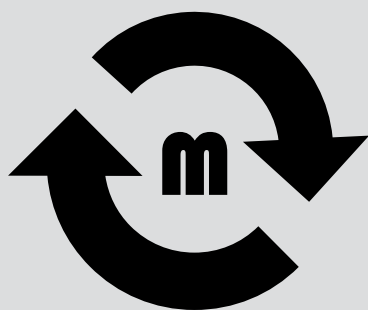




Konsorcium nevládních
organizací pracujících
s migranty v ČR | Consortium of Migrants
Assisting Organizations
in the Czech Republic



Migration Manifesto

Non-governmental Organisations Working
with Migrants in the Czech Republic

2015

Table of contents

1.	Introduction	03
2.	Freedom of movement	04
2.1.	The right to migrate freely must exist	04
2.1.1.	The Czech immigration system must be made easier and more transparent	05
2.1.2.	Measures limiting freedom of movement must have a legitimate basis and be just	05
2.1.3.	Extra-territorialisation of state borders must not be the norm	06
2.1.4.	The principle of free movement within the European Union must be maintained and widened	07
2.2.	Free movement of family members must be guaranteed	07
3.	Solidarity with refugees and a fair asylum policy	09
3.1.	Refugees must have guaranteed access to international protection	09
3.1.1.	Compliance with the non-refoulement rule of the 1951 Refugee Convention is essential	10
3.1.2.	The Dublin Regulation must be revised	10
3.1.3.	Opportunities for refugees to enter the EU and the Czech Republic must be increased	11
3.2.	Refugees must not be prosecuted for fleeing their countries without documents	11
3.3.	Integration of refugees must be permitted during asylum proceedings	12
3.4.	The option to help refugees must be ensured systematically	13
3.5.	The Czech Republic must actively play its part in resolving the humanitarian crisis and geopolitical challenges	13
4.	Integration and integration policy	15
4.1.	All parties must play a role in the integration process	15
4.1.1.	Integration policy must be formulated and applied at the governmental, regional and local government levels	16
4.1.2.	Integration policy must apply to all migrants, regardless of their residence status	17
4.1.3.	Intercultural training for employees of state administration and public bodies must be provided on a conceptual basis	17
4.2.	Gradual acquisition of rights	18
4.2.1.	Integration must be an obligation – but also a right	18
4.2.2.	More rights and residence security should be granted as the length of residence increases	18

4. 2. 3.	Individual regularisation of migrants with permanent residence must be possible	19
4. 3.	Civic integration must form a major aspect of the integration policy	19
5.	Social rights of migrants	21
5. 1.	Access to the European social security system for EU citizens and their family members must be guaranteed	21
5. 2.	Third-country migrants with long-term residence should be included in the social security system	22
5. 3.	Pension schemes for third-country migrants must be fair and take humanitarian factors into account	23
5. 4.	Social services must be provided to all migrants regardless of their residence status	24
5. 5.	Migrants must have the right to be included in the public healthcare system	24
5. 6.	Homeless migrants must be permitted access to assistance	25
6.	Education	26
6. 1.	The Czech Republic must have a clear strategy for educating migrants and including them in the education system	26
6. 2.	Language measures and compensatory measures – supporting migrant integration at all levels of the education system – must be ensured	27
6. 3.	Expertise in intercultural competencies and the openness of schools must be strengthened	28
6. 4.	Access of irregular migrants to all types of education must be secured	28
7.	Migrants and employment	29
7. 1.	Effort must be made to understand processes and creating and fuelling demand for economic migrants	29
7. 2.	Economic migrants must not be perceived purely in terms of their economic worth	30
7. 3.	Checks imposed on migrants should not lead to forced labour	31
7. 4.	Enforceability of rights must be guaranteed for all employees	31
8.	Political involvement	33
8. 1.	Migrants must be permitted to participate in governance	33
8. 1. 1.	Voting rights at the local level must be granted to all settled migrants	33
8. 1. 2.	Migrants must be permitted to join political parties	34
8. 1. 3.	Establishment of advisory bodies at the local level for representing settled migrants must be permitted	35
9.	Afterword	36

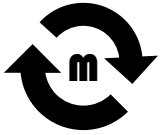
1. Introduction



In this document (the “Manifesto”), we, as member organisations of the *Consortium of Non-Governmental Organisations Working with Migrants in the Czech Republic*, outline our experiences and opinions on migration and integration, and the policy related to migration and integration. They are based on our practical involvement in this sector for many years. This document is especially intended for policymakers and professionals. It can also be used by the general public.

It is an idea-based manifesto of values and principles that we regard as being fundamental in helping to establish a just society. They would apply in a globalised world that enables all individuals to enjoy a dignified life and freedom and equality to the maximum extent. The Manifesto applies to both men and women, but for practical reasons the male gender is used in examples.

We would like to use this document to contribute to the formulation of a balanced, enlightened and socially just migration and integration policy in the Czech Republic. We wish to promote cultural diversity, to contribute to the development of a culture of respect and responsibility, and an open society that enables all people to exercise their democratic rights, regardless of the differences between them. We would like to point out that the Czech Republic, on the basis of democratic processes, has passed legislation and acceded to many international treaties in which it undertakes to fulfil certain principles or to adhere to certain regulations. However, such rules have on more than one occasion been breached, unfulfilled or distorted, depending on current needs. An example of this is the flouting of Act No. 262/2006, the Labour Code, in a case involving foreign employees, or once or several times a failure to provide documents proving residence, under Act No. 326/1999, on the Residence of Foreign Nationals in the Czech Republic. Recent examples include the failure to respect the basic principles of the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees, especially the principle of not prosecuting refugees for illegally entering a country.



2. Freedom of movement

“Unprecedented” or “mass”: public opinion increasingly associates these words with migration. In 1990, estimates put the number of migrants worldwide at 154 million. In 2013, this figure had reached 232 million. According to the United Nations (UN), the number of people living outside their countries of origin has been growing steadily, and thus it could be tempting to believe the above adjectives. In fact, the proportion of migrants to the global population has remained at approximately 3% for decades. In addition, in statistical terms the number of migrants has been low: since 1990 the number of countries has risen only in Europe, from 34 to 46, which has also led to growth in the number of international migrants who have not moved anywhere. This was so after the break-up of Czechoslovakia: Slovaks living in the Czech Republic suddenly became foreigners. Today, half a million migrants live in the Czech Republic, and approximately the same number of Czech citizens live abroad. It can therefore be seen that it is natural for a minority of the population, small by global standards, to migrate, while the majority does not.



THE RIGHT TO MIGRATE FREELY MUST EXIST

Freedom of migration is based on Constitutional Act No. 2/1993, the Charter of Fundamental Rights and Freedoms (the “Charter”) of the Czech Republic. Under Article 14 of the Charter, freedom of movement and residence should be guaranteed. The state may limit these liberties if the need arises in order to maintain national security, public order and the protection of the rights and freedoms of others or, in certain demarcated areas, to protect nature. A foreigner may therefore be expelled only in cases specified by legislation. Freedom of movement should therefore be the norm. However, the approach to migration is set up in such a way that a migrant is not permitted to move freely. In exceptional cases it is possible to apply for a visa, but no legal entitlement exists. The Manifesto is not an appeal for the abolition of border controls, visas, or other legally-imposed constraints.



Instead, it is a call to respect the Czech Constitution. It is also a call for migration to be perceived as a normal phenomenon that can, in justified cases, be restricted. Migration in the past has been perceived as an anomaly. It should not, however, be seen in this way.

