

326/1999 Coll.

ACT

of 30 November 1999

Residence of Aliens in the Czech Republic and amending certain Acts

as amended by Act No. 140/2001 Coll. and 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., Act No. 165/2006 Coll.

Act No. 230/2006 Coll., Act No. 170/2007 Coll., Act No. 379/2007 Coll., Act No. 124/2008 Coll., Act No. 129/2008 Coll., Act No. 140 / 2008 Coll.

Act No. 274/2008 Coll., Act No. 306/2008 Coll., Act No. 382/2008 Coll., Act No. 41/2009 Coll., the Constitutional Court No. 47/2009 Coll., Act No. 197/2009 Coll.

Act No. 227/2009 Coll., Act No. 278/2009 Coll., Act No. 281/2009 Coll., Act No. 424/2010 Coll., Act No. 427/2010 Coll., Act No. 73 / 2011 Coll., Act No. 303/2011 Coll.

Act No. 329/2011 Coll., Act No. 341/2011 Coll., Act No. 375/2011 Coll., Act No. 222/2012 Coll., Act No. 494/2012 Coll., Act No. 103 / 2013 Coll., Act No. 312/2013 Coll.

Act no. 303/2013 Coll., legal action no. 344/2013 Coll. and Act no. 101/2014 Coll.

Parliament passed the Act of the Czech Republic:

PART ONE

STAY OF FOREIGNERS

IN THE CZECH REPUBLIC

TITLE I

INTRODUCTORY PROVISIONS

§ 1

Subject Matter

(1) This Act, in relation to the directly applicable regulation of the European Communities 1) the conditions of entry of the alien in the Czech Republic (hereinafter the "Territory") and departure of foreigners from the territory, the terms of residence in the territories and defines the scope of the Police of the Czech Republic ( hereinafter referred to as "police"), the Ministry of the Interior

(hereinafter referred to as the "Ministry") and the Ministry of Foreign Affairs in the field of public administration.

(2) The foreigner shall mean the natural person who is not a citizen of the Czech Republic, 1a), including a European Union citizen 1b).

(3) Adjustment of entry, stay and departure of a European Union citizen 1b) also applies to the citizen of a country which is bound by an international agreement with the European Community 1c) and a citizen of a State bound by the Treaty on the European Economic Area, 1d) where contract stipulates otherwise.

## § 2

### Scope of the Act

This Act shall not apply to an alien who

a) is an applicant for international protection, asylum seekers or persons enjoying subsidiary protection 2) or appealed against the court's decision on the appeal decisions on international protection cassation complaint, unless this Act or another law differently,

b) resides in the territory under a special legal regulation governing the temporary stay of foreign armed forces on the territory, 3)

c) asked the Czech Republic to grant a residence permit for the purpose of temporary protection in the territory, and the alien who resides in the territory on the basis of a residence permit for the purpose of temporary protection, unless this Act or another law 3a) otherwise.

## TITLE II

### ENTRY IN

## § 3

(1) An alien is entitled to enter the territory through the border crossing at the place and time designated for border control.

(2) A border crossing means

a) a place defined by an international treaty, to which the Czech Republic is bound, (hereinafter referred to as "international agreement") for crossing the state border of the Czech Republic under the conditions laid down by international agreement or by law,

b) international airport, which is the outer boundary under a special law, 3b) if it satisfies the following conditions:

1) was designed as an international airport by a special legal regulation 4) and

2) The airport operator meet safety conditions specified in special legislation, 3b)

c) internal boundaries 3b) or

d) space interstate train and deck boats interstate passenger or freight shipping when it is performed in this space entry.

#### § 4

(1) An alien shall be obliged to undergo border control immediately after crossing the state border, where border control is performed in the territory, or to cross the border without delay after the end of border controls when this takes place outside the territory. On the inner boundary, border checks are carried out when the decision of the Government to ensure the protection of internal borders under a special legal regulation. 3b)

(2) The Police shall certify, in accordance with a directly applicable regulation of the European Communities 1) aliens to enter the territory showing the entry stamp in his passport ..

(3) If the police border control on the basis of international agreements outside the territory, and this control on the basis of the acts of the same legal effect as a border inspection carried out on the territory.

#### § 5

(1) Conditions of entry and border control provides a directly applicable regulation of the European Communities 1).

(2) When entering the territory of the alien at the border control shall demonstrate compliance with the conditions laid down directly applicable European Communities 1), and upon request, shall

a) complete and sign a border crossing,

b) allow the verification of the authenticity of travel documents and verify your identity using the personal data entered in the travel document, or compare biometric data processed in the data carrier through a technical device enabling comparison of biometric data currently displayed foreigners with biometric data processed in the data carrier travel document, if a travel document that contains a data carrier with biometric data.

(3) The obligation to submit a travel document does not apply to an alien who is under 15 years old and is registered in the passport of another stranger.

(4) Compliance with the conditions referred to in paragraph 1 and paragraph 2 letter. a) shall not apply to an alien who is

a) is received from the authority of a foreign country under a special Act 5)

b) through the guided (§ 152), or

c) the territory passed under an international treaty or a directly applicable regulation of the European Communities.

(5) A citizen of the European Union and the family member of an EU citizen is obliged to present at the border control police passport. The absence of an EU citizen passport or can not obtain it, the police will at the border control will allow his identity and the fact that a citizen of a Member State of the European Union, established by other evidence. Unless a family member of an EU citizen passport or can not obtain it, the police at the border he will make his identity and the fact that she is a family member of a citizen of the European Union, established by other evidence.

(6) A family member of an EU citizen who is not a citizen of the European Union, is obliged at the border control police to submit a visa entitling to stay in the territory, was related to him a visa.

#### § 6

repealed by Law No. 379/2007 Coll.

#### § 7

repealed by Law No. 165/2006 Coll.

#### § 8

repealed by Law No. 165/2006 Coll.

#### § 9

Denial of entry into the

(1) Police refuse foreigners entry, if

- a) does not have a valid travel document,
- b) submit false or forged travel document, visa or residence permit,
- c) fails to submit a visa if the alien is subject to visa or residence permit,
- d) fails to submit documents justifying the purpose and conditions of stay in the security area,
- e) does not have sufficient funds to stay in the territory and expelled from the country,
- f) is an undesirable person (§ 154),
- g) is included in the information system States which are bound by international agreements on abolition of checks at their common borders 5a) (hereinafter referred to as the "Contracting State"), in order to obtain an overview of foreigners, which is not allowed to enter the territories of the States Parties (hereinafter "information system of the Contracting States"), this does not apply to foreigners granted a visa entitling only to stay in the country
- h) is a reasonable risk that the alien could during their stay in the territory threaten national security, seriously disturb public order or endanger the international relations of the Czech Republic,

i) is a reasonable risk that the alien could during their stay in the territory of another Contracting State to endanger his safety or has seriously disrupt public order or endanger the international relations of the Contracting States, or

j) is a reasonable suspicion that the alien suffers from an illness that is listed in the list established by the Decree of the Ministry of Health (§ 182a paragraph 1) (hereinafter referred to as "serious illness").

(2) An alien who has been granted a visa for over 90 days for the purpose of obtaining a long-term residence permit or a permanent residence, the police refused to enter the territory of the reasons mentioned in paragraph 1, point. a), b), f) to j).

(3) The police refused to enter the territory

a) a citizen of the European Union,

1) the absence of a valid travel document and does not satisfy the conditions of § 5, paragraph 5,

2) submits a false or forged travel document or residence permit,

3) there is a reasonable suspicion that suffers from a serious illness,

4) there is a reasonable risk that during their stay in the territory could endanger state security or seriously disrupt public order, or

5) if it is included in the register of undesirable persons and the competent authority, which filed a complaint to the inclusion of a European Union citizen to those records, § 154 (2), provides additional information for the evaluation can be assumed that it takes reasonable danger he could during his stay in the safety of the state or seriously disrupt public order,

b) a family member of an EU citizen who is not a citizen of the European Union,

1) for the reasons referred to in subparagraph a),

2) unless the visa, subject to visa or residence permit,

3) there is a reasonable risk that could threaten the security of another Contracting State or has seriously disrupt public order,

4) if it is included in the information system of the Contracting States and the competent authority that a family member included in this system, provides additional information for the evaluation can be assumed that it takes reasonable danger that he might need during your stay in the territory of another Contracting State endanger his safety or seriously disrupt public order.

(4) The Police shall issue a decision to refuse entry if deny access to the territory of the European Union citizen 1b) for the reasons set out in Paragraph 3. a). Similarly, the police proceed even if a family member of an EU citizen 1b), if a family member of an EU citizen accompanies or if a family member proves that the EU citizen resident in the territory. The decision on refusal of entry shall not be granted if the reason for refusing entry to a final court decision on punishment or expulsion from the final decision on administrative expulsion.

(5) An alien who has been refused entry, be obliged, without undue delay, to go back abroad, unless stated otherwise.

## § 10

(1) The obligation of an alien who has been refused entry, to go back abroad, does not apply to an alien if

- a) is directly threatened his life because of an accident or sudden illness,
- b) would not providing emergency medical care caused permanent pathological changes or
- c) it is necessary to provide in the context of emergency health care delivery.

(2) If the health status of an alien who is under paragraph 1 shall not be required to leave, immediate transportation to medical service providers, the police service to the providers of medical services in the territory.

(3) An alien who is under paragraph 1 shall not be required to leave, is entitled to remain in the territory only as long as necessary, to remain in the territory is not considered a residence under this Act. For the purpose of providing health care and the extent of powers of the police to such an alien seen as an alien detained under Title XI. If the alien is admitted to the provision of health care under paragraph 1 to the providers of medical services providing residential care, the police refrain from guarding the alien throughout his hospitalization.

(4) The Police foreigner transported to the border crossing in order to travel back abroad as soon as the light of his medical condition to travel.

## § 11

repealed by Law No. 379/2007 Coll.

## § 11a

repealed by Law No. 379/2007 Coll.

## § 12

repealed by Law No. 427/2010 Coll.

## § 13

Means to stay in the

(1) Provision of funds for the stay in the territory of the shows, unless specified otherwise, by submitting

- a) funds amounting at least to

1) 0.5 times the subsistence minimum set out in a special legal regulation 6) (hereinafter referred to as "the amount of subsistence") on one day of stay if the stay is not generally exceed 30 days,

2) 15 times the subsistence level, if the stay is to exceed 30 days, with the fact that this amount for each whole month of expected stay in the Territory increased by 2 times the subsistence minimum,

3) 50 times the subsistence where they are staying for business purposes, which is generally more than 90 days, or

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

(2) Providing funds for the stay in the territory of the amount specified in paragraph 1, point. a) in the case of residence in the territory of more than three months shall be furnished

a) an extract from an account in a bank or other financial institution to sounding name of the alien confirming that the alien may stay in the territory have funds in the amount referred to in paragraph 1, point. a)

b) another document on financial collateral, which shows that the alien may have funds in the amount referred to in paragraph 1, point. a) the provider or the costs associated with his stay in the territory or

c) a valid internationally recognized credit card, on request, the alien shall also submit a statement of account held at a bank or other financial institution, which shows that it can dispose of funds in the amount referred to in paragraph 1, point. a).

(3) An alien who will study in the Territory may submit as proof of sufficient funds to stay commitment issued by a state authority or body to ensure an alien's stay in the provision of funds in the amount of the subsistence minimum for one month of expected stay, or a document that all costs related to his studies and stay shall be covered by the receiving organization (school). If the amount is less than the amount of this obligation, the foreign national must submit proof of ownership of funds equivalent to the difference between the amount of subsistence and commitment for the period of the intended stay, but no more than 6 times the Subsistence Minimum for Personal Needs. Proof of sufficient funds to stay can be replaced by a decision or an agreement on the allocation of a grant acquired pursuant to an international treaty by which the Czech Republic.

(4) An alien who has not attained the age of 18 is required to prove the availability of funds for his stay pursuant to paragraph one half of this.

## § 14

### Border dispatch

Border crossing is the registration document containing details of the name and surname, day, month and year of birth foreigners and foreign passengers younger than 15 years, the series and number of the travel document of an alien's nationality and gender. Border dispatch also includes visa number, the make vehicle with which it enters the territory, international license number and

the license number of the vehicle and its color, date and place of entry and exit date from the territory, the purpose and place of residence.

's Amendment under Act No. 428/2005 Coll. with effect as mentioned in Part IV of the Act.

## § 15

### Invitation

(1) Scope of data specified in the invitation to the residence in the territory, which shall not exceed three months, the directly applicable European Communities regulation 27).

(2) The invitation to the alien's stay in the area longer than three months the inviting person is obliged to cover the costs

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

b) related to the accommodation of the alien throughout his stay in the Territory until he leaves the Territory,

c) related to the provision of health services during the stay in the Territory until he leaves the Territory, and the transfer of the remains of the deceased or ill,

d) relating to the residence of detained foreigners in the territory and its departure from the country.

## § 15a

(1) A family member of an EU citizen 1b) for the purposes of this Act, means the

a) the spouse,

b) a parent, as a citizen of the European Union 1b) under 21 years of age that nourishes and with whom he lives in the same household,

c) a child under 21 or a child of a spouse of a citizen of the European Union and

d) the dependent direct relative in the ascending or descending line, or such relative of a spouse of a citizen of the European Union.

(2) For a dependent person pursuant to paragraph 1. d) shall be deemed a citizen of the European Union or her dependent husband foreigner

a) no later than 26 years systematically preparing for a future career,

b) can not systematically prepare for future employment or engage in any gainful activity due to illness or injury, or

c) due to long-term adverse health condition is unable to perform gainful occupation.

(3) The provisions of this Act relating to the family of a citizen of the European Union shall apply mutatis mutandis to an alien who demonstrates a plausible manner that

a) is a relative of a European Union citizen not mentioned in paragraph 1, if

1) in the State of which he is a citizen, or in the state in which he was granted permanent or long stay, he lived with a citizen of the European Union in the household,

2) is a citizen of the European Union, dependent, or

3) of each other because of long-term adverse health alone can not take care of personal care without a European Union citizen, or

b) is a citizen of the European Union's ongoing relationship similar to the relationship and lives with his family in his household.

(4) The provisions of this Act relating to the family of a citizen of the European Union shall apply to an alien who is a family member of a citizen of the Czech Republic 1a).

### TITLE III

#### Temporary residence

##### Part 1

#### Temporary residence in the territory

##### § 16

(1) A foreign national resident in the territory temporarily

a) after crossing the state border of the Czech Republic and after border control, if it is not him in the border control police refused entry,

b) after crossing the state border, if the border is not inspected or

c) the date of birth in the territory under the conditions laid down by law (§ 88).

(2) Temporary residence pursuant to paragraph 1. a) commences on the date and time of crossing the state border of the Czech Republic, if the border control is performed outside, or on the date and time of completion of border controls, if implemented at the national border of the Czech Republic or to cross those boundaries.

##### § 17

An alien may reside in temporarily

a) without a visa,

- b) based on short-term visas issued under the directly applicable European Communities regulation 27),
- c) long-term visas, residence permit or temporary residence permit, or
- d) based on the mission statement.

#### § 17a

repealed by Law No. 427/2010 Coll.

#### § 17b

Long-term visa

The long-term visa is a visa for over 90 days.

#### Part 2

Temporary residence in the territory without a visa

#### § 18

An alien may reside in temporarily without a visa,

a) when provided directly applicable regulation of the European Communities 6a) and unless in compliance with this law an international treaty or government regulation [§ 181a. a)] otherwise,

b) if so provided in accordance with a directly applicable regulation of the European Communities 6) international agreement or by Government Regulation [§ 181a. b)],

c) is a citizen of the European Union, 1b)

d) where

1) in security detention, custody or imprisonment, the alien may simultaneously for this power reside in the territory without a passport,

2) placed in a police cell 7) or in the detention facility (the "facility") (§ 130), the alien may simultaneously for this location to reside in the territory without a passport,

3) under 15 years old during hospitalization, if stay with another foreigner, whose travel document is registered, this stranger has entered the territory of a foreigner under 14 years old during hospitalization may stay in the territory without a passport,

4) as a minor on a precautionary basis by the competent authority placed in a facility for children requiring immediate assistance 28) or in an institution for the care of children or on a precautionary

basis by the competent authority or the relevant authority for social and legal protection of children entrusted to the care of individuals

5) The holder of a residence permit on the territory of another Contracting State a period of residence shall not exceed three months,

6) The student, who is not a national of a Member State of the European Union, but who is resident in another Member State of the European Union and travels on a school trip within the European Union as a member of the group of pupils accompanied by a teacher, and is on the list issued by school pupils in the single Form 7b), which indicate the identity of the pupils, and the purpose of the stay or transit,

7) a family member of an EU citizen who is not a citizen of the European Union, holds a residence card to family members of EU nationals or certificate of permanent residence in the territory of another Member State of the European Union and the length of stay in the territory does not exceed three months, or

e) if the family member of a citizen of the European Union, whose short-stay visa has expired, if residing with the citizen of the European Union and the length of stay in the territory does not exceed three months.

## § 19

Termination of temporary residence in the territory for which the visa is not required

and termination of the stay

(1) The stay of an alien in the territory to which the visa is not required, the police stops when a stranger

a) intentionally seriously disturbed public order,

b) violates the obligation established by this Act,

c) on the territory without a valid passport, except as authorized under this Act or a residence check police the fact pursuant to § 9. 1 point. b), f), g), h), i) or j),

d) at the request of the police proves sufficient funds to stay in the country (§ 13) or fails to submit a certified invitation (§ 15 and 180), or

e) is residing in a travel document that has authority of the State that issued it, declared invalid or stolen, provided that the consequences are reasonable grounds for termination of residence. In assessing the adequacy of police considers in particular the impact of their stay in the private and family life of a foreigner.

(2) The stay of an alien in the territory to which the visa does not expire if the alien is residing in breach of an international treaty or government regulation issued under § 181st

(3) The Police stay terminates under paragraph 1 by according to the mission statement. Exit order grants police in the event of termination of residence under paragraph 2 A foreigner is obliged to

leave the territory at the time specified exit command, unless proceedings for expulsion from the territory under this Act (hereinafter referred to as "administrative deportation").

### Part 3

#### Temporary residence in the territory for a short stay

#### § 20

(1) Conditions for issuing short-term visas, the reasons for his refusal, terms of extension of stay for short-term visa and the reasons for his cancellation of the directly applicable European Communities regulation 27). The reasons for denial of short stay or cancellation of validity of the foreigner is informed of the standard form 27).

(2) Short-term visa at the border crossing and awards in the travel document marked police.

(3) An application for extension of stay in the country on a short-term visa gives foreign police.

(4) A family member of an EU citizen 1b), who is not a citizen of the European Union and on the plans to travel together with the citizen of the European Union or to travel for this citizen who has resided in the territory, is entitled to file an application for a short-term visa also border crossing.

(5) a family member of an EU citizen 1b), which itself is not a citizen of the European Union and on the travel plans together with the EU citizen or travel for this citizen who has resided in the territory, the short-term visa is granted if

a) submit false or forged travel document;

b) it is reasonably suspected of suffering from a serious illness

c) is a reasonable danger that if you stay in the territory could endanger state security or seriously disrupt public order,

d) is included in the information system of the Contracting States and the competent authority that a family member included in this system, provides additional information for the evaluation can be assumed that it takes reasonable danger that he could stay in the territory of another Contracting State to compromise his safety or seriously disrupt public order, or

e) they are guilty of evading this law in order to get a visa to stay in the area, especially if purposefully entered into marriage.

(6) Representative Office in writing, inform a family member of an EU citizen who is not a citizen of the European Union and on the travel plans together with the EU citizen or travel for this citizen who has resided in the territory, the grounds for refusal of a visa and his entitlement to apply within 15 days of receipt of notice of denial of a visa Ministry of Foreign Affairs of the reconsideration denial of a visa reasons (§ 180e) and the subsequent possibility to review the denial of a visa reasons the court. In case of refusal of a visa at the border crossing information on the authorization request reconsideration of visa refusal reasons ministry (§ 180e) and the subsequent possibility to review the denial of a visa reasons, court tells police.

§ 21

repealed by Law No. 222/2003 Coll.

§ 22

repealed by Law No. 427/2010 Coll.

§ 23

repealed by Law No. 427/2010 Coll.

§ 24

repealed by Law No. 427/2010 Coll.

§ 25

repealed by Law No. 427/2010 Coll.

§ 26

repealed by Law No. 427/2010 Coll.

§ 27

repealed by Law No. 427/2010 Coll.

§ 28

repealed by Law No. 427/2010 Coll.

§ 29

repealed by Law No. 427/2010 Coll.

§ 29a

repealed by Law No. 427/2010 Coll.

§ 29b

repealed by Law No. 427/2010 Coll.

#### Part 4

Temporary residence in the long-term visa or  
on long-term residence

#### Section 1

Visa for over 90 days

#### § 30

(1) A visa for a stay over 90 days granted by the Ministry at the request of a foreigner who intends to stay in the country for the purpose of requiring a stay in the territory of more than 3 months. Visa for over 90 days can not be granted for the purpose of employment.

(2) A visa for a stay over 90 days, further grants for foreigners to take up permanent residence permit, residence permit for the purpose of family reunification, study or scientific research, long term residence permit issued in accordance with § 42 paragraph 3 of § 42 g or § 42i or for the purpose of filing an application for a residence permit issued by the Ministry of Foreign Affairs (§ 49).

(3) A visa referred to in paragraphs 1 and 2 shall be granted with a validity period of six months.

(4) A visa for over 90 days for the purpose of obtaining a residence permit for the purpose of family reunification, study or scientific research, long term residence permit issued in accordance with § 42 paragraph 3, § § 42i or 42 grams or permanent residence permit entitles foreigners to reside in for 60 days. Visa for over 90 days for the purpose of filing an application for a residence permit issued by the Ministry of Foreign Affairs authorizes to stay for a period of 30 working days. In case of obtaining the first sentence or the application under the second sentence prevents reasons independent of the will of foreigners, it is length of stay after entry of the alien in the territory for extended until such time as these reasons no longer exist. An alien is required after the demise of reasons pursuant to the third sentence of the following grounds immediately notify the Ministry, in the case of a visa issued for the purpose of obtaining a residence permit for the purpose of family reunification, study or scientific research, long term residence permit issued pursuant to § 42 paragraph 3 , § § 42i or 42 grams or permanent residence permit, or the Ministry of Foreign Affairs, in the case of a visa granted to an application for a residence permit issued by the Ministry.

(5) An application for a visa for a stay over 90 days for the purpose of research is in the territory may be filed by an alien who is the holder of a residence permit for the purpose of scientific research in the territory of another Member State of the European Union 29) in fulfillment of the purpose of the stay requires a stay foreigners on the territory of more than three months.

#### § 31

Particulars of a visa for a stay over 90 days

(1) An application for a visa for a stay over 90 days, the foreigner must submit

- a) travel document,
- b) a document confirming the purpose of stay in the country
- c) means to reside in the (§ 13);
- d) proof of accommodation during their stay in the territory
- e) picture, this does not apply if the sourced video recording foreigners.

(2) The application for a visa for over 90 days for the purpose of research is an alien who holds a residence permit for the purpose of scientific research in the territory of another Member State of the European Union 29), must submit

- a) signed a hosting agreement with a research organization, which is based in the territory of that Member State,
- b) the requirements pursuant to paragraph 1. a) and e),
- c) a written statement of the research organization (§ 42f, paragraph 1) the purpose of his stay in the Territory and
- d) Upon request, the documents referred to in paragraph 4.

(3) The application for a visa for over 90 days for business purposes is a foreigner must submit documents pursuant to paragraph 1. a), c) to e), and proof of registration in the relevant register, list or register of 30).

(4) The application for a visa for over 90 days, the foreigner is obliged to submit a request

- a) document similar to an extract from the Criminal Register as a basis for evaluating criminal record (§ 174) issued by the state, which the alien is a citizen, as well as the states in which the alien resided in the last 3 years continuously for more than six months, or honorary statements in the event that the State does not issue such a document, the document can not be required from a foreigner under 15 years,
- b) medical report that does not suffer from a serious illness, to submit a medical report can be requested only in case of reasonable suspicion that a serious illness suffer.

(5) The obligation to submit an application for a visa for over 90 days means to reside under paragraph 1. c) does not apply to the spouse of refugee or a person enjoying subsidiary protection under special legislation 2), whose marriage with refugee or a person enjoying subsidiary protection arose before entering the territory, to a minor child refugee or a person enjoying subsidiary protection or minor child of a spouse or asylum seeker persons enjoying subsidiary protection. Instead of a travel document pursuant to paragraph 1. a) foreigners are putting in the first sentence to the application for a visa for over 90 days are entitled to submit another document issued by the state whose citizens they are or where they reside, from which we can determine their identity and citizenship.

(6) proof of accommodation under paragraph 1. d) means proof of ownership of an apartment or a house, proof of eligibility to use a flat or a house or a written confirmation of the person who is the owner or authorized user of an apartment or house with her notarized signature, which is alien consent with accommodation. Accommodation can be provided only in the house which is under a

special legal regulation 31) identified a number of descriptive or registration, or orientation number and is under the Building Act intended for housing, accommodation or recreation. If a written confirmation of consent in the first sentence filed electronically must be signed by a recognized electronic signature; this does not apply where the certificate is delivered through a data box.

(7) Before the visa for over 90 days, the foreigner must submit proof of travel medical insurance during their stay in the territory, which corresponds to the conditions specified in § 180j. At the same time it is obliged to request proof of payment of premiums, said the document on travel health insurance. It does not apply in the cases referred to in § 180j paragraph. 4th

## § 32

repealed by Law No. 428/2005 Coll.

## § 33

Visa for over 90 days for tolerated stay

(1) The Ministry shall grant a visa for over 90 days for leave to remain in the territory of foreigners

a) in which the departure from the obstacle preventing independent of his will or if the conditions of § 179, paragraph 5,

b) who witnesses or victims in criminal proceedings, and his participation in management is necessary

c) that the period of validity of a residence permit, the validity of which can not be extended to the territory asked for a permit for permanent residence, if it is, according to § 69 and authorized this application had not been decided at the time of validity of the residence in the territory or

d) has filed suit against the Ministry's decision annulling the visa for a stay exceeding 90 days or a residence permit or rejecting the application for renewal of a residence permit or an application for a permanent residence permit, provided that at the same time filed a petition the suspensive effect of this action.

(2) An application for a visa for a stay over 90 days for leave to remain in the territory referred to in paragraph 1 shall be submitted to the Ministry.

(3) The Ministry shall grant the visa for over 90 days for leave to remain in the territory of an alien whose departure from the territory is not possible (§ 120a).

(4) A visa for a stay over 90 days for tolerated stay affixed to the travel document by the Ministry.

(5) The period of validity of a visa for a stay over 90 days for leave to remain in the ministry provides a time as possible, but no longer than six months.

(6) An alien who has been granted a visa for over 90 days for leave to remain in the territory due pursuant to paragraph 1. a), shall, on demand of the Ministry to prove that the obstacle from leaving the country ceased; prevented if that proof barrier on the foreigner independent practice may be substituted by an affidavit.

## § 34

Particulars of a visa for a stay over 90 days

for tolerated stay

The application for a visa for a stay over 90 days for leave to remain in the territory of an alien is obliged to submit

- a) travel document, if the holder has not expired and if the period of validity of the travel document,
- b) a certified copy of a document confirming the existence of a reason according to § 33 paragraph 1 point. a) is unable to provide such evidence for reasons independent of their will, this document can replace affidavit
- c) photographs,
- d) a document confirming the existence of reason according to § 33 paragraph 1 point. b)
- e) proof of travel health insurance that meets the conditions of § 180j and upon request proof of payment of the premium shown on the proof of travel medical insurance in case of an alien pursuant to § 33 paragraph 1 point. c) it shall not apply in the cases referred to in § 180j, paragraph 4,
- f) proof of the claim and a request for a suspensive effect of this action, in the case of an alien pursuant to § 33 paragraph 1 point. d).

## § 35

Extension of stay

in the territory of a visa for a stay over 90 days

(1) The period of stay, which is shorter than the period of validity of a visa for a stay over 90 days, at the request of the Ministry foreigners repeatedly extended, provided that it takes the same purpose for which the visa was granted, but no longer than until the expiry of the visa.

(2) The application for extension of stay in the country on a visa for over 90 days, the foreigner must submit documents pursuant to § 31 para. 1 point. a) to d) and, on request, documents pursuant to § 31 para. 4 point. b). Furthermore, the foreigner must submit proof of travel medical insurance during their stay in the territory, which corresponds to the conditions specified in § 180j. At the same time, on request, must submit proof of payment of premiums, said the document on travel health insurance. The obligation to submit proof of travel medical insurance during their stay in the territory shall not apply in the cases referred to in § 180j paragraph. 4. A foreigner is also obliged to submit the request of the Ministry in case of change of form and photographs.

(3) The period of stay on the visa for over 90 days can not be extended unless the Ministry finds the reason for the launch of the cancellation of the visa (§ 37).

## § 36

Extension of visas and residence time in the  
a visa for a stay over 90 days for tolerated stay

(1) The application for an extension of visa and the residence visa for a stay over 90 days for leave to remain in the territory of an alien is obliged to submit the requirements under § 34 point. a), b), d) and e) in the case of change of form at the request of the Ministry and photos.

(2) An alien who has been granted a visa in accordance with § 33, paragraph 3, is required to request an extension of the visa and the residence visa for a stay over 90 days for leave to remain in the territory of present requirement under § 34 point. a) communicate or prove facts showing whether the reasons that prevent departure and if appearance has changed at the request of the Ministry to submit a photo.

(3) The period of validity of a visa and stay in the country on a visa for over 90 days for leave to remain in the territory can not be extended unless the Ministry finds the reason for the launch of the cancellation of the visa (§ 38).

## § 37

Revocation of a visa for a stay over 90 days

(1) The Ministry shall cancel the visa for a stay exceeding 90 days if the alien

- a) has been convicted for committing an intentional crime,
- b) does not fulfill the purpose for which the visa was granted, or
- c) the cancellation of the visa requests.

(2) The Ministry shall cancel the visa for over 90 days, if

a) the alien visa application stated false information or applications submitted falsified or forged documents or documents in which the information is essential for the assessment of the application do not match reality,

b) the alien no longer meets one of the conditions for visa

c) the police in residential inspection [§ 167 point. d)] finds the fact under § 9 paragraph 1 letter. a) or b), and

1) the alien within the period specified by the police fails to confirm that applied for a new passport, or

2) although the reason for the issuance of an alien passport or travel identity document, a stranger on the issue of travel document requests,

d) travel document of an alien was authority of a State which issued it declared invalid or stolen and the alien fails to submit the confirmation referred to in subparagraph c) 1 or due under subparagraph c) of point 2,

e) the alien has failed to fulfill an obligation under § 88 paragraph 2,

f) another State of the European Union or a Contracting State applying a common approach regarding the expulsion decision to expel foreigners from their territory 9a) because of an alien convicted to a prison sentence of at least one year or for a reasonable suspicion that he has committed a serious crime such activity or preparing the territory of a State of the European Union or a Contracting State making the joint action concerning the expulsion, and the infringement of the legislation governing the entry and stay of foreigners on their territory or

's Amendment under Act No. 428/2005 Coll. with effect as mentioned in Part IV of the Act.

g) the alien fails to control for residential travel health insurance that meets the conditions of § § 180i or 180j, even within the deadline set by the police, this does not apply to the cases referred to in § 180j, paragraph 4,

provided that the consequences of this decision will be reasonable grounds for cancellation of the visa. In assessing the adequacy of Department considers in particular the implications of this decision in private and family life of a foreigner.

(3) The Ministry in its decision invalidates a visa for a stay over 90 days, setting a deadline for leaving the territory and grant foreigners exit order, the alien shall within the period of the leave.

## § 38

Revocation of a visa for a stay over 90 days for

tolerated stay

(1) An alien is obliged to request the cancellation of the visa for a stay over 90 days for leave to remain in the territory granted because according to § 33 paragraph 1 point. a) no later than three days after the termination of barriers to travel and visa issued pursuant to § 33 paragraph 3 no later than five days after the demise of the reasons that prevent travel.

(2) The Ministry shall cancel the visa for a stay over 90 days for leave to remain in the territory, where there are no grounds for which this visa is issued, and the stranger asked for canceling the visa within the preceding paragraph or if the visa is issued pursuant to § 33, paragraph 1, point. d) and the court had admitted suspensive effect.

(3) The Ministry of the decision to cancel the visa for a stay over 90 days for tolerated stay shall set a deadline for leaving the territory and grant foreigners exit order, the alien shall within the period of the leave.

## § 39

repealed by Law No. 427/2010 Coll.

## Section 2

Temporary residence in the territory of the diplomatic visa

a special visa

### § 40

(1) Diplomatic visa means a visa for a stay over 90 days granted to foreigners on official request and marked as "Diplomatic visa". Diplomatic visa may be affixed to a diplomatic passport or other travel document of a foreigner who enjoys the privileges and immunities.

(2) A special visa means a visa for over 90 days, granted to foreigners based on the official application and marked as "special visa". Special visa may be affixed to a service passport or other travel document of a foreigner who enjoys the privileges and immunities.

(3) The application for a diplomatic or special visa, an alien must submit a passport photo. Before the visa foreigner is obliged to supply the proof of travel health insurance during their stay in the territory, which corresponds to the conditions specified in § 180j, on request, an alien is also obliged to submit proof of payment of the premium shown on the proof of travel health insurance. Second sentence shall not apply in the cases referred to in paragraph 4 § 180j

(4) a special diplomatic visa issuing embassies.

### § 41

Invalidation of a diplomatic visa and special visas

Diplomatic visa or a special visa annulled by the Ministry of Foreign Affairs.

## Section 3

Temporary residence permit on the basis of

long-term residence

### § 42

Term residence permit

(1) An application for a residence permit may be filed by an alien who is residing on a visa for a stay over 90 days, intends to stay temporarily in the territory for more than six months and if the, stay the same purpose.

(2) An application for a residence permit is entitled to an alien who has resided in the territory of a visa for a stay over 90 days in accordance with § 33, paragraph 1, point. a) to c) or § 33, paragraph 3

for tolerated stay and subsequently is residing at a residence permit for tolerated stay issued pursuant to § 43, staying on the territory continuously for at least 3 years.

3) An application for permanent residence is also entitled to file a spouse, minor child or adult dependent child of a spouse or child of such an alien who applies for a permit for long-term residence for the purpose of scientific research or longer for this purpose on the territory (hereinafter referred to as "family member of the researcher "). The application is a family member of the researcher must submit the particulars referred to in § 31 par. 1 point. a), c) to e) and prove that he is a family member of the researcher; on request, is obliged to submit the particulars referred to in § 31 par. 4. Before a visa for a stay over 90 days for the purpose of obtaining long-term residence is a family member of the researcher must submit proof of travel medical insurance during their stay in the territory; It does not apply in the cases referred to in § 180i paragraph. 2. Before a visa for a stay over 90 days for the purpose of obtaining long-term residence is a family member of the researcher must submit proof of travel medical insurance during their stay in the territory of that meets the conditions of § 180j. At the same time it is obliged to request proof of payment of premium shown on the proof of travel medical insurance. It does not apply in the cases referred to in § 180j paragraph. 4th

(4) An application for a residence permit is entitled to an alien who is residing as a member of staff of the embassy of a foreign country or international governmental organizations accredited to the Czech Republic or a family member as registered by the Ministry of Foreign Affairs.

(5) An application for permanent residence under paragraph 1, 2 or 4 shall be submitted to the Ministry a request for permanent residence pursuant to paragraph 3 shall be submitted at the embassy on an official form. Submit an application for permanent residence ministry is also entitled to a family member of a researcher who holds a visa for over 90 days. The request foreigner is obliged to disclose the information to the extent of the application for permanent residence.

(6) An alien is entitled to reside in the territory of the period specified in the license for a residence permit, unless stated otherwise.

#### § 42a

Term residence permit for the purpose of  
family reunification

(1) An application for a residence permit for the purpose of family reunification 9c) (hereinafter referred to as "joint family reunification") is entitled to an alien who is

a) husband foreigners with a residence permit,

b) the minor or adult dependent child of an alien with a residence permit,

c) the minor or adult dependent child husband foreigners with residence permits,

d) the minor foreigner who was foreigners legally residing in the territory of the husband or the decision of the competent authority entrusted to foster care, or who was a foreigner with a residence permit in the territory, adopted or the spouse or the guardian or the guardian's spouse is a

foreigner with a residence permit the territory if you will care for minor foreigner exercise within the territory,

e) a parent of the minor alien who has been granted asylum under a special legal regulation 2), if he is a minor alien parents, is entitled to submit another application of direct relative in the ascending line, and if such a relative, an application may be filed by a guardian of a minor foreigners

f) lone stranger 65 years or older, regardless of age foreigner who is not of themselves for health reasons alone take care of, in the case of family reunification with a parent or a child with a residence permit in the territory.

(2) An application for permanent residence for the purpose of family reunification is also entitled to file an alien who before entering the territory resided in the territory of another Member State of the European Union as a family member holder term residence permit for the purpose of highly qualified employment 32) (hereinafter referred to as the "Blue Card"). The foreigner is obliged to submit within 1 month of the date of entering the country.

(3) An alien pursuant to paragraph 1, which was allowed to stay in the territory or asylum, for the purposes of this Act be deemed bearer permission to family reunification.

(4) An application for permanent residence for the purpose of family reunification served stranger to the embassy.

(5) During their stay in the country on a visa for over 90 days or long term residence permit issued for purposes other alien may request for permanent residence for the purpose of family reunification submit to the Ministry.

(6) The term residence permit for the purpose of family reunification foreigners granted if

a) a foreigner, with whom he has allowed to be shared family reunification, holds a permanent residence permit or a permanent residence permit and reside in the country for at least 15 months in the case of merger spouses, while each of them must be at least 20 years old ,

b) the alien, it should be allowed to family reunification, reside in the country for at least 6 months and is the holder of a permit issued under § 42g

c) husband, with whom she has to be able to live together families, were granted asylum under a special legal regulation 2) where the marriage arose prior to its entry to the territory

d) minor foreigners with whom to be able to live together families, were granted asylum under a special legal regulation 2)

e) if the alien pursuant to paragraph 1. d) or f);

f) the alien with whom should be able to live together families, holds a blue card.

(7) In the case of a polygamous marriage can not term residence permit for the purpose of family reunification granted to foreigners whose husband is the holder of the authorization for family reunification and already on the territory of another wife resides.

## § 42b

Requirements for application for a permit for a long-term

residence for the purpose of family reunification

(1) The application for a residence permit for the purpose of family reunification, an alien must submit

a) The conditions referred to in § 31, paragraph 1, point. a), d) and e),

b) a document confirming family relationship; case of an application for a residence permit for the purpose of family reunification with the bearer permission to family reunification, has been granted asylum under a special legal regulation 2), the relationship can be demonstrated by other credible way, if it is not possible to provide proof,

c) the consent of the parent or other legal representative or guardian of the child's residence, unless the joint family reunification with the parent, legal guardian or representative, this does not apply if the alien demonstrates that this document can not, for reasons independent of their will submit or if the child resides in the territory

d) proof that the total monthly family income after the merger will be lower than the sum

1) subsistence minimum amounts 9d) family members and

2) the maximum amount of normative housing costs established for the purposes of the housing allowance by special legislation 9e) or the amount by which the alien proves to the satisfaction of the amount of actual reasonable costs incurred for housing families.

For income is considered to be income chargeable under the Act on subsistence level, with the exception of one-time income, child allowances, unemployment benefits, retraining and benefits of assistance in material need, for purposes of calculating income, § 8, paragraph 2 to 4 of the subsistence minimum does not apply.

(2) The application for a residence permit for the purpose of family reunification is a stranger, who stayed as a family member of the Blue Card holder in another Member State of the European Union 32), further required to submit proof of residence permit to him as a family member Blue Card holders issued by another Member State of the European Union.

(3) If the application for a residence permit for the purpose of family reunification with the bearer permission to family reunification, has been granted asylum under a special legal regulation 2) within the period of 3 months from the date on which the decision to grant asylum, an alien is obliged to submit an application only travel documents and photos to demonstrate the relationship manner pursuant to paragraph 1. b).

(4) The application for a permit for long-term residence for the purpose of family reunification, the foreigner is obliged to request further enclose the documents referred to in § 31 para. 4th

(5) Before the visa for over 90 days for the purpose of obtaining a residence permit for the purpose of family reunification is a foreign national must submit proof of travel health insurance during their stay in the territory which meets the conditions of § 180j. It is also obliged to supply the proof of payment of the premium shown on the proof of travel health insurance. This shall not apply in the cases referred to in paragraph 4 § 180j

## § 42c

### Long-term residence permit for a resident of another Member

#### State of the Union

(1) An application for a residence permit on the territory may be filed by the holder of a permanent residence permit were granted legal status of long-term resident in the European Community in the territory of another Member State of the European Union 47) (hereinafter referred to as "resident of another EU Member State") if the territory intends to stay temporarily for a period longer than three months.

(2) An application for a residence permit in accordance with paragraph 1, the resident of another Member State of the European Union at the embassy or at the Ministry. Is resident in the territory of another Member State of the European Union is obliged to submit the application at the time of the authorization for temporary stay in the territory, and no later than three months from the date of entry.

(3) The application for a residence permit pursuant to paragraph 1, the applicant shall submit

a) proof of recognition as a resident of another Member State of the European Union,

b) proof of travel health insurance during their stay in the territory, which corresponds to the conditions specified in § 180j, and upon request proof of payment of the premium shown on the proof of travel medical insurance, this does not apply to the cases referred to in paragraph § 180j 4,

c) proof that the total monthly income of the applicant and assessed together with him persons residing in the territory of not less than the sum of the amounts subsistence levels 9d) of the applicant and its people assessed and the maximum amount of normative housing costs established for the purposes of housing allowance special legislation 9e), or the amount which the claimant proves that the amount of actual reasonable costs incurred on their housing and persons jointly, jointly assessed persons for the purposes of this Act, a person referred to in § 4, paragraph 1 of the subsistence minimum conditions set out in § 4, paragraph 2 and 3 of the subsistence minimum, as income is considered to be income chargeable under the Act on subsistence level, with the exception of one-time income, child allowances, unemployment benefits, retraining and benefits system to help in material poverty, for purposes of calculating income, § 8, paragraph 2-4 of the Act on Subsistence Minimum apply

d) the particulars referred to in § 31, paragraph 1, with the exception of the requirements according to § 31 paragraph 1 point. c), and

e) Upon request, documents pursuant to § 31 para. 4th

(4) The application for a permit for long-term residence for employment purposes, the applicant must submit an employment contract work agreement, contract for work or contract for a future in which the parties undertake the agreed deadline to conclude a basic employment relationship, and requirements specified in § 31 para. 1 point. a), d) and e). On request, the applicant is required to submit further documents pursuant to § 31 para. 4th

(5) An application for a residence permit may be filed by a family member resident in another Member State of the European Union, provided him with a residence permit for the purpose of family reunification in the country by a resident of another Member State of the European Union,

the legal status of admitted or he was in the territory of that State resident status of a Member State of the European Union granted.

(6) A family member resident in another EU Member State shall demonstrate compliance with the conditions in paragraph 5 and the application to submit proof of travel health insurance pursuant to paragraph 3. b) a document proving that the aggregate monthly income of the applicant and assessed together with him persons [paragraph 3 point. c)] shall not be less than the sum of the amounts of the subsistence minimum 9d) the applicant and its jointly assessed persons and the highest amount of normative housing costs established for the purposes of housing allowance special legal regulation 9e) or an amount the claimant credibly prove the amount of actual justified cost spent on their housing and jointly assessed persons; and further particulars referred to in § 31 par. 1 point. a), d) and e). On request, the family member is obliged to submit further documents pursuant to § 31 para. 4th

#### § 42d

Term residence permit for the purpose of studies

(1) An application for a residence permit to study in the 9f) may be filed at the embassy stranger when the territory intends to stay temporarily for a period longer than three months and in the case of studies in accordance with § 64, with the exception of education in elementary school, middle school or conservatory, which is not implemented in the framework of an exchange program, or work experience undertaken for consideration.

(2) The application for a residence permit in accordance with paragraph 1, the foreign national must

a) submit the particulars referred to in § 31, paragraph 1, point. a), b), d) and e),

b) submit a consent of a parent or other legal representative or guardian, with his residence in the territory, if minor,

c) demonstrate sufficient funds to stay in the country (§ 13), in the case of a college education or unpaid work experience, in other cases, the evidence that the cost of an alien's stay takes domestic host organization,

d) upon request, the documents pursuant to § 31 para. 4th

(3) Before a visa for a stay over 90 days for the purpose of receiving a residence permit for study purposes in the territory of the foreign national must submit proof of travel health insurance during their stay in the territory which meets the conditions of § 180j. It is also obliged to supply the proof of payment of the premium shown on the proof of travel health insurance. This shall not apply in the cases referred to in paragraph 4 § 180j

#### § 42e

Term residence permit for the purpose of protection

(1) Long term residence permit for the purpose of protection 9g) issued by the Ministry at the request of a foreign national who is

a) the likely victims of the crime of trafficking 9h), or

b) the person to whom it was ordered or allowed illegal crossing of the state border 9i), or a person who was assisting illegal residence in the 9i), whose testimony is important to detect offenders or organized groups involved in organizing or facilitating illegal border crossing or helping illegal residence in the territory.

Term residence permit for the purpose of protection issued at the request of the Ministry also foreigners, whose cooperation with law enforcement agencies is essential for preventing, detection, investigation or verification of a crime or other intentional criminal acts, which the prosecution agrees to an international treaty for provided that cooperates with law enforcement authorities in criminal proceedings and does not cooperate with the suspect of committing this crime.

(2) An alien under paragraph 1 shall be informed promptly, in a language in which it is able to communicate, instructed body active in criminal proceedings or a department of the right to apply for a residence permit for the purpose of protection and conditions of stay. Aliens is the day on which he was instructed in the first sentence, granted one month time to decide whether to cooperate with law enforcement authorities in criminal proceedings, the validity of this period may be terminated if the alien no longer meets any of the conditions referred to in paragraph 1, if the necessary to ensure the protection of public order or national security or alien to terminate the grace period requests. During the grace period, you can not deport an alien or otherwise terminate his stay in the Territory and shall be considered the result of granting international protection under a special legal regulation 2). This period does not affect the proceedings on administrative expulsion or the management of its transmission under an international agreement, which is part of the legal order of the Czech Republic.

(3) An application for a residence permit for the purpose of protection provided with a certificate authority participating in criminal proceedings that the conditions referred to in paragraph 1, the foreign ministry. An application for the issue of a residence permit for the purpose of protection may also be filed by the applicant for international protection 2).

(4) The application for a residence permit in order to protect the territory of the foreign national must submit a travel document if its holder, and even passed the period of validity, proof of accommodation during their stay in the territory and photos .

