

1. DEMOGRAPHIC ASPECTS OF THE LIFE OF FOREIGNERS

Definition of the terminology and the residence of a foreigner in the CR

A foreigner (an alien) shall mean a natural person, who is not a citizen of the Czech Republic. On 1 January 2014, a new Act No 186/2013 Sb, on Czech Citizenship entered into force. The act brought many changes. One of the most substantial changes is that the new legal regulation provides in the full extent for the dual citizenship to exist. Another important change is that it enables to acquire the citizenship of the Czech Republic to the second generation of foreigners living in the Czech Republic 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. These changes were reflected also in numbers on acquisition of citizenship in 2014.

The residence of foreigners in the CR is governed mainly by the Act No 326/1999 Sb on the Residence of Aliens on the Territory of the Czech Republic and Amending Certain Acts, as amended, and for specific groups of foreigners by the Act No 325/1999 Sb on Asylum, as amended (for more see Chapter 2 “International protection and asylum facilities”), the Act No 221/2003 Sb, on Temporary Protection of Aliens, as amended (application of this institute is possible provided that the temporary protection of foreigners is activated by a decision of the Council of the EU – such situation has not occurred, yet).

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, stay, 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 the Act No 326/1999 Sb. The Ministry of Foreign Affairs decides about granting of a short-term visa (i.e. a 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 (the Alien Police Department). The Police (the Directorate of the Alien Police Service) 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 to the Act No 326/1999 Sb entered into force implemented by the Act No 427/2010 Sb. 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 a long-term visa (i.e. a 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 family members. The agenda of permanent stays was transferred to the Ministry of the Interior already before, on 1 January 2009.

The categories of foreigners staying in the CR are as follows (pursuant to the Act No 326/1999 Sb or No 325/1999 Sb, as amended):

A. NATIONALS OF THE EU MEMBER STATES, NORWAY, SWITZERLAND, ICELAND, AND LIECHTENSTEIN (ABBREVIATED AS “EU NATIONALS”¹) AND THEIR FAMILY MEMBERS

Family members 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

¹ 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.

national have a different residence regime than other third-country nationals (Title IV(a) of the Act No 326/1999 Sb).

1. Nationals of the EU Member States and their family members, who are EU nationals, without a certificate of temporary residence in the Czech Republic 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 the locality of 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 of temporary residence in the Czech Republic and their family members, who are not EU nationals, with a temporary residence permit

A document “certificate of temporary residence in the Czech Republic” is issued upon request of an EU national. It is not his or her duty to have the aforementioned document for their stay in the territory of the CR; it is only their right to apply for the document. 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. The reason is that these persons often do not report the end of their residence on the territory of the Czech Republic and therefore they are not deregistered. The certificate of temporary residence in the Czech Republic does not have limited validity due to European legislation.

Family members 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 the issue of a temporary residence permit, which is issued in the form of a “residence card of a family member of an EU national” and in the case of family members of citizens of Norway, Iceland, Liechtenstein, and Switzerland in the form of a “residence permit card for a foreigner (alien)”.

3. Nationals of the EU Member States and their family members with a permanent residence permit

(i) An EU national is granted a permanent residence permit as a standard after 5 years of continuous temporary residence on the territory of the CR (in cases stipulated by law he or she can acquire a permanent residence even sooner).

(ii) A family member of an EU national is granted a permanent residence permit as a standard after 5 years of continuous temporary residence on the territory of the CR.

(iii) A foreigner, who is at least for 1 year a family member of a Czech citizen who has the permanent residence on the territory of the CR or is a family member 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 on the territory of the CR.

A “permanent residence permit card for an EU national” is issued with the period of validity for 10 years. A family member of an EU national is issued a “permanent residence permit card” also with the period of validity for 10 years. The validity of these cards can be repeatedly prolonged by another 10 years. From 1 January 2018, the “permanent residence permit card” will be issued for EU nationals, too.

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 duty, as amended. Further, third-country nationals can stay on the territory of the Czech Republic without a visa 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

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 aforementioned Council Regulation (EC) No 539/2001.

6. Third-country nationals staying in the CR on the basis of a long-term visa

Maximum validity of that visa is 1 year. Validity of the visa cannot be prolonged; it is followed by a long-term residence permit.

7. Third-country nationals with 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 also at an embassy or a consulate of the Czech Republic abroad without a previous stay based on a long-term visa; this permit can also be granted for a period longer than 1 year and its validity can be prolonged.