2. 1. 1. The Czech immigration system must be made easier and more transparent

At present, the Czech immigration system is non-transparent, unpredictable and very changeable. Such an arrangement places basic obstacles in the way of migrants who apply for visas and significantly complicates their lives, including those of their families and even migrants' relatives who are Czech citizens. The complexity of the system and the lack of information about it among migrants leads to the spreading of rumours, which are then taken advantage of by exploitative intermediary structures.



We strongly believe, therefore, that in order to fulfil the principle of freedom of movement the Czech Republic must simplify and make more transparent entry and residence regulations for migrants entering the country. It must ensure that in order to fulfil the conditions stipulated by law, the legal entitlement to issue a visa or residence permit exists. The Czech Republic must also grant the immigration authorities greater scope to substantially improve decision-making processes, must fully digitalise all residence administration, and allow most activities to be carried out online. The Czech Republic must ensure that restrictions on freedom of movement and residence do not have the nature of bureaucratic obstructions. This applies especially to time limits and restrictions on territorial jurisdiction. For example, a renewal application for a long-term residence permit (over 90 days) can be submitted only between the 120th and the 14th day before expiry of such a permit. Subsequently, the right to submit an application expires, or it will not be possible to apply for the permit. The current arrangement is an unnecessary impediment in terms of the costs of such procedures. We believe that the state must make clear in advance who should receive the permit, and then formulate regulations, based on which it should issue a decision. Applicants should not be chosen according to their endurance levels.

2. 1. 2. Measures limiting freedom of movement must have a legitimate basis and be just

In the Czech Republic it is common practice that if a migrant from a country outside the EU ("third-country national") and holding a long-term resi-



dence permit commits a crime, he is punished under criminal law and his right to reside in the Czech Republic is revoked. In addition, in instances of dual sentencing, proportionality is frequently not applied; in practice a criminal record is a sufficient basis for revoking the migrant's right of residence. For example, a third-country migrant with a long-term residence permit is charged with causing a car accident after consuming alcohol. Nobody is injured and he pays all damages and a fine, but as a result of being recorded in the criminal register his residence permit is revoked.



We call for proportionality to be applied in the process of revoking a residence permit when a crime has been committed, and for the relevant authorities to consider the specifics and circumstances of individual cases.

2. 1. 3. Extra-territorialisation of state borders must not be the norm

A current trend in Czech and EU migration policy is “extra-territorialisation of borders”, meaning borders moving away from the territory of the member states, ideally outside the European Union. In particular, this is seen in the financing of the EU agency Frontex, which co-ordinates the protection of the EU's external borders. It can also be seen in the funding of wider EU collaboration with non-EU countries in regulating migration, mainly consisting in sharing EU experience of external border protection and the construction of detention centres for migrants who do not have permission to stay in such countries. The EU has also imposed strict rules on airlines, which are responsible for their passengers; those who do not have valid documents and visas must be repatriated at their own expense. As a result, for certainty carriers will not let anyone suspect on board. Through these measures the EU, including the Czech Republic, transfers responsibility for regulating migration to others, thereby reducing the possibilities of migration through legal channels and indirectly supporting the development of exploitative intermediary structures.



We consider it essential for the EU, and therefore the Czech Republic, to accept responsibility for regulating migration and not to transfer it to countries bordering the European Union.



2.1.4. The principle of free movement within the European Union must be maintained and widened

The right to free movement within the European Union is under the law and in public opinion reserved only for citizens of the EU and their family members. European Union states subject those from third countries to checks and ask them to show how they benefit their host countries. We do not regard this strict division as reasonable because freedom of movement is a human right, universal and indivisible, and therefore should be understood and perceived in the same way as freedom of movement of goods, information or capital. In addition, it has been shown in practice that the current legal arrangements may not always be sustainable because restriction of movement is gradually affecting EU citizens too, as was the case in 2010 when France deported Romanian citizens.

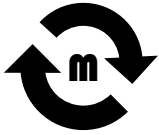


We consider it essential for the Czech Republic to strengthen efforts to maintain the principle of free movement of people within the European Union, including states that are not part of the Schengen Area, and to support the extension of the principle to third-country nationals who have permanent residence in several member states. We strongly believe that if the standard of free movement enjoyed by Europeans is not extended to third-country migrants, conversely EU citizens could start to be treated in the same way as them, as appears to be the case in the United Kingdom, for example.



FREE MOVEMENT OF FAMILY MEMBERS MUST BE GUARANTEED

The freedom of every man includes the freedom of movement of those with whom he lives, and especially his family. This right derives from the right to family life, under international human rights conventions, including the Convention on the Rights of the Child and the European Convention on the Protection of Human Rights and Fundamental Freedoms, ratified by the Czech Republic. The rules of the current EU immigration system make it impossible for many third-country migrant workers to be joined by their families. Europeans too, including Czech citizens who have established relationships with migrants from third countries, must face many challenges, such as the basic assumption that anyone who marries a third-country national is doing so for reasons of convenience. Furthermore, the financial requirements migrants must fulfil as one of the conditions of their stay in the EU, and thus the Czech Republic, tend to make family reunification



very difficult. Evaluation of financial status can be permitted, but it should not override the right to family life. In fact, such an assessment frequently makes it impossible for families to be reunified. Preventing family reunification is one of the most serious infringements of human rights, with far-reaching psychological impacts that the existing EU, and therefore Czech, migration policy refuses to acknowledge.



We strongly believe that the Czech Republic should fully accept the family members of migrants and should press for each long-term residence of a migrant to be based fundamentally on his family's long-term residence. Such a right should be restricted only in serious circumstances, for example the prevention of crime. Verifying the veracity of family relationships is understandable, but it must be carried out with sensitivity and without a general presumption of suspicion. In addition, we strongly believe that the Czech Republic must not prevent families from being reunified for financial or integration reasons, e.g. lack of language proficiency.

3. Solidarity with refugees and a fair asylum policy



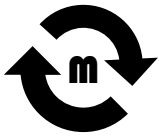
One of the largest refugee crises since the end of the Second World War is currently unfolding. According to UN figures, in the first six months of 2015 alone around 59.5 million people fled their homes. Those who cannot find protection by moving within their own countries are forced to seek protection in another country. According to UNHCR, out of a figure of 19.5 million refugees, most are hosted by neighbouring nations, often developing countries. The refugees were forced to leave their homes because of the threat to life and personal freedom. They often have no choice but to travel and enter the host country without a visa or documents, and many are risking their lives. Regardless of the global picture of a small percentage of people, there is no doubt that Europe is facing a huge challenge – how to respond to the refugee crisis.

Given the rules of the Common European Asylum System (CEAS), the Czech Republic has long benefited from its position in the heart of the EU; the number of requests for international asylum has been negligible compared to those received by other countries.



REFUGEES MUST HAVE GUARANTEED ACCESS TO INTERNATIONAL PROTECTION

The possibility of filing an application for international protection is an essential condition for fulfilling the UN Convention Relating to the Status of Refugees of 1951 (“1951 Refugee Convention”) and Act No. 325/1999, on Asylum (the “Asylum Act”). The EU operates a common European asylum system, known as the Dublin Regulation, determining which member state is responsible for processing asylum application. In practice, this is usually the country where refugees first enter the EU, in most cases a state bordering a non-EU country. The number of applicants for international protection coming to the Czech Republic, which is surrounded by EU and Schengen Area countries, is minimal.



3.1.1. Compliance with the non-refoulement rule of the 1951 Refugee Convention is essential

We have encountered cases where refugees arrive at an international airport with a valid visa (e.g. tourist visa) and wish to apply for international protection. The Foreigners' Police refused them entry with reference to a potential circumvention of the law, which effectively denies their right to asylum.