(5) Long term residence permit for the purpose of protection can further ministry issued at the request of a foreign national who is

a) husband,

b) the minor or adult dependent child, or

c) due to the limitation of legal capacity decision of the competent authority entrusted to the care of foreigners referred to in paragraph 1, if at the time of application the alien resided in the residence and the reason is common to family reunification. The application for a residence permit in order to protect the territory of the foreign national must prove the facts referred to in a), b) or c), submit a travel document, if it holds, even if the elapsed time of validity, and photographs.

(6) If an alien who has been granted under paragraph 2 deadline to decide whether to cooperate with law enforcement authorities in criminal proceedings, the applicant for a residence permit for the purpose of protection or a foreigner, whom it was issued, to ensure accommodation, shall provide accommodation Ministry or a legal person. The Ministry may provide accommodation for foreigners referred to in paragraph 5 The Ministry may, by written agreement a legal entity contributing to the costs associated with the accommodation of the alien.

## § 42f

### Term residence permit for the purpose of scientific research

(1) An application for a residence permit for the purpose of scientific research 29) may be filed at the embassy foreigner who has entered into an agreement with a research organization hosting 9j) and intends to stay temporarily in the territory for more than 3 months (the "Research worker "). Research organization for the purposes of this Act, a public research institution, college 9k) or other research organization registered in the list of research organizations approved for admission of researchers from third countries conducted under a special legal regulation 9j). Research activity means an activity also academic staff member or a visiting professor at a public research institutions or other research organizations on the list of research organizations approved for admission of researchers from third countries under special legislation 9j).

(2) During their stay in the country on a visa for a stay exceeding 90 days or a residence permit issued for purposes other researcher may request for a residence permit for the purpose of scientific research submitted at the Ministry.

(3) The application for a residence permit for the purpose of scientific research is required to provide the researcher

a) hosting agreement 9j)

b) the requirements specified in § 31, paragraph 1, point. a) and e),

c) a written undertaking research organization to pay any costs associated with the stay of the researcher in the area after the expiry of the residence permit in the territory, including the costs associated with his departure from the territory where such costs are incurred within six months from the date of expiry of the hosting agreement 9j) and were paid from public funds, and

d) at the request of the items referred to in § 31 para. 4th

(4) Before the visa for over 90 days for the purpose of obtaining a residence permit for the purpose of scientific research is the researcher must submit proof of travel health insurance that meets the conditions of § 180j from the date of entry into the territory of the Czech Republic until the insurance will cover it under a special legal regulation 33). It is also obliged to supply the proof of payment of the premium shown on the proof of travel health insurance. This shall not apply in the cases referred to in paragraph 4 § 180j

(5) During the period of validity of the residence permit for the purpose of scientific research, the holder of this authorization for the purposes of payment provision of health services is deemed as an alien with a permanent residence permit.

## §

### Employee cards

(1) Employee cards means a long-term permit entitles aliens to stay in the area longer than 3 months of employment and the job for which the employee card is issued, or on the job, for which consent was given by the Ministry paragraph 7 . Stranger, in which, according to the Employment Act requires a work permit or which is given in § 98 of the Employment Act authorizes the employment card to stay in the country for the purpose of employment 49).

(2) An application for an employee card may be filed by a foreigner if

a) the purpose of his stay on the job for one of the jobs listed in the central register of job vacancies employee card holder,

b) a contract of employment, work agreement or contract for a future in which the parties undertake the agreed deadline to conclude an employment contract or work agreement containing provisions which suggests that regardless of the scope of work monthly wage, salary or reward foreigners will not be lower than the base rate monthly minimum wage; weekly working hours in each basic employment relationship must be at least 15 hours

c) has the expertise to perform the required work and this condition results from the nature of the job or her under an international agreement, especially

1) has the required education; in justified cases, especially in cases of reasonable doubt as to whether the alien has the required education or training whether this corresponds to the nature of employment, at the request of the Ministry is obliged to prove that his foreign education has been recognized by the competent authority of the Czech Republic,

2) has the required professional qualifications, if under special legislation 35) is required, and

3) satisfies the conditions for the exercise of the regulated profession in the case of such a call.

(3) An application for an employee card is also entitled to bring an alien who has been issued for the job work permit if under the Employment Act required a stranger meets the condition referred to in paragraph 2. b). An alien who has the status of a partner, member of the statutory body or other body of the company or as a member of a cooperative or a statutory authority or other authority teams meet for the legal person tasks arising from the scope of its activity, is entitled to apply for a card employee was if his work permit.

(4) An alien referred to in § 98 of the Employment Act is entitled to request the issue of employee cards bring, if it satisfies the condition referred to in paragraph 2. b).

(5) An application for an employee card is served at the embassy. During their stay in the country on a visa for over 90 days or long term residence permit issued for purposes other alien may request to issue employee cards filed with the ministry.

(6) The Ministry employee card spending by foreigners, where it is found that the conditions referred to in paragraph 2. b) and c) and Labour Office of the Czech Republic - regional office or a branch of the City of Prague issued a binding opinion that further employment of foreigners may be due to the labor market situation allow, in the case of an alien who is not listed in paragraph 3 or 4 and

a) residing on the basis of a visa for over 90 days,

b) is already employed on the territory and was for this purpose work permit, although the issue of employee card is not under the Employment Act required, and

c) seeking the extradition of employee cards on employment with the same employer and the same job already done.

(7) Change of employer or job title holder or employee cards employ a foreigner to another job or another employer subject to the prior approval of the Ministry. The Ministry shall, at the request of the employee card holder agrees with the change, if the conditions mentioned in paragraph 2 and the absence of the grounds specified in § 56, except for reasons specified in § 56 par. 1 point. f). The application for consent to a change in the first sentence is a foreigner must submit documents pursuant to § 42h paragraph. 1 point. c) a further requirement under § 42h paragraph. 1 point. d) if it is required to perform work required another professional competence or evidence which demonstrated competence in issuing employee card expired.

(8) Paragraph 7 shall not apply in the case of an alien under § 98 of the Employment Act or aliens who have been granted for new job work permit if under the Employment Act required; stranger in the event of a change of employer or job title or job to another job or another employer must report this fact to notify the Ministry within 3 working days from the date when it occurred.

#### § 42h

##### Requirements for application for the issue of employee cards

(1) The application for the issue of employee cards documents must be submitted

a) requirements according to § 31 paragraph 1 point. a), d) and e),

b) to request documents pursuant to § 31 para. 4,

c) labor contract work agreement or contract for a future meeting the conditions set out in paragraph § 42 g. 2 point. b)

d) documents demonstrating proficiency required for the performance of work under § 42 grams paragraph. 2 point. c) in the case of an application under paragraph § 42 g. 2 or alien under § 42 grams paragraph. 6,

e) work permit, in the case of a request under paragraph § 42 g. 3, and

f) proof that it is an alien under § 98 of the Employment Act, in the case of an application under paragraph § 42 g. 4th

(2) Before the visa for over 90 days for the purpose of receiving employee cards foreigner is obliged to submit proof of travel health insurance that meets the conditions of § 180j, and the period of stay from the date of entry into the territory until the it will be covered by insurance under a special legal regulation 33), and, on request, proof of payment of the premium shown on the proof of travel medical insurance; It does not apply in the cases referred to in § 180j paragraph. 4th

§ 42i

Blue Card

(1) An application for a blue card 32) is entitled to an alien if the territory intends to stay temporarily for a period longer than three months and will be employed for a job requiring high qualifications that under special legislation 8e) can be occupied by a stranger who not a citizen of the European Union, unless the

a) the applicant for a residence permit for the purpose of scientific research,

b) a family member of a citizen of the European Union, where EU citizen residing in the territory

c) a resident of another Member State of the European Union, which is residing on a long-term residence under § 42c for employment or business

d) an alien who is residing in accordance with an international agreement facilitating the entry and temporary stay of certain categories of natural persons in relation to trade and investment, which the Czech Republic is bound,

e) an alien who is residing on the basis of a residence permit for seasonal employment, or

f) an alien who is employed by an employer in another Member State of the European Union seconded to work in the framework of the transnational provision of services in the 34).

(2) For high qualifications referred to in paragraph 1 shall be deemed duly completed a university education or higher professional education if the study lasted at least three years.

(3) An application for a blue card gives a stranger on a mission. The territory is entitled to request for a blue card submit to the Ministry a foreigner who resides in the territory of

a) a visa for a stay exceeding 90 days or a residence permit, or

b) as the holder of a blue card issued by another Member State of the European Union and the application shall be submitted within a period of one month from the date of entry.

(4) Blue Card entitles the alien to stay in the territory and for the performance of highly qualified employment for a period specified in it.

(5) If the performance of highly qualified employment and is a regulated profession, the Ministry decided to issue a blue card after expression of the recognition authority 35).

(6) The Ministry request for a blue card refused if

a) the alien submitted falsified or amended terms and in which the information is essential for the assessment of the application do not match reality, or

b) are observed facts mentioned in § 9 paragraph 1 letter. f), g), h), i) and j),

c) it is a job for the job requiring high qualifications that under special legislation 8e) can be occupied by a foreigner who is not a citizen of the European Union.

(7) Ministry in the blue tab in the section indicate the type of authorization record "EU Blue Card".

(8) ends the Blue Card holder employment at the time of its validity, is obliged to notify within 3 working days to notify the Ministry.

(9) Change of employer or employment status Blue Card holder, during the first two years of residence in the territory prior approval of the Ministry. Ministry of agreeing to such changes shall, at the request of the Blue Card holder, if the holder of this card conditions referred to in paragraph 1 shall continue to meet. After two years of residence in the territory of a Blue Card holder is obliged to notify the Ministry of the changes within 3 working days.

(10) Ministry, after examining an issue Blue Card shall inform the employer that the alien has met the conditions for issuing the Blue Card, the information in the name, or names, surname and nationality of the alien, the date from which satisfies the conditions for issuing the Blue Card , marking positions for which the blue card is issued, the number of blue cards issued by foreigners and the date of receipt.

§ 42j

Requirements for application for a Blue Card

(1) The application for a blue card, the alien must submit

a) requirements according to § 31 paragraph 1 point. a), d) and e),

b) a contract for the performance of highly qualified employment contracted for at least one year to the statutory weekly working time, which is comprised of the agreed gross monthly or annual salary amount equivalent to at least 1.5 times the average gross annual salary promulgated by the Ministry of Labour and Social Affairs ,

c) documents proving highly qualified

d) if the pursuit of a regulated profession proof that the conditions for the exercise of the profession,

e) Upon request, documents pursuant to § 31 para. 4th

(2) An alien who, prior to applying for a blue card issue resided in the territory of a Blue Card holder in another Member State of the European Union, it is also obliged to provide proof of total monthly family income under § 42b, paragraph 1, point. d).

(3) Before a visa for a stay over 90 days for the purpose of receiving a blue card, the foreigner must submit proof of travel health insurance that meets the conditions of § 180j, and the period of stay from the date of entry into the territory until the it will apply to insurance under a special legal regulation 32), and upon request proof of payment of the premium shown on the proof of travel health insurance this is not the case in the cases referred to in § 180j paragraph 4

#### § 43

Term residence permit for tolerated stay

in the

(1) The long-term residence permit for tolerated stay issued by the Ministry at the request of an alien who has been granted a visa for over 90 days for tolerated stay under § 33, if the alien's stay will be longer than 6 months and last If the reasons for which this visa.

(2) Long term residence permit for tolerated stay is further granted at the request of foreigners, which expired residence permit for the purpose of protection or that he was revoked due to the termination of the criminal proceedings and proceedings are pending against the employer for arrears in wages and the wages have not been paid by foreigners.

#### § 44

(1) An alien who has filed an application for a permit for long-term stay at the embassy and was granted a visa pursuant to § 30 para. 4, is required for the purpose of issue of a residence permit within 3 working days from the date of entry into the territory personally come to the ministry to process the data necessary for the issuance of residence permits, including biometric data foreigners and his signature, which is designed to further digital processing; Signature is nepořídí if strangers in his design prevents unbreakable barrier. An alien who has filed an application for a permit for long-term residence in the territory of the Ministry and meets the conditions for issuing long-term permit is required to appear in person to the call to process the data necessary for the issuance of residence permits, including biometric data foreigners and its signature, which is designed to further digital processing; Signature is nepořídí if strangers in his design prevents unbreakable barrier.

(2) An alien who has submitted an application for the issue of employee card or blue card, after the Ministry of biometric data, a certificate of compliance with the conditions for issuing long term residence permit.

(3) An alien is obliged by the deadline set by the Ministry, but no later than 60 days from the date of acquisition of biometric data, to attend the ministry to take a license for a residence permit.

(4) Long term residence permit issued by the ministry and expiry date

a) necessary to achieve the purpose that requires a stay in the territory of less than one year,

- b) one year, if it is a temporary residence for the purpose of study with an expected period of stay longer than one year or a residence permit for tolerated stay
- c) appropriate in the case of family reunification time validity of the residence permit (paragraph 1), which was issued permission to carry family reunification, and at least one year,
- d) two years in the case of family reunification, if carriers permission to merge family issued a permanent residence
- e) appropriate in the case of a family member resident in another Member State of the European Union during validity of a residence permit, which was issued on that resident,
- f) corresponding to the time specified in the contract for volunteer service in a local host organization, if the issue of long term residence permit for the purpose of studies under § 42d,
- g) corresponding to the case of a family member of the researcher during the validity term residence permit issued to the researcher or
- h) 2 years in other cases.

(5) Long term residence permit for the purpose of protection issued by the Ministry with effect for the time necessary to achieve the purpose of the stay, at least for a period of six months.

(6) Employee card is issued for the period for which the employment contract or a contract for work, but no longer than 2 years; in the case of an alien under § 42 grams paragraph. 3 Employee cards issued for the period of time specified in the appropriate work permit.

(7) Blue Card is issued with a validity of three months longer than the period for which the contract was concluded, but no longer than two years.

(8) Blue card according to § 42i is considered valid

a) the time when the decision to extend the period of its validity, if the application for blue card made at the time of the Blue Card

b) until another Member State of the European Union decides that the application for a blue card if the application for blue card made at the time of the blue card under § 42i,

c) the time traveling alien from the territory where it another Member State of the European Union issued a blue card

d) for a period of three months from the date of another Member State of the European Union dismissed the application for the issue of alien blue card.

(9) Blue card issued by another Member State of the European Union in the territory considered valid until the entry into force of the decision to issue a blue card under § 42i, if at the time of the Blue Card issued by another Member State of the European Union, the alien applied for a blue card under § 42i and its release has not been decided at the time of the Blue Card issued by another Member State of the European Union.

(10) The validity of a residence permit for the purpose of family reunification family member issued Blue Card holder and the validity of such a license issued by another Member State of the European Union, paragraphs 8 and 9 shall apply mutatis mutandis.

## § 44a

(1) The period of validity of a residence permit can be extended repeatedly, and

a) for a period specified in § 44, paragraph 5,

b) a maximum period provided for in § 44 para. 4 point. a), b), e) to h)

c) the period of validity of a residence permit, which was granted permission to carry family reunification, if the validity of residence permit according to § 44 paragraph 4 point. c)

d) for a period of 5 years, if the validity of residence permit according to § 44 paragraph 4 point. d)

e) for a maximum period specified in § 44 para. 7, if it is a blue card.

(2) The term residence permit for the purpose of studies (§ 42d) can be extended repeatedly, for a maximum of two years if it was issued for the purpose of education in higher vocational school or university studies. If it was issued for unpaid work experience, it can be extended only once for a period equal to the period specified in the contract of professional experience in the local host organization. In other cases, this authorization does not extend.

(3) The application for extension of term residence permit accepts and decided upon by the Ministry. On the extension of long-term permit to § 35 para. 2 and 3, § 36, § 46 para. 3 and 7 and § 47 applies mutatis mutandis. The provisions of § 47 para. 2 does not qualify for employment in a job for which the employee card was issued.

(4) The application for renewal of a residence permit issued for the purpose of family reunification foreigner is obliged to submit the requirements under § 42b, paragraph 1, point. a), c) and d) and travel health insurance during their stay in the territory which meets the conditions of § 180j. On request it is also obliged to submit proof of payment of the premium shown on the proof of travel health insurance. This shall not apply in the cases referred to in paragraph 4 § 180j If the carriers permission to merge family granted asylum, an alien is required to provide only a passport. The validity of a residence permit issued for the purpose of family reunification can not be extended, if the reason for the initiation of revocation of this permit (§ 46a).

(5) The application for extension of term residence permit issued to a resident of another Member State of the European Union is a foreigner must submit documents pursuant to § 42c paragraph. 3, with the exception of a document like an extract from the Criminal Records issued by the state of which he is a citizen or has resided and medical reports that he suffered from a serious illness. The application for extension of term residence permit for the purpose of business is obliged to submit documents pursuant to § 46 para. 7. Applications for extension of term residence permit for employment purposes alien is required to submit an employment contract work agreement or contract of performance and requirements specified in § 31 para. 1 point. a), d) and e).

(6) The application for renewal of a residence permit for the purpose of studies issued under § 42d foreigner is obliged to

a) to present the elements according to § 31 paragraph 1 point. a), b), d) and e),

b) proof of travel health insurance during their stay in the territory which meets the conditions of § 180j, and also, on request, proof of payment of the premium shown on the proof of travel health insurance. This does not apply if the alien health insurance under a special law 8c)

c) demonstrate sufficient funds to stay in the country (§ 13), in the case of a college education or unpaid work experience, in other cases, the evidence that the cost of an alien's stay takes domestic host organization,

d) submit the consent of a parent or other legal representative or guardian, with his residence in the territory, where a minor.

(7) An application for renewal of a residence permit for the purpose of protection is given ministry. The application is a foreigner must present the elements under § 42e, paragraph 4, except in photographs. In case of change of form is an alien shall, on request, submit a photo.

(8) The application for renewal of a residence permit for the purpose of scientific research is the researcher must submit a travel document and the requirements specified in § 42f, paragraph 3, point. a) and c) and request a medical report that does not suffer from any serious disease. The validity of a residence permit for the purpose of scientific research can not be extended if the Department finds reason for initiation of revocation of this permit (§ 46d). Family member of researcher is obliged to request the extension of the residence permit to present the elements referred to in § 31, paragraph 1, point. a) and c) to e) and prove that it is a family member of the researcher.

"(9) The validity of employee cards and meeting the conditions set out in paragraph § 42 g. 2 point. B) and c), § 42 grams paragraph. 3 or 4 repeatedly to extend the period for which the employment contract or a contract for work, always However, the maximum period of 2 years in the case of an alien who has been issued employee card according to § 42 grams paragraph. 3, the force employee cards extended for a period equal to the period specified in the decision to extend the work permit. The application for extension of employee cards are submitted to the Ministry . The application documents must be submitted

a) requirements according to § 31 para. 1 point. ) and d),

b) a contract or work agreement meets the requirements of § 42 grams paragraph. 2 point. b) the time for which he applies for the renewal of employee cards,

c) the decision to extend the work permit, in the case of foreigners, which was issued employee card according to § 42 grams paragraph. 3,

d) documents demonstrating proficiency required for the performance of work under § 42 grams paragraph. 2 point. c) in the case of foreigners, which was issued employee card according to § 42 grams paragraph. 2, if a document by which the foreigner has proven their proficiency Ministry on the issue of employee cards expired,

e) Upon request, documents pursuant to § 31 para. 4 and

f) in the case of photo design changes.

(10) The Ministry of validity employee cards extend their failing alien conditions specified in § 42 grams paragraph. 2 point. b) and c), § 42 grams paragraph. 3 or 4, or if the reason for instituting proceedings for revocation of the employee cards (§ 46e), and then, if the Labour Office of the Czech Republic - regional office or a branch of the City of Prague issued a binding opinion that the continued employment of foreigners is not the situation on the labor market allow.

(11) An application for the extension of the blue card is submitted to the Ministry. The application is a foreigner must present the elements under § 42j, paragraph 1, point. a) to d), with the exception of the photograph.

(12) if the alien meets the conditions for the extension of the term residence permit is required to be on call in person to the Department to process the data necessary for the issuance of residence permits, including biometric data foreigners and its signature, designed to further digital processing; Signature is nepořídí if strangers in his design prevents unbreakable barrier. Foreigners who submitted an application for the renewal of employee cards, the Ministry for biometric data, a certificate of compliance with the conditions for the extension of the employee cards.

(13) An alien is required by the deadline set by the Ministry, but no later than 60 days from the date of acquisition of biometric data, to attend the ministry to take a license for a residence permit.

#### § 45

(1) A foreign national who intends to reside in the territory for a purpose other than that he was allowed, he shall request the Ministry to grant a new residence permit. New residence permit can not be granted in the cases referred to in § 33, paragraph 1 or 3, except as provided in § 42 paragraph 2 A foreign national who intends to reside in the territory for business purposes, you may ask for such a change, if he holds a valid residence permit and is residing for more than two years.

(2) An alien with residence permits for the purpose of family reunification shall be entitled after 3 years of residence in the territory of, or after the age of 18 to request the Ministry to issue a residence permit for another purpose.

(3) An alien with long-term residence for the purpose of family reunification, which is a survivor of a wearer permission to family reunification, is entitled to apply to the Ministry on the issue of long term residence permit for another purpose, if

a) the date of death of the holder permission to sponsor resided continuously in the territory for at least 2 years of continuous residence requirement does not apply if the alien due to marriage with the bearer permission to sponsor lost citizenship of the Czech Republic, or

b) the death of the holder permission to family reunification resulted from an accident at work or occupational disease.

(4) An alien with long-term residence for the purpose of family reunification shall be entitled to apply for a long term residence permit for other purposes in the event of a divorce with the holder of the authorization for family reunification, where he stayed at the date of divorce in the territory continuously for at least 2 years the marriage lasted at least 5 years; condition of continuous residence and duration of the marriage shall not apply if the foreigner as a result of marriage carries with permission to family reunification lost citizenship of the Czech Republic.

(5) An application under paragraph 3 or 4 documents must be submitted

a) travel document,

b) a document confirming compliance with the conditions in paragraph 3 or 4,

c) proof of accommodation in the area

d) a document under § 42b, paragraph 1, point. d) or work permit,

e) proof of travel health insurance during their stay in the territory which meets the conditions of § 180j and upon request proof of payment of the premium shown on the proof of travel medical insurance, this does not apply to the cases referred to in paragraph 4 § 180j ,

f) photographs.

(6) Authorization to apply for a long-term permit due under paragraph 3 or 4 expires 1 year from the date of this ground occurred.

(7) An alien with long-term residence for the purpose of protection is entitled to fulfill the purpose of residence or after 1 year of residence in the territory request the Ministry to issue long-term permit for any other purpose. Ministry term residence for other purposes not permit, if they are found grounds for annulment term residence permit for the purpose of protection under § 46c. 1 point. a) to c).

## § 46

(1) The term residence permit shall apply mutatis mutandis § 31 para. 1, § 33, 34, 37, 38, § 55 par. 1, § 56, § 58 par. 3 and § 62 paragraph. 1 relating to long-term visa . The application for a permit for long-term residence in accordance with § 42 of the foreigner is obliged to submit proof of travel health insurance that meets the conditions of § 180j. At the same time it is obliged to request proof of payment of premium shown on the proof of travel medical insurance. This does not apply if the alien is insured under a special law 8c).

(2) For a residence permit for tolerated stay on the territory of the reasons mentioned in § 33, paragraph 1, point. a) § 56 shall apply mutatis mutandis applicable to the visa for over 90 days. For a residence permit for tolerated stay on the territory pursuant to § 43 paragraph 2 shall apply mutatis mutandis § 31 paragraph 1, § 37, § 55, paragraph 1, § 56, § 58, paragraph 3 and § 62 paragraph 1 relating to long-term visa. The application is an alien shall be obliged to submit proof of travel health insurance that meets the conditions of § 180j, and upon request proof of payment of the premium shown on the proof of travel medical insurance, this does not apply to the cases referred to in paragraph § 180j 4th

(3) For a residence permit for the purpose of family reunification or for scientific research, shall apply mutatis mutandis Article 55 § 1, § 56 para 1. a) to c), e), g) and h), § 56, paragraph 2, point. a) and § 62 paragraph 1

(4) For long-term residence permit for a resident of another Member State of the European Union and their family member, who is in the territory of that State a residence permit for the purpose of family reunification with a resident, shall apply mutatis mutandis Article 55 § 1, § 56 para 1. c), e), g), § 56, paragraph 2, point. a) and § 62 paragraph 1 relating to the long-term visa.

(5) For a residence permit for the purpose of studies (§ 42d) applies similarly to § 37, § 55, paragraph 1, § 56 para 1. a) to c), e), g) and h), § 56, paragraph 2, point. a) and § 62 paragraph 1 relating to the long-term visa.

(6) Employee cards apply mutatis mutandis § 55 par. 1, § 58 par. 3 and § 62 paragraph. 1 relating to long-term visa. Ministry employee cards issued

a) the reasons set out in § 56, except for reasons specified in § 56 par. 1 point. f)

b) if the alien fails to meet conditions specified in § 42 grams paragraph. 2, 3, or 4, or

c) if a request for extradition lodged by an alien employee cards mentioned in § 42 grams paragraph. 6 and Labour Office of the Czech Republic - regional office or a branch of the City of Prague issued a binding opinion that further employment of foreigners is not due to labor market conditions permit.

(7) The application for a residence permit for business purposes, an alien must submit

a) requirements according to § 31 paragraph 1 point. a), d) and e),

b) proof that the total monthly income of foreigners and with it the assessed persons residing in the territory of not less than the sum of the amounts subsistence levels 9d) as alien to him jointly assessed persons and the highest amount of normative housing costs established for the purposes of housing allowance special legislation 9e) the amount by which the alien proves justified as the amount of actual costs incurred on their housing and persons jointly, with joint consideration by the parties for the purposes of this Act, a person referred to in § 4, paragraph 1 of the subsistence minimum conditions set out in § 4, paragraph 2 and 3 of the subsistence minimum, as income is considered to be income chargeable under the Act on subsistence level, with the exception of one-time income, child allowances, unemployment benefits, retraining and benefits system to help in material poverty, for purposes of calculating income, § 8, paragraph 2-4 of the Act on Subsistence Minimum apply

c) proof of registration in the relevant register, list, or register 30),

d) confirmation of the relevant tax authority that is not recoverable arrears, and confirming the district social security that is not payable in arrears on social security insurance and contribution to the state employment policy 36) including penalties. If the alien taxpayer or taxpayer social security insurance and contribution to the state employment policy, submit a document issued by the Tax Office or District Social Security Administration confirming this fact,

e) in the case of an alien who is a statutory body of the company or association or its members, further confirmation of the competent tax office that the company or team is not recoverable arrears, and confirmation of the District Social Security Administration that this business company or team has paid arrears on social security and contribution to the state employment policy, including penalties,

f) Upon request, a demand for payment of income tax.

(8) If the issue of long-term permit to a foreigner who is included in the information system of the Contracting States, the ministry will discuss this permit with the Contracting State 5a) which foreigners included in this system; in management account the fact that the State Party led to the inclusion of foreigners into this system. Issue term residence permit, the Ministry shall notify the Contracting State that foreigners into the information system of the Contracting States.

§ 46a

Invalidation of a residence permit for the purpose of

of family reunification

(1) At the request of the foreign ministry validity of a residence permit for the purpose of family reunification canceled.

(2) The Ministry also invalidates term residence permit for the purpose of family reunification, if

a) the alien has been convicted for committing an intentional crime,

b) another State of the European Union or a Contracting State applying a common approach regarding the expulsion decision to expel foreigners from their territory 9a) because of an alien convicted to a prison sentence of at least one year or for a reasonable suspicion that he has committed a serious crime or a particular activity preparing the territory of a State of the European Union or a Contracting State making the joint action concerning the expulsion, and the infringement of the legislation governing the entry and stay of foreigners on their territory,

's Amendment under Act No. 428/2005 Coll. with effect as mentioned in Part IV of the Act.

c) the alien fails to control for residential travel health insurance that meets the conditions of § 180j, even within the deadline set by the police, this does not apply to the cases referred to in § 180j, paragraph 4,

d) it was found that a foreigner could the next stay in the safety of the Czech Republic or seriously disrupt public order,

e) the alien no longer meets the conditions rendered pursuant to § 42b, paragraph 1, point. c) or d),

f) finds that the particulars submitted in the application for the issue or renewal of a residence permit for the purpose of family reunification are forged or altered or data relevant to the assessment of the application contained therein are not facts

g) the alien does not have any accommodation,

h) the alien could be the next stay in the endanger public health that suffers from a serious disease, if such disease occurred before the alien in the territory,

i) the alien does not fulfill the purpose for which it was issued,

j) finds that the alien guilty of evading this law in order to obtain this permit, especially if purposefully entered into marriage or consent of its declared purpose was determined paternity

k) asked the bearer permission to family reunification to abolish term residence permit or him the permit was revoked, or

l) Blue Card holder, the validity of the Blue Card is canceled, or had not been extended or another Member State of the European Union was granted his application for issuance of a blue card and the validity of the Blue Card issued on the territory ended,

provided that the consequences of this decision will be reasonable grounds for invalidation. In assessing the adequacy of Department considers in particular the implications of this decision in private and family life of a foreigner.

(3) The Ministry of the decision set a deadline for leaving the country and foreigners granted an exit order, the alien shall within the period of the leave.

§ 46b

Invalidation of long-stay resident

another Member State of the European Union

(1) At the request of a resident of another Member State of the European Union 7c) Ministry of validity of his residence permit resident in another Member State of the European Union canceled.

(2) The Ministry also invalidates residence permit resident in another Member State of the European Union if

a) the holder of the authorization convicted for committing an intentional crime scene,

b) there is a reasonable risk that the holder of the authorization to the next stay in the seriously disturb public order or threaten the security of the Czech Republic,

c) another State of the European Union or a Contracting State applying a common approach regarding the expulsion decision to expel the holder of the authorization from its territory 9a) from conviction to imprisonment for at least one year or for a reasonable suspicion that he has committed a serious crime or a prepares activity on the territory of the European Union or a Contracting State applying a common approach regarding expulsion,

d) the holder of this permit does not fulfill the purpose for which it was issued, except as specified in § 46 para. 8,

e) the holder of a residence permit when checking fails travel health insurance that meets the conditions of § 180j, even within the deadline set by the police, this does not apply to the cases referred to in § 180j, paragraph 4,

f) the holder of this permit does not ensure the accommodation,

g) the aggregate monthly income of the holder of this permit and with it the assessed persons [§ 42c paragraph 3 point. c)] is less than the amount of living persons jointly 9o), or

h) state that the holder of the authorization granted resident status of a Member State of the European Union decided to cancel that status while the cancellation of permanent residence in its territory

provided that the consequences of this decision will be reasonable grounds for invalidation. In assessing the adequacy of Department considers in particular the implications of this decision in private and family life of the holder of this authorization.

(3) Upon revocation of a residence permit resident of another EU Member State Department cancels the residence permit issued to the family member, provided that this decision will be adequate in terms of interference in his private or family life. Ministry of progressing towards a family member resident in another Member State of the European Union similarly even if the validity of long-stay resident of another Member State of the European Union had expired under a deportation order.

(4) Ministry in the decision set a deadline for leaving the country and a resident of another Member State of the European Union or family member granted an exit command, a resident of another Member State of the European Union or a family member is obligated within the period of the leave.

#### § 46c

Invalidation of a residence permit  
for the purpose of protection

(1) The Ministry shall cancel the validity of a residence permit for the purpose of protection 9f) if

- a) the alien no longer meets the conditions for such authorization according to § 42e, paragraph 1,
- b) it is necessary to ensure the protection of public order or national security, or
- c) the alien to cancel this authorization requests.

(2) Ministry in the decision to terminate a long-term residence permit for the purpose of protection set a deadline for leaving the country and foreigners granted an exit order, the alien shall within the period of the leave.

(3) The application of paragraph 2 shall not apply if it was granted because of a long-term residence permit for the purpose of protection postponed the decision on administrative expulsion or delay its transmission by international treaty. In this case, the police completes administrative expulsion or referral under the international treaty.

(4) The authority of law enforcement is obliged to inform the Ministry of facts justifying the revocation of a residence permit for the purpose of protection.

(5) The operation of the decision to terminate a long-term residence permit for the purpose of protection issued by foreigners under § 42e paragraph 1 Current cease to be valid residence permit in order to protect the territory of foreigners issued under § 42e, paragraph 5, of this fact, the Ministry stranger informs.

(6) The Ministry shall issue an exit order an alien who disappeared validity of a residence permit for the purpose of protection in accordance with paragraph 5; foreigner shall within the period specified exit command from the travel.

#### § 46d

Invalidation of a residence permit  
for purposes of scientific research

(1) At the request of the researcher Department of validity of his residence permit for the purpose of scientific research is canceled.

(2) The Ministry also invalidates term residence permit for the purpose of scientific research, if

- a) researcher has been convicted of committing an intentional crime,
  - b) another State of the European Union or a Contracting State applying a common approach regarding the expulsion decision to expel a researcher from the territory 9a) because of his conviction to imprisonment for at least one year or for a reasonable suspicion that he has committed a serious crime or a prepares activity on the territory of the European Union or a Contracting State applying a common approach regarding the expulsion, and the infringement of the legislation governing the entry and stay of foreigners on their territory,
  - c) it was found that by the researcher to the next stay in the safety of the Czech Republic or seriously disrupt public order or endanger public health that suffers from a serious illness,
  - d) research organization, the researcher concluded a hosting agreement 9j), was excluded from the list of research organizations approved for admission of researchers from third countries conducted under a special legal regulation 9j), this does not apply if the researcher concluded a hosting agreement 9j) with another research organization, which is registered in the list,
  - e) researcher has ceased to fulfill the conditions rendered under § 42f, paragraph 3,
  - f) finds that the particulars submitted in the application for the issue or renewal of a residence permit for the purpose of scientific research are forged or altered or data relevant to the assessment of the application referred to therein are not facts or
  - g) the researcher does not fulfill the purpose for which it was issued,
- provided that the consequences of this decision will be reasonable grounds for invalidation. In assessing the adequacy of Department considers in particular the implications of this decision in private and family life researcher.

(3) The Ministry of the decision set a deadline for leaving the country and researcher grant exit command; researcher is obligated within the period of the leave.

#### § 46e

##### Invalidation employee cards

(1) The Ministry shall cancel employee cards on the grounds referred to in § 37 and, if

- a) foreigners were not professional qualifications are recognized by the competent recognition authority 35)
- b) employment of foreigners ended; in the event of termination of employment foreigners notice any of the reasons specified in § 52. a) to e) of the Labour Code or agreement for the same reasons or immediate termination pursuant to § 56 of the Labour Code, Employee cards canceled if the duration of unemployment foreigners exceeded 3 consecutive months a stranger in this period did not ask the Ministry for approval in accordance with § 42 grams paragraph . 7 or him this consent was

c) contract for work ended; in case of cancellation of contracts for work by notice given by the employer to employee cards canceled if the duration of unemployment foreigners exceeded one month and a stranger in this period did not ask the Ministry for approval in accordance with § 42 grams paragraph. 7 or him that consent was or

d) disappeared force work permit or were foreigners work permit revoked; v případě rozvázání pracovního poměru cizince výpovědí z některého z důvodů uvedených v § 52 písm. a) až e) zákoníku práce nebo dohodou z týchž důvodů anebo okamžitým zrušením podle § 56 zákoníku práce se zaměstnanecká karta zruší, nebylo-li cizinci ve lhůtě 3 měsíců ode dne následujícího po dni skončení pracovního poměru vydáno nové povolení k zaměstnání nebo cizinec v této lhůtě nepožádal ministerstvo o udělení souhlasu podle § 42g odst. 7 nebo mu tento souhlas nebyl udělen.

(2) Ministerstvo v rozhodnutí, kterým zruší platnost zaměstnanecké karty, stanoví lhůtu k vycestování z území a udělí cizinci výjezdní příkaz; cizinec je povinen ve stanovené lhůtě z území vycestovat.

## § 46f

### Invalidation Blue Card

(1) Ministry invalidates blue card if

a) the holder of revocation of a blue card asks

b) finds that the particulars submitted in the application for issuing blue cards or extension of its validity are forged or altered or data relevant to the assessment of the application referred to therein are not facts

c) the holder no longer meets any of the conditions for issuing the blue card

d) the holder fails to fulfill the purpose for which the blue card is issued,

e) the holder has notified the Ministry within 3 working days of termination of employment or change in employment status, this does not apply if you fulfill this obligation Blue Card holders prevent reasons independent of their will,

f) duration of unemployment Blue Card holder exceeded 3 consecutive months,

g) unemployment Blue Card holders also occurred during the term of the blue card, this does not apply if the employment is terminated for any of the reasons specified in § 52 letter. a) to e) of the Labour Code or agreement for the same reasons or immediate termination pursuant to § 56 of the Labour Code,

h) its holder has to ensure the accommodation or

i) its holder has not been recognized professional qualifications of the competent recognition authority 35).

(2) The Ministry also invalidates the blue card, if

a) the holder has been convicted for committing an intentional crime,

b) another State of the European Union or a Contracting State applying a common approach regarding the expulsion decision to expel the holder from its territory from conviction to imprisonment for at least one year or for a reasonable suspicion that he has committed a serious crime or preparing for such activities territory of a State of the European Union or a Contracting State making a common approach regarding expulsion,

c) is a reasonable danger that its holder to stay in the territory of another seriously disturb public order or endanger national security, or

d) the holder applied for a living allowance, housing subsidy or extraordinary immediate assistance system of assistance in material need

provided that the consequences of this decision will be reasonable grounds for the revocation blue card. In assessing the adequacy of Department considers in particular the implications of this decision in private and family life, Blue Card holders.

(3) The Ministry in the decision invalidates the blue card, set a deadline for leaving the country and foreigners granted an exit order, the alien shall within the period of the leave.

#### § 47

(1) An application for a residence permit the foreigner is required to submit before 90 and no later than 14 days before the expiration of the visa for over 90 days. If the application within the preceding sentence will be prevented by reasons independent of the alien, the alien is entitled to file the application within 3 working days after the termination of these reasons, the visa until termination of this authorization shall be considered valid.

(2) If the period of validity of a visa for a stay over 90 days elapsed before deciding an application for long-term residence permit, although reference was made within the period referred to in paragraph 1, shall be considered as valid visa until after the decision on the request submitted.

(3) An application for a residence permit in accordance with § 42 paragraph 4, the foreign national must submit at the time of validity of a residence permit issued by the Ministry of Foreign Affairs at the time or temporary residence pursuant to § 18 point. a) or b) within the time specified in paragraph 1 At the request shall apply mutatis mutandis the provisions of paragraph 2

#### § 48

For purposes of payment provision of health services, unless otherwise ensure payment is a foreigner who has been granted a residence permit for the purpose of temporary protection in the territory under a special legal regulation 3a) (hereinafter referred to as "alien on temporary protection"), it stranger

a) has been granted a visa in accordance with § 33, paragraph 1, point. a) and b), § 33, paragraph 3, or a residence permit for tolerated stay (§ 43),

- b) which is shown in § 42e paragraph 1 under the conditions and within the time limit under § 42e, paragraph 2,
- c) has submitted an application for a residence permit for the purpose of protection,
- d) who has been a residence permit for the purpose of protection issued
- e) which is shown in § 42e paragraph 5, at the date of application, or
- f) which is shown in § 18 point. d) paragraph 4 as from the coming into force of provisional measures by the competent authority.

#### § 48a

(1) Ministry to the alien's request filed within the period under paragraph 42e § 2, an alien who has filed an application for a residence permit for the purpose of protection and aliens whom it was issued, will decide on a financial contribution of up to

- a) 1.6 times the subsistence minimum of the applicant established by special legislation 9d), when examined without any persons jointly [§ 42c paragraph 3 point. c)]
- b) 1.5 times the subsistence minimum of the applicant and with it the persons examined, when considered together 2-3 people
- c) 1.4 times the subsistence minimum of the applicant and with it the persons examined, when considered together 4 people
- d) 1.3 times the subsistence minimum of the applicant and with it the persons examined, when considered together five or more persons.

(2) The financial contribution shall be determined with regard to the financial circumstances foreigners. The financial contribution may be granted from the date when the foreigner was instructed pursuant to § 42e paragraph 2 The financial contribution of the alien's request provides for a period of one month. The financial contribution may declare and pay only at the beginning of the calendar month in which the proceedings for granting it. The financial contribution may be granted repeatedly.

(3) An applicant for financial assistance under paragraph 1 shall be obliged to bring its financial and asset ratios, or the financial and property situation of their families in the form of an affidavit and certify them with all documents available.

(4) After a period of detention of a foreigner in the device does not provide a financial contribution. Financial contribution may be further provided if

- a) responsibility for payment of subsistence costs borne by a legal or natural person (§ 15 and 180),
- b) the applicant for the financial contribution provided false information on their assets or financial situation or the financial or material situation of your family, or
- c) the applicant has a financial contribution has not really relevant for a financial contribution or change these facts.

## § 48b

(1) If an alien who has been granted a period to decide whether to cooperate with law enforcement authorities in criminal proceedings (§ 42e paragraph 2), an alien who filed an application for a residence permit for the purpose of protection, or foreigners to whom it was issued, provided legal entity engaged in providing legal assistance to foreigners this assistance free of charge, the Ministry legal entity contributing to the costs associated with the provision of legal assistance on the basis of a written agreement.

(2) An applicant for a residence permit for the purpose of protection is entitled to reside in the territory in which the decision on his application, it does not apply if the body active in criminal proceedings confirmed that the application for this permit meets the requirements according to § 42e paragraph 1

(3) During the period of validity of the residence permit for the purpose of protection, the holder of this permit for purposes of employment or study considered foreigners with permanent residence permit.

## Section 4

### § 49

Temporary residence in the territory on the basis of long-term residence permit issued by the Ministry of Foreign Affairs

(1) The Ministry of Foreign Affairs issues a residence permit staff members of the embassy of a foreign country or international governmental organizations accredited to the Czech Republic or their family members registered by the Ministry of Foreign Affairs. This permit may be issued for a maximum period of validity of their registration.

(2) A residence permit is a member of the staff of the embassy of a foreign country or international governmental organizations accredited to the Czech Republic or their family members registered by the Ministry of Foreign Affairs, with the exception of persons residing under § 18 point. a) or b), shall apply during the stay in the Czech Republic, to which it entitles visa for over 90 days for the purpose of filing an application for a residence permit issued by the Ministry of Foreign Affairs.

(3) A member of staff of the embassy of a foreign country or international governmental organizations accredited to the Czech Republic or their family member is entitled to reside in the territory of the period specified in the permit for long-term stay.

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

(5) Long term residence permit annulled by the Ministry of Foreign Affairs.

## Part 5

### Exit order and decision on obligation to leave the territory

#### § 50

##### Exit order

(1) exit order is a document that grants ex officio

a) the police after the cancellation or expiration of short-term visas, after a temporary stay in the territory or in the transit area of an international airport, to which the visa is not required, or expulsion,

b) Ministry of cancellation or expiry of long-stay visa after refusal of admission to long-term or permanent residence, if expired visas, cancellation or termination of validity of a residence permit or a permanent residence permit, temporary residence after canceling a European Union citizen 1b ), after the temporary residence of family members of EU nationals or after termination of protection in the territory under a special legal regulation 2), 3a).

(2) exit order also granted by the Ministry of Foreign Affairs after the expiry or invalidation of a diplomatic or special visa (§ 41), after the expiry of a declaration of invalidity or a residence permit issued by the Department (§ 49, paragraph 5), or after a temporary stay in the territory for which the visa is not required.

(3) exit order entitles the foreigner to stay in the area for as long as is necessary for the implementation of urgent actions, and for leaving the territory.

(4) The period of temporary residence in the exit order should not be longer than 60 days, the period of stay and exit statement characterized the police, the Ministry of Foreign Affairs or Ministry.

(5) During their stay citizen of the European Union 1b) or family member down the length of stay in an exit order at least one month. Condition determine the minimum period of stay does not apply if it is reasonable danger that the alien could during their stay in the territory threaten national security, seriously disturb public order or is found to be suffering from a serious illness.

(6) The external command contains information about the identity of foreigners, passport number and the time within which an alien is obliged to leave the territory, in order to protect national security, public order or public health or for the fulfillment of international agreements may be traveling only on condition on identifying crossing for leaving the territory.

(7) The external command has the shape of the label that the police, the Ministry or the Ministry of Foreign Affairs indicated in the passport, in justified cases, the exit order marked out a passport.

#### § 50a

##### Decision on the obligation to leave the territory

(1) If the alien stays, who holds a valid residence permit issued by another Member State of the European Union, the territory illegally, the police will issue a decision on the obligation to leave the territory.

(2) The application of paragraph 1 shall not apply if the foreigner could stay in the safety of the state or seriously disrupt public order.

(3) Decision on the obligation to leave the police will issue further

a) the alien of at least 15 years of age who did not avail of voluntary repatriation under a special legal regulation 2) to leave the area if

1) filed an application for international protection, although it has been invited

2) traveled after a final termination of the proceedings in the matter of international protection within the specified exit command or within 30 days if no foreigners exit order is granted, or

3) had expired residence permit in the territory granted to a person under subsidiary protection (§ 124b), or

b) an alien who illegally entered or stayed in the area and has to be passed by an international agreement concluded with another Member State of the European Union prior to the 13th January 2009 or a directly applicable regulation of the European Communities 37) (§ 129).

(4) The Police in the decision referred to in paragraphs 1 and 3 shall fix a time for departure, in the range 7-60 days. If, in the decision under paragraphs 1 and 3 had time to begin to run, leaving the territory during the period of detention of a foreigner, this period begins to run from the date of termination of the protection. If over time to leave the territory of the foreigner is detained, running this time, ensuring interrupts.

## Section 6

### Common provisions for long-term visa

#### § 51

(1) A long-term visa is a permit that authorizes force for foreigners to enter and stay in the territory and leaving the territory, unless this Act provides otherwise.

(2) The long-term visa is not a legal right.

(3) Long-term visa is valid for the period indicated in it.

(4) Long-term visa can not be granted a European Union citizen 1b).

(5) Long-stay visa shall be deemed to have been granted his showing.

#### § 52

In order to protect national security, public order or public health or for the fulfillment of international agreements may be

- a) long-term visas only on condition consisting in determining the crossing point of entry or exit from the territory,
- b) reduced duration of long-term visa.

## § 53

(1) Žádost o udělení dlouhodobého víza se podává na zastupitelském úřadu, pokud tento zákon nestanoví jinak. Žádost je cizinec oprávněn podat pouze na zastupitelském úřadu ve státě, jehož je cizinec občanem, popřípadě jenž vydal cestovní doklad, jehož je cizinec držitelem, nebo ve státě, ve kterém má cizinec povolen dlouhodobý nebo trvalý pobyt; to neplatí, jde-li o cizince, který je uveden v právním předpise vydaném podle § 182 odst. 1 písm. e).

(2) An application for long-term visa shall be submitted on an official form.

