

1. DEMOGRAPHIC ASPECTS OF THE LIFE OF FOREIGNERS

Definition of the term of and an alien residence in the CR

The residence of foreigners in the CR is governed by the Act No. 326/1999 Sb. on the Residence of Aliens on the Territory of the Czech Republic and Amending Certain Acts and partially also by the Act No. 325/1999 Sb. on Asylum, as amended.

An alien or foreigner shall mean a physical person, who is not a citizen of the Czech Republic. The acquisition and loss of citizenship of the CR is governed by the Act No. 40/1993 Sb. of Czech National Council on Acquisition and Loss of Citizenship of the Czech Republic as amended and further by the Act No. 193/1999 Sb. on the Citizenship of Some of the Former Czechoslovak Citizens.

The issues of entry, residence, and exit of a foreigner from the CR are in competence of the Police of the CR, the Ministry of the Interior of the CR, and the Ministry of Foreign Affairs of the CR. A foreigner may reside on the territory of the CR temporarily or permanently. On the grounds determined by law, the Police of CR can refuse to grant a foreigner a visa or residence permit (for temporary or permanent stay). Reasons for not granting visa or other residence permit (both temporary and permanent one) are determined by law.

The categories of foreigners residing in the CR are as follows (according to the Act No. 326/1999 Sb., on the Residence of Aliens, which is the legal regulation valid as at 31 December 2008):

A. CITIZENS OF THE EU MEMBER STATES, NORWAY, SWITZERLAND, ICELAND, AND LIECHTENSTEIN (ABBREVIATED AS "EU CITIZENS") AND THEIR DEPENDANTS

Dependants of the EU citizens (in the sense of Section 15a of the Act No. 326/1999 Sb. on the Residence of Aliens on the Territory of the Czech Republic and Amending Certain Acts, as amended) are to obey a special regime of their stay (Title IV of the Act No. 326/1999 Sb.) only in the case that the EU citizen stays on the territory of the CR on the basis of a special residence permit or applies for such a permit.

- 1. Citizens of the EU Member States registered not having a temporary or permanent residence permit and their dependants;**
- 2. Citizens of the EU Member States and their dependants having a temporary residence permit** (It is rather a confirmation on residence, which should facilitate EU citizens dealing with authorities. Their stay in the CR within this permit is counted in the period decisive for the application for a permanent residence permit (on the contrary to persons in the previous group));
- 3. Citizens of the EU Member States and their dependants having a permanent residence permit** (a EU citizen is granted a permanent residence permit (under Section 87 (h) of the Act No. 326/1999 Sb.) (i) after 5 years of a continuous temporary stay without other conditions, (ii) if they are a dependant of a Czech citizen who has the permanent residence on the territory of the CR or is a dependant of other EU Member State citizen who was granted a permanent residence permit on the territory of the CR). A residence permit card for a national of a EU Member State is in case of the permanent residence permit issued for the period of 10 years (Section 87 (r), paragraph 4 of the Act No. 326/1999 Sb.). A dependant of a EU citizen is granted a residence permit card with the same period of validity as the period of validity of the card granted to the EU citizen;

B. CITIZENS OF COUNTRIES OUTSIDE THE EU (ABBREVIATED AS "CITIZENS OF THIRD COUNTRIES")

- 4. Citizens of third countries staying in the CR for a short time (generally up to 90 days) without a visa** (it applies to citizens of those countries, which the Czech Republic has concluded an agreement on visa-free relations with). A foreigner can stay on the territory of the CR without visa not only on the basis of an international agreement but also based on an

Order of the Government of the CR (and in some other cases as determined in Section 18 of the Act No. 326/1999 Sb.);