We consider it essential for the Czech Republic to unconditionally adhere to the basic principle enshrined in Article 33.1 of the 1951 Refugee Convention – the rule of non-refoulement (prohibiting forcible repatriation) in its external border at international airports. We call upon the airport authorities to be transparent and for the instruments of the Code of Administrative Procedure and Czech law, such as refusal of entry or an airport visa, could not lead to express rejection of an application for international protection at the international airport. We call for transparent inspections, carried out by an independent body, to determine whether such a right is being respected.

3.1.2. The Dublin Regulation must be revised

It is unsustainable that countries such as Hungary, Bulgaria and Poland have for a long time received several times more applications for international protection than the Czech Republic. In 2014, the Czech Republic received 109 applications for international protection per million inhabitants. In Poland the number was twice as high, in Bulgaria 14 times as high, and in Hungary the number was even greater. Under the Dublin Regulation, the Czech Republic is currently returning applicants to these countries. Their families are often in the country and are already integrated here. In June 2015, Hungary announced that it no longer had the capacity to accept any more returned applicants. At the same time, under Recital 17 of the Dublin Regulation, member states, after individual consideration, can assume responsibility for applications, even where the assessment is not such a state's responsibility. So far, however, the Czech Republic has mostly responded negatively to these requests.



We strongly believe that the Czech Republic should support revision of the common EU asylum system so that countries sharing borders with non-EU countries do not receive disproportionately large numbers of refugees and that persecuted persons are guaranteed safety and granted international protection. Ideally, such an arrangement would work best in EU countries with the necessary conditions for rapid and successful integration. We support



the Czech Republic in its efforts to look for a solution, both bilaterally and as an EU-wide solution for effectively granting protection to persecuted persons. Such a proposal would lead to a balanced number of refugees being accepted in all EU countries, with an emphasis on respect for their family circumstances and retention of the option to influence the selection and, where necessary, to object to resettlement.

3.1.3. Opportunities for refugees to enter the EU and the Czech Republic must be increased

For most refugees, obtaining documents allowing them to travel legally to the EU, where they would apply for international application, is not possible. The embassies of countries experiencing conflict are not functioning; in neighbouring states access to embassies is limited, as is the opportunity to acquire a tourist or humanitarian visa.



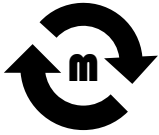
We consider it essential for the Czech Republic to define and advocate, at both country and EU levels, increased opportunities for international protection applicants to legally enter the Czech Republic or EU in order to prevent human trafficking and tragedies such as those occurring in the Mediterranean Sea.

As one option, we suggest increasing the numbers of humanitarian visas issued at EU member state embassies. This would allow persecuted persons to fly to the EU and apply for international protection on the spot. We consider the establishment of detention centres outside the EU as highly problematic because it frequently leads to the removal of the right to apply for international protection in EU countries.



REFUGEES MUST NOT BE PROSECUTED FOR FLEEING THEIR COUNTRIES WITHOUT DOCUMENTS

Refugees often leave their home countries under dramatic circumstances, preventing them from obtaining entry documents legally. A ban on prosecuting refugees solely for illegal entry is contained in Article 31 of the 1951 Refugee Convention. Despite this, applicants in the Czech Republic are routinely waiting for up to 120 days in special detention facilities for migrants, which house families with children, traumatised people, and torture victims. In addition to detention, refugees without documents are added to a database, making it impossible for them to apply for any form of visa in the Czech Republic or the EU for several years. The detention of refugees is a significant



impediment to the subsequent integration process because a number of negative consequences occur, i.e. aggravation of trauma, isolation, feelings of alienation, being stigmatised as a threat to society, or systematic categorisation as irregular migrants. Keeping refugees in detention centres is very costly and serves no purpose.



We object to refugees without passports being placed in detention centres and other closed facilities, especially families with children, during asylum proceedings. Instead, we suggest that they be housed in a reception centre or residence centre for applicants for international protection. Restrictions on personal freedom should be permitted only for crime prevention reasons. Criminalising refugees on priori grounds is unacceptable.



INTEGRATION OF REFUGEES MUST BE PERMITTED DURING ASYLUM PROCEEDINGS

Under the Asylum Act, applications for international protection should be processed within 90 days. In practice, however, this period is extended repeatedly. Asylum seekers are not permitted to work for a year, while under an amendment of the Asylum Act which has not been approved yet; this period should be decreased to six months. This problem leads to financial dependency and prevents the applicants from living independently and delays the integration process. Applicants also have minimal opportunity to learn Czech or participate in other educational activities. The state integration programme applies to refugees until they are granted international protection, which can be up to several months or years. Asylum proceedings do not take into account the mental health of asylum seekers, or any trauma they may have experienced. It is ineffective and unrealistic to prevent integration during the asylum proceedings, because delays then make integration much more difficult to achieve.



We regard it as desirable to offer refugees the opportunity to participate in everyday life by substantially increasing the availability of Czech language courses, providing assistance with further education and allowing entry into the labour market immediately after the asylum proceedings commence. It is also important, when examining an application for international protection, to take into account the opinion of a psychologist or psychiatrist. Enabling the integration and change of residence status to those who are



not subsequently granted international protection is essential, otherwise, they become long-term irregular migrants, with all the risks associated with this status.



THE OPTION TO HELP REFUGEES MUST BE ENSURED SYSTEMATICALLY

People turn to non-governmental organisations which are happy to assist refugees, e.g. by offering accommodation, with financial support, language learning, etc. The existing system makes it impossible for individuals to provide help as an official alternative to the Refugee Facilities Administration, run by the Ministry of the Interior. This arrangement contrasts with the experience in Germany and Austria, where it has been proved that such services are less expensive.



To ensure that the state is not the only service provider, especially of accommodation, for applicants for international protection, we propose that individuals be permitted to provide assistance. We also suggest the consideration of alternatives in accepting refugees as part of the resettlement programme, and allowing, among other things, refugees to be sponsored by individuals.



THE CZECH REPUBLIC MUST ACTIVELY PLAY ITS PART IN RESOLVING THE HUMANITARIAN CRISIS AND GEOPOLITICAL CHALLENGES

We appreciate the decision of the Czech Republic to continuously support refugees in their countries of origin or in neighbouring countries. We consider it important, however, to emphasise that it is not meeting its obligations to provide humanitarian assistance and development aid. Upon joining the EU, the Czech Government promised development aid at 0.33% of GDP by 2015. According to estimates in 2014, however, it contributed less than one third of this amount. The Czech Republic should play an active role in resolving humanitarian crisis through greater use of the option to resettle refugees from disaster areas. Whereas 9 million people are living in refugee camps in Syria and neighbouring countries, the Czech Republic, in its decision of 9 July 2015, agreed to accept 400 refugees from third countries and 1,100 refugees already in the European Union.



We consider it essential to accept larger numbers of refugees under resettlement programmes, especially the sick, children, and other vulnerable people for whom life in the refugee camps is intolerable. The current refugee crisis is the consequence of the destabilisation of the Middle East and North Africa. In offering a solution, it is essential to also address the causes of this situation, which have a complex global and geopolitical context. We strongly believe that the EU and the Czech Republic must take responsibility for the growth of global poverty and social inequality and foster an equitable international policy.

