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Being Legal in the Czech Republic: One American's Bureaucratic Odyssey

Abstract:

This article is the first-person testimony of an American citizen living in the Czech Republic for over ten years. It details some of her personal and professional milestones during this period in order to describe her various attempts to live and work legally in the country as well as her experience with bureaucracy. It concludes with her reflections on the situation of Americans and other third-country nationals following the Czech Republic's entry into the Schengen area, including some suggestions as to what these individuals can do to instigate change in local practices of employment and accommodation. The author wishes to stay anonymous.

I came to the Czech Republic for the first time in 1996 for the purposes of studying with an American-based study abroad program. The program branch in America informed me that I would be able to apply for a visa upon my arrival. In my euphoric, yet confusing first week in the country, I (along with a group of five other students) was taken to various offices and various papers were collected for me. This culminated in an early-morning journey with the group to the foreign police at Olšanská. The resident director of the study abroad program had warned us that it might be difficult to get in the door, as there would be many people waiting and the rules of waiting in line were not typically observed. As expected, we were not the only ones waiting. At the designated time, the doors opened, and several people pushed their way inside. This group did not include us. So we stood in front of the closed glass doors.

At that time U.S. citizens could remain in the country as tourists for 30 days, then leave, and this 30-day period would start again. The resident director decided it would be easier

for us to do this instead. After all, we were planning trips to Dresden, Krakow, Bratislava and Vienna over a 4 month period. We heard stories of many others who were doing the same thing, not only students like us, but people who were working, too. I understood the situation thus: these people did not want to brave the foreign police. And nobody seemed to be placing any sanctions on them. Would they be deported for doing this? Nobody knew, but most likely not. This experience, as it was my first, has colored the rest of them ever since. And now, since the Czech Republic has entered Schengen, the horror story value of these aforementioned sanctions appears to be increasing.

But I digress. I remained in the Czech Republic as a student for 12 months. I traveled abroad responsibly once every month. I didn't have a lot of money, so often these trips were short. During the summer, I taught English to private individuals for cash and thought nothing of it. After all, at age 21, these type of earnings work similarly to those you get in the U.S. in exchange for babysitting. I also had a brief administrative job for which I was paid cash. What I did not know at that time was that the money was paid technically to someone else.

In the summer of 1998 I returned, because I had decided that Prague and I could not live without each other. I returned to the same administrative summer job and was paid in a similar way. I applied to study for an M.A. at Charles University. Nobody ever advised me regarding the process of getting a visa, nor, in fact, ever required me to have one. I was issued an official student ID and began attending classes. I did not have much money, but was faced with the issue of the 30-day allowance. So I asked around. Several people told me they had remained in the country for months without leaving, and nothing had happened to them. The real problem was having an expired visa in your passport. This would alert the border guards. But with a passport empty of visas, you could come and go as you pleased. So I overstayed the allowed period by at least 8 months. Finally I made a trip to the borders. The guard waved us past without asking to see any papers. I had to ask him specially for a stamp, claiming I wanted it as a "souvenir".

In the spring of 1999, I was awarded a scholarship for study in the Czech Republic from an American foundation. They asked me about my visa situation and told me they could help me with the visa, giving me some samples of the documents I had to collect. All of my papers were finally ready by the end of 1999 and I was accompanied by a representative of the foundation to the foreign police during the first week of 2000. But by then the law had changed and I could only apply for the visa from outside the country. So it was off to Bratislava for me. But there was a problem with my apartment, it was a cooperative, and the foreign police rejected the accommodation form. The procedure took several months. I finally received my first Czech (study) visa in late 2000, after my scholarship period had ended.

At that point, I had already lived in the Czech Republic for three years and had worked at various jobs, including a job for an American study abroad program, where I had advised the students to leave the country every 30 days.

My first visa expired at the end of 2000 without being renewed because I was unaware that I had to apply for the renewal two weeks in advance. In the winter of 2001, I got a new (study) visa after two trips to Dresden. In September of 2001 I renewed my study visa successfully for the first time; it was good for a year.

In the autumn of 2002 I let my visa run out because I was looking for a new apartment and was not aware of the fact that I could submit some documents initially and add others later. I found this out because an Icelandic friend took the foreign police to court and they made this argument against her. She had tried repeatedly to renew her visa, but had gone to the foreign police (who were now using the number system) several mornings in a row, only to discover that all the numbers for that day had been given out. She asked the woman at the information desk if she could at least get a confirmation that she had been there and tried to renew the visa. The woman refused. Her renewal time ran out. Her final court decision came out several years later. She was in the right. Ironically, this happened long after the Czech Republic had joined the EU which does not require visas from citizens of Iceland.

I continued looking for an apartment, I was shown one in which I asked the owner if she was willing to sign the papers for the foreign police (I always ask this as a rule). She said no because she had had problems with this in the past. I did not take the apartment. I took another one several weeks later, made two trips to Bratislava and got my student visa in November.

Between 2002 and 2007, I lived in the new apartment with other foreigners, mostly Americans, all of whom had spent 9 months to 3 years working in the Czech Republic, mostly as English teachers. Several of them never had visas. One was told by one language school that they would do the visa for him, but only if he paid them for it.

I completed my M.A. in 2003 and applied for PhD studies. During that same year, I was hired to teach English in a company. The woman in charge of the courses asked me if I had a work permit. I did not. It remained unclear how I would be paid.