5. **Citizens of third countries staying in the CR on the basis of a short-term visa up to 90 days** (this applies to citizens of those countries, which the Czech Republic has not concluded an agreement on visa-free relations with);
6. **Citizens of third countries staying in the CR on the basis of a visa for over 90 days** (maximum validity of that visa is 1 year; it is followed by a long-term residence permit dealt with in the following section; in the UN Recommendations on Statistics of International Migration of 1998 a stay lasting from 3 months up to 1 year is considered to be a short-term stay, which does not establish a change of a person's country of habitual residence. Thus, tables contain this category just as a alternative - see below);
7. **Citizens of third countries having a long-term residence permit** (a permit following the visas for over 90 days; in the cases defined by the Act. No. 326/1999 Sb. a foreigner may apply for this permit at an embassy or consulate of the Czech Republic abroad without a previously granted visa for over 90 days; this permit can also be granted for a period longer than 1 year and can be prolonged);
8. **Citizens of third countries having a permanent residence permit** (permanent residence can be applied for in compliance with Sections 66 to 68 of the Act No. 326/1999 Sb. (i) generally, after five years of a continuous residence for a visa for over 90 days or a long-term residence permit in the CR without any other conditions; or (ii) after 4 years of a continuous stay provided that the foreigner has been granted a temporary residence permit upon the termination of proceedings on the granting of international protection; (iii) after 2.5 years or 1.5 years of residence, respectively, if they successfully finished the project of "the Selection of Qualified Foreign Workers" organised by the Ministry of Labour and Social Affairs of the CR; (iv) regardless the length of the previous residence, provided that they apply for the permanent residence for the purpose of cohabitation with their dependants, who are citizens of the CR having the permanent residence in the CR, or in the case of humanitarian or other reasons deserving special respect);
9. **Foreigners with a valid asylum** (successful asylum seekers staying in the CR; the valid asylum corresponds to the permanent residence permit as for the extent of rights and duties).

C. FOREIGNERS REGARDLESS THE EU BORDERS

10. **Registered asylum seekers** (it is not possible to forbid a EU citizen to apply for asylum);
11. **Foreigners staying in the CR within temporary protection** (on the basis of the Act No. 221/2003 Sb., on Temporary Protection of Foreigners, and an Order of the Government of the Czech Republic, or a Decision of the Council of EU, respectively; this is a measure to be applied during a mass exodus due to an armed conflict, natural disaster, or systematic violation of human rights in the country of origin, which should protect the exiles and provide them with temporary protection until the critical situation ceases to exist. These persons are also included in tables of this chapter, because temporary protection and sufferance are registered within the temporary residence - long-term residence permits),
12. **Foreigners staying illegally in the CR** (e.g. foreigners staying in the CR after their visas and residence permits have expired or without necessary visas or permits, and the like).

Czech Republic citizenship

The acquisition and loss of Czech citizenship is regulated by the Act No. 40/1993 Sb., of the Czech National Council on Acquisition and Loss of Citizenship of the Czech Republic as amended and the Act No. 193/1999 Sb., on Citizenship of Certain Former Czechoslovak Citizens as amended. Citizenship of the Czech Republic is hereinafter referred to as Czech citizenship.

Under the Act No. 40/1993 Sb., Czech citizenship is acquired by birth (Section 3), adoption (Section 3 (a)), determination of paternity (Section 4), being found on the territory of the CR (Section 5), declaration (Section 6 or 18 (a)), and granting (Sections 7 and the following).

A child acquires Czech citizenship, if at least one of their parents is Czech citizen or, if both parents are stateless persons and at least one of them holds a permit for permanent residence on the territory of the CR and the child is born this territory.

A child whose at least one of adoptive parents is Czech citizen acquires Czech citizenship on the day the decision on adoption comes into force.

A child born outside marriage, whose mother is a foreign citizen or a stateless person and whose father is a Czech citizen, acquires Czech citizenship on the day of an affirmative declaration on paternity determination by both parents, or on the day when a court decision on the paternity determination comes into force.

A natural person found on the territory of the CR is a Czech citizen, unless they are proven to have acquired citizenship of another state by birth.

A natural person, who was a citizen of the Czech and Slovak Federative Republic as at 31 December 1992 and was neither a Czech citizen nor a Slovak one, is allowed to choose Czech citizenship by a declaration (Section 6 of the quoted Act).

A natural person having as at 31 December 1992 citizenship of the Czech and Slovak Federative Republic, who was not a citizen of the Czech Republic and had on the territory of the Czech Republic permanent residence under special legal regulations as at 31 December 1992 and the stay is still lasting, or who since that date has lived continually on the territory of the Czech Republic, can make a declaration on acquiring of citizenship of the Czech Republic (Section 18 (a) of the quoted Act).

A citizen of the Slovak Republic, who as at 31 January 1992 had citizenship of the Czech and Slovak Federative Republic and who has acquired citizenship of the Slovak Republic by granting in the period from 1 January 1994 to 1 September 1999, can make a declaration on acquiring of citizenship of the Czech Republic, provided that they have not acquired this citizenship in the meantime in another way (Section 18 (b) of the quoted Act).