4. Integration and integration policy

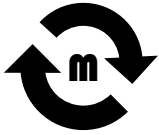


In the Czech Republic an integrated policy and strategy has developed over the last 20 years. As well as non-profit organisations, which have been involved in integration for more than two decades, centres supporting the integration of foreigners were established in each region. In addition, in Prague and the South Moravian region policies have been formulated for the integration of foreigners. In terms of access to citizenship, a significant shift has occurred among migrants applying for Czech citizenship and native Czechs applying for citizenship of other countries. Nevertheless, despite these positive changes the integration policy is hampered by many shortcomings. A tailored local integration policy is lacking and local authorities, with a few exceptions, allocate almost no funding for migrant integration. Integration itself is applied almost exclusively as part of the national integration policy, which is understood as separate from immigration policy. Yet the latter, by determining the conditions for entry and residence of migrants, establishes certain adaptation limitations for migrants. Furthermore, the public perceives integration mostly as assimilation, i.e. as migrants adapting to the “majority Czech” culture. Responsibility for integration falls primarily upon migrants, who are not seen as a vital part of society, but as others who must adapt. No consideration is made of the need for mutual acceptance. Moreover, the state integration policy supports this dichotomy. For example, the Czech Migration Policy Strategy states its goal is to ensure that its citizens peacefully co-exist with migrants and to prevent a negative social impact.



ALL PARTIES MUST PLAY A ROLE IN THE INTEGRATION PROCESS

We understand integration as a dynamic two-way process, where all citizens, migrants or non-migrants adapt to each other, in communication and



socio-cultural norms that respect human rights. Integration also involves the creation of appropriate systemic conditions of the host society for migrants to participate economically, socially, culturally and politically. For the integration policy to succeed, it is essential that all citizens, not only migrants, are involved and that their mutual rights and obligations are established.

4. 1. 1. Integration policy must be formulated and applied at the governmental, regional and local government levels

For migrants and their successful inclusion, residence and residence conditions through which migrants first come into contact with the state administration are especially significant. However, the experience of EU countries with a longer immigration history, such as the Netherlands, Germany, and the United Kingdom, confirms that a successful integration policy must also involve municipalities, which have the potential to be the closest to citizens. We believe that the current state of low engagement of local authorities, local communities, and civil society relates to excessive centralisation on the part of the Ministry of Interior. In our opinion, such an approach contributes to the lack of awareness and the limited interest of local authorities in the integration of foreigners, which is usually beyond the standard remit of local administrative bodies. In this context, we fully respect the existence and work of centres promoting the integration of foreigners (CPIC). However, they are perceived more as an instrument of government policy and less as a tool of regional policy, which would be better suited to integration.



We strongly believe that regions should develop an initiative and engage in the operation of regional integration centres and create functional mechanisms that strengthen networking among all integration policy players in the region. Regions should also support local authorities in drawing up local integration strategies financially, in terms of content and, if necessary, in staffing. We believe that integration should once again be within the remit of the Ministry of Labour and Social Affairs, thus ensuring separation from the security policy and emphasising the social dimension of integration.



4. 1. 2. Integration policy must apply to all migrants, regardless of their residence status

The Czech Government's integration policy, contained in the Integration of Foreigners Policy, applies only to migrants – third-country nationals legally residing in the Czech Republic. Under this policy, when EU citizens, their family members, and third country nationals do not have residence in the Czech Republic, they have no access to services provided under the integration policy, e.g. legal advice.



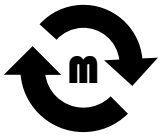
We strongly believe that the integration policy should apply to all migrants, regardless of their nationality and residence status. Providing specific services, especially Czech language courses and advice, should be open to a wider range of groups, which should be defined based on need and social, economic and other disadvantages and inequalities. Furthermore, it would be appropriate to offer certain services to Czech citizens who have lived abroad for a certain period.

4. 1. 3. Intercultural training for employees of state administration and public bodies must be provided on a conceptual basis

An important factor in integration is the ability to communicate with migrants. State administration employees, municipalities, the police, healthcare professionals, and other public professionals have thus far not received conceptual training on communication with migrants and in intercultural competences. Primarily, projects run by non-governmental organisations provide such education. Obligatory competencies concerning professional conduct towards migrants, who face many language and socio-cultural barriers, are not defined – or rather not required. Migrants and employees of public institutions are thus frequently confronted with complicated situations arising from misunderstandings and from a lack of willingness to identify solutions to the specific needs of migrants.



We regard it as important that state administration employees, municipalities, and other public institutions include intercultural communication and intercultural competencies in their professional training. We also recommend that community interpreters and intercultural advisers are accessible as part of the services of public institutions.



GRADUAL ACQUISITION OF RIGHTS

We support the four main pillars of the integration of migrants in the Czech Republic, as defined by the Czech Government's Integration of Foreigners Concept. They are defined as (i) the Czech language, (ii) economic self-sufficiency (see section 7.1), (iii) the migrant's ability to find his way around in society, and (iv) development of the migrant's relationships with the majority society. On the other hand, we feel that the gradual acquisition of rights, including citizenship, is missing. An approach in which migrants are treated like ordinary citizens is also absent. A mechanism is lacking that would allow migrants in all life situations, such as registering permanent residence at a local authority, to make use of institutions accessible to Czech citizens.

4. 2. 1. Integration must be an obligation – but also a right

We agree that integration into a society is, to a certain extent, the responsibility of migrants, but naturally it should, above all, be their right. Every migrant who is resident in the Czech Republic longer than just a few months should have the right to integrate here, upon fulfilment of legal conditions. We regard it as counter-productive to force integration through the unjustified increase in "integration requirement", especially language proficiency and other abilities. No legislation exists that imposes such requirements on EU citizens.



We believe that any integration obligation must be offset by the acquisition of appropriate rights. An example is when language tests are part of assessing the integration level of an applicant for permanent residence or citizenship. If extension of this obligation to cover migrants with long-term residence is considered, the state should ensure the conditions for it to be fulfilled. For example, a sufficient range of courses and suchlike should be provided. We also regard state-organised adaptation-integration courses for new arrivals as useful in principle. Completion of such courses should be a form of "integration plus," and should not be used to sanction migrants, for example for failing to renew residence permits.

4. 2. 2. More rights and residence security should be granted as the length of residence increases

It can generally be accepted that the state has the right to ask migrants to fulfil duties not required of native-born citizens. However, the extent of



proportionality of requirements is crucial. For example, repeated refusals to grant citizenship because of unpaid social security or health insurance contributions, which were settled in the past, is not proportional.

In terms of legal certainty and legitimate expectations, we regard the principle of gradual acquisition of rights in parallel with increasing length of stay in the Czech Republic as hugely important. This arrangement applies especially to the lifting over time of restrictions on employment, and granting access to public health insurance to migrants with long-term residence. In particular, introduction of a gradual increase in opportunities for political involvement for migrants with permanent residence is, we believe, a significant pro-integration element.

4. 2. 3. Individual regularisation of migrants with permanent residence must be possible

In Czech integration practice we see a lack of any form of mechanism of “regularisation” for persons residing illegally in the country, i.e. those without a residence permit. We regard such an omission as inhumane and contrary to integration. The state is therefore limiting its opportunities to assess individual cases. It also prevents itself from flexibly reacting to situations, taking into account the interests of the Czech state, society and economy, and bearing in mind all humanitarian and social aspects.

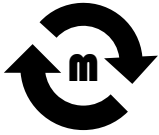


We consider it essential to introduce “regularisation”, i.e. the option to legalise residence for persons living in the Czech Republic without legal entitlement to do so. We see such an opportunity as protecting against social exclusion, and as a mechanism for making the integration process more effective.