(3) An application for long-term visa is deemed inadmissible if

- a) have been submitted to it in accordance with the requirements of § 31,
- b) the alien refused acquisition fingerprints or video recording,
- c) has been submitted on the official form, or
- d) has not been submitted to the relevant embassy.

(4) The Embassy of the foreigner who filed inadmissible the application for long-term visa, return the application form, all submitted requirements and administrative fee; simultaneously alien in writing of the reasons for inadmissibility of the application.

(5) The Embassy is authorized in connection with an application for foreign long-stay visas to enroll fingerprints and filming.

## § 54

In the application for long-term visa, an alien must indicate your name and surname, other names, sex, date, month and year of birth, place and country of birth, citizenship and present at birth, name and surname of the father and mother, marital status, place of permanent residence abroad and telephone number, type, number and indicate the date of issue and validity of the travel document including designation of the authority that issued it, and in the case of foreigners with a residence permit in the territory of another State, an indication of whether it is entitled to the return on its territory, including data on the number and validity of the document, occupation, and employer's address, including telephone connection (for students, name and address of the school), destination, length of stay, number of entries and purpose of your stay, the intended date of arrival and departure, point of entry to the territory, in the case of transit of the route, and whether it has already received the relevant permits for entry into the destination country, including its validity and

designation of authority issuing the authorization, the intended means of transport, means of providing reimbursement of expenses associated with the stay, the address residence in the territory, including telephone or other connection, data as possible inviting a person to the extent the name and address of residence in the territory or in the case of a legal person, its name, address and the name and surname of the person specific information for the purpose of residence the territory, information on visas granted in the last 3 years, including the period of their validity, the data of previous residence in the territory of the Contracting States, data for spouse and children in their name and surname, other names, date, month, year and place of birth.

## § 55

### Particulars of a long-term visa

- (1) Requirements for application for long-term visa must not be older than 180 days, except for travel documents, registry documents and photographs of the foreigner if it corresponds to its true form.
- (2) Submission requirements for applications for long-stay visas with the exception of the travel document required, if a visa in the interest of the Czech Republic.
- (3) An alien applying for a long-term visa is required upon request to submit to taking of fingerprints and picture.

## § 56

### The reasons for not long stay visa

- (1) Long-term visa, except for a visa for a stay over 90 days for leave to remain in the territory because according to § 33, paragraph 3, Department of foreigners granted if
  - a) se cizinec na požádání ministerstva nebo zastupitelského úřadu nedostaví k pohovoru nebo nepředloží ve stanovené lhůtě doklady za účelem ověření údajů uvedených v žádosti o dlouhodobé vízum nebo jestliže se i přes provedení pohovoru nebo vyhodnocení předložených dokladů nepodaří tyto údaje ověřit,
  - b) the alien filing their applications for long-stay visas falsely
  - c) the foreigner is registered in the records of undesirable persons,
  - d) knowledge of the fact that the costs associated with the stay of the alien in the bore Czech Republic,
  - e) present false or amended terms and information relevant to the assessment of the application referred to therein are not facts
  - f) cizinec podal žádost o udělení dlouhodobého víza za účelem zaměstnání; ministerstvo v písemné informaci o důvodech neudělení dlouhodobého víza podle odstavce 4 cizince poučí, že je oprávněn požádat o vydání zaměstnanecké karty,

g) are observed facts mentioned in § 9 paragraph 1 letter. a), b), g), h), i) and j),

h) are discovered facts suggesting that the foreigner after your stay fixed long-stay visa or leave the territory it intends to exploit long-term visa for any purpose other than that stated in the application for a long-term visa

i) before showing the long-term visas do not submit proof of travel health insurance during their stay in the territory, which corresponds to the conditions specified in § 180j, and upon request proof of payment of the premium shown on the proof of travel medical insurance, unless the cases mentioned in § 180j paragraph 4,

j) the alien's stay in the territory is not in the interest of the Czech Republic, or there is another serious obstacle residence in the territory,

a) the alien has not paid the fine or costs incurred in connection with proceedings conducted under this Act.

(2) Long-term visa, except for a visa for a stay over 90 days for leave to remain in the territory because according to § 33, paragraph 3, Department of foreigners granted if

a) fails the criminal record (§ 174), or

b) in the past 5 years, violated the obligation imposed by this Act,

provided that the consequences of denial of long-term visas are adequate grounds for denying a long-term visa. In assessing the adequacy of the police particularly takes into account the implications of this denial of the private and family life of a foreigner.

(3) The grounds referred to in paragraph 1 or 2 shall be disregarded if it is a long-term visa in the interest of the Czech Republic or for the fulfillment of an international obligation.

(4) The Ministry shall inform the alien in writing of the reasons for denial of long-term visa and his entitlement to apply within 15 days of receipt of information, denial of long-term visas for a reassessment of reasons not to grant long-term visas (§ 180e).

(5) If it is a long-term visa to an alien who is included in the information system of the Contracting States, the Ministry will discuss visa the State Party in which foreigners included in this system, the proceedings take into account the facts that the State Party led to the inclusion foreigners to this system. The visa shall notify the Department of a State Party which foreigners into the information system of the Contracting States ranked.

## § 57

(1) The Embassy is authorized before sending the request for long-term visa to the Ministry for this application to apply an opinion. Ministry to the opinion in granting visas into account. If the alien fails to submit the visa before travel health insurance or proof of payment of the premium shown on the proof of travel health insurance, if it was requested, and a visa for that reason is not granted, the representative office shall notify the Ministry, this does not apply- the cases referred to in paragraph 4 § 180j

(2) The Embassy is authorized to conduct an interview with the applicant on a long term visa, in the case of an applicant for a visa for a stay over 90 days for business purposes, the embassy will interview all times, and in particular to find out more facts concerning the purpose placed residence. The interview conducted embassy writes a record that contain information identifying the applicant, representation during the interview, date, name and surname or business number, and signature of the person conducting the interview and the applicant's signature.

(3) Opinion of the embassy to the application for long-term visa is a visa applicant or his representative does not disclose.

#### § 58

##### Indication of the long-term visa

(1) Long-term visa in the passport characterized embassy, unless this Act provides otherwise.

(2) In justified cases it may be a long-term visa stamped passport outside.

(3) The long-term visa may be affixed one or more purposes of residence.

#### § 59

repealed by Law No. 161/2006 Coll.

#### § 60

(1) An application for extension of stay in the country on a long-term visa or extension of long-term visa gives foreign ministry.

(2) The extension of stay in the country on a long-term visa or extension of long-term visa is entitled to ask a stranger for long-term visas earlier than 90 days and no later than 14 days before the expiration of the period of authorized stay in the territory or duration of a long-term visa.

(3) If the application within the period under paragraph 2 prevents reasons independent of the will of the stranger, the foreigner is entitled to file the application within 3 working days after the termination of these reasons, long-term visa until the date of termination of the authorization shall be considered valid.

(4) If the period of validity of the long-term visa or length of stay in this long-term visa expires before the decision on its extension, although the application was lodged within the period referred to in paragraph 2 or 3 shall be considered as valid long-stay visa and residence time on the long-term visa for extended into coming into force of this Decision.

(5) The validity of long-term visa can not be extended, unless this Act provides otherwise.

(6) The reasons for not extending the period of stay in the country on a long-term visa or non-renewal of visas are similar to the reasons for denying a long-term visa.

(7) If the application for a visa for a stay over 90 days for tolerated stay pursuant to § 33 paragraph 1 point. c) has not been decided at the time of validity of the residence in the territory, it is his further stay in the territory, stay on this long-term visa, until the decision on the request.

#### § 61

repealed by Law No. 427/2010 Coll.

#### § 62

Cessation of long-term visa

(1) The long-term visa expires once became final judgment imposing a sentence of expulsion 10) or be enforceable decision on administrative expulsion.

(2) Platnost dlouhodobého víza uděleného podle § 30 odst. 2 zaniká převzetím povolení k trvalému pobytu, povolení k dlouhodobému pobytu za účelem společného soužití rodiny, za účelem studia nebo vědeckého výzkumu, povolení k dlouhodobému pobytu vydaného rodinnému příslušníkovi výzkumného pracovníka, zaměstnanecké karty, modré karty nebo povolení k dlouhodobému pobytu vydávaného Ministerstvem zahraničních věcí.

(3) The validity of a visa for a stay over 90 days for tolerated stay issued pursuant to § 33 paragraph 3 below shall expire on the date when the decision on the granting of asylum or subsidiary protection pursuant to special regulation 2).

(4) After the departure of foreigners from the territory ceases the visa for a stay over 90 days for tolerated stay. Validity of the remaining long-term visas are not foreigners leaving the territory affected.

#### § 63

repealed by Law No. 427/2010 Coll.

#### § 64

Study

(1) Studying for the purposes of this Act, the

a) secondary education and higher professional education in the fields of education in secondary school, conservatory or vocational school, entered in the Register of Schools and School Facilities 10a) and study in accredited study programs at the university 9k)

- b) participation in language training and to study an accredited high school program organized a public high school, or participation in language and vocational course organized within the framework of the European Union or by international agreement,
- c) scholarship made on the basis of international agreements made by the Ministry of Education, Youth and Sports, the current scholarship program of the Ministry of Education, Youth and Sports, the scholarship program of the European Union or the Government of the Czech Republic,
- d) training is designed to provide practical and professional experience foreigner, undertaken in the domestic host organization during his studies at local or foreign university or at a time not more than 5 years after graduating from high school, organizationally provided by or coordinated domestic colleges, academies Sciences of the Czech Republic or for the purpose by the Ministry of Education, Youth and Sports of the accredited legal person established in the territory or legal person established outside the territory to the territory of the branch,
- e) professional practice and voluntary service young people aged 18 to 25 years, designed to provide practical, professional experience foreigner, undertaken in the domestic host organization as part of a program or project initiatives of the European Union, or a similar state program and organization provided by or coordinated this purpose by the Ministry of Education, Youth and Sports accredited legal person established in the territory or legal person established outside the territory, which has a branch in the territory,
- f) exchange of experience and study visits of those responsible for the education and development of human resources, where such activities are carried out under the programs or initiatives of the European Union or international conventions.

(2) For the purpose of issuing a residence permit for the purpose of studies (§ 42d) with education in middle school or conservatoire education means only part of an exchange program held in the local host organization and the professional practice of only training is free of charge.

#### TITLE IV

##### PERMANENT RESIDENCE IN THE TERRITORY

###### Part 1

###### § 65

(1) An alien is entitled to reside in the residence on the basis of

- a) a permanent residence permit, or
- b) the decision of the competent authority to confer this stranger in foster care 10c), if the condition pursuant to § 87 paragraph 1

(2) The provisions of this Title shall not apply to citizens of the European Union 1b), with the exception of § 83-85 and to his family.

A permanent residence permit

§ 66

(1) A permanent residence permit without conditions of continuous residence in the territory of foreigners issue

a) that this permit requests for humanitarian reasons, especially

1) if the asylum seeker's husband and the marriage was created before the refugee to the territory

2) if the minor child of a refugee or a child who is dependent on the care of asylum seeker requests a grant of asylum, or

3) if it was in the past citizen of the Czech Republic,

b) that the issuance of the authorization is sought for other reasons worthy of special consideration,

c) upon request, if his stay in the territory in the Czech Republic or

d) that the issuance of the authorization is sought as a minor or adult dependent child is a foreigner who is residing on the basis of a permanent residence permit, if the reason for the application of these foreigners live together.

(2) A permanent residence permit is issued at the request of an alien who prior authorization for permanent residence was canceled due pursuant to § 77, paragraph 1, point. c) or d), from which the decision elapsed time of 3 years.

§ 67

(1) A permanent residence permit after 4 years of continuous residence in the issue at the request of a foreign national who is residing in temporary residence after completion of the procedure for granting international protection, provided that at least the last two years took place last of granting international protection including any proceedings on appeal of a complaint, if the complaint was filed within the statutory period. By the time of residence in the first sentence, a period of residence in the country on a long-term visa for a long-term or permanent residence and period of stay of proceedings for granting international protection, including any of cassation complaint. Continuity of residence in the territory is maintained if the alien filed an application for international protection within 7 days after the end of the temporary residence in a long-term visa or a long-term or permanent residence, it does not apply if the validity of residence permits were canceled.

(2) A permanent residence permit shall be issued if the applicant is a foreigner who

a) is under 18 years old,

b) is not able to take care of himself because of long-term medical condition, or

c) is a lonely and over 65 years of age.

(3) A permanent residence permit may be granted under the conditions referred to in paragraph 1 shall also issue, if the applicant is a foreigner

a) who is a parent of an alien referred to in paragraph 2, point. a) or b),

b) who has been the decision of the competent authority foreigner referred to in paragraph 2. a) or b) placed in the care or

c) which is other direct relatives in the ascending or descending line, an alien referred to in paragraph 2, in which personal care is an alien referred to in paragraph 2 dependent.

(4) The application is subject to the conditions in paragraph 1 may also be filed by an alien who this permit requests for other reasons worthy of special consideration.

(5) An application may be submitted to the Ministry within two months after a final termination of the proceedings for granting international protection.

(6) A permanent residence permit may be issued to aliens referred to in paragraph 3 only if it has been issued this permit foreigners referred to in paragraph 2

(7) The condition of continuous residence in the territory and provided that at least the last two years took place last of granting international protection, including any of cassation complaint can be waived for reasons worthy of special consideration, especially if the foreigner authorized person under 15 years or adverse health condition occurred for the applicant for residence.

(8) The condition to submit an application no later than two months after a final termination of the proceedings for granting international protection can be waived foreigners referred to in paragraph 3, where proceedings on his application for international protection is ended before the proceedings on the application for international protection of aliens referred to in paragraph second

## § 68

(1) A permanent residence permit is issued at the request of foreigners after 5 years of continuous residence.

(2) The period of stay under paragraph 1, a period of residence in the country on a long-term visa for permanent residence permits and residence time in the status of refugee or subsidiary protection pursuant to special legislation 2). Period of residence for the purpose of study includes one half. One half also includes the period during which the subject of proceedings for granting international protection, which led to the granting of asylum or subsidiary protection, including the time of an action or of cassation, if the proceedings for granting international protection conducted more than 18 months, counted this time in its entirety. In the period of stay under paragraph 1 shall not include the period during which the alien sent by a foreign employer or a foreign legal entity or natural person, and also the period during which the alien resided in the territory for the purpose of employment dependent on the changing seasons and helped with housework for food, accommodation and spending designed to meet their basic social, cultural or educational needs (au pair).

(3) The period of stay under paragraph 1 shall be counted as periods of absence foreigners in the territory during the period of residence, provided that each period of absence does not exceed 6 consecutive months and if taken as a whole does not exceed 10 months, and the absence of foreigners in the that does not exceed 12 consecutive months, unless the alien sent to study abroad. Continuity of residence is also maintained if one period of absence of foreigners in the territory not more than 12 consecutive months for important reasons, especially in the case of pregnancy and

childbirth, serious illness or study or vocational training, and this period and until the date of stay under paragraph 1 shall not be counted.

(4) A permanent residence permit is also issued at the request of a foreigner who fulfilled the condition of 5 years continuous residence in the territory of the Member States of the European Union as a Blue Card holder, if the holder of a blue card continuously resided in the territory for at least 2 years until 5 years of continuous residence in the territory of the Member States shall not include the period of residence in the territory of another Member State of the European Union, if the holder of a blue card issued by a Member State of the European Union's staying for less than 18 months. The required period of continuous residence period will be considered absent Blue Card holder in the territory of the Member States of the European Union, where the periods of absence does not exceed 12 consecutive months and if the sum does not exceed 18 months. This provision shall apply mutatis mutandis to family members of Blue Card holders who had been issued a residence permit for the purpose of family reunification.

(5) An application for a permanent residence permit may be filed by a foreigner, who at the time of fulfillment of the conditions in the preceding paragraphs is residing outside the territory. If the validity of residence permit to foreigners over the territory at the time of his absence from the territory, the application must be filed within six months from the expiry of the permit.

#### § 69

(1) An application for a permanent residence permit in accordance with § 66 shall be submitted at the embassy, unless stated otherwise.

(2) An application for a permanent residence permit according to § 66 paragraph 1 letter. a) or b) can also give the ministry, if an alien, to whom the residence permit is issued,

a) resides in the territory under temporary residence and the spouse or minor child of an alien who has been granted asylum on the grounds referred to in a special legal regulation 11);

b) resides in the territory on a visa for a stay exceeding 90 days or a residence permit, or

c) resides in the territory under issued a residence permit for the purpose of protection, if his cooperation with the authorities responsible for criminal proceedings contributed to establish the crime of trafficking in human beings or proof of organizing or facilitating illegal border crossing.

(3) An application for a permanent residence permit according to § 66 paragraph 1 letter. c) gives stranger Ministry, if staying in the territory under temporary residence; Ministry also submitted a request foreigner applying for a residence permit under § 67th

(4) An application for a permanent residence permit according to § 66 paragraph 1 letter. d) may be filed also the Ministry, if an alien, to whom the residence permit is issued, resides in the territory under temporary residence.

(5) An application for a permanent residence permit in accordance with § 68, paragraph 1, the Ministry of alien, if residing in a long-term visa, residence permit or document issued pursuant to reside under a special legal regulation 2), 3); application in accordance with § 68 paragraph 5 is also authorized to submit to the embassy.

§ 70

(1) An application for a permanent residence permit shall be submitted on an official form. The application shall state the foreigner

a) your name, surname and other names, all former surnames, day, month and year of birth, place and country of birth, nationality, marital status, educational attainment, occupation, employment before coming to the area (job title, name and address employer), the purpose of stay in the country of employment after entry into the (job title, name and address of the employer), last residence abroad, address, place of residence, previous residence in the territory of more than 3 months (reason and place of residence), the day entry, number and validity of the travel document,

b) the name, surname and other names, former surnames, nationality, date of birth, place and country of birth, residence and occupation spouses

c) the name, surname and other names, date of birth, citizenship, residence and occupation of parents,

d) the name, surname and other names, date and place of birth, citizenship, residence and occupation of children, and

e) the name, surname and other names, date of birth, citizenship, residence and occupation brothers, an alien who applies for a permanent residence permit in accordance with § 68, paragraph 1, or, in the case of foreigners according to § 87, which asks permanent residence permit after the age of 18 due pursuant to § 66 paragraph 1 letter. a) is obliged to submit a document similar to an extract from the Criminal Register, if requested to do so ..

(2) An alien is required for an application for a permanent residence permit to submit

a) photographs,

b) a travel document

c) a document confirming the purpose of stay in the territory, such as birth certificate, marriage certificate or another document proving the family relationship, evidence that the alien was a citizen of the Czech Republic 1a), this does not apply in the case of an alien who applies for permanent residence permit according to § 68,

d) proof of sufficient funds for permanent residence (Article 71 § 1), this does not apply in the case of an alien who applies for permanent residence under § 67 or in the case of foreigners according to § 87, which asks for permanent residence after the age of 18 due pursuant to § 66 paragraph 1 letter. a)

e) document similar to an extract from the Criminal Register as a basis for evaluating criminal record (§ 174) issued by the country of which the foreigner is a citizen or has permanent residence, and countries in which the foreigner in the last 3 years resided continuously for longer than six months, or a statutory declaration in the case that the country does not issue such a document, this obligation does not apply to foreigners under the age of 15 years and foreigner over 15 years, has been granted a visa for over 90 days for tolerated stay permit or long-term residence permit for tolerated stay, has been granted subsidiary protection pursuant to a special legal regulation 2), or

applying for a permanent residence permit in accordance with § 67 a foreigner applying for a residence permit in accordance with § 68, paragraph 1, or, in the case of foreigners according to § 87, which asks for a permanent residence permit after the age of 18 due pursuant to § 66 paragraph 1 letter. a) is obliged to submit a document similar to an extract from the Criminal Register, if requested,

f) proof of accommodation in the area (§ 71 paragraph 2),

g) the consent of the parent or other legal representative or guardian of a child residing in the territory, unless the joint family living with the parent, legal guardian or representative, this does not apply if the alien demonstrates that this document can not, for reasons of his will Independent submit or if the child resides in the territory

h) a document proving the required knowledge of the Czech language issued by the school, which is listed in the list of schools authorized to perform examinations in the stipulated decree of the Ministry of Education, Youth and Sports (§ 182a paragraph 2), unless stated otherwise.

(3) An alien who is the spouse or minor child of an asylum seeker 2) or a child who is dependent on the care of the refugee, or an alien who applies for a permanent residence permit according to § 66 paragraph 1 letter. a) or b), and reside in the country on the basis of a residence permit for the purpose of protection is required for an application for permanent residence to present the elements under paragraph 2. a) to c) and f).

(4) An alien applying for a permanent residence permit is required pursuant to the request of the Embassy or the Ministry to submit a medical report that does not suffer from any serious disease. About the medical report can be requested only in case of reasonable suspicion that the alien suffers from a serious illness.

(5) A document proving the required knowledge of the Czech language under paragraph 2. h) is not required from foreigners

a) has not reached the age of 15,

b) demonstrates that during the 20 years preceding the filing of the application for permanent residence is at least 1 year of continuous school student elementary or secondary school or at least one academic year of college studying with the Czech language of instruction or program of study Czech language at the high school,

c) demonstrate that the completion of another generally recognized examination in the Czech language, which is the minimum of difficulty levels established by decree of the Ministry of Education, Youth and Sports [§ 182a paragraph 2, point. a)], if that is the Ministry of Education, Youth and Sports confirmed

d) applying for a permanent residence permit under § 66 or 67 or after termination of the right to permanent residence under § 87 paragraph 7 point. a) point 4,

e) proves that he has a physical or mental disability that affects his ability to communicate, or

f) reached the age of 60.

(6) The Ministry is in the case of reasonable doubt, that the alien has the required knowledge of the Czech language to the extent determined by decree of the Ministry of Education, Youth and Sports [§ 182a paragraph 2, point. a)], it is competent evidence proving the required knowledge of the Czech language to recognize and require the examination before a commission set by the Ministry of

Education, Youth and Sports; foreigner does not pay for the test performance. A new proof of the required knowledge of the Czech language in this case foreigners issued by the Ministry of Education, Youth and Sports.

## § 71

(1) Evidence of sufficient funds for permanent residence shall be deemed proof that the alien is receiving regular monthly income and total strangers and together with him assessed persons residing in the territory of [§ 42c, paragraph 3 point. c)] shall not be less than the sum of the amounts subsistence levels 9d) as alien to him jointly assessed persons and the highest amount of normative housing costs established for the purposes of housing benefit special legislation 9e) or the amount by which the alien proves that the amount of actual reasonable costs incurred for the housing and its people assessed. In the case of an alien under § 66 of this document may be substituted by a commitment to provide a means of ensuring permanent residence in the territory of public budgets. For income under the first sentence shall be deemed income chargeable under the Act on subsistence level, with the exception of one-time income, child allowances, unemployment benefits, retraining and benefits of assistance in material need, for purposes of computing income to § 8 paragraph . 2-4 of the Act on Subsistence Minimum apply. Receive an alien can prove especially employer confirming the amount of the average monthly net salary in the case of income from employment or income tax returns of individuals in the case of income from self-employment. If you can not prove income other credible manner, can be used as proof of sufficient funds for permanent residence to present extracts from an account in a bank for the last six months, which indicates that the alien has such income, or a demand for payment of income tax.

(2) Proof of accommodation in accordance with § 70 paragraph 2 point. f) is the proof of ownership of an apartment or house, proof of eligibility, or use of an apartment house or a written confirmation of the person who is the owner or authorized user of the apartment or house, with her notarized signature, which is approved to foreigners accommodation. Accommodation can be provided only in the building, which is under a special legal regulation 31) numbered descriptive or registration, or orientation number, and is under the Building Act designed for living, accommodation or recreation. Official verification is not required, signed by the authorized person under the first sentence consent before an authorized employee of the Ministry. If a written confirmation of consent pursuant to the first sentence filed electronically, must be signed by a recognized electronic signature, this does not apply where the certificate is delivered via a data box.

## § 72

Particulars of the application for permanent residence can not be older than 180 days, except passport, birth certificate, marriage certificate, a document proving the required knowledge of the Czech language and photographs of the foreigner if it corresponds to its true form.

## § 73

Ministry without delay communicate to the Central Insurance Company General Insurance Company of the Czech Republic for inclusion in the register of insured universal health insurance 12) the date when the decision on a permanent residence permit or revocation became effective.

#### § 74

(1) An alien is obliged within 3 working days of entering the territory in person, come to take a decision to issue a permit for permanent residence.

(2) An alien is obliged to take a decision to issue a permit for permanent residence in the invitation to appear in person to the Department for processing data required for the issue of a residence permit, including the acquisition of biometric data foreigner and his signature, which is used for its further digital processing; signature nepořídí if strangers in his design prevents unbreakable barrier. A foreigner is obliged by the deadline set by the Ministry, but no later than 60 days from the date of acquisition of biometric data, to attend the ministry to take a license for a residence permit.

The reasons for failure, termination and revocation of  
permanent residence permit

#### § 75

(1) Ministry for a permit for permanent residence be refused if

a) the alien requests to false, or amended by the terms and requirements, in which the information is essential for the assessment of the application do not match reality,

b) in the case of a polygamous marriage bearer permission to sponsor already on the territory of another wife resides,

c) the foreigner is registered in the register of undesirable persons (§ 154),

d) the alien fails without good reason to question (§ 169, paragraph 2), refuses to testify or give false testimony in fact,

e) the proceedings are the findings listed in § 77, paragraph 1, point. a) or e), or

f) the proceedings are not confirmed by the reasons given in the application for permanent residence under § 66 or conditions are not met under § 67 or § 68

(2) Ministry for a permit for permanent residence also be refused if

a) the alien is included in the information system of the Contracting States,

b) the alien fails to submit proof of sufficient funds for permanent residence in the territory

c) the alien fails the criminal record (§ 174);

d) the alien applying for a permanent residence permit in accordance with § 66 suffers from a serious illness,

e) the proceedings are the findings listed in § 77, paragraph 2, point. g)

f) is a reasonable danger that the alien might endanger national security or seriously disrupt public order, or

g) the alien has seriously disrupted public order or threaten the safety of another Member State of the European Union,

provided that this decision will be adequate in terms of its impact on the private or family life of a foreigner.

(3) The grounds referred to in paragraph 1 or 2, the Ministry does not take into account, if a permit for permanent residence in the Czech Republic or interest due to the fulfillment of an international obligation.

(4) To due under paragraph 2. a) shall be disregarded if it is a permit for permanent residence on humanitarian or other reasons worthy of special consideration.

(5) In the case of a permit for permanent residence in accordance with paragraph 3 or 4, the Ministry will discuss this permit the Contracting State that foreigners included in the information system of the Contracting States, and the proceedings shall take into account the facts that led to this classification. Permit for permanent residence in the police or the Ministry shall notify the Contracting State that foreigners into the information system of the Contracting States ranked.

## § 76

The validity of the permanent residence permit expires

a) the acquisition of citizenship of the Czech Republic,

b) the entry of a judgment imposing alien deportation 10) or enforceable decision on administrative expulsion

c) if another Member State of the European Union acknowledged the legal status of foreigners resident in another Member State of the European Union 7c), or

d) death or legal alien powers court ruling declaring foreigners dead.

## § 77

(1) The Ministry shall cancel the authorization for permanent residence if

a) determines that the alien committed evading this law in order to obtain a permanent residence permit, especially if purposefully entered into marriage or consent of its declared purpose was determined paternity

b) the alien has been granted permanent residence on the basis of the forged or altered requirements or requirements, in which the information is essential for the assessment of the application do not match reality,

c) the alien has resided outside the European Union for a continuous period of more than 12 months, unless justified by overriding reasons in particular pregnancy and childbirth, serious illness, study or vocational training, or sending work abroad

d) the alien has resided outside continuously for more than 6 years

e) it is justified by the fulfillment of the commitment arising from international agreements

f) the alien's request, or

g) the alien, the former Blue Card holder, or a family member residing outside the territory of the Member States of the European Union for a continuous period longer than 24 months.

(2) The Ministry may suspend a permit for permanent residence also canceled if

a) the alien repeatedly and seriously disrupt public order or the rights and freedoms of others or the reasonable risk that could threaten national security,

b) expire within 5 years after the issue of a permanent residence permit reason for which, according to § 66 paragraph 1 letter. a) point 1 or § 66 paragraph 1 letter. b) a permanent residence permit issued

c) the revocation of a permit for permanent residence granted to those who are foreigners, the holder of the permit, caring,

d) the alien has failed to fulfill an obligation under § 88 paragraph 3,

e) the alien is included in the information system of the Contracting States and the competent authority that foreigners included in this system, provides additional information for the evaluation can be assumed that it takes reasonable danger that he might need during your stay in the territory of another Contracting State compromise its safety or seriously disrupt public order,

f) the alien has been convicted by a court of the Czech Republic for an intentional offense to imprisonment or

g) other European Union Member State or Contracting State applying a common approach regarding the expulsion decision to expel foreigners from their territory 9a) because of an alien convicted to a prison sentence of at least one year or for a reasonable suspicion that he has committed a serious crime or a prepares activity on the territory of the European Union or a Contracting State applying a common approach regarding the expulsion, and the infringement of the legislation governing the entry and stay of foreigners on their territory,

provided that this decision will be adequate in terms of its impact on the private or family life of a foreigner.

(3) The Ministry in the decision on revocation of a permit for permanent residence in accordance with paragraphs 1 and 2 shall set a deadline for leaving the territory and grant foreigners exit order, the alien shall within the period of the leave.

§ 78

repealed by Law No. 427/2010 Coll.

§ 79

repealed by Law No. 427/2010 Coll.

§ 80

repealed by Law No. 427/2010 Coll.

§ 81

repealed by Law No. 427/2010 Coll.

§ 82

repealed by Law No. 427/2010 Coll.

Part 2

Legal permanent resident status

in the European Community in the

§ 83

(1) Ministry in the decision on a permanent residence permit grants foreigners legal permanent resident status in the European Community territory 7c) (hereinafter referred to as "resident in the territory"), if the alien

a) meet the condition of 5 years of continuous residence in the territory (§ 68)

b) seriously disturb public order or endanger national security or another Member State of the European Union and

c) demonstrated sufficient funds for permanent residence under § 71

(2) The Ministry of resident status in the further admits foreigners with permanent residence in the territory of which such status was granted simultaneously with the issuance of a permit for permanent residence if the alien requests in writing and meets the conditions referred to in paragraph 1

(3) The Ministry of resident status in the hereafter granted to a foreigner who holds a blue card if satisfied the 5 years of continuous residence in the territory of the Member States of the European Union as a Blue Card holder and for two years as a Blue Card holder has resided continuously in the

territory. The required 5 years of continuous residence in the territory of the Member States of the European Union does not include periods of residence in the territory of another Member State of the European Union if its territory holder blue card issued by a Member State of the European Union's staying for less than 18 months. This provision shall apply mutatis mutandis to family members of Blue Card holders who were allowed joint family living in the territory of the Member States of the European Union.

(4) An alien who has legal resident status in the territory was abolished (§ 85 paragraph 1), is entitled to apply for re-admission of the legal position if the date of the final decision to cancel the legal status of resident in the territory of at least 5 years have passed and proves ensure funds for permanent residence in the territory according to § 71 Ministry of resident status on the territory of foreigners granted, if residing continuously for a specified period of time (§ 68), there are no longer grounds for revocation of this legal position and if it is not reasonable danger that could seriously disrupt public order or safety of another Member State or State of the European Union.

#### § 84

(1) The Ministry shall resident in the territory of the license for a residence permit entry "residence permit for a long-term resident - EC" 7c).

(2) The Ministry of the license for a residence permit shall also record the "International protection granted [name of Member State] on [date]", in the case of foreigners, which another Member State of the European Union granted international protection. Records shall be given only if the decision to grant international protection remains valid.

#### § 85

(1) The Ministry shall invalidate the decision to grant legal status of resident in the territory, there are grounds for revocation of a permit for permanent residence if

- a) resident in the territory of seriously disturbed public order or threaten national security, or
- b) another Member State of the European Union decided to close the temporary stay in the territory of a resident in its territory due to a serious breach of public order.

(2) The Ministry of the entry into force of the decision referred to in paragraph 1 of the certificate of residence permit invalidated entry "residence permit for a long-term resident - EC" 7c).

(3) The decision on granting legal status of resident in the territory ceases withdrawal of a residence permit.

#### § 86

repealed by Law No. 427/2010 Coll.

Foreigners staying committed to the foster care decision

competent authority

§ 87

(1) An alien under 18 years of age entrusted to foster care by the competent authority 10c) is entitled to reside permanently in the territory, where at least one natural person to whom it is entrusted to a stranger, for permanent residence on the territory or in the territory Institute located in which the alien resides.

(2) The authorization referred to in paragraph 1, a day when the decision on conferral of foreigners in foster care; Ministry after submission of this decision, a certificate of foreigners the right to permanent residence.

(3) An alien under paragraph 1 shall be entitled to the age of 15 years reside in the territory without passport.

(4) The Ministry shall issue the request under paragraph 1 of foreigners permit to stay. The application is a foreigner must submit a passport photo.

(5) An alien under paragraph 1 shall request the issue of a residence permit within 30 days after reaching the age of 15.

(6) The right of permanent residence of foreigners entrusted into foster care before the age of 15 years shall expire if

a) a person who has been entrusted to a stranger foster care, notify the Ministry if the alien waives this privilege, notice must be provided with its authenticated signature,

b) the alien acquires citizenship of the Czech Republic under a special legal regulation 1a),

c) results in compensatory education under paragraph 1, or

d) a natural person referred to in paragraph 1, the logs of permanent residence.

(7) Authorization ktrvalému entrusted the alien's stay in foster care after the age of 15 years shall expire if

a) the alien

1) is convicted by a court of the Czech Republic for an intentional offense to imprisonment,

2) notify the Department that waives this privilege; notification parental consent connects with its authenticated signature,

3) acquires Czech citizenship under a special law 1a) or

4) reaches the age of 18, this does not apply if the court decision limited legal capacity stranger, or a decision on an application pursuant to § 66 paragraph 1 point. a) when administered by an alien within 60 days after reaching the age of 18,

b) results in compensatory education in accordance with paragraph 1 before reaching the age of 18 foreigners, or

c) a natural person referred to in paragraph 1, the logs of permanent residence.

(8) The date on which the right to permanent residence terminated under paragraph 6 or 7 at the same time cease to be valid confirmation of the right to permanent residence in the territory and validity of a residence permit if the alien is issued.

(9) The provisions of § 117d and 117E apply to foreigners with permanent residence permissions accordingly.

(10) If a stranger entrusted to foster care before the age of 14 years, is considered his stay in the territory after the age of 15 years for a stay pursuant to § 65 paragraph 1 point. a).

## CHAPTER IVA

### STAY THE EUROPEAN UNION CITIZEN AND HIS FAMILY

#### THE

##### Part 1

##### Temporary residence

##### § 87a

(1) The Ministry shall issue a European Union citizen 1b), at his request, a certificate of temporary residence in the territory, if a citizen of the European Union

a) intends to reside temporarily for a period longer than 3 months 13) and

b) endanger national security or seriously disturb public order.

(2) The application for a certificate of temporary residence in the territory of a European Union citizen shall

a) travel document,

b) a document confirming the purpose of stay, in the case of employment, business or other gainful activity 13a) or study,

c) photographs,

d) proof of health insurance, this does not apply if the purpose of the stay is employment, business or other gainful activity 13a), and

e) proof of accommodation in the area.

(3) A family member of a citizen of the European Union, which itself is a citizen of the European Union and intends to reside temporarily for a period longer than 3 months 13) together with a citizen of the European Union, is obliged to submit an application in accordance with the requirements of paragraph 2, with the exception of the requirements under paragraph 2 point. b) a document confirming that the family of a citizen of the European Union, and in the case of an alien under § 15a, paragraph 1, point. d) a document certifying that the dependent person.

#### § 87b

(1) A family member of an EU citizen who is not a citizen of the European Union and intends to reside temporarily for a period longer than 3 months together with a citizen of the European Union, the Ministry is obliged to ask for a temporary stay. The request must be filed within a period of three months from the date of entry.

(2) The application for a permit for temporary residence of the family is obliged to submit the requirements under § 87a, paragraph 2, with the exception of the requirements under § 87a, paragraph 2, point. b) a document confirming that the family of a citizen of the European Union, and in the case of an alien under § 15a, paragraph 1, point. d) a document certifying that the dependent person.

(3) The Ministry shall issue a family member of a temporary residence permit in the form of a residence card for family members of citizens of the European Union.

#### § 87c

(1) Citizens of the European Union 1b), which resides in the territory of a member of staff of the embassy of a foreign country or international governmental organizations accredited to the Czech Republic, and his family member authorized by the Ministry of Foreign Affairs, which itself is a citizen of the European Union, upon request, issue a certificate of temporary residence in the territory of the Ministry of Foreign Affairs.

(2) A family member of a citizen of the European Union, the territory to reside as a crew member of the embassy of a foreign country or international governmental organizations accredited to the Czech Republic, who is not a citizen of the European Union, and is registered with the Ministry of Foreign Affairs is obliged to apply for a temporary residence permit within a period of three months from the date of entry. Family under the first sentence issued by the Ministry of Foreign Affairs of the temporary residence permit in the form of a residence card for family members of citizens of the European Union.

(3) The application referred to in paragraphs 1 and 2 of the European citizen 1b) or family member submit a passport photo. A family member of a citizen of the European Union shall also submit a document confirming that he is a family member of an EU citizen.

#### § 87d

Reasons for refusal to issue a certificate of temporary

residence in the territory and termination of its validity and reasons for cancellation

temporary residence citizen of the European Union

(1) The Ministry shall issue a request for a certificate of temporary residence refused if

a) the applicant has become an unjustified burden on the benefit system for people with disabilities or system of assistance in material need of the Czech Republic (§ 106 paragraph 3), with the exception of those covered by the directly applicable European Communities regulation 13b)

b) is a reasonable risk that the applicant might endanger national security or seriously disrupt public order,

c) the applicant is registered in the register of undesirable persons (§ 154) and takes reasonable danger that he might need during your stay in the territory threaten national security or seriously disrupt public order.

(2) The Ministry shall revoke the temporary residence in the territory of a European Union citizen 1b) if

a) has become an unjustified burden on the benefit system for people with disabilities or system of assistance in material need of the Czech Republic (§ 106 paragraph 3), with the exception of those covered by the directly applicable European Communities regulation 13b)

b) endangers national security or seriously undermining public order, unless proceedings for expulsion or

c) endangers public health that suffers from a serious disease, if such disease occurred within 3 months after entry,

provided that the decision to cancel the temporary stay in the territory will be adequate in terms of its impact on the private or family life of a citizen of the European Union.

(3) The Ministry of the decision to cancel the temporary residence of a citizen of the European Union 1b) in the set a deadline for leaving the territory and grant a European Union citizen exit command; citizen of the European Union shall within the period of the leave.

(4) The termination of validity of the temporary residence with § 76 point. a), b) and d) apply mutatis mutandis.

#### § 87e

Reasons for refusal to issue permits

a temporary residence

(1) The rejection of an application for a permit for temporary residence in the grounds under § 87d, paragraph 1 shall apply mutatis mutandis. Ministry shall also be refused if the applicant

a) endangers public health that suffers from a serious disease, if such disease occurred within 3 months after entry,

b) is included in the information system of the Contracting States and the competent authority that the applicant included in this system, provides additional information for the evaluation can be assumed that it takes reasonable danger that he might need during your stay in the territory of another State Party to compromise his safety or seriously disrupt public order, or

c) they are guilty of evading this law in order to obtain a temporary residence permit in the territory, especially if purposefully entered into marriage or consent of its declared purpose was determined paternity

d) fails without good reason to question (§ 169, paragraph 2), refuses to testify or give false testimony in reality.

(2) The plea pursuant to paragraph 1. a) account shall be taken only under the condition that the decision to reject an application will be adequate in terms of its impact on the private or family life of the applicant.

(3) To due pursuant to paragraph 1. b) shall be disregarded if it is for a permit for temporary residence in the interests of the Czech Republic, for humanitarian or other reasons worthy of special consideration or due to the fulfillment of an international obligation. The Ministry will discuss issue of a temporary residence permit with the State Party, which the applicant filed the information system of the Contracting States, and the proceedings shall take into account the facts that led to this classification. Issue temporary residence permits to the Ministry shall notify the Contracting State in which the applicant's information system of the Contracting States ranked.

#### § 87f

Reasons for termination of the temporary residence of family members of EU nationals

(1) The Ministry shall terminate a family member of an EU citizen 1b), which itself is not a citizen of the European Union, the temporary stay in the territory of the request or for reasons specified in § 87e.

(2) The Ministry shall terminate the family member of a citizen of the European Union's temporary residence in the territory where

a) a citizen of the European Union was abolished temporary residence in the territory, which does not apply if a family member of an EU citizen is the primary carer of a child, and that child's education for EU citizens in the primary, secondary and higher vocational school or conservatory or study of this child to high school

b) a citizen of the European Union during a temporary stay in the territory died, this does not apply if stayed with a family member of an EU citizen in the territory for at least 1 year before the death of the citizen of the European Union or

c) marriage to a citizen of the European Union terminated by a final court decision on divorce or annulment of marriage, this does not apply if

1) a family member of an EU citizen has been decided by the competent authority 10c) or by agreement between the spouses entrusted into the care of a child or a citizen of the European Union, he was granted the right to regular contact with the child of a citizen of the European Union only in the territory or

2) prior to the commencement of the proceedings for divorce or marriage annulment, the marriage lasted at least three years and at the time the marriage was a family member of an EU citizen lawfully resident in the territory of at least one year,

provided that this decision will be adequate in terms of its impact on the private or family life of a family member.

(3) The Ministry in the decision to terminate the temporary residence of a family member of a citizen of the European Union set a deadline for leaving the territory and grant a family member of an exit order, the family member is obligated within the period of the leave.

(4) The termination of a temporary residence permit for family members of EU nationals to § 76 point. a), b) and d) apply mutatis mutandis.

## Part 2

### A permanent residence permit

#### § 87 g

(1) The Ministry shall issue a European Union citizen 1b) on his application for permanent residence 13)

a) after 5 years of continuous temporary residence in the territory

b) if at the time of termination of employment, business or profession 13a) reached the age laid down for entitlement to retirement pension 13c) or entitlement to a retirement pension before reaching retirement age 13d) and the pensions granted before reaching retirement age asked if this activity performed in the last 12 months before applying for a permanent residence permit and continuously resided in the territory for at least 3 years

c) if the finished job, business or other gainful activity 13a) due to the third degree of disability and reside in the country continuously for at least 2 years; condition period of continuous residence in the territory does not apply if a citizen of the European Union are entitled to disability pension third degree because of an accident at work or occupational disease, 13e),

d) if he is employed, business or operating another gainful occupation in the territory of another Member State of the European Union, and usually every day or at least once a week, returning to the territory where the territory formerly resided continuously and simultaneously was employed here, entrepreneur and ran the other gainful activity for at least 3 years, or

e) in the case of an EU citizen under 18 years old, who was placed in foster care by the competent authority.

(2) The Police also issued a European Union citizen 1b) on his application for permanent residence 13), if a citizen of the European Union on this permit requests for humanitarian reasons or for other reasons worthy of special consideration.

(3) The Ministry shall issue a European Union citizen 1b) on his application for permanent residence if his stay in the territory in the Czech Republic.

(4) For the purpose of issuing a residence permit pursuant to paragraph 1. b) or c) the period of employment, business or profession 13a) in the territory of another Member State of the European Union considered for activities carried out in the territory under the condition that the EU citizen

was employed, or entrepreneur ran a gainful occupation in the territory of another Member State of the European Union, and usually every day or at least once a week back in the territory.

(5) The condition of the residence at the time and condition of employment, business or profession 13a) referred to in paragraph 1, point. b) or c) do not apply in the case of a European Union citizen who is the spouse of a citizen of the Czech Republic 1a) or whose husband lost Czech citizenship due to marriage with him or acquisition of its nationality.

(6) The period during which the citizen of the European Union 1b) recorded in the register of job seekers Labour Office of the Czech Republic - the regional branch or branches of the City of Prague, is included in the required period of employment pursuant to paragraph 1. b) or d), provided that a citizen of the European Union 1b) dismissal for reasons independent of their will.

(7) The condition of continuous temporary residence is maintained, where the absence of an EU citizen 1b) in the territory does not exceed a total of six months a year, or if exceeds this time

a) for compulsory military service, or

b) if one absence will be longer than 12 consecutive months, for serious reasons, especially in the case of pregnancy and childbirth, serious illness, study or vocational training, or because work sent abroad.

(8) The European Union citizen under 18 years old, who was placed in foster care by the competent authority, the provisions of § 87 shall apply mutatis mutandis.

#### § 87h

(1) The Ministry shall issue a family member of an EU citizen in his application for permanent residence 13)

a) after 5 years of continuous temporary residence in the territory

b) after 2 years of continuous temporary residence in the territory is at least one year a family member of a citizen of the Czech Republic 1a), which is in the territory of permanent residence, or a family member of a citizen of another Member State of the European Union 1b), which has received permanent residence in the territory

c) if he is a survivor of a citizen of the Czech Republic 1a), which was in the territory of permanent residence, or

d) if he is a survivor of a citizen of another Member State of the European Union 1b), who resided in the territory for the purpose of employment, business or profession, and

1) the date of death stayed citizen of another EU Member State in the territory of a continuous period of at least 2 years

2) the death of a citizen of another Member State of the European Union there has been an accident at work or occupational disease, or

3) lost Czech citizenship due to marriage with the citizen of another Member State of the European Union or the acquisition of its nationality.

(2) The Ministry shall issue a family member of an EU citizen in his application for permanent residence

a) if his stay in the territory in the Czech Republic or

b) for humanitarian reasons, especially

1) to care for a European Union citizen 1b), which is due to long-term adverse health condition can take care of myself, or

2) If you apply for this permit as a minor or adult dependent child of a citizen of the Czech Republic 1a), which is in the territory of permanent residence, or as a minor or adult dependent child of a citizen of another Member State of the European Union 1b), which has received permanent residence in the territory, if the reason the application on their life together.

(3) The continuity of the temporary residence of family members of EU nationals in the territory of the § 87 g paragraph 7 applies mutatis mutandis. By the time of continuous residence pursuant to paragraph 1. a) also includes a stay based on a document issued to reside under a special legal regulation 2), 3) if a family member of an EU citizen this particular piece of legislation no longer applies. "

#### § 87i

(1) The application for a permanent residence permit EU citizen 1b) or family member present

a) travel document,

b) a document confirming compliance with the conditions under § 87 g, paragraph 1, in the case of a European Union citizen, or a document confirming compliance with the conditions under § 87h, paragraph 1, in the case of a family member,

c) photographs and

d) proof of accommodation.

