

**Act No. 326/1999 Coll.,
on the Residence of Foreign Nationals
in the Territory of the Czech Republic
(an unofficial version as of 13th February 2009)¹**

NOTES:

Act No. 326/1999 Coll., has been amended by Act No. 140/2001 Coll., Act No. 151/2002 Coll., Act No. 217/2002 Coll., the No. 222/2003 Coll. Act No.436/2004 Coll., Act No.501/2004 Coll., Act No.539/2004 Coll., Act No. 559/2004 Coll., Act No.428 /2005 Coll., Act No. 444/2005 Coll., Act No.112/2006 Coll., Act No.136/2006 Coll., Act No.161/2006 Coll., Act No.165/2006 Coll., Act No. 230/2006 Coll., Act No. 170/2007Coll., Act No.379/2007 Coll., Act No. 124/2008 Coll., Act No. 129/2008 Coll., Act No. 140/2008 Coll., Act No. 274/2008 Coll., Act No.306/2008 Coll., Act No. 382 /2008 Coll. ('Green Cards') and as amended by judgement of the Constitutional Court promulgated under No. 47/2009 Coll.

PART ONE
RESIDENCE OF FOREIGN NATIONALS IN THE CZECH REPUBLIC

TITLE I
INTRODUCTORY PROVISIONS

Section 1
Subject Matter

(1) This Act relating to the directly applicable legal provisions of the European Communities¹⁾ establishes the conditions for entry of foreign nationals to and their departure from the Czech Republic, lays down conditions for the residence of foreign nationals in the Czech Republic and defines the scope of competences of the Police of the Czech Republic (hereinafter referred to as the 'Police'), the Ministry of the Interior (hereinafter referred to as the 'Ministry') and the Ministry of Foreign Affairs in this area of public administration.

(2) A foreign national means a natural person, who is not a citizen of the Czech Republic¹⁾, including a citizen of the European Union^{1a)}.

¹ Note of the Department for Asylum and Migration Policy: formerly translated as *Act No.326/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic*

¹⁾ Regulation (EC) of the European Parliament and the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

^{1a)} Act No. 40/1993 Coll. on Acquiring and Removing Nationality of the Czech Republic, as amended

^{1b)} Treaty on establishing the European Community

^{1c)} For example the Agreement on establishing the European Community and their Member States and the Swiss Confederation.

^{1d)} Annexes V and VIII to the Agreement on the European Economic Area.

(3) The provisions for entry, residence and departure of a citizen of the European Union^{1b)} shall also apply to a citizen of a state that is bound by an international agreement entered into with the European Community^{1c)} and to a citizen of a state that is bound by the Agreement on the European Economic Area^{1d)}, unless such agreement provides otherwise.

Section 2 Scope of Application

This Act shall not apply to a foreign national who

- a) has applied in the Czech Republic for protection in the form of asylum or subsidiary protection, and a recognised refugee or a person enjoying subsidiary protection unless this Act or the special legal regulation²⁾ stipulates otherwise;
- b) resides in the Czech Republic under the special legal regulation governing the temporary residence of foreign armed forces in the Czech Republic;³⁾
- c) has applied in the Czech Republic for the grant of a residence permit for the purpose of the provision of temporary protection in the Czech Republic and to a foreign national who resides in the Czech Republic on the basis of a residence permit granted for the purpose of temporary protection, unless this Act or the special legal regulation^{3a)} provides otherwise.

TITLE II ENTRY TO THE CZECH REPUBLIC

Section 3

(1) A foreign national shall be entitled to enter the Czech Republic at border crossing points and during the fixed opening hours as specified for implementation of the border control.

(2) A border crossing point means

- a) any place defined by an international agreement, by which the Czech Republic is bound (hereinafter referred to as an 'International Agreement'), authorised for the crossing of the national border of the Czech Republic under the conditions defined by an International Agreement or by this Act;
- b) any international airport, which is deemed to be an external border pursuant to the special legal regulation,^{3b)} provided that it satisfies the following conditions:
 1. it has been given the status of an international airport pursuant to the special legal regulation⁴⁾ and
 2. the operator of the airport has met the security conditions defined in the special legal regulation,^{3b)}

²⁾ Act No. 325/1999 Coll. on Asylum and on the Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act), as amended.

³⁾ Act No. 310/1999 Coll. on the Stay of Foreign Armed Forces in the Czech Republic.

^{3a)} Act No. 221/2003 Coll. on Temporary Protection of Foreign Nationals

^{3b)} Act No. 216/2002 Coll. on the Protection of the National Borders of the Czech Republic and on Amendments to Some Other Acts (the National border Protection Act)

⁴⁾ Act No. 49/1997 Coll. on Civil Aviation and on the Amendment to Act No. 455/1991 Coll. on Trade Licences (the Trade Licensing Act). As amended by Act. No.189/1999 Coll.

c) the internal border^{3b)} or

d) an international train and the board of an international passenger or freight ship at the time when border checks are carried out in this area.

Section 4

(1) A foreign national shall be obliged to submit to a border check forthwith after crossing the national border, if a border check is carried out in the Czech Republic, or to cross the national border forthwith after the completion of a border check, if the same is carried out outside the Czech Republic. Border checks shall be carried out at the internal border if the Government adopts a decision to protect the internal border pursuant to the special legal regulation.^{3b)}

(2) The Police shall confirm, in compliance with the directly applicable legal regulation of the European Communities¹⁾, entry of foreign nationals to the Czech Republic by stamping their travel document.

(3) Should the Police perform border checks under an International Agreement outside the Czech Republic, such checks and any acts carried out as part thereof shall have the same legal effects as border checks carried out in the Czech Republic.

Section 5

(1) Conditions for entry to the Czech Republic and border checks are laid down in the directly applicable legal regulation of the European Communities.¹⁾

(2) When entering the Czech Republic foreign nationals shall be obliged to satisfy, during border checks, conditions laid down in the directly applicable legal regulation of the European Communities¹⁾ and on request a foreign national shall be further obliged to

- a) fill in and duly sign a border crossing waybill;
- b) undergo verification of the regularity of their travel documents and to establish their identity by personal data included in their respective travel documents or by comparison of biometric identifiers included on a storage medium through technical equipment enabling comparison of biometric identifiers of a foreign national with biometric identifiers on a storage medium of a travel document, if such travel document is furnished with a storage medium containing biometric identifiers.

(3) The obligation to present a travel document shall not apply to a foreign national under 15 years of age whose personal data is included in a travel document of another foreign national.

(4) The conditions under paragraph 1 and paragraph 2 (a) shall not apply to a foreign national who

- a) is taken over from an authority of a foreign country under the special legal regulation⁵⁾
- b) is transported throughout the Czech Republic (Section 152) or

⁵⁾ Title 25 of the Rules of Criminal Procedure

- c) is in the Czech Republic transmitted in accordance with an International Agreement or pursuant to a directly applicable regulation of the European Communities.

(5) A citizen of the European Union and a family member of a citizen of the European Union shall be obliged to submit to the Police, during the border check, a travel document. If a citizen of the European Union is not in possession of a travel document or if they cannot obtain one the Police shall enable them, during the border check, to prove their identity and the fact that they are citizens of a Member State of the European Union by any other relevant document.

(6) A family member of a citizen of the European Union who is not a citizen of the European Union is further obliged during the border check to submit a visa authorising them to stay in the Czech Republic if such foreign nationals are subject to visa obligation.

