

## **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 6 months from the day the procedure commenced. If, due to the nature of the case, it is not possible to make a decision within this time limit, the Ministry may extend it by the time specified by law. 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) 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 (exceptions are provided by law). A foreigner usually 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 a suspensory effect in some cases and therefore the foreigner cannot be expelled from the territory of the Czech Republic even during judicial proceedings on the cassation appeal (complaint) if it has a suspensory effect (exceptions are provided by law).

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 (mainly for the purposes of a medical examination). 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, provided that they are placed in those facilities. Or, if they are detained in a prison facility 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, applicants for international protection can file actions/appeals with the locally competent regional court. 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. Other places of stay include 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, 1 694 applications for granting of international protection in the Czech Republic were registered in 2022. Compared to 2021 (1 412 applications), the number thus increased, namely by approximately 20%. 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 2018.

Compared to the previous year, the number of applicants coming to the Czech Republic from Asian countries decreased in 2022. In 2021, 51.1% of applicants came from the Asian continent, whereas in 2022 the share of applicants from this continent was already only 42.7%. Conversely, the share of applicants from European countries increased in the year-on-year comparison, namely from 40.7% in 2021 to 48.7% in 2022. The percentage of applicants from African countries slightly increased and reached 6.8% (in 2021 it was 6.4%). The share of applicants from countries of the American continent remained unchanged compared to 2021 (1.1%).

Applicants for international protection in the CR came from 61 countries in total in 2022. The highest number of applications was received from citizens of Ukraine, namely 280 applications in total. They were followed by citizens of Türkiye (236 applications), the Russian Federation (157 applications), Georgia (138 applications), Viet Nam (128 applications), and the Republic of Moldova (94 applications). In the period of 2021–2022, the highest year-on-year increase in the number of applications for international protection within the TOP 10 countries was registered among citizens of Türkiye (from 50 to 236) and the Russian Federation (from 20 to 157). On the other hand, the number of submitted applications considerably decreased between the mentioned years among citizens of Afghanistan (from 176 to 61).

*Among applicants for international protection coming to the territory of the Czech Republic, males are strongly dominating. Males made up almost three quarters (73.7%) of all applicants in 2022; their superiority in numbers was obvious in all age categories. The most numerous group of applicants is that of the aged 25–39 years. In 2022, the age group comprised 44.7% of all male applicants and 32.7% of all female applicants for international protection in the CR (for males and females in total the share was 41.5%). Among male applicants, the age groups of 20–24 years (17.1%) and 40–44 years (9.0% in 2022) are also rather strongly represented. In contrast, female applicants for international protection have the highest representation (20.8%) in the child age category, i.e. the age group of 0–14 years.*

*In 2022, the Ministry of the Interior handed over 1 805 decisions in the proceedings on granting of international protection in total, of which in 481 cases the Ministry of the Interior granted international protection in the form of asylum or subsidiary protection. In 2022, international protection in the form of asylum was granted in 92 cases, which was by 99 less compared to 2021. The asylum was granted the most frequently to citizens of Afghanistan, Myanmar, the Russian Federation, and Azerbaijan. The subsidiary protection was granted in 389 cases, which was by 269 cases more compared to the previous year. Most often they were citizens of Ukraine and the Syrian Arab Republic. In 2022, 297 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 in 273 cases (an action/appeal was dismissed or refused). In total, 188 actions/appeals were sent back to the first instance (the Department for Asylum and Migration Policy) for a new try. In total, 238 cassation appeals (complaints) were filed with the Supreme Administrative Court in the City of Brno in 2022. The Supreme Administrative Court issued 363 decisions. In 225 cases of the cassation appeals (complaints), a negative decision was issued (a refusal or a dismissal of a cassation appeal (complaint)). 20 cases were sent back to regional courts for a new hearing and in further 79 cases an appeal (complaint) was sent back to be heard at the Ministry of the Interior (the Department for Asylum and Migration Policy).*

*According to data of the Ministry of the Interior, as at 31 December 2022, a total of 433 071 Ukrainian citizens were registered in the territory of the Czech Republic who have been granted temporary protection status by the Czech Republic. Of this number, an overall majority, 63%, were females. In terms of age groups, a total of 70.4% were working-age persons, i.e. the 15–64 years old. Children (0–14 years) were the second large group; their share was 25.7% of the total number of Ukrainian citizens with temporary protection. Mere 3.9% was the share of persons aged 65+ years.*