

# 1. DEMOGRAPHIC ASPECTS OF THE LIFE OF FOREIGNERS

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

**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. On 1 January 2014, a new Act No. 186/2013 Sb., on Czech Citizenship came into effect. The act brought many changes, which were reflected also in numerical data on acquisition of citizenship in 2014 (Table 1-11).

The aforementioned act introduced many new legal institutes. One of the most substantial changes is that the new legal provision provides in the full extent for the dual citizenship to exist. This principle was reflected also at granting of the citizenship of the Czech Republic, when applicants for the citizenship of the Czech Republic do not have to give up their existing citizenship after 1 January 2014 anymore. In the end of 2013, the Ministry of the Interior recorded an increase in the number of applications for citizenship, which had been submitted still pursuant to the Act No. 40/1993 Sb. on Acquisition and Loss of Citizenship of the Czech Republic. In 2014, the Ministry of the Interior at the same time conducted administrative procedures regarding applications pursuant to this Act as well as the new one.

Besides granting of the citizenship of the Czech Republic, the new legal regulation enables to acquire the citizenship of the Czech Republic also by the so-called declaration, i.e. after having met legal conditions a foreigner has a legal claim to the acquisition of the citizenship of the Czech Republic.

Until 31 December 2014 it was still possible to make a declaration also pursuant to the Section 18a, Section 18b, and Section 18c of the Act No. 40/1993 Sb., on Acquisition and Loss of Citizenship of the Czech Republic, which applied to some citizens of Slovakia.

Declarations pursuant to the Section 31, Section 32, and Section 33 of the Act on Acquisition of Citizenship of the Czech Republic enable to acquire citizenship of the Czech Republic to the former citizens and their dependants. By declaration pursuant to the Section 34, those persons shall acquire citizenship of the Czech Republic, which are in good faith for 10 years that they are citizens of the Czech Republic. By declaration pursuant to the Section 36, children trusted into substitute family care may acquire the citizenship of the CR.

In 2014, the most frequent was the declaration pursuant to the Section 35, which enables acquisition of the citizenship to persons, who stay on the territory of the Czech Republic since the age of 10 years, the so-called second generation of foreigners. The declaration can be made between the age of 18 and 21 years; thanks to a transitional provision of the Section 73 of the Act on Czech Citizenship, until the end of 2014 also older persons had the possibility to acquire citizenship of the Czech Republic. Namely that declaration was utilized by many foreigners, who had been living in the Czech Republic already since their childhood.

**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.

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, Ministry of Foreign Affairs, 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 (Alien Police Department). 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, especially as for making decisions on granting of long-term visa for stay over 90 days and long-term stays of third-country nationals and the agenda of temporary stays of EU nationals 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. NATIONALS OF THE EU MEMBER STATES, NORWAY, SWITZERLAND, ICELAND, AND LIECHTENSTEIN (ABBREVIATED AS “EU NATIONALS”<sup>1</sup>) AND THEIR DEPENDANTS**

*Dependants of the EU nationals, who are not EU nationals and are intending to temporarily stay (for more than 3 months) on the territory of the CR together with an EU national have a different residence regime than other third-country nationals (Title IV of the Act No. 326/1999 Sb.).*

##### **1. Nationals of the EU Member States and their dependants, who are EU nationals, without a certificate on temporary residence or a permanent residence permit**

*EU nationals 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).*

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

*A temporary residence certificate of an EU national is issued upon his or her request. It is not his or her duty, only the right. The certificate facilitates for EU nationals 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 national may not even have limited validity due to European legislation.*

*Dependants of an EU national, who are not EU nationals and are intending to temporarily stay on the territory of the CR together with the EU national are obliged to apply at the Ministry of the Interior for a temporary residence permit, i.e. for a residence card of a dependant of an EU national.*

##### **3. Nationals of the EU Member States and their dependants having a permanent residence permit**

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

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

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<sup>1</sup> *In the methodological part, an abbreviated term “EU nationals” is used, which means nationals 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 nationals of the EU28 (the EU Member States) and citizens of Norway, Switzerland, Iceland, and Liechtenstein.*

(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 national 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 permanent residence permit card for permanent residence of an EU national is issued for the period of 10 years. A dependant of an EU national is issued a permanent residence permit card with the same period of validity as the period of validity of the card issued to the EU national.

## **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 stay 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 stipulated 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 stay 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 stay 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 scope of rights and duties.

## **10. Foreigners with granted subsidiary protection**

Successful applicants for international protection residing in the CR. Subsidiary protection is granted to a foreigner who does not meet requirements for granting of an asylum provided that it is found out in the proceeding on granting of international protection that in his or her case there are justified concerns of his or her return to the country they are citizens of or to their last place of permanent residence. Subsidiary protection granted is almost corresponding to permanent residence as for the scope of rights and duties - with the exception of 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. (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 nationals (however, an application of an EU national 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**

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 nationals and their dependants with a temporary and permanent residence permit), B6, B7, B8, B9, B10, B11 (third-country nationals with a visa for stay over 90 days, with a long-term residence permit, permanent residence permit, 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, 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 stay over 90 days, as the administrator of the Foreigners' Information System. 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. 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 and can be found in Table 1-11. Demographic statistics - data on demographic events of foreigners (marriage, birth, abortion,

divorce, and death), is also an important data source for this Chapter; it can be found in Table 1-10 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 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 according to the first clause of this paragraph 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 stay 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 subsidiary 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 subsidiary protection. This year's publication newly includes Table 1-9 related to third-country nationals with temporary residence permit on the territory of the CR by purpose of the stay. The table brings data on total numbers of the foreigners by purpose of the stay and sex, as well as provides more detailed information in the breakdown by most frequent citizenship. Table 1-10 shows an overview of demographic events of foreigners, and the last Table 1-11 in this Chapter focuses on foreigners, who have acquired Czech citizenship.

