

## **2. INTERNATIONAL PROTECTION AND ASYLUM FACILITIES**

The course of the international protection granting procedure is regulated by the Act No 325/1999 Sb, on Asylum, as subsequently amended (the Asylum Act).

The Ministry of the Interior (the Department for Asylum and Migration Policy – DAMP) is the administrative body of first instance adopting decisions in the case. The Ministry shall issue a judgement on merits usually within 180 days from the day the procedure commenced. When it is impossible to decide within that period due to the nature of the case, the Ministry can prolong the term adequately. The decision in the case of international protection comes into force on the day of delivery. An action/appeal can be filed with the regional court (having local jurisdiction according to the reported locality of residence of the foreigner on the day of filing of the action/appeal) against the final and conclusive decision of the Ministry of the Interior. During the first instance proceedings on the application for granting of international protection as well as during proceedings of the court on the action/appeal against the decision of the Ministry of the Interior providing that the action/appeal has a suspensory effect or the suspensory effect is adjudicated by the court in the concrete case, the foreigner is in the position of an applicant for international protection and cannot be expelled from the territory of the Czech Republic. A foreigner has also the right to file a cassation complaint with the Supreme Administrative Court in the City of Brno against the decision of a regional court on the action/appeal against the decision of the Ministry of the Interior in the case of international protection. A cassation complaint also has in some cases a suspensory effect; therefore, a foreigner cannot be expelled from the territory of the Czech Republic during judicial proceedings on the cassation complaint, either, provided that it has a suspensory effect.

The Ministry of the Interior operates so-called asylum facilities for applicants for international protection and beneficiaries of international protection (refugees and persons with subsidiary protection granted). In a reception centre a foreigner is obliged to stay during a certain period of time determined by law (for the purposes of performing identification processes, to write an application for asylum, due to medical examination, and the like). These reception centres are in Zastávka, in the Brno – venkov District, and at the Václav Havel Airport Prague (in Prague – Ruzyně). After initial acts are done, an applicant is moved to an accommodation centre or can (based upon an approved request) find a private accommodation. The accommodation centres provide accommodation to applicants for international protection until the decision on granting of international protection enters into force or until the day of a decision of a court in case that they filed an action/appeal and it has a suspensory effect. As an exception, foreigners who had filed a cassation complaint can also be accommodated in the centre. Accommodation centres are in the following municipalities: Havířov, in the Karviná District, in Zastávka, in the Brno – venkov District, and in Kostelec nad Orlicí, in the Rychnov nad Kněžnou District. Foreigners may apply for international protection also in detention centres for foreigners in Bělá pod Bezdězem, in the Mladá Boleslav District, in Vyšní Lhoty, in the Frýdek-Místek District, and in Balková, in the Plzeň-sever District. Or, when they are in a health-care facility or in prison and their movement is thus limited, they may apply for granting of international protection in writing. An integration asylum centre provides temporary accommodation to foreigners who were granted international protection. Integration asylum centres are in Brno, in the Brno – město District; in Jaroměř, in the Náchod District; in Havířov, in the Karviná District, and in Ústí nad Labem – Předlice, in the Ústí nad Labem District.

### **Methodological notes on the Tables**

#### **Table 2-1 Proceedings on granting of international protection**

Data on the numbers of decisions include all decisions, i.e. also decisions issued in cases of minor participants to the procedure on behalf of whom their statutory representative files the application for international protection. The total number of decisions is not a simple sum of types of decisions as stated in the table but includes also other types of decisions (e.g. decision on withdrawal of international protection), which, however, made a minimum of the total.

**Table 2-2 Proceedings with suspensory effect concerning international protection appeals at regional courts**

Since 1 January 2003 an applicant for international protection can file an action/appeal with the locally competent regional court (depending on the locality of residence of the applicant at the time when the action/appeal is filed). If an applicant for international protection receives a negative decision of the regional court – either on merits or regarding the suspensory effect, he or she ceases to be an applicant for international protection (after the decision has come into force). A foreigner can file a cassation complaint against the decision of the regional court with the Supreme Administrative Court of the Czech Republic in the City of Brno. If legal conditions are met, a foreigner can be issued a confirmation on the toleration of residence (leave to remain) on the territory of the Czech Republic during the judicial proceedings on the cassation complaint.

**Table 2-3 Course of cassation complaints proceedings at the Supreme Administrative Court**

The number of foreigners with cassation complaints means the number of foreigners whose cassation complaints have not been decided on yet.

**Table 2-5 Locations where new applications for international protection were lodged**

The asylum facilities include reception centres, accommodation centres, and integration asylum centres, while other places of stay include hospitals, prisons, detention centres for foreigners, and the like.