8. Third-country nationals with a permanent residence permit

Third-country nationals can apply for a permanent residence:

(i) Generally, after 5 years of continuous residence (counted are: duration of stay for a long-term visa and a 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 a 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 a permanent residence on the territory for the purpose of family reunification.

9. Foreigners with granted asylum

Successful applicants for international protection staying in the CR, who were granted an asylum; the 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 staying in the CR, who were granted subsidiary protection. Subsidiary protection is granted to a foreigner who does not meet requirements for granting of an 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. Subsidiary protection granted is almost corresponding to permanent residence

as for the scope of rights and duties – with the exception of the length of validity of the 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 activate granting of temporary protection only 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. (The Council of the European Union has not decided about the commencement of this institute, yet.)

C. OTHER FOREIGNERS (regardless their citizenship)

12. Applicants for international protection

It applies to foreigners, who are seeking protection from persecution or imminent serious harm. International protection can be applied for in general 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. (One can apply for temporary protection only in case that it has been activated by a decision of the Council of the EU.)

Foreigners staying in the CR illegally make a special category. They are, for example, foreigners staying in the CR after their visas or 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 in groups A2, A3 (EU nationals and their family members with a temporary and a permanent residence permit), B6, B7, B8, B9, B10, B11 (third-country nationals with a long-term visa, with a long-term residence permit, a 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 long-term visas, 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. Vital statistics - data on vital events of foreigners (marriage, birth, abortion, divorce, and death) are also an important data source for this Chapter; they can be found in Table 1-10 and in the chart 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 these data in Tables 1-4, 1-5, and 1-6. These tables show the total number of the 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 residence permit in the CR (i.e. the total number of foreigners including persons with granted asylum or subsidiary protection excluding foreigners holding a long-term visa - 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 numbers and shares of foreigners right with those types of residence as at the relevant date. Table 1-7 includes the total number of foreigners, excluding persons with granted asylum or subsidiary protection disaggregated 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. Table 1-9, which was newly included in the publication last year, relates to third-country nationals with a 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 disaggregated by most frequent citizenship. Tables 1-10a to 1-10c show an overview of vital events of foreigners, and the last table in this Chapter, Table 1-11, focuses on foreigners, who have acquired Czech citizenship.

The category “residence for 12+ months” includes third-country nationals staying on the territory of the Czech Republic on the basis of a permanent or a long-term residence permit and nationals of the EU, Norway, Switzerland, Iceland, and Liechtenstein staying in the Czech Republic on the basis of a certificate of temporary residence in the Czech Republic or a permanent residence permit. The given category thus excludes foreigners staying in the Czech Republic on the basis of long-term visas.

Double lines between columns mean a fundamental change in legislation or a statistical definition: the first fundamental 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, a long-term (over 180 days), and a short-term (up to 180 days) residence (stay), since the beginning of 2000 this division no longer exists in law. Currently, the law distinguishes among a permanent residence and a temporary residence (a temporary residence of EU nationals and a long-term residence (over 1 year) and a residence for a long-term visa (for stay over 90 days) of third-country nationals).

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 a visa for stay over 90 days, whose length of stay exceeded 1 year, started to be included in 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). In the course of time, in relation to changes in the legislation (Act on the Residence of Aliens), other categories of foreigners were included in the statistics (at present statistics of international migration include also the foreigners with long-term and temporary residence in 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 a different residence regime in relation to the EU law in the field of free movement of persons). Current legislation on the residence regime is summarised in the first part of the Chapter.

On 1 January 2011, 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 visas and long-term residence permits to third-country nationals and the agenda of temporary stays of EU nationals and their family members. The agenda of permanent stays was transferred to the Ministry of the Interior already on 1 January 2009. Although the aforementioned agenda was moved to the Ministry of the Interior, data for the CZSO are still provided by the Directorate of the Alien Police Service of the CR, which is the administrator of the Foreigners' Information System by

law. However, in December 2011 the methodology of processing of data from the Foreigners' Information System changed. On the contrary to the previous period, new criteria are 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.

From 1 January 2009 to 23 June 2014 a Green Card was issued, which was a certificate that entitled a foreigner to a temporary residence on the territory and at the same time to work in a job position kept by the Ministry of Labour and Social Affairs in the central records of vacancies available to green card holders.

On 1 January 2011, a Blue Card was introduced. Also in that case it is a certificate, which entitles a foreigner to a temporary residence on the territory and at the same time to work in a job requiring high qualification. Such job positions are kept by the Ministry of Labour and Social Affairs in the central records of vacancies available to blue card holders.

