

# **An overview of the migration policies and trends – Czech Republic**

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## **Abstract:**

*Czech lands have historically been characterised as emigration country, whose inhabitants were attracted to other parts of Europe and world by promising economic opportunities. However, democratic Czech Republic has turned from a transit country into an immigration country in the last two decades.*

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## **Recent migration flows**

During the communist regime more than 550 thousands<sup>1</sup> Czechoslovak citizens left the country because of political and economic reasons (Drbohlav 2005). On the other hand, only a limited number of temporary workers, students and trainees came to Czechoslovakia from other socialist countries. The picture of in- and out-migration flows has rapidly changed after 1989 with the democratisation process of the country. The number of foreigners residing in the country has been steadily increasing. From 78 thousands persons in 1993, it rose to its peak of 439 thousands in 2008. Recently, foreigners with long-term and permanent residence represent approximately 4 percent of the total population (434 thousands) (CZSO 2012a).

The years 2008 and 2009 were marked by sharp changes in migration inflows into the Czech Republic. Due to the world economic crisis, the number of newly coming foreigners decreased by 46 percent interannually (2008/2009) what was the biggest drop among all OECD countries (OECD 2011).

The most numerous group of migrants residing in the Czech Republic recently comes from Ukraine (119 thousands persons), followed by Slovakia (81 thousands), Vietnam (58 thousands) and Russian Federation (32 thousands). Among the top 10 countries of origin belong also Poland, Germany, Moldova, Bulgaria, United States and China. The traditional high numbers of migrants from Ukraine and other former Eastern bloc countries might be explained by geographical and cultural proximity of these countries (CZSO 2012a).

Geographically the migrants reside mainly in greater cities with relatively low unemployment rates. One third of all migrants lives in the capital city of Prague (160 783 persons). Except from Prague, a higher proportion of migrants can be found living in greater cities such as Plzeň, Brno, Ostrava, Karlovy Vary, and Mladá Boleslav. Foreign residents are also to be

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<sup>1</sup> The number of persons who emigrated in the period 1950 – 1989.

found in the industrial areas in the central part of Bohemia as well as in the border regions in the North-Western and North-Eastern parts of the country (CZSO 2012b).

The purpose of stay of migrants coming to the Czech Republic is worth to note. In 2010, the new residence permits were issued mainly for family reunification (42.9 percent of all new permits), employment (33.5 percent), and education (14.9 percent) (Eurostat 2010). Compared to family migrants, labour migrants and students, asylum seekers constituted a numerously negligible group of immigrants. The number of applications for international protection dropped significantly after the EU-accession in 2004. From more than 18 thousands applications in 2003 the number fell to 756 applications in 2011 (CZSO 2012c). Thus the relative proportion of the granted asylums has increased; it rose from the 1 – 2 percent of successful asylum applications in the 1990s to 14 percent in 2011. The asylum holders come mainly from the Russian Federation, Belarus, Afghanistan, Ukraine, Myanmar, Armenia and Kazakhstan. In the period 1997 – 2011, more than 100 citizens of these countries were granted asylum in the Czech Republic (CZSO 2012d). Due to the decreasing number of asylum seekers, the Czech Republic decided to join the so called Joint EU Resettlement Programme, in order to share the ‘burden’ with other EU Member States. In the period 2008 – 2012, 108 persons of Myanmar citizenship were resettled from Malaysia and granted international protection by the Czech Republic (Burma 2012).

### **Recent legal and policy changes**

The crucial legal norm regulating the entry and stay of migrants in the Czech Republic is the so called Aliens Act (Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic)<sup>2</sup>. A ‘foreign national’ means a natural person, who is not a citizen of the Czech Republic, including a citizen of the European Union. Since the adoption of the Aliens Act in 1999, it has been amended almost every year.

#### *Migration policy: status quo*

The latest amendment entered into force on 1 January 2011 and it brought some significant content as well as institutional changes. It introduced new requirements while applying for a long-term visa, long-term or permanent residence. The stricter requirements are related to the proof securing accommodation, proof of travel health insurance, and proof of securing funds for the stay. In order to submit an application for granting a residence permit, a foreign national is obliged to attend personally a regional office of the Ministry of the Interior. Moreover, the residence permit cards are newly issued with biometric data which makes the application procedure longer than before. The amendment introduced further changes in the employment and entrepreneurship residence. The abuses of the system for issuing business authorisations to foreign nationals in previous years resulted in new restrictions. In case of status change to business activity, one has to fulfil the requirement of two-year legal residence

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<sup>2</sup> Available in English on the Ministry’s of Interior website <<http://www.mvcr.cz/mvcren/article/asylum-and-migration-legal-framework.aspx>>.

in the country (Ministry 2011). The EU Blue Card Directive and the directive on employer sanctions have been transposed into Czech legislative order by this amendment (OECD 2011). At the institutional level, the extensive agenda of long-term stays and long-term visas has been transferred to new regional offices of the Department for Asylum and Migration Policy of the Ministry of the Interior. The agenda has been taken over from the Foreign Police, which is now mainly responsible for monitoring irregular migration in the territory.