Section 6 through 8 Repealed

Section 9 **Refusing Entry to the Czech Republic**

(1) The Police shall refuse entry to the Czech Republic to a foreign national, if such foreign national

- a) is not in possession of a valid travel document;
- b) presents a falsified or counterfeited travel document, visa or residence permit;
- c) does not present a visa, if he/she is a subject to visa obligation, or a residence permit;
- d) does not present documents proving the purpose and subsistence of conditions for their residence in the Czech Republic;
- e) does not have sufficient means of subsistence to reside in and depart from the Czech Republic;
- f) is a *persona non grata* (Section 154),
- g) has been entered in the information system established by contracting states of international agreements on removing border checks on common borders^{5a)} (hereinafter referred to as a ‘Contracting State’) for the purpose of obtaining an overview of foreign nationals who cannot be permitted to enter the territories of Contracting States (hereinafter referred to as the ‘Information System of the Contracting States’); this provision shall not apply if the foreign national has been issued a visa entitling them to a stay in the Czech Republic;
- h) there is a substantiated risk that a foreign national, during his/her stay in the Czech Republic, might seriously disrupt public order or endanger international relations of the Czech Republic;

^{5a)} The Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen in the Grand Duchy of Luxembourg on 14 June 1985.
The Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen in the Grand Duchy of Luxembourg on 19 June 1990

- i) there is a substantiated risk that the foreign national, during his/her stay in the territory of a Contracting State, might endanger its security or disrupt public order in such a state or endanger the international relations of the Contracting States;
- j) there is a reasonable suspicion that a foreign national suffers from a disease listed in the Decree of the Ministry of Health (Section 182 (1)) (hereinafter referred to as a 'serious disease').

(2) A foreign national who has been granted the a for residence for over 90 days for the purpose to take over a permit for long-term residence or a permit for permanent residence may be refused to enter the Czech Republic on the grounds stipulated in paragraph 1 (a), (b), (f) through (j).

(3) The Police may refuse entry to the Czech Republic

- a) to a citizen of the European Union if,
 1. such a foreign national is not in possession of a valid travel document and does not satisfy conditions under Section 5 (d) herein;
 2. such a foreign national presents a counterfeited or falsified travel document or residence permit;
 3. there is a reasonable suspicion that a foreign national suffers from a serious disease;
 4. there is a substantiated risk that such foreign national, during his/her stay in the Czech Republic, might endanger the security of the state or seriously disrupt public order, or
 5. such a foreign national is listed in the records of undesirable persons and a competent authority which initiated inclusion of citizen of the European Union into such records (Section 154 (2)) confirms that there is still a substantiated risk that such a person might, during his/her stay in the Czech Republic, endanger the security of or disrupt public order in the state;
- b) to a family member of a citizen of the European Union who is not a citizen of the European Union,
 1. on the grounds stipulated in letter a);
 2. if such a foreign national does not present a visa, if he/she is a subject to visa obligation, or residence permit;
 3. if there is a substantiated risk that such foreign national might endanger security of, or disrupt public order in, a Contracting State;
 4. if such foreign national has been entered into the Information System of the Contracting States and a competent authority which initiated inclusion of a family member of a citizen of the European Union into such records confirms that there is still a substantiated risk that such a person might, during his/her stay in the territory of a Contracting State, endanger the security of, or disrupt public order in, such Contracting State.

(4) If the Police refuse entry to the Czech Republic to a citizen of the European Union^{1b)} on the grounds stipulated in paragraph 3 (a), the Police shall issue a decision to that effect. The Police shall also respect a similar procedure if a family member accompanies the citizen of the European Union^{1b)} or if a family member proves that such citizen of the European Union resides in the Czech Republic. The aforementioned decision shall not be adopted if entry is refused on the grounds of a final and conclusive decision of a court on the penalty of expulsion from the Czech Republic or a final and conclusive decision on administrative expulsion.

(5) A foreign national who has been refused to enter the Czech Republic shall be obliged to leave the Czech Republic without undue delay.

Sections 10 through 11a
Repealed

Section 12
Availability of the Funds Required to Depart from the Czech Republic

(1) The availability of the funds required to depart from the Czech Republic shall be proved as follows:

- a) by a document confirming that transport has been arranged for the foreign national to travel from the Czech Republic to another country; or
- b) by the foreign national presenting the funds to cover the costs of travel to a country the territory of which a foreign national may enter.

(2) Instead of the funds referred to in paragraph 1, the following may be used to prove the availability of resources to cover the costs for departing from the Czech Republic:

- a) an account statement concerning the account maintained in a bank in the name of the foreign national, indicating that the foreign national is authorised to use the funds deposited at the amount defined in paragraph 1 during the foreign national's stay in the Czech Republic; or
- b) any other document certifying the availability of the funds, such as a valid, internationally recognised, credit card.

(3) The funds may be presented by a foreign national in the Czech currency or in a foreign freely convertible currency.

Section 13
Funds to Cover the Stay in the Czech Republic

(1) Unless provided otherwise herein, the following shall be submitted to prove the availability of funds to cover the stay in the Czech Republic

- a) funds amounting at least to
 1. 0.5 times the subsistence minimum as the amount required under the special legal regulation⁶⁾ (hereinafter the 'subsistence minimum') per one day of the stay, if the total duration of the stay is not to exceed 30 days;
 2. 15 times the subsistence minimum, if the duration of the stay in the Czech Republic is to exceed 30 days, whilst this sum shall be increased by double the subsistence minimum for each whole month of the expected stay in the Czech Republic;
 3. 50 times the subsistence minimum, if a stay for the purposes of a business undertaking is concerned and the total duration of the stay is to exceed 90 days; or
- b) a document certifying the payment of services associated with the stay of the foreign national the Czech Republic or a document certifying that such services shall be provided free of charge.

⁶⁾ Section 5 (1) of Act No. 110/2006 Coll., on the Subsistence Minimum.

(2) Instead of the funds referred to in paragraph 1, the following may be used to prove the availability of funds for the stay in the Czech Republic

- a) an account statement concerning an account maintained in a bank in the name of the foreign national, demonstrating that the foreign national is authorised to use the deposited resources at the amount defined in paragraph 1 during his/her stay in the Czech Republic; or
- b) any other document certifying the availability of funds, such as a valid, internationally recognised, credit card.

(3) A foreign national who shall study in the Czech Republic may submit, as the proof of the availability of funds for his/her stay, a document proving the commitment of a state authority or a legal entity to cover the stay of the foreign national concerned in the Czech Republic by providing funds at the amount of the subsistence minimum for one month of the expected stay, or a document confirming that all the costs associated with his/her studies and stay shall be covered by the receiving organisation (the school). If the sum referred to in the commitment does not reach the specified amount, the foreign national shall be obliged to submit a document proving that he/she is in the possession of funds amounting to the difference between the subsistence minimum and the amount of the commitment for the period of his/her expected stay, nonetheless, not more than six times the subsistence minimum. The document on the availability of funds for the stay can be replaced by a decision or an agreement on allocation of a grant obtained under an international agreement which the Czech Republic is party.

(4) A foreign national who has not yet reached the age of 18 years shall be obliged to prove the availability of funds for his/her stay pursuant to paragraph 1 to the extent of half the amount defined herein.

Section 14

National Border Crossing Waybill

A national border crossing waybill is a registration document containing the name and surname, the day, month and year of birth of a foreign national and any foreign nationals under 15 years who travel together with the foreign national, the series and number of the foreign national's travel document, his/her nationality, and gender. The national border crossing waybill shall also contain the number of the visa, the make and the name of the model of the vehicle by which the foreign national is entering the Czech Republic, the international vehicle registration number and the national vehicle registration number, the colour of the vehicle, the date and place of entry to the Czech Republic, the date of departure from the Czech Republic and the purpose and the place of the foreign national's stay in the Czech Republic.