**Table 2-9 Czech citizenships granted to refugees**

According to the Act No 325/1999 Sb, on Asylum, when the Czech citizenship is granted the asylum ceases to exist. Columns for the years 2000 to 2018 show the numbers of persons whose asylum ceased to exist because they had been granted the Czech citizenship.

**Tables 2-10 and 2-11 Subsidiary protection**

Pursuant to Section 14(a) of the Act No 325/1999 Sb, on Asylum, subsidiary protection is granted to a foreigner who is not eligible to be granted asylum, however, in the case of whom there are justified concerns regarding the return to the country of origin, where the foreigner would face a real risk of suffering serious harm.

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The total of 1 164 applications for granting of international protection were registered in the Czech Republic in 2020. Compared to 2019 (1 922 applications), the number thus markedly decreased, almost by 40%. The decrease is largely owing to the COVID-19 pandemic and measures<sup>1</sup> that were taken in relation to it. At the same time, no big wave of applicants for international protection was recorded in the world in 2020 as it occurred in the previous years.

Compared to the previous period, the shares of applicants coming to the Czech Republic from Asian and European countries were more balanced in 2020. In 2019, almost two thirds of applicants came from Asia, whereas in 2020 less than a half of applicants came from that continent (43.6%). Conversely, the share of applicants from European countries increased in the year-on-year comparison, namely from 26.7% in 2019 to 47.7% in 2020. The percentage of applicants from African countries remained almost unchanged compared to the previous year (i.e. 5.0%). The group of applicants from countries of the American continent has slightly decreased, namely from 3.5% in 2019 to 2.9% in 2020.

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<sup>1</sup> Statistical data regarding the area of international protection for the year 2020 are substantially influenced by the COVID-19 pandemic. Since March 2020, substantial limitations were gradually placed on the air and other public transport, a lot of countries all over the world forbade entry to their territories to other persons than their citizens and applied restrictions in the area of freedom of movement; within the European Union, many countries reintroduced controls at internal borders. These measures led to a substantial global reduction of mobility.

*The highest number of applications was received from citizens of the Ukraine, namely 351 applications in total. They were followed by citizens of Georgia (144 applications), Viet Nam (65 applications), Belarus (65 applications), and Uzbekistan (64 applications). In the period of 2019 -2020, the highest year-on-year increase in the number of applications for international protection within the TOP 10 was registered among citizens of Belarus (from 19 to 65) and the Ukraine (from 311 to 351). Conversely, the number of submitted applications significantly decreased between the mentioned years among citizens of Georgia (from 224 to 144).*

*Among applicants for international protection coming to the territory of the Czech Republic, males are significantly dominating. In total, they made up 75.9% of all applicants in 2020. As for age groups, the most numerous group of applicants is that of the aged 25–39 years. In 2020, the age group comprised 46.3% of all male applicants and 37.5% of all female applicants for international protection in the CR (for males and females in total the share was 44.2%). Among male applicants, the age groups of 40–44 years (13.1% in 2020) and 20–24 years (11.9%) are also rather frequent. Conversely, as for female applicants for international protection, there is a high share of children, i.e. those from the age group of 0–14 years. In that age category, there were 18.6% of persons in total in 2020. Compared to males, females also have higher percentage in the age group of 50+ (12.9% compared to 10.1%).*

*In 2020, the Ministry of the Interior handed over 2 620 decisions in the proceedings on granting of international protection in total, of which in 114 cases the Ministry of the Interior granted international protection in the form of asylum or subsidiary protection. In 2020, international protection in the form of asylum was granted in 42 cases, which was by 19 less compared to 2019. The asylum was granted the most frequently to citizens of the Russian Federation. The subsidiary protection was granted in 72 cases; in most cases it was to citizens of the Syrian Arab Republic, the Ukraine, and Libya. In 2020, 707 actions/appeals were filed with regional courts against decisions of the Ministry of the Interior. The decision of the Ministry of the Interior was confirmed (an action/appeal was dismissed or refused) in 575 cases. In total, 98 actions/appeals were sent back to the first instance (the Department for Asylum and Migration Policy) for a new try. In total, 607 cassation complaints were filed with the Supreme Administrative Court in the City of Brno in 2020. The Supreme Administrative Court issued 561 decisions. In 474 cases of the cassation complaints, a negative decision (a refusal or a dismissal of a cassation complaint) was issued. 15 cases were sent back to regional courts for a new hearing and in further 30 cases a complaint was sent back to be heard at the Ministry of the Interior (the Department for Asylum and Migration Policy).*