(2) Proof of accommodation pursuant to paragraph 1. d) means proof of ownership of an apartment or house, proof of eligibility, or use of an apartment house or a written confirmation of the person who is the owner or authorized user of the apartment or house, with her notarized signature, which is a European Union citizen 1b) or his family member consent for the accommodation.

Accommodation can be provided only in the building, which is under a special legal regulation 31) numbered descriptive or registration, or orientation number, and is under the Building Act designed for living, accommodation or recreation. Official verification is not required, signed by the authorized person under the first sentence consent before an authorized employee of the Ministry. If a written confirmation of consent pursuant to the first sentence filed electronically, must be signed by a recognized electronic signature, this does not apply where the certificate is delivered via a data box.

#### § 87j

(1) Instead of a written decision shall be given a European Union citizen or family member who is a citizen of the European Union, the only proof of permanent residence of a citizen of the European Union (§ 87r), and his family member who is not a citizen of the European Union, only card of permanent residence permit (§ 87 tons) 12a). Along with a certificate under the first sentence is a European Union citizen or family member will issue a confirmation of authorized stay.

(2) The Ministry shall, without undue delay, the central insurance General Health Insurance Company of the Czech Republic for inclusion in the register of insured universal health insurance 12) a day, it takes a decision on a permanent residence permit or withdrawal force.

#### § 87k

Reasons for refusal of a residence permit

(1) The Ministry of application for a permanent residence permit be refused if

a) is a reasonable risk that the applicant might endanger national security or seriously disrupt public order,

b) the applicant has been guilty of evading this law in order to obtain a permanent residence permit, especially if purposefully entered into marriage or consent of its declared purpose was determined paternity and takes reasonable danger that he might need during your stay in the safety of the state or seriously disrupt public order,

c) the applicant is registered in the register of undesirable persons (§ 154), the competent authority that the applicant included in this system, provides additional information for the evaluation can be assumed that it takes reasonable danger that he might need during your stay in another Contracting State to endanger his safety or seriously disrupt public order,

d) the applicant is included in the information system of the Contracting States, if a family member of an EU citizen who is not a citizen of the European Union 1b), or

e) the applicant is a threat to public health that suffers from a serious illness, if the permanent residence permit requests without previous continuous residence in the territory and to such disease occurred within 3 months after entry,

f) the applicant fails without good reason to question (§ 169, paragraph 2), refuses to testify or give false testimony in fact or

g) the proceedings are not confirmed reasons under § 87 g or 87h.

(2) The plea pursuant to paragraph 1. d) shall be disregarded if it is for a permit for permanent residence in the interest of the Czech Republic, for humanitarian or other reasons worthy of special consideration or due to the fulfillment of an international obligation. Ministerstvo discuss the issue of a permanent residence in the Contracting State that family members of EU nationals included in the information system of the Contracting States, and the proceedings shall take into account the facts that led to this classification. Permit for permanent residence shall notify the Department of a State Party which family member of an EU citizen in the information system of the Contracting States ranked.

## § 87 l

Reasons for cancellation and termination of authorization  
for permanent residence

(1) The Ministry shall revoke a residence permit if the holder of the authorization

a) endangers national security or seriously undermining public order, unless proceedings for expulsion,

b) is a family member of an EU citizen who is not a citizen of the European Union 1b), and is included in the information system of the Contracting States and the competent authority that the holder of a permanent residence permit in this system included, provides additional information for the evaluation can be considered that it takes reasonable danger that he might need during your stay in the territory of another Contracting State to endanger his safety or seriously disrupt public order,

c) they are guilty of evading this law in order to obtain a permanent residence permit, especially if purposefully entered into marriage or consent of its declared purpose was determined paternity, or

d) non-resident for more than 2 consecutive years,

provided that the decision will be adequate in terms of interference in his private or family life.

(2) The Ministry shall also revoke a permit for permanent residence, if requested by the holder of the authorization requests.

## § 87 meters

The disappearance of a permanent residence permit in § 76 point. a), b) or d) apply mutatis mutandis.

## Part 3

Confirmation and licenses

## § 87o

Confirmation of temporary residence

(1) Confirmation of temporary residence is a public document.

(2) Confirmation of temporary residence in the territory of the holder shows their name, surname and other names, date and place of birth, nationality, address, place of residence in the territory, social security number and other facts relating to the temporary stay in the territory.

#### § 87o

##### Residence card of a family member of a citizen of the European Union

(1) Residence card of a family member of an EU citizen is a public document, drawn up in the Czech language, usually in two foreign languages in accordance with international conventions.

(2) Residence card of a family member of an EU citizen is issued as a separate document, the holder proves your name, surname and other names, date and place of birth, nationality, passport number, address, place of residence in the territory, identity number and other matters relating to the temporary stay in the territory.

(3) Residence card of a family member of an EU citizen is issued for the same with an expected duration of residence of a citizen of the European Union but not exceeding 5 years. Validity of the residence card can be extended for the same period, even repeatedly. The extension of the residence card is a family member of an EU citizen must apply before the expiry date of the card.

#### § 87p

##### Extension of validity of the residence card for family of a citizen of the European Union

(1) The application for an extension of a residence card for family member of an EU citizen, the applicant shall submit the requirements under § 87a, paragraph 2, point. a), d), e) and a document confirming that reside in the country with a citizen of the European Union, there is a change form the applicant shall also submit photographs corresponding to its true form.

(2) The Ministry of the residence card for a family member of a citizen of the European Union extended, if this is the reason for termination of temporary residence in the territory under § 87f.

#### § 87r

##### Proof of permanent residence of a citizen of the European Union

(1) Proof of permanent residence of a citizen of the European Union is a public document, drawn up in the Czech language, usually in two foreign languages in accordance with international conventions.

(2) Proof of permanent residence of an EU citizen is issued as a separate document, the holder proves your name, surname and other names, date and place of birth, nationality, passport number, address, place of residence in the territory, birth number and other facts relating to the residence.

(3) Proof of permanent residence of an EU citizen is issued with a validity period of 10 years. Validity of the license may be renewed for 10 years, and even repeatedly.

## § 87s

Extension of validity of the license for permanent residence of a citizen of the European Union

(1) A citizen of the European Union is obliged to ask the Ministry to extend the period of validity of the permanent residence of a citizen of the European Union no later than within 15 days after the expiry of the license.

(2) If the application within the period specified in paragraph 1, prevented by reasons independent of the will of the applicant, the applicant is required to submit the application within 3 working days after the end of the following reasons.

(3) The request for extension of the validity of the permanent residence of a citizen of the European Union, the applicant shall submit a travel document, if there is a change in the form of the applicant is also required to submit photographs corresponding to its true form.

(4) The Ministry of expiry of the certificate of permanent residence permit extended European Union citizen, if this is the reason for the revocation of a permit for permanent residence (§ 87 l).

## § 87 tons

Proof of permanent residence

(1) Proof of permanent residence is a public document, drawn up in the Czech language, usually in two foreign languages in accordance with international conventions.

(2) Proof of permanent residence permit is issued as a separate document, the holder proves your name, surname and other names, date and place of birth, nationality, passport number, address, place of residence in the territory, social security number and other facts concerning the residence.

(3) The permit to permanent residence 87r paragraph § 3 and § 87s apply mutatis mutandis.

## Part 5

Common provisions

## § 87u

(1) The name or names and surname of a European Union citizen or family member in the certificate of temporary residence, residence card of a family member of a citizen of the European Union, the license for a permanent resident or citizen of the European Union in the license for permanent Stay indicate the shape of that Roman characters in the travel document. If the European Union citizen or family member issued registry office Czech Republic native or marriage certificate issued in the

name or names and surname in another form, the Department indicated this fact in the form of an entry in the certificate of temporary residence, residence card of a family member of a citizen European Union, the license for permanent residence of a citizen of the European Union or in a card for permanent residence, including the name, or names and surname as it appears in the birth and marriage certificate.

(2) After the coming into force of the court's decision to limit the legal capacity of a Union citizen or family member, indicate that the Ministry and the confirmation of a temporary residence permit, residence card of a family member of a citizen of the European Union, the license for a permanent resident or citizen of the European Union card for permanent residence ..

#### § 87V

(1) A citizen of the European Union, which asks for a confirmation of temporary residence certificate replacement for lost, damaged, stolen or damaged, it shall provide a travel document or damaged certificates.

(2) A citizen of the European Union or a family member who applies for a residence card for family members of EU nationals, certificate of residence permit of an EU citizen or a license for a permanent residence card replacement for lost, destroyed, stolen or damaged, is obliged to submit photographs, passport and ID card is damaged, similarly proceed even if the request for a license after its expiry under § 87z paragraph 2 Asking for a European Union citizen or family member to issue license after its expiry due under § 87z, paragraph 1, point. g) is required to submit photographs, passport and proof of accommodation.

(3) A citizen of the European Union or a family member who asks for a change in the residence card for family members of EU nationals, certificate of residence permit of an EU citizen or certificate of permanent residence permit is required to submit a passport, license, in which the change is to be implemented, and a document proving the required change. Not if the desired change in the license already acknowledged, the holder will be issued a new license, in which case the holder is required to submit a photo. The certificate of temporary residence in the territory does not change; Ministry shall issue the holder a new certificate of temporary residence.

#### § 87 watts

Particulars of application for a certificate of temporary residence, residence card for family members of EU nationals, certificate of residence permit of an EU citizen or certificate of permanent residence permit or extension of a residence card for family members of citizens of the European Union may not be older than 180 days, except passport, birth or marriage certificate and photographs, where corresponds to the actual form of the applicant.

#### § 87y

(1) An application for a certificate of temporary residence, residence card to family members of EU nationals, certificate of residence permit of an EU citizen or certificate of permanent residence permit or extension of license the applicant is entitled to submit to the Ministry.

(2) An application for a certificate of temporary residence, residence card to family members of EU nationals, certificate of residence permit of an EU citizen or certificate of permanent residence permit or extension of license shall be submitted on an official form. The applicant must indicate in the application

a) your name, surname and other names, all former surnames, day, month and year of birth, place and country of birth, nationality, marital status, occupation, employment before coming to the area (job title, employer name and address), purpose stay in the country of employment after entry into the (job title, name and address of the employer), last residence abroad, the address of residence in the territory, previous residence in the territory of more than 3 months (reason and place of residence), the day of entry, number and validity of the travel document,

b) the name, surname and other names, former surnames, nationality, date of birth, place and country of birth and residence of the spouses and

c) the name, surname and other names, date of birth, nationality and residence of the parents and children.

#### § 87y

A family member of an EU citizen who is not a citizen of the European Union and is residing with the citizen of the European Union is entitled to reside in the territory in which the decision on his application, after this time the stay in the territory considered temporary residence. Permission to reside in the territory in which the decision on the request does not apply if you took the decision on administrative expulsion of the termination of temporary residence or permanent residence cancellation family of a citizen of the European Union, or are repeatedly submitted an application and are given a new the fact that a family member of an EU citizen could invoke in proceedings on the previous application.

#### § 87z

##### Termination of licenses

(1) The residence card to family members of EU nationals, certificate of residence permit of an EU citizen or certificate of permanent residence ends

a) the expiration of the period specified therein,

b) notification of loss or theft,

c) the legal force of a court decision to limit the legal capacity of the card holder,

- d) the entry into force of the decision to cancel the permission for permanent or temporary residence certificate holder,
- e) the acquisition of citizenship of the Czech Republic,
- f) death of the license holder or the legal force of a court decision certifying the holder's dead, or
- g) removal of information on the place of residence of a Union citizen or his family to a territory, which does not apply where, because of residence in the territory of another Member State of the European Union license holder cancels the accommodation area.

(2) The Ministry shall invalidate the residence card to family members of EU nationals, certificate of residence permit of an EU citizen or license for permanent residence if

- a) the card is damaged so that the records are illegible or its integrity is damaged,
- b) a certificate contains incorrect information or unauthorized changes or
- c) picture on the license does not match the actual design of the holder.

(3) If the license holder is present and fully recognizes the reasons for the revocation of a license, can the decision to replace the self-signed certificate certificate holder, that the abolition of the agreement. An appeal against the decision in this case is permissible. "

#### § 87aa

Termination of validity of the temporary residence

(1) The certificate of temporary residence in the end

- a) notification of loss or theft,
- b) acquiring citizenship of the Czech Republic,
- c) the legal force of a court decision on the restriction of legal capacity certificate holder,
- d) the entry into force of the decision to cancel temporary residence in the territory of a European Union citizen, or the date on which the citizen of the European Union on the abolition of the certificate requested
- e) death of the holder of the certificate or the legal force of a court ruling declaring the holder of the certificate of death,
- f) removal of information on the place of residence of a Union citizen in the territory or
- g) the holder of the certificate announcing their stay in the territory.

(2) The Ministry shall decide on the revocation of a certificate of temporary residence, if an acknowledgment

- a) is damaged so that the records are illegible or its integrity is damaged or
- b) contains incorrect information or unauthorized changes.

(3) If the holder of a temporary residence in the territory of present and fully recognizes the reasons for cancellation of the certificate, can the decision to replace the self-signed certificate holder confirming that the cancellation of the agreement. An appeal against the decision in this case is permissible.

## TITLE V

### STAY IN THE ALIEN BORN

#### § 88

(1) born to an alien in the territory, it is his presence on the territory during the stay of his legal representative, but not later than 60 days from the date of birth, for temporary, unless stated otherwise.

(2) stays the legal representative of foreigners born in the country on a visa is required at the time referred to in paragraph 1 for an alien born on the application for a visa of the same species, and that the police in the place where he is reported to reside in, staying the in the short-term visa, or ministry, staying on the territory of long-term visa. This obligation does not apply if the alien born at the time referred to in paragraph 1 travels from the territory.

(3) If the statutory representative of foreigners born in the territory on the basis of a residence permit or a permanent residence permit is required at the time referred to in paragraph 1 for an alien born request for a residence permit, a permit for permanent residence. In the case of an application for a permanent residence permit to stay newborn alien from the moment of birth until the decision on the application is considered permanent residence.

(4) The period referred to in paragraph 1 shall be deemed to be extended if the request at this time to prevent the will of the reasons independent of the alien, until those reasons no longer exist. A foreigner is obliged reasons in the first sentence immediately notify the police, staying on the territory on short-term visas, or ministry, staying on the territory of long-term visa, a long-term or permanent residence.

#### § 89

(1) An application pursuant to § 88 paragraph 2, the legal representative must submit foreign born

a) the child's passport, in case of legal guardian who is a foreigner, you can replace the travel document presenting their own travel document in which the child is enrolled,

b) the child's birth certificate,

c) proof of travel health insurance during their stay in the territory or affirmation, to cover the costs associated with the provision of health care to the child.

(2) An application pursuant to § 88 paragraph 3, the legal representative must submit foreign-born elements according to paragraph 1. a) and b).

## TITLE VI

### DEPARTURE OF THE FOREIGNER

#### § 90

(1) Procedure police in border control and the foreigner's departure from the territory of the directly applicable regulation of the European Communities 1).

(2) The Police shall certify, in accordance with a directly applicable regulation of the European Communities 1) foreigners from leaving the country showing the exit stamp impression in his passport.

#### § 91

Police European Union citizen and his family member who travels to another Member State of the European Union, to leave the territory without a passport, if

a) a citizen of the European Union shall submit another document proving his identity and the fact that a national of a Member State of the European Union, or permit to permanent residence of a citizen of the European Union,

b) a family member of an EU citizen who is not a citizen of the European Union, submitted another document proving his identity and the fact that it is a family member of an EU citizen or family member residence card of an EU citizen or permit to permanent residence.

#### § 92

Denial from leaving the country

An alien who leaves the territory of an alien under 15 years, which is the legal representative, the police decision issued on the spot 38), refuses to leave the territory if the border control fails

a) a certificate validated by the police, that an alien under 15 years of age residing in the territory of a travel document and a visa is issued, if the condition of residence in the territory, and that an individual aged 18 years or entity is committed to cover the costs associated with the maintenance of the alien, with its accommodation and treatment during the stay in the Territory until he leaves the Territory police and the costs incurred in connection with any decision on administrative expulsion or

b) confirmation of healthcare providers that an alien is under 15 years old is hospitalized; allow police from leaving the country and the failure to confirm the health care facility, unless the legal guardian shall sign an affidavit stating that his departure is not in conflict with the interests of foreigners, which leaves the territory.

## TITLE VII

### MESSAGE TO THE PLACE OF RESIDENCE

#### § 93

(1) An alien is required within 3 working days from the date of entry into the territory to report to the police in the place of residence (§ 97), this does not apply in respect of an alien younger than 15 years, a member of the staff of the embassy of a foreign country or an international governmental organization accredited in Czech Republic, his family members registered by the Ministry of Foreign Affairs, or foreign, which provides housing ministry. The obligation to report the whereabouts of the police does not apply to an alien who fulfilled this obligation with property [§ 103 point. b)].

(2) A citizen of the European Union 1b) is obliged to report to the police in the place of residence within 30 days of entry into the country if their intended stay will be longer than 30 days, this obligation also applies to family members of EU nationals, if the citizen resides in the territory. The obligation to report the whereabouts of the police does not apply to an alien who fulfilled this obligation with property [§ 103 point. b)].

(3) The notification of residence of an alien in the territory imposes no rights to the object or to the owner of the property in which the foreigner is logged to stay.

#### § 94

repealed by Law No. 217/2002 Coll.

#### § 95

The obligation to report residence in the territory does not apply to an alien who is in security detention, detention in prison or who is placed in a police cell 7) or in the facilities (§ 130).

#### § 96

(1) A natural person who has been entrusted to a stranger in foster care, 13)

or legal person who provides foreigners institutional care is required to sign a foreigner under 15 years of age or alien whose limited legal capacity under this Act does not allow the execution of such transaction, the permanent residence within 3 working days from the date of authorization for permanent residence (§ 87 ).

(2) A person referred to in the preceding paragraph shall submit to the police court decision or the decision of the social and legal protection of children and in the case of a natural person and a document certifying that he is registered for permanent residence.

## § 97

Alien or a person referred to in § 96 paragraph 1 are obliged to stay in the report provide the police with filling a form name, last name to register the foreigner, day, month, year and place of his birth, his citizenship, permanent residence abroad, passport number and visa, if the travel document identifies the origin and location, expected duration and purpose of your stay and license plates of the motor vehicle, which stay in the territory.

## § 98

### Reporting changes

(1) An alien who has been issued residence card of a family member of an EU citizen and EU citizen who has fulfilled the reporting obligation pursuant to § 93, paragraph 2, or who has been issued a certificate of temporary residence in the territory or in the territory of which it was granted permanent residence is required to report a change of residence on the territory within 30 working days of the change ministry. This obligation applies to foreigners, if the expected change of the place of stay will be longer than 180 days. Ministry of change of residence shall immediately inform the police.

(2) A foreigner in accordance with § 87, which limited legal capacity under this Act does not allow the execution of such transaction and announces person referred to in § 96 first paragraph

(3) An alien who has resided in the territory for a visa for a stay exceeding 90 days or a residence permit is required to report a change of residence on the territory within 30 days of the change ministry. This obligation applies to foreigners, if the expected change of the place of stay will be longer than 30 days.

(4) An alien who is entitled to temporary residence in the territory without a visa is required to report a change of residence on the territory within 30 days after the change the police's new place of residence, if it is known that the change of the place of stay will be longer than 90 days.

(5) Changes in the preceding paragraphs reported alien or person pursuant to § 96 paragraph 1 by filling a form, on request of the person who reports the change required to submit documents proving the truthfulness of the information provided in the form.

### § 98a cancel data on the place of residence in the territory

Cancellation of information on the place of residence in the territory

(1) The Ministry shall cancel the indication of the place of residence in the territory of that document of an alien who has been granted permanent residence in the territory, or in a document issued under this Act, a European Union citizen or family member to stay in the territory,

a) if the registration of the data made on the basis of forged, invalid or forged documents or falsely or wrongly mentioned facts,

b) if the object on which the foreigner is reported at a residence in the territory, deleted or expired

c) if the accommodation does not meet the conditions set out in § 100 point. d), or

d) ceases to have the right to use an object or a defined part of the building in which the foreigner is reported at a residence in the territory, and is not used to this object or its part.

(2) The Ministry shall cancel the indication of the place of residence pursuant to paragraph 1. d) on a proposal from the owner or person authorized to use the object or its part, due to the existence of the petitioner is required to prove the police.

(3) The place of residence of foreigners after the cancellation of the information on the place of residence in the territory is the seat of administration that this information is officially canceled.

The landlord and his duties

§ 99

(1) The landlord for the purposes of this Act, means any person who provides accommodation for reward or accommodates more than 5 foreigners, except where it can be accommodated aliens and landlords regarded as a relative.

(2) accommodation for the purposes of this Act, a relationship based on accommodation contract, lease, sublease contract or agreement with similar content.

§ 100

The landlord is obliged to

a) immediately notify the police deaths resident alien,

b) allow the police access to places where a foreigner can linger if it is a place used for business or other economic activities, if this entry does not violate the right to privacy stranger or family life,

c) notify the police accommodation of aliens (§ 102),

d) to ensure that foreigners accommodation that is not manifestly unreasonable level accommodation provided in buildings other owners of similar destination in the village or district or region. Comparison of levels of accommodation is done in particular by examining the adequacy of number of persons with regard to secured sanitary conditions, and the floor area of the room for accommodation, which must be at least

- 1) 8 m<sup>2</sup>, it is accommodated by one person,
  - 2) 12.6 m<sup>2</sup> when two people stay, to any other person accommodated in the floor area of 5 m<sup>2</sup> is added,
- e) the alien to request a confirmation of accommodation with the name, surname, street, place and time of accommodation,
- f) keep domestic demand for the book and present it to the police to control, at the start of control is required to submit household book containing data on foreigners staying at the time.

## § 101

### House book

- (1) A guest book is a document in which the landlord writes the name and surname of the resident alien, the day, month and year of birth, nationality, passport number, the beginning and end of accommodation.
- (2) A guest book for inspection in accordance with § 100 point. f) leads landlord in writing; digitized form is for monitoring purposes is excluded.
- (3) Entries in the guest books must be made in a clear and comprehensible manner. These entries must be arranged successively in terms of time.
- (4) Residential Landlord book kept for a period of 6 years from the last entry.
- (5) The personal data held in the guest register may be loaded only in the manner stipulated by a special legal regulation. 15)

## § 102

### Notification accommodation

- (1) The landlord must notify the accommodation of aliens within 3 working days of its accommodation.
- (2) The notice referred to in paragraph 1 shall take the police department.
- (3) The obligation to notify the accommodation can be met
  - a) by submitting a completed registration form, or
  - b) through the technical data carriers and telecommunications transmission in the range of data kept in the guest register, if such transfer.
- (4) Indicates if the landlord offers foreigners the manner provided in Paragraph 3. b) registration form be kept for 6 years away foreigners.

## TITLE VIII

### RESPONSIBILITIES

#### § 103

##### Obligations of Foreigners

Foreigner's obligations set out in other provisions of this Act shall continue

- a) to attend the first working day following release from preventive detention, the detention or imprisonment to the police unless he holds a valid travel document and a visa, if the condition of his stay in the country
- b) submit to Landlord passport, proof of residence, certificate of temporary residence, residence card for family members of EU nationals, certificate of residence permit or certificate of permanent residence of a citizen of the European Union and personally complete and sign a log form (§ 97); personal obligation to complete and sign a registration form does not apply to an alien under 15 years of age,
- c) state in proceedings under this Act truthfully and completely all the required data to the extent provided in this Act,
- d) at the request of the police to prove identity by passport, certificate of residence permit, or identification card issued by the Ministry of Foreign Affairs of persons enjoying privileges and immunities under international law, or as provided for in § 177 paragraph 3, the deadline set by the police show that meets the conditions of residence; citizen of the European Union is obliged to prove identity by passport or other documentary proof of identity, including nationality of one of the other Member States of the European Union, or the presentation of a certificate of permanent residence of a citizen of the European Union, a family member of an EU citizen, who is not a citizen of the European Union, is obliged to prove identity by producing a passport or residence card to family members of EU nationals or certificate of permanent residence, unless the document or certificate may prove the identity of the other evidence, but they also must demonstrate that is a family member of a citizen of the European Union,
- e) to report a change of surname, personal status, change the data in the travel document, change the data in the document issued under this Act, the change of the foreigner is obliged to notify the authority which issued the document authorizing him to stay in the area, and within 3 working days of the change occurred, and if it is a citizen of the European Union or their family member, within 15 working days,
- f) to protect documents issued under this Act against loss, theft, damage or misuse and to ensure that they contain accurate data
- g) to change form without undue delay, seek the release of a new document containing a photo
- h) submit without delay a document issued under this Act, which is invalid or cluttered official records, even after the termination of the right to permanent residence or termination of a permanent residence permit, proof the foreigner is obliged to hand over authority that has issued this document

i) submit at least 3 days before the end of their stay in the territory of a document issued under this Act, with the exception of visas and travel identity card has been issued to be expelled from the country document is a foreigner is obliged to hand over authority that has issued this document

j) report the loss, destruction, damage or theft of the document issued under this Act within 3 working days from the date on which the event occurred; came to this event in the territory, reports her alien authority that has issued this document, if this occurred event abroad, announces her alien embassy and, similarly, the foreigner is obliged to report the finding or obtaining a document of a loss or theft of the previously reported

a) allow scanning fingerprints and taking of photographs made under this Act in relation to the declaration invalid visas, driving on the obligation to leave the territory of the administrative deportation proceedings, administrative expulsion, identifying identity, fulfillment of obligations arising from international agreements or a directly applicable legal regulation of the European Communities and, on request, allow scanning fingerprints and taking of photographs when applying for a visa and in verifying the identity of the visa holder,

l) undergo when it justifies its health, medical treatment and other measures to reduce the emergence and spread of communicable diseases,

m) immediately report the loss or theft of the police passport pursuant to § 108, paragraph 1, point. a), b), c), g) and h),

n) to reside in only with a valid travel document and a visa, unless this Act provides otherwise,

o) on the request of the police to prove sufficient funds to stay, this is not the case of a citizen of the European Union 1b), a family member or a foreign national who is residing on a long-term residence permit for the purpose of protection,

p) In the event that the leave foreigners under 15 years of which he is the legal representative, request the competent authority police or healthcare provider for confirmation under § 92, and to present this confirmation when leaving the territory at the border control,

r) present in residential inspection travel health insurance under § § 180i or 180j, this does not apply to the cases referred to in § 180j, paragraph 4,

s) at the request of the police or the Ministry, if the holder of a residence permit issued for the purpose of business, a trade show or performance of other business under a special law,

t) suffer actual acquisition of biometric data specific technical equipment in order to verify the authenticity of the certificate of residence permit or identity verification.

(5) An air carrier and water carriers are obliged to bear the costs associated with the stay of the alien until fulfill the obligations referred to in paragraphs 1 and 2

§ 104

The carrier

(1) Letecký dopravce nesmí z území státu, který není smluvním státem, na území dopravit cizince, který nemá cestovní doklad nebo vízum, je-li vzhledem k účelu a cíli cesty potřebné nebo je-li podmínkou pobytu v tranzitním prostoru mezinárodního letiště na území.

(2) Provozovatel vodní dopravy a provozovatel na pravidelných autobusových linkách nesmí z území státu, který není smluvním státem, na území dopravit cizince, který nemá cestovní doklad nebo vízum, je-li vzhledem k účelu a cíli cesty potřebné.

(3) The carrier 15a) is obliged to ensure the instruction of the police in accordance with the directly applicable European Communities regulation 15b) transportation of an alien abroad if the alien refused entry. The obligation to deliver foreigners abroad also applies to air carrier that foreigners

a) shipped to the territory, if the alien fails to submit passport or airport transit visa, if the condition of stay in the transit area of an international airport in the territory,

b) transported in the territory and this or any other carrier refused to deliver to the target state or

c) transported through the territory, if the aliens are refused entry into the territory of another state.

Outward transport, the carrier must ensure that not later than within 48 hours from receipt of the order police, if the operator of the water or ground transport, or within 7 days, in the case of an air carrier, the period shall be suspended for the duration of the procedure for international protection under a special legal regulation 2) or for the alien's stay at the provider of health services according to § 10

(4) An air carrier that transported the alien in the territory, is also obliged to ensure the instruction of the police service to foreigners abroad

a) If aliens void airport transit visa and alien refuses to continue their journey to another country, or

b) in the case of an alien residing in the transit area of an international airport, refusing to continue their journey to another country and find out the reasons listed in § 9 paragraph 1 letter. f), g), h) or i).

(5) The carrier shall bear the cost 15c) associated with the stay of the alien in the Territory or in the transit area of an international airport in the until will be in accordance with the directly applicable European Communities regulation 15b) shipped abroad.

## § 105

Duty of the court, institute for security detention, detention centers and prisons

(1) The court finally decided

a) on conviction foreigners

b) the restriction of legal capacity aliens

c) a statement of foreigners dead or missing,

d) a divorce, dissolution of a registered partnership (the "Partnership") or invalidity or absence of marriage or partnership where the party is an alien,

e) the appointment of a guardian of a minor foreigners, when a husband or guardian guardian is a stranger, or

f) custody of minor aliens in foster care with strangers permission to reside in his or her spouse,

inform the police department according to the place of residence of foreigners in the case of doubt, the determination of the police department police department informs the court competent according to the forum.

(2) The Institute for Security Detention, detention centers or prisons shall immediately inform the local police department jurisdiction under the headquarters of the Institute for Security detention, detention centers or prisons on the decision to release an alien from security detention, custody or from the termination of imprisonment foreigners .

(3) The Police information received under paragraph 1 or 2 immediately to the Ministry, if they relate to an alien who has been granted a long-term visa or been granted long-term or permanent residence, or a citizen of the European Union or a member of his family.

## § 106

### Obligations of state administration

(1) The Labour Office of the Czech Republic - regional and branch offices for the City of Prague are obliged to immediately notify the Ministry

a) nenastoupení cizince na pracovní místo uvedené v povolení k zaměstnání, nebo na pracovní místo obsaditelné držitelem zaměstnanecké karty anebo určené pro držitele modré karty,

b) ukončení zaměstnání cizince před uplynutím doby, na kterou bylo vydáno povolení k zaměstnání, zaměstnanecká karta nebo modrá karta; v případě, že zaměstnání bylo ukončeno výpovědí z některého z důvodů uvedených v § 52 písm. a) až e) zákoníku práce nebo dohodou z týchž důvodů anebo okamžitým zrušením podle § 56 zákoníku práce, i důvod ukončení zaměstnání,

and shall immediately send a copy of the Ministry granting, denial, renewal, non-renewal or withdrawal of the permit.

(2) The Trade Licensing Office shall promptly notify the Ministry of interruption, suspension, termination or cancellation of trade license foreigner who has been granted a long-term visa or granted a residence permit.

(3) The municipal authorities of municipalities with extended powers and municipal authorities are obliged to immediately notify the Ministry in writing that the citizen of the European Union or its přechodně family member residing in the territory a unjustified burden on the system of assistance in material need or the holder of a blue card application by post of living, housing supplement or extraordinary immediate assistance. Labour Office of the Czech Republic - regional and branch offices for the City of Prague are obliged to immediately notify the Ministry in writing that the

European Union citizen or family member temporarily residing in the territory became an unjustified burden on the benefit system for people with disabilities.

(4) The authority of assistance in material need 9o) is obliged to immediately notify the Ministry in writing that the aggregate monthly income of a resident of another Member State of the European Union or a member of his family who have been granted a residence permit, and with it the assessed persons [§ 42c paragraph . 3 point. c)], is less than the amount of living persons jointly.

(5) Je-li cizinci vydána zaměstnanecká karta, jsou Úřad práce České republiky - generální ředitelství, případně další úřady, povinny neprodleně hlásit ministerstvu skutečnosti, které jsou jim známy a mohou být důvodem pro zrušení platnosti zaměstnanecké karty.

(6) Příslušný uznávací orgán podle zvláštního právního předpisu 35) informuje ministerstvo o rozhodnutí vydaném v řízení o uznání odborné kvalifikace týkající se držitele zaměstnanecké karty nebo modré karty.

(7) The court, which is intended to lead the Commercial Register or an administrative body that is responsible for keeping a register, list, or record individuals doing business under a special legal regulation 30), shall promptly notify the Ministry of the change or cancellation of the registration in the register of foreigners, list or register; This does not apply in the case of a citizen of the European Union.

(8) District Social Security Administration shall promptly notify the ministry announced that an alien interruption or cessation of self-employment, this does not apply in the case of a citizen of the European Union.

(9) Státní úřad inspekce práce a oblastní inspektoráty práce neprodleně písemně oznámí ministerstvu zaměstnání cizince bez povolení k pobytu, bez povolení k zaměstnání, je-li podle zákona o zaměstnanosti vyžadováno, nebo v rozporu se zaměstnaneckou kartou nebo modrou kartou; tuto skutečnost oznámí Státní úřad inspekce práce a oblastní inspektoráty práce neprodleně též odboru cizinecké policie krajského ředitelství policie příslušnému podle místa zaměstnání cizince.

## § 107

### Obligations of other persons

(1) A person who finds or otherwise obtain a travel document referred to in § 108, paragraph 1, proof of residence, certificate of temporary residence, proof of permanent residence permit, residence card for family members of EU nationals or permit to permanent resident citizen of the European Union, it shall immediately surrender the police.

(2) A person who provides accommodation to an alien, he shall, at his request to issue proof of accommodation, stating the period for which accommodation is provided.

(3) inviting the person liable for the material and non damage suffered failure to state the obligations contained in the invitation verified by the police.

(4) A person who is committed under § 15, is obliged to withdraw from its commitment to police. From liability under § 15 shall be made during the stay in the territory of the invited foreigners.

(5) High School or College is obliged to immediately notify the Ministry in writing not to initiate suspension or termination of study visa holder to stay longer than 90 days for study or residence permit for study purposes.

(6) A research organization that has entered into an agreement with a stranger about hosting 9j), shall promptly notify the Ministry of termination of this Agreement or communicate facts preventing the further continuation of the hosting agreement.

(7) Ministry of Education, Youth and Sports shall promptly notify the Ministry of exclusion from the list of research organizations, research organizations approved for admission of researchers from third countries conducted under a special legal regulation 9j).

(8) Fyzická nebo právnická osoba, která zaměstnala cizince a pracovní poměr byl skončen z některého z důvodů uvedených v § 52 písm. a) až e) zákoníku práce anebo dohodou z týchž důvodů nebo okamžitým zrušením podle § 56 zákoníku práce před uplynutím doby, na kterou bylo cizinci vydáno povolení k zaměstnání, zaměstnanecká karta nebo modrá karta a z tohoto důvodu mu byla nebo má být zrušena platnost oprávnění k pobytu vydaného za účelem zaměstnání, je povinna uhradit náklady spojené s poskytnutím zdravotních služeb cizinci v období od skončení pracovního poměru do vycestování cizince z území, nejdéle však po dobu, na kterou bylo vydáno povolení k zaměstnání, zaměstnanecká karta nebo modrá karta; to neplatí, pokud úhrada těchto nákladů je zajištěna jiným způsobem.

(9) Fyzická nebo právnická osoba, která zaměstnala držitele zaměstnanecké karty nebo modré karty, je povinna ministerstvu neprodleně písemně oznámit předpokládanou změnu pracovního zařazení držitele zaměstnanecké karty nebo modré karty.

(10) The provider of health care services is required at least 24 hours in advance to inform the police about the end of the alien's stay in a healthcare facility under § 10 and 126b.

## TITLE IX

### TRAVEL DOCUMENT

#### § 108

(1) A travel document for the purposes of this Act

a) a public document which is a travel document recognized by the Czech Republic,

b) a public document that meets the conditions in paragraph 2,

c) the identity of a citizen of the European Union, 1b)

d) a passport with territorial validity to all countries of the world,

e) travel identity card, or

f) a travel document issued by the Czech Republic on the basis of an international treaty,

g) a replacement travel document of the European Union, 15e)

h) a list of pupils traveling on school trips within the European Union, 7b) where

1) pictures of students who are unable to prove their identity card bearing a photograph,

2) the confirmation of a Member State of the European Union, in which the student's place of residence, the student is entitled to return to that State, and provided that the Member State of the European Union, in which the student's place of residence, the Czech Republic announced that it has a list of students recognized as a travel document.

(2) A travel document pursuant to paragraph 1. b) for the purposes of this Act to recognize public document issued by a foreign state for the purpose of traveling abroad, unless the terms of its design and the language in which the data corresponds to international conventions, its territorial force covers the area and can find it

a) information on citizenship foreigners

b) details of his identity,

c) photograph of the holder,

d) an indication of the validity period.

(3) A travel document pursuant to paragraph 1. a) and b) for the purpose of long-term visa must not be older than 10 years old, must have at least two free pages and its validity must be extended by at least three months before the duration of long-term visas, this is not the case for a visa to over 90 days for tolerated stay.

## § 109

(1) The alien's passport, travel identity card and a passport under § 108, paragraph 1, point. f) is issued at the request of an alien, unless stated otherwise.

(2) An alien who loses abroad in any of the documents referred to in paragraph 1 shall, on the request of the embassy travel identity card to travel to the Czech Republic; condition of the issue, the consent of the authority which issued the document.

(3) Travel documents referred to in paragraph 1 shall be public documents.

## § 110

repealed by Law No. 136/2006 Coll.

## § 111

(1) The application for an alien's passport, travel identity card or passport pursuant to § 108, paragraph 1, point. f) the alien shall state his surname, first name, other names, gender, social

security number, if assigned foreigners, day, month, year of birth, place and country of birth, nationality and the place where he is registered to stay. The application for a travel identity card or passport pursuant to § 108, paragraph 1, point. f), which contains data carrier with biometric data, then joins photographs.

(2) The application for an alien's passport pursuant to § 113, paragraph 3, the foreigner is obliged to attach a photo.

(3) Aliens passport, travel identity card or travel document pursuant to § 108, paragraph 1, point. f) include all the information specified in paragraph 1 and to obtain their photo foreigners applying for the issue of this document. A passport issued pursuant to § 113, paragraph 1 and 2 will be further provided with a data carrier with biometric data, such as data on facial image and fingerprint data.

## § 112

When you make changes in the travel documents listed in § 108 paragraph 1 point. d), e) and f), which contain the data carrier with biometric data, the same procedure as when they are released, photos are required.

## § 113

(1) The alien's passport, which is equipped with a data carrier with biometric data, is issued with a validity period of 10 years, foreigners under 15 years, with a validity period of 5 years, aliens under subsidiary protection with adequate duration of validity of residence permit subsidiary protection pursuant to a special legal regulation 2) and foreigners enjoying temporary protection with a duration corresponding to the validity of an alien on temporary protection pursuant to special regulation 3a). Alien's passport shall be issued within 30 days from the date of submission. An alien who is issued a passport with a data carrier with biometric data, at his request, verify the accuracy of personal information contained in the passport issued by the Aliens, the functionality of the data carrier with biometric data and the accuracy of it processed biometric data. Functionality and accuracy of the data carrier in it processed biometric data shall be verified through a device enabling comparison of biometric data currently displayed foreigners with biometric data processed in the data carrier alien's passport. In case of malfunction of the data carrier with biometric data, or finding irregularities in it processed personal data, or in the event of incorrect personal data processed in Aliens passport, the alien is entitled to issue a new alien passport.

(2) Aliens younger than 12 years old if they are directly applicable regulation of the European Communities 15f) unless a different age, or foreigners, which it is not possible due to anatomical or physiological changes, or disability fingers, take fingerprints hand, sets Aliens passport data carrier in which biometric data are only processed data on facial appearance. The medium in this case is indication that the data carrier contains fingerprints alien hand. Alien's passport shall be issued within 30 days from the date of filing of the application and is subject to the validity period specified in paragraph 1

(3) An alien who applies for the issue of alien passport in less than 30 days shall be issued a passport without a data carrier with biometric data and without machine-readable data, which does not contain digital signature processing photos or foreigners, within 15 days of application, this document is issued with a validity period of 6 months or the period of validity of the license corresponding to an alien on temporary protection under a special legal regulation 3a), or with the corresponding period of validity of the license for a residence permit persons enjoying subsidiary protection pursuant to special legal regulation 2), if less than 6 months. Carriers without a passport with biometric data and without machine-readable data, which does not contain digital signature processing photos or foreigners, strangers shall be further referred to in paragraph 7 point. a) if the foreigner obstacle to independent, for which he can not obtain a travel document is only temporary.

(4) The alien's passport issued in accordance with paragraph 1 or 2 shall contain a machine-readable zone. Into a machine-readable zone data are entered in the following order: document type code of the issuing State, surname, first name, or names foreigners, the Alien passport, nationality, date of birth, gender, duration of alien's passport, personal identification number and a check digit, which they are quantifying the selected data in machine-readable zone.

(5) The validity of an alien passport can not be extended. Alien's passport will lapse on the date of the decision on revocation of a permit for permanent residence or on termination of the right to permanent residence under § 87 or the removal or dissolution of the residence permit for the purpose of temporary protection in the territory under a special legal regulation 3a).

(6) The data processed in the data carrier with biometric data (paragraph 1) can not be processed in any other way than that provided by law.

(7) The alien's passport issued by the Police

a) at the request of a foreign national who resides in the territory on the basis of a permanent residence permit is not a valid travel document and prove that it is not independent of their will obtain,

b) at the request of an alien who is entitled to permanent residence under § 87, unless there is a valid travel document,

c) aliens granted temporary protection under a special legal regulation 3a), which does not hold a travel document

d) at the request of an alien who has been granted subsidiary protection pursuant to a special legal regulation 2), which does not have a valid travel document and prove that it is impossible for reasons beyond his control obtained.

(8) The holder of the alien's passport, which contains data carrier with biometric data, it is entitled to any authority competent to issue such a passport or the embassy to ask for verification of the functionality and accuracy of the data carrier in it processed biometric data. In case of malfunction of the data carrier with biometric data, or finding irregularities in it processed personal data, or in the event of incorrect personal data processed in Aliens passport, the alien is entitled to issue a new Alien's passport issuance of a new passport Aliens in this case to an administrative fee only if the malfunction carrier with biometric data was caused by circumstances for which the foreigner demonstrably knew that may cause damage or malfunction of the data carrier with biometric data.

(9) The biometric data can be used exclusively for the alien's passport authentication and verification of identity by foreigners personal data recorded in Aliens passport, or comparison of biometric data

(paragraph 1) processed data carrier through a technical device enabling comparison of biometric data currently displayed foreigners with biometric data processed in a data carrier alien's passport.

## § 114

### Travel identity

(1) travel identity document issued by the Police to leave the country at the request of foreigner

a) who does not have a valid travel document and can not for reasons beyond his control to obtain a travel document other manner, or

b) under 15 years of age who is hospitalized and whose legal representative he traveled the country and signed an affidavit under § 92 point. b).

(2) An alien referred to in paragraph 1, the police travel identity card with a validity period for up to 180 days as territorial validity to all countries of the world.

(3) The Police shall issue a travel identity document foreigners who reside in the country without a valid travel document, after the declaration of a short-term visas as invalid.

(4) travel identity document issued by the Police to travel also foreigners whose deportation has been finally decided and that no other travel document.

(5) travel identity document issued by the Ministry for departure at the request of foreigner

a) who does not have a valid travel document and can not for reasons beyond his control to obtain a travel document other way, if he was in the territory granted long-term residence

b) who has been granted a visa for a stay over 90 days for tolerated stay pursuant to § 33 paragraph 1 point. a) or b) or visa for over 90 days for leave to remain in the territory under a special legal regulation 2) if staying in the territory without a valid travel document, or

c) who has been granted a residence permit for tolerated stay on the territory of reasons pursuant to § 33 paragraph 1 point. a) or b) if you reside in the country without a valid travel document.

Foreigners according to a) the travel identity card issued with a validity period for up to 180 days as territorial validity to all countries of the world; foreigners referred to in point b) and c) with a validity period for up to 365 days as territorial validity to all countries of the world.

(6) The Ministry shall issue a travel identity card for foreigners who reside in the country without a valid travel document, after

a) the legal force of the decision to cancel the visa for a stay over 90 days,

b) a visa for a stay over 90 days for tolerated stay pursuant to § 33, paragraph 3, the length of this license is determined by the duration of the visa issued,

c) when the decision to terminate a long-term or permanent residence

d) the termination of the provision of protection in the territory under a special legal regulation 2), 3a),

e) the disappearance of the right to permanent residence (§ 87),

f) the issue of a residence permit for tolerated stay on the territory of the reasons according to § 33, paragraph 3, the length of this license is determined by the duration of a residence permit or

g) the issue of a residence permit for the purpose of protection, if you can not, for reasons beyond his control to obtain a travel document other way; travel identity card is issued with territorial validity in all countries of the world and the same period of validity of the authorization period for long-term residence for the purpose of protection.

(7) Representative Office at the direction of the Ministry issued a travel identity card foreigner who has been granted a long-term visa and is

a) husband refugee or beneficiary of subsidiary protection, whose marriage to a refugee or a person enjoying subsidiary protection arose before entry into the country or

b) minor child of a refugee or beneficiary of subsidiary protection or minor child of a spouse beneficiaries of refugee or subsidiary protection

if the alien does not have a valid travel document and it can not for reasons independent of their will or threatened to provide reasonable risk of serious harm 39) using the passport of which he is the holder.

## § 115

Reasons for withdrawal and for failure Aliens passport, travel identity card or travel document pursuant to § 108, paragraph 1, point. f)

(1) The alien's passport, travel identity card or travel document pursuant to § 108, paragraph 1, point. f) the alien shall be issued or issued document canceled if there are no grounds for his release.

(2) The alien's passport, travel identity card or travel document pursuant to § 108, paragraph 1, point. f) to be issued or issued document withdrawn as an alien against which

a) a writ of enforcement for non-compliance with maintenance or financial liabilities or

b) is subject to criminal prosecution or who has failed prison sentence imposed by a court, if his sentence has not been pardoned or punishment was not time-barred

provided that this decision will be adequate in terms of its impact on the private or family life of a foreigner.

(3) The alien's passport shall not be issued because according to § 113 paragraph 7 point. d) where

a) reasonable danger that this could endanger the safety of the Czech Republic or seriously disturbed public order, or

b) the alien included in the information system of the Contracting States.

## § 115a

## Emergency travel document of the European Union

(1) An emergency travel document of the European Union 15e) embassy issued at the request of a European Union citizen, 1b) whose passport was lost, stolen, destroyed, or is temporarily unavailable, if the State of which the applicant is a citizen, not in the country, where he is a citizen, permanent diplomatic or consular representation, it is not otherwise represented, or its representative is not feasible. Condition for issuing an emergency travel document of the European Union is the State to which the applicant is a citizen, with the expressed consent.

(2) An emergency travel document of the European Union may be issued for a single journey to the Member State of the European Union, which the applicant is a national or in which he resides, or in exceptional cases, to another state.

