

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 appeal (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 appeal (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 appeal (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 appeal (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 appeal (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 appeal (complaint).

Table 2-3 Course of cassation appeals (complaints) proceedings at the Supreme Administrative Court

The number of foreigners with cassation appeals (complaints) means the number of foreigners whose cassation appeals (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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In total, 1 412 applications for granting of international protection in the Czech Republic were registered in 2021. Compared to 2020 (1 164 applications), the number thus increased, namely by approximately 21%. However, the number of registered applications was lower compared to 2019, i.e. before the covid-19 pandemic broke out; it reached a level similar to that in 2017.

Compared to the previous period, an increase in the number of applicants coming to the Czech Republic from Asian countries was obvious in 2021. In 2020, almost a half of applicants came from Asia (43.6%), whereas in 2021, 51.1% of applicants came from the Asian continent. Conversely, the share of applicants from European countries decreased in the year-on-year comparison, namely from 47.7% in 2020 to 40.7% in 2021. The percentage of applicants from African countries slightly increased and reached 6.4% (in 2020 it was 5.0%). However, the group of applicants from countries of the American continent has clearly decreased, namely from 2.9% in 2020 to mere 1.1% in 2021.

Applicants for international protection in the CR came from 57 countries in total in 2021. The highest number of applications was received from citizens of Ukraine, namely 376 applications in total. They were followed by citizens of Georgia (226 applications), Afghanistan (176 applications), Viet Nam (70 applications), and the Republic of Moldova (69 applications). In the period of 2020–2021, the highest year-on-year increase in the number of applications for international protection within the TOP 10 was registered among citizens of Afghanistan (from 10 to 176) and Georgia (from

144 to 226). On the other hand, the number of submitted applications considerably decreased between the mentioned years among citizens of Azerbaijan (from 41 to 9).

Among applicants for international protection coming to the territory of the Czech Republic, males are strongly dominating. In total, they made up three quarters of all applicants in 2021; males are prevailing in all age categories. The most numerous group of applicants is that of the aged 25 - 39 years. In 2021, the age group comprised 44.3% of all male applicants and 34.0% of all female applicants for international protection in the CR (for males and females in total the share was 42.5%). Among male applicants, the age groups of 20–24 years (10.5%) and 40–44 years (8.4% in 2021) are also rather frequent. On the other hand, as for female applicants for international protection, there is the highest share of children, i.e. those from the age group of 0–14 years (24.6%).

In 2021, the Ministry of the Interior handed over 1 642 decisions in the proceedings on granting of international protection in total, of which in 311 cases the Ministry of the Interior granted international protection in the form of asylum or subsidiary protection. In 2021, international protection in the form of asylum was granted in 191 cases, which was by 149 more compared to 2020. The asylum was granted the most frequently to citizens of Afghanistan and Belarus. The subsidiary protection was granted in 120 cases; most often it was to citizens of China and the Syrian Arab Republic. In 2021, 518 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 448 cases. In total, 131 actions/appeals were sent back to the first instance (the Department for Asylum and Migration Policy) for a new try. In total, 501 cassation appeals (complaints) were filed with the Supreme Administrative Court in the City of Brno in 2021. The Supreme Administrative Court issued 531 decisions. In 407 cases of the cassation appeals (complaints), a negative decision (a refusal or a dismissal of a cassation appeal (complaint)) was issued. 27 cases were sent back to regional courts for a new hearing and in further 52 cases an appeal (complaint) was sent back to be heard at the Ministry of the Interior (the Department for Asylum and Migration Policy).