

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.

In the 1998 UN Recommendations on Statistics of International Migration a stay of 3 months to 1 year is considered to be a short-term residence, which does not constitute the change of country of usual residence. Therefore this category is included in tables in alternatives (see below).

The issues of entry, residence, and exit of a foreigner from the territory of the CR are in the competence of the Ministry of the Interior of the CR, Ministry of Foreign Affairs of the CR, and the Police of the CR. A foreigner may reside on the territory of the CR temporarily or permanently. Reasons for not granting of a long-term visa or another residence permit (both temporary and permanent) are determined by law. The Ministry of Foreign Affairs decides about granting of a short-term visa (i.e. visa for stay up to 90 days); this issue is governed by Regulation (EC) No. 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code); prolongation of the period of stay for a short-term visa is decided upon by the Police of the CR (Department of Alien Police). The police (Directorate of the Alien Police Service of the CR) also decide about granting of a short-term visa at a border crossing.

A marked change took place on 1 January 2011 when the amendment of Act No. 326/1999 Sb., on the Residence of Aliens on the Territory of the Czech Republic entered into force. Based on that change, powers were delegated in some key areas from the police to the Ministry of the Interior of the CR, especially as for making decisions on granting of long-term visa for over 90 days and long-term stays of third country nationals and the agenda of temporary stays of EU citizens and their dependants. The agenda of permanent stays has been shifted to the Ministry of the Interior already before, since 1 January 2009. **Data contained in the publication are related to 2010; therefore they do not reflect this last legislative change.** There is a footnote in the text drawing attention to the change.

The categories of foreigners residing in the CR are as follows (according to the Act No. 326/1999 Sb., on the Residence of Aliens on the Territory of the Czech Republic and Amending Certain Acts):

A. CITIZENS OF THE EU MEMBER STATES, NORWAY, SWITZERLAND, ICELAND, AND LIECHTENSTEIN (ABBREVIATED AS "EU CITIZENS"¹) AND THEIR DEPENDANTS

Dependants of the EU citizens, who are not EU citizens and are intending to temporarily stay (for more than 3 months) on the territory of the CR together with an EU citizen have a different residence regime than other third country nationals

(Title IV of the Act No. 326/1999 Sb.).

1. Citizens of the EU Member States and their dependants, who are EU citizens without certificate on temporary residence or temporary residence permit.

EU citizens can stay on the territory of the CR temporarily based on their identification card or a travel document; they do not have to have any other residence permit. However, they have

¹ In the methodological part, an abbreviated term "EU citizens" is used, which means citizens of Member States of the European Union and citizens of Norway, Switzerland, Iceland, and Liechtenstein. The definition results from the Act No. 326/1999 Sb., on the Residence of Aliens on the Territory of the Czech Republic. In tables, however, we distinguish between citizens of the EU27 (EU Member States) and citizens of Norway, Switzerland, Iceland, and Liechtenstein.

to notify about their stay on the territory to the police within 30 days from their entry to the territory provided that their expected stay is longer than 30 days (the duty does not apply to those who fulfilled their duty at the accommodation provider).

2. Citizens of EU Member States with certificate on temporary residence and their dependants, who are not EU citizens with temporary residence permit in the form of a residence card

Temporary residence certificate of an EU citizen is issued upon their request. It is not their duty, only their right. The certificate facilitates for EU citizens their negotiations with offices, banks, and other institutions.

Dependants of an EU citizen, who are not EU citizens and are intending to temporarily stay on the territory of the CR together with the EU citizen are obliged to ask the police² for a temporary residence permit, i.e. for a residence card of a dependant of an EU citizen.

3. Citizens of the EU Member States and their dependants having a permanent residence permit

(i) An EU citizen is granted a permanent residence permit after 5 years of a continuous temporary stay.

(ii) A dependant of an EU citizen is granted a permanent residence permit after 5 years of continuous temporary residence.

(iii) A foreigner, who is at least for 1 year 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, is granted a permanent residence permit after 2 years of continuous temporary residence.

A residence permit card for permanent residence of an EU citizen is issued for the period of 10 years. A dependant of an EU citizen is granted a permanent 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 “THIRD COUNTRY NATIONALS”)

4. Third country nationals staying in the CR for a short time (generally up to 90 days) without a visa;

Third country nationals can temporarily stay on the territory of the CR without a visa provided that it is stipulated in a directly applicable legal regulation of the European Communities – Council Regulation (EC) No. 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. Further, third country nationals can stay there based on an international treaty, a decree of the government and in some other cases determined in Section 18 of Act No. 326/1999 Sb.

5. Third country nationals staying in the CR on the basis of a short-term visa for up to 90 days;

The list of third countries whose nationals must be in possession of visas when crossing the external borders of Schengen area (the CR is part of that area) is determined by the above-mentioned Council Regulation (EC) No. 539/2001.

6. Third country nationals staying in the CR on the basis of a long-term visa for over 90 days

Maximum validity of that visa is 1 year³. Validity of the visa cannot be prolonged; it is followed by a long-term residence permit.

² Since 1 January 2011 they are obliged to apply at the Ministry of the Interior of the CR.

7. Third country nationals having a long-term residence permit

It is a permit following the long-term visas or 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 previous stay based on a long-term visa for over 90 days; this permit can also be granted for a period longer than 1 year and can be prolonged.

8. Third country nationals having a permanent residence permit

Third country nationals can ask for permanent residence:

(i) Generally, after 5 years of continuous residence (counted are: period of stay for a long-term visa and long-term residence permit) in the CR. At the same time, a foreigner is given legal status of a long-term staying resident in the European Communities on the territory.

