



Closing job market, closing eyes

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Abstract:

The Czech immigration system needs substantial reform and a complete change of thinking. The country has never been able to attract highly skilled immigrants and is desperately trying to discourage all other migrants from working in the Czech Republic. The large number of Czech businesses, on the other hand, rely on foreign labor.

The Czech migration system is full of shortcomings. The entry procedures via Czech embassies abroad are blocked rather than facilitated by an electronic registration tool called VISAPOINT, which is usually inaccessible for months for many categories of applicants including students and family members of Czech nationals. In addition, the main source countries such as Vietnam and Ukraine use different intermediaries and are able to manipulate the Visapoint, thus charged several hundreds of euros for successful registrations. The return procedure is not effective at all because it offers only sanctions - expulsion order with obligatory EU-wide re-entry ban even for voluntary returnees.

However, the main concern represent the current restrictions for immigrants regarding the labor market access¹ and obligatory private health insurance².

The total number of immigrants with employment contract has dropped sharply in the last five years. As of the end of 2008, a total number of 128.934 third country nationals had a valid work permit in the country. As of the end of 2011, only 36.792 work permits remained valid (-88.000). Of course, the economic slowdown had a significant influence on the decreasing number of working permits for third country nationals. However, the immigrants have not left the territory of the country. Overnight many of them became from employees to business licence holders, many of them disappeared in shadow economy. Only 2.073 foreigners used

¹ The Migration Policy Index data (<http://www.mipex.eu/czech-republic>) are in this regard outdated.

² Look at the joint campaign of Czech NGOs, united in Consortium of Migrant Assisting Organizations in the Czech Republic. at <http://www.konsorcium-nno.cz/zdravotni-pojisteni-migrantu.html>

the pilot voluntary return program offered by the Czech Interior Ministry as a solution to immigrants affected by the crisis³.

Furthermore, the Czech Ministry of Labor and Social Affairs, General Director of Labor Office, issued an internal instruction (19/2012) for all labour offices in the country. The labour offices must apply strict priority check (if a Czech or EU citizen is available for the concrete job position) applicable for all third country nationals no matter their education with explicit instruction not to extend work permits for low qualified workers unless the employer would face „serious economic risk“ resulting from lack of foreign work force⁴. In addition, the Labor Ministry’s instruction established very complicated rules for recognition of diplomas and education and even highly qualified managers from the US or South Korea face serious difficulties in extending their work permits and visas.⁵ Consequences of the restrictions are obvious – more and more migrant workers end up in quasi business working relationships or vanished underground.

The Interior Ministry is well aware of the current situation and pushes the new „business men“ deeper into the corner. Certain limits for minimum profits out of the business activities are newly required from each business license holder in order to approve extension of their business visas. The Labor Ministry rapidly increased the number of labour inspections targetting both illegal work in its pure form - with no contract whatsoever as well as illegal work in employment-like situations covered by the various business contracts. Low skilled immigrants, whose work is indeed needed by Czech companies, find themselves in desperate situations trying to buy invoices anywhere in order to fulfill the minimum profit limits. Many immigrants resigned on finding any kind of legal job and rely on exploitative intermediaries to send them anywhere to work illegally or engage in criminal activities. Again, almost nobody uses the option of „voluntary“ return.

The EU concepts embodied in various directives are usually received and transposed by Czech authorities with strange suspicion. The blue card scheme has never been used in the Czech practice, the Sanctions Directive has been transposed very narrowly in order not to help in any way to migrant workers and at the same time not to harm Czech businesses relying on competitive advantage of cheap and flexible foreign labour.⁶

To sum it up, the Czech migration policy is short of any vision. It always reacts with delay regarding something in a repressive manner, ignoring the rampant discrimination and

³ Details available in Governmental 2009 Report on Situation of Migration and Integration of Foreigners in the Czech Republic at <http://www.mvcr.cz/clanek/zpravy-o-situaci-v-oblasti-migrace-a-integrace-cizincu-v-ceske-republice-za-roky-2001-2010.aspx>

⁴ The Foreigners Rights Committee under the Governmental Human Rights Council concluded on 7 February 2013 that the 19/2012 instruction contradicts the Czech law and should be abolished.

⁵ E.g. the American Chamber of Commerce in the Czech Republic repeatedly criticized the 19/2012 instruction and there should be changes in the instruction but only for large companies.

⁶ Look at one of the first studies in implementation of the Sanctions Directive in the Czech Republic at www.asaw.eu

exploitation of migrant workers in the Czech Republic. The media reports concerning immigrants are full of negative and criminal news, the public debate on migration and asylum issues is limited to few dozens of mainly NGO experts, the mainstream politics are not considering migration as an important phenomenon yet. The time for substantial reform has come.

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