

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 and it has a suspensory effect. If needed, also foreigners who had filed a cassation complaint can also be accommodated in the centre. 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 centres for foreigners in Bělá pod Bezdězem, in the Mladá Boleslav District, in Vyšní Lhoty, in the Frýdek-Místek District, and in Balková, in the Plzeň-sever District. 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 Jaroměř, in the Náchod District; in Havířov, in the Karviná District, and in Ústí nad Labem – Předlice, in the Ústí nad Labem District.

Methodological notes on the Tables

Table 2-1 Proceedings on granting of international protection

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 action/appeal at the locally competent regional court (depending on the locality of residence of the applicant at the time when the action/appeal is filed). If an applicant for international protection receives a negative decision of the regional court – either on merits or regarding the suspensory effect, 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 Locations where new applications for international protection were lodged

The asylum facilities include reception, accommodation, and integration asylum centres, while other places of stay include hospitals, prisons, detention centres 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 2016 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 is not eligible to be granted asylum, but in the case of whom there are justified concerns regarding the return to the country of origin, where the foreigner would face a real risk of suffering serious harm.

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In 2016, the total of 1 478 applications for granting of international protection were registered in the Czech Republic. Compared to 2015 (1 525), it was thus a slight decrease. At the same time, the number of applicants from European countries continued to decrease; their share dropped in 2015–2016 from 53.9% to 42.4%. The share of applicants from Asia, on the other hand, markedly increased, namely from 30.5% to 44.9%. The share of applicants from African countries reached 5.5% in 2016, which means that it was roughly on the same level as in 2015 (5.2%). On the contrary, the group of applicants from both the Americas markedly decreased, namely from 8.5% registered in 2015 to 5.8% in 2016.

In 2016, applicants for international protection came from 55 countries in total. The range of countries of origin has thus slightly extended (from 54 countries in 2015). The most applications were received from citizens of the Ukraine, 507 applications in total. They were followed by citizens of Iraq (158 applications), citizens of Cuba (85), the Syrian Arab Republic (78), China (68), and Viet Nam (67).

In 2016, the Ministry of the Interior issued in total 1 424 decisions in the proceedings on granting of international protection, of which in 450 cases the Ministry of the Interior granted international protection in the form of asylum or subsidiary protection. In 2016, international protection in the form of asylum was granted in 148 cases, which was about two times more than in the previous year. The asylum was granted most frequently to citizens of Iraq. The subsidiary protection was granted in 302 cases, most often to citizens of the Syrian Arab Republic, Iraq, the

Ukraine, and Cuba. The number of subsidiary protections granted slightly decreased, year-on-year (-97).

In 2016, 478 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 406 cases. In total, 34 actions/appeals were sent back to the first instance (the Department for Asylum and Migration Policy) for a new try. In total, 409 cassation complaints were filed at the Supreme Administrative Court in the City of Brno in 2016. The Supreme Administrative Court issued 773 decisions. In 307 cases of the cassation complaints a negative decision (a refusal or a dismissal of a cassation complaint) was issued. 26 cases were sent back to regional courts for a new hearing and in further 11 cases a complaint was sent back to be heard at the Ministry of the Interior (the Department for Asylum and Migration Policy).