The category "residence for 12+ months" includes third-country nationals residing on the territory of the Czech Republic on the basis of a permanent or long-term residence 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 foreigners residing in the Czech Republic on the basis of visa for stay 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 (stay), 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 stay 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 refugees and foreigners staying in the CR for visa for stay 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 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 the 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**, especially as for making decisions on granting of long-term visa for stay over 90 days and long-term residence permits to third-country nationals and the agenda of temporary stays of EU nationals 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 2014; therefore they reflect this last legislative change. Although the aforementioned agenda was moved to the

*Ministry of the Interior 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 2014 the number of legally residing foreigners (i.e. with visas for stay over 90 days or some of the types of a residence permit including registered EU nationals) on the territory of the CR reached 449.4 thousand. Compared to the year 2013 it was an increase by 10 178 persons.*

*Foreigners residing on the territory of the CR for over 1 year made up a majority (98.6%) of the total number of registered foreigners. Compared to 2013 their share thus has slightly increased (from 98.1%). As for the breakdown by type of residence, prevailing are foreigners, who hold permanent residence permits (250 thousand) over foreigners staying in the CR based on the visa for stay over 90 days and long-term or temporary residence permits (199.5 thousand). Compared to 2013, when numbers of foreigners with permanent residence permits prevailed for the first time in the history of the Czech Republic over the number of foreigners holding some type of temporary residence permit, the difference thus became even more distinctive.*

*Interesting data are contained in newly included tables on third-country nationals with temporary residence permit by purpose of the stay. What was clearly dominating as a purpose of the stay is employment and business (48.3%) followed with a gap by family purposes (with 27.1%).*

*Citizens of the Ukraine, Viet Nam, and Mongolia are among those who obtain temporary residence permits most often for the purpose of "employment and business". "Family reasons" as the purpose for the stay are more frequent among citizens of the United States, China, the Republic of Korea, and Japan. "Studies" as the purpose of the stay dominate among citizens of Kazakhstan. Almost the same share of temporary residence permits were granted for "studies" and "employment and business" in the case of citizens of the Russian Federation.*

*Recently, the share of female foreigners has not been changing markedly; in 2014 it reached about the same value as in 2013, i.e. 43.5% 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. 30-39 years) is strongly represented. In 2014, 27.1% of all legally residing foreigners were in this age group (a value comparable to that of 2013). Year-on-year, what noticeably dropped was the category of the youngest productive age, 20-29 years, from 18% to 16.6%. Category of children (0-19 years) amounted to 13.9% in 2014 (a slight increase from 13.7% in 2013). A very small share of persons in post-productive age can be found there compared to the CR population structure. In the category of 65+ years there were mere 4.5% of the population of foreigners in the CR in 2014, i.e. by 0.4 p.p. more than in 2013.*

*Among foreigners, third-country nationals are prevailing. However, the share of nationals of the EU Member States has been constantly increasing (from 32% in 2010 to 41.1% in 2014). Among third-country nationals (and also in total), citizens of the Ukraine (104.2 thousand) are still dominating followed by Vietnamese (56.6 thousand) and citizens of the Russian Federation (34.4 thousand). The most numerous groups from the point of view of citizenship among foreigners of the EU Member States are Slovaks (96.2 thousand), Germans (19.7 thousand), and Poles (19.6 thousand).*

*In 2013–2014, the year-on-year decrease in citizens of the Ukraine slightly slackened (drop by 982 persons). However, compared to 2013, the number of citizens from Viet Nam decreased again (by 738 persons). On the contrary, a marked annual increase was recorded for citizens of Slovakia (+5.3 thousand), followed by citizens of the Russian Federation (by 1.3 thousand) and Germany*

(by 1.2 thousand). In general it can be stated that the numbers of registered foreigners coming from the EU Member States to the Czech Republic continued to grow in the last year. As for third-country nationals, their numbers decreased or remained roughly unchanged as in 2013, except for certain exceptions (Russian Federation, Mongolia).

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 2014 about the same level as in 2013, i.e. 37% (increase by 0.3 p.p.) or 13.3% (growth by 0.1 p.p.), respectively. Concerning the shares of foreigners, the following ranked regions are the Jihomoravský Region (8.6%) and the Ústecký Region (7.1%). Among the regions with the lowest concentration of foreigners there are the Vysočina Region (1.7%), the Zlínský Region (1.8%), and the Olomoucký Region (2.5%).

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 besides Prague. In the Hl. m. Praha Region, there is a higher concentration of citizens of the Ukraine on the territory of Prague 9 and Prague 4 urban districts. 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.