### *Migration policy: planned changes*

Recently, the Ministry of Interior is intensively working on a completely new legislation regulating the entry and stay of foreign nationals in the Czech Republic. Three separate legal acts should be created: the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic (related to non-EU citizens, incl. family members of Czech citizens), the Act on the Free Movement of EU-nationals and their family members, and the Border Protection Act. The legislative intent of these three new laws has been approved by the Czech government on 29 February 2012 and shall enter into force in 2015. According to the legislator, new laws should remove current legislative deficiencies, simplify the entire immigration process and strengthen the responsibility of those stakeholders engaged in the arrival of foreigners such as employers or schools. The simpler, more compact and user-friendly legislation shall reduce the administrative burden while applying for the residence permit. The Ministry of Interior as the author of the new legislation aims to strengthen the control of legitimacy of foreign nationals' stay in the territory and their obligations towards the state as well as to strengthen the integration dimension of immigration (Návrh 2012). To name at least some of the planned changes in the entry and stay regime of the foreign nationals, the legislative intent comes up with the new institute of a national visa (issued for one year at maximum) or dual documents (based on the EU Single Permit Directive).

### *Labour migration policy*

The legislative intent of the new Aliens Act draws from the so called New System of Economic Migration<sup>3</sup> that encompasses Czech Republic's attitudes towards labour migration for the first time in its history. The guiding principle of the Czech labour migration policy shall be flexibility that would enable Czech government to react quickly to a changing economic reality and integration capacities. Labour immigration into the Czech Republic shall be based on a permanent migration of high-skilled labour force and temporary or circular migration of low-skilled foreign workers. Newly established categories of labour migrants will differ from each other by different level of rights and obligations. The Czech Republic prioritizes its right to decide about the extent and structure of immigration flows (e.g. via quotas for applications for residence permits). To start a business activity, the foreign national

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<sup>3</sup> Government Resolution No. 48 from 19 January 2011, about measures to the regulation of economic migration, protection of labour migrants and realization of returns. Available online <<http://www.migraceonline.cz/e-knihovna/?x=2281495>>.

will have to prove his benefit for the Czech economy and society and fulfil the requirement of a considerable investment (200 thousands EUR).

### *Integration policy*

On 9 February 2011, the last update of the Conception of the Integration of Foreigners<sup>4</sup> (originally from 2000) was adopted by the Czech government. The government body responsible for the integration policy is the Ministry of Interior that assigns tasks and responsibilities to other integration actors such as ministries, regions, municipalities or newly established regional Centres for the Support of the Integration of Foreigners. The regional Integration Centres should initiate, organise and carry out activities supporting social, legal, linguistic and cultural integration of foreign nationals in the particular regions. Moreover, they are supposed to serve as coordinators of the local integration policy by initiating regional counselling platforms, including regional and municipal offices, the Foreign Police, the state and municipal police, labour offices, trade licence offices and other integration stakeholders (Centra 2010)<sup>5</sup>. The target group of integration policy are third country nationals legally residing in the Czech Republic who are not applicants for international protection neither recognized refugees. In exceptional cases, it might target the EU-nationals as well (Department 2012). The updated integration policy fails to touch on some of the long-term neglected issues, such as the question of migrants' inclusion into the public health insurance system, nostrification (recognition of university diplomas and degrees) or migrants' political participation. New adaptation-integration courses for newcomers as well as long-term or permanent foreign residents are to be introduced in following months by the Ministry of Interior. The courses shall be provided by the Integration Centres in 11 regions of the country.

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<sup>4</sup> The official title of the document is „Updated Policy for Integration of Immigrants – Living Together – and Proposal for Further Steps in the Year 2011”.

<sup>5</sup> More about the role of the regional Integration Centres in my article available online <<http://www.migraceonline.cz/e-knihovna/?x=2368546>>.

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