Section 15

Invitation

In an invitation, the person inviting a foreign national shall undertake to cover the costs

- a) associated with the subsistence of the foreign national throughout his/her stay in the Czech Republic until the foreign national leaves the Czech Republic;
- b) associated with the accommodation of the foreign national throughout his/her stay in the Czech Republic until the foreign national leaves the Czech Republic;

- c) associated with the provision of healthcare to the foreign national throughout his/her stay in the Czech Republic until the foreign national leaves the Czech Republic and, as the case may be, with the transport of the foreign national when he/she falls ill or of the remains of the deceased foreign national;
- d) incurred in connection with the foreign national's detention in and his/her departure from the Czech Republic.

Section 15a

(1) For the purpose of this Act, a family member of a citizen of the European Union^{1b)} shall mean

- a) a spouse;
- b) direct descendants who are under the age 21 years or are dependants of the spouse of a citizen of the European Union; or
- c) the dependent direct relative in the ascending or descending line or those of the spouse of a citizen of the European Union.

(2) If the purpose of the stay of a citizen of the European Union^{1b)} lies with studies, then a family member shall only mean the spouse or a dependent child.

(3) A dependent person under paragraph 1 (d) shall be deemed to be a foreign national who is dependent on a citizen of the European Union or his/her spouse and who

- a) is systematically preparing himself/herself for future occupation;
- b) cannot systematically prepare himself/herself for future occupation or cannot perform a gainful activity due to illness or injury; or
- c) is unable to perform a systematic gainful activity due to long-term unfavourable health condition.

(3) The provisions of this Act concerning a family member of a citizen of the European Union shall apply accordingly in the case of foreign nationals who reasonably attest that

- a) they are relatives of the citizen of the European Union not stipulated in paragraph 1 if
 1. in the state where they are nationals or in the state where they have been permitted a long-term or permanent residence they were the members of the household of the citizen of the European Union;
 2. they are dependent on a citizen of the European Union; or
 3. they are unable to take care of themselves due to a long-term unfavourable health condition or are unable to take care of themselves without personal care of a citizen of the European Union.

TITLE III TEMPORARY STAY IN THE CZECH REPUBLIC

Part 1 *Temporary Stay in the Czech Republic*

Section 16

(1) A foreign national shall stay in the Czech Republic temporarily

- a) after crossing the national border of the Czech Republic and after the border check is completed, unless the Police refused to permit the foreign national to enter the Czech Republic as a result of the border check;
- b) after crossing the national border, if no border check is carried out; or
- c) from the date of birth in the Czech Republic under the conditions stipulated herein (Section 88).

(2) The temporary stay under paragraph 1 (a) shall commence on the date and hour of crossing of the national border of the Czech Republic, if the border check is carried out outside the Czech Republic, or on the date and hour of the completion of the border check, if the same is carried out at the national border of the Czech Republic, or after crossing of the border in question.

Section 17

A foreign national may stay in the Czech Republic on a temporary basis

- a) without a visa;
- b) if, having been granted a short-term visa, a long-term visa, a diplomatic visa or a special visa;
- c) on the basis of a temporary residence permit; or
- d) on the basis of an exit order.

Section 17a

Short-Term Visa

A short-term visa shall be

- a) an airport visa - visa of type A,
- b) a transit visa - visa of type B,
- c) a visa for the maximum duration that has been granted by a Contracting State and which entitles its holder to stay in the territory of any Contracting State (hereinafter referred to as the 'Uniform Schengen Visa').

17b

Long-Term Visa

A long-term visa is

- a) a visa for a stay exceeding 90 days - visa of type D,
- b) a visa of type D or D+C, which has been granted by a Contracting State and which entitles its holder to stay in the territory of any Contracting State (hereinafter referred to as the 'Long-Term Visa of Contracting States').

Part 2

Temporary Stay in the Czech Republic without a Visa

Section 18

A foreign national may stay in the Czech Republic on a temporary basis without a visa if

- a) the directly applicable legal provisions of the European Communities^{6a)} provide so and unless, in compliance with these legal provisions, an International Agreement or a Government Regulation [Section 181 (a)] stipulates otherwise;
- b) an International Agreement or a Government Regulation [Section 181(b)] provides so in compliance with the directly applicable legal provisions of the European Communities^{6a)};
- c) the foreign national is a citizen of the European Union^{1b)};
- d) the foreign national;
 - 1. is detained or serves a sentence of imprisonment; such a foreign national may stay in the Czech Republic without a travel document during the period of such detention or imprisonment;
 - 2. has been placed in a police cell⁷⁾ or in a facility for the detention of foreign nationals (hereinafter referred to as a 'Facility') (Section 130); such a foreign national may stay in the Czech Republic without a travel document during such a placement;
 - 3. is under 15 years of age may stay as provided above during the period of hospitalisation, provided that he/she arrived with another foreign national in whose travel document he/she is entered and this other foreign national has left the Czech Republic; a foreign national under 15 years of age may stay in the Czech Republic without a travel document during the period of such hospitalisation;
 - 4. is a holder of a long-term residence permit or a permanent residence permit for the territory of any Contracting State and the duration of his/her stay in the Czech Republic does not exceed 3 months;
 - 5. is a pupil who is not a citizen of any Member State of the European Union but resides in any Member State of the European Union and participates in a school trip within the European Union as a member of a group of pupils accompanied by a teacher and is included in the list of pupils issued by the school on a single form^{7b)} which encompasses the identity of pupils, the purpose and duration of their stay or transit;
 - 6. is a family member of a citizen of the European Union and is not a citizen of the European Union him/herself but such foreign national is a holder of temporary or permanent residence permit of any other Member State of the European Union and the stay does not exceed the period of three months; or
 - 7. is a holder of a permanent residence permit conferring on him/her the legal status of long-term resident in the European Communities in any other Member State of the European Union^{7c)} (hereinafter referred to as a 'resident of an EU Member State') and the period of his/her stay does not exceed three months; or
- e) if the foreign national is a family member of a citizen of the European Union^{1b)} whose visa for the residence up to 90 days or a transit visa has expired if such foreign national resides in the Czech Republic together with a citizen of the European Union and the period of the stay does not exceed three months.

Section 19

^{6a)} Council Regulation (EC) No. 539/2001 of 15 March 2001 which, in its Annex, provides for a list of third countries whose citizens must be in possession of a visa when crossing the external border of the EU, and countries whose citizens are exempted from visa obligation

⁷⁾ Section 26 through 32 of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by Act No. 163/1993 Coll.

^{7b)} Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (94/795/JHA)

^{7c)} Council Directive amending Council Directive 2003/109/EC concerning the status of third country nationals who are long-term residents.

Termination of Temporary Stay in the Czech Republic for Which No Visa is Required, and Expiry of the Stay

(1) The stay of a foreign national in the Czech Republic for which no visa is required shall be terminated by the Police if a foreign national

- a) intentionally endangers public order;
- b) breaches an obligation stipulated herein;
- c) stays in the Czech Republic without a valid travel document unless authorised to do so hereunder or if the Police, during a residence check, discover any of the facts pursuant to Section 9 (1) (b), (f), (g) (h), (i) or (j);
- d) fails to prove, at the request of the Police, the availability of funds for his/her stay in the Czech Republic (Section 13) or fails to submit a certified invitation (Sections 15 and 180);
- e) fails to prove, at the request of the Police, the availability of funds required for departing from the Czech Republic; or
- f) is staying in the Czech Republic using a travel document which has been declared invalid or stolen by the relevant authority of the country of issue;

provided that the reasons for the termination of the stay are adequate to the consequences of such termination. When considering such adequacy, the Police shall primarily take into account the effects of such decision for the private and family life of a foreign national.

(2) The stay of a foreign national in the Czech Republic for which no visa is required shall expire if the foreign national is staying in the Czech Republic in contradiction with an International Agreement or a Government regulation issued pursuant to Section 181.

