

# 1. DEMOGRAPHIC ASPECTS OF THE LIFE OF FOREIGNERS

## **A foreigner in the CR – definition of the term and residence**

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 partially also by the Act No. 325/1999 Sb. on Asylum, as amended.

A foreigner (an alien) shall mean a natural 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 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 the 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 an amendment of the 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 transferred to the Ministry of the Interior already before, on 1 January 2009.

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”<sup>1</sup>) 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 permanent 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 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).

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<sup>1</sup> 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.

**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 his or her request. It is not his or her duty, only the right. The certificate facilitates for EU citizens their negotiations with offices, banks, and other institutions. Statistics on these persons will be overestimated to a certain extent. When these persons move abroad they are often not deregistered. The certificate on temporary residence of an EU citizen may not even have limited validity due to European legislation.*

*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 apply at the Ministry of the Interior of the CR 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 nationals of which must be in possession of visas when crossing the external borders and those nationals of which 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 the Section 18 of the 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 nationals of which must be in possession of visas when crossing the external borders of the 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 6 months. Validity of the visa cannot be prolonged; it is followed by a long-term residence permit.*

## **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 it 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: duration 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 the proceedings on 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 for the purpose of family reunification.*

## **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 his or her case there are justified concerns of his or her 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<sup>2</sup>.*

## **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. (This institute has not been applied so far.)*

## **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.*

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<sup>2</sup> At present, what is under legislative process is an amendment to the Act on Asylum, in which access of asylum seekers and applicants for subsidiarity protection to integration measures shall be unified.

#### **14. Foreigners staying illegally in the CR**

*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.*

#### **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, with 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, as the administrator of the Foreigners' Information System. Data on applicants for international protection and persons with granted asylum or subsidiarity 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 found in Table 1-9 and in the 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 subsidiarity 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 according to the first clause of this paragraph plus foreigners with granted asylum or subsidiarity 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 subsidiarity 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 population of the CR. Table 1-7 includes the total number of foreigners, excluding persons with granted asylum or subsidiarity protection broken down by the most frequent citizenship 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, started 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 territory of the CR).

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.

The last change, so far, 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 transferred to the Ministry of the Interior already before, on 1 January 2009. Data contained in the publication are related to 2011; therefore they reflect this last legislative change. Although the aforementioned agenda was moved to the Ministry of the Interior of the CR data still have been provided by the Directorate of the Alien Police Service of the CR, which is the administrator of the Foreigners' Information System by law.

Since December 2011 there have been changes to the methodology of processing of data from the Foreigners' Information System. On the contrary to the previous period, new criteria have been used to select data for the determination of the number of foreigners with permitted stay on the territory of the CR. The objective of the new criteria is to make statistical outputs more precise.

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In 2012 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 reached 435.9 thousand. Compared to the year 2011, it was an increase by 1793 persons.

Foreigners residing on the territory of the CR for 1 year or longer made a majority (98%) of the total number of registered foreigners. Compared to 2011 their share thus slightly increased by one percentage point. The share of female foreigners has not been changing much recently and in 2012 reached the same value as in 2011, i.e. 43% of the total number of foreigners.

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. Mainly junior productive age group (i.e. 25-39 years) is strongly represented - in 2012, 39.7% of all legally residing foreigners were in this age group (a slight decrease compared to 2011). On the contrary, a very small share of persons in post-productive age can be found compared to the CR population structure. In the category 65+ years there were mere 3.8% foreigners in the population in 2012.

Among foreigners, third country nationals are prevailing. However, the share of the EU citizens has been increasing (from 32% in 2010 to 35% in 2011, and to 37% in 2012). Among third country nationals (and also in total), citizens of the Ukraine (112.5 thousand) are dominating followed by Vietnamese (57.3 thousand) and Russians (33 thousand). The most numerous groups from the

*point of view of state citizenship among foreigners of EU Member States are Slovaks (85.8 thousand), Poles (19.2 thousand), and Germans (17.1 thousand).*

*In 2011–2012, the year-on-year decrease continued in citizens of the Ukraine (-6.4 thousand) and Viet Nam (-0.9 thousand). On the contrary, a marked y-o-y increment was recorded for citizens of Slovakia (+4.5 thousand). In general it can be stated that the numbers of registered foreigners coming from the EU Member States to the Czech Republic grew in the last year. As for citizens coming from third countries, their numbers decreased or remained roughly unchanged as in 2011, except for certain exceptions (e.g. the Russian Federation and the United States).*

*In terms of the territorial distribution, the Hl. m. Praha Region and the Středočeský Region are the regions with the highest concentration of foreigners. The share of foreigners registered in these regions reached in 2012 the same level as in 2011, i.e. 37% and 13%, respectively. Concerning the shares of citizens the following ranked regions are the Jihomoravský Region (8.4%) and the Ústecký Region (7%). Among the regions with the lowest concentration of foreigners there are the Vysočina Region and the Zlínský Region (identically 1.8%) and the Olomoucký Region (2.2%).*

*The distribution of foreigners, however, shows certain differences by nationality. In general, the most attractive region to all foreigners is Prague. Citizens of the Ukraine have been more concentrated furthermore in the Středočeský Region and the Jihomoravský Region. Nationals of Viet Nam settle besides Prague also areas close to the Czech-German frontier. For citizens of the Russian Federation also the Středočeský Region and the Karlovarský Region are attractive. In the Hl. m. Praha Region, there is a higher concentration of citizens of the Ukraine on the territory of Prague 9 urban district. Citizens of Viet Nam are largely concentrated in Prague 4. The highest share of citizens of the Russian Federation can be found in Prague 5.*