

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 Bělá pod Bezdězem, in the Mladá Boleslav District. 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 Brno, in the Brno – město District; in Česká Lípa, in the Česká Lípa District; in Jaroměř, in the Náchod District; and in Ústí nad Labem – Předlice, in the Ústí nad Labem District.

Methodological notes on the tables

Table 2-1. The international protection procedure in 2011

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 2011

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 2011

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 2011

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 2011 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 were in total 756 applications for international protection registered in 2011. In comparison to the previous year, in which 833 applications were registered, it is a decrease by 9.2%. This tendency of descending number applications was noticed already in 2004 when the Czech Republic acceded to the European Union and it has been continuing since that year. A decrease in the number of applications has also been observed in other Member States of the European Union.

In 2011 most of the applicants for international protection came from Asian countries – 44.4%, which means that their share decreased compared to the previous year. On the contrary, the share of applicants from European countries increased (38.2%). In 2011 this share of applicants from African countries was 10.6%.

In 2011 applicants for international protection came from 53 countries in total, which is roughly the same number as in the last year (55 countries). Most applications were received from nationals of the Ukraine, in total 152 applications. They were followed by the nationals from Belarus with 71 applications, Russian Federation (47), and Vietnam (46). Among countries with high numbers of applications there are also Mongolia with 41 applications, Kyrgyzstan and Turkey, with 32 applications each, stateless persons with 27 applications, and Afghanistan and Uzbekistan with 26 applications each.

In 2011 the Ministry of the Interior of the CR issued in total 1016 decisions in the proceeding on granting of international protection. In 369 cases the Ministry of the Interior of the CR granted international protection in the form of asylum or subsidiarity protection. In 2011 International protection in the form of asylum was granted in 108 cases, which was by 17 cases less than in the previous year. Subsidiarity protection was granted in 261 cases, most often to citizens of Kazakhstan. In the number of subsidiarity protection cases an increase was recorded (261 in 2011 compared to 104 in 2010).

In 2011 there were 344 actions brought to regional courts against decisions of the Ministry of the Interior of the CR. Regional courts in 254 cases the decision of the Ministry of the Interior of the CR was confirmed (the application for appeal was dismissed); while negative decisions, that means rejected actions or cancelled proceedings were issued in 72 cases. 94 cases were sent back to the Department for Asylum and Migration Policy for a new hearing.

In total 252 cassation complaints were filed at the Supreme Administrative Court in the City of Brno. The Supreme Administrative Court issued 226 decisions in total. In 87% (196 cases) of the cassation complaints a negative decision was issued (refused complaint or dismissed proceedings) and in 5% (12 cases) the cases were rejected. Merely 8% (18 cases) of the complaints were sent back to regional courts for a new hearing.