

2. INTERNATIONAL PROTECTION AND ASYLUM FACILITIES

The course of the international protection procedure is regulated by the Act No. 325/1999 Sb., on Asylum and Amending the Act No. 283/1991 Sb., on the Police of the Czech Republic, as amended (hereinafter referred to as the Asylum Act).

The Ministry of the Interior of the Czech Republic (Department for Asylum and Migration Policy) is the administrative body of first instance adopting decisions on the matter. The Ministry shall issue a judgement on merits within 90 days from the day, which the procedure has been commenced on. The decision comes into force on the day when it is delivered to the given asylum seeker. Foreigners may file a complaint against the decision at regional courts having local jurisdiction. In case the complaint has been dismissed foreigners have the right to file a cassation complaint. If, at the same time, they apply for suspensory effect they are granted a stay sufferance visa for one-year period.

The Ministry of the Interior of the CR operates so-called asylum facilities for applicants for international protection and asylum seekers. In the reception centre a foreigner is obliged to stay during a certain period of time determined by law (for the purpose of identification, medical examination, and the like). These reception centres are in Zastávka, District Brno-venkov, and at the Prague Airport, Ruzyně. Foreigners may apply for international protection also in a facility for detention of foreigners (Poštorná and Bělá pod Bezdězem). Unless there is any legal obstacle (applicant is in a detention facility for foreigners, in a prison, possibly in a hospital), then the applicant is transferred to a residential centre, or they can find some private accommodation on the basis of an approved application. The residential centres serve for accommodation of applicants for international protection until the decision on granting international protection enters into force. The residential centres are in municipalities as follows: Havířov, District Karviná, and Kostelec nad Orlicí, District Rychnov nad Kněžnou. Integration asylum centres provide transitional accommodation to foreigners with granted international protection. Integration asylum centres are in Jaroměř, District Náchod; Havířov, District Karviná; and Ústí nad Labem – Předlice, District Ústí nad Labem.

Methodological notes on the tables

Table 2-1. The international protection procedure in 2009

Data on the numbers of decisions include all decisions, i.e. also decisions issued in cases of minor participants to the procedure in the name 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 other types of decisions (e.g. decision on withdrawal of international protection), which, however, made a minimum of the total.

Table 2-2. Proceedings on actions concerning international protection at regional courts in 2009

Since 1 January 2003 asylum seekers can file a complaint against the decision at the locally competent regional court (depending on the locality of residence of the asylum seeker at the time when the complaint is filed). If an applicant for international protection receives a negative decision of the regional court, they cease 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 to the Supreme Administrative Court of the Czech Republic in the City of Brno. If legal conditions are met, they can be granted a stay sufferance visa.

Table 2-3. Course of the cassation complaints proceedings at the Supreme Administrative Court of the Czech Republic in 2009

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

Table 2-5. New applications for international protection by their location of filing in 2009

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

Table 2-11. Czech citizenship granted to asylum seekers

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 2008 show the numbers of persons, whose asylum ceased to exist because they had been granted the Czech citizenship.

In 2009 the Czech Republic authorities registered in total 1 258 applications for international protection. In comparison with 2008 the number of the asylum applications decreased by 24 per cent. The decreasing trend in the numbers of applicants for international protection, which has been observed in the Czech Republic since 2004, i.e. since the Czech Republic acceded to the European Union, continued.

A large number of applications for international protection submitted repeatedly was recorded in 2009. There were 625 registered repeated applications for international protection in the Czech Republic, which is 49.7% of the total number of applications. In half of all cases persons made the requests with a long-time residence in the Czech Republic whose applications in the past were rejected by the competent authorities. These are particularly purposely filed applications, with the aim to ensure the legality of the person residence on the Czech Republic territory.

The year 2009 was the second year when the mandatory two-year period for the re-applying for international protection had not been applied anymore on the basis of implementation of the so-called EU procedural directive (Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status). Thus foreigners can submit a new request immediately after the decision not to grant international protection for the previous application has entered into force. This fact is demonstrated by even higher proportion of repeatedly filed applications in 2009 than in the previous year.

Fifty per cent of foreigners bring suit against the decision of the Ministry of the Interior of the CR on international protection to the regional courts. These actions against the Ministry of the Interior of the CR are mostly rejected. Solely 16% of the cases were returned for reconsideration to the administrative body of first instance.

In 2009 international protection was granted in 10 per cent of the cases being judged.

The origin of applicants for international protection was by 56% in Asia, 30% in Europe, and 8% in Africa.

Most applications for international protection were filed by nationals of Ukraine (203 applications) as in the previous year. The nationals of Kazakhstan with the number of 186 applications made it to the second place followed by nationals from Mongolia with 159 applications, and then Turkish nationals (66 applications). Foreigners of 60 different nationalities asked for international protection in the Czech Republic in 2009.

Among the ten major source countries there were, furthermore, stateless persons with 65 applications, Viet-Nam with 63 applications, Russia with 57 applications, Belarus with 54 applications, Syria with 45 applications, and Nigeria with 41 applications.

In the year on year comparison there is the twofold increase in the number of applications filed by Kazakhstan nationals. In almost 90% of cases these were repeated applications submitted by persons who arrived in the Czech Republic as early as in 2006.

Of the ten most frequently represented countries, from which foreigners have applied for international protection, the number of stateless persons grew by 110%, that of Syria nationals by 25%, that of Nigeria by 5%. In the case of all other nationalities the number of applications dropped.

In 2009 the Ministry of the Interior of the CR issued in total 1 030 decisions within the proceeding of international protection. International protection in the form of asylum or subsidiarity protection was granted in 103 cases. Asylum was granted in 75 cases, mostly due to reasons set out by the Geneva Convention. Subsidiarity protection was granted in total of 28 cases. Subsidiarity protection has been prolonged in 139 cases.