

7. ILLEGAL ENTRY AND STAY OF PERSONS ON THE TERRITORY OF THE CR

Before 2008, the concept “**Illegal migration across the state border of the Czech Republic**” included cases of illegal crossings of the state border by both foreigners and Czech citizens. It included revealed illegal entries or exits of foreigners from the CR, including attempted ones. For example, cases when a foreigner used false travel documents, crossings of the state border with participation of human traffickers, or cases of persons found in a hiding place in the means of transport were recorded. Parts of statistics were also attempts of foreigners to get in the country, despite a court of law’s sentence of expulsion or a final and conclusive decision on administrative expulsion imposed on them was still in force.

Also before 2008, the category “**Illegal migration – violation of the residence regime**” included revealed illegal stays of foreigners in the Czech Republic either inland or at the state border crossings while leaving the Czech Republic.

After the CR joined the Schengen free movement area, it was necessary to fundamentally change the concept of definitions of illegal migration on the territory of the Czech Republic. Owing to this change it is not possible to compare statistics of illegal migration in 2008 with the previous years. The year 2008 can be seen as year “zero” in the area of illegal migration.

From 2008 onwards two basic categories of illegal migration in the Czech Republic have been observed:

1. Illegal crossing of the external Schengen border of the Czech Republic – the category includes persons crossing illegally or attempting to cross illegally the external Schengen border (international airport) of the Czech Republic. In this context, persons mean foreigners and citizens of the CR.
2. Illegal stay – the category includes foreigners revealed on the territory of the Czech Republic including transit areas at international airports, who have violated conditions required by law regulating the stay of foreigners. Persons in this category mean foreigners.

Ad 1 – from 2008 the border control has been made only at the external Schengen borders (air borders, i.e. at the international airports). The state borders with the neighbouring states have become an internal Schengen border and thus the data referring to illegal migration across the state border cannot be compared.

Ad 2 – from 2008 the category of illegal stay includes persons, who have entered the territory of the Czech Republic from a neighbouring state (i.e. across the internal Schengen border) without requisites necessary for the stay in the Czech Republic; however, in the previous years, namely these persons were included into the category of illegal migration across the state border of the CR – illegal entry. The data referring to illegal stay thus cannot be strictly compared with the data from previous years.

Administrative expulsion

Administrative expulsion is termination of stay of a foreigner on the territory. Related to that, there is a time limit for leaving the territory and a period, during which the foreigner is not allowed to enter the territory of Member States of the EU / the Czech Republic (Section 118 of the Act No 326/1999 Sb, on Residence of Foreigners on the Territory of the Czech Republic and on changes to some acts, as amended).

Based on a final and conclusive decision on administrative expulsion, the Directorate of the Alien Police Service declare a foreigner an undesirable person and they include the foreigner in the

register of undesirable people (Section 154, paragraph 3 of the Act No 326/1999 Sb, on Residence of Foreigners on the Territory of the Czech Republic and on changes to some acts, as amended). The register of undesirable people is part of the Alien Information System, which is a source for statistical data provided in the Chapter 7, Table 7-5 and 7-6 Development of the Number of Expulsions from the CR and Expulsion from the CR by Selected Citizenship.

*For **judiciary expulsion (expulsion punishment; banishment)** see the methodology of Chapter 5 – Crime of foreigners.*