

## **7 ILLEGAL ENTRY AND STAY OF PERSONS IN THE TERRITORY OF THE CR**

Before 2008, under “**illegal migration across the state border of the Czech Republic**” cases of illegal crossings of the state border of the Czech Republic (CR) by both foreigners and citizens of the Czech Republic were understood. It included revealed illegal entries of foreigners to the territory of the CR as well as exits of foreigners from the CR in an illegal way or proved attempts to illegally cross the state border. For example, cases when a foreigner used false travel documents, crossings of the state border with participation of human traffickers, or cases of persons found in a hiding place in the means of transport were registered. Parts of statistics were also attempts of foreigners to get in the territory of the CR, despite a court of law’s sentence of expulsion or a final and conclusive decision on administrative expulsion imposed on them was still in force.

Also before 2008, the category of “**illegal migration – violation of the residence regime**” included revealed illegal stays/residence of foreigners in the territory of the Czech Republic either inland or at the state border crossings while leaving the Czech Republic<sup>1</sup>.

After the CR joined the Schengen free movement area, it was necessary to fundamentally change the concept of definitions of illegal migration in the territory of the Czech Republic. Due to this change, it is not possible to compare statistics of illegal migration in 2008 with the previous years. Therefore, the year 2008 can be seen as year “zero” in the area of statistical reporting of illegal migration.

Since 2008, two basic categories of illegal migration into the territory of the Czech Republic have been monitored:

1. **illegal migration across the external Schengen border of the Czech Republic** – this category registers foreigners who have illegally crossed or attempted to illegally cross the external Schengen border, i.e. at international airports of the Czech Republic;
2. **illegal stay** – this category registers foreigners who stayed in the territory of the Czech Republic including transit areas at international airports without valid residence permit or visa. The illegal stay category includes a sub-category of **transit illegal migration**<sup>2</sup> at which foreign nationals illegally crossed land or air internal Schengen border in order to continue travelling across the Czech Republic to other EU/Schengen Area countries.

### **Administrative expulsion**

Administrative expulsion is termination of stay/residence of a foreigner in the territory of the CR, which is related to determination of a time limit for leaving the territory of Member States of the European Union and a period, during which the foreigner is not allowed to entry the territory of Member States of the European Union. The period, for which a foreigner is not allowed to entry the territory of Member States of the European Union is determined by the Police of the Czech Republic in a decision on administrative expulsion of a foreigner. In justified cases, a border crossing for leaving the territory<sup>3</sup> of Member States of the European Union can be specified by the decision.

Based on a final and conclusive decision on administrative expulsion, the Directorate of Foreign Police Service declare a foreigner an undesirable person and they include the foreigner in the register of undesirable people (Section 154(3) of the Act No 326/1999 Sb, on the Residence of Foreign Nationals in the Czech Republic). The register of undesirable people is part of the foreigner information system, which is a source for statistical data provided in the Chapter 7, tables

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<sup>1</sup> In compliance with reporting of collection of data on illegal migration of foreigners in the territory of the Czech Republic, the item of “Czech citizens” (citizens of the Czech Republic) has been deleted from tabular summaries.

<sup>2</sup> In statistical reporting, the sub-category of “illegal stay in the territory of the Czech Republic” consists of “transit illegal migration”, which considerably increased in 2022. This item is mentioned in a separate tabular summary (i. e. in Table 7-5).

During the temporary reintroduction of the protection of the internal border of the Czech Republic on the entire section of the land border with the Slovak Republic in the period from 29 September to 31 December 2022, 9 404 foreigners were found within transit illegal migration. By citizenship, the data found during the mentioned control measure were included in the total number of transit illegal migration (see the tabular summary).

<sup>3</sup> pursuant to the provision of the Section 118 (1)(2) of the Act No 326/1999 Sb, on the Residence of Foreign Nationals in the Czech Republic

**7–6 Development of the number of expulsions from the CR and 7–7 Expulsions from the Czech Republic by selected citizenship** for given years.

**Judiciary expulsion (expulsion punishment; banishment)** – see the methodology of Chapter 5 – Crime of foreigners.