CIVIC INTEGRATION MUST FORM A MAJOR ASPECT OF THE INTEGRATION POLICY

Currently, demand is increasing among certain politicians, the media, and sections of the public for integration, which would essentially mean the cultural assimilation of migrants. These requirements cannot be fulfilled by either migrants or Czech society, which in reality is not a homogenous community. As a consequence, this very strict concept of full assimilation entirely prevents integration, for it is impeded by unnecessary obstacles in terms of the equal and complete integration of migrants. We



believe that civic integration is fundamental for successful integration. The migrant's respect for the law and constitutionally-based norms and the host society's elimination of barriers in the public sphere are of key importance. They are far more important for co-existence than the frequently emphasized origin and perceived cultural, ethnic, or religious identity of a migrant and its purported "conflict" with the cultural identity of native-born Czechs.



We strongly believe that if the goal of integration is harmony between all citizens, regardless of nationality, it is essential to regard integration as a process of convergence and mutual understanding on all sides. Nevertheless, we regard the requirement for adaptation to an ethnically defined culture as unacceptable. Migrants as citizens must respect Czech laws and public institutions, but as citizens they should also have the opportunity to criticise changes to legislation or governance.

5. Social rights of migrants



In international treaties and Czech legislation, social rights are understood as the right to an adequate standard of living, satisfactory working conditions, freedom of association, and social security. Social rights are not granted universally to migrants, but selectively on the basis of residence status. Under the equal treatment principle, EU citizens in the Czech Republic enjoy the same benefits and are subject to the same duties as Czech citizens. For a long period, however, a discrepancy has existed between the obligations of third-country migrants, especially those with long-term residence, to contribute to the social security system, and the support they receive from it in difficult circumstances. Discriminatory practice is also closely related to the anti-immigration rhetoric in various media outlets and unfounded stories circulated by public officials about migrant abuse of the social security and healthcare systems. The approach to social rights must be regarded as a means of integrating migrants, because exclusion from the social security system contributes to social exclusion, makes migrants more vulnerable, increases anxiety, and raises the risk of exploitation.



ACCESS TO THE EUROPEAN SOCIAL SECURITY SYSTEM FOR EU CITIZENS AND THEIR FAMILY MEMBERS MUST BE GUARANTEED

In terms of employment rights, the common European regulations guarantee EU migrant citizens the same status as Czech citizens. EU citizens participate in the public health system, and after they are granted permanent residence they can receive support through the security system or receive benefits in material need. At present, SOLVIT provides help in resolving problems caused when European administrative bodies apply European law unjustly. Discrepancies still exist, however, between the obligations laid down by EU regulations and how they are implemented in practice.



In terms of social security benefits, EU migrant citizens continue to encounter problems with co-ordination, especially if an EU citizen works in another member state where he wishes to receive the support. Generally, among professionals exercising a particular right and among EU citizens, there is still a low level of awareness of the legislation, rights and obligations concerning free movement and residence in member states.



We regard it as essential that in the spirit of maintaining the equal treatment principle, EU regulations which underpin the position of EU migrant citizens and their family members must be strictly adhered to and transposed.



THIRD-COUNTRY MIGRANTS WITH LONG-TERM RESIDENCE SHOULD BE INCLUDED IN THE SOCIAL SECURITY SYSTEM

Third-country migrants living and working in the Czech Republic but without permanent residence are obligated, in the same way as Czech citizens, to contribute to the social security system and the state employment policy. Czech law, however, limits their social rights which result from their contributions to the system. If such migrants become unemployed they cannot be recorded in the job-seekers register. In fact, they can lose their residence permit because they are not meeting the criteria, i.e. employment, on which the permit depends. Migrants can only apply for social security benefits if they fulfil the conditions of residence in the Czech Republic. Prior to gaining permanent residence they can also apply for assistance in material need, which is separate from extraordinary immediate assistance, which can be requested at any time. Where excessive payments in material need and disability benefits are paid, third-country migrants face the threat of having their permanent residence revoked because their dependence on the social security system is regarded as a burden on the Czech Republic. Such situations have a considerable impact on migrants' personal and family lives and impede integration.



We advocate the full implementation of the Directive of the European Parliament and Council Directive 2011/98/EU on the single permit and equal access to payments and benefits arising from contributions paid, which must be the decisive factor in meeting all the set conditions across the board, regardless of the residence status of the migrant. With the gradual acquisition of



rights, third-country migrants without permanent residence should acquire the right to receive unemployment benefit without jeopardizing the validity of their right to stay in the country.

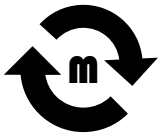


PENSION SCHEMES FOR THIRD-COUNTRY MIGRANTS MUST BE FAIR AND TAKE HUMANITARIAN FACTORS INTO ACCOUNT

The conditions under which third-country migrants can receive pensions are the same as those for Czech citizens. On the other hand, migrants do not receive impartial treatment under this system. Problems arise where a migrant contributes to the insurance system in a number of countries. If he pays the insurance in a country outside the EU, when assessments of pension entitlement are made this period is only taken into consideration if the Czech Republic has a bilateral agreement with that country. The required period of participation in the system is thus virtually unattainable for many people. Nationals of third countries are, on the one hand, forced to show solidarity and co-finance the Czech social security system, while on the other hand many of them receive no payments from it. Migrants do not even have the option to request a refund of mandatory contributions paid. The pension arrangement for those granted asylum and subsidiary protection poses problems, even though they fled from countries with which the Czech Republic has concluded bilateral agreements. It is often the case that they cannot, due to the dramatic circumstances of their departure, prove that they were making contributions for the necessary period. Furthermore, if they flee during adulthood, it is often impossible to fulfil the required period in the Czech Republic to qualify for a pension there.



We support the conclusion of bilateral agreements on social security which would allow migrants access to the benefits of compulsory participation in the social security system. We argue for a fundamental change in the legal determination of the period required for receiving a pension. Asylum seekers and persons granted subsidiary protection (and when granted citizenship) would thus be eligible for a pension, thereby affording them a dignified life in old age.



SOCIAL SERVICES MUST BE PROVIDED TO ALL MIGRANTS REGARDLESS OF THEIR RESIDENCE STATUS

The existing system of determining conditions designed to prevent social problems and social exclusion and help people to be self-sufficient poses problems. At present, irregular migrants and certain migrants with temporary residence are left out of this arrangement. Migrants can also be prevented from using social services. Although they have a right to use them under the law, because of the funding policies of specific projects migrants are essentially excluded from service user groups. Projects are now devised only for those with a certain type of residence status. The clients are effectively only those fortunate enough to be in the target group for which a non-profit organisation receives funding. We regard the provision of social services only to selected groups of migrants, and moreover randomly, as ill-conceived and contrary to the purpose of any integration policy.



We advocate extending the law on social services to include all migrants, regardless of their residence status. We will strive to bring about a change in the arrangement of grant funding to ensure that it is aimed at all migrants, including EU migrant citizens and irregular migrants. We also want to ensure that financial support provides conceptually-based and a quality provision of service.



MIGRANTS MUST HAVE THE RIGHT TO BE INCLUDED IN THE PUBLIC HEALTHCARE SYSTEM

We have long been highlighting the problem aspects of the existing legal basis of third-country migrants when they access public health insurance in the Czech Republic and do not have permanent residence. Certain categories of persons with long-term residence are excluded from the public health insurance system, but under the law they must be insured. They therefore opt for the “commercial insurance option”. Fulfilling this obligation does not guarantee the same level of care as public health insurance, and migrants can find themselves in situations where the sum insured will not cover even basic medical expenses. A particularly serious issue arises when new-born babies require healthcare, but commercial insurance companies refuse to cover the costs. As a consequence, their families incur debts of millions of crowns. Commercial insurers have made considerable profits



from insuring foreigners and the state automatically loses such revenue. Commercial insurance is therefore disadvantageous for both migrants and the state.