(3) The Police shall terminate the stay pursuant to paragraph 1 by issuing an exit order. The Police shall also issue an exit order if the stay of a foreign national expires pursuant to paragraph 2. Any foreign national shall be obliged to leave the Czech Republic within the time limit specified in the exit order unless an expulsion procedure has been initiated (hereinafter referred to as ‘administrative expulsion’).

Part 3

Temporary Stay in the Czech Republic on the Basis of a Short-Term Visa

Sections 20 and 31

repealed

Transit Visa

Section 22

(1) A transit visa, unless provided otherwise herein, shall be issued by an embassy or a consulate of the Czech Republic (hereinafter referred to as an ‘Embassy’) at the request of a foreign national who intends to travel across the Czech Republic.

(2) A transit visa shall entitle a foreign national to transit throughout the Czech Republic on his/her journey from the territory of one state to the territory of other state.

(3) The period of validity of a transit visa shall be determined in accordance with the expected number of journeys across the Czech Republic, with the maximum period of validity being six months.

(4) A transit visa

- a) issued as a one-way visa shall entitle a foreign national to enter and remain in the Czech Republic for five days;
- b) issued as a two-way visa shall entitle a foreign national to enter and remain in the Czech Republic for five days twice;
- c) issued without any limitation as to the number of journeys shall entitle a foreign national to stay in the Czech Republic repeatedly for five days.

(5) An application for issue of a transit visa may be filed, in exceptional cases, at a border crossing point under conditions stipulated in the directly applicable legal provisions of the European Communities^{7d)}. In such case it is the Police who issue the visa and indicate it in the foreign national's travel document.

(6) An application for issue of a transit visa may be filed at the border crossing point by a family member of a citizen of the European Union^{1b)}. In such case it is the Police who issue the visa and indicate it in the foreign national's travel document

Section 23

Requirements When Applying for a Transit Visa

(1) Unless provided otherwise herein, a foreign national shall be obliged to submit alongside the application for a transit visa

- a) a travel document;
- b) a visa of a country which is the destination country or a country across whose national border the foreign national intends to travel to the destination country; this provision shall not apply if the foreign national is entitled to stay in such country without a visa;
- c) funds to cover the stay in the Czech Republic (Section 13) and a proof of the availability of funds for covering the costs associated with a foreign national's departure from the Czech Republic;
- d) a photograph; this requirement shall not apply if a facial image of a foreign national is taken;
- e) a medical report, on request only, to prove that the foreign national does not suffer from a serious disease; a medical report may be required merely if a reasonable suspicion exists that the foreign national in question suffers from a serious disease.

(2) When filing the application pursuant to Section 22 (5), the foreign national shall further be obliged to prove the reasons for which he/she is applying for a visa at the border crossing point. If the reason for the application is that an aircraft has not landed in the Czech Republic, the foreign national shall not enclose with an application a document on travel insurance and a photograph.

^{7d)} Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit

(3) A family member of a citizen of the European Union shall be obliged to submit alongside the application for a transit visa a travel document, a document proving that he/she is a family member of a citizen of the European Union and a photograph.

Airport Visa

Section 24

(1) An airport visa shall be issued by an Embassy at the request of a foreign national who is forced to stay in the transit area of an international airport in the Czech Republic due to waiting for an airplane.

(2) The period of validity of an airport visa shall be determined according to the expected number of stays in the transit zone of an international airport in the Czech Republic, with the maximum period of validity being three months.

(3) An airport visa

- a) issued as a one-way visa shall give the foreign national leave to stay in the transit area while waiting for the flight connection stated in his/her flight ticket;
- b) issued as a two-way visa shall give the foreign national leave to stay twice while waiting for the flight connections stated in his/her flight ticket.

(4) A citizen of a state that is listed in the legal regulation issued pursuant to Section 182 (1) (b) may stay in the transit zone of an international airport only on the basis of an airport visa.

(5) A holder of a travel document for refugees or of a travel document in which the nationality of a foreign national is not indicated shall be deemed, for the purpose of the issue of an airport visa, to be a national of the state that issued the travel document in question.

Section 25

Requirements when Applying for an Airport Visa

A foreign national shall be obliged to present the following alongside an application for an airport visa

- a) a travel document;
- b) a visa of his/her destination country; this provision shall not apply if the foreign national is not a subject to such visa obligation;
- c) a photograph; this requirement shall not apply if a facial image of a foreign national is taken;
- d) a flight ticket for a flight for foreign national's departure from the Czech Republic.

Visa for a Stay of up to 90 Days

Section 26

(1) Unless provided otherwise herein, a visa for a stay of up to 90 days shall be issued by an Embassy at the request of a foreign national.

(2) Validity of the visa pursuant to paragraph 1 shall be determined according to the expected number of journeys to the Czech Republic, with the maximum period being one year.

(3) A visa for a stay of up to 90 days based on the request of a foreign national shall be issued by an Embassy as a single entry visa, a two entry visa, or as a multiple entry visa.

(4) A visa for a stay of up to 90 days shall entitle a foreign national to remain in the Czech Republic for the period determined in the visa. The total period of a stay in the Czech Republic shall not exceed three months.

(5) An application for a visa for a stay of up to 90 days may be filed, in exceptional cases, at a border crossing point under conditions laid down in the directly applicable legal regulation of the European Communities^{7d)}. In such case it is the Police who issue and indicate the visa in the foreign national's travel document.

(6) A family member of a citizen of the European Union^{1b)} shall be also entitled to file an application for a visa for a stay of up to 90 days at a border crossing point. In such case it is the Police who issue and indicate the visa in foreign national's the travel document.

(7) The authority issuing a visa for the stay of up to 90 days shall state the purpose of the stay in the visa.

Section 26a **repealed**

Section 27

Requirements when Applying for a Visa for a Stay of up to 90 Days

(1) Unless provided otherwise herein, a foreign national shall be obliged to present the following alongside the application for a visa for a stay of up to 90 days at the request of the authority issuing such visa

- a) a travel document;
- b) a photograph; this requirement shall not apply if a facial image of a foreign national is taken;
- c) an invitation certified by the Police or funds required for the foreign national's stay in the Czech Republic (Section 13) and a document confirming that accommodation for the foreign national has been ensured for the period of his/her stay in the Czech Republic, unless the foreign national proves the availability of funds to cover the costs associated with the stay in the Czech Republic in some other manner;
- d) a document proving funds at the amount of the costs associated with departure from the Czech Republic (Section 12);

- e) a medical report to prove that the foreign national does not suffer from a serious disease; a medical report may be required merely if a reasonable suspicion exists that the foreign national in question suffers from a serious disease.
- f) other documents confirming the information given in the visa application.

(2) If an application for a visa for a stay of up to 90 days is to be filed for the purpose of employment, a foreign national shall be obliged to submit a work permit⁸⁾ issued by the Labour Office of the Czech Republic, the documents laid down in paragraph 1 (a) (b) and (d) and a document confirming that accommodation has been ensured for the foreign national for the period of his/her stay in the Czech Republic. The foreign national shall not be obliged to submit a work permit if such a work permit does not constitute a condition for performance of an employment under the special legal regulation.

(3) A foreign national who is a holder of a residence permit for the purpose of scientific research in the territory of a Member State of the European Union^{8a)} shall be obliged to submit a hosting agreement concluded with a research organisation having a registered seat in the territory of the Member State concerned and he/she shall be obliged to submit documents pursuant to paragraph (1) (a), (b) and (e).

(4) Prior to a visa for a stay of up to 90 days being indicated in the travel document, a foreign national shall be obliged to submit a document on travel medical insurance covering his/her period of stay in the Czech Republic; this provision shall not apply in the cases listed in Section 108i (2). If a foreign national applies for a double entry or multiple entry visa he/she shall be further obliged to submit a statutory declaration that he/she shall enter into travel medical insurance policy for each journey to the Czech Republic.

