

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 applicant. 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 (refugees 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 a legal obstacle (an applicant is in a detention facility for foreigners, in prison, possibly in a hospital), the applicant is transferred to a residential centre or 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 refugees

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 2013 there were in total 707 applications for international protection registered in the Czech Republic. Compared to 2012 (752), the number of applications has slightly decreased and thus reached its historical minimum. Therefore, we can speak about further continuation of the downward trend in the submitted applications, which has been persisting since 2004. In 2013 most of the applicants for international protection came from Asian countries – 41.4% (the same as in previous years). The share of applicants from Asia has thus somewhat decreased (from 43.4% in 2012). The share of applicants from European countries has also slightly decreased, namely from 41.7% in 2012 to 40.5% in 2013. The share of applicants from African countries reached 8.5% in 2013, which means that it slightly dropped (from 9.5% in 2012). The smallest number of applicants for international protection was registered from both the Americas (6.1%). Compared to the previous year, however, that group has obviously increased (from 2.3%).

In 2013, applicants for international protection came from 55 countries in total. The range of countries of origin has thus slightly narrowed (from 59 countries in 2012). The most applications were received from nationals of the Ukraine, 146 applications in total. They were followed by nationals from the Syrian Arab Republic with 69 applications, the Russian Federation (53), Viet Nam (49), and Armenia (43). Among countries with high numbers of applications were in 2013 also Cuba (39), Belarus (22), Kazakhstan (22), and Nigeria (22).

In 2013, the Ministry of the Interior of the CR issued in total 978 decisions in the proceeding on granting of international protection, of which in 351 cases the Ministry of the Interior of the CR granted international protection in the form of asylum or subsidiarity protection. In 2013, international protection in the form of asylum was granted in 95 cases, which was by 46 cases more than in the previous year. The asylum was granted most frequently to citizens of Myanmar, the Russian Federation, the Ukraine, and Belarus. Subsidiarity protection was granted in 256 cases, most often to citizens of the Syrian Arab Republic and Belarus. In the number of subsidiarity protection cases an obvious increase was recorded (from 149 in 2012).

In 2013, 292 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 223 cases. In total, 29 actions were sent back to the first instance (the Department for Asylum and Migration Policy) for a new try.

In total, 234 cassation complaints were filed at the Supreme Administrative Court in the City of Brno in 2013. The Supreme Administrative Court then issued 242 decisions in total. In 224 cases of the cassation complaints a negative decision or a refusal of complaint were issued. 9 cases were sent back to regional courts for a new hearing and in further 9 cases a complaint was sent back for a try at the Ministry of the Interior of the CR (the Department for Asylum and Migration Policy).