A citizen of the Slovak Republic, who was born on the territory of the Slovak Republic to parents one of which had citizenship of the Czech Socialist Republic or the Czech Republic and the other had citizenship of the Slovak Socialist Republic or the Slovak Republic and as at 31 December 1992 was a citizen of the Czech and Slovak Federative Republic and at the same time of the Slovak Republic under 18 years of age, can make a declaration on acquiring of citizenship of the Czech Republic, provided that they have not acquired this citizenship in the meantime in another way (Section 18 (c) of the quoted Act).

Czech citizenship can be granted to a person upon their request provided that they fulfil all the following conditions at the same time:

- the person has had their permanent residence on the territory of the CR permitted for five years, as minimum, and has mostly been staying there over this period as at the day of their application is filed;*
- the person prove that by acquiring Czech citizenship they will lose or have lost their original citizenship, unless they are a stateless (homeless) person, or a person with the status of a refugee on the territory of the Czech Republic (document on the lost citizenship can be acquired only after the applicant has been granted the promise that they would be granted citizenship of the Czech Republic);*
- the person was not lawfully convicted of a deliberate criminal offence during the last five years;*
- the person will demonstrate the command of the Czech language; and*
- the person fulfils duties resulting from the provision of a special regulation determining the stay and entry of foreigners on the territory of the Czech Republic (Act No. 326/1999 Sb. on the Residence of Aliens on the Territory of the Czech Republic and Amending Certain*

Acts as amended), duties resulting from special regulations governing public health insurance, social security, pension insurance, taxes, levies, and fees.

Under the Act No. 193/1999 Sb. on Citizenship of Certain Former Czechoslovak Citizens as amended, natural persons, who lost citizenship of the Czechoslovak Republic, Czechoslovak Socialist Republic, Czech Socialist Republic, or the Czech Republic during the period from 25 February 1948 to 28 March 1990 by cancelling the citizen-state bond or in relation to the acquiring of citizenship of other country, which the Czech Republic used to have concluded or has concluded an agreement regulating the issue of preventing double citizenship, can make a declaration on the acquiring of citizenship of the Czech Republic. In the case Czech citizenship is acquired this way, it is neither required that the person has to restore the permanent residence in the Czech Republic again nor must prove they have lost their current citizenship.

Contents of Chapter 1

In this Chapter readers can find categories of persons, which were at the beginning of the text included into groups A2, A3 (EU citizens and their dependants with a temporary and permanent stay permit), further then in groups B6, B7, B8, B9, C11 (citizens of third countries with a visa for over 90 days, with a permanent stay permit, foreigners staying in the CR seeking for temporary protection, and foreigners with currently valid asylum on the territory of the CR). Tables newly give the category of the stay for 12 months and longer, which includes both foreigners with a permanent residence and the former category of foreigners with a long-term residence permit. The mentioned category is a part of the Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers and Eurostat requires statistics of this category from the EU Member States.

The CZSO obtains data on the number of foreigners from various sources: the Directorate of the Alien Police Service of the CR provides data on the numbers of residence permits and visas for over 90 days; data on asylum seekers is provided by the Department for Asylum and Migration Policy of the Ministry of the Interior of the CR. Another data source for Chapter 1 is data on Czech citizenships acquired, which come from the General Administration Department of the Ministry of the Interior of the CR and can be found in Table 1-10. Other data source for this Chapter is demographic statistics - data on demographic events of foreigners (marriage, birth, abortion, divorce, and death), migration to a foreign country, which can be seen in Table 1-9 and in some of graphs included in this Chapter.

Tables at the beginning of the Chapter (i.e. **1-1.** to **1-3.**) are based on the number of foreigners provided by the Directorate of the Alien Police Service of the CR. In accordance with the requirements of international definitions there are also numbers of foreigners who had valid asylum in the CR as at the relevant date added to this data in Tables **1-4.**, **1-5.**, and **1-6.** These tables then depict the total number of foreigners (foreigners in the Register of the Directorate of the Alien Police Service of the CR plus foreigners with currently valid asylum) or give numbers of foreigners with the so-called residence permit in the CR (i.e. the total number of foreigners including asylum holders excluding foreigners holding visa for over 90 days - those persons do not fulfil the condition of the length of the stay over 1 year as it is required by international definitions), respectively. Tables **1-4.**, **1-5.**, and **1-6.** represent the most general summary of basic types of residence in the CR and at the same time they contain numbers and shares of foreigners right with those types of residence as at the relevant date and their relationship to the CR population. Table **1-7.** includes the total number of foreigners, excluding asylum seekers itemised by the most frequent nationality and region. The following Table **1-8.** gives information on the age and sex structures of foreigners in the CR, with the exception of asylum seekers. Table **1-9.** shows an overview of demographic events of foreigners, and the last Table **1-10.** in this Chapter focuses on foreigners, who have acquired Czech citizenship.