I renewed my student visa for another year. Around that time, I found out that my research group had won a grant, through which I was to become an employee of my faculty. The woman from the personnel department asked me if I had a work permit. I did

not. For this reason, we had to temporarily switch jobs with a colleague of mine, with him transferring the money to me.

My work permit for the grant job finally came through in the spring of 2004. I made two trips to Bratislava and got my first work-based visa. I had health insurance and social security paid by my employer and was overjoyed. I showed my work permit to the company where I taught. They did not accept it, but were not able to provide the right reasons why it was unacceptable.

In September of 2004, after several years of being paid in various ways, a translation client (and the language school) claimed there was no way for them to pay me but for me to get a živnostenský list. I needed a new type of visa for this. I made two trips to Bratislava and got the license at the end of the year. I renewed my work visa at the end of the year.

I was also employed by another institution, the Czech Academy of Sciences, that wished to pay me on the basis of a dohoda o provedení práce. They asked me if I had a work permit, I said yes, at the university. Having signed this type of work agreements several times elsewhere and having believed it was completely legal to do so, I claimed it was acceptable. The new employer rejected this idea. Confused, I looked up the laws and discovered that I had to get a separate work permit for each employer who wants to hire me, even for a dohoda o provedení práce. The money from the Academy was paid to me in the name of one of my colleagues.

The issue of my employment at the Academy of Sciences came up again later. I insisted that they get the work permit for me, because as time went by, they continued to offer me more and more jobs. They appeared committed to me, and in the fall I got the work permit. In September 2005, I also renewed the visa for the živnostenský list, and applied for a second živnostenský list, worried that I could be audited for teaching English when my license was to translate.

I now had two work permits and two trade licenses.

I renewed the visa for work at the faculty in December.

In September 2006, I renewed the živnostenský list visa. It was good for 2 years this time. I celebrated.

In 2006 I began work on a European grant project, in which I became responsible for several employees, most of whom are not Czech citizens. One of them was Russian, another was Serbian. Both colleagues needed visas every time they wanted to participate in workshops associated with the project in countries like Italy and Belgium. Each time,

this involved an invitation, confirmation of accommodation, and insurance. It often happened that one of the papers was not exactly right and had to be redone. I began longing for the Schengen entrance.

In January 2007, I renewed the work visa. The woman at the foreign police complimented me on my Czech (I wanted to retort “So why don’t you grant me permanent residence, then?”) and gave it to me immediately. I was pleasantly surprised. In December 2007, the Czech Republic entered Schengen. The Schengen rules state that a citizen from a visa-waiver country such as the U.S. may remain in the entire Schengen space for 90 days out of 180 days. This marks the end of the day trips across the border to renew one’s legal presence in the country. In particular, this is a new situation for American citizens without visas.

In January 2008, I was told I could apply for permanent residence, but it might take a while for it to come through. I applied for my last work visa.

As can be observed, my journey toward both legal and permanent residence has been paved with unsound practices, and not only my own. It is possible to point to employers, owners of real estate, educational and other public institutions who have somehow participated in going around the law. To be fair, many of them were put in a difficult situation.

The first three months of the Czech Republic’s Schengen participation are nearly up, and I have been asked how this influences me as an American, or the Americans I know. The answer is this: in my personal and professional sphere, this is indeed a positive change, as many of my colleagues and friends can now travel more widely and with fewer complications than they could before.

American citizens are often known to argue that they have economic power, and that the Czech Republic should not set up so many roadblocks for them to bring in their various types of capital (their finances as well as their linguistic and expert knowledge).

Given that these individuals do have power (more so than, say, an Ukrainian construction worker without health insurance who is subject to the client system, to use the stereotype at the other end of the spectrum), I have a couple of pieces of advice to offer which suggest how they might use this perceived power to actually change norms of practice:

1. Insist on being employed legally. This applies regardless of what type of contract you have. If you have multiple employers, this can be done through obtaining a živnostenský list. However, if you have only one employer, for whom you work full time and who insists you get a živnostenský list, this is called “švarcsystém”

in Czech and it is illegal. If you are not employed legally, there is no mechanism to ensure that you have e.g. health insurance and no money is put away for your retirement should you choose to stay in the Czech Republic. You are the one who is at risk. Some employers are not aware that they have to do this for you (note all the employers who incorrectly asked me “if I had a work permit”), so it is necessary to inform them. If your employer refuses to help you get legal, find another.

2. If you are responsible for others from “third countries” (non-Czech, non-EU), insist on their stay being legalized.

3. Insist on being accommodated legally. Make sure you have a contract. If the owner of your apartment or house refuses to officially declare you and provide the papers you need for the foreign police, you are likely paying a lot of money to someone who is paying no taxes on this income, or may be, in fact, breaking the law by renting property he or she does not have the right to rent. Rent elsewhere.

Though it is clear that in this transitional period, there is a lot of conflicting information coming from the Czech bureaus (e.g. the question of whether Americans with Czech visas can travel to other Schengen countries), my hope is that the Schengen situation will create a more clear understanding of what exactly we have to do to get legal, and that these steps will be followed both by the foreigners themselves and those who come into contact with them. Thinking back to that first experience in 1996, I wish someone had advised me in a similar way then.