(5) A family member of a citizen of the European Union shall be obliged to submit alongside the application for a visa for the stay of up to 90 days a travel document a document proving that he/she is a family member of a citizen of the European Union and a photograph.

Section 28

When filing an application pursuant to Section 26 (5), a foreign national shall be obliged to submit a travel document, a document on travel medical insurance for his/her stay in the Czech Republic and to prove the reasons on the basis of which the foreign national applies for a visa at the border crossing point. The obligation to submit a document on travel medical insurance shall not apply to the cases listed in Section 180i (2). At the request, a foreign national shall be further obliged to submit a document on the availability of funds for the stay in the Czech Republic (Section 13, to prove the availability of funds to cover the costs associated with the foreign national's departure from the Czech Republic (Section 12) and to present photographs.

Section 29

⁸⁾ Act No. 1/199 on employment, as amended

^{8a)} Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purpose of scientific research.

Extension of the Validity and Period of the Stay on the Basis of a Short-Term Visa

(1) At the foreign national's request the Police shall extend the validity of the visa and the period of the stay up to 90 days if the foreign national files an application during the validity period of the visa and submits the documents referred to in paragraph 3. At the foreign national's request the Police shall extend the validity of the transit visa and the period of the stay on the basis of such visa if the foreign national files an application during the validity period of the transit visa and submits the documents referred to in paragraph 4. The duration of the extended period shall be determined in such a way so that the sum of the period of the previous stay and the extended period of the stay in the Czech Republic does not exceed three months.

(2) The period under paragraph 1 may not be extended if no reasons worthy of consideration have been found for extending the period of the stay in the Czech Republic, or if the grounds for the application is a change in the purpose of the stay in the Czech Republic, or if the Police find a reason to commence proceedings to cancel the validity of such visa (Section 61).

(3) A foreign national shall be obliged to enclose the documents under Section 27 (1) or (2), with the exception of a photograph but including a document on travel medical insurance covering the stay in the Czech Republic, with the application for extension of the validity of the visa and the period of the stay on the basis of the visa for up to 90 days; this provision shall not apply if the foreign national has medical insurance under the special legal regulation^{8b)} or if the payment for medical expenses has been made in a different manner.

(4) A foreign national shall be obliged to enclose the documents under Section 23 (1), with the exception of a photograph, with the application for extension of the transit visa and the period of the stay on the basis of the transit visa.

(5) At the foreign national's request the Police shall extend the validity of the airport visa if the foreign national files his/her application during the validity period of the visa concerned and submits documents under Section 25, with the exception of a photograph. The period of the extended validity of the visa shall be determined so that the period of the stay of a foreigner national in the transit zone of an international airport in the Czech Republic shall not exceed three months. The period of validity of the visa concerned may not be extended if reasons worthy of consideration have not been determined.

Uniform Schengen Visa

Section 29a

Uniform Schengen Visa Issued by the Czech Republic

(1) The Czech Republic shall issue a transit visa, an airport visa or a visa for a stay of up to 90 days as a uniform Schengen visa, provided that the following conditions are satisfied

- a) a foreign national is not recorded in the Information System of the Contracting States;
- b) there is not a substantiated risk that the foreign national, during his/her stay in the territory of a Contracting State might endanger its security or disrupt public order in such a state or endanger the international relations of the Contracting States

^{8b)} Act No. 48/1997 Coll. On Public Health Insurance and on the Amendment to Some Other Act, as amended

- c) the Czech Republic is the foreign national's destination country or, if the foreign national travels across the territories of the Contracting States, the Czech Republic is the first Contracting State that the foreign national in possession of the visa concerned shall enter;
- d) the travel document in which the visa is indicated authorises the foreign national to enter all the Contracting States; and
- e) a foreign national shall submit documents necessary for the required type of visa (Sections 23, 25 and 27 (1) and (2)). If the visa is to be granted under Section 26 the foreign national shall be obliged to submit also a document proving that he/she has entered into a medical travel insurance policy^{8c)} under which the foreign national shall be able to cover costs as stipulated in Section 180i (1) for the period of his/her stay in the territory of all Contracting States. If the visa is to be granted for two or more entries the foreign national shall further submit a statutory declaration that he/she shall enter into a medical travel insurance policy for each journey to the Czech Republic

(2) The total period of the stay of a foreign national in the territory of the Contracting States may not exceed three months in the course of six months from the date of the first entry to the territory of such States.

(3) If the conditions pursuant to paragraph 1 are not met the Czech Republic may, in compliance with international conventions on removing border control at the common border and legal provisions issued thereunder^{8d)}, restrict the territorial application of the uniform Schengen visa. The authority that issued such visa shall notify the other Contracting States about such restriction.

(5) A uniform Schengen visa issued by any other Contracting State on behalf of the Czech Republic shall be deemed to be a visa issued by the Czech Republic.

Section 29b

Uniform Schengen visa Issued by Some Other Contracting State

(1) A uniform Schengen visa issued by any other Contracting State shall entitle a foreign national to stay in the Czech Republic for the period indicated therein.

(2) The Police or the Ministry of Foreign Affairs may, as regards a uniform Schengen visa issued by any other Contracting State

- a) extend the validity and period of the stay on the basis of a uniform Schengen visa issued by any other Contracting State provided that conditions stipulated in Section 29 are satisfied;

^{8c)} Council Decision of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa.

^{8d)} The Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

SCH/Com-ex (99) 13 - Decision of the Executive Committee of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions.

Council Decision of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa.

- b) restrict its validity for a period corresponding to submitted funds for the stay in the Czech Republic (Section 13); or
- c) cancel its validity if the holder ceased to satisfy any of the conditions stipulated for granting such visa.

(3) The Police or the Ministry of Foreign Affairs shall inform the authority of the Contracting State which issued the visa on any modification or cancelling of the uniform Schengen visa under paragraph 2.

Part 4

Temporary Residence in the Czech Republic on the Basis of a Long-Term Visa or a Long-Term Residence Permit

Subpart 1

Visa for a Stay for Over 90 Days

Section 30

(1) A visa for a stay for over 90 days shall be granted by the Police at the request of a foreign national who intends to stay in the Czech Republic for a purpose requiring residence in the Czech Republic longer than three months.

(2) A visa for a stay for over 90 days shall also be granted to a foreign national for the purposes of receipt of a permanent residence permit, a long-term residence permit for the purpose of family reunification, studies or scientific research, a long-term residence permit issued pursuant to Section 42 (3) or Section 42g or for the purpose of filing an application for a long-term residence permit issued by the Ministry of Foreign Affairs (Section 49).

(3) The visa referred to in paragraph 1 shall be granted for a period of one year; the visa referred to in paragraph 2 shall be granted for a period of six months.

(4) A visa for a stay for over 90 days issued for the purpose of receipt of a long-term residence permit for the purposes of family reunification, studies or scientific research, a long-term residence permit issued pursuant to Section 42 (3) or Section 42g or a permanent residence permit shall entitle a foreign national to stay in the Czech Republic for a period of three working days. A visa for a stay for over 90 days issued for the purpose of filing an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs shall entitle a foreign national to remain for a period of thirty working days. If receipt of a residence permit under the first sentence or the act of filing an application for a long-term residence permit under the second sentence is prevented by reasons beyond the control of the foreign national, then the period of stay after the foreign national's entry to the Czech Republic shall be deemed to have been extended until the time when such reasons cease to exist. After the reasons stated in the third sentence cease to exist, the foreign national shall be obliged to notify the Police of such reasons ceasing to exist without any delay if a long-term residence permit for the purposes of family reunification, studies or scientific research, a long-term residence permit issued pursuant to Section 42 (3) or Section 42g or a permanent residence permit are concerned, and the Ministry of Foreign Affairs if a visa to be issued for the purpose of filing an application for a long-term residence permit to be issued by this Ministry is concerned.