The category "residence for 12 months and longer" includes the foreigners from third countries residing on the territory of the Czech Republic on the basis of a permanent or long-term permit and nationals of EEA countries (EU, Norway, Switzerland, Iceland, and Liechtenstein) residing in the

Czech Republic on the basis of a permanent or temporary permit. Thus the given category does not include the foreigners residing in the Czech Republic on the basis of visa for over 90 days.

Double lines between columns mean an essential change in legislation or a statistical definition: The first essential change occurred **in 2000 from the legislative point of view** (the new Act on the Residence of Aliens became effective). While till then the law distinguished among a permanent, long-term (over 180 days), and short-term (up to 180 days) residence since the beginning of 2000 what ceased to exist in law was the term of long-term residence and the long-term of residence permit was replaced by visa for over 90 days.

Another change followed a year after; **in 2001 a change of the statistical definition of the population** occurred. Following the UN Recommendations on Statistics of International Migration and also the Population and Housing Census asylum seekers and foreigners staying in the CR for visa for over 90 days, whose length of stay exceeded 1 year, became to be included into the population of the CR (until then the population of the CR consisted only of persons with a permanent residence on the country territory).

A substantial change, both **in legislation and in definition**, took place **in 2004**. Legislation changes related mainly to the accession of the CR to the EU (it was necessary to define two categories of foreigners with different conditions of stay in relation to the EU law in the field of free movement of persons). Current legislation on residence regime is summarised in the first section of this Chapter text.

The last change so far, which in this case concerned the **source of data taken over**, occurred **in 2008**. Since 2008 the Czech Statistical Office has been taking over the data of demographic statistics on the international migration of foreigners from the Information System of the Population Registry (ISEO) of the Ministry of the Interior of the CR. Until 2007 these statistics were taken from the Information System on Foreigners (CIS) of the Alien Police Service of the CR. In this context it is necessary to draw attention to the fact that data from the ISEO and CIS show certain discrepancies (the reason is legislative changes in the field of information systems and the complexity of definitions related to respective categories and types of residence). The comparability of data on the international migration of foreigners in years since 2008 with the data for previous periods is, therefore, limited.

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The number of legally residing foreigners (i.e. with visas for over 90 days or some of the types of a residence permit, excluding asylum seekers) exceeded, according to data of the Alien Police Service of the CR, the level of 430 thousand by the end of 2009, the same number as in the previous year; almost 98 per cent out of this number resided in the Czech Republic for one year and longer. The proportion of female-foreigners reached approximately 41 per cent of the total number of foreigners in 2009. The same share of females was also found among the foreigners living on the territory of the Czech Republic for one year and longer.

Compared to the age structure of the majority population the age structure of foreigners demonstrates certain differences, which can be explained particularly by economic motives of the foreign migration to the Czech Republic (most of the foreigners come to earn money). The biggest share have mainly age groups in junior productive age (20-39 years) – over a half (52%) of all legally residing foreigners in the Czech Republic belonged to this age group by the end of 2009. On the contrary, very small shares of children and persons in post-productive age can be found among foreigners in comparison with the age structure of population of the Czech Republic.

The order of the most numerous groups of foreigners according to nationality has not changed in any significant manner recently. Nationals of the Ukraine dominate the foreigners with more than 30 per cent by the end of 2009. There are citizens of Slovakia (17%), Viet-Nam (14%), Russia (7%), and Poland (5%) following.

In terms of the territorial distribution, the Hl. m. Praha Region and Středočeský Region are the regions of the highest concentration of foreigners, then, after a substantially wide interval, the Jihomoravský Region and Ústecký Region follow. The distribution of foreigners however, shows substantial differences by nationality. Citizens of neighbouring countries are concentrated, in general, near the border of the Czech Republic with the relevant country. Citizens of the Ukraine are rather significantly concentrated in the Hl. m. Praha Region, Středočeský Region, and Jihomoravský Region. Nationals of Viet-Nam are settled usually in Praha and in the Czech-German border area. The Hl. m. Praha Region, Středočeský Region, and Karlovarský Region are the regions attractive to nationals of Russia.