We propose including third-country migrants with long-term residence in the public healthcare system. We also propose including those with short-term residence that are family members of non-migrant Czech or EU citizens. Many professionals, including doctors and people from academic and public institutions support this approach.

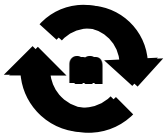


HOMELESS MIGRANTS MUST BE PERMITTED ACCESS TO ASSISTANCE

The status of homeless migrants is very complicated in all EU Member States. Under the law, migrant EU citizens can access the social security system, but they are excluded from it if they do not have permanent residence. The same is true for third-country migrants who, however, in long-term cases, mostly become irregular. The unavailability of social services and the lack of funds for repatriation lead to desperate situations for such migrants. Funding of repatriation is provided only for third-country migrants who are already irregular, largely because of the prohibition of a longer stay in the Czech Republic.



We believe that migrants without shelter, regardless of residence status, should have access to social services, especially advice and support services, refuges and night shelters, and access to healthcare. Together with the countries of origin and NGOs, the Czech Republic should contribute financially to help such people return home, which is in their best interests.



6. Education

In nursery schools, elementary schools, high schools, and certain vocationally-oriented colleges in the Czech Republic 30,000 pupils are the children of migrants (approximately 2% of the total school population). More than 40,000 children of migrants are studying at Czech higher education institutions (approximately 11% of all university students). Despite the legal guarantee of equal access to education, pupils and students with migrant backgrounds have long suffered disadvantages. This problem is especially highlighted in the lack of readiness in the education system for migrant integration. Most migrants do not speak Czech and come from countries with different education systems. In the education debate, the stress on highlighting ethnic and cultural differences is becoming ever more prevalent, instead of a search for common identity based primarily on the principles of society.



THE CZECH REPUBLIC MUST HAVE A CLEAR STRATEGY FOR EDUCATING MIGRANTS AND INCLUDING THEM IN THE EDUCATION SYSTEM

The Ministry of Education, Youth and Sport has formulated a conceptual approach to migrant education that currently focuses solely on creating a support system for teachers in educating migrants. A broader framework that systematically addresses key activities (lessons, teacher training, ensuring support services, etc.) is absent; without it the existing measures introduced, which are partial, will lack the necessary effectiveness.



We would like to see a long-term strategy for supporting migrants and educators. We advocate strengthening work with the families of migrants, especially in communication and the transfer of information. We consider it essential that the system of support measures effectively meets the educational needs of the children of migrants. In turn, this will help schools and teachers themselves, and therefore will also help pupils from non-migrant backgrounds.

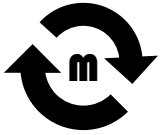


SUPPORTING MIGRANT INTEGRATION AT ALL LEVELS OF THE EDUCATION SYSTEM – MUST BE ENSURED

The main barrier to including migrants in the education system is a lack of knowledge of Czech, or the incompatibility of the Czech education system with that of the country of origin. At the elementary education level, all migrants are entitled to free of charge preparation to help integrate them in lessons, which includes Czech. In practice however, such support is available only to a very limited number of pupils. Consequently, in the elementary education system most children enter school without language preparation and so encounter huge disadvantages arising from their unfamiliarity with the medium of instruction. Furthermore, there are pupils who have been in education for a longer period who are struggling because of their lack of proficiency in Czech. The current education system does not enable them to receive support. Compensatory measures (e.g. classroom assistants, individual teaching plans, language preparation and support services including school psychologists and education consultants) the system offers to eliminate these imbalances are mostly not available to such pupils. The support they receive is financed from development and subsidy programmes, but it is not systematic and presents many difficulties and restrictions. Preschool age children or those who have completed elementary level education and wish to continue their studies have no guarantee of language preparation or support upon arrival in the Czech Republic. Such a limitation could result in no opportunity to develop their academic potential and precipitate premature completion of their studies. Migrants' lack of access to education makes the possibility of integration more difficult.



We call upon the Ministry of Education, Youth and Sport, through relevant legal norms, to provide and introduce into practice in the education system a functioning system of language preparation for recently arrived children and pupils of migrants (at pre-school, elementary, and high school levels). It should be of a sufficient scope to allow them to receive a quality education and to progress through the education system. We also argue that children and migrant pupils are entitled to support and compensatory measures. Proper access should be guaranteed to these services, which would provide language support and other required forms of support to them in further stages of their education. We call for a functional concept of Czech as a second language which would provide educational aspects, ensure accessibility, and a method of structuring lessons.



EXPERTISE IN INTERCULTURAL COMPETENCIES AND THE OPENNESS OF SCHOOLS MUST BE STRENGTHENED

The professional qualifications of teachers for educating migrants are steadily improving, but we are still observing cases where progress is slower, especially in schools with few migrants, who are therefore ignored. Schools are still unprepared for the linguistic and cultural heterogeneity of pupils and students, which is usually perceived as a barrier to inclusion or something exotic, rather than as an integral part of a pluralist, culturally heterogeneous society. Work with classes in combatting xenophobia and racism, in both classes and the overall school environment, is lacking. At most schools, the socio-educational dimension of intercultural education is entirely absent or is not given sufficient prominence. It cannot just be for the classroom, it must also underpin the ethos of the entire school and everything that happens in it.



We consider it essential that the state, through stable financing, enables educators to become more skilled in the teaching of migrants. We regard it as important that content focuses on greater openness in terms of language and cultural diversity.

Schools should create opportunities for migrants to become proficient in their mother tongues in order to support the appreciation of language and cultural diversity and strengthen co-operation with families in accessing such opportunities.



ACCESS OF IRREGULAR MIGRANTS TO ALL TYPES OF EDUCATION MUST BE SECURED

All regular migrants have the same access to education under the same conditions as Czech citizens. Irregular migrants have access to elementary education but not pre-school, high school, or university education. Education can be regarded as the main tool of integration and therefore must be accessible to all, regardless of residence status.



We call for all migrants up to the age of 18 to have access to education, regardless of residence category, including irregular migrants.

7. Migrants and employment

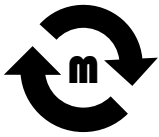


Since 1989, migration to the Czech Republic has mostly been due to economic reasons. Its importance for the local economy is obvious when considering the most important sectors where foreigners are employed: in construction they represent 13% of the workforce, in the manufacturing sector 6%, and in commerce 5% of the workforce is foreign. The demand for foreign workers goes hand in hand with the integration of the Czech economy and the global economy, increasing demands for flexibility, and with support for foreign investment. Working migrants can be divided into various groups in terms of rights, opportunities to use their qualifications, and the level of discrimination they face. Low-qualified positions are mostly characterised by job insecurity, low wages, long working hours and frequent work-related injuries. Migrants in these situations are exposed to forced labour, especially because of the limitations placed on their employment rights. Despite this, the division of migrants into EU and third-country categories applies in the labour market; the onset of the economic crisis after 2008 started to narrow this difference to an extent. In addition, the positions of certain EU citizens became vulnerable.