(3) The application for an emergency travel document of the European Union, the applicant shall indicate their name, or names, surname, sex, body height, date, place and country of birth, nationality, address of permanent residence, mailing address and justify it. The application shall also submit to him available documents proving identity and citizenship, state law, he intends to travel, and attach photos.

(4) An emergency travel document of the European Union embassy issued with a validity reasonable time necessary to make the journey for which the emergency travel document issued by the European Union.

(5) A copy of the emergency travel document issued by the European Union embassy sent to the competent authority of the European Union, which the applicant is a citizen.

## § 116

### Invalidity of passport

Travel document for the purposes of this Act, deemed to be invalid if

- a) the time period mentioned therein,
- b) has been damaged so that the records are illegible,
- c) is a violation of his integrity,
- d) contains incorrect information or unauthorized changes
- e) photographs of the document does not match the actual appearance of the holder, or
- f) the holder of the document has died or been declared dead.

## § 117

### Detention passport

(1) Police detain at the border control or subsistence

a) travel document unless it was issued in the name of and controlled by foreigners

1) the alien is a document showing their own or

2) alien plausible reason why a such a travel document in its possession,

b) a travel document pursuant to § 108, paragraph 1, point. d), e) or f), if it can be regarded as invalid according to this law,

c) a travel document pursuant to § 108, paragraph 1, point. a), b), c), g) and h), if the authority of the State that issued it, declared invalid or stolen.

(2) If it has been held, or can reasonably be expected that a decision on the withdrawal of the passport, the passport can hold the body active in criminal proceedings.

(3) The Police shall issue the holder of the travel document pursuant to § 108, paragraph 1, point. d), e) and f) confirmation of his detention and the detainee shall promptly forward the document to the competent police department by place of residence of the holder in the territory, and if a travel identity card issued pursuant to § 114, paragraph 5, and 6, or the alien's passport issued by § 113, paragraph 7, the Ministry, stating the reasons for his arrest, police department or ministry in the preceding sentence shall decide on the withdrawal of the detainee document or a refund within 15 days after receiving the notice. In the case of detention pursuant to paragraph 1. b) evidence after 60 days of referral destroyed if this is not the burden of proof in criminal proceedings.

(4) The Police shall issue the holder of the travel document pursuant to § 108, paragraph 1, point. a), b), c), g) and h) confirmation of his detention and the document without undue delay forward the Ministry of Foreign Affairs, unless the document forged, altered or document which is evidence in criminal proceedings.

## CHAPTER IX

### CERTIFICATE OF RESIDENCE PERMIT

#### § 117a

##### Proof of residence

(1) A residence permit is a public document, which is issued to foreigners with long-term or permanent residence in the territory.

(2) The certificate of residence shall be issued as a separate document containing carrier biometric data, such as data on facial appearance and data on fingerprints. Foreigners 6 years younger if they are directly applicable regulation of the European Communities 40) unless a different age, or foreigners, which it is not possible to take fingerprints from the hands of the reasons anatomical or physiological changes, or disability fingers, to issue a license for a residence permit in which biometric data are only processed data on facial appearance. The medium in this case is indication that the data carrier contains fingerprints alien hand.

(3) Proof of residence permit data provided by a directly applicable regulation of the European Communities 40) and

a) in the case of a residence permit

- 1) the type and purpose of stay;
- 2) identification number,
- 3) place of residence in the territory
- 4) a record of legal capacity constraints,
- 5) záznam podle § 117b odst. 4,
- 6) record under § 42i, paragraph 7,
- 7) record under § 117b paragraph 1,
- 8) digital signature processing foreigners

b) in the case of a permanent residence permit

- 1) type of residence,
- 2) identification number,
- 3) place of residence in the territory
- 4) a record of legal capacity constraints,
- 5) record according to § 84,
- 6) record under § 117b paragraph 1,
- 7) record under § 117b paragraph 2,
- 8) digital signature processing foreigners.

(4) The Ministry takes the biometric data of the foreigner and his signature, intended for further digital processing; signature nepořídí if strangers in his design prevents unbreakable barrier. At the same processes using data that are led by foreigners in the information system of foreigners, the protocol that contains the information necessary for the issue of a residence permit.

(5) The Ministry prior to certificate of residence uniqueness examine links between a foreigner and given license, with the use of biometric data processed in the data carrier card for a residence permit.

(6) The transfer of the license for foreigners stay Ministry provably learns the terms of use card so as not to damage or misuse. When handing over the certificate of residence permit department shall verify the accuracy of personal information contained in the license issued for a residence permit, the functionality of the data carrier with biometric data and the accuracy of it processed biometric data. Functionality and accuracy of the data carrier in it processed biometric data shall be verified through a device enabling comparison of biometric data currently displayed foreigners with biometric data processed in the data carrier card for a residence permit. In case of malfunction of the data carrier with biometric data, or finding irregularities in it processed personal data, or in the

event of incorrect personal data processed in the license for a residence permit, foreigners issue a new permit to stay.

(7) The holder of a residence permit is entitled to ask the Ministry to verify the functionality of the data carrier. In case of malfunction of the data carrier with biometric data, foreigners issue a new license for a residence permit, issuance of a new license in this case is subject to an administrative fee only if they malfunction carrier with biometric data was caused by circumstances for which an alien clearly knew that they could cause damage or malfunction of the data carrier with biometric data.

(8) The biometric data can be used exclusively for the authentication certificate of residence and verify the identity of the alien, and comparing biometric data processed in the data carrier with data maintained in the information system of foreigners or comparing biometric data processed in the data carrier with biometric data currently displayed foreigners acquired during authentication with the help of technical equipment. If a foreigner can not for the purpose of verifying the identity submit proof of residence, which is the holder, or if the data carrier with biometric data in a license for a residence permit does not work, perform the verification of the identity of the foreign acquisition of fingerprint foreigners and their comparison with biometric data held for these purposes in the information system of foreigners.

#### § 117b

Writing data to the card of residence permit

(1) The name or names and surname of foreigners in the license for a residence permit indicating the shape of that Roman characters in the travel document. If the alien is issued registry office Czech Republic native or marriage certificate issued in the name or names and surname in another form, indicate this fact in the form of the Ministry of endorsements for a residence permit including the name or names and surname as it appears in birth and marriage certificate.

(2) The certificate of residence permit ministry marked record "the former EU Blue Card holder" if an applicant for permanent residence was the holder of a blue card, which for this permit qualifies under § 68 and 83

(3) Data on a limited legal capacity, the alien shall be indicated in the certificate of residence permit after the coming into force of the court decision.

(4) Ministerstvo vyznačí do průkazu o povolení k pobytu údaj o přístupu na trh práce; to neplatí, jde-li o držitele modré karty, povolení k dlouhodobému pobytu rezidenta jiného členského státu Evropské unie nebo povolení k trvalému pobytu.

#### § 117c

The period of validity of the residence permit

(1) Proof of residence permits of foreigners with residence permits are issued for a validity term residence permit according to § 44 paragraph 4-7 or § 44a paragraph 1 and 2

(2) Proof of residence permits of foreigners with permanent residence permit shall be issued with a validity period of 10 years, and in the case of an alien younger than 15 years old, with a validity of 5 years.

#### § 117d

Extension of period of validity of the residence permit foreigners  
with a permanent residence permit

(1) The period of validity of the residence permit foreigners with a permanent residence permit may be extended, even repeatedly, about 10 years old, and in the case of an alien younger than 15 years old, about 5 years old.

(2) An alien is obliged to ask the Ministry to extend the period of validity of the residence permit within 90 days before the expiry of that period.

(3) If the application within the period referred to in paragraph 2 prevents reasons independent of the will of the stranger, the foreigner is obliged to file the application within 3 working days after the termination of these reasons.

(4) The request for extension of the period of validity of the residence permit, the foreigner is obliged to submit the passport.

(5) The period of validity of the residence permit extended ministry, if this is the reason for the cancellation of a permanent residence permit according to § 77

(6) If the alien meets the conditions for extension of validity of the residence permit is obliged to call in person to the Department for processing data required for the issue of residence permits, including biometric data of the foreigner and his signature, which is designed to further digital processing, the signature will not take as foreigners in its design prevents unbreakable barrier. A foreigner is obliged by the deadline set by the Ministry, but no later than 60 days from the date of acquisition of biometric data, to attend the ministry to take a license for a residence permit.

#### § 117e

(1) An alien who applies for the issuance of a residence permit for a replacement card lost, destroyed, stolen or damaged card or a substitute for a residence permit, the carrier with biometric data is broken, it is required to submit a travel document and a damaged card or with a defective card carrier with biometric data. A similar procedure applies if the foreigner applies for the issuance of a residence permit after the expiry or revocation of its validity under § 117F.

(2) An alien who applies for a change in the identity of the residence permit is required to submit a travel document, proof of residence and proof of the required change.

(3) An alien who applies for the issuance of a residence permit after its expiry due under § 117F, paragraph 1, point. g) is required to present a passport, ID card, which expired, and proof of accommodation (Article 71 § 2).

(4) An alien referred to in paragraphs 1 to 3 shall, for the purposes of issuing a new license for a residence permit to the invitation to appear in person to the Department for processing data required for the issue of residence permits, including biometric data foreigners and its signature which is designed to further digital processing, the signature will not take as foreigners in its design prevents unbreakable barrier. A foreigner is obliged by the deadline set by the Ministry, but no later than 60 days from the date of acquisition of biometric data, to attend the ministry to take a license for a residence permit.

#### § 117F

##### Termination or revocation of a license for a residence permit

(1) The certificate of residence permit expires

- a) the expiration of the period specified therein,
- b) notification of loss, theft or destruction,
- c) the legal force of a court decision on the restriction of legal capacity aliens
- d) the entry into force of the decision on revocation of the stay,
- e) acquisition of citizenship of the Czech Republic,
- f) death of the alien or the legal force of a court ruling declaring foreigners dead,
- g) by deleting the data on the place of residence in the territory, which does not apply in the case of a resident of the area (§ 83), which due to stay in the territory of another Member State of the European Union canceled the accommodation area, or
- h) the date of a new license for a residence permit at the request of foreigner to extend the period of validity of the residence permit if the duration of the current license on that date expired.

(2) The Ministry shall cancel the license for a residence permit if

- a) the card is damaged so that the records are illegible or its integrity is damaged,
- b) certificate contains incorrect information or unauthorized changes
- c) photograph on the license does not match the actual appearance of the holder, or
- d) detection of a dead carrier with biometric data.

(3) If the holder of a permit to stay present and fully recognizes the reasons for the revocation of a license may be reasons for the decision to replace the handwritten statement signed by the card holder, the abolition of the consent. An appeal against the decision in this case is permissible.

#### § 117 g

Issuance of permits of stay without data carrier

with biometric data

(1) The Ministry may issue licenses for a residence permit without a carrier with biometric data, which do not contain digital signature processing stranger, if

a) there was a technical problem on devices that ensure the processing of data necessary for the issue of a residence permit containing carrier with biometric data or biometric data and the signature of foreigners held for further digital processing, or equipment that ensure the transmission of information necessary for the production permit certificate residence comprising a carrier with biometric data or the production technology, if this technical failure lasts longer than 7 calendar days, or

b) due to disasters or other emergencies can not issue licenses for a residence permit containing carrier with biometric data.

(2) The certificate of residence permit without a carrier with biometric data are issued with a validity period of 6 months, in the form of a sticker that is affixed to the travel document of an alien.

(3) If the facts referred to in paragraph 1 point. a) and b) occurred after the issue of a residence permit containing carrier with biometric data have been acquired biometric data of the foreigner and his signature intended to digital processing, leads to the following information in the operating system information according to § 158a paragraph 4 and after those facts have ceased to exist, they are immediately used for the issuance of a license for a residence permit.

(4) If the alien is issued a certificate of residence permit without a carrier with biometric data, are obliged to call in person to the Department for processing data required for the issue of residence permits, including biometric data of the foreigner and his signature which is designed to further digital processing Call to Ministry foreigners deliver as soon as the reasons for the issue of a residence permit in accordance with paragraph 1

(5) Proof of residence permit containing carrier with biometric data is issued to foreigners by the date of expiry of the license for a residence permit without a carrier with biometric data. Issue of a residence permit under the first sentence is not subject to an administrative fee.

(6) On receipt of the card for a residence permit containing carrier with biometric data instead of a license issued for a residence permit without a carrier with biometric data will invite foreigners Ministry immediately after its delivery by the manufacturer of this document. By accepting a license for a residence permit containing carrier with biometric data in the first sentence expires validity of the license for a residence permit without a carrier with biometric data.

TITLE X

ADMINISTRATIVE EXPULSION

§ 118

(1) Administrative expulsion means termination of residence in the territory, which is associated with the determination of the time for leaving the territory and time that can not allow foreigners to enter the territory of the Member States of the European Union. Time you can not allow foreigners to enter the territory of the Member States of the European Union, the police decision on administrative expulsion. In justified cases, the decision to establish a border crossing for leaving the territory.

(2) Administrative expulsion of an EU citizen or a member of his family is termination of residence of an EU citizen or his family to the territory, which is associated with the determination of the time for leaving the territory and time that can not allow foreigners to enter the territory.

(3) The time to leave the territory shall be fixed between 7-60 days. If the decision on administrative expulsion issued pursuant to § 119, paragraph 1, point. a), the police are entitled to determine the time to leave the territory of less than 7 days. If, in the decision on administrative expulsion had time to travel from the start to run during the period of detention of a foreigner, this period begins to run from the date of termination of the protection. If during the time of the departure from the territory of the foreigner is detained, running this time, ensuring interrupts.

(4) The period during which you can not allow foreigners to enter the territory of the Member States of the European Union or European Union citizen or family member to allow the entry, not including the hours during which the decision on administrative expulsion enforceable.

(5) For the purpose of administrative expulsion, temporary residence in the territory considered as unauthorized presence in the territory of an alien or an alien presence in the transit area of an international airport and stay on the visa issued by a special Act 2) or stay until the decision of the Ministry for authorization residence permit for the purpose of temporary protection in the territory 3a) or court action on temporary protection. If in such a case the decision on administrative expulsion as a consequence of this decision would be a disproportionate interference with private or family life of a foreigner, police alien will be granted an exit command. A foreigner is obliged to leave the territory at the time specified exit command.

(6) Collective administrative expulsion of foreigners on the basis of a decision is prohibited.

## § 119

Administrative expulsion of a temporary stay in the territory of

(1) The Police shall issue a decision on administrative expulsion of an alien who has resided in the territory temporarily, with the period during which you can not allow foreigners to enter the territory of the Member States of the European Union, and include foreigners in the information system of the Contracting States,

a) up to 10 years,

1) there is a reasonable risk that the foreigner could stay in the safety of the use of state power to pursue political objectives, the activity threatening the foundations of a democratic state or leading to disruption of the integrity of the territory or other similar process, or

2) there is a reasonable risk that the foreigner could stay for the seriously disrupt public order,

b) up to 5 years

- 1) if it is proved alien at the border control or subsistence document which is adulterated or other document as proof of his own people,
- 2) if it is proved stranger in residential or border control to a departure from the territory of a travel document that is invalid for the reasons given in § 116 point. a), b), c) or d)
- 3) if the alien is employed on the territory without a residence permit or a work permit, although this permit condition of employment or in a run-employment tax credits without authorization by a special legal regulation 16) or without a work permit or employed such a foreigner mediated,
- 4) if the alien act or should act as a legal person that foreigners without work permits or employed to convey such employment,
- 5) impose, if the foreigner is to call the police border control
- 6) if the alien state border in hiding or attempts to do so,
- 7) if a stranger outside the border checkpoint,
- 8) if the alien demonstrates a credible way, that the territory of the Contracting States resident for the period during which it is in this area may reside temporarily without a visa or short term visa or
- 9) If an alien violates the law repeatedly, if the decision on administrative expulsion reasonable breach this regulation obligations, or obstructs the performance of judicial or administrative decisions,

c) up to three years,

- 1) if the alien is residing in the territory without a passport, although not entitled to,
- 2) if the alien is residing in the territory without a visa, although not entitled to, or without a valid residence permit,
- 3) said if the alien in proceedings under this Act false information with the intent to influence the decisions of the administrative authority or
- 4) there is a reasonable risk that the foreigner could stay for the seriously endanger public health that suffers from a serious illness.

(2) The decision on administrative expulsion of a citizen of the European Union 1b) or a family member who is residing temporarily, may only be issued if the citizen of the European Union 1b) or family member

a) endangers national security,

b) seriously undermining public order, this does not apply in the case of a European Union citizen who has resided continuously in the territory for at least 10 years, or

c) endangers public health that suffers from a serious disease, if such disease occurred within three months after entering the territory.

(3) The period during which not a European Union citizen or family member to allow the entry, down up to 10 years in the case of administrative expulsion for reasons referred to in paragraph 2. a) or b),

or up to three years, in the case of administrative expulsion for reasons referred to in paragraph 2. c).

(4) A decision on administrative expulsion of an alien who is residing on a long-term residence for the purpose of family reunification, study or scientific research in the area may be granted only if it threatens national security or seriously disrupts or threatens public order public health that suffers from a serious illness, and in view of the seriousness of his conduct is not sufficient revocation of this authorization. Decision on administrative expulsion under the first sentence in order to protect public health but can not be issued if there has been an alien disease to take a long-term residence for the purpose of family reunification or for the purpose of studies.

(5) A decision on administrative expulsion of an alien who is residing on a long-stay resident of another Member State of the European Union may be granted only in the event that this alien threat to national security or seriously undermining public order, as to the severity of his conduct sufficient revocation of this permit; agrees with that procedure the competent authority of a Member State of the European Union, a resident of another Member State of the European Union, the legal status of admitted police deport foreigners outside the EU Member States which are bound by a special legal regulation of the European Communities 7c ).

(6) If the police decides on administrative expulsion of an alien who is residing on a long-term stay resident in another Member State of the European Union, which another Member State of the European Union granted international protection, verify with the competent authority of that Member State, whether the decision is on international protection remains valid. If the decision in the case of international protection remains in force, the police will decide on administrative expulsion of foreigners from the territory. Outside the EU Member States may expel such foreigners only if it threatens the security of the Czech Republic or has been convicted of a particularly serious crime and the competent authority of another Member State of the European Union agree to such a procedure.

(7) A decision on administrative expulsion of an alien who applied in the Czech Republic for international protection shall be enforceable after the coming into force of a decision

- a) international protection is not granted,
- b) the application for international protection is rejected as manifestly unfounded,
- c) the procedures for granting international protection stops or
- d) asylum or subsidiary protection withdrawn

in vain if the period for bringing an action against the decision of the Ministry on international protection or, if under special legislation 2) bring an action against the Ministry's decision on international protection does not have suspensive effect. Decision on administrative expulsion is not enforceable if the court grants the request of the alien's claim suspensive effect.

(8) The decision on administrative expulsion of an alien who has applied for a residence permit for the purpose of temporary protection in the territory under special legislation 3a), is enforceable after the entry into force of the decision to reject the application or after the entry into force of the decision to terminate the proceedings of this application, if lapsed period for bringing an action against the Ministry's decision on temporary protection or court complied with its request for suspensive effect of the appeal on temporary protection or court suspensive effect abolished.

(9) In the case of unaccompanied minor (§ 180c), appoint him to the police immediately of deportation proceedings guardian. Police guardianship of unaccompanied minor inform and instruct him on the tasks of a guardian.

#### § 119a

(1) The decision on administrative expulsion under Article 119 § 1 point. b) paragraphs 6 and 7 shall not be granted if the alien applying for international protection under a special legal regulation 2) in the territory comes directly from the state, where a risk of persecution or serious harm 16a), and the territory enters or resides without permission and without himself Police logs delay or ministry and demonstrates a compelling reason for its unauthorized entry or residence.

(2) The decision on administrative expulsion under § 119 can not be issued if the result would be a disproportionate interference with private or family life of a foreigner.

(3) The decision on administrative expulsion of a minor citizen of the European Union under § 119 may be issued only because of threats to national security, or if it is in his interest in accordance with the Convention on the Rights of the Child.

(4) A decision on administrative expulsion under § 119 can not be enforced in the case of an alien who has applied for a residence permit for the purpose of protection or him such authorization has been issued; administrative deportation proceedings, which had not been completed prior to authorization long-term residence permit for the purpose of protection, police stops.

(5) The Police foreigner who has been issued a residence permit for the purpose of protection, cancels decision on administrative expulsion under § 119 if its cooperation with the authority of law enforcement contributed to the detection or prosecution of criminal activity, or with respect to the provided cooperation could be used after leaving the territory threatened his life or health. Police also revoke its decision on administrative expulsion of his family member who has been issued a residence permit for the purpose of protection.

(6) Police citizen of the European Union, applied for a certificate of temporary residence or permanent residence permit, revoke its decision on administrative expulsion, if not take reasonable danger that he could stay in their territory threaten national security, seriously disrupt endanger public order or public health. Similarly, police procedure, if it is a family member of an EU citizen who has applied for a permit for temporary or permanent residence.

(7) A decision on administrative expulsion shall not be issued in the case of transmission of an alien under an international treaty concluded with another Member State of the European Union prior to the 13th January 2009.

#### § 120

Administrative expulsion of an alien with permanent residence

(1) The Police shall issue a decision on administrative expulsion of an alien with permanent residence with the period during which you can not allow foreigners to enter the territory, except for

a) 10 years is a reasonable risk that the foreigner could stay in the safety of the use of state power to pursue political objectives, the activity threatening the foundations of a democratic state or leading to disruption of the integrity of the territory or other similar manner

b) 10 years, there is a reasonable risk that the foreigner could stay for the seriously disrupt public order, or

c) three years, if the alien fails to comply with an obligation under § 77 paragraph 3

(2) The decision on administrative expulsion of a citizen of the European Union 1b) or a family member who has been granted a permanent residence permit may be granted only in the event that seriously threatens the national security or seriously undermining public order and in view of the seriousness of his conduct is not sufficient withdrawal of permission to stay. Decision on administrative expulsion may not be the case for

a) minor citizen of the European Union, unless the administrative expulsion was in his best interest, or

b) a European Union citizen who resides in the territory for more than 10 years unless specifically threatens national security seriously.

(3) The period during which not a European Union citizen or family member to allow the entry, down to 10 years.

(4) The removal can not be issued if the result would be a disproportionate interference with private or family life of a foreigner.

#### § 120a

(1) Police in the decision on administrative expulsion under § 119 and 120 is required to request a binding opinion 9b) of the Ministry of whether departure is possible (§ 179), this does not apply if the police decides on administrative deportation, departure is at the border transition and alien explicitly stated that his departure is possible.

(2) If the reasons preventing the departure is after the effective date of the decision on expulsion, police will issue a new decision in the matter under a special law 5d) to request the binding opinion of the Ministry pursuant to paragraph 1

(3) The Ministry shall issue a binding opinion without delay.

(4) If the departure is in accordance with paragraph 1 or 2 may police this fact in the decision on administrative expulsion and aliens granted visa for over 90 days for leave to remain in the territory (§ 33 paragraph 3).

(5) If the reasons preventing the departure of foreigners, the police will issue a new decision in the matter under a special law 5d). The date of entry into force of this Decision expires validity of the visa issued pursuant to § 33 paragraph 3, or a residence permit for tolerated residence; police alien

will be granted an exit command and specify the period within which he is obliged to leave the territory.

(6) An alien whose departure pursuant to paragraph 1 or 2 is not possible, it is entitled immediately after the decision on administrative expulsion ask the Ministry for international protection under a special legal regulation 2). If the alien does not request in the first sentence no later than two months from the day when the decision on administrative expulsion, permission to apply for international protection expires. Authorization does not terminate the request if the request will prevent the reasons independent of the alien and the alien shall submit the request within 3 days after the disappearance of such reasons.

(7) The validity of the decision on administrative expulsion is also canceled, if the aliens granted asylum. If it is a decision on administrative expulsion under Article 119 § 1 point. a), the validity of the decision on administrative expulsion shall cease if the decision granting asylum, valid for a period equal to the time specified in the decision on administrative expulsion entry restrictions for foreigners in the territory.

(8) The validity of the decision on administrative expulsion expires, if the decision were granted subsidiary protection or been granted long-term residence for tolerated stay, valid for

a) equal to the time specified in the decision on administrative expulsion entry restrictions for foreigners in the territory in case of a decision under Article 119 § 1 point. a) or b), or under § 120, paragraph 1, point. a) or b),

b) equal to jedenapůlnásobku period specified in the decision on administrative expulsion entry restrictions for foreigners in the territory in case of a decision under Article 119 § 1 point. c) or § 120, paragraph 1, point. c).

(9) The period referred to in paragraphs 7 and 8 shall begin on the date when the decision on the granting of asylum or subsidiary protection or the issue of a residence permit for tolerated stay.

(10) The Police shall inform an alien who is illegally staying in the territory and with whom proceedings have been instituted because of administrative expulsion under § 119, paragraph 1, point. b) paragraph 3, the right to ask the employer unpaid wages or salary, including any costs of sending wages or salary to a state whose citizen is a foreigner, or if it is a stateless person, to his country of last permanent residence , or to another state in which the residence permit. In addition, foreigners tell he has the right to inform the competent authority of the Labour Inspection 41) a violation of a legal obligation by the employer.

## § 121

Pronounces the other state acceptance of the stateless person may be expelled by administrative expulsion to that country.

## § 122

The conditions for removal of administrative expulsion hardness

(1) In the time since that can not be a decision on administrative expulsion of foreigners allowed to enter the territory, police alien will be granted a visa or permit the entry, if due to refusal of a visa or refused entry would be a disproportionate interference with private or family life of a foreigner.

(2) In the time since that can not be a decision on administrative expulsion enable aliens to enter the territory, the police shall grant the visa or permit the entry, if the purpose of residence in the state's subpoena authority of the Czech Republic, and if the matter can not handle from abroad.

(3) The period of stay under paragraphs 1 and 2 can be set for up to 30 days.

(4) After the denial of a visa or refused entry to the police immediately writes a record containing the reasons for this decision.

(5) The Police may, at the request of foreigner issue a new decision 5d), which invalidates the decision on administrative expulsion, if

a) there are no longer grounds for his release, and half of the time elapsed during which foreigners can not be allowed to enter the territory

b) in the case of an alien who proves that he voluntarily left the territory at the time specified in the decision on administrative expulsion and revocation of the decision on administrative expulsion will be proportionate to the reasons for which it was issued, or

c) the alien entrusted into foster care (§ 87), who reached the age of 18 years and in the words of a social-legal protection of children this stranger reflected efforts to integrate the territory.

(6) The police may request a European Union citizen or family member to issue a new decision 5d), which invalidates the decision on administrative expulsion, if

a) there has been a substantial change in the circumstances that led to the decision on administrative expulsion or

b) the alien entrusted to foster care (§ 87), who reached the age of 18 years and in the words of a social-legal protection of children this stranger reflected efforts to integrate the territory.

(7) The police shall, on request of an alien who, after entry into force of the decision on administrative expulsion became a citizen of another Member State of the European Union, a new decision 5d), annulling the decision on administrative expulsion, if there is no danger that he might need during your stay in endanger the national security, seriously disturb public order or endanger public health. Similarly, the police followed in case of an alien who, after a final decision on administrative expulsion became the family member of a citizen of the European Union.

## § 123

### Payment of costs related to administrative expulsion

(1) Costs associated with administrative expulsion include the cost of accommodation and meals, transportation costs and other necessary monetary costs. The costs related to administrative

expulsion also include the cost of the first sentence as foreigners accommodated in a facility with an alien detained for the purpose of administrative expulsion.

(2) In the case of administrative expulsion of an alien who was employed on the territory without a work permit if under special legislation 8e) is required, or a valid residence permit is obliged costs associated with administrative expulsion under paragraph 1 shall pay the who employ foreigners. If you can not costs related to administrative expulsion thus paid, shall such costs or pay the remainder of the one concluded with the employer as a subcontractor agreement, under whose performance aliens employed by the employer, or anyone on the basis of their existing business contractual relations knew know or should and could have on the employment of foreigners without a work permit or a valid residence permit for the employer. First and second sentence shall not apply in the case

a) an employer who proves that he has fulfilled the obligations prescribed by the regulations governing the employment and residence of foreigners and knew that a residence permit is submitted stranger forgery

b) the person who has entered into with the employer as a subcontractor agreement under the second sentence, which proves that he has fulfilled the obligations prescribed by the regulations governing the employment and residence of foreigners and knew that a residence permit by a foreigner is fake.

(3) does not cover the costs associated with the administrative expulsion of a person referred to in paragraph 2, and if these costs were not recovered from the financial guarantee deposited by the depositor or an alien under § 123c, is obliged to pay these costs foreigner to be deported to a decision on administrative expulsion .

(4) If the alien fails to pay within the time costs associated with administrative expulsion and have not reimbursed by the financial guarantees are required such costs or the remaining part of their pay in chronological order

a) the person who committed the invitation verified by the police, or in the case of a researcher, a research organization that is committed to writing; research organization will cover the costs associated with administrative expulsion occurring within 6 months from the date of expiry of the hosting 9j)

b) one who brokered foreign employment without a work permit;

c) ten, kdo zaměstnal cizince a pracovní poměr byl skončen z některého z důvodů uvedených v § 52 písm. a) až e) zákoníku práce anebo dohodou z týchž důvodů nebo okamžitým zrušením podle § 56 zákoníku práce před uplynutím doby, na kterou bylo cizinci vydáno povolení k zaměstnání, zaměstnanecká karta nebo modrá karta, pokud tento cizinec po zrušení platnosti oprávnění k pobytu za účelem zaměstnání z území nevycestoval; to neplatí, pokud cizinec z území nevycestoval a ten, kdo cizince zaměstnal, věrohodně prokáže, že cizinci zajistil úhradu nákladů spojených s vycestováním do státu, jehož je občanem, nebo do státu, ve kterém má povolen pobyt,

d) ten, kdo cizinci zprostředkoval zaměstnání a pracovní poměr byl skončen z některého z důvodů uvedených v § 52 písm. a) až e) zákoníku práce anebo dohodou z týchž důvodů nebo okamžitým zrušením podle § 56 zákoníku práce před uplynutím doby, na kterou bylo cizinci vydáno povolení k zaměstnání, zaměstnanecká karta nebo modrá karta, pokud tento cizinec po zrušení platnosti oprávnění k pobytu za účelem zaměstnání z území nevycestoval; to neplatí, pokud věrohodně

prokáže, že cizinci zajistil úhradu nákladů spojených s vycestováním do státu, jehož je občanem, nebo do státu, ve kterém má povolen pobyt,

e) the carrier has failed to fulfill an obligation under § 104th

(5) The Police or the Department of Decision determine at what time and the amount of the person referred to in paragraphs 2 to 4 shall administrative costs related to the removal or remaining part of pay. An appeal against this decision is not acceptable.

(6) Unless the costs associated with administrative expulsion paid under paragraphs 2-4, bears these costs until their payment

a) the police, in the case of an alien detained pursuant to a special legal regulation 42), or

b) the Ministry in other cases.

### § 123a

#### Voluntary return

(1) The Ministry may carry, if it is in the public interest, costs associated with the voluntary return of foreigners

a) is provided for the purpose of administrative expulsion

b) who was the decision on administrative expulsion deadline for leaving the territory or

c) who is residing without a valid residence permit, if the person came to the police intends to voluntarily leave the territory and was subsequently issued a decision on administrative expulsion

to a country of which he is a citizen, or to another state, which allows foreigners to enter its territory.

(2) An alien shall be obliged to pay additional shipping ministry at half the cost, the time of payment will be included in a stranger records of undesirable persons [§ 154, paragraph 4, point. b)].

(3) An application for voluntary return is alien may file the police or the Ministry

a) at the time of securing the device, or

b) after the entry into force of the decision on administrative expulsion, provided that the period has not expired yet determined to travel.

(4) The foreigner's application for voluntary repatriation Ministry shall decide without delay.

### § 123b

#### Special precautions to be expelled from the territory of foreigners

(1) special measures for foreigners to be expelled from the territory (hereinafter referred to as "special measures for the purpose of traveling") is

a) the obligation to notify police alien residence address, to remain there, any amendment to notify the police the next business day and regularly reported to the police in person by the deadline set by the police, or

b) the composition of the funds in freely convertible currency in the amount of anticipated costs related to administrative expulsion (hereinafter referred to as "financial guarantee") an alien who is special measures to be expelled imposed; funds as foreigners can pass the state Czech citizen or a foreigner with an approved long-term or permanent residents (the "depositor").

(2) Special measures to departure can be saved, there is a reasonable danger that the alien at the time specified in the decision on administrative expulsion for leaving the territory nevycestuje.

(3) The type and method of performance of special measures in order to leave the country decides police. In deciding on a specific measure, the police investigating whether it was saved endanger performance of administrative expulsion, and takes into account the implications of this decision in private and family life of a foreigner.

(4) The Police special measures for the purpose of travel is not saved, in the case of unaccompanied minor.

(5) An opinion by imposing a special measure to be expelled is usually part of the decision on administrative expulsion. An appeal against the verdict imposing special measures in order to leave the country does not have suspensive effect.

(6) An alien shall be obliged to comply with an obligation imposed on him in the decision to impose special measures to exit and leave the territory at the time specified in the decision on administrative expulsion.

(7) In case the foreigner seriously breaching the duty imposed on him by imposing a special measure for the purpose of departure or the time to travel down in the decision on administrative expulsion nevycestuje, police ensure such an alien. In the event that the obligation prevented by reasons independent of the foreigner, the foreigner is obliged to meet the obligation immediately after the demise of these reasons.

## § 123c

### The financial guarantee

(1) The financial guarantee is made to the account of the police and is refundable after departure of foreigners from the territory or after he was granted long-term or permanent residence or residence under a special legal regulation 2), granted a long-term visa or granted a temporary residence permit. Police with a stranger or depositor agree on how to return the financial guarantee. The cost of repayment of the financial guarantee shall be borne depositor or foreigner.

(2) An alien or a depositor is subject to the conditions set out in paragraph 1 shall be entitled to 5 years from the date of deposit of a financial police ask for repayment of the financial guarantee.

(3) If the alien has entered the territory is required to submit the application in person through a representative office in the state of which he is a citizen of a State in which it is allowed to stay, or in a State which is not a Member State of the European Union or a State Party 5 ). Složil the financial guarantee depositor is a foreigner for whom financial guarantee was composed, shall, without undue delay after exit from the report in person to the embassy or consulate in the country of which he is a citizen or in the country in which he is allowed to stay; embassy Police confirm notification to the alien embassy.

(4) The Police reject an application for repayment of the financial guarantee, if

a) the alien from the territory traveled and had not been granted long-term or permanent residence or residence under a special legal regulation 2), 3a),

b) the alien has not submitted an application in person,

c) the alien has not submitted a request through a representative office in the State of which he is a citizen of, or in the state in which the residence permit, or

d) the alien did not report in person at an embassy in the country of which he is a citizen or in the country in which he has allowed to stay, asking if the repayment of the financial guarantees depositor.

(5) The police are authorized to use financial guarantees to cover the costs related to administrative expulsion from the territory of an alien if the alien nevycestuje at a specified time and reside in the country illegally.

(6) The financial guarantee falls State if the alien or depositor within 5 years from the date of the financial guarantees asked for its return, or not at this time, the conditions for its return.

(7) The reasons of the financial guarantee may be used to cover costs related to administrative expulsion or accrue to the State, it must be an alien or depositor instructed before its composition.

## TITLE XI

### SPECIAL PRECAUTIONS FOR DEPARTURE OF FOREIGNERS AND ENSURING THE FOREIGNER

#### § 124

##### Ensuring foreigners for the purpose of administrative expulsion

(1) The police are authorized to detain aliens over 15 years, which was served with a notice of initiation of administrative expulsion or whose expulsion has already been finally decided or was imposed by another Member State of the European Union ban valid for the territory of the Member States of the European Union and sufficient imposing special measures to be expelled, if

a) the risk that the alien might endanger national security or seriously disrupt public order,

b) the danger that a foreigner could thwart or impede the decision on administrative expulsion

c) the alien traveled from the territory at the time specified in the decision on administrative expulsion

d) the alien has seriously violated the obligation imposed on him by imposing a special measure to be expelled or

e) the foreigner is registered in the information system of the Contracting States.

(2) In proceedings for the detention of a foreigner for the purpose of administrative expulsion is the decision of the first procedural step. Appeal, retrial or review proceedings are not permitted.

(3) The police decision to detain the duration of security with regard to the expected complexity of preparing the exercise of administrative expulsion. In determining the period for which the police are obliged to take into account cases of unaccompanied minors and families and others with children. If it is necessary to continue the preparation of the performance of administrative expulsion, the police are entitled to extend the term of the hedge, even repeatedly. In proceedings to extend the period of detention of a foreigner for the purpose of administrative expulsion is the decision of the first procedural step. Appeal, retrial or review proceedings are not permitted.

(4) When deciding on ensuring unaccompanied minor (§ 180c), the Police immediately guardian. Police to appoint a guardian unaccompanied minor inform and instruct him on the tasks of a guardian.

(5) The police are authorized to detain unaccompanied minor, only there is a reasonable danger that could threaten national security or seriously disrupt public order. In case of reasonable doubt, that it is unaccompanied minor, the police are authorized to provide foreigners the reasons set out in paragraph 1, until it is discovered his real age. Police begin operations to determine the age of unaccompanied minor immediately after his detention.

(6) Police detained foreigners learn about the police permission to file a request for dismissal of equipment, and permission to bring proceedings in the administrative courts against the decision on detention or to extend the period of detention. In the case of unaccompanied minor, police learn about these permissions guardian.

#### § 124a

Police are authorized to provide administrative expulsion of a foreigner who made a statement on international protection or filed an application for international protection, if it was already on its final decision expulsion or deportation proceedings initiated administrative reasons under § 119, paragraph 1, point. a) or § 119, paragraph 1, point. b) section 6 or 7

#### § 124b

Ensuring foreigners to be expelled

(1) Police will provide the time necessary foreigners older than 15 years who did not avail of voluntary repatriation under a special legal regulation 2), in order to leave the territory if

- a) filed an application for international protection, although it has been invited
- b) traveled after a final termination of the proceedings in the matter of international protection within the specified exit command or within 30 days if no foreigners exit order is granted,
- c) he expired residence permit in the territory granted to a person under subsidiary protection.

(2) The detention of a foreigner to be expelled police immediately writes a record containing information about the identity of the detained foreigner, date, time and place hedge.

(3) Unless departure is made from the territory within 48 hours, the police management to ensure the departure of foreigners in order to issue a decision, which is the first act in the proceedings. Appeal, retrial or review proceedings are not permitted.

(4) The police decision to detain the duration of security with regard to the expected complexity of preparing foreigner's departure. If it is necessary to continue the preparation of the foreigner's departure, the police are entitled to extend the term of the hedge, even repeatedly. In proceedings to extend the period of detention for foreigners to be expelled is a decision the first procedural step. Appeal, retrial or review proceedings are not permitted.

(5) To ensure that travel to the provisions of § 123, and 123a of Title XII shall apply mutatis mutandis.

(6) Paragraph 1 shall not apply

a) if the reason for seizure pursuant to paragraph 1. b) or c) detected at the border crossing when traveling alien from the territory or

b) if the alien has a ticket for leaving the territory (ticket, ticket), but could not leave the country within the period pursuant to paragraph 1. b) for reasons independent of their will.

## § 125

(1) The period of detention must not exceed 180 days counting from the moment of detention. In the case of an alien under 18 years of age or families with minor children shall not exceed the period of detention of 90 days.

(2) The Police shall be entitled to extend the period of detention under § 124 even beyond the period specified in paragraph 1, first sentence, provided that expulsion is feasible at the time of detention if the alien

a) during the execution of the administrative security frustrate removal, or

b) provides false information that is necessary to ensure the ETD.

(3) The period of detention shall not exceed in the aggregate 545 days and counting from the moment of detention. The extension of the period for which the police will issue a decision, which is the first procedural step. Appeal, retrial or review proceedings are not permitted.

(4) The detention of a foreigner for the purpose of administrative expulsion Police shall notify his relatives legally residing in the territory, if detained unaccompanied alien minor, notify the police authority for social and legal protection of the child. Policie inform ensure foreigners for the purpose

of administrative expulsion also competent diplomatic mission or consular office of a foreign country, when he is established in the territory, and if a stranger or guardian on behalf of detained unaccompanied minor request, unless specified otherwise by an international treaty, this does not apply If the detention of a foreigner, who asked the Czech Republic for international protection under a special legal regulation 2).

## § 126

The police are obliged to

- a) for the duration of detention of a foreigner to examine whether the reasons for detention still exist,
- b) immediately after securing learn detained foreigner in the language in which the alien is able to communicate, the opportunity to file a police request for dismissal of equipment and judicial review of the legality of the detention and the decision to extend the period of detention or the decision about the rejection of the device. If you can not find the language and can not carry that knowledge, or otherwise, shall instruct the foreigner police, carried out by passing the writing instruction in Czech, English, French, German, Chinese, Russian, Arabic, Hindi and Spanish about the possibility of a judicial review of the legality of their detention and decision to extend the period of detention. The handover writing instruction, carried out by the police make a record.

## § 126a

(1) The Police Department of the instruction immediately interrupts ensure there is a reasonable likelihood that

- a) an alien who has been granted a period to decide whether to cooperate with law enforcement authorities in criminal proceedings (§ 42e paragraph 2), or
- b) an alien who has submitted an application for a residence permit for the purpose of protection, could be the next stay in the facility danger to life or health in the context of cooperation with law enforcement authorities in criminal proceedings.

(2) During the interruption protection shall suspend the deadline in § 125 paragraph 1

(3) If a reasonable danger that the alien flees, or abusing the break security, police on the instructions of the Ministry of interruption collateral under paragraph 1 shall promptly canceled.

(4) A decision under paragraphs 1 and 3 of the appeal, retrial or review proceedings are not permitted.

## § 126b

- (1) If a detained foreigner admitted to the medical facility inpatient care under § 176 outside the facility, the police may waive guarding foreigners for foreigners to the location of this medical device.
- (2) If the attending physician according to the statement of harm detained foreign national or permanent nature of the alien nature of the disease can be assumed that his stay pursuant to paragraph 1 for the purpose of providing healthcare services will be longer than the time missing the expiry of 180 days from the date of security, police securing ends. Upon termination of ensuring police alien will be granted a visa for over 90 days for leave to remain in the territory prevented from independently of his will to prevent his departure, the visa's validity to the time required to travel from alien territory for a maximum period of 1 year.
- (3) The provisions of paragraphs 1 and 2 shall not apply if the injury was self maneuvers foreigners.

## § 127

- (1) Provision shall be completed without undue delay
  - a) after the demise of the reason for ensuring
  - b) rozhodne-li soud ve správním soudnictví o zrušení rozhodnutí o zajištění cizince, o zrušení rozhodnutí o prodloužení doby trvání zajištění nebo o zrušení rozhodnutí o nepropuštění ze zařízení,
  - c) if the decision on dismissal of equipment,
  - d) If aliens granted asylum or subsidiary protection, 2)
  - e) If aliens are granted long-term residence for the purpose of protection, or
  - f) if elected by the Ministry of the duties of foreigners to stay in a reception center or a detention facility for foreigners to leave the country under a special legal regulation 48).
- (2) A statement of intent to apply for international protection during the detention is not grounds for termination of the detention.

## § 128

- (1) Guaranteed foreigner who is to be a final decision on administrative expulsion of their stay in the territory transported by the police to the border crossing to be expelled from the country this does not apply if the detained alien shall submit proof of filing of the application. Police also transport to the border crossing detained foreigners after dismissal of the action against the decision on administrative expulsion of a foreigner who was detained for the purpose of departure under § 124b.

(2) The Police shall be entitled to retain an alien pursuant to paragraph 1 in the facility as long as necessary, before departure to ensure conditions foreigners from the territory.

(3) In the case of unaccompanied minor, police carried out operations in accordance with paragraphs 1 and 2 only after the state where the unaccompanied minor alien deported, said the unaccompanied minor aliens will ensure the adoption of appropriate to his age.

## § 129

### Ensuring foreigners for the purpose of transfer or transit

(1) Police will provide the time necessary foreigner who illegally entered or resided in the territory for the purpose of transmission under an international agreement concluded with another Member State of the European Union prior to the 13th January 2009 or a directly applicable European Communities regulation 37); police for a period necessary ensuring also accompanied by a foreigner in the event that its transit of objective reasons, can not complete without the necessary breaks.

(2) The Police shall ensure writes a record containing information about the identity of the detained foreigner, date, time and place and reason for securing transfer or transit.

(3) If you can not transfer or complete stranger made his transit within 48 hours, and in the case of transit by air in accordance with § 152 within a period of 72 hours, the police management to ensure the alien for the purpose of transfer or transit issues a decision , which is the first procedural step. Appeal, retrial or review proceedings are not permitted.

(4) The police are authorized to detain unaccompanied minor, only there is a reasonable danger that could threaten national security or seriously disrupt public order. Police are authorized for reasonable doubt that it is unaccompanied minor, provide such an alien until it found its true age. Police begin operations to determine the age of unaccompanied minor immediately after his detention.

(5) The police decision to detain the duration of security with regard to the expected complexity of preparing a transfer or transit of foreigners. If it is necessary to continue the preparation of transfer or transit, the police are entitled to extend the term of the hedge, even repeatedly. In proceedings to extend the period for which the alien to surrender or transit is the decision of the first procedural step. Appeal, retrial or review proceedings are not permitted.

(6) The police are obliged to act so that the stranger was passed or transit of foreign territory is completed as soon as possible after the date of detention.

## § 129a

### Request for dismissal of equipment

(1) An alien is entitled to file a police request for release from the equipment in which it is obliged to provide all the relevant facts relied upon and identify evidence. Police foreigner does not call for the removal of defects in the application. Police investigates whether the reasons for which the alien has

been provided, or for which the detention period extended, or whether the conditions for the imposition of special measures in order to leave the country. Police will decide on the request without undue delay.

(2) The Police foreigners learn about entitlement to bring an action in the administrative courts against a decision about the rejection of the device; case of an unaccompanied minor, learn about guardian.

(3) A request for dismissal of equipment foreigner is entitled to file earlier than 30 days from the coming into force of the decision on detention, the decision to extend the period of detention of a foreigner or a decision about the rejection of the device, if he did not institute proceedings against such a decision, or soon after 30 days after the effective final decision on his lawsuit against a decision to detain a foreigner, the decision to extend the period of detention of a foreigner or against a decision about the rejection of the device.

(4) The police are entitled to hear the alien when it is necessary to determine the actual state of affairs. A foreigner is obliged to testify. Police alien before questioning learn about the consequences of the refusal notice a false or incomplete statement.

(5) The alien police questioning of a witness or his representative in advance nevyrozumívá. A foreigner or his representative is not entitled to be present witnesses. The police are entitled to refrain from questioning aliens, or examination of witnesses and to call them at a different time, if they were to determine the actual state of affairs summoned the same time and one of them fails to give evidence. Police acquaint foreigners with the contents of the report on the examination of a witness after he was done questioning foreigners; pending the hearing of the alien's report of the hearing of a witness excluded from access to the file.