(5) The Police shall issue a visa for a stay for over 90 days as a long-term visa of the Contracting States, types D+C, if the conditions pursuant to Section 29a (1) and (3) are

satisfied.

(6) A foreign national who is a holder of a long-term residence permit for the purpose of scientific research in the territory of a Member State of the European Union ^{8a)} shall be entitled to file an application for a visa for a stay for over 90 days for the purpose of research in the Czech Republic if the purpose of such residence requires the foreign national to stay in the Czech Republic for a period exceeding three months.

Section 31

Requirements for an Application for a Visa for a Stay for Over 90 days

(1) When filing an application for a visa for a stay for over 90 days, a foreign national shall be obliged to present the following with the application:

- a) a travel document;
- b) a document confirming the purpose of the foreign national's stay in the Czech Republic;
- c) funds to cover the stay in the Czech Republic (Section 13);
- d) a document confirming accommodation of the foreign national for the period of his/her stay in the Czech Republic; and
- e) photographs.

(2) With an application for a visa for a stay for over 90 days for the purpose of employment, a foreign national shall be obliged to present document pursuant to paragraph 1 (a), (d) and (e). Further, the foreign national shall be obliged to submit a work permit or to indicate in his/her application a reference number of the application for a work permit and to indicate at which labour office such application had been filed. A foreign national shall be obliged to submit neither a work permit nor the respective reference number if a work permit is not, under the special legal regulation^{8e)}, a precondition for employment.

(3) When filing an application for a visa for a stay for over 90 days for the purpose of research a foreign national who is a holder of a long-term residence permit for the purpose of scientific research in the territory of a Member State of the European Union ^{8a)} shall be obliged to present the following:

- a) a hosting agreement concluded with a research organisation having a registered seat in the territory of the Member State concerned;
- b) documents pursuant to paragraph 1(a) and (e);
- c) a written statement of a research organisation (Section 42f (1)) defining the purpose of foreign national's stay in the Czech Republic; and
- d) on request, documents pursuant to paragraph 5.

(4) The obligation to present a document confirming foreign national's purpose of residence in the Czech Republic in the case of a visa for a stay for over 90 days for the purpose of a business undertaking pursuant to the special legal regulation^{8f)} shall be deemed to have been fulfilled if a foreign national indicates in the respective application the reference number of a business being established or a reference number of an application for a concession to be granted and the address of the Trade Licensing Office where the foreign national had reported the business or had applied for the concession.

^{8e)} Act No. 435/2004 Coll., on Employment

^{8f)} Act No. 455/199s on Trade Licences (the Trade Licensing Act), as amended

(5) With an application for a visa for a stay for over 90 days, a foreign national shall also be obliged, at request, to enclose the following:

- a) a document similar to a copy from the Register of Criminal Records issued by the state of which the foreign national is a national, as well as by those states in which the foreign national has resided during the last three years for a continuous period exceeding six months, as a document for assessing his/her criminal records, or a statutory declaration if such state does not issue a document of this kind; such a document cannot be requested of a foreigner aged under 15 years.
- b) a medical report stating that the foreign national does not suffer from any serious disease; presentation of such medical report can only be requested if there is a reasonable suspicion that the foreign national suffers from a serious disease.

(6) Prior to a visa for a stay for over 90 days being indicated a foreign national shall be obliged to submit a document on medical travel insurance covering his/her stay in the Czech Republic. This provision shall not apply in cases listed in Section 180i (2).

Section 32
repealed

Section 33

Visa for a Stay for over 90 Days to Permit Leave to Remain in the Czech Republic

(1) The Police shall issue a visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic to a foreign national

- a) who is prevented from departing the Czech Republic by an obstacle beyond his/her control or if the conditions pursuant to Section 179 (5) are met;
- b) who is a witness or injured party to criminal proceedings and his/her participation in such proceedings is necessary;
- c) who applied in the Czech Republic, within the period for which his/her residence permit was still valid, for a permanent residence permit pursuant to Sections 67, 68 and 69 (2), unless such application had been decided during the validity of foreign national's residence permit;
- d) who lodged an action against the decision of the Police or the Ministry cancelling the foreign national's visa for a stay for over 90 days or a long-term residence permit, or a foreign national's application for extension of a long-term residence permit or permanent residence permit was rejected under the condition that such foreign national simultaneously applied for a suspensive effect of the action lodged.

(2) An application for a visa for a stay for over 90 days for leave to remain shall be filed with the Police in the Czech Republic under paragraph 1.

(3) The Police shall grant the visa for the stay for over 90 days for the purpose of leave to remain to a foreign national whose departure from the Czech Republic is impossible (Section 120a).

(4) The visa for a stay for over 90 days for leave to remain in the Czech Republic shall be indicated by the Police in the respective travel document.

(5) The validity period of a visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic shall be determined by the Police for a necessary period, this period may not exceed one year. If the visa was granted pursuant to paragraph 1 (c) or (d) or pursuant to paragraph 3 the period may not exceed six months.

(3) A foreign national who has been granted a visa for the stay for over 90 days for the purpose of leave to remain in the Czech Republic on the grounds provided for in paragraph 1 (a) shall be obliged to prove, at the request of the Police, that the obstacle to depart from the Czech Republic still exists; if presentation of such proof is prevented by an obstacle beyond the foreign national's control, such proof can be substituted with a statutory declaration.

Section 34

Requirement for an Application for a Visa for a Stay for over 90 Days for the Purpose of Leave to Remain in the Czech Republic

A foreign national shall be obliged to present the following with an application for a visa for the stay for over 90 days for the purpose of leave to remain in the Czech Republic:

- a) a travel document if the foreign national is a holder thereof and if the validity of the travel document has not expired;
- b) a certified copy of a document confirming the existence of the grounds laid down in Section 33 (1) (a); if the foreign national is unable to present such document for reasons beyond his/her control then the document can be substituted with a statutory declaration;
- c) photographs;
- d) a document confirming the existence of the grounds laid down in Section 33 (1) (b);
- e) a document on medical travel insurance in the case of a foreign national under Section 33 (1) (c);
- f) a document proving that an action and an application for suspensive effect of such action have been lodged in the case of a foreign national under Section 33 (1) (d).

Section 35

Extension of the Period of Residence in the Czech Republic on the Basis of a Visa for a Stay for Over 90 Days

(1) The period of residence in the Czech Republic, which is shorter than the validity of the visa for a stay for over 90 days, shall be repeatedly extended by the Police at the request of a foreign national, provided that the same purpose for which the visa had been issued still exist. Nonetheless the period of residence shall not be extended beyond the time of expiration of such a visa.

(2) With an application for extension of the period of the residence in the Czech Republic on the basis of a visa for a stay for over 90 days, a foreign national shall be obliged to submit documents required under Section 31 (1) (a) through (d) and, at the request of the Police, documents under Section 31 (5) (b). As regards extension of the residence in the Czech Republic on the basis of a visa for the stay for over 90 days for the purpose of employment, a foreign national shall be obliged to submit a document on the extension of his/her employment, documents under Section 31 (1) (a) through (d) and, at the request of the Police, documents under Section 31 (5) (b). Further, a foreign national shall be obliged to submit a document on medical travel insurance covering his/her residence in the Czech Republic. The obligation to submit a document on medical travel insurance covering a foreign national's residence in the Czech Republic shall not apply if such foreign national has been insured pursuant to the special legal regulation^{8b)} or if the payment for medical expenses

has been made in a different manner. A foreign national is further obliged to submit photographs, at the request of the Police, if the appearance of the foreign national has changed.

(3) The residence in the Czech Republic on the basis of the visa for a stay for over 90 days cannot be extended if the Police find a reason for instituting proceedings on cancellation of the validity of such visa (Section 37).