EFFORT MUST BE MADE TO UNDERSTAND PROCESSES AND CREATING AND FUELLING DEMAND FOR ECONOMIC MIGRANTS

In a globalised and open economy, the state has only a limited amount of power to influence the domestic labour market. In addition, the demand for foreign workers influences policy in many areas, particularly the labour market, education, housing and social services. A strict migration policy therefore does not lead to the elimination of high unemployment among domestic workers whose positions are most threatened. In fact, among other things the demand for “cheap labour” results in intense competition in economic sec-



tors where there is considerable pressure to reduce costs. In these situations, economic migrants who do not have equal rights in the Czech Republic and are satisfied with the low status of their work, suit certain employers. Furthermore, migrants in low-ranking positions find themselves caught between precarious jobs on the one hand and the requirements for meeting the criteria of “successful integration” on the other hand. State integration policy expects migrants to be self-sufficient, yet disregards their poorly-remunerated, insecure employment.



We strongly believe that regulating migration cannot be effective if the state does not consider how demand is generated among employers for foreign workers. It is therefore essential that the state systematically analyses the situation, in co-operation with the relevant ministries and public administrative bodies (such as the Czech Social Security Administration and the Czech Statistical Office). We believe that the Ministry of Labour and Social Affairs should take into account migrant job insecurity when formulating policy for regulating markets. Taking a global view of migration in this way also helps to counteract stereotypical and simplistic viewpoints leading to the belief that “migrants are taking our jobs”.



ECONOMIC MIGRANTS MUST NOT BE PERCEIVED PURELY IN TERMS OF THEIR ECONOMIC WORTH

The work of migrants cannot be regarded as just “another good” and valued only in terms of the benefit to the market and the Czech Republic. In times of economic growth migrants are lured to the Czech Republic, while in times of recession they are forced to return home. In certain cases they face so many obstacles to living legally in the country that they lose their residence permits and must leave the country. The Ministry of Interior has for a long time been advocating the idea of “circular migration”, based on enforced intervals between periods of residence and essentially preventing migrants from putting down roots. In these cases, migrants encounter difficulties with balancing work, private and family life “here and there”, in line with the needs of their employers and the host country.



We believe that before considering the introduction of a programme of enforced temporary economic migration, the Czech Republic should prioritise migration that supports or enables the greater integration of migrants.



CHECKS IMPOSED ON MIGRANTS SHOULD NOT LEAD TO FORCED LABOUR

As it currently stands, migration policy causes third-country migrants with long-term residence to become dependent on specific employers because they cannot change their employment voluntarily. A problematic issue is the “protection period”, which lasts for three months after a migrant’s job is terminated. It does not allow him sufficient time to find a new position, and the protection period applies only for limited reasons. The result of such measures is essentially forced labour, and this prevents those who are generally the most mobile from moving around. An explanation for this is that unlike the host population, migrants with permanent residence do not have such strong links to the host country. As a result, they may face difficulties reacting to demands in the labour market countrywide.

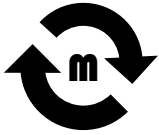


We strongly believe that the protection period should be extended to coincide with the period when financial support can be provided during unemployment. In addition, upon termination of employment the criteria for granting the protection period should be widened. The Czech Republic should also grant migrants an equal position in the labour market, even before they are granted permanent residence. Granting migrants greater rights, especially extending the protection period, is in itself beneficial for the domestic labour force. Migrants’ strengthened standing and protection against their abuse will strengthen the standing of all workers.



ENFORCEABILITY OF RIGHTS MUST BE GUARANTEED FOR ALL EMPLOYEES

Migrants enjoy a range of economic and social entitlements, but the enforceability of such rights is poor. A migrant might only decide to file a lawsuit in a labour-related dispute in exceptional circumstances. The labour inspectorate which monitors adherence to labour rights, has limited power and capacity. In addition, it focuses on investigating illegal employment, to the detriment of monitoring work safety and relationships between employers and employees. Given that the labour inspectorate co-operates closely with the police and the customs authorities, the relationship between labour inspections and inspections of residence status becomes indistinct, and the latter are given priority over monitoring adherence to labour rights.



We support increased and strengthened efforts of state bodies in monitoring adherence to labour rights. On the other hand, we object to the blurring of labour inspections and inspections of residence. The Czech Republic should take specific steps to accept and fully implement international treaties on the economic and social rights of foreign workers and their families, particularly the UN International Conventions on the Protection of the Rights of All Migrant Workers and Members of Their Families (No. 97), on Migrant Workers (No. 143) and Domestic Workers (No. 189).

8. Political involvement

In relation to residence rights, permanent residence shows that the migrant has integrated and settled; the final stage is citizenship. Granting permanent residence to migrants gives them equal access to healthcare, education, and the social security system. On the other hand, political participation is denied to permanent residents, not only in active and passive voting rights but also in the ban on membership of political parties. So far, the Czech Republic has only partially ratified the Convention on the Participation of Foreigners in Public Life at the Local Level, and has refused to grant migrants both active and passive voting rights at elections at the local level. Furthermore, the Czech Republic has refused the creation of advisory bodies or to take other appropriate measures that would lead to ensuring the representation of migrants at the local level.



MIGRANTS MUST BE PERMITTED TO PARTICIPATE IN GOVERNANCE

Allowing migrants to participate in public affairs is one of the key elements of integration. It promotes a sense of identification with the state, society and local initiatives, and enables active influence on what is happening in society. Political rights play an important role in supporting the integration process and creating relationships between existing communities and settled migrants. Political rights are also an important principle of a democratic state. It is therefore desirable that migrants have the opportunity to actively participate in the democratic basis of the Czech Republic, which is a fundamental value of our constitutional order. Thus, migrants would be able to actively participate in creating and protecting this order.

8.1.1. Voting rights at the local level must be granted to all settled migrants

Active and passive voting rights at the local level are based on Czech membership of the EU and are only granted to EU citizens in the Czech Republic



with temporary or permanent residence. Third-country migrants, including family members of EU citizens, do not enjoy this right, which is clear discrimination. Third-country nationals do not enjoy active and passive voting rights at the local level, which prevents them from becoming full citizens, while their Czech citizenship is registered with the local municipality or region (“municipal or regional citizenship”). They are thus excluded from society at a local level. Municipal or regional citizenship also goes with the right to participate in local referenda or use other means to influence the environment in which we live. If the voices of migrants are not taken into account politically, society sends them a clear signal that they are not perceived as equal members of it. It is clear that migrants will find it very difficult to feel a part of a society that merely imposes obligations upon them.



We believe that municipal or regional citizenship for migrants with permanent residence is a step towards promoting integration and building relationships. We therefore strongly believe that it should be possible for all migrants to obtain permanent residence and register citizenship with the municipality or region. We believe that active and passive voting rights at the municipality and regional level should be granted to all migrants with permanent residence in the Czech Republic and the family members of those EU citizens with temporary residence.

8.1.2. Migrants must be permitted to join political parties

The active political engagement of migrants is severely limited by the fact that they cannot be members of political parties. A paradoxical situation therefore arises for EU citizens, who may vote at local and European Union levels but who cannot stand for election as members of political parties. This arrangement has been regarded as fundamentally discriminatory. Although the law allows standing for election in local government as an independent candidate and with the support of political parties, it is very difficult for such a candidate to be nominated. Joining political parties and political movements is natural for a person who is interested in the society in which he lives; the right to do so is fundamental.



We believe that active participation in a political party will strengthen the relationship between migrants and the democratic values of the Czech state. Political parties and movements themselves determine the conditions of membership.



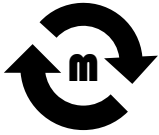
We perceive placing restrictions on such membership for nationality reasons as ill-conceived and anti-European.