(6) The police allow foreigners to his request to comment on the background for the decision.

(7) An appeal, retrial or review proceedings are not permitted.

## TITLE XII

### EQUIPMENT

#### § 130

(1) Decision to ensure foreigners are usually carried out on the device.

(2) Facilities operated by the Ministry through it constituted government department (the "Operator").

(3) The device is divided into a detention regime with mild (hereinafter referred to as "part of the moderate regime") and part of the strict regime of collateral (hereinafter referred to as "part of the strict regime"). Part of the moderate regime can be further divided into other parts into which without permission and without an escort service or police entry to foreigners prohibited.

(4) The police immediately after the entry into force of the decision to ensure the detained foreigner transported to an establishment designated by the operator.

## § 131

Operator familiar detained foreigner when placed into the device, or immediately thereafter, with the rights and obligations relating to the alien's stay in the device, as the internal rules of the facility. Introduction is done in the mother tongue or in a foreign language which is alien is unable to communicate. Introduction may also be made in the event of changes in rights and obligations relating to the alien's stay in the device, or the internal rules of the facility. Information on the rights and obligations of detained foreigners and internal order devices are placed so that they are accessible to all detained foreigners.

## § 132

(1) Part of the moderate regime consists accommodation room, common social and cultural facilities and more space in which to ensure that foreigners can move freely established internal rules of the facility.

(2) Part strict regime is separated from the part of the moderate regime and includes accommodation room and space for exercise.

## § 132a

The operator is entitled in accordance with the purpose of the plant and to ensure safety of detained foreigners and other people staying in the device means installing audiovisual equipment in the premises of the facility, with the exception of accommodation rooms, social facilities and spaces in which they take place through personal visits of foreigners.

## § 133

(1) Accommodation in the room with a moderate regime is equipped with beds, lockers for personal belongings, a table and chairs in the number corresponding to the number of foreigners accommodated.

(2) accommodation room in the strict regime is equipped with beds, table and chairs in the number corresponding to the number of foreigners accommodated, sanitary facilities separate from the rest of the opaque screen and signaling (a cancel) facilities. This room can only be locked from the outside.

## § 134

- (1) The operator of a detained alien to the conditions set out in this Act
- a) provide a bed, chair, locker for personal belongings, food and basic hygiene products,
  - b) to receive and send written communications without limitation,
  - c) to receive visitors,
  - d) whenever possible, provide books, newspapers and magazines, including foreign ones, if they are distributed in the Czech Republic,
  - e) to make an application or other stimulus state authorities of the Czech Republic or international organizations in order to exercise its rights and those immediately dispatched
  - f) upon request shall without undue delay for an interview with the head of the facility or its agent, or the police in the establishment
  - g) allows eight hours of uninterrupted sleep at night time,
  - h) to move freely within the area with moderate regime and contact with other foreigners placed in this section.
- (2) The operator shall ensure that a medical examination of detained foreigners, other necessary diagnostic and laboratory tests and vaccinations and preventive measures provided for public health authorities.
- (3) The operator of a detained alien placed in the strict regime to a designated area within a walk of at least one hour a day, to accompany him to the police. Police can walk for an important reason to limit or cancel. The restriction or cancellation walks writes without undue delay record.
- (4) The operator of a detained alien may provide psychological and social services and other services and things necessary to ensure the alien's stay in the facility.

## § 135

- (1) Police detained foreigner placed on operator design or based on their own knowledge to the strict regime when
- a) is aggressive or requires close supervision from another compelling reason
  - b) repeatedly and seriously violates the internal rules of the device, or
  - c) repeatedly and seriously violates an obligation or prohibition under this Act.
- (2) Secured alien younger than 18 years can be added to the strict regime to place only due pursuant to paragraph 1. a) or c).
- (3) The Police shall make the location of the detained foreigner to the strict regime immediately record it and give details of the reasons for this location and instructions on how to position against the strict regime lodge a complaint with the Ministry (§ 148 paragraph 2). Police detained foreigner familiar with the record. Record signed detained foreigner police officer and interpreter, if appointed, the police saved the file detained foreigners. If the alien refuses to sign the record, the police not to record notes.

(4) If a detained foreigner placed in the strict regime for a period longer than 48 hours, the police of the location of a decision. Appeal, retrial or review proceedings are not permitted.

(5) Within the strict regime, the foreigners put the time necessary, but no longer than 30 days. Police on the location of the detained foreigner in the strict regime of examining the reason for this location. Committed to the alien at the time of the first sentence hearing pursuant to paragraph 1 or, when the reason for increased surveillance, police for placement in the strict regime decision extended by 30 days, otherwise the foreigners immediately placed in an area with a moderate regime. Appeal, retrial or review proceedings are not permitted.

#### § 136

(1) A detained alien is obliged

- a) comply with the internal rules of the facility,
- b) protect the property of the device,
- c) follow the instruction issued by the police or the operator in meeting the challenges of ensuring
- d) avoid actions that would frustrate the purpose of ensuring
- e) allow restriction of their rights, notably the right to privacy and freedom of movement and residence, to the extent necessary to achieve the purpose of securing or to protect public health,
- f) comply with the silence of the night.

(2) A detained alien shall be obliged to submit to the preventive, periodic and output, and if necessary, emergency medical examination to the extent determined by the physician, including the necessary diagnostic and laboratory tests and vaccinations and preventive measures established by the authority to protect public health. Medical examination of detained foreigners is conducted without the presence of police or operator, unless the physician decides otherwise. If you can not act for resistance detained foreigners do, the police are empowered to overcome this resistance. Must not defending hedged foreign harm manifestly disproportionate gravity.

(3) A detained alien for placement in a facility not

- a) bring, produce, harbor or consume alcohol and other addictive substances
- b) bring, produce or keep things capable of seriously endanger the health or life of a person or damage to property,
- c) bring or keep things in numbers or nature to disturb the order or harm the health, or electronic communication devices,
- d) leave the facility without the consent of the police.

#### § 137

(1) Police are authorized when placing a detained foreign national to the device to make his personal search and a search of their belongings in order to determine whether or not carrying passport, identity card or document confirming his identity or nationality, cash or thing whose incorporation into equipment, manufacturing or storage in the device is prohibited.

(2) The Police shall be entitled to make a personal inspection of the items and also foreigners detained at the request of the operator or in case of reasonable suspicion that the foreigner may carry a passport, identity card or document confirming his identity or nationality or thing whose incorporation into equipment, manufacturing or storage in the device is prohibited.

(3) Personal inspection performed by a person of the same sex. The police shall make a search of record.

(4) The Police passport, identity document, the document confirming his identity or nationality, cash and goods which are bringing in equipment, manufacturing or storage in the device is prohibited, found during a body search, inspection, or other things, detain them.

(5) The police seized things forward, with the exception of travel documents, identity documents, documents confirming his identity or nationality, weapons under a special legal regulation 18) and the case 19), the possession of which is contrary to the laws of the Czech Republic, together with a list of these things for the custody of the operator.

#### § 138

(1) The internal rules issued equipment in which the

a) the rules of health services and provided psychological and social care,

b) the timing of provision of food,

c) rules and range of cultural and sports activities,

d) rules on dispensing basic toiletries, shoes, clothes and linen,

e) visiting,

f) space allowances for walks and outings timetable for ensuring strict regime,

g) space, which is accessible to foreigners unaccompanied worker or police equipment disabled,

h) the manner of implementation of compulsory education,

i) the time when it is under a slight detention regime accessible space provided for walking,

j) seats reserved for smoking,

k) a timetable for grocery items daily necessities, books, newspapers and magazines,

l) other necessary organizational and technical details.

(2) The internal rules of the facility in which they reside parents with children and unaccompanied minors, the operator shall also offer cultural, sports and other activities specifically for different ages.

(3) The internal rules of the device is published in Czech, English, French, German, Russian, Spanish, Chinese, Arabic, Vietnamese, Hindi, or in another language, if it is to inform detained foreign nationals necessary.

#### § 139

Family division within the device is possible in the case of placing a family member in the strict regime.

#### § 140

(1) The operator is entitled to stay in the mild rules by foreign nationals against whom the detained foreigner maintenance obligation or has custody, can not provide care for him otherwise (hereinafter "Resident Alien"). Resident aliens provide meals and other services as envisaged by foreigners. If Resident alien is unable to realize the limitations associated with the stay in the facility shall, to the expression of his will.

(2) Resident aliens may leave the facility, if the treatment provided in another way. If it is a minor or a person with limited legal capacity may leave the device only with the written consent of the legal representative.

(3) The resident alien § 131, § 134, paragraph 1, 2 and 4, § 136, paragraph 1, point. a) to c) and f), § 136, paragraph 2, § 136, paragraph 3, point. a) to c), § 143, § 144, paragraph 1-3 and § 145 apply mutatis mutandis.

#### § 141

(1) In determining the accommodation space equipment operator as possible account of the religious, ethnic or national specificities, relational and family relations, age or state of health.

(2) Separately placed

a) unaccompanied minors from adult foreigners,

b) men from the women, with the exception may be made for persons close to 14).

(3) An alien younger than 18 years or a foreigner with limited legal capacity is located, along with a close person or a person who has been entrusted to his care.

#### § 142

(1) The alien is placed in a facility that is subject to compulsory education under a special act 19a) is required to enable the fulfillment of this obligation.

(2) An alien may leave the premises for the purpose of compulsory school attendance, if not provided in a facility, and to other activities that support the development of his personality. In justified cases provided transport operator.

(3) A paid foreigners placed in a facility that compulsory school attendance, textbooks and school supplies if they are not covered by the state and is not able to pay this way.

#### § 143

(1) a detained alien shall be provided adequate diet principles of good nutrition and health condition of the alien, in the case of children under 18 years five times a day.

(2) When choosing a diet as possible into account the requirements of cultural and religious traditions of detained foreigners.

#### § 144

(1) A detained alien has the right to receive visits twice a week for the duration of one hour and a maximum of 4 persons present at any time. In justified cases, the facility manager or his representative, in agreement with the police to allow the adoption of more frequent visits or longer its duration, if permitted by the capacity of the rooms used for receiving visitors, may be increased by the number of people.

(2) Visits take place in rooms provided for that purpose. The operator is entitled to suspend or terminate a visit if detained foreigner or visitor seriously disrupt peace and order in the device, or endanger the life or health of the device.

(3) A detained alien has the right to receive visits in a facility lawyer or representative of a legal person, which proves that The Company is authorized to provide legal assistance to foreigners. A legal entity is the authorized employee or member who has a university education in law, which is under special legislation required for the practice.

(4) A visit to detained foreigners placed in strict mode takes place in the presence of police.

#### § 145

(1) A detained alien is once a week to receive parcels containing food, books and personal items weighing up to 5 kg. Restriction does not apply to packages of clothing to be sent to the exchange. Packages designed hedged foreign operator takes over.

(2) The Police packages requested by the operator checks. Police remove and detain goods which are bringing in equipment, manufacturing or storage in the device is prohibited. Seized property, except for cases 19), whose holding is contrary to the laws of the Czech Republic, together with a list

of the operator shall immediately forward that is sent back to the sender at his expense, unless a facility decides to escrow and release a detained aliens upon release from the device.

(3) A detained alien can receive unlimited money that had been sent to the device or transmitted in any other way, cash is required to deposit the operator. If the alien fails to cash in escrow operators, police detain aliens that money and passes them to the custody of the operator with their inventory. The operator at the request of foreigner may take into custody other things, especially valuables and documents. The operator takes a list of funds and goods and ensure their safe storage.

(4) An alien who is the operator concealed cash, you could draw things to buy daily necessities, books, newspapers or magazines, and once a week in the amount of CZK 300. Purchase the operator shall ensure, on the basis of a written order foreigners at intervals determined by the internal rules of the facility. Acceptance of the goods and their billing stranger confirm his signature, the operator records the amount spent in the inventory in deposit funds.

#### § 146

(1) The operator is authorized to use concealed cash detained foreigners are in Czech or any other freely convertible currency for payment, even partial, relating to its administrative expulsion. When used in deposit cash proceeds operator so that foreigners in his dismissal from the facility of its funds in deposit issued at least 400, - CZK, if the alien has concealed the funds in a lower amount shall he kept the whole amount, this does not apply if the foreigner is immediately after release from the device put into an asylum facility or is transported by police to the border crossing to be expelled from the territory.

(2) The operator shall issue a detained alien proof of cash funds used under paragraph 1

#### § 147

(1) The operator of the facility shall release a detained foreign money and other things that were detained or taken into custody, except for those whose possession is contrary to the laws of the Czech Republic, and money, which during the stay in the facility foreigners paid in cash or used in accordance with § 146th Funds other than in a freely convertible currency hedged foreign issues in full.

(2) The Police upon release from the facility issues the foreigners detained passport, identity document and a document confirming his identity or nationality, if the alien after his release from the device escorted to the border crossing due to administrative deportation or transfer under an international treaty, the police issued him passport, identity document and a document confirming their identity or citizenship until border crossing. There is a danger that the alien passport, identity card or document confirming his identity or nationality destroyed or get rid of him, so as to make it impossible administrative deportation or transfer under an international treaty, the police passport, identity document and a document confirming his identity or nationality of the carrier or authority of the State in whose territory the foreigner under international treaties or back passes.

#### § 148

(1) Supervision of compliance with the provisions of this Title in relation to foreigners detained in a facility conducted by the Ministry. Supervisory authority under special legislation is not affected.

(2) A complaint for violation of the provisions of this chapter gives a stranger Ministry. Ministry handled the complaint within 30 days of its receipt. The manner of disposition of the complaint the complainant must be informed. Against the outcome of the complaint may be submitted to the Minister of Interior to draft its review.

#### § 149

The audit of the performance security by an authority other than the Department must notify the operator and police equipment.

#### § 150

(1) The internal operations to ensure equipment management system of its accounting records and to ensure the rights and legally protected interests of foreigners placed in the device and foreigners staying in this unit leads operational information system 43), which is the administrator. In the operating system information is kept personal data identifying foreigners, including sensitive data, if the processing is necessary for the operator's obligations to protect the health of foreigners and their fundamental rights, and data, the processing is necessary for the performance of the operator tasks related to the duties and permission that has an alien under this Act, and in bringing the internal operation of the equipment, its organization and financing. Operational information system does not use the links to the information systems of public administration information system or to foreigners.

(2) The data recorded under paragraph 1 shall be disposed of immediately after seizure or foreigners in accommodation facilities, except those which are accounting records in accordance with the Accounting Act, information about the name, or names, surname and date of birth for the identification of foreigners accounting records, data on the start and end time of the alien's stay in the device, data on funding composite alien into custody at the facility and the purpose and scope of their use. The data to nezlikvidují immediately after the alien's stay in a facility shall be kept for a period of 5 years beginning with the end of the accounting period to which they relate, or arising after the date of termination of the detention or accommodation of aliens on the device, after which it is destroyed.

#### § 151

repealed by Law No. 428/2005 Coll.

## TITLE XIII

### TRANSIT AND FOREIGNERS undesirables

#### Transit aliens

#### § 152

(1) Transit of foreigners through the territory for the purposes of this Act, means the entry and stay of foreigners and exit from the territory of the police carried out independently of the foreigner, in the case of transit by air route with a stopover at the 20) (hereinafter "the transit of air way ") means the transit of such entry and stay of foreigners in the transit area of an international airport in the territory and departure is from the transit area of an international airport by the police, beyond the control of foreigners.

(2) The Police performs průvoz foreigners across the territory under international treaties or on request of the competent authority of the Member State of the European Union or another State which applies a common procedure 20), in the case of the movement of air.

(3) The police may withhold performance of transit, if grounds exist under an international agreement, or in the case of transit by air if

a), the foreigner is accused of the crime or is wanted for the prison,

b) the transit of other States or admission by the country of destination is not feasible,

c) the transit of foreigners into the country of destination requires a change in the airport,

d) the requested assistance is not a moment for practical reasons, or

e) the alien could threaten national security, seriously disrupt public order, threaten public health or similar interest protected under an international obligation arising from the contract.

(4) The police are entitled to ask for collateral transit the territory of another State under international agreements. If required by foreign air delivery to the destination landing on the territory of another Member State of the European Union or another State which applies a common procedure 20), in the case of transit by air, the police are entitled to request the competent authority to ensure transit stopover on territory.

#### § 153

(1) Police prováděnému foreigners throughout transit restrict personal liberty and freedom of movement. In the case of transit by air, the police will provide oversight stranger for a stopover and, if necessary, escort work performed in connection with the accompanied alien to the transit area of an international airport and restrict personal liberty and freedom of movement of foreigners until his boarding for departure . In the case of transit by air is not accompanied by a foreigner to leave the transit area of an international airport, this does not apply if it is necessary for the reasons set out in paragraph 5 or § 129 paragraph 3

(2) accompanied by police after taking into custody aliens take over his passport.

(3) An alien shall be obliged to submit to a personal examination conducted by the police, which aims to find out if you do not have a weapon or other thing, which is to jeopardize the life or health of the alien or others; personal tour of foreigners performed by a person of the same sex.

(4) provides police Prováženému foreigners diet usually every six hours from the restrictions of his freedom.

(5) If a foreigner guided sick, hurt your health or suicide attempt, the police shall take the necessary measures to protect his life and health, in particular, provide first aid, ensure the provision of health services, including express doctor if health allows complete stranger transit accompanied by foreigners.

(6) The payment of medical services provided by the Ministry prováženému foreigners.

Undesirable

§ 154

(1) An undesirable person is a foreign national who is not allowed to enter the territory on the grounds that this stranger while in the territory could threaten national security, public order, public health or the protection of the rights and freedoms of others or similar interest protected under an obligation to resulting from international agreements.

(2) The Police decide on the designation as undesirable aliens based on their own knowledge requirement of the central administrative office of the Czech Republic, demand intelligence services of the Czech Republic or liability arising from international agreements.

(3) The Police designated as undesirable alien under

a) a final court decision on the sentence of expulsion from the territory, 10)

or

b) The final decision on administrative expulsion.

(4) The Police also identified as undesirable aliens, in which case

a) the costs associated with administrative expulsion carries police or the ministry (§ 123, paragraph 6);

b) costs associated with the voluntary return lies with the Ministry and the stranger did not pay the shipping costs in half of the amount (§ 123a paragraph 2), or

c) the costs associated with travel abroad lies with the Ministry and the alien failed to pay shipping costs (§ 124b).

(5) The person who requests the inclusion of foreigners in the register of undesirable persons under paragraph 1 must maintain proportionality between the reason for this inclusion and the implications of this classification. The police are entitled to require that one requirement in accordance with paragraph 1, demonstrating the adequacy of the preceding sentence, if such has been established adequacy requirement. In demonstrating adequacy is particularly needed to assess the impact of this decision in private and family life of a foreigner.

(6) An alien labeled as an undesirable person is registered in the records of undesirable persons. There is a reasonable danger that the alien designated as undesirable can seriously disturb public order or threaten the security of the Contracting States, the police included in the information system of the Contracting States to the extent provided data directly applicable European Communities regulation 20a), this does not apply in the case of a citizen of the European Union 1b) or national of a Contracting State.

(7) Police foreigners to its inclusion in the register of undesirable persons divulge.

## § 155

(1) Police examine the reasons that led to the inclusion of foreigners in the register of undesirable persons according to § 154, paragraph 2, once a year or whenever, if these findings questioning the reasons and on the basis of this review, the foreigner keeps records or from the records immediately discarded. If he can not itself objectively examine these reasons, asks for their review of the person who applied the requirement of labeling foreigners as undesirable.

(2) an alien from the police records of undesirable persons discarded if the final decision of the court or administrative authority, § 154 (3) executed after waiving the penalty of deportation or amnesty by the president or the invalidation of decision on administrative expulsion of a court or administrative body. Foreigners included in the register of undesirable persons on grounds specified in § 154 paragraph 4 point. a) the police records of undesirable persons excludes payment for additional costs related to administrative expulsion police or the Ministry not later than 6 years after the termination of the detention or the time set for departure. Foreigners included in the register of undesirable persons on grounds specified in § 154 paragraph 4 point. b) or c) the police records of undesirable persons excludes reimbursement for additional transportation costs ministry, but at the latest after 6 years since its inclusion in the register of undesirable persons.

(3) When an alien removal from the register of undesirable persons excludes police information system of the States Parties to the data that had been inserted according to § 154 paragraph 6

## TITLE XIV

### ADMINISTRATIVE OFFENCES

## § 156

### Offences

(1) The alien commits an offense if he

a) enters the conflict with § 3 paragraph 1,

b) contrary to § 4 paragraph 1 avoids border checks carried out on the territory without delay or exceed state border after border checks carried out outside the territory

c) contrary to § 9, paragraph 5 or paragraph 2 § 180h nevycestuje back abroad

- d) comply with the obligation under § 117d paragraph 2,
  - e) as a family member of an EU citizen who is not a citizen of the European Union, to satisfy the obligation under § 87b, paragraph 1,
  - f) does not fulfill the obligation under § 93 paragraph 1 or 2,
  - g) as the legitimate representative of foreigners born in the territory to satisfy the obligation pursuant to § 88 paragraph 2 or 3,
  - h) fails to fulfill the obligation under § 103 point. h), j), m) and n),
  - i) fails to comply with an obligation under § 103 point. b), d), e), r) or in violation of § 103 point. c) enter in proceedings under this Act false or incomplete information
  - j) for residential or border control is shown traveling in a travel document which is invalid because under § 116 point. a), b), c) or d)
  - k) in conflict with § 136 paragraph 3 point. d) leaves the facility without the consent of the police or medical facility inpatient care, in which he was placed on medical grounds during his detention,
  - l) intentionally destroys or damages a document issued under this Act;
  - m) at the border or subsistence control subject is shown the documentary nature as a travel document, although not on such a document,
  - n) carry out or have carried out unauthorized changes to the documents for admission to the territory or in the documents issued under this Act;
  - a) present a travel document issued to aliens or travel document issued by a special legal regulation 21) as proof of your own,
  - p) submit false documents or documents issued to another person required under this Act, or
  - r) does not fulfill the obligation under § 74 paragraph 2 and § 117d paragraph 6
- (2) A natural person as landlord commits an offense if he
- a) fails to fulfill any of the obligations under § 100,
  - b) keep or store house book in conflict with § 101, or
  - c) fails to comply with an obligation under § 102 paragraph 4
- (3) A natural person commits an offense if he
- a) comply with the obligation under § 107, paragraph 1,
  - b) as a person who provides accommodation to an alien fails to fulfill an obligation under § 107, paragraph 2, or
  - c) a person who is committed under § 15, does not fulfill the obligation under § 107 paragraph 4
- (4) For an offense may be fined up
- a) 50 000 CZK, in the case of an offense under paragraph 2,
  - b) 10 000 CZK in the case of a misdemeanor pursuant to paragraph 1. a), b), k), n), o) or r)

c) 5000 CZK in the case of a misdemeanor pursuant to paragraph 1. h), j), l), or p) or paragraph 3,

d) 3 000 CZK in the case of a misdemeanor pursuant to paragraph 1. c) to g), i) or m).

(5) The block procedure can be fined up to 3,000 CZK.

## § 157

### Administrative offenses of legal persons and entrepreneurs

(1) An air carrier commits an administrative offense if it

a) violates the prohibition of transportation of an alien in the territory under § 104, paragraph 1, or

b) whatsoever foreigners abroad in the case referred to in § 104 paragraph 4

(2) A water transport operator or on regular bus routes commits an administrative offense if it violates the prohibition of transportation of an alien in the territory according to § 104 paragraph 2

(3) The carrier referred to in the directly applicable legal act of the European Communities 15a), which lays down the rules governing the provision of border control of persons crossing the borders of the Member States of the European Union, shall commit an administrative offense, contrary to § 104 paragraph 3 does not provide transportation abroad of a foreigner who was denied entry to the territory.

(4) A legal or a natural person as a landlord commits an administrative offense if it

a) fails to fulfill any of the obligations under § 100,

b) keep or store house book in conflict with § 101, or

c) fails to comply with an obligation under § 102 paragraph 4

(5) High School or College commits an administrative offense if it fails to fulfill the obligation under § 107 paragraph 5

(6) A research organization with a stranger entered a hosting agreement commits an administrative offense if it fails to fulfill the obligation under § 107 paragraph 6

(7) An administrative offense shall be imposed

a) od 100 000 Kč do 500 000 Kč za každého cizince, jde-li o správní delikt podle odstavce 1 nebo 2 a cizinec byl dopraven z území státu, který není smluvním státem, anebo jde-li o správní delikt podle odstavce 3,

b) do 50 000 Kč, jde-li o správní delikt podle odstavce 4, 5 nebo 6.

(8) The administrative offense under paragraph 4 shall be dealt with in a fine block management in 5000 CZK.

(9) The block procedure shall apply mutatis mutandis to a special legal regulation governing the control block for an offense.

## § 157a

### Common provisions on administrative offenses

(1) A legal entity for an administrative delict if it proves that it made every effort that could be required to breach of legal obligation.

(2) In determining the amount of the fine legal person, the seriousness of the administrative offense, particularly the manner of its commission and its consequences and the circumstances under which it was committed.

(3) Liability of a legal person for an administrative offense if the administrative authority did not commence proceedings within 1 year, when it learned about it, but not later than 3 years after the date on which it was committed.

(4) The liability for conduct that occurred in entrepreneurial individuals 21a) or in direct connection with, the provisions of the law on liability and sanctions for legal persons.

(5) Administrative offenses under this Act in the first instance handled by the police referred to in § 161, paragraph 1, or the ministry. If an administrative offense committed breach of obligations, compliance with which is subject to police surveillance, police examine a body, it is an administrative offense committed breach of obligations, compliance with which is subject to the supervision of the Ministry, the Ministry will discuss it. If a discussion of the administrative offense more relevant administrative bodies be dealt one of them, who first initiate administrative proceedings, or a finding of infringement.

## TITLE XV

### INFORMATION SYSTEMS

## § 158

(1) Police in the performance of responsibilities under this Act operates the information system of foreigners, which is the administrator and which contains the name or names, surnames, including former names and surnames, date, month and year of birth, gender and nationality of the foreigner's identification number or other identification information communicated by a foreigner, the record, such as a photo, a stranger, and his fingerprints. Further, the information system for foreigners foreigners lead

a) data in the range

1) Visa application (§ 54), a residence permit (§ 42 para 5), a permanent residence permit (§ 70 para 1)

2) The application for a certificate of temporary residence, residence card to family members of EU nationals, certificate of residence permit of an EU citizen or certificate of permanent residence (§ 87x),

3) The application for an alien's passport, travel identity card and passport pursuant to § 108, paragraph 1, point. f) (§ 111 para 1)

4) departure order (§ 50 paragraph 6), borderline dispatch (§ 14), the invitation form (§ 180 paragraph 2) and registration form (§ 97),

b) data on

1) The day, month and year of issue or document under this Act, the number, type and validity period,

2) The day, month and year validation invitation or denial,

3) The day, month and year of the coming into force of the decision to reject an application for the issue of a document under this Act and the reason for refusal

4) The day, month and year of publication departure order, its number and the period of its validity,

5) cancellation, termination or expiration of visa or document issued under this Act, including the introduction of its type and number, and reason for cancellation, termination or expiration,

6) hour, day, month, year and place of crossing state borders and refusal of entry or exit denial,

7) due to inclusion in the register of undesirable persons, stating the duration of restrictions on entry to the territory

8) due to the admission of the territory under § 122, paragraph 1 or 2,

9) The inclusion in the information system of the Contracting States other Contracting State, indicating the duration of restrictions on entry to the territory of the Contracting States and the authority of another State which foreigners in the system,

10) The day, month and year when the decision on administrative or judicial expulsion, and when this decision becomes final, and the reason for his release,

11) The day, month and year when crossing the state border and transit through the territory of the authority of the movement requested, and the authority which enabled the design of transit,

12) The day, month and year when the decision on an administrative offense under this Act, marking an administrative offense under statutory provisions, the facts of the case by verdict of the decision, the outcome and the data relating to the collection and enforcement of fines imposed,

13) the type, number, and duration of lost or stolen documents and the date of reporting the loss or theft of the document

14) The prohibition of residence 46), place of residence and ban its duration,

15) zaměstnavateli, pracovním zařazení a místě výkonu práce držitele zaměstnanecké karty nebo modré karty,

c) data

1) identifying the body, which ruled in the case, which leads to data under subparagraph b),

2) identifying the file kept to a stranger and based on things that lead to the data referred to in point b)

3) relating to the course of proceedings, which shall be conducted in accordance with the data point b), and enforcement under this Act;

d) information on the

1) The legal capacity constraints,

2) marital status, date and place of marriage, date of entry into force of the court decision on annulment of marriage, date of entry into force of a court decision on the absence of marriage, the date of dissolution of marriage by death of one spouse or the date of entry into force of a court ruling declaring one of the spouses deceased, and the date, which was in a final court decision on the declaration of death as the date of death, or as a day that her husband declared dead survivors, or the date of entry into force of a court decision on divorce,

3) the date and place of partnership, the date of entry into force of a court decision on the invalidity or lack of partnership, partnership sunset date of the death of one partner, or date of entry into force of the court decision on the statement of one of the partners deceased, and the date, which was in a final court decision on declaration of death as the date of death, or as a day that partner declared dead survivors, or the date of entry into force of the court's decision to cancel the partnership,

4) the date on which he was a court decision declared missing as the date on which the effects nezvěstnosti statement, and the date of coming into force of a court ruling declaring missing,

5) the date, place and district of death, in the case of the death outside the territory of the State in which the death occurred, or the date of death,

6) the date on which the judicial decision on the declaration of death as the date of death, or as a day that stranger declared dead survivors,

in the case of foreigners with permanent residence in the territory, with temporary residence permit in the territory for more than 90 days, a European Union citizen, who intends to stay temporarily in the territory for more than three months, and foreigners who have been granted international protection or temporary protection under a special legal regulation 2)

e) information on the

1) The degree of adoption,

2) The original and a new name, or names and surname of the adoptee,

3) The original and the new birth certificate number of the adoptee,

4) date and place of birth,

5) Birth Numbers adopters, if the adoptive parents was not an ID number, details of the name, or names, surname and date of birth of the adoptive parent,

6) Birth Numbers father and mother, if they have not been assigned, the data on their name or names, surname and date of birth, these data do not, if it is a female adoptee born with permanent residence in the territory, which bore him and wrote to Confidential treatment of the person in connection with childbirth,

7 ) the date when the decision on adoption or the decision to cancel the acquisition ,

in the case of foreigners with permanent residence in the territory, with temporary residence permit in the territory for more than 90 days, a European Union citizen, who intends to stay temporarily in the territory for more than three months, and foreigners who have been granted international protection or temporary protection under a special legal regulation 2)

f) details of the name, or names and surname

1) A child of a foreigner who is a dependent child of an alien

2) minor alien who was an alien authorized to stay in the husband or his decision by the authority vested in foster care, or who was a foreigner with permission to stay in the territory, adopted or the spouse or the guardian or the guardian's spouse is a foreigner

3) lone stranger 65 years or older, regardless of age of a foreigner who is not of themselves for health reasons alone take care of, in the case of family reunification with a parent or a child with permission to stay in the country

4) an alien who is a dependent direct relatives in the ascending or descending line or such relatives spouse of a citizen of the European Union,

5) The parents of a minor alien who has been granted international protection or temporary protection under a special legal regulation 2), and his social security number, if it is a foreigner who has been issued with an ID number, name, or names, surname and date of birth

g) a statement that the stranger is recorded in Appendix permanent list of voters for elections to municipal councils, or a notation that the alien is in the list of voters for the elections to the European Parliament,

h) biometric data processed in the data carrier card for a residence permit,

i) for data entry.

(2) The information system of foreign nationals under paragraph 1 shall also contain information on aliens who have been granted international protection or temporary protection under a special legal regulation 2), and the extent of data referred to in paragraph 9; these data into the information system foreign ministry.

(3) At the request of foreigner may be in the information system of foreign nationals under paragraph 1 lead indication of the address to which it should be served under this Act or a special regulation. The address of the first sentence, its amendment or revocation, the alien may notify the police or the Ministry.

(4) The Police exercising the powers under this Act also operates information systems containing data on

a) the date, month and year when the decision on an administrative offense under this Act, the offender is a legal person or a natural person, the designation of the administrative offense under statutory provisions, the facts of the case mentioned in the statement of decision and information relating to the collection and recovery of stored fines

b) inviting the person to the extent invitation form (§ 180 paragraph 2), name, surname, date, month and year of birth and nationality of the foreigners called on the factors that were the reason for denial and verify invitation breach accepted the invitation, and details of the authority, which in the case acted

c) the number and type of document, which has been issuing State declared void, including the reason for invalidity.

(5) The police are authorized to another system, if its operation is a necessary condition for the task under this Act. In this information system can be contained only data obtained in this task.

(6) The data held in information systems in accordance with paragraphs 4 and 5 may be contained in the information system of foreign nationals under paragraph 1 if they relate to an alien who is in this information system registered.

(7) The data from the information system maintained under this Act may associate with the information contained in another information system maintained by a special legal regulation, if it is necessary for the task imposed by law.

(8) The Ministry may within its competence under this Act inserted into the information system of foreign nationals under paragraph 1 and paragraph 4 point. c) data obtained in the performance of tasks and data from the Ministry of Information Systems in accordance with paragraphs 1, 4 and 5 use for their activities.

(9) The information system of aliens referred to in paragraph 1 shall provide the following information:

a) the name or names, surname, maiden name,

b) date of birth,

c) sex,

d) place and state where the alien was born in the case that he was born in the territory, place and district of birth,

e) identification number,

f) citizenship or nationality,

g) the type and address of the place of residence or address to which the documents are to be delivered by other legislation

h) number and validity of a residence permit,

i) start of residence, or date of their stay in the territory

j) the restriction of legal capacity ,

k) administrative or judicial expulsion and the time during which no foreigners allowed to enter the territory,

l) inclusion in the state integration program in the case of foreigners who have been granted international protection,

m), marital status, date and place of marriage, date of entry into force of the court decision on annulment of marriage, date of entry into force of a court decision on the absence of marriage, the date of dissolution of marriage by death of one spouse or the date of entry into force of a court ruling declaring one of the spouses and the day of death, which was in a final court decision on the declaration of death as the date of death, or as a day that her husband declared dead survivors, or the date of entry into force of a court decision on divorce,

n) the date and place of the partnership, the date of entry into force of a court decision on the invalidity or lack of partnership, the date of termination of the partnership by death of one partner, or date of entry into force of the court decision on the statement of one of the partners for the dead and the day, which was a final court decision on declaration of death as the date of death, or as a day that partner declared dead survivors, or the date of entry into force of the court's decision to cancel the partnership,

a) the name or names, surname, nationality, or the nationality of the spouse or partner and his home number, if the spouse or partner of a foreigner who does not have an ID number, name, or names, surname and date of birth

p) the name or names, surname, nationality, or the nationality of the child if a stranger, and his social security number, in the event that child was not personal identification number has been assigned, the name or names, surname and date of birth,

q) the name or names, surname, nationality, or the nationality of the father, mother or other legal guardian if they are foreigners, and their social security number, in case one of the parents or other legal representative does not have an ID number, name or names, surname and date of birth

r) the adoptee , if the alien:

1) the degree of adoption,

2) original and new name , surname of the adoptee ,

3) original and new social security number of the adoptee ,

4) the date and place of birth, citizenship or nationality,

5) Social Security numbers of adopters, if the adoptive parents was not an ID number, details of the name, or names, surname and date of birth of the adoptive parent,

6 ) Social Security numbers of father and mother , if they have not been assigned, the data on their name or names , surname and date of birth , these data do not , if it is a female adoptee born with permanent residence in the territory , which bore him and wrote to Confidential treatment of the person in connection with childbirth ,

7 ) the date when the decision on adoption or the decision to cancel the acquisition ,

s) a day , which was a court decision declared missing as the date on which the effects nezvěstnosti statement , and the date of coming into force of a court ruling declaring missing,

t ) the date , place and district of death in the case of death outside , a state in which the death occurred or the date of death ,

u) the day which was a court decision declaring the death as the date of death , or as a day that stranger declared dead survivors,

v) the name or names and surname

1) A child of a foreigner who is a dependent child of an alien

2) minor alien who was an alien authorized to stay in the husband or his decision by the authority vested in foster care, or who was a foreigner with permission to stay in the territory, adopted or the spouse or the guardian or the guardian's spouse is a foreigner

3) lone stranger 65 years or older, regardless of age of a foreigner who is not of themselves for health reasons alone take care of, in the case of family reunification with a parent or a child with permission to stay in the country

4) an alien who is a dependent direct relatives in the ascending or descending line or such relatives spouse of a citizen of the European Union,

5) The parents of a minor alien who has been granted international protection or temporary protection under a special legal regulation 2), and his social security number, if it is a foreigner who has been issued with an ID number, name, or names, surname and date of birth

w ) that the alien is listed in the Appendix of the permanent list of voters for elections to municipal councils , or that the alien is registered in the list of voters for the elections to the European Parliament ,

x ) the prohibition of residence 46 ) , place of residence , and the prohibition of its duration ,

y) o zaměstnavateli, pracovním zařazení a místě výkonu práce držitele zaměstnanecké karty nebo modré karty,

(10) The information system of foreigners on the data referred to in paragraph 9 of the process and lead as well as their changes, including data on which these changes occur, they are known to the police.

(11) The provision of data from the information system of foreigners is a record of the date and time of dispensing data and provided to the extent of specifying the designation of a public authority, which was granted.

(12) The information system foreign to foreign third parties or authorities of foreign states in paragraph 9 does not provide data on foreigners who have been granted international protection.

(13) In cases where they were referred to in paragraph 9 on the basis of a special legal regulation data for the purpose of providing

a) national security,

b) defense,

c) the public order and internal security,

d) the prevention, investigation, detection and prosecution of criminal offenses,

e) an important economic or financial interest of the Czech Republic or the European Union, including monetary, budgetary and taxation matters, or

f) the protection of data

and the entity to which they were supplied, declares in writing that the record for data not for the duration of the facts referred to in points a) to f) access, you can do so exclusively for the fulfillment of tasks of law enforcement, if it is a criminal offense related to the purpose of providing information or executing authority supervision of the processing of personal data under different legislation. The police have a record of this approach to provide information only to the extent strictly necessary for the purposes of operating the controller under a special legal regulation.

(14) The body, which should be indicated in accordance with paragraph 13, it is required to notify the police data allowing identification of the subject and the identification of individuals for which the information on its behalf and notify when the period ended security purposes referred to in paragraph 13, for which have been supplied. Statement under paragraph 13 and the notification under the first sentence may be sent by electronic means.

(15) Entities which are under special legislation provided personal information in accordance with paragraph 9,

a) are not entitled to their collection, transfer and use outside the scope stipulated by special legislation and

b) they are bound to protect the data against accidental or unauthorized access or processing.

(16) The police used the information kept in other information systems of public administration for the purposes of determining the accuracy of data held in the information system of foreigners.

(17) gives the police information system of aliens referred to in paragraph 1 to the Ministry for the management information system data mailbox data to the extent

a) the name or names, surname, their change, maiden name,

b) date of birth,

c) the place and State in whose territory he was born,

d) personal identification number, if assigned, and its changes,

e) citizenship,

f) the address of the place of residence in the territory

g) the restriction of legal capacity ,

h) date of death,

i) the date which was in the court for a declaration of death as the date of death.

(18) the name or names and surname of foreigners in paragraphs 1, 9 and 17 shall be the name or names and surname of the Latin alphabet listed in the passport and the name, or names and surnames listed in the registry book.

#### § 158a

(1) The Ministry of Foreign Affairs in exercising the powers under this Act operates an information system that contains information about the name, or names, surname and any former names and

surnames, day, month and year of birth, sex and nationality, the record, such as a photo, stranger, his fingerprints, personal identification number, or other identification data communicated by a foreigner, and other data

a) the extent of the visa application (§ 54), a residence permit (§ 42 para 5), to issue a certificate of temporary residence or residence card to family members of EU nationals (§ 87x), a travel proof of identity (§ 111 paragraph 1), the request for issuing an emergency travel document of the European Union (§ 115a),

b) on the outcome of an application made under this Act, and the number, type, date of issue, period of validity of a visa or document and labeling authority which issued the document or visa, in case of refusal of referral Date, reason and designation of the competent authority in the matter decided

c) to grant a departure order, and passport number, departure order number, date of issue, period of validity and the authority making the exit order granted

d) the cancellation or expiration of visa or document issued under this Act, and the type, number or visa document, reason, and the authority making the decision in the matter,

e) identifying the file kept to a stranger and based in the matter referred to in subparagraphs a) to d) and other information relating to the proceedings referred to in subparagraphs a) to d).

(2) The Ministry of exercising the powers under this Act operates an information system on foreigners applying for the issue of a residence permit for the purpose of protection. This information system contains

a) data in the range of application for a residence permit (§ 42, paragraph 5),

b) the reason specified in the certificate issued by authority of law enforcement, including information about the institution

c) personal identification number or other identification data communicated foreigner

d) an indication of the outcome of the application, the number and type of document, date, month and year of issue and the period of validity of the document

e) the date, month and year when the decision to reject the application and the reason for the refusal,

f) the day, month and year of the mission statement, its number, expiration date and details of the authority that exit order issued

g) information identifying the file kept to a stranger and based in the matter referred to in points a) to f), and other information relating to the proceedings referred to in points a) to f).

(3) The Ministry of exercising the powers under this Act also operates an information system on foreigners applying for passport issuance of an alien under § 113, paragraph 1 and 2 This information system contains data in the range of application for the alien's passport, including biometric data.

(4) Ministry exercising the powers under this Act, for purposes of the issue of a residence permit and protocol processing pursuant to § 117a paragraph 4, the operational information system on foreigners applying for a permit for a long-term or permanent residence, extension of residence

permit , extension of validity of a residence permit issued by foreigners with permanent residence permits, issue of a residence permit card replacement for lost, destroyed, stolen or damaged card or a substitute for a residence permit, the carrier with biometric data is not working, and stranger to the extent filed application. Manager operational information system in the first sentence is the ministry. In the operating system information is also kept biometric data, which were acquired for the purpose of issue of a residence permit, and digital signature processing stranger.

(5) Data kept in the information system in accordance with paragraph 4, after taking over the license for foreigner residence destroyed, with the exception of biometric data, which are transmitted to the Ministry of Information System foreigners.

(6) If the alien fails to permit to stay, the data collected on this foreigners working in the information system in accordance with paragraph 4, including biometric data, shall be disposed of after 60 days from the date of delivery of the certificate produced by the Ministry of residence.

(7) The Ministry of Foreign Affairs and the Ministry shall be authorized to the extent necessary for the performance of duties under this Act, to use data conducted under paragraph 1

(8) Ministerstvo práce a sociálních věcí poskytuje ministerstvu a Ministerstvu zahraničních věcí pro účely plnění jejich úkolů souvisejících s vydáváním, rušením a zánikem zaměstnanecké karty nebo modré karty údaje z centrální evidence volných pracovních míst obsaditelných držiteli zaměstnanecké karty a modré karty způsobem umožňujícím dálkový přístup v rozsahu

a) identifikační údaje zaměstnavatele, u něhož je evidováno volné pracovní místo obsaditelné držiteli zaměstnanecké karty nebmodré karty; poskytovanými identifikačními údaji jsou u

1) a natural person, the name or names, surname, maiden name, citizenship, social security number or date of birth, unless identification number assigned residence of a person

2) a legal entity or company name, address, identification number,

3) a natural person who is an entrepreneur, business or company name, or names, surname, identity number, place of business, identification number, if assigned;

4) foreign persons information referred to in 2 or 3 and an organizational unit in the Czech Republic

b) the type of work and place of work,

c) the assumptions and requirements for holding a job,

d) information on the working and wage conditions,

e) informace o tom, zda volné pracovní místo obsaditelné držiteli zaměstnanecké karty nebmodré karty je vyhrazené nebo vhodné pro osobu se zdravotním postižením,

f) information on whether the terms of employment on a permanent or temporary, and its expected duration.

(9) The information provided under paragraph 8 can be used in a particular case, only data that is necessary to fulfill the task by the Ministry or the Ministry of Foreign Affairs.

(1) The register office announces the police in order to operate the information system data on foreigners registry registry events and facts of foreigners, which writes to the registry books.

(2) The registration authority granted under paragraph 1 of the Aliens data to the extent

a) the name or names, surname, maiden name,

b) date of birth,

c) sex,

d) the place and district, or country of birth,

e) identification number,

f) citizenship or multiple citizenships,

g) marital status, date and place of marriage, date of entry into force of the court decision on annulment of marriage, date of entry into force of a court decision on the absence of marriage, the date of dissolution of marriage by death of one spouse or the date of entry into force of a court ruling declaring one of the spouses and the day of death, which was in a final court decision on the declaration of death as the date of death, or as a day that her husband declared dead survivors, or the date of entry into force of a court decision on divorce,

h) date and place of the partnership, the date of entry into force of a court decision on the invalidity or lack of partnership, partnership termination date of the death of one partner, or date of entry into force of the court decision on the statement of one of the partners for the dead and the day, which was a final court decision on declaration of death as the date of death, or as a day that partner declared dead survivors, or the date of entry into force of the court's decision to cancel the partnership,

i) the name or names and surname, citizenship or multiple citizenships spouse or partner and his home number, if the spouse or partner of a foreigner who does not have an ID number, name, or names, surname and date of birth

j) the name or names and surname, citizenship or multiple citizenships child if a stranger, and his social security number, if the child has not been assigned a personal identification number, name, or names, surname and date of birth

k) the name or names, surname, nationality, or multiple citizenships father, mother or other legal guardian if they are foreigners, and their social security number, in case one of the parents or other legal representative does not have an ID number, name or names, surname and date of birth

l) the adoptee , if the foreigner

1) the degree of adoption,

2) original and new name , surname of the adoptee ,

3) original and new social security number of the adoptee ,

4) the date and place of birth, citizenship or multiple citizenships,

5) Social Security numbers of adopters, if the adoptive parents was not an ID number, details of the name, or names, surname and date of birth of the adoptive parent,

6 ) Social Security numbers of father and mother , if they have not been assigned, the data on their name or names , surname and date of birth; these data will not be notified if the adoptee is a woman born with permanent residence in the territory , which bore him and wrote to Confidential treatment of the person in connection with childbirth ,

7 ) the date when the decision on adoption or the decision to cancel the acquisition ,

m) The date, place and district of death, the day was a judicial decision on the declaration of death as the date of death, or as a day that stranger declared dead survived.

( 3 ) The data provided pursuant to paragraph 2 . a ) i) k) l) points 2, 5 and 6 shall be the name or names and surnames listed in the registry document and the name, or names, surname and given the Latin alphabet in the travel document of an alien if the registry office submitted .

