

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 usually within 90 days from the day, which the procedure has been commenced on. When it is impossible to decide within that period due to the nature of the subject matter, the Ministry can prolong the term adequately. The decision comes into force on the day when it is delivered to the given asylum seeker. A complaint can be filed at the regional court (having local jurisdiction according to reported place of residence of the foreigner on the day of filing of the complaint) against the final and conclusive decision of the Ministry of the Interior of the CR. During proceedings on the complaint against the decision of the Ministry of the Interior of the CR a foreigner is in the position of an applicant for international protection and, providing that the complaint has a suspensory effect or the suspensory effect is adjudicated by the court in the concrete case, the foreigner cannot be expelled from the territory of the Czech Republic until judicial proceedings are finished. A foreigner has also the right to file a cassation complaint at the Supreme Administration Court in the City of Brno against the decision of a regional court on the complaint against the decision of the Ministry of the Interior of the CR in the case of international protection; the cassation complaint has (with few exceptions) a suspensory effect under the law. A foreigner cannot be expelled from the territory of the Czech Republic also during judicial proceedings on the cassation complaint.

The Ministry of the Interior of the CR operates so-called asylum facilities for applicants for international protection and beneficiaries of international protection (asylum seekers and persons with subsidiarity protection granted). 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, in the Brno – venkov District, and at the Prague Airport, Ruzyně. Foreigners may apply for international protection also in a facility for detention of foreigners (in 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, in the Karviná District, and Kostelec nad Orlicí, in the Rychnov nad Kněžnou District. Integration asylum centres provide transitional accommodation to foreigners with granted international protection. Integration asylum centres are in Jaroměř, in the Náchod District; Havířov, in the Karviná District; and Ústí nad Labem – Předlice, in the Ústí nad Labem District.

Methodological notes on the tables

Table 2-1. The international protection procedure in 2010

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 2010

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 at 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 2010

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 2010

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 2010 show the numbers of persons, whose asylum ceased to exist because they had been granted the Czech citizenship.

Tables 2-12 and 2-13. Subsidiarity protection

Pursuant to Section 14 of the Act No. 325/1999 Sb., on Asylum, subsidiarity protection is granted to a foreigner, who does not meet requirements for granting of asylum.

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There is a tendency of a decreasing number of applications for international protection already since 2004, after the accession of the CR to the EU. The year 2010 is no exception. In total, 833 applications for international protection were registered in 2010. In comparison to the previous year, in which 1 258 applications were submitted, it is a decrease by 33.8%. This tendency is observed also in other countries of the European Union.

The same as in 2009 also in 2010 impacts of the measure introduced by 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) in the Asylum Act were shown – also in the mentioned year there was a high number of applications for international protection submitted repeatedly. Compared to 2009, when 625 repeated applications for international protection were registered, in 2010 there was a decrease; however, the number of applications still remains quite high. In 2010, 419 applications for international protection submitted repeatedly were registered, which is 50.3% of the total number. There were 414 foreigners, who submitted their application for the first time.

The number of submitted applications for international protection in the CR was historically the lowest in the CR in 2010.

The same as in 2009, also in 2010 most of the applicants for international protection came from Asian countries - almost a half – 49.1%. In comparison with 2009, the share dropped by about 7%. Applicants from European countries remain on about the same level as in the last year (31.6%). The share of applicants from African countries was 11.2%, which is an increase by about 3%.

In 2010, applicants for international protection came from 55 countries in total. It is a slight decrease in comparison to 2009, when applicants from 60 countries were registered. Applications were registered also of individuals from several countries, the occurrence of which was not numerous in the history of granting of asylum in the CR. They are African countries – Kenya (3 applications), Central African Republic (2 applications), Mali and Zimbabwe (1 application each) and Asian countries – Yemen (2 applications) and Philippines (1 application). The total number of applicants of those countries has been moving between 2 to 10 persons since 1999.

Most applications, as in the previous year, were received from nationals of Ukraine (115 applications), however, their number decreased by 43%. The nationals of Mongolia with the number of 96 applications made it to the second place followed by nationals from Belarus with 56 applications and Russia (51 applications). This overview further contains stateless persons with 50

applications and also nationals of Turkey (49 applications), Kazakhstan (46), Vietnam (44), Myanmar (42), and Kyrgyzstan with 33 applications.

In 2010, the Ministry of the Interior of the CR issued in the proceeding on granting of international protection 1 018 decisions in total. In 229 cases the Ministry of the Interior of the CR granted international protection in the form of asylum or subsidiarity protection. Further, in 155 cases, the existing subsidiarity protections were prolonged. International protection in the form of asylum was granted in 2010 in 125 cases, most often due to reasons stipulated in the Geneva Convention. In comparison with 2009, 50 more asylums were granted in 2010.

Subsidiarity protection was granted in 104 cases, the most often to nationals of Uzbekistan, Russian Federation, Iraq, and Cuba. Subsidiarity protection was prolonged in 155 cases, namely to citizens of Iraq and Cuba.

In 2010, 338 actions were brought to regional courts against decisions of the Ministry of the Interior of the CR. 40.6% of applicants appealed from the decision of the Ministry of the Interior of the CR, which is less than in previous years, when 60-70% applicants appealed from the decision of the Ministry of the Interior of the CR.

Regional courts issued 503 decisions in total. In 279 cases the decision of the Ministry of the Interior of the CR was confirmed (the application for appeal was dismissed). In 104 cases the proceeding was discontinued. 140 cases were sent back to the first instance for a new hearing.

In total, 271 cassation complaints were filed at the Supreme Administrative Court in the City of Brno. The Supreme Administrative Court issued 342 decisions in total. In most of them (70%) the cassation complaints were refused or dismissed (218 and 20 cases, respectively), by which the decisions of regional courts were confirmed. 80 cases, i.e. 23.4%, were sent back to regional courts for a new hearing. In 24 cases (7%) proceedings were discontinued.

In 2010, the Ministry of the Interior of the CR submitted cassation appeal to the Supreme Administrative Court of the CR in 37 cases.