On 24 June 2014, an Employee Card was introduced – it entitles a foreigner to a temporary residence on the territory and at the same time to work in a job position kept by the Ministry of Labour and Social Affairs in the central records of vacancies available to employee card holders.

Data contained in the publication are related to 2016 and reflect existing legal regulations.

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In 2016, the number of legally staying foreigners (i.e. with long-term visas or some of the types of a residence permit including registered EU nationals) on the territory of the CR reached 493.4 thousand. Compared to the year 2015 it was an increase by 28 771 persons.

Foreigners staying on the territory of the CR for over 1 year made up a majority (97.3%) of the total number of registered foreigners. Compared to 2015 (98.7%) their share thus moderately decreased. As for the disaggregation by type of residence, prevailing are foreigners, who hold permanent residence permits (272 thousand) over foreigners staying on the territory of the CR based on the long-term visas and long-term residence permit or having temporary residence (221.5 thousand). However, after a decrease recorded between the years 2011–2014, numbers of foreigners of the latter category have been increasing again since 2015.

Interesting data are contained in the table on third-country nationals with a temporary residence permit by purpose of the stay. It is obvious from data provided in the table that what was clearly dominating as a purpose of the stay of foreigners from countries outside the EU is “employment and business” (41.8%). However, compared to 2015 the share has slightly dropped (from 44.6%). It is followed with a gap by “family purposes” (with 27.7%), the share of which has also moderately dropped compared to 2015, namely by 0.6 p.p. On the contrary, an obviously higher percentage compared to 2015 belonged to third-country nationals staying on the territory of the Czech Republic for the purpose of “studies” (21.6% versus 18.7% in 2015).

Citizens of the Ukraine and Viet Nam 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 China and the Republic of Korea. “Studies” as the purpose of the stay dominate among citizens of Kazakhstan, the United States of America, the Russian Federation, and Belarus.

Recently, the share of female foreigners has not been changing markedly; in 2016 it reached about the same value as in 2015, i.e. 43.7% 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 2016, 26.4% of all legally staying foreigners were in this age group (a slight decrease compared to 2015). In the category of the youngest productive age, 20–29 years, there was a slight increase compared to 2015, namely from 15.7% to 15.9%. Category of

children (0–19 years) amounted to 14.2% in 2016 (i.e. it reached a value comparable to that in 2015 or rather by 0.1 p.p. higher). Compared to the CR's population structure, a very small share are persons in the post-productive age. In the category of 65+ years there were mere 5.1% of the population of foreigners in the CR in 2016, i.e. by 0.2 p.p. more than in 2015.

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 42.2% in 2016). Among third-country nationals (and also in total), citizens of the Ukraine (109.9 thousand) are still dominating followed by Vietnamese (58.3 thousand) and citizens of the Russian Federation (35.8 thousand). The most numerous groups from the point of view of citizenship among foreigners, who are nationals of the EU Member States, are Slovaks (107.3 thousand), Germans (21.2 thousand), and Poles (20.3 thousand).

In 2015–2016, the number of citizens of all the mentioned countries clearly increased, year-on-year, while definitely the highest y-o-y increase was recorded for citizens of Slovakia (+5.7 thousand).

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 the Capital City of Prague slightly increased compared to 2015, namely from 36.9% to 37.3%. Unlike that, in the Středočeský Region the share remained almost the same as in 2015, i.e. 13.2%. Concerning the shares of foreigners, the following ranked regions are the Jihomoravský Region (8.8%) and the Ústecký Region (6.8%). In those regions the values have not changed much either when compared to the year 2015. In regions with the lowest concentration of foreigners, which are the Vysočina Region (1.7%), the Zlínský Region (1.8%), and the Olomoucký Region (2.2%) the values remained unchanged as well.

The distribution of foreigners, however, shows certain differences by citizenship. In general, all foreigners find Prague to be the most attractive region. Citizens of the Ukraine were more concentrated furthermore in the Středočeský Region and the Jihomoravský Region. Citizens 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 4 and Prague 9 city parts. Citizens of Viet Nam are largely concentrated on the territory of Prague 4. The highest share of citizens of the Russian Federation can be found in Prague 5.

In 2016, 5 536 foreigners acquired citizenship of the CR, which was 1.1% of the total number of legally staying foreigners in the CR. Compared to 2015, it was thus an increase by 12 p.p. More than a half, 3 512 of the total number of foreigners who acquired the citizenship of the CR in 2016, acquired the citizenship by having been granted one. Citizens from the Ukraine were the most frequent among new holders of citizenship of the CR in 2016 (1 429). They were followed with a gap by citizens of the Russian Federation (563) and Viet Nam (405).