Section 36

Extension of the Validity of a Visa and the Period of Residence in the Czech Republic on the Basis of a Visa for a Stay for over 90 Days for the Purpose of Leave to Remain in the Czech Republic

(1) With an application for extension of the validity of the visa and the residence on the basis of the visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic, a foreign national shall be obliged to submit documents required under Section 34 (a), (b), (d) and (e) and photographs, at the request of the Police, if the appearance of the foreign national has changed.

(2) A foreign national who has been granted the visa under Section 33 (3) shall be obliged to submit with an application for extension of the validity of the visa and the residence on the basis of the visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic a document under Section 34 (a), provide and substantiate facts proving that reasons preventing him/her from leaving the Czech Republic continue to persist and photographs, at the request of the Police, if the appearance of the foreign national has changed.

(3) The validity of the visa and the residence in the Czech Republic on the basis of the visa for the stay for over 90 days for the purpose of leave to remain in the Czech Republic cannot be extended if the Police find a reason for instituting proceedings on cancellation of the validity of such a visa (Section 38).

Section 37

Cancelling the Validity of a Visa for a Stay for Over 90 Days

(1) The Police shall cancel the validity of a visa for a stay for over 90 days if a foreign national

- a) has been sentenced by a final and conclusive decision of a court for having committed a wilful criminal act;
- b) does not meet the purpose for which the visa has been granted; or
- c) requests for the visa to be cancelled.

(2) The Police shall also cancel the validity of the visa for a stay for over 90 days if

- a) a foreign national had stated false information in the application for the visa or submitted forged or falsified documents with the application;
- b) a foreign national has ceased to meet any of the conditions specified for the visa to be issued;
- c) the Police, during a residence check [Section 167 (d)], ascertain the deficiency defined in Section 9 (1) (a) or (b); and
 1. the foreign national fails to present, within a period specified by the Police, a document proving that he/she has applied for a new travel document to be issued; or

2. although there are grounds for the issue of a passport for foreign nationals or a travel identity document, the foreign national fails to apply to the Police for the issue of such a travel document;
- d) the foreign national's travel document had been declared invalid by the authority of the state that had issued the travel document or the travel document had been stolen, and the foreign national fails to submit a document under letter (c) point 1 or under letter (c) point 2;
- e) the foreign national has failed to meet the obligation pursuant to Section 88 (2);
- f) a Member State of the European Union or a Contracting State applied a joint action concerning expulsion and decided to deport the foreign national from its territory^{9a)} since the foreign national had been sentenced for imprisonment for a term of at least one year, or there is a reasonable suspicion that such foreign national committed a serious criminal offence, or is preparing to commit a serious criminal offence in the territory of the Member State of the European Union or the Contracting State, applying a joint action concerning expulsion or the foreign national violated legal provisions governing entry and residence of foreign nationals in their respective territories, or
- g) the foreign national fails to prove during a residence check that he/she is able to cover costs of health care and fails to prove so even within the period subsequently specified by the Police

upon the condition that the consequences of such decision are adequate to the reason for cancelling the validity of the visa. When considering the adequacy, the Police shall especially take into account the impact of such decision on both the private and family life of the foreign national concerned.

(3) In their decision, by which they have terminated the validity of a visa for a stay of over 90 days, the Police shall set the deadline by which the foreign national shall be required to leave the Czech Republic and shall impose an exit order on the foreign national concerned; the foreign national shall be obliged to leave the Czech Republic within the specified time limit.

Section 38

Cancelling the Validity of a Visa for a Stay for over 90 Days for the Purpose of Leave to Remain in the Czech Republic

(1) A foreign national shall be obliged to apply to cancel the validity of the visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic, granted on the grounds stipulated in Section 33 (1) (a) not later than within three days after the obstacle preventing the foreign national from leaving the Czech Republic ceases to exist and, if the visa granted on the grounds defined in Section 33 (3) is concerned, the foreign national shall be obliged to do so within five days after the obstacle preventing the foreign national from leaving the Czech Republic ceases to exist.

(2) The Police shall cancel the validity of the visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic if the reasons for which such visa had been granted have ceased to exist and the foreign national failed to apply to cancel the validity of the visa within the period specified in the previous paragraph, or if the visa had been granted under Section 33 (1) (d) and the Court has not acknowledged a suspensive effect of the action. If the validity of the visa granted under Section 33 (3) is concerned, the Police shall request

^{9a)} Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.

the Ministry to provide them with a binding opinion^{9b)} concerning the cessation of the reasons preventing the departure.

(3) In their decision to terminate the validity of the visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic, the Police shall set the deadline by which the foreign national shall be required to leave the Czech Republic and shall impose an exit order on the foreign national concerned; the foreign national shall be obliged to leave the Czech Republic within the specified time limit.

Section 39

Long-Term Visa of the Contracting States

(1) A long-term visa of the Contracting States, types D+C, shall entitle a foreign national to stay in the Czech Republic for a maximum period of three months of the effective date of such visa.

(2) A long-term visa of the Contracting States, type D, shall entitle a foreign national to stay in the Czech Republic as on the basis of a transit visa (Section 22) in the course of three months of the effective date of such visa.

Subpart 2

Temporary Residence in the Czech Republic on the Basis of a Diplomatic Visa and a Special Visa

Section 40

(1) A diplomatic visa means an airport visa, a transit visa, a visa for a stay of up to 90 days or a visa for a stay for over 90 days, granted to a foreign national on the basis of an official application and marked as a "diplomatic visa". A diplomatic visa can be indicated in a diplomatic passport or any other travel document of a foreign national, who enjoys the relevant privileges and immunities.

(2) A special visa means an airport visa, a transit visa, a visa for a stay of up to 90 days or a visa for a stay for over 90 days, granted to a foreign national on the basis of an official application and marked as a "special visa". A Special visa can be indicated in a service passport or any other travel document of a foreign national, who enjoys the relevant privileges and immunities.

(3) With an application for a diplomatic visa or a special visa, a foreign national shall be obliged to enclose a travel document and photographs. Prior to such visa being indicated a foreign national shall be obliged to submit a document on medical travel insurance covering his/her stay in the Czech Republic. This provision shall not apply in cases listed in Section 180i (2).

(4) A diplomatic visa and a special visa shall be issued by an Embassy.

Section 41

Declaration of Invalidity of a Diplomatic Visa and a Special Visa

Invalidity of a diplomatic visa or a special visa shall be declared by the Ministry of Foreign Affairs.

^{9b)} Section 149 of Act No. 200/2004 Coll., the Rules of Criminal Procedure

Subpart 3
Temporary Residence in the Czech Republic on the Basis of a Long-Term Residence Permit

Section 42
Long-Term Residence Permit

(1) A foreign national who reside in the Czech Republic on the basis of a visa for a stay for over 90 days and intends to temporarily reside in the Czech Republic for a period exceeding one year shall be entitled to file an application for a long-term residence permit.

(2) A foreign national who was residing in the Czech Republic on the basis of a visa for a stay for over 90 days for the purpose of leave to remain pursuant to Section 33 (1) (a) through (c) or Section 33 (3) and who is now residing in the Czech Republic on the basis of a long-term residence permit for the purpose of leave to remain, issued under Section 43, shall also be entitled to file an application for a long-term residence permit, provided that such a foreign national has stayed in the Czech Republic for a minimum continuous period of three years.