#### § 158cm

Municipal Office announces the police information on registration Appendix foreigners to permanent list of voters for elections to municipal councils, the indication of removing foreigners from Appendix permanent list of voters for elections to municipal councils, information on registration foreigner in the electoral roll for the election to the European Parliament and indicate the deletion foreigners from the voters' list for elections to the European Parliament.

#### § 159

(1) The applicant may, unless otherwise stated, the information system to provide only the information it needs to perform the tasks required by law to the extent surname, first name, maiden name, date and place of birth, citizenship, social security number, place and type of residence the territory. This range can be extended if it is subject to the duties required by law and can not be obtained any other way. Thus, the data do not allow for the collection, transmission and utilization beyond the assigned authorities pursuant to special legislation.

(2) An alien may request pursuant to a special legal regulation 23) communicate the information to the extent specified in paragraph 1

(3) Data from the information systems conducted pursuant to § 158 and § 158a paragraph 1 shall be public authorities if they need to perform their duties, unless this Act provides otherwise. Intelligence services and the General Inspectorate of Security Forces may, when carrying out tasks under special regulations 46) use the data held in information systems under the first sentence, including personal data, in a manner allowing for continuous and remote access.

(4) The Police shall transmit the data from the information systems conducted pursuant to § 158 in the range stipulated by the agreement negotiated by the European Communities to the competent authorities of the State which is not a Member State of the European Union, if this agreement Czech Republic. Police also transmit data from information systems conducted under § 158 embassy state of which the foreign citizen, to the extent necessary to issue an emergency travel document.

(5) The Ministry of Foreign Affairs shall transmit the data from the information systems conducted pursuant to § 158a paragraph 1 to the extent specified in the contract negotiated by the European Communities to the competent authorities of the State which is not a Member State of the European Union, if this agreement Czech Republic.

(6) The Ministry shall forward details of an alien who has been issued a residence permit resident of another EU Member State, the competent authority of the European Union, which admitted the legal status of foreigners resident in another Member State of the European Union or his authorized residence for the purpose of family reunification; Ministry shall inform the institution of revocation of the residence permit on the territory or to expel a resident of another Member State of the European Union, including the details of his departure from the territory.

(7) The Ministry shall forward details of an alien who has been granted resident status on the territory 7c), the competent authority of another Member State of the European Union, which earlier this stranger admitted resident status on the territory of another Member State.

(8) The Ministry shall forward details of an alien who was, according to § 85 paragraph 1 point. b) invalidated the decision to grant legal status of resident in the territory 7c), the competent authority of another Member State of the European Union, which decided to close the temporary stay in the territory of a resident in its territory due to a serious breach of public order.

(9) The Ministry shall immediately forward to the police details of the name and surname, date, month and year of birth and nationality of foreigners who have been rejected application for a residence permit for the purpose of protection or has been canceled this authorization, and data on day, month and year when the decision becomes final and the duration of the mission statement. Police Department shall also transmit the data required under § 182b.

(10) The police or the Department upon request, provide the owner or person authorized to use the specified object or part of the object name, or names, surname, date of birth and nationality of foreigners, which leads to the indication of the place of residence of the appropriate address it rightfully owned or used objektu or its part.

(11) The Ministry shall transmit to the competent authority of another Member State of the European Union the data about the holder blue card issued by a Member State of the European Union, the territory applied for a blue card. The competent authority of another Member State of the European Union, the Ministry will pass information to issue a blue card or rejecting the request.

## § 160

(1) The data in information systems pursuant to § 158 and 158a may be kept in written form, the technical data carriers or by way of combining such forms and in the same form and transmitted, with the exception of biometrics, which are always processed electronically. Information kept in the information system of foreign nationals under § 158, paragraph 1 of the Aliens conducted with permanent residence in the territory, with temporary residence permit in the territory for more than 90 days, the citizens of the European Union, who intend to stay temporarily in the territory for more than 3 months, and aliens who have been granted international protection or temporary protection under a special legal regulation 2) to the extent provided in § 158 paragraph 9 shall be retained in the technical data carriers.

(2) Data recorded technical data medium shall be maintained for

a) 20 years from the termination of residence in the territory, in the case of temporary or permanent residence, or the date of acquisition of citizenship of the Czech Republic,

b) 15 years from the expiry of the alien's passport pursuant to § 113, paragraph 1 and 2, with the exception of fingerprints and other data provided by the Ministry of aliens applying for this passport issue to be retained for a period of 60 days from the date of delivery produced alien passport Ministry ,

c) 10 years from the expiry of the period for which the alien was placed in the records of undesirable persons,

d) 10 years from the registration of fact, in the case of information relating to the loss or theft of travel documents listed in § 108 and the travel documents listed in § 108 paragraph 1 point. a), b), c), g) and h) that the authorities of the issuing State declared invalid,

e) 5 years from the expiry of the alien's passport pursuant to § 113, paragraph 3, travel identity card or passport pursuant to § 108, paragraph 1, point. f), or

f) 5 years since the establishment of the facts subject to registration in other cases.

(3) Data recorded in written form shall be maintained for

a) 10 years from the termination of residence in the territory, in the case of temporary or permanent residence, or the date of acquisition of citizenship of the Czech Republic,

b) 5 years from the expiry of the period for which the alien has been placed in the records of undesirable persons,

c) 5 let od uplynutí doby platnosti cizineckého pasu, cestovního průkazu totožnosti nebo cestovního dokladu podle § 108 odst. 1 písm. f),

d) 3 roky následující po roce, během něhož došlo ke vzniku skutečnosti podléhající evidování v případě údajů uchovávaných na zastupitelském úřadu s výjimkou spisové dokumentace žádostí o krátkodobá víza, kdy bylo zastupitelským úřadem rozhodnuto o neudělení krátkodobého víza, jeho prohlášení za neplatné nebo zrušení jeho platnosti, nebo

e) 5 let od vzniku skutečnosti podléhající evidování v ostatních případech.

(4) When the registration information to strangers pooled data according to § 158, paragraph 7, the complete information retention time identical with the longest established for one of the parts associated information.

(5) retention time information recorded in the information systems pursuant to § 158, paragraph 4 and 5 shall not exceed 30 years.

(6) at the end of the period provided for in paragraphs 2, 3, 4, or 5, destroy data, unless special legislation provides otherwise. 24)

(7) Biometric data maintained in the information system of foreigners, which were acquired in connection with the issuance of a license for a residence permit, shall be disposed of 60 days after termination or revocation of a license for a residence permit in connection with the release of these data were taken.

§ 160a

Access to the information system of the Contracting States

In accordance with the directly applicable European Communities regulation 20a) and international agreements on abolition of checks at their common borders 5a) have access to the details contained in the information system of the Contracting States

a) Ministry

b) Directorate of Alien Police Service and its field offices,

c) Department of Foreign Police Regional Police Directorate (hereinafter "Department of Foreign Police"),

d) The Ministry of Foreign Affairs,

e) embassy.

TITLE XVI

POLICE POWERS

A MINISTRY OF FOREIGN AFFAIRS

A POLICE AUTHORITY

§ 161

State administration exercised by the police and local jurisdiction

(1) The jurisdiction of directors under this Act shall be executed within the police

a) Directorate of Alien Police Service and its field offices,

b) foreign police departments.

(2) The local jurisdiction of the administrative authority under paragraph 1 shall be determined according to the place where the alien has registered residence in the case of an alien who does not have to report the stay, the place where predominantly resides.

§ 161a

The Police Department shall immediately forward the information obtained in the performance of duties under this Act, if they concern foreigners, which permission to reside in the territory, the Ministry, and may be grounds for initiating proceedings to terminate this authorization.

§ 162

repealed by Law No. 140/2001 Coll.

§ 163

Directorate of Alien Police

(1) Directorate of Alien Police

a) ensures the fulfillment of tasks resulting from a directly applicable regulation of the European Communities or obligations arising from international agreements

b) decide on the inclusion of foreigners in the information system of the Contracting States and its removal from the system,

c) information systems pursuant to § 158 in its scope,

d) methodically manages and supervises the activities of foreign police departments,

e) decide on the designation of the person as undesirable, its inclusion in the register of undesirable persons and exclusion of this evidence,

f) in an administrative

1) exercises the powers of a superior administrative body in relation to foreign police departments (§ 164),

2) decide on the request for invalidation of decision on administrative expulsion or revocation of such a decision in accordance with § 119a paragraph 5 and 6,

3) requires binding opinion 9b) of the Ministry of whether departure is possible,

4) decide on the foreigner's application for release of the device according to § 129a ,

g) submit an application for a permit transit by air to the competent authority of a Member State of the European Union or another State which applies common procedure 20), in the case of transit by air, the requests for transit operations by air,

h) perform escort activities in connection with the expulsion of foreigners or in connection with the admission of aliens police or transit through the territory by air,

i) provide for the travel and transportation documents (tickets, travel tickets, etc.) and gives an exit order for foreigners expelled from the territory or detained pursuant to § 124b,

j) requires a copy or extract from the Criminal Records 24a) and request a copy or extract from the Criminal Register shall be transmitted in electronic form, in a manner allowing remote access,

k) captures video recordings and captures fingerprints when applying for a visa in verifying the identity of the visa holder, in relation to the declaration visa annulment proceedings for expulsion, administrative expulsion, providing foreigners for the purpose of administrative expulsion, identifying identity, fulfillment of obligations arising from international agreements or a directly

applicable regulation of the European Communities or in connection with the provision of temporary protection;

l) carry out border control,

m) decides to grant a short-term visa at the border crossing,

n) decide to refuse entry to foreigners and the abolition of the visa,

a) in connection with the decision to refuse entry to foreigners performs the necessary steps to ensure that the alien promptly traveled back abroad

p) decide to refuse leave the territory,

q) performs residence check

r) conducts detention passport pursuant to § 117, paragraph 1, or document that has expired pursuant to § 86, 87z and 87aa,

s) decide on offenses and administrative offenses under this Act,

t) decides to grant a visa or entry into the territory under § 122,

u) carried out in accordance with the Czech Republic's obligations arising out of international agreements on the abolition of checks at their common borders consultation for a visa

v) consider whether a public document pursuant to § 108, paragraph 1, point. b) satisfies the conditions of § 108, paragraph 2,

w) verifies that the alien did not circumvent the law in order to obtain a residence permit,

x) decide on administrative expulsion, the obligation to leave the territory (§ 50a), imposing special measures to departure (§ 123b) and the return of financial security or the confiscation of State (§ 123c)

y) issue a certificate of detention passport pursuant to § 117,

z) instruct carriers to arrange transportation to foreigners abroad under § 104 paragraph 3 and 4, if the carrier this obligation within the deadline is not met will arrange for foreigners through another carrier and pay the associated costs.

(2) Directorate of Alien Police further

a) decide on detention of a foreigner for the purpose of administrative expulsion collateral under § 124b, or for the fulfillment of obligations arising from international agreements

b) decide on the location of an alien into the device

c) rozhoduje o úhradě nákladů spojených se správním vyhoštěním zajištěného cizince, je-li cizinec zajištěn podle zvláštního právního předpisu 42),

d) provides transportation and guarding of foreigners who have been refused entry if his medical condition requiring immediate transportation to medical service providers, and from there back to the checkpoint,

e) the device provides external security of the moderate regime, in the strict regime provides external and internal security,

f) performs escort foreigners between devices; provides transport and surveillance of foreigners detained in facilities for medical treatment to providers of health services, to carry out consular visits, to perform acts in criminal proceedings, to perform other tasks related to security or to the court and Back.

(3) Alien Police Inspectorate at the international airport is competent to perform the tasks pursuant to paragraph 1. a), c), f) 3, h), k) to s), u), v), x) to z), and pursuant to paragraph 2. a) and b). Decides on the granting of an exit order, the extension of the airport transit visa for a travel identity card, the end of a temporary stay in the territory for which the visa is not required, and their stay in the transit area of an international airport.

## § 164

### Alien Police Department

#### (1) Department of Foreign Police

a) ensures the fulfillment of tasks resulting from a directly applicable regulation of the European Communities or obligations arising from international agreements

b) information systems pursuant to § 158, paragraph 1, within its scope,

c) carry out residence check

d) require a copy or extract from the Criminal Records 24a) and request a copy or extract from the Criminal Register shall be transmitted in electronic form, in a manner allowing remote access,

e) decide the extent to which the issue and withdrawal of travel identity card,

f) decide to extend the period of stay and short-stay visa, the end of a temporary stay in the territory for which the visa is not required, and gives exit order

g) decide to terminate a short-term visa

h) decide on their scope of offenses and administrative offenses under this Act,

i) decide on the expulsion of aliens, imposing an obligation to leave the territory (§ 50a), imposing special measures to be expelled (§ 123b) and returning financial guarantee or the forfeiture of state (§ 123c),

j) decide on an additional confirmation of the date and place of entry into foreign territory (§ 180d)

k) rozhoduje o hrazení nákladů spojených s pobytem zajištěného cizince na území a jeho vycestováním z území, je-li cizinec zajištěn podle zvláštního právního předpisu 42),

l) conducts detention passport pursuant to § 117, paragraph 1,

m) verifies the invitation,

n) fulfills the reporting authority to the extent specified in this Act,

o) performs escort activities in connection with the expulsion of foreigners or in connection with the admission of aliens police or transit through the territory by air,

p) captures video recordings and captures fingerprints when applying for a visa in verifying the identity of the visa holder, in relation to the declaration visa annulment proceedings for expulsion, administrative expulsion, providing foreigners for the purpose of administrative expulsion, identifying identity, fulfillment of obligations arising from international agreements or a directly applicable regulation of the European Communities or in connection with the provision of temporary protection;

q) requires binding opinion 9b) of the Ministry of whether departure is possible,

r) shall issue a certificate of detention passport pursuant to § 117,

s) verifies the certificate in accordance with § 92 point. a)

t), verifies that the alien did not circumvent the law in order to obtain a residence permit,

u) provides transportation and guarding of foreigners who have been refused entry if his medical condition requiring immediate transportation to medical service providers, and from there back to the checkpoint,

v) decide on the detention of a foreigner for the purpose of administrative expulsion collateral under § 124b, or for the fulfillment of obligations arising from international agreements

w) decide on the location of an alien into the device

x) performs escort foreigners between devices; carries and guarding foreigners detained in facilities for medical treatment to providers of health services, to carry out consular visits, to perform acts in criminal proceedings, to perform other tasks related to security or to the court and back

y) evaluates whether a public document pursuant to § 108, paragraph 1, point. b) satisfies the conditions of § 108 paragraph 2

(2) Foreign Police Department, at the time of the decision to ensure the protection of internal borders under special legislation 3b), further

a) implementation of border control,

b) decide on the granting of short-term visa at the border crossing,

c) decide on refusing entry to foreigners on the territory or to cancel the visa,

d) in connection with the decision to refuse entry to foreigners performs the necessary steps to ensure that the alien promptly traveled back abroad

e) decide to refuse leaving the territory.

§ 165

Responsibilities of the Ministry

Ministry in matters within the scope of entry and residence of foreigners in the territory and their departure from the territory

a) exercise supervision over the police in the performance of the state administration,

- b) carry out the responsibilities of the higher administrative authority to the Directorate of Alien Police
- c) decide on a long-term residence permit for the purpose of protection and permanent residence permits,
- d) establishes and operates the facility,
- e) rozhoduje o hrazení nákladů spojených s pobytem zajištěného cizince na území a jeho vycestováním z území,
- f) decide to extend the period of validity of an alien who has been granted a permanent residence permit,
- g) captures biometric data in connection with the alien's passport pursuant to § 113, paragraph 1 and 2,
- h) decide on the issue and withdrawal of the alien's passport and its scope of application to issue a travel identity card withdrawal,
- i) issued a certificate of the right to permanent residence in the territory
- j) decide on the issue of a residence permit, temporary residence permit, the extension of the residence permit and a permanent residence permit,
- k) decide on granting and cancellation of long-term resident in the territory
- l) decide on offenses or administrative offenses under this Act in its scope,
- m) requires police check information and documents submitted or disclosed by foreigners, which is the basis for governance or decision referred to in subparagraphs c), e), h), j) k) l)
- n) rozhoduje o vydání zaměstnanecké karty a modré karty, o prodloužení nebo zrušení její platnosti a uděluje souhlas se změnou zaměstnavatele nebo pracovního zařazení držitele zaměstnanecké karty nebo modré karty,
- p) je oprávněno v centrální evidenci volných pracovních míst obsaditelných držiteli zaměstnanecké karty doplňovat údaje o vyřízení žádosti o vydání zaměstnanecké karty a v centrální evidenci volných pracovních míst obsaditelných držiteli modré karty doplňovat údaje o vyřízení žádosti o vydání modré karty,

## § 165a

### Permission of the Ministry

#### (1) The Ministry may

- a) scan fingerprints and filming a directly applicable regulation of the European Communities 5a) in connection with the release of Aliens passport,
- b) in the performance of duties under this Act, require explanations related tasks,

- c) require the police check information and documents submitted by aliens or obtained under its own activities in connection with the performance of duties under this Act;
- d) to require the alien identification in connection with the performance of duties under this Act;
- e) participate in residential inspections carried out by the police,
- f) to instruct the police or embassies to issue visas.

(2) The Ministry is further authorized, in proceedings under this Act to request a copy or an extract from the Criminal Records 24a). In proceedings for the issue of a residence permit, and in proceedings to renew the residence permit will always require an extract from the criminal records and proceedings for the issue of a permanent residence permit can always request a copy of the Criminal Records.

(3) A request for a copy or extract from the Criminal Records 24a) and extract or copy of the criminal record shall be transmitted in electronic form, in a manner allowing remote access.

(4) The Ministry for State Administration under this Act uses reference data from the base population register 24b), which are

- a) name,
- b) the name or names,
- c) address of residence,
- d) the date, place and district of birth, with the data subject, who was born in a foreign country, date, place and state where he was born,
- e) the date, place and district of death; if the data subject of the death outside the Czech Republic, death date, place and state in which the death occurred, if it is issued the court for a declaration of death, the day is in the decision as the date of death or the date on which the data subject is declared dead survivors, and the date of coming into force of this Decision,
- f) citizenship or multiple citizenships.

(5) at the Ministry of State Administration under this Act uses the information system agendového population records such data on citizens of the Czech Republic:

- a) the name or names, surname, maiden name,
- b) date of birth,
- c) sex,
- d) place and district of birth, if born abroad, place and country of birth,
- e) identification number,
- f) citizenship or multiple citizenships,
- g) the address of permanent residence, including previous addresses of permanent residence, or also the address to which the documents are to be delivered by other legislation
- h) the date of permanent residence, or date of information on the place of residence or date of termination of permanent residence in the territory

- i) restriction of legal capacity , and the name or names, surname and identity number of the guardian ; unless the guardian identity number assigned, date, place and district of birth , if the guardian , the local authority , the name and address of the registered office,
- j) the name or names, surname and ID number of the father, mother or other legal representative in the case that one of the parents or other legal representative does not have an ID number, name, or names, surname and date of birth if other legal guardian of the child a legal person, the name and address of the registered office,
- k) marital status, date, place and district of marriage, if there has been outside of marriage, place and state, date of entry into force of the court decision on annulment of marriage, date of entry into force of a court decision on the absence of marriage, date of death marriage, death of a spouse, or the date of entry into force of the court decision on the statement of one of the spouses is dead and the day, which was a final court decision on the declaration of death as the date of death, or as a day which declared dead husband survived, or date of entry into force of a court decision on divorce,
- l) the date and place of the partnership, the date of entry into force of a court decision of invalidity or the absence of a registered partnership, the date of termination of registered partnerships in the death of one of the registered partners, or the date of entry into force of the court decision on the statement of one of the registered partners for the dead and the day which was in a final court decision on the declaration of death as the date of death, or as a day that registered partner declared dead survivors, or the date of entry into force of a court decision on dissolution of a registered partnership,
- m) the name or names, surname and ID number of spouse or registered partner, if the spouse or registered partner of an individual who does not have an ID number, name, or names, surname of the husband or registered partner and the date of his birth,
- n) the name or names, surname and personal identification number of the child, if the child is a foreigner who does not have an ID number, name, or names, surname and date of the child's birth,
- o) the adoptee information to the extent
- 1) the degree of adoption,
  - 2) original and new name , surname of the adoptee ,
  - 3) original and new social security number of the adoptee ,
  - 4) the date, place and district of birth,
  - 5) Social Security numbers of adopters, if the adoptive parents was not an ID number, details of the name, or names, surname and date of birth of the adoptive parent,
  - 6) Social Security Numbers father and mother, if they have not been assigned, their name, or names, surname and date of birth
  - 7 ) the date when the decision on adoption or the decision to cancel the acquisition ,
- p) the day which was a court decision declared missing as the date on which the effects nezvěstnosti statement , and the date of coming into force of a court ruling declaring missing,
- q ) the date , place and district of death in the case of death of a citizen outside the territory of the Czech Republic, the date of death, place a State in whose territory the death occurred ,

r ) day, which was a court decision declaring the death as the date of death , or as a day that citizen declared dead survived.

The data are kept as reference data in the base population register, the use of the information system agendového population records only if they are in the shape of the previous status quo.

(6) at the Ministry of State Administration under this Act uses the evidence of identity cards following information:

- a) the name or names, surname,
- b) identification number,
- c) number, or a series of documents,
- d) the validity of the identity card,
- e) digital processing form the citizen and his signature,
- f) number, or a series of lost, stolen, destroyed or invalid identity cards,
- g) the number of certificates issued identity card and certificate for each period of its validity.

(7) at the Ministry of State Administration under this Act shall be used for applications for travel documents following information:

- a) the name or names, surname, maiden name,
- b) identification number,
- c) number and type of the travel document,
- d) the period of validity of the travel document,
- e) processing digital photographs and signature of the holder,
- f) of lost, stolen or invalid travel documents: number and type of travel document
- g) the number and type of travel document that was issued by the holder or which he was removed in connection with the prohibition of traveling abroad.

## § 166

### Responsibilities of the Ministry of Foreign Affairs

(1) The Ministry of Foreign Affairs carries out state administration in matters of residence permits of foreigners in the territory of enjoying privileges and immunities under international law.

(2) The Ministry of Foreign Affairs performs the state management responsibilities relating to the extent provided by law through the embassy.

## § 167

## Permissions police

### (1) Police are authorized

- a) require a copy or extract from the Criminal Records 24a) and request a copy or extract from the Criminal Register shall be transmitted in electronic form, in a manner allowing remote access,
- b) capture fingerprints and filming when applying for a visa in verifying the identity of the visa holder, in relation to the declaration invalid visas, management of administrative expulsion, administrative expulsion, providing for administrative expulsion, with identification cards, fulfillment of obligations arising from international agreements or a directly applicable regulation of the European Communities,
- c) in the performance of duties under this Act, require explanations related tasks,
- d) to carry residence check
  - 1) Foreigners in order to determine whether the territory resides lawfully and meets the conditions of residence in the territory under this Act,
  - 2) foreigners or other persons in order to determine whether they comply with the obligations laid down in this Act,
- e) in relation to border control or a residence for foreigners require proof of identity,
- f) to enter accommodation under the conditions stipulated by this Act and to check the guest register,
- g) to carry out a personal search and a search of things, if so provided in this Act,
- h) can be written in the passport that foreigners were imposed decisions on administrative expulsion
- i) withhold funds alien detained pursuant to a special legal regulation 16b)
- j) use foreign funds withheld pursuant letter i) to pay, even in part, the costs associated with the stay of detained foreigners in the territory and its departure from the country,
- k) in the performance of duties under this Act, to verify whether the alien did not circumvent the law in order to obtain a residence permit,
- l) to scan fingerprints and filming a directly applicable regulation of the European Communities 5a) in connection with the issuance of a travel document by a special legal regulation 2)
- m) to withhold evidence, which expired in accordance with § 86, 87z and 87aa; detention of aliens document issued certificate
- n) in connection with the denial of entry of the alien in the invite foreigners to travel without unnecessary delay abroad and make the necessary steps to ensure that a foreigner abroad back promptly traveled.

(2) The police are entitled to stay in control, carried out pursuant to paragraph 1. d) to enter the premises and on the employer's workplace in case of reasonable suspicion that foreigners residing in them. This authorization, the police even after work, sales or operating time.

(3) control activities carried out by police under this Act shall control law does not apply.

(4) repealed by Law No. 427/2010 Coll.

(5) The Police in the performance of state administration under this Act uses reference data from the base population register, which are

- a) name,
- b) the name or names,
- c) address of residence,
- d) the date, place and district of birth, with the data subject, who was born in a foreign country, date, place and state where he was born,
- e) the date, place and district of death; if the data subject of the death outside the Czech Republic, death date, place and state in which the death occurred, if it is issued the court for a declaration of death, the day is in the decision as the date of death or the date on which the data subject is declared dead survivors, and the date of coming into force of this Decision,
- f) citizenship or multiple citizenships.

(6) The police in the performance of state administration under this Act agendového use of the information system of civil registration data of citizens of the Czech Republic within the scope

- a) the name or names, surname, maiden name,
- b) date of birth,
- c) sex,
- d) place and district of birth, if born abroad, place and country of birth,
- e) identification number,
- f) citizenship or multiple citizenships,
- g) the address of permanent residence, including previous addresses of permanent residence, or also the address to which the documents are to be delivered by other legislation
- h) the date of permanent residence, or date of information on the place of residence or date of termination of permanent residence in the territory
- i) restriction of legal capacity , and the name or names, surname and identity number of the guardian ; unless the guardian identity number assigned, date, place and district of birth , if the guardian , the local authority , the name and address of the registered office,
- j) the name or names, surname and ID number of the father, mother or other legal representative in the case that one of the parents or other legal representative does not have an ID number, name, or names, surname and date of birth if other legal guardian of the child a legal person, the name and address of the registered office,
- k) marital status, date, place and district of marriage, if there has been outside of marriage, place and state, date of entry into force of the court decision on annulment of marriage, date of entry into force of a court decision on the absence of marriage, date of death marriage, death of a spouse, or the date of entry into force of the court decision on the statement of one of the spouses is dead and

the day, which was a final court decision on the declaration of death as the date of death, or as a day which declared dead husband survived, or date of entry into force of a court decision on divorce,

l) the date, place and district of partnerships, where there has been the emergence of partnerships outside, place and state, date of entry into force of a court decision on the invalidity or lack of partnership, partnership termination date of the death of one registered partner, or date of entry into force court decision on the statement of one of the registered partners for the dead and the day, which was a final court decision on the declaration of death as the date of death, or as a day that registered partner declared dead survivors, or the date of entry into force of the court's decision to cancel the partnership ,

m) the name or names, surname and ID number of spouse or registered partner, if the spouse or registered partner of an individual who does not have an ID number, name, or names, surname of the husband or registered partner and the date of his birth,

n) the name or names, surname and personal identification number of the child, if the child is a foreigner who does not have an ID number, name, or names, surname and date of the child's birth,

o) the adoptee information to the extent

1) the degree of adoption,

2) original and new name , surname of the adoptee ,

3) original and new social security number of the adoptee ,

4) the date, place and district of birth, a child who is born abroad, place and country of birth,

5) the name or names and Social Security numbers of adopters, if the adoptive parents was not an ID number, details of the name, or names, surname and date of birth of the adoptive parent,

6) the name or names and Social Security numbers of father and mother, if they have not been assigned, their name, or names, surname and date of birth

7 ) the date when the decision on adoption or the decision to cancel the acquisition ,

p) the day which was a court decision declared missing as the date on which the effects nezvěstnosti statement , and the date of coming into force of a court ruling declaring missing,

q ) the date , place and district of death in the case of death of a citizen outside the territory of the Czech Republic, the date of death, place a State in whose territory the death occurred ,

r ) day, which was a court decision declaring the death as the date of death , or as a day that citizen declared dead survived.

The data are kept as reference data in the base population register, the use of the information system agendového population records only if they are in the shape of the previous status quo.

(7) The police in the performance of state administration under this Act uses the agendového records information system of identity cards information to the extent

a) the name or names, surname,

b) identification number,

c) number, or a series of documents,

- d) the date of expiry of the identity card,
- e) digital processing form the citizen and his signature,
- f) number, or a series of lost, stolen, destroyed or invalid identity cards,
- g) the number of certificates issued identity card and certificate for each period of its validity.

(8) The police in the performance of state administration under this Act agendového use of the information system for travel documents data to the extent

- a) the name or names, surname,
- b) identification number,
- c) number and type of the travel document,
- d) the date of expiry of the travel document,
- e) processing digital photographs and signature of the holder,
- f) the number and kind of lost, stolen or invalid travel documents
- g) the number and type of travel document that was issued by the holder or which he was removed in connection with the prohibition of traveling abroad.

## TITLE XVII

### ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

#### Administrative proceedings

##### § 168

Ustanovení části druhé a třetí správního řádu se nevztahují na řízení podle § 9 (s výjimkou řízení podle § 9 odst. 4), § 10, § 19 odst. 1, § 20, 30, 33, 36, § 38 odst. 1, § 40, 41, 49, 50, 52, § 53 odst. 3, § 122 odst. 1 a 2, § 123a, § 135 odst. 3, § 148, § 154 odst. 2, § 155 odst. 1, § 180, 180b, 180d, 180e a 180h.

##### § 169

#### Deviations from the Code of Administrative Procedure

(1) If you can not immediately issue a decision, the decision shall be issued:

- a) within 120 days from the date of application for a residence permit for a long-term resident in another Member State of the European Union and their family members,

- b) within 180 days from the date of submission of the application for a permit for permanent residence
- c) within 270 days from the date of application for a residence permit for the purpose of family reunification,
- d) within 60 days from the date of application for a residence permit for study, research or issue a residence permit family member researcher according to § 42, paragraph 3,
- e) within 60 days from the date of application for a residence permit, permanent residence permit in accordance with § 69, if the application is filed with the territory, a temporary residence permit and residence permit in accordance with § 87 g and 87h,
- f) within 90 days from the date of application for a blue card
- g) ve lhůtě 180 dnů ode dne podání žádosti o vydání povolení k dlouhodobému pobytu za účelem společného soužití rodiny s držitelem modré karty na území,
- h) ve lhůtě 60 dnů ode dne podání žádosti o vydání zaměstnanecké karty; ve lhůtě 90 dnů ode dne podání žádosti o vydání zaměstnanecké karty ve zvlášť složitých případech nebo pokud ministerstvo žádalo o vydání závazného stanoviska podle odstavce 15.

(2) The administrative authority is authorized to hear the parties, if it is necessary to ascertain the real state of things, especially when assessing whether there is a circumvention of this Act, a foreigner to obtain a residence permit in the territory, especially if not concluded the purpose of marriage or whether its declared purpose the agreement was not intended fatherhood. A party is obliged to tell the truth and not conceal anything. Administrative authority of the party before questioning learn about the consequences of refusal testimony and false or incomplete statements.

(3) An appeal against the decision to refuse entry, the decision on the obligation to leave the territory or against the decision to withdraw the alien's passport, travel identity card or passport pursuant to § 108, paragraph 1, point. f) against a decision under paragraph 10 or the decision to cancel the validity of the residence permit, residence card to family members of EU nationals, certificate of residence permit and certificate of permanent residence of a citizen of the European Union shall not have suspensory effect.

(4) The administrative expulsion police decide within 7 days after initiation, if the police can not at this time decide it is obliged to party stating the reasons.

(5) A decision on administrative expulsion may be appealed within five days from the date of notification of this decision, if it is a decision on administrative expulsion of an alien younger than 18 years, the time limit for appeal 15 days from the date of notification of this decision. An appeal against the decision on administrative expulsion have suspensive effect.

(6) A decision on the obligation to leave the territory may appeal within five days from the date of notification of this decision, it is a decision on the obligation to leave the territory of an alien younger than 18 years, the time limit for appeal 15 days from the date of notification of this decision.

(7) The decision on the forfeiture of financial assurances pursuant to § 123c paragraph 3 may appeal within five days from the date of notification of this decision.

(8) Resolution also stops the application proceedings, if the alien

a) který podal žádost o vydání povolení k dlouhodobému pobytu nebo prodloužení jeho platnosti, se ve lhůtě nebo na výzvu podle § 44 odst. 1 nebo § 44a odst. 12 nedostaví na ministerstvo ke zpracování údajů nezbytných pro vydání průkazu o povolení k pobytu nebo ve lhůtě podle § 44 odst. 3 nebo § 44a odst. 13 nepřevzme průkaz o povolení k pobytu, pokud v této lhůtě nesdělí, že mu v tomto úkonu brání důvody nezávislé na jeho vůli,

b) has submitted an application to the territory, does not assume a permanent residence permit within 30 days of notification, unless within that period not disclose that the assumption prevents reasons independent of his will,

c) filed in the application for a long-term or permanent residence, even if the application is not entitled to the

d) filed an application for extension of stay on the visa for over 90 days, the application for a residence permit or an application for renewal of a residence permit at a time when that is not authorized,

e) repeatedly filed an application for a permit for long-term or permanent residence without said new facts that were not the subject of the previous application by him,

f) filed an application for international protection under a special legal regulation 2), or

g) filed a request for a blue card, though the fact is not entitled under § 42i paragraph 1

(9) An application for extension of stay on a visa for a stay exceeding 90 days or a request for extension of validity of the visa department handled within 14 days.

(10) If we go after the decision on an application for a permit for long-term or permanent residence submitted at the embassy revealed new facts that would otherwise be reason for rejection of this application, this decision, if it is ineffective, is canceled.

(11) The procedure for application under § 42e that does not have a certificate authority participating in criminal proceedings is initiated and the Ministry postpones resolution thing. Resolutions are only notes in the file.

(12) The Embassy of the right to check the application requirements and submitted an application for a permit for long-term or permanent residence, unless the prescribed particulars of the request or suffer the other defects, help foreign embassy remedied on the spot or it prompts you to removal and provide it to a reasonable period. By the time the defect in the application or removal of the deadline in the first sentence of running time for processing an application for a permit for long-term or permanent residence. The Embassy is also entitled to hear the applicant for a permit for long-term or permanent residence, if the conditions specified in paragraph 2 needed to determine the actual state of affairs.

(13) Cizinec, který není uveden v právním předpise vydaném podle § 182 odst. 1 písm. e), je povinen požádat o vydání povolení k dlouhodobému nebo trvalému pobytu pouze na zastupitelském úřadu ve státě, jehož je cizinec státním příslušníkem, popřípadě jenž vydal cestovní doklad, jehož je cizinec držitelem, nebo ve státě, ve kterém má cizinec povolen dlouhodobý nebo trvalý pobyt. Nesplní-li cizinec tuto povinnost, řízení o žádosti není zahájeno a zastupitelský úřad věc usnesením odloží. Usnesení se pouze poznamená do spisu.

(14) An application for a long-term or permanent resident alien is required to submit in person. Embassy in justified cases the obligation under the first sentence may be waived.

(15) V rámci rozhodování o žádosti o prodloužení platnosti zaměstnanecké karty ministerstvo vyžádá závazné stanovisko Úřadu práce České republiky - krajské pobočky nebo pobočky pro hlavní město Prahu, zda další zaměstnávání cizince lze vzhledem k situaci na trhu práce povolit; to neplatí, jde-li o cizince, který požádal o prodloužení zaměstnanecké karty, která mu byla vydána podle § 42g odst. 3 nebo 4. Závazné stanovisko ministerstvo dále vyžádá v rámci rozhodování o žádosti o vydání zaměstnanecké karty podané cizincem uvedeným v § 42g odst. 6. Úřad práce České republiky - krajská pobočka nebo pobočka pro hlavní město Prahu závazné stanovisko k zaměstnání cizince doručí ministerstvu do 15 pracovních dnů ode dne obdržení žádosti o závazné stanovisko; neučiní-li tak v této lhůtě, má se za to, že se zaměstnáváním cizince souhlasí.

## § 170

(1) An application for long-term visa, with the exception of a diplomatic visa or a special visa, and a request for extension of visa for over 90 days for leave to remain in the territory of an alien is required to submit in person. Embassy or the Ministry may, in justified cases the obligation under the preceding sentence may be waived.

(2) The Embassy may require mandatory pre-arrange a date for the submission. Embassy to strangers application within 30 days from the date when the foreigner determining the date of the application asked.

(3) An application for a short-term visa family member of an EU citizen 1b), which itself is not a citizen of the European Union, the embassy handled within 14 days from the date of submission.

(4) An application for a visa for a stay over 90 days for tolerated stay pursuant to § 33 paragraph 1 shall process the Ministry within 30 days from the date of submission.

(5) An application for a diplomatic visa or a special visa or a visa for a stay over 90 days granted to foreigners in order to submit an application for a residence permit issued by the Ministry of Foreign Affairs (§ 30 paragraph 2) execute the Ministry of Foreign Affairs or representative office within 60 days from the date of application.

(6) An application for a visa for a stay over 90 days Department handled within 90 days, in particularly complex cases within 120 days from the date of submission. An application for a visa for a stay over 90 days for the purpose of study or for teaching or for research handled by the Ministry within 60 days from the date of submission.

(7) Žádost o prodloužení pobytu na území na vízum k pobytu do 90 dnů policie vyřídí ve lhůtě do 7 dnů ode dne podání žádosti; žádost o prodloužení platnosti víza nebo doby pobytu na území na vízum k pobytu nad 90 dnů za účelem strpění pobytu na území vyřídí ministerstvo do 30 dnů.

(8) Po ukončení řízení se vízum vyznačí do cestovního dokladu nebo do jiného dokladu za podmínek stanovených tímto zákonem nebo se žadateli při podání žádosti na území sdělí, že se jeho žádosti nevyhovuje, anebo při podání žádosti v zahraničí mu zastupitelský úřad vrátí cestovní doklad.

## § 170a

(1) The Commission's decision-making in matters of Aliens (hereinafter the "Commission"). The Commission is an organizational unit of the Ministry, which ensures its activities. The Commission shall have authority over the administration of the Ministry in matters in which the Ministry shall, in the first instance, and in other cases provided by law.

(2) The superior administrative body to the Commission's Secretary.

(3) The chairman and other members of the committee are appointed by the Minister of Interior. Member of the Commission may be appointed citizen of the Czech Republic, who is untainted and reliable. A prerequisite for the establishment of a member of the college of education is further obtained a legal direction due completion of the Master's program.

(4) does not satisfy the condition of integrity,

a) who has been convicted of an intentional crime, or was in the past 5 years, been convicted of a criminal offense committed through negligence, if the acts to which he committed the offense, it could undermine the confidence in the decision-making committee,

b) whose prosecution for an intentional criminal act was a final decision on approval of settlement stopped, and since this decision has not expired 5 years if the acts to which he committed the offense, it could undermine the confidence in the decision-making committee,

c) the criminal prosecution for intentional criminal act was finally conditionally suspended, and since the trial period or periods in which it can be decided that proved, expired for 5 years or have been in the criminal proceedings against him, decided the conditional deferral petition for punishment and since this decision has not expired 5 years if the acts to which he committed the crime, could undermine the confidence in the decisions of the Commission, unless they are viewed as not having been convicted.

(5) Integrity is demonstrated by an extract from the Criminal Register. Interior Minister is entitled to request a statement of criminal records pursuant to a special legal regulation. Application for an extract from the Criminal Register and extract from the Criminal Register shall be transmitted in electronic form in a manner allowing remote access.

(6) The condition does not meet the reliability of the person who was in the last 3 years repeatedly lawfully convicted of an offense

a) in the civil service committed by intentionally provided an incorrect or incomplete information or administrative authority he held his desired figure, although he was obliged to give such a statement, he said deliberately incorrect or incomplete information or administrative authority he desired figure concealed in order to obtain an unfair advantage, intentionally made a false or incomplete testimony in administrative proceedings, intentionally stated untrue information in the affidavit before an administrative body or intentionally acted illegally as an official,

b) against public order,

c) against peaceful coexistence,

d) against the property,

e) under the law governing the provision of state employment policy 44) committed by mediated employment without permission or allow illegal work, or

f) under this Act.

(7) Reliability is demonstrated by an affidavit.

(8) The President shall decide on the allocation of cases between the Commission Chambers, refers to members of the Commission and appointed by the President of the Boards of Appeal.

(9) The Commission shall adopt its own rules of procedure. The committee members are in their decision making independent of the Ministry.

#### § 170B

(1) Proti rozhodnutí ministerstva lze podat odvolání ke komisi.

(2)

(2) The Commission shall consider and decide the three-member senate, most members of the Senate must be experts who are not included in the ministry.

(3) The individual steps in the procedure, with the exception of the decision may be responsible for the official persons employed in the Department that are not members of the Commission.

(4) The decision shall be signed by the presiding judge.

#### Judicial review

#### § 171

An examination of the court are excluded

a) a decision to refuse a visa, this is not the case of a denial of a visa a family member of a citizen of the European Union,

b) a decision to refuse entry, this does not apply in the case of refusing entry to European Union citizen or family member,

c) canceled by the Constitutional Court No. 47/2009 Coll.

d) rozhodnutí o ukončení pobytu, pokud se cizinec před zahájením řízení o ukončení pobytu zdržoval na území nebo v tranzitním prostoru mezinárodního letiště neoprávněně.

#### § 172

#### Action

(1) Proceedings against an administrative decision of 26) must be filed within 30 days from receipt of the decision of the administrative authority in the last stage or the date of notification of the decision of the administrative body of another, unless stated otherwise. Missing the deadline can not be waived.

(2) an administrative action against the expulsion decision must be made within 10 days from receipt of the decision of the administrative authority in the last instance. Missing the deadline can not be waived.

(3) Appeal against the decision on expulsion shall have suspensive effect on the enforceability of the decision, it does not apply if the foreigner was deported because of threats to national security.

(4 ) Action against the decision to detain the alien or the decision to extend the period of detention of a foreigner or against a decision about the rejection of the device is given by the police or the court. If the action is brought by the police , the police submitted to the court action , the response and the administrative file within 5 days of receipt of the application. In the event that an action is brought before a competent court , the court shall request the administrative file . Police before a court and the response of the administrative file within 5 days. At the same time the police 's response, delivered by foreigners.

(5 ) an action against a decision to detain foreigners and appeal against the decision to extend the period for which the alien or the decision about the rejection of the device the court decides within 7 working days of receipt of the administrative file court. The court shall conduct the hearing of the case , suggests that if a party within 5 days from the date of filing of the application or if it is necessary . About this must be a stranger in a police informed decision . If the court decides to annul the contested decision , deliver judgment to the parties immediately after the judgment at the hearing, or if it has been decided without ordering a hearing , the court will deliver judgment to the parties within 24 hours of its release.

(6) In an action against an administrative decision is locally competent Regional Court in whose jurisdiction the alien on the date of the action reported to a residence in the case of an alien who does not have to report the stay, the Regional Court in whose district is predominantly resides in other cases the county court in the district, the stay of the alien in the Territory. If a foreigner stays abroad, the locally competent Regional Court in whose district the foreigner should be entering the territory to meet reporting requirements. This does not apply in the case of a decision on administrative expulsion decision on the obligation to pay the costs associated with administrative expulsion, the decision on detention, the decision to extend the period of detention, the decision on the location of an alien to the strict regime detention and the decision on administrative offense.

(7) A complaint against the decision on administrative expulsion court decides within 60 days.

## TITLE XVIII

### COMMON PROVISIONS

#### § 173

An alien who has been issued residence card for family members of EU nationals, certificate of residence permit or license for permanent residence, the right to enter the territory, stay on it and leave the territory without a visa.

#### § 174

## Criminal integrity

(1) A criminal preserved for the purposes of this Act a foreigner who does not

a) an extract from the Criminal Records record that has been convicted of a criminal offense

b) a document of a foreign state similar extract from the Criminal Records record, he was convicted of conduct that meets the elements of a criminal offense.

(2) For the purpose of proving criminal record, the competent authority shall extract from the Criminal Records 24a). Application and extract from the Criminal Register shall be transmitted in electronic form, in a manner allowing remote access.

(3) Criminal preservation is evidenced by an extract from the Criminal Register not older than 6 months, or similar documents issued by the state, which the alien is a citizen, as well as the states in which the alien resided in the last 3 years for more than 6 months in the case that the state does not issue such a document, it may be replaced by an affidavit.

## § 174a

### Adequacy

In assessing the adequacy of the impact of a decision under this Act, the administrative authority shall take into account in particular the seriousness or type of offense foreigners, length of residence in the territory, their age, state of health, the nature and strength of family relations, economic relations, social and cultural ties linked to the territory and the intensity ties to the state, which the alien is a citizen, or if it is a stateless person, the State of habitual residence.

## § 175

Czech Republic takes over the territory of foreigners who issued a blue card if his application for a blue card to stay in the territory of another Member State of the European Union was rejected, despite the fact that the validity of a blue card issued to reside in the expired or was canceled . A similar obligation applies to family members of Blue Card holders who have been granted a residence permit for the purpose of family reunification.

## § 176

### Health services for detention of a foreigner

(1) Foreigners for providing security in the health services

a) emergency care for conditions that

1) an immediate threat to life,

2) can lead to a deepening of the pathological changes in sudden death

3) causes without rapid provision of healthcare permanent pathological changes

4) cause sudden pain and suffering,

5) cause changes in behavior and conduct of the victim, threatening himself or his surroundings, or

6) relating to pregnancy and childbirth, with the exception of abortion at the request of foreigner

b) in connection with the mandatory quarantine or other measures related to the protection of public health.

(2) The cost of health services provided pursuant to paragraph 1 or pursuant to § 134, paragraph 2 shall be reimbursed by the state, even if the protection is lost.

(3) If you can not provide health care services in a facility, the Ministry shall ensure the provision of these services for healthcare providers outside the facility.

(4) Caused If an alien at the time of securing injury arbitrarily, it is obliged to pay the costs of treatment, including the actual costs of security and transportation to medical service providers and back.

(5) In the case when the cost of health services provided and paid by the state is not an alien who has made a declaration of intention to apply for international protection or is an applicant for international protection provides reimbursement

a) The Ministry for Foreigners detained in a facility

b) the police in other cases.

(6) Health services are foreigners in security detention, custody or serving a sentence of imprisonment provided to the extent specified in paragraph 1 and § 134 paragraph 2 The cost of health services provided in the first sentence, which is not covered under special legislation or international agreement shall be borne by the state. Health services provided to foreigners at the request of the framework defined in the first sentence shall be borne by the alien from its own resources.

## § 176a

### Medical services in special cases

(1) Foreigners over time for leaving the territory under § 50a and § 118 paragraph 3 to provide the health services

a) urgent and basic treatment of related conditions that

1) an immediate threat to life,

2) can lead to a deepening of the pathological changes in sudden death

- 3) causes without rapid provision of health care permanent pathological changes
  - 4) endanger himself or his surroundings, or
  - 5) relating to pregnancy and childbirth, with the exception of abortion at the request of foreigner
- b) in connection with the mandatory quarantine or other measures related to the protection of public health.
- (2) The cost of healthcare services covered by the state, if the need for medical services incurred after the time for leaving the territory under § 50a and § 118 paragraph 3
- (3) Where the cost of provided health services covered by the state and is not an alien who has made a declaration of intention to apply for international protection or is an applicant for international protection provides reimbursement ministry.

