

2. INTERNATIONAL PROTECTION AND ASYLUM FACILITIES

The course of the international protection granting 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. An action 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 action) against the final and conclusive decision of the Ministry of the Interior of the CR. During proceedings on the action 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 action 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 action 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 thus cannot be expelled from the territory of the Czech Republic during judicial proceedings on the cassation complaint, either.

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, to write a request for asylum, due to medical examination, and the like). These reception centres are in Zastávka, in the Brno – venkov District, and at the Václav Havel Airport Prague (in Prague – 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 2012

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 also 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 2012

Since 1 January 2003 asylum seekers can file an action against the decision at the locally competent regional court (depending on the locality of residence of the asylum seeker at the time when the action is filed). If an applicant for international protection receives a negative decision of

the regional court, he or she ceases 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 2012

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 2012

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 2012 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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In 2012 there were in total 752 applications for international protection registered in the Czech Republic, i.e. the value corresponding roughly to that of 2011 (756 applications). Therefore, we can speak about stabilization and stop of the downward trend in the submitted applications, which persisted since 2004. In 2012 most of the applicants for international protection came from Asian countries – 43.4%. However, the share of applicants from Asia is constantly decreasing (44.4% in 2011). On the contrary, the share of applicants from European countries has been markedly increasing recently (41.7% in 2012). The share of applicants from African countries reached 9.5% in 2012. The smallest number of applicants for international protection was registered from both the Americas (2.3%).

In 2012 applicants for international protection came from 59 countries in total. The range of countries of origin has thus slightly enlarged (from 53 countries in 2011). The most applications were received from nationals of the Ukraine, 178 applications in total. They were followed by nationals from the Syrian Arab Republic with 68 applications, Belarus with 54 applications, Viet Nam with 54 applications, and the Russian Federation with 41 applications. Among countries with high numbers of applications were in 2012 also Myanmar (30), Kazakhstan (23), and Armenia (22).

In 2012, the Ministry of the Interior of the CR issued in total 815 decisions in the proceeding on granting of international protection. In 198 cases the Ministry of the Interior of the CR granted international protection in the form of asylum or subsidiarity protection. In 2012 International protection in the form of asylum was granted in 49 cases, which was by 59 cases less than in the previous year. Subsidiarity protection was granted in 149 cases, most often to citizens of Belarus and the Syrian Arab Republic. In the number of subsidiarity protection cases a decrease was recorded (149 in 2012 compared to 261 in 2011).

In 2012, 265 actions were filed at regional courts against decisions of the Ministry of the Interior of the CR. The decision of the Ministry of the Interior of the CR was confirmed (the action was dismissed) at 233 persons; negative decisions, that means rejected actions or discontinuance of an action were issued in 38 cases. Cases sent back to the Department for Asylum and Migration Policy for reconsideration applied to 64 persons.

In total, 235 cassation complaints were filed at the Supreme Administrative Court in the City of Brno. The Supreme Administrative Court issued 278 decisions in total. In 84% (233 cases) of the cassation complaints a negative decision was issued (refused complaint or discontinuance of an action) and 9% of complaints (26) were rejected. Only 7% of cases (19) were sent back to regional courts for a new hearing.