permit of a citizen of a member state of the European Communities within 180 days of the date this provision becomes effective. The Police will concurrently provide the alien with the confirmation specified in Subsection (1) above.

3. A European Union citizen^{1a)} who holds a card of residence permit issued after the date on which this Act comes into effect is (required) obliged to personally appear in the Police in order to exchange this document for a card of residence permit of a citizen of a member state of the European Communities within 180 days of the date this provision becomes effective.

4. A European Union citizen^{1a)} who is staying in the Territory on the basis of a Visa for a stay longer than 90 days is (required) obliged to personally appear in the Police in order to issue him/her a card of residence permit of a citizen of a Member State of the European Communities and to invalidate the Visa within 180 days of the date this provision becomes effective.

5. A family member who is not a European Union citizen^{1a)} and is staying in the Territory on the basis of a Visa for a stay longer than 90 days is (required) obliged to personally appear in the Police in order to issue him/her a card of residence permit and to invalidate the Visa within 180 days of the date this provision becomes effective.

6. Any proceedings that (start) initiate prior to the date this Act comes into effect will be concluded pursuant to this Act. This provision does not apply to proceedings underway on administrative offences, which will be concluded pursuant to the heretofore-existing legislation.

7. An application for a residence permit submitted by a European Union citizen^{1a)} prior to the time this provision comes into effect will be considered as an application for a permanent residence permit.

8. An application for a residence permit filed by a family member of a European Union citizen^{1a)} prior to the time this provision comes into effect will be considered as an application for a permanent residence permit, under the condition that the provisions of this Act are met.

9. An application for a Visa for a stay longer than 90 days submitted by a European Union citizen^{1a)} prior to the time this provision comes into effect will be considered as an application for a temporary residence permit.

10. An application for a Visa for a stay longer than 90 days submitted by a family member of a European Union citizen^{1a)} prior to the time this provision comes into effect will be considered as an application for a temporary residence permit, under the condition that the provisions of this Act are met.

11. An alien who has leave to remain temporarily in the Territory without a Visa and entered the Territory prior to the time this provision comes into effect is (required) obliged to fulfil the reporting obligation as defined in heretofore-existing legislation.

Transitional Provisions Pursuant to Act No. 222/2003 Coll.

1. Any proceedings that (start) initiate prior to the date on which this Act comes into effect will be concluded in accordance to the legal provisions valid at the time that the proceedings were (started) initiated.

2. An application for extending the validity period of a Visa for the purpose of exceptional leave to remain in the Territory that is submitted prior to the date on which this Act comes into effect will be considered as an application for a long-term residence permit for the purpose of exceptional leave to remain in the Territory, under the condition that the provisions of Section 43 are met. The Police will issue the alien with a card of residence permit.

3. References appearing in any other legal provisions pertaining to an alien's stay on the basis of a long-term Visa will be considered as references to a stay based on a Visa for a stay longer than 90 days and a stay based on a long-term residence permit.

4. References appearing in any other legal provisions pertaining to a Visa for the purpose of exceptional leave to remain will be considered as references to a Visa for a stay longer than 90 days for the purpose of exceptional leave to remain in the Territory and a long-term residence permit for the purpose of exceptional leave to remain in the Territory.

5. For the purpose of paying healthcare expenses, if payment cannot be secured in any other manner and until the time that the provisions of Article I (39) come into effect, an alien who was granted a Visa pursuant to Section 7 (1)(a) of Act No. 326/1999 Coll., as amended by this legislation, is considered to be an alien who was granted residence for the purpose of temporary protection^{3a)}.

6. Temporary protection as provided for under heretofore-existing legislation will be considered as temporary protection provided pursuant to the Act on Temporary Protection of Aliens as of the effective date thereof.

7. The application forms for a Visa that were used pursuant to heretofore-existing legislation can continue to be used in the future, however not after the date on which the Treaty on the Accession of the Czech Republic to the European Union becomes effective.

Transitional Provisions Pursuant to Act No. 428/2005 Coll.

1. An application for a Visa for a stay longer than 90 days for the purpose of family reunification that is submitted prior to the date this Act comes into effect will be considered as an application for a long-term residence permit for the purpose of family reunification.

2. Proceedings regarding applications for a long-term residence permit for the purpose of family reunification, which were submitted prior to the time this Act takes effect, will be concluded pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect.

3. An application for extending the validity of a Visa for a stay longer than 90 days for the purpose of family reunification will be considered as an application for a long-term residence permit for the purpose of family reunification.

4. An application for extending the validity of a card of long-term residence permit submitted prior to the date that this Act takes effect, will be processed pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect.