(ii) After 4 years of a continuous stay provided that the foreigner has been granted a temporary residence permit after the termination of proceedings on the granting of international protection.

(iii) Regardless the length of the previous stay provided that a foreigner applies for permanent residence due to humanitarian reasons or other reasons deserving special attention, in the interest of the CR or provided that the applicant is a minor or a major dependant of a foreigner with permanent residence on the territory with the purpose of joint cohabitation of the family.

9. Foreigners with asylum granted

Successful applicants for international protection staying in the CR; the granted asylum corresponds to the permanent residence permit as for the extent of rights and duties).

10. Foreigners with granted subsidiarity protection

Successful applicants for international protection residing in the CR. Subsidiarity protection is granted to a foreigner who does not meet requirements for granting of an asylum, however, in the proceeding on granting of international protection it is found out that in their case there are justified concerns of their return. Subsidiarity protection granted is almost corresponding to permanent residence as for the scope of rights and duties – especially save for the length of residence permit.

11. Foreigners staying in the CR within temporary protection

On the basis of the Act No. 221/2003 Sb., on Temporary Protection of Foreigners it is possible to grant temporary protection based on a decision of the Council of the European Union. It is a measure to be applied during a mass inflow of third country nationals, for example, due to an armed conflict, natural disaster, or systematic violation of human rights in the country of origin, which should protect these persons and provide them with temporary protection until the critical situation ceases to exist.

C. OTHER FOREIGNERS (regardless their citizenship)

12. Applicants for international protection

It applies to foreigners, who are seeking protection from persecution or imminent harm. International protection can be applied for by all foreigners including EU citizens (however, an application of an EU citizen will be found inadmissible).

13. Applicants for temporary protection

Foreigners, who apply for temporary protection under the Act No. 221/2003 Sb. and the application of whom has not been decided upon, yet.

14. Foreigners staying illegally in the CR

³ Since 1 January 2011 the maximum validity of a long-term visa is 6 months.

For example, foreigners staying in the CR after their visas and residence permits have expired or those without necessary visas or residence 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 on 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, as at the day when their application is filed and has mostly been staying there over that period;*

- the person proves 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), B6, B7, B8, B9, B10, B11 (third country nationals with a visa for over 90 days, with a long-term stay, permanent stay, foreigners with granted asylum, granted subsidiary protection, and foreigners under temporary protection, and C12 and C13 (applicants for international protection and applicants for temporary protection).

Since 2009 the tables 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 on Community statistics on migration and international protection and Eurostat requires statistics on 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 applicants for international protection and persons with granted asylum or subsidiary protection are 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. Important data source for this Chapter is demographic statistics - data on demographic events of foreigners (marriage, birth, abortion, divorce, and death), which can be seen in Table 1-9. and in graph 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 to the CZSO 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 granted asylum or subsidiary protection 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 granted asylum or subsidiary protection) or give numbers of foreigners with the so-called residence permit in the CR (i.e. the total number of foreigners including persons with granted asylum or subsidiary protection 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). Tables 1-4., 1-5., and 1-6. represent the most general summary of basic types of residence of foreigners 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 persons with granted asylum or subsidiarity protection broken down 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 persons with granted asylum or subsidiarity protection. 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 third country nationals residing on the territory of the Czech Republic on the basis of a permanent or long-term permit and nationals of the EU, Norway, Switzerland, Iceland, and Liechtenstein residing in the Czech Republic on the basis of a temporary residence certificate (permit) or permanent residence 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 until 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 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 residence regime in relation to the EU law in the field of free movement of persons). Current legislation on residence regime is summarised in the first part of this Chapter.

Another change, 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.

The last change took place on 1 January 2011. Based on that change, **powers were delegated in some key areas from the police to the Ministry of the Interior of the CR**, especially as for making decisions on granting of long-term visa for over 90 days and long-term stays of third country nationals and the agenda of temporary stays of EU citizens and their dependants. (The agenda of permanent stays has been shifted to the Ministry of the Interior already before, since 1 January 2009.) Data contained in the publication are related to 2010; therefore they do not reflect this last legislative change.

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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 including registered EU citizens) on the territory of the CR in 2010 has slightly decreased to 424 thousand (from 433 thousand in 2009). Of that, 98% were foreigners residing on the territory of the CR for 1 year or longer. The share of female foreigners of the total number of foreigners has slightly increased to 43% in comparison to 2009.

Compared to the age structure of the majority population, in the age structure of foreigners there are certain differences, which can be explained by prevailing economic motives of the migration of foreigners to the Czech Republic (most of them come to earn money). Mainly junior productive age group (i.e. 25-39 years) is strongly represented - by the end of 2010, 41% of all legally residing foreigners were in this age group. 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 the population of the Czech Republic.

Among foreigners, third country nationals are prevailing. EU citizens make up about a third (32%) of the total number of foreigners. Among third country nationals, citizens of the Ukraine are dominating followed by Vietnamese and Russians. The most numerous groups from the point of view of state citizenship among foreigners of EU Member States are Slovaks, Poles, and Germans.

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. Among districts of Praha, the biggest numbers are in Prague 4, Prague 5, and Prague 9. The distribution of foreigners, however, shows evident differences by nationality. Citizens of neighbouring countries are more 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 Vietnam are settled usually in Praha and in the Czech-German border area. Praha, the Středočeský Region, and Karlovarský Region are attractive to nationals of the Russian Federation. In Hl. m. Praha Region, there is a higher concentration of citizens of the Ukraine on the territory of Prague 9 urban district. Citizens of Vietnam are largely concentrated in Prague 4.