

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, as amended (the Asylum Act).

The Ministry of the Interior (the Department for Asylum and Migration Policy – DAMP) is the administrative body of first instance adopting decisions in the case. The Ministry shall issue a judgement on merits usually within 180 days from the day the procedure commenced. When it is impossible to decide within that period due to the nature of the case, the Ministry can prolong the term adequately. The decision in the case of international protection comes into force on the day of delivery. An action/appeal can be filed at the regional court (having local jurisdiction according to the reported locality of residence of the foreigner on the day of filing of the action/appeal) against the final and conclusive decision of the Ministry of the Interior. During the first instance proceedings on the application for granting of international protection as well as during proceedings of the court on the action/appeal against the decision of the Ministry of the Interior providing that the action/appeal has a suspensory effect or the suspensory effect is adjudicated by the court in the concrete case, the foreigner is in the position of an applicant for international protection and cannot be expelled from the territory of the Czech Republic. 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/appeal against the decision of the Ministry of the Interior in the case of international protection. A cassation complaint also has in some cases a suspensory effect; therefore, a foreigner cannot be expelled from the territory of the Czech Republic during judicial proceedings on the cassation complaint, either, provided that it has a suspensory effect.

The Ministry of the Interior operates so-called asylum facilities for applicants for international protection and beneficiaries of international protection (refugees and persons with subsidiary protection granted). In a reception centre a foreigner is obliged to stay during a certain period of time determined by law (for the purposes of performing identification processes, to write an application 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). After initial acts are done, an applicant is moved to an accommodation centre or can (based upon an approved request) find a private accommodation. The accommodation centres provide accommodation to applicants for international protection until the decision on granting of international protection enters into force or until the day of a decision of a court in case that they filed an action/appeal or a cassation complaint and it has a suspensory effect. Accommodation centres are in the following municipalities: Havířov, in the Karviná District, and in Kostelec nad Orlicí, in the Rychnov nad Kněžnou District. Foreigners may apply for international protection also in detention facilities for foreigners in Bělá pod Bezdězem, in the Mladá Boleslav District, in Vyšní Lhoty, and in Drahonice. Or, when they are in a health-care facility or in prison and their movement is thus limited, they may apply for granting of international protection in writing. An integration asylum centre provides temporary accommodation to foreigners who were 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

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 with suspensory effect concerning international protection appeals at regional courts

Since 1 January 2003 an applicant for international protection can file an appeal at the locally competent regional court (depending on the locality of residence of the applicant at the time when the appeal 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, a foreigner can be issued a confirmation on the stay sufferance on the territory of the Czech Republic during the judicial proceedings on the cassation complaint.

Table 2-3 Course of cassation complaints proceedings at the Supreme Administrative Court

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

The asylum facilities include reception, accommodation, and integration asylum centres, while other places of stay include hospitals, prisons, detention facilities for foreigners, and the like.

Table 2-10 Czech citizenships 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 2015 show the numbers of persons, whose asylum ceased to exist because they had been granted the Czech citizenship.

Tables 2-11 and 2-12 Subsidiary protection

Pursuant to Section 14(a) of the Act No 325/1999 Sb, on Asylum, subsidiary protection is granted to a foreigner, who does not meet requirements for granting of asylum, but in the case of whom there are justified concerns regarding the return to the country of origin, where the foreigner would be in real danger of serious harm.

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In 2015, the total of 1 525 applications for granting of international protection were registered in the Czech Republic. Compared to 2014 (1 156), the upward trend in the number of submitted applications continued, which started in 2014. The number of applicants from European countries slightly dropped in 2015 (compared to 2014) from 56.1% to 53.9%. The share of applicants from Asia, on the other hand, has slightly increased to 30.5% (from 29.3% in 2014). The share of applicants from African countries reached 5.2% in 2015, which means that it dropped, year-on-year, by 2.3 percentage points. On the contrary, the group of applicants from both the Americas markedly increased, namely from 4% registered in 2014 to 8.5% in 2015.

In 2015, applicants for international protection came from 54 countries in total. The range of countries of origin has thus slightly narrowed (from 58 countries in 2014). The most applications were received from nationals of the Ukraine, 694 applications in total. They were followed by nationals from the Syrian Arab Republic with 135 applications, nationals of Cuba (128), and Viet Nam (80).

In 2015, the Ministry of the Interior issued in total 2 910 decisions in the proceedings on granting of international protection, of which in 470 cases the Ministry of the Interior granted international protection in the form of asylum or subsidiary protection. In 2015, international protection in the form of asylum was granted in 71 cases, which was by 11 cases less than in the previous year. The asylum was granted most frequently to citizens of the Syrian Arab Republic. The subsidiary protection was granted in 399 cases, most often to citizens of the Ukraine, the

Syrian Arab Republic, and Cuba. The number of subsidiary protections granted has noticeably increased, year-on-year (+104).

In 2015, 384 actions/appeals were filed at regional courts against decisions of the Ministry of the Interior. The decision of the Ministry of the Interior was confirmed (an action/appeal was dismissed or refused) in 218 cases. In total, 36 actions/appeals were sent back to the first instance (the Department for Asylum and Migration Policy) for a new try. In total, 211 cassation complaints were filed at the Supreme Administrative Court in the City of Brno in 2015. The Supreme Administrative Court issued 217 decisions. In 173 cases of the cassation complaints a negative decision (a refusal or a dismissal of a cassation complaint) was issued. 21 cases were sent back to regional courts for a new hearing and in further 14 cases a complaint was sent back to be heard at the Ministry of the Interior (the Department for Asylum and Migration Policy).