5. A holder of a Visa for a stay longer than 90 days, which was granted for the purpose of family reunification in the scope established by Section 42a (1) of the version of Act No. 326/1999 in effect prior to the date this Act comes into effect, is (required) obliged to personally appear in the Police in order to exchange this Visa for a card of residence permit by 31 December 2005.

6. The Visa will be affixed after a Travel Medical Insurance Certificate has been submitted.

7. Changes to regime of detention will be implemented at individual facilities on a gradual basis as of the date this Act comes into effect and until 21 December 2005. Until the changes to the regime are implemented, the Police will perform tasks as provided for in heretofore-existing legislation.

8. The legal authority to establish and operate facilities pursuant to Chapter XII of the version of Act No. 326/1999 Coll. in effect as of the date this Act comes into effect, will be transferred to the Ministry as of 1 January 2006.

Transitional Provisions Pursuant to Act No. 136/2006 Coll.

1. Any proceedings that (started) initiated prior to the time this Act takes effect will be concluded pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the date this Act takes effect.

Travel documents that contain a data chip with biometric data on fingerprints will be issued as of 1 May 2008.

Transitional Provisions Pursuant to Act No. 161 /2006 Coll.

1. *An application for a Visa for a stay of more than 90 days for the purpose of studies that was submitted pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, is considered to be an application for a long-term residence permit for the purpose of studies in the Territory pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect, under the condition that the provisions of Section 42d of Act No. 326/1999 Coll., in the version effective as of the date this Act takes effect, have been met. (as of 26 June 2006)*

1. *The proceedings regarding an application for a long-term residence permit for the purpose of studies that was submitted pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, will be concluded pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect, under the condition that the provisions of Section 42d of Act No. 326/1999 Coll., in the version effective as of the date this Act takes effect have been met. (as of 26 June 2006)*
2. The proceedings regarding applications for a long-term residence permit, which were submitted pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect will be concluded pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect.
3. *An application for extending the stay allowed by a Visa for a stay of more than 90 days for the purpose of studies, which was submitted pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, is considered to be an application for a long-term residence permit for the purpose of studies in the Territory pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect, under the condition that the provisions of Section 42d of Act No. 326/1999 Coll., in the version effective as of the date this Act takes effect, have been met. (as of 26 June 2006)*
4. The Police will process an application, submitted by an alien for the purpose of confirmation of legal status as a Long-Term Resident in the Territory pursuant to Section 83 (2) of the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect, and which is submitted within 1 year of the date that this Act takes effect, within a timeframe of 180 days after the application is submitted.
5. A permanent residence permit, which was issued to an alien placed in foster care on the basis of a decision made by the appropriate authorities^{10a)} prior to the date that this Act comes into effect, is considered to be residence pursuant to Section 65 (1) of the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect, under the condition that this Act does not come into effect more than 30 days after the minor alien has reached an age of majority.
6. The proceedings regarding applications for either a permanent or a long-term residence permit, which were submitted by a European Union citizen or a family member thereof pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, will be concluded pursuant to the version of Act No. 326/1999 Coll. that is effective prior to the date this Act takes effect.
7. A European Union citizen, who holds a card of residence issued to a citizen of the European Communities for the purpose of temporary residence in the Territory pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, has the right to request the Police to exchange this permit during the period of its validity for a certificate of temporary residence in the Territory pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect.

8. A family member of a European Union citizen who is not a European Union citizen has the right to request that a card of residence permit, which was issued for the purpose of temporary residence in the Territory pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, be exchanged during the period of its validity for a card of residence of a family member of a European Union citizen pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect. If the permit was issued for the purpose of permanent residence pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, the family member has the right to request that it be exchanged for a card of permanent residence permit pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect.
9. A residence permit issued pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect is considered to be a permanent residence permit pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect.
10. A card of residence permit issued to a citizen of a member state of the European Communities pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, is considered to be a card of permanent residence permit of a European Union citizen pursuant to the provision of the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect and can be issued until 31 December 2007.
11. Proceedings on administrative expulsion that (started) initiated pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, will be concluded pursuant to the version of Act No. 326/1999 Coll. that is effective as of the date this Act takes effect.
12. ***An alien has the right to request the return of a deposit that was not used to pay the expenses related to the administrative expulsion of an alien from the Territory, pursuant to the version of Act No. 326/1999 Coll. that was effective prior to the time this Act takes effect, however by no later than 1 year after the validity of the alien's Visa has expired. An Embassy is (required) obliged to return a deposit that was not used to pay the expenses as specified by the first sentence of this Subsection, to the alien. As of Schengen***