#### § 176b

Payment of the alien's stay in the reception center at an international airport after a final termination of grant international protection

- (1) An alien who, at the time when the decision under a special legal regulation 2) located in the reception center at the international airport, covers the costs associated with the stay at the resort to travel outside the territory of their own.
- (2) An alien referred to in paragraph 1 shall be provided medical services in connection with an injury or sudden illness, mandatory quarantine or other measures related to the protection of public health. Costs associated with the provision of health care is paid by a foreigner on their own.
- (3) If an alien costs referred to in paragraphs 1 and 2 cover, even partially, on its own and if the payment is provided otherwise, bear the cost. Costs provided by the ministry.

#### § 176c

Reimbursement of costs associated with securing foreigners for the purpose of transfer or transit

- (1) The payment of costs associated with ensuring foreigners in order to transfer or transit under an international treaty or for the purpose of providing foreign air transit (§ 152 and 153) to proceed similarly to cover costs associated with securing foreigners for the purpose of administrative expulsion.
- (2) The costs associated with securing foreigners for the purpose of transmission under international treaties included costs incurred by the police or the Ministry of reinsurance alien until his transfer to the competent authority of the other Contracting State.

(3) Costs associated with the provision of transit alien on the basis of an international treaty or transit by air under § 152 and 153 shall be paid only in the case of an alien who is residing and whose return to the country of his nationality or the territory of another State which aliens take over, requires securing its transit through the territory of another State with the assistance of the competent authorities of that State. In this case as expenses include the costs associated with the admission made by the competent authorities of the State in whose territory the foreigner was guided application.

#### § 177

##### Identity

(1) Identity for the purposes of this Act, a proof of name, surname, day, month and year of birth and nationality or last permanent residence outside the territory.

(2) For the purposes of expulsion can replace fingerprinting identification marks, images and data recording foreigners, the police found a stranger.

#### § 178

##### Process capability

A procedural eligible for the purposes of this Act alien over 15 years , which is able to express their will and to act independently .

#### § 178a

(1) Lone foreigner for the purposes of this Act, a foreigner unmarried, widowed or divorced.

(2) Nezaopatřenost child is assessed according to the law on state social support. For the purposes of this Act, a dependent child also means a stranger to no more than 26 years of age, which continually studying at secondary schools or universities abroad and the Ministry of Education, Youth and Sports has not issued a decision on the fact that this study is to be equated with studies at medium or high schools in the Czech Republic.

#### § 178b

(1) Zaměstnáním se pro účely tohoto zákona rozumí výkon činnosti, ke které cizinec potřebuje povolení k zaměstnání 8e), zaměstnaneckou kartu nebo modrou kartu. Za zaměstnání se rovněž považuje plnění úkolů vyplývajících z předmětu činnosti právnické osoby zajišťovaných společně, statutárním orgánem nebo členem statutárního nebo jiného orgánu obchodní společnosti pro

obchodní společnost nebo členem družstva nebo členem statutárního nebo jiného orgánu družstva pro družstvo.

(2) Zaměstnavatelem se pro účely tohoto zákona rozumí právnická nebo fyzická osoba, která cizince zaměstnala, a cizinec pro výkon takové činnosti potřebuje povolení k zaměstnání 8e), zaměstnaneckou kartu nebo modrou kartu. Za zaměstnavatele se rovněž považuje právnická osoba, pro kterou cizinec v postavení společníka, statutárního orgánu anebo člena statutárního orgánu nebo jiného orgánu obchodní společnosti nebo v postavení člena družstva nebo člena statutárního orgánu nebo jiného orgánu družstva plní úkoly vyplývající z předmětu činnosti této právnické osoby, pokud se k takovému plnění úkolů vyžaduje podle zvláštního právního předpisu 8e) povolení k zaměstnání.

(3) The obligations imposed by this Act entrepreneurs to statutory authority or a statutory body of a company or cooperative apply mutatis mutandis.

(4) Za zaměstnání se pro účely tohoto zákona nepovažuje, jde-li o cizince vyslaného svým zahraničním zaměstnavatelem za účelem zvyšování dovedností a kvalifikace na základě smlouvy s českou právnickou nebo fyzickou osobou k výkonu jeho práce u tohoto zahraničního zaměstnavatele mimo území České republiky. Vláda rozhodne, kdy může být cizinec vyslán do české právnické nebo fyzické osoby za účelem podle věty první. Celková doba pobytu cizince podle věty první nesmí přesáhnout 6 měsíců 50).

#### § 178cm

The legal effect of a decision on a permanent residence permit expires validity of previously issued illegally. The granting of residence permits under a special legal regulation 2), 3a) cease to be valid residence permit issued under this Act.

#### § 178D

(1) The Police Ombudsman informed in good time of any pursuit of administrative expulsion, transfer or transit of foreigners and provides authorized employees of the Office of the Ombudsman necessary cooperation.

(2) Policie předává Veřejnému ochránci práv kopie rozhodnutí o správním vyhoštění, rozhodnutí o zajištění, rozhodnutí o prodloužení doby trvání zajištění, rozhodnutí o přerušení zajištění, rozhodnutí o nepropuštění ze zařízení, rozhodnutí o umístění zajištěného cizince do části s přísným režimem a rozhodnutí o prodloužení umístění zajištěného cizince do části s přísným režimem a informuje jej o rozhodnutích soudu o žalobách podaných proti těmto rozhodnutím.

#### § 179

Reasons preventing departure

(1) departure is not possible in the case of well-founded fear that if the stranger returned to the country of which he is a citizen, or if it is a stateless person, to his country of last permanent residence, would have faced a real risk of serious damages under paragraph 2, and that can not or is not willing to risk because of such use of state protection which he is a citizen or his last residence.

(2) A serious injury under this Act is

- a) the imposition or execution of sentence of death,
- b) torture or inhuman or degrading treatment or punishment,
- c) serious danger to life or human dignity by reason of indiscriminate violence in situations of international or internal armed conflict, or
- d) if the departure is contrary to the international obligations of the Czech Republic.

(3) The provisions of paragraph 1 shall not apply if a reasonable suspicion that the alien

- a) has committed a crime against peace, a war crime or a crime against humanity as defined in the international instruments drawn up to make provision for these offenses,
- b) committed a particularly serious crime,
- c) have been guilty of acts contrary to the purposes and principles of the United Nations, or
- d) constitutes a threat to national security.

(4) The provisions of paragraph 1 shall also apply if the alien

- a) to commit an offense referred to in paragraph 3, encourages or participates in the commission of, or
- b) committed outside the territory of one or more criminal offenses other than the offenses referred to in paragraph 3, he left the country of which the foreigner is a citizen, or in the case of a stateless person, the country of last permanent residence in order to avoid criminal prosecution for them , assuming that it is the deeds for which the Czech Republic can grant a custodial sentence.

(5) In the case referred to in paragraph 3 or 4 shall allow foreigners look for no later than 60 days adoption in another state. If the alien demonstrates that the adoption in another State has not, the police will allow him to apply for a visa [§ 33, paragraph 1, point. a)].

## § 180

### Verification of refusing this invitation and verification

(1) Invitation verified by the police at the request of a natural or legal person.

(2) The invitation shall be submitted on the official form. Inviting individual in the invitation stating the name, social security number, date, month and year of birth and place of residence. Inviting legal person in the invitation will also state your name, address and identification number of the person and the invitation shall stamp and name, surname signature of the authorized person (a statutory body). Inviting person in the invitation also describe details of aliens called the name, surname and

other names, date, month and year of birth, nationality, place of residence abroad, passport number, purpose of travel and the time at which invites foreigners in the territory.

(3) The Police shall verify the invitation within 7 working days from the date of the verification request an invitation.

(4) inviting the individual is obliged to come to the police the seventh working day from the date of the verification request an invitation, in agreement with the police before, to pick up the authenticated invitation. A similar obligation applies to inviting a representative of a legal person.

(5) The Police denies authentication invitation

a) if called stranger is recorded in the records of undesirable persons,

b) if the person inviting the request of the Police proven ability to meet the obligation under § 15,

c) if the inviting person has breached an obligation under § 15 or obligation under § 100,

d) where a reason under § 9 paragraph 1 letter. h) or i);

e) if the person inviting an official form filled illegible, incomplete or untrue or

f) if the inviting person is not entered into the travel medical insurance although honestly declared that they do so.

(6) At the request of the police is obliged inviting ability to fulfill the obligation contained in the invitation to demonstrate that:

a) has the means to stay called aliens to the extent provided in § 13,

b) has the means of 0.25 times the subsistence minimum 6) for each day of stay in the country if the alien will not be staying at the host or

c) submit proof of travel health insurance for foreigners called or statutory declaration that such insurance in the prior foreigners in the territory, or for any costs to the extent provided in § 180j or has an amount of at least EUR 60 000,

d) has the means to cover the costs associated with the departure of the invited foreigners from the territory corresponding to the price of tickets to State of the travel document, or to the country of residence.

Demonstrating ability to meet the obligation under paragraphs a) to d) does not relieve the person inviting the obligation to pay any cost in the range undertaking accepted an invitation in their actual size.

(7) The police in the event of denied invitation verify this fact inviting person shall upon its arrival at the police. At the request of the person inviting this fact without giving any reason for the denial in writing.

(8) Verification of the police indicate on the invitation.

Embassy verifies that the person who issued travel health insurance is authorized to issue such a document.

#### § 180b

Identity card issued by the Ministry of Foreign Affairs

(1) Identification Card is a public document only valid in the Czech Republic, which staff members of the embassy of a foreign country or international governmental organizations accredited to the Czech Republic or their family members issued by the Ministry of Foreign Affairs.

(2) Identification card is proof of identity certificate also contains information on the scope of the privileges and immunities which the holder shall enjoy in the territory of the Czech Republic for registration by the Ministry of Foreign Affairs.

(3) Identification card declares invalid the Ministry of Foreign Affairs.

#### § 180c

Unaccompanied minor alien

For the purposes of this Act, a minor cizincem unaccompanied alien in age from 15 to 18 years, who arrived in the territory unaccompanied by an adult responsible for him under the laws in force in the State whose nationality the alien younger than 18 years has, or in the event that is a stateless person, the State in the territory of his last residence, and for so long as they are not effectively taken into the care of such person; alien unaccompanied minors can be an alien younger than 18 years who is left unaccompanied after stay in the 9b).

#### § 180d

Additional confirmation data entry

in the travel document of an alien

Police foreigners who travel document is not stamped with the date and place of entry, on request and subject to the conditions laid down by a directly applicable regulation of the European Communities 1) additionally confirm these data.

#### § 180e

Reappraisal of reasons refuse a visa, a short statement

visa annulled or revoked and re-evaluation

grounds for refusal of entry of an alien in the territory

(1) An alien is entitled to request a new assessment of the reasons

a) the granting of short-term visas,

b) the granting of long-stay visa

c) denial of entry to the territory under § 9, paragraph 1 or 2, or

d) A statement of short-term visas to be invalid or revoked.

(2) An application for a new assessment of the reasons referred to in paragraph 1, the stranger before an administrative authority which issued the decision in writing within 15 days of receipt of notice of denial of visa revocation or declaration of short-term visas for short-term visa is invalid or the date on which He was refused entry, the application does not have suspensive effect. If communication can not be delivered to foreigners, the period for filing an application to run on the day following the expiration of 180 days from the date of application for a visa.

(3) An application for a new assessment of the reasons referred to in paragraph 1 shall contain information about who it serves, and in what is considered to conflict with the law or mistake decisions or proceedings that preceded it. The reason the application can not be the fact that the alien failed to provide or failed in an application for a visa or in connection with the denial of entry to the territory.

(4) The administrative authority to which the application is submitted, it shall forward, within five days from the date of receipt of the administrative authority for their assessment, finds a reason for granting a short stay or long stay visa, admission or continuation of a short-term visa. Administrative authority to which the application is made, the decision may cancel or change it if it fully complies with the request for a new assessment of the reasons mentioned in paragraph 1

(5) An application for a new assessment of the reasons referred to in paragraph 1 assesses the extent to which the Ministry of Foreign Affairs, the Ministry and the Directorate of Alien Police.

(6) Ministerstvo zahraničních věcí posuzuje soulad důvodů neudělení krátkodobého víza, zrušení platnosti krátkodobého víza nebo prohlášení krátkodobého víza za neplatné, o kterých rozhodl zastupitelský úřad, s důvody stanovenými přímo použitelným právním předpisem Evropské unie. Ministerstvo zahraničních věcí dále posuzuje soulad důvodů zrušení platnosti krátkodobého víza uděleného cizinci, který na území požívá příslušných výsad a imunit, s důvody stanovenými přímo použitelným právním předpisem Evropské unie, a jde-li o rodinného příslušníka občana Evropské unie, s důvody uvedenými v § 20 odst. 5. V rámci nového posuzování souladu důvodů neudělení krátkodobého víza je Ministerstvo zahraničních věcí povinno vyžádat si závazné stanovisko policie v případech, kdy důvodem jeho nevydání bylo nesouhlasné stanovisko policie; policie vydá stanovisko bezodkladně.

(7) The Ministry assesses compliance reasons not to grant short-term visa at the border crossing with those stipulated by a directly applicable regulation of the European Communities 6a), and if it is a family member of a citizen of the European Union, with the reasons stated in § 20, paragraph 5, the grounds for refusal of entry consistency in the territory of the reasons set out in § 9, paragraph 1 or 2, except in cases where such an assessment for the Directorate of Alien Police. Commission

established pursuant to § 170a assesses compliance reasons not to grant long-term visas with the reasons stated in § 56

(8) The Directorate of Alien Police assess the consistency of the grounds for revocation of a short-term visa, if not determined the scope of the Ministry of Foreign Affairs, of the reasons set out directly applicable European Communities regulation 27) and at the time of the decision to ensure the protection of internal borders under special legislation 3b) also examines the consistency reasons for not short-term visa at the border crossing with those stipulated by a directly applicable regulation of the European Communities 6a), and if a family member of a citizen of the European Union, with the reasons stated in § 20, paragraph 5, the grounds for refusal of entry consistency in the with those stipulated in § 9, paragraph 1 or 2

(9) The competent authority shall inform the alien of the outcome of a new assessment of the reasons not to grant a short-term visa, short stay visa statement invalid or revoked, or reasons for denial of entry to the territory within 30 days of receipt of the application and the outcome of a new assessment of the reasons not to grant long-term visas in within 60 days of receipt of the request.

#### § 180F

##### Partnership

(1) If this Act is given the term "husband", "marriage" or "child of a spouse", understood to be a partner, a partnership, a child of one partner or child under the care partner.

(2) A partner for the purposes of this Act, a person who proves that it has entered into an officially confirmed permanent association of two persons of the same sex.

(3) The partnership for the purposes of this Act, a permanent association officially confirmed two people of the same sex under paragraph 2

#### § 180 g

Reimbursement of costs associated with the teaching of the Czech language  
and test knowledge of the Czech language

A foreigner is obliged to pay the costs associated with the teaching of the Czech language and test knowledge of the Czech language to the extent determined by special legislation 10a).

#### § 180h

Their stay in the transit area of an international airport

(1) the alien's stay in the transit area of an international airport police ends when at the reasons listed in § 9 paragraph 1 letter. f), g), h) or i).

(2) An alien shall be obliged to go back abroad within the period specified exit command, unless proceedings for expulsion from the territory under this Act.

#### § 180i

Travel health insurance for up to 90 days

(1) Requirements for travel health insurance, the directly applicable European Communities regulation 27).

(2) Proof of travel health insurance under paragraph 1 shall be required from a foreigner, if health insurance under a special legal regulation 33), if the costs associated with the provision of health services covered under an international agreement, or if the alien demonstrates that these services are funded otherwise, on the basis of a written commitment of a legal person, if the alien's stay in the territory beneficial for the development of spiritual values, human rights or other humanitarian values, protection of the natural environment, cultural heritage and traditions, the development of science, education, physical education and sport, or to a written undertaking state authority. Submission of proof of travel medical insurance is not required from foreigners who could not for reasons independent of their will provide such insurance in the State of residence or the alien referred to in § 42b paragraph 3, in which case the foreigner is obliged to arrange insurance without undue delay for stay in the country within 3 working days from the date of entry. Submission of proof of travel medical insurance is also required if the embassy from his demand for granting diplomatic visas or special dropped if the alien is residing in the territory of the Czech Republic's interest or in the case of a European Union citizen or family member.

#### § 180j

Travel health insurance for stays over 90 days

(1) The proof of travel health insurance if you stay over 90 days for the purposes of this Act, means a document which proves stranger covering insurance costs, which is obliged to pay for their stay in the area if necessary and urgent health care, including those related the transfer or, in the case of death of transporting the mortal remains to the state whose travel document, or to another state in which he is allowed to stay. Agreed limit of indemnity per claim is at least 60 000 EUR, without the participation of the insured in the above costs.

(2) Travel health insurance under paragraph 1 may be arranged:

a) insurance companies authorized to operate such insurance in the 45),

b) the insurance company that is authorized to operate such insurance in the other Member States of the European Union or in a State which is bound by the Treaty on the European Economic Area 1d) or in a country whose own foreign travel document, or in another country in which the foreigner residence permit.

(3) In the case of insurance taken out abroad foreigner together with proof of travel health insurance under paragraph 1 shall:

a) certified translations insurance contract and policy conditions in the Czech language, demonstrating TMI, especially the extent of insurance, indemnity limit 60 000 EUR and the fact that insurance is concluded without the participation of the insured,

b) Upon request, proof of payment of premiums for insurance for the entire period you stay.

(4) Proof of travel health insurance under paragraph 1 shall be required from a foreigner, if health insurance under a special legal regulation 33), if the costs associated with the provision of health services covered under an international agreement, or if the alien demonstrates that these services are funded by other means, based on the written commitment of a legal person, if the alien's stay in the territory beneficial for the development of spiritual values, human rights or other humanitarian values, protection of the natural environment, cultural heritage and traditions, the development of science, education, physical education and sport, to a written undertaking or public authority under an obligation contained in the police verified invitations under § 15

(5) Travel health insurance in case of an application for a visa for a stay over 90 days, if it is requested by the country or for extension of stay in the country can only be taken out with an insurance company authorized to operate such insurance in the 45) and must agreed to be in the range of comprehensive health care within the meaning of paragraph 7

(6) An insurance contract relating to the insurance referred to in paragraph 1 shall not preclude the granting of indemnity in case of accident, which occurred due to willful misconduct, fault or contributory negligence of the insured or as a result of alcohol, narcotic or psychotropic substances.

(7) Comprehensive health care means health care provided to the insured contracting medical service providers to insurers without direct reimbursement for treatment of the insured in order to preserve his health from the time before the conclusion of the insurance contract. This insurance shall not be excluded or dispensary preventive health care or health care related to pregnancy and childbirth insured mother her child.

(8) The Ministry of Health shall decree documents which insurance companies from third countries can not be recognized as proof of travel health insurance under paragraph 1

§ 180k

Scope as defined in this Act, the municipal authority with extended powers and delegated local authority is devolved.

TITLE XIX

## AUTHORIZING AND TRANSITIONAL PROVISIONS

enabling provisions

### § 181

Government of the Czech Republic may to the extent determined by the directly applicable European Communities regulation 6a) Regulation provide that

- a) the alien visa waiver does not, in the circle of persons whose stay in the territory is subject to a visa,
- b) the alien may reside in the territory without a visa for the period specified in this Regulation, the Regulation defines the persons whose stay in the territory is not subject to a visa.

### § 182

(1) The Ministry of the law

- a) particulars of pictures and photographs required number of foreigners under this Act;
- b) after consultation with the Ministry of Foreign Affairs in response to the directly applicable European Communities regulation 27), which foreigners can stay in the transit area of an international airport in the territory on the basis of an airport transit visa
- c) the cost of accommodation, meals and transportation within the territory of an alien detained for administrative expulsion,
- d) after consultation with the Ministry of Foreign Affairs of the technical conditions and the procedure for the acquisition and processing of biometric data, including the procedure for taking biometric data of foreigners with unusual anatomical or physiological conditions for the purchase of a facial or fingerprint on the right and left hand,
- e) po projednání s Ministerstvem zahraničních věcí seznam zemí, jejichž státní příslušníci jsou oprávněni požádat o udělení víza, vydání povolení k dlouhodobému nebo trvalému pobytu na jiném zastupitelském úřadu než ve státě, jehož je cizinec státním příslušníkem, popřípadě jenž vydal cestovní doklad, jehož je cizinec držitelem, nebo ve státě, ve kterém má cizinec povolen dlouhodobý nebo trvalý pobyt,
- f) technické podmínky a postup při pořizování biometrických údajů a podpisu cizince pro účely vydání průkazu o povolení k pobytu,
- g) vzor tiskopisu protokolu podle § 117a odst. 4 a podmínky jeho zpracování.

(2) The Ministry of Communication announced in the Official Gazette a list of border crossings and the amount of traffic at the crossing.

## § 182a

(1) Ministry of Health Decree provides a list of diseases that could threaten public health and the list of diseases and disabilities that could seriously threaten public order.

(2) Ministry of Education, Youth and Sports in agreement with the Ministry for the purpose of obtaining a permit for permanent residence in the territory under Title IV of the Decree

a) the extent of the required knowledge of the Czech language,

b) a list of schools authorized to carry out these purposes Czech lessons and tests knowledge of the Czech language,

c) the format of the document proving the required knowledge of the Czech language.

(3) The Ministry of Labour and Social Affairs for the purposes of issuing blue cards Communication announced in the Official Gazette average gross annual wage in the Czech Republic always with effect from 1 May of the calendar year for a period of 12 calendar months.

## § 182b

Police are authorized to disclose information to the public in a manner allowing remote access numbers of lost, stolen or invalid aliens' passports, travel identity cards, cards for a residence permit, residence card for family members of EU nationals, certificates of permanent residence permits and licenses for permission to permanent resident citizen of the European Union and the date of reporting the loss or theft of these documents. Similarly, the police followed in case of publication of the reference number of lost, stolen or invalid certificate of temporary residence issued by European Union citizens.

## Transitional provisions

## § 183

(1) The proceedings commenced before the effective date of this Act shall be completed in accordance with the laws in force at the time of initiation.

(2) Visas issued and decisions made before the effective date of this Act shall be construed as visas and decisions under this Act, unless stipulated otherwise.

(3) Permanent residence permitted under existing law is considered a residence permit.

(4) Where other regulations speak for a residence permit short-term or long-term, referring to a temporary residence in the territory under this Act.

(5) travel identity document and proof of residence permits issued by foreigners under current legal regulations shall be considered to have been issued under this Act for the duration indicated in it.

(6) Keeping time written information recorded before the effective date of this Act shall be governed by the rules applicable at the time of registration, not exceeding a period under § 160 paragraph 5 Exceeds the time period indicated preservation pursuant to § 160, paragraph 5, or if the individual registered writings preservation period indicated, the operator shall assess the registration materials for their continued storage under a special legal předpisu<sup>24</sup>) and materials with no archival value destroyed.

(7) Sorting of current registration funds through their operator within 30 years from the effective date of this Act.

(8) The validity of the decision to ban stays imposed pursuant to the existing regulations is not affected. This decision shall be considered as decisions on administrative expulsion.

(9) The previous government's decision to abolish visa requirements remain in force for a period of 24 months from the effective date of this Act.

#### § 184

repealed by Law No. 222/2003 Coll.

#### § 184a

Czech Republic on the basis of commitments assumed by ratifying the Convention on the Rights of the Child, 27) as the international treaties on human rights and fundamental freedoms in accordance with Article 10 of the Constitution of the Czech Republic, particularly with reference to the provisions of Article 23, paragraph 2 and 3, Article 24 paragraphs 1 and 2 of the Convention undertakes to pay the health care provided to infants born in the period from 1 January 2000 to the effective date of this Act, foreigners who have the right of permanent residence in the territory on the basis of a residence permit, provided that in the newborn period would not have health insurance. Health care coverage is performed from a special account that for this purpose from the state budget, set up a Ministry of Health.

#### PART TWO

Amendment to the Act on the Police of the Czech Republic

#### § 185

Act No. 283/1991 Coll., On the Police of the Czech Republic, as amended by Act No. 26/1993 Coll., Act No. 67/1993 Coll., Act No. 163/1993 Coll., Act No. 326/1993 Coll., Act No. 82/1995 Coll., Act No. 152/1995 Coll., Act No. 18/1997 Coll., the Constitutional Court No. 186/1997 Coll., the Constitutional Court No. 138/1999 Coll., Act No. 168/1999 Coll. and Act No. 325/1999 Coll., as follows:

1) In § 2, paragraph 2, in the second sentence, the words "and residence of foreigners."

2) § 15, including footnote No. 6) reads:

#### "§ 15

(1) A police officer is entitled to detain aliens for the purpose of transfer of authority which decides under special legislation for their stay in the Czech Republic or the administrative expulsion, 6) if

a) the alien committed the acts for which you can stay in the Czech Republic to terminate or initiate proceedings on administrative expulsion

b) proceedings for expulsion and a police officer finds reason for foreigners under a special legal regulation 6)

c) the alien is to be deported by an enforceable decision,

d) there is reason to believe that an alien illegally entered the territory of the Czech Republic or staying here illegally.

(2) The authority which decides on their stay in the Czech Republic or on administrative expulsion is entitled to detain aliens until they make a special legal acts regulation.<sup>6)</sup>

(3) The guarantee referred to in paragraph 1 may not exceed 24 hours from the moment of detention. The guarantee referred to in paragraph 2 may take up to 48 hours from the moment of detention. If the authority that foreigners secured in accordance with paragraph 1, the same body which decides on their stay or expulsion, ensuring deadlines are added. The total period of detention referred to in paragraphs 1 and 2 shall not be longer than 48 hours from the moment of detention.

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6) Act No. 326/1999 Coll., On the residence of foreigners in the Czech Republic and amending certain laws. "

### PART THREE

The amendment to the Act on Administrative Fees

#### § 186

Administrative fees

Annex to Act No. 368/1992 Coll., On administrative fees, as amended by Act No. 10/1993 Coll., Act No. 72/1994 Coll., Act No. 85/1994 Coll., Act No. 273/1994 Sb., Act No. 36/1995 Coll., Act No. 118/1995 Coll., Act No. 160/1995 Coll., Act No. 301/1995 Coll., Act No. 151/1997 Coll., Act No. 305/1997 Coll., Act No. 149/1998 Coll., Act No. 157/1998 Coll., Act No. 167/1998 Coll., Act No. 63/1999 Coll., Act No. 166/1999 Coll., Act No. 167/1999 Coll. and Act No. 223/1999 Coll., as follows:

1) In item 99 letter a), the words "or travel identity card."

2) In item 99 liberation reads:

"Liberation:

Is exempt from the fee issue travel Annex for children under 15 years. "

3) In item 99, the following note, which, including the heading reads:

"Note:

Administrative body not levy a fee for issuing the travel document of its own motion. "

4) Item 100, including the note reads:

"Item 100

a) A residence permit foreigners CZK 1000, -

b) A residence permit foreigners under 15 years CZK 500, -

c) Extension of validity of the residence permit for aliens CZK 1000, -

d) Implementation of changes in the license for residence permits for foreigners (for each change) CZK 300, -

e) Issuance of a certificate of residence permits for foreigners substitute for the card is damaged, destroyed, lost or stolen CZK 1000, -

Note:

Administrative body not levy a fee for the issue of a residence permit in return for a decision on the residence permit and for the issuance of the license in return for a certificate of authorization for permanent residence. "

5) Item 101, including liberation, empowerment and notes reads:

"Item 101

a) The grant of the Czech visa for the Czech Republic at the border crossing of the Czech Republic CZK 1500, -

b) The granting of a visa for a stay over 90 days in the Czech Republic CZK 1000, -

c) one-way transit visa, exit visa, visa for tolerated stay in the Czech Republic CZK 200, -

d) Extension of stay visa for a stay up to 90 days granted at the border crossing of the Czech Republic or Czech embassy CZK 200, -

e) Extension of stay on the visa for over 90 days, including extension thereof CZK 1000, -

f) Extension of visa for tolerated stay CZK 200, -

g) Verification of inviting foreigners to the Czech Republic CZK 200, -

Liberation:

Fees under this item is exempt:

a) The grant, renewal or period of residence in the Czech visa for reasons of medical assistance.

b) The grant or renewal of a Czech visa foreigners under 15 years of age. For Czech Visa is regarded as registration of a child under 15 years of age born in the Czech Republic to the visa guardian. Since the charge on this item is exempt and extension of stay for a Czech visa for foreigners under 15 years of age.

c) The grant of the Czech visa at the border crossing of the Czech Republic aliens who applied for temporary protection, and the Czech Visa entitles the alien to stay for temporary protection, which has asked the Czech Republic, including the extension of its validity.

empowerment:

1) The administrative authority may require from the fee under this item waive or reduce the fee, if retained reciprocity.

2) The administrative authority may require from the fee under this item dispensed with in the case of the Czech Visa at the border crossing necessary to stay in the Czech Republic during air transit transport, the emergency landing of an aircraft or other emergencies beyond the control of alien, or is If the alien is returned to the Czech Republic by foreign authorities.

Note:

Administrative authority shall collect a fee under subparagraph e) of this item, even if it is only extended period of stay.

Administrative body not levy a fee if done charging action under this item of its own motion. "

6) Item 132 Item 1 reads:

"1 Grant

- a) Visa for a stay up to 90 days a one-time, one-way transit visa, airport visa unidirectional CZK 800, -
- b) Visa for a stay up to 90 days multiple CZK 3000, -
- c) Visa for a stay over 90 days CZK 1500, -
- d) two-way transit visa, airport visa bidirectional CZK 1200, -
- e) transit visa unlimited number of trips CZK 3000, - "

7) Under 132 liberation reads:

"Liberation:

Fees under this item is exempt

- Diplomatic visa or a special visa, if maintained reciprocity,
- Czech Visa significant, persons under 15 years of age or because of medical and humanitarian aid,
- Visa for the purpose of receiving a residence permit,
- Visa for purposes of study, if maintained reciprocity. "

8) Item 153 letter a) reads:

"A) to issue residence permit CZK 200, -."

#### PART FOUR

The amendment to the law on travel documents

##### § 187

Act No. 216/1991 Coll., On travel documents and travel abroad, as amended by Act No. 150/1996 Coll. as follows:

§ 5, paragraph 3, § § 11 and 26 shall be deleted.

#### PART FIVE

Amendment to the Civil Procedure Code

##### § 188

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

1) In § 120, paragraph 2, the words "the restoration of their activity" adds a comma and the words "in the proceedings on the legality of detention of a foreigner and his release."

2) Under § 200n following new § 200o to 200U, which, including the heading and footnote 34e reads:

"Control of the legality of detention of a foreigner and his release

#### § 200o

(1) If the Authority Police of the Czech Republic (hereinafter referred to as "police") finally decided by a special legal předpisu<sup>34e</sup>) the detention of a foreigner, the alien may apply to the Court with a petition to review the legality of a final decision on the detention and his release ordered. Petition does not suspend the enforceability of the decision.

(2) If the alien has not been completed to ensure under a special law, <sup>34e</sup>) the alien may apply to the Court with a petition to order his release on the grounds that the conditions of detention for the duration of a special legal regulation.

(3) An application under paragraph 1 shall be in addition to the general requirements (§ 42 paragraph 4) contain a description of the parties, reference to the decision being challenged statement of reasons, in what the petitioner sees the unlawfulness of the decision, identification of evidence on which the petitioner relies, and must be it evident what the petitioner seeks.

(4) An application under paragraph 2 shall be in addition to the general requirements (§ 42 paragraph 4, Article 79 § 1) include a reference to the decision, which was finally decided to secure the petitioner must state the facts on which the petitioner sees the illegality of the detention, marking evidence on which the petitioner relies and it must be clear what the petitioner seeks.

(5) The applicant is required to attach the proposal to the documentary evidence relied upon, unless the documentary evidence contained in the writings of the defendant, which issued the decision.

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34e) Act No. 326/1999 Coll., On the residence of foreigners in the Czech Republic and amending certain laws.

#### § 200p

(1) To control rests with the court in whose jurisdiction the detention facility ("the facility"), in which the petitioner is obliged to abstain, if the petitioner at the time the proposal is not in the facility is located, is a matter for the court, in whose jurisdiction the registered office of the police authority, which decided to ensure the petitioner.

(2) The parties to the proceedings are the petitioner and the appropriate police authority that issued the decision on detention.

#### § 200q

(1) The application shall be filed with the competent court or authority by police, who issued the decision on detention.

(2) The court requests the documents that relate to securing petitioner. Police authority is obliged to immediately put to the court. If the application is made by the police authority, that authority shall

be obliged to attach the draft documents, which relate to the petitioner and deliver them together with a proposal within 24 hours of the forum.

#### § 200r

(1) The competent authority of the police, who issued the contested decision, the applicant is obliged to allow participation at the hearing.

(2) Negotiations need not be ordered if the content of the file is no doubt that the decision on detention is unlawful, or that do not meet legal requirements for the detention.

#### § 200s

(1) If a motion under § 200o, paragraph 1, the court will need evidence to assess the accuracy of the contested decision and to assess whether the grounds for detention still exist; reason to ensure it can not be changed. Evidence made in proceedings which preceded the contested decision, the court may take as its findings of fact, if the proposer in its proposal submissions.

(2) To review the legality of decisions is crucial for the court the facts that there was at the time of the contested decision. The defects in the proceedings before the Police Court shall take into account only if the resulting defect could affect the legality of the contested decision.

(3) If the court concludes that the contested decision is lawful, determines that the petition is denied, otherwise cancel the contested decision and order the petitioner to release freedom. If the proposal was rejected, but the reasons for which the contested decision was issued no longer decide on the petitioner's release from prison.

#### § 200 tons

If the court after hearing a petition under § 200o paragraph 2 concluded that the conditions for the detention determined by a special legal regulation, decision on the petitioner's release from prison. If the proposal was rejected, for the petitioner the right to claim the same reasons, further review of the legality of detention after at least three weeks from the decision.

#### § 200near

(1) The court is obliged to discuss the draft priority and as speedily as possible.

(2) The court shall make an order.

(3) A decision of the court appeals are allowed.

(4) Upon delivery of the petitioner is enforceable resolution.

(5) If the court ordered the release of the petitioner to the order of freedom at the hearing, it shall forward its resolution to the parties immediately after its publication. If it has been decided without a hearing, court order delivered to the parties within 24 hours of its release. Police authority which issued the decision on detention, in both cases after service of the order shall immediately take measures to police authority, which operates facilities in which the petitioner is secured, the applicant without delay dismissed. "

### PART SIX

#### FINAL PROVISIONS

#### § 189

## Repealing provisions

### Deleted

- 1) Act No. 123/1992 Coll., On the residence of foreigners in the Czech and Slovak Federal Republic.
- 2) Act No. 190/1994 Coll. Amending and supplementing Act No. 123/1992 Coll., On the residence of foreigners in the Czech and Slovak Federal Republic.
- 3) Article I of Act No. 150/1996 Coll. Amending and supplementing Act No. 123/1992 Coll., On the residence of foreigners in the Czech and Slovak Federal Republic.

### § 190

### Efficiency

This Act comes into force on 1 January 2000.

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1) Regulation of the European Parliament and Council Regulation (EC) No 562/2006 of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

1) Act No. 40/1993 Coll., On the acquisition and loss of citizenship of the Czech Republic, as amended.

1b) The Treaty establishing the European Community.

1c) For example, the Treaty of the European Community and its Member States on the one hand and the Swiss Confederation.

1d) Annexes V and VIII of the Treaty on the European Economic Area.

2) Act No. 325/1999 Coll., On Asylum and Amendment to Act No. 283/1991 Coll., On the Police of the Czech Republic, as amended (the Act on Asylum).

3) Act No. 310/1999 Coll. Foreign armed forces on the territory of the Czech Republic.

3) Act No. 221/2003 Coll. Temporary Protection.

3b) Act No. 216/2002 Coll. Protection of the state border of the Czech Republic and amending certain acts (Act on the protection of national borders).

4) Act No. 49/1997 Coll., On civil aviation and amending and supplementing Act No. 455/1991 Coll. Trades (Trade Act), as amended by Act No. 189/1999 Coll.

4) Council Regulation EC No 2133/2004 of 13 December 2004 the competent authorities of the Member States to stamp systematically the travel documents of third-country nationals when they cross the external borders of the Member States and amending for this purpose as the Convention implementing the Schengen agreement and the common manual.

5) Title twenty-fifth of Criminal Procedure.

5) Agreement between the Governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed in Schengen in Luxembourg on 14 June 1985. Convention signed on 19 June 1990 at the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands to implement the agreement signed on 14 June 1985 on the gradual abolition of checks at their common borders.

5b) Head of the twenty-fifth of Criminal Procedure.

5c) Council Decision 2004/574/EC of 29 April 2004 amending the Common Manual.

5d) § 101 of Act No. 500/2004 Coll. Administrative rules.

6) § 5, paragraph 1 of Act No. 110/2006 Coll. Subsistence level.

6) Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession when crossing the external borders, as well as the list of third countries whose nationals are exempt from that requirement, as amended.

7) § 26 to 32 of Act No. 283/1991 Coll., On the Police of the Czech Republic, as amended by Act No. 163/1993 Coll.

7a) § 18, paragraph 1 of Act No. 49/1997 Coll., On civil aviation.

7b) Council Decision on a joint action adopted by the Council pursuant to paragraph 2 of Article K.3 point. b) of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (94/795/JVV).

7c) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

8b) Act No. 48/1997 Coll., On public health insurance and amending related laws, as amended.

8c) Council Decision 2004/17/EC of 22 December 2003 amending point 1.4 of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance documents for the grant of a uniform entry visa.

8d) Convention implementing the Schengen Agreement signed on 14 June 1985 between the Governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

The Executive Committee SCH / Com (99) 13 of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions.

Council Decision 2004/17/EC of 22 December 2003 amending point 1.4 of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance documents for the grant of a uniform entry visa.

8e) Act No. 435/2004 Coll., On employment.

8f) Act No. 455/1991 Coll. Trades (Trade Act), as amended.

8 g) Act No. 277/2009 Coll., On Insurance.

- 9) Act No. 150/2002 Coll. Administrative Procedure Code, as amended.
- 9) Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.
- 9b) § 149 of Act No. 500/2004 Coll. Administrative rules.
- 9c) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.
- 9d) § 2 and 3 of Act No. 110/2006 Coll. Subsistence level.
- 9e) § 26 paragraph 1 of Act No. 117/1995 Coll., On state social support, as amended.
- 9f) 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.
- 9g) Council Directive 2004/81/EC of 29 April 2004 concerning the issuance of residence permits to third country nationals who are victims of trafficking in human beings or who have been the objects smuggling and cooperate with the authorities.
- 9h) § 232a of the Criminal Code.
- 9i) § 171a and 171d of the Penal Code.
- 9j) Act No. 341/2005 Coll., On public research institutions, as amended by Act No. 379/2007 Coll.
- 9k) Act No. 111/1998 Coll., On universities and amending other Acts (Higher Education Act), as amended.
- 9n) § 26 paragraph 1 of Act No. 117/1995 Coll., On state social support, as amended.
- 9o) § 24 paragraph 2 of Act No. 111/2006 Coll., On assistance in material need.
- 10) § 57 of Act No. 140/1961 Coll., The Penal Code, as amended.
- 10a) Act No. 561/2004 Coll. Preschool, primary, secondary, tertiary professional and other education (Education Act), as amended.
- 10b) For example, § 114 of Act No. 561/2004 Coll.
- 10c) Act No. 94/1963 Coll., On family, as amended.
- 11) § 12 of Act No. 325/1999 Coll., As amended by Act No. 2/2002 Coll. and Act No. 165/2006 Coll.
- 11) Decree No. 326/2000 Coll., On labeling of streets and other public spaces, names, locations and how to use numbers to describe buildings on the essentials and renumbering of buildings and on the procedure and notification numbers and documents necessary to assign numbers, as Decree No. 193/2001 Coll.
- 12) § 27 of Act No. 592/1992 Coll. Premiums for universal health insurance, 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) § 151 of Act No. 500/2004 Coll.
- 13) Council Directive 2004/38/EC of 29 April 2004 on the right of EU citizens and their family members to move and reside freely within the territory of the Member States.

13) For example, the Commercial Code, the Trade Act, Act No. 220/1991 Coll., The Czech Medical Chamber, the Czech Dental Chamber and the Czech Pharmaceutical Chamber, as amended, and Act No. 85/1996 Coll. Advocacy, amended.

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

13c) § 32 of Act No. 155/1995 Coll., On pension insurance.

13d) § 30 and 31 of Act No. 155/1995 Coll.

13e) § 25 and § 38 point. b) of Act No. 155/1995 Coll.

14) § 116 of Act No. 40/1964 Coll., The Civil Code, as amended.

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

15a) Article 2 point 14 of the European Parliament and Council Regulation (EC) No 562/2006.

15b) Annex V, Part A, paragraph 3, point. a) Regulation of the European Parliament and Council Regulation (EC) No 562/2006.

15c) Article 3 of Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

15d) Act No. 111/2006 Coll., On assistance in material need.

15e), 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).

15f) Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended.

16) For example, Act No. 455/1991 Coll. Trades (Trade Act), as amended.

16a) 7 § 2 and § 14a paragraph 2 of Act No. 325/1999 Coll., As amended by Act No. 165/2006 Coll.

16b) § 15 of Act No. 283/1991 Coll., On the Police of the Czech Republic, as amended by Act No. 326/1999 Coll.

17) 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 by a third country in one of the Member States.

18) Law No. 119/2002 Coll. Firearms and Ammunition and amending Act No. 156/2000 Coll. Verification of firearms, ammunition and pyrotechnics and amending Act No. 288/1995 Coll. Firearms and Ammunition (Firearms Act), as amended by Act No. 13/1998 Coll., and Act No. 368/1992 Coll., on administrative fees, as amended, and Act No. 455/1991 Coll. trading (the Trade Act), as amended, (the Weapons Act), as amended.

19) § 1 § 2 and 3 of Act No. 37/1989 Coll. Protection against alcoholism and other addictions.

Act No. 167/1998 Coll. Addictive substances and amending some other Acts, as amended.

19) § 36 paragraph 2 of Act No. 561/2004 Coll. Preschool, primary, secondary, tertiary professional and other education (Education Act).

- 20) Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.
- 20a) Council Regulation (EC) No 871/2004 of 29 April 2004 on the introduction of some new functions for the Schengen Information System, including the fight against terrorism.
- 21) Act No. 329/1999 Coll., On travel documents and amending Act No. 283/1991 Coll., On the Police of the Czech Republic, as amended (the Act on Travel Documents), as amended.
- 21a) § 2, paragraph 2 of the Commercial Code.
- 21b) Act No. 200/1990 Coll. Misdemeanors, as amended.
- 22) Act No. 337/1992 Coll., On the administration of taxes and fees, as amended.
- 23) § 17 letter. l) of Act No. 256/1992 Coll.
- 24) Law No. 97/1974 Coll. Archives, as amended by Act No. 343/1992 Coll.
- 24a) Act No. 269/1994 Coll. Criminal records, as amended.
- 24b) Act No. 111/2009 Coll., Basic registers.
- 24c) The part of the second and third administrative order.
- 25) Law No. 36/1967 Coll. Experts and interpreters.
- 26) § 244 to 250k of Act No. 99/1963 Coll.
- 26b) The Executive Committee SCH / Com (99) 13 of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions.
- 27) Regulation of the European Parliament and Council Regulation (EC) No 810/2009 of 13 July 2009 establishing a Community Code on Visas (Visa Code).
- 28) § 42 of Act No. 359/1999 Coll., On Social and Legal Protection of Children, as amended by Act No. 518/2002 Coll., Act No. 315/2004 Coll., Act No. 134/2006 Coll. and Act No. 176/2007 Coll.
- 29) Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for purposes of scientific research.
- 30) For example, Act No. 455/1991 Coll. Trading (the Trade Act), as amended, Act No. 513/1991 Coll., Commercial Code, as amended, Act No. 160/1992 Coll. on health care in private health care facilities, as amended, Act No. 20/1987 Coll., on State monument care, as amended.
- 31) Decree No. 326/2000 Coll., On labeling of streets and other public spaces, names, locations and how to use numbers to describe buildings on the essentials announcements renumbering of buildings and the notification procedure and allocation of numbers and documents needed for the allocation of numbers as amended by Decree No. 193/2001 Coll.
- 32) Council Directive 2009/50/EC on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment.
- 33) Act No. 48/1997 Coll., On public health insurance and amending certain related laws, as amended.

Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and their families moving within the Community.

Regulation of the European Parliament and Council Regulation (EC) No 883/2004 on the coordination of social security systems.

34) § 319, paragraph 1 of Act No. 262/2006 Coll. Labour Code, as amended by Act No. 362/2007 Coll.

35) For example, Act No. 18/2004 Coll., On the recognition of professional qualifications and other competence of nationals of Member States of the European Union and some other states and amending certain laws (the Act on the Recognition of Professional Qualifications), as amended, Act No. 95/2004 Coll. conditions for the acquisition and recognition of professional qualifications and specialized qualifications for the medical profession a physician, dentist and pharmacist, as amended, and Act No. 96/2004 Coll. conditions for the acquisition and recognition of competence to perform paramedical professions and activities connected with the provision of health care and amending certain related laws (the paramedical professions), as amended.

36) Act No. 589/1992 Coll., On social security and contribution to the state employment policy, as amended.

37) 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 by a third country in one of the Member States.

38) § 143 Administrative Code.

39) § 14 paragraph 2 of Act No. 325/1999 Coll., As amended by Act No. 165/2006 Coll.

40) Council Regulation ( EC ) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals , as amended by Council Regulation ( EC ) No 380 /2008.

41) Act No. 251/2005 Coll. Labour Inspection, as amended.

42) § 27 of Act No. 273/2008 Coll., On the Police of the Czech Republic.

43) § 2. u) of Act No. 365/2000 Coll., the information systems of public administration and amendment of other laws.

44) Act No. 435/2004 Coll., On Employment, as amended.

45) Act No. 277/2009 Coll., On Insurance.

46) § 75 of the Criminal Code.

§ 15a of the Act No. 200/1990 Coll., On misdemeanors, as amended by Act No. 494/2012 Coll.

47) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

48) § 46a of Act No. 325/1999 Coll., As amended by Act No. 379/2007 Coll., Act No. 427/2010 Coll. and Act No. 103/2013 Coll.

49) Směrnice Evropského parlamentu a Rady 2011/98/EU ze dne 13. prosince 2011 o jednotném postupu vyřizování žádostí o jednotné povolení k pobytu a práci na území členského státu pro státní

příslušníky třetích zemí a o společném souboru práv pracovníků ze třetích zemí oprávněně pobývajících v některém členském státě.

50) § 98a zákona č. 435/2004 Sb., ve znění pozdějších předpisů.