8.1.3. Establishment of advisory bodies at the local level for representing settled migrants must be permitted

At the local level, Czech law does not oblige the state to create conditions for the establishment of advisory bodies for representing settled migrants. Such bodies have the potential to form a link between settled migrants and local municipalities and create a forum for discussion and the exchange of ideas and information, thus supporting the overall active involvement of migrants in local communities.



We consider it essential for the Czech Republic to create conditions for establishing advisory bodies at the local level to represent settled migrants. We also believe that the Czech Republic should fully ratify the Convention on the Participation of Foreigners in Public Life at Local Level.



9. Afterword

We regard human migration as a natural phenomenon that is intertwined with the widening processes of globalisation. Migration cannot be completely managed or halted. However, it can be managed constructively, taking into account the political, social and economic conditions of the state and adherence to the basic human rights of all people.

Migration and the growth of the cultural diversity in society present both opportunities and enrichment and misunderstandings and conflicts. Harmony in a culturally diverse society depends both on the will of individuals and the criteria of a migration and integration policy. In response, in this document we suggest tools and principles that we believe could strengthen the establishment of a fair migration and integration policy, and thus help to create a decent level of harmony in a culturally diverse society.

Our proposals for changing migration and integration policy are based on the following basic assessments of current migration policy and its social context.

In our opinion:

🔄 A comprehensive view of migration and the rights of migrants is lacking; an unrealistic approach prevails which only considers the interests of the Czech Republic. In the migrant and migration perspective excessive repression prevails, along with the conviction that it is possible or even necessary to a large extent to apply coercive measures against migrants and economic utilitarianism, i.e. that the migrant's main worth must lie in his economic contribution to the host country.

🔄 The present immigration system is very complicated, non-transparent, and is unpredictable for those who wish to come to the Czech Republic for work, study, being with their families, or to seek international protection.

🔄 Migration is regulated, not by clearly defined, justifiable legal conditions, but by procedural obstructions and administrative hurdles, especially the impossibility of submitting applications because of the limited capacities of institutions, requirements to submit documents that are impossible to procure (e.g. confirmation of accommodation before an application is submitted), or strict conditions governing when and where the residence permit application can be submitted. When considering individual cases formal criteria are mostly applied, but individual circumstances are not considered.

🔄 Migrant access to political rights is regularly denied, and in particular this concerns voting rights of third-country nationals with permanent resi-



dence in the Czech Republic and family members of those EU citizens with temporary residence.

In our assessment, in the public discourse on migrants the following views predominate.

☞ The prevailing view of migrants is of people who are different, rather than a clear awareness of the universality of human rights and equality before the law. Socio-cultural differences are overstated at the expense of a discussion about how the values base must be shared between all citizens (not just migrants) in a country in order for society to function.

☞ The public discourse about migration and refugees is characterised by a lack of verified information about the terms “refugee”, “economic migrant”, etc. In the Czech Republic, the specific aspects of the migration issue are not considered. In addition, the situation in other countries and in the migrants’ countries of origin is characterised by generalisations and demonization. For example, in the public debate the Czech approach to the refugee crisis is not based on the actual number of applicants for international protection in the Czech Republic, but instead focuses on the number of applicants in countries such as Germany and Hungary.

☞ Xenophobic populism is on the rise. Most politicians are silent on the matter; some, as public figures, promote such views with impunity, thereby legitimising racist and xenophobic views as socially acceptable.

In the Czech Republic, the approach to migration and migrants is affected by post-war history, the closing of borders, and life in a society that is essentially ethnically and culturally homogeneous. Borders opened up a quarter of a century ago, during which hundreds of thousands of migrants have settled in the Czech Republic, and Czech citizens have had and still have the opportunity to travel and live elsewhere. Yet there is still a mentality of fear of the other. Furthermore, engagement in global data flows opens up dramatically increased levels of information about situations whose contexts are difficult to understand. Given the peculiarities of human nature, the response is fear and a sense of being threatened. The application of facts is not enough to address this often irrational fear, because it is deliberately stirred up by populists and is very dangerous for the whole of society. We regard it as vital that opinion-makers (especially politicians, members of the government, the president and the state media) embrace informed and ethical positions. They are leaders in the public debate on migration, and through their comments they determine public opinion. Doing so would limit the spread of xenophobic populism and the growth of right-wing ex-



tremism, and thus help to bring about a balanced view of immigration in society.

We believe that in order to formulate a migration and integration policy it is essential to take into account the reasons for and characteristics of migration, the situation of individuals as migrants, and our international obligations through which we have a role to play in addressing the migration issue, and not just the economic impacts and security concerns. Only by adopting a comprehensive and value-based approach can policy-makers create a long-term and stable solution. It will also enable co-existence in a culture of peace, where the interests of all, regardless of nationality, may come under the umbrella values of the Universal Declaration of Human Rights. These include the dignity and freedom of individuals, the right to life and personal security, equality before the law, the right to work and fair pay, and the right to freedom of thought, conscience and religion, etc., under conditions of solidarity and respect for others.

We therefore appeal to our political representatives, professionals, and the general public to take into consideration the opinions contained in this Manifesto in their attitudes towards migrants and migration. We believe that open discussion and the sharing of different perspectives will encourage positive changes in migration and integration policy, which will then lead to a fair and predictable immigration system in the Czech Republic and create a society that allows the harmonious co-existence of people of different cultures.

Prague, autumn 2015



Member organisations



People in need
Czech Republic

www.clovekvtisni.cz/en



PORADNA PRO INTEGRACI

Counselling Centre
for Integration

p-p-i.cz/en



Caritas Czech
Republic

www.charita.cz/en/



Agency for Migration
and Adaptation

amiga-migrant.eu



SDRUŽENÍ ASSOCIATION
PRO INTEGRACI FOR INTEGRATION
A MIGRACI AND MIGRATION

Association for integration
and migration

www.migrace.com/en



Multicultural
Center Prague

www.mkc.cz



Organization
for Aid to Refugees

www.opu.cz/en



Evropská kontaktní
skupina

www.ekscr.cz/en



meta
Association for opportunities
of young migrants

www.meta-ops.cz/en



La Strada

www.strada.cz/en



Sdružení občanů
zabývajících se
emigranty

www.soze.cz



Inbáze

www.inbaze.cz



MOST PRO

www.mostlp.eu



Slovo 21

www.slovo21.cz



Nesehnutí

www.nesehnuti.cz



Poradna pro občanství, občanská
a lidská práva

www.poradna-prava.cz



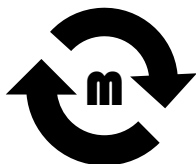
The Centre for Integration
of Foreigners

www.cicpraha.org



Lače Čhave

www.lache-chave.cz



Migration Manifesto

Non-governmental Organisations Working
with Migrants in the Czech Republic 2015

Document issued by Non-governmental Organisations
Working with Migrants in the Czech Republic

Print Tygr u Stromovky spol. s r.o.
1. edition, Praha 2015

email: office@konsorcium-nno.cz

www.migracnimanifest.cz

www.konsorcium-nno.cz

www.facebook.com/KonsorciumNNO

**fond
pro NNO**

NROS

 **nadace
partnerství**

 **eea
grants**

**FRIEDRICH
EBERT
STIFTUNG**

This document was published as part of the “Supporting Migrants’ Rights together” project of the Consortium of Non-Government Organisations, supported financially by Iceland, Liechtenstein and Norway through an EEA grant.
www.fondnno.cz | www.eeagrants.cz

For more information, visit: <http://www.konsorcium-nno.cz/>

The publication of this document was supported by the Friedrich-Ebert-Stiftung.
<http://www.fesprag.cz>