(3) A foreign national who is a spouse, minor child or adult dependant child of the spouse or a child of a foreign national who is applying for a long-term residence permit for the purpose of scientific research or has resided in virtue of such purpose in the Czech Republic (hereinafter referred to as a 'family member of a researcher') shall be entitled to apply for a long-term residence permit. With the application a family member of a researcher shall be obliged to submit documents listed in Section 31 (1) (a), and (c) through (e) and to prove that he/she is a family member of a researcher. At the request of the Police a family member of a researcher shall be obliged to submit documents stipulated in Section 31 (5). Prior to such visa being indicated a family member of a researcher shall be obliged to submit a document on medical travel insurance covering his/her stay in the Czech Republic. This provision shall not apply in cases listed in Section 180i (2).

(4) A foreign national, who is staying in the Czech Republic as a member of the staff of an embassy of a foreign state or an international governmental organisation accredited in the Czech Republic, or as a member of the family of such person registered by the Ministry of Foreign Affairs, shall also be entitled to file an application for a long-term residence permit.

(5) An application for a long-term residence permit pursuant to paragraphs 1, 2 or 4 shall be filed on an official form with the Police, whilst an application for a long-term residence permit pursuant to paragraph 3 shall be filed on an official form with an Embassy. A family member of a researcher who is a holder of a visa for stay for over 90 days shall also be entitled to apply for a long-term residence permit. In the application, a foreign national shall be obliged to state information of such scope as in an application for a residence permit.

(6) A foreign national shall be entitled to reside in the Czech Republic for the period indicated in the long-term residence permit.

Section 42a
Long-term Residence Permit for the Purpose of Family Reunification in the Czech Republic

(1) An application for a long-term residence permit for the purpose of family reunification in the Czech Republic^{9c)} (hereinafter referred to as ‘family reunification’) may be filed by a foreign national who is

- a) the spouse of a foreign national in possession of a residence permit (hereinafter referred to as the ‘sponsor’);
- b) the minor child or adult dependent child of the sponsor;
- c) the minor child or adult dependent child of the sponsor’s spouse;
- d) a minor child adopted by a sponsor or sponsor’s spouse in accordance with a decision taken by the competent authority, the minor child is under the foster care of a sponsor or sponsor’s spouse; the minor children, including adopted children of the sponsor, where the sponsor or sponsor’s spouse has custody and the children are dependent on him or her and such minor children will be taken care of in the Czech Republic;
- e) any one of the parents of minor children who has been granted asylum under the special legal regulation²⁾; if such minor children do not have parents then any other relative in the direct ascending line, and if such a relative does not exist a guardian of such minor children, shall be entitled to file an application;
- f) solitary foreign nationals older than 65 years or regardless of age foreign nationals who are objectively unable to provide for their own needs on account of their state of health if family reunification with a parent or a child having a residence permit in the Czech Republic is taken into account.

(2) An application for a long-term residence permit for the purpose of family reunification in the Czech Republic with a sponsor who has been issued a residence permit pursuant to Section 42g may be filed by foreign nationals defined in paragraph 1 (a) through (d) or foreign nationals who are the adult unmarried children of the sponsor where they are objectively unable to provide for their own needs on account of their long-term unfavourable state of health.

(3) A foreign national pursuant to paragraph 1 who has been granted a residence permit or asylum in the Czech Republic shall be deemed for the purpose of the Act to be a sponsor.

(4) A foreign national shall file an application for a long-term residence permit for the purpose of family reunification at an Embassy.

(5) During the residence in the Czech Republic on the basis of a visa for over 90 days or a long-term residence permit issued for a different purpose, a foreign national may file an application for a long-term residence permit for the purpose of family reunification with the Police.

(6) A foreign national shall be granted a long-term residence permit for the purpose of family reunification if

- a) a sponsor is a holder of long-term residence permit or a permanent residence permit and has resided in the Czech Republic for at least 15 months; as regards reunification of spouses, each of them must be at 20 years of age;
- b) a sponsor has resided in the Czech Republic for at least six months and is a holder of residence permit issued pursuant to Section 42g)3) (a) or for at least for one year and is a holder of a residence permit issued under Section 42g (3) (b);
- c) a spouse, subject to family reunification, has been granted asylum under the special legal regulation²⁾ and such marriage was entered into prior to his/her arrival in the Czech Republic;

^{9c)} Council Directive 2003/86/EC of 22 September 2003 on the right of family reunification

- d) a minor, subject to family reunification, has been granted asylum under the special legal regulation²⁾,
- e) a foreign national who is a subject of paragraph 1 (d) or (f).

(7) In the event of a polygamous marriage, where the sponsor already has one spouse living with him in the Czech Republic, a long-term residence permit for the purpose of the family reunification for the second and further spouses shall not be issued.

Section 42b

Requirements for an Application for a Long-term Residence Permit for the Purpose of Family Reunification

(1) A foreign national shall be obliged to submit with the application for a long-term residence permit for the purpose of family reunification the following:

- a) documents listed in Section 3 1(1) (a), (d) and (e);
- b) documentary evidence of the family relationship; in the case of a long-term residence permit for the purpose of family reunification with a sponsor who has been granted asylum under the special legal regulation²⁾ a family relationship can be proven by another credible manner if submission of such document is impossible;
- c) the consent of a parent or any other statutory representative or guardian to the residence of a child in the Czech Republic if the family reunification with such parent, statutory representative or guardian is not concerned; this provision shall not apply if a foreign national proves that he/she is unable to submit such document due to reasons beyond his/her control;
- d) a document proving that aggregate monthly household income of the family after its reunification will not be lower than the sum of
 1. the amount of the subsistence minimum^{9d)} of all family members and
 2. the highest amount of standard costs for accommodation specified for the purpose of a contribution for accommodation by the special legal regulation^{9e)}, or the amount which a foreign national can credibly prove as an amount of reasonably justified costs for accommodation of the family.

(2) If an application for a long-term residence permit for the purpose of family reunification with a sponsor who has been granted asylum under the special legal regulation²⁾ is filed within a time limit of three months from the date when the granted asylum came into force, a foreign national shall be obliged to submit only a travel document and photographs and prove a family relationship by the manner defined under paragraph 1 (b).

(3) Further, a foreign national shall be obliged to submit the documents listed in Section 31 (5) with an application for a long-term residence permit for the purpose of family reunification.

(4) Prior to the visa for a stay of over 90 days for the purpose of receipt a long-term residence permit for the purpose of family reunification being indicated a foreign national shall be obliged to submit a document on medical travel insurance covering his/her stay in the Czech Republic. This provision shall not apply in cases listed in Section 180i (2).

^{9d)} Sections 2 and 3 of Act No. 110/2006 Coll. on Subsistence Minimum and Minimum Costs of Living

^{9e)} Section 26(1) of Act No. 117/1995 coll., on the State Social Support, amended

A Long-Term Residence Permit of a Resident of a Member State of the European Union

(1) A resident of a Member State of the European Union shall be entitled to file an application for a long-term residence permit in the Czech Republic if such foreign national intends to temporarily reside in the Czech Republic for a period exceeding three months.

(2) A resident of a Member State of the European Union shall file an application for a long-term residence permit under paragraph 1 at an Embassy or in the Czech Republic with the Police. A resident of a Member State of the European Union shall be obliged to file an application in the Czech Republic during the period when his/her temporary residence permit is valid, however not later than three months after his/her arrival in the Czech Republic.

(3) An applicant shall be obliged to submit with an application for a long-term residence permit pursuant to paragraph 1 the following:

- a) a document proving a legal status of a resident of a Member State of the European Union;
- b) a document on medical travel insurance unless the provisions of Section 180i (2) apply;
- c) documents proving that an aggregate monthly income of an applicant alongside all persons assessed with him/her will not be lower than the sum amount of the subsistence minimum^{9d)} of the applicant and all persons assessed together with him/her and the highest amounts of standard costs for accommodation specified for the purpose of a contribution for accommodation by the special legal regulation^{9e)}, or the amount which an applicant can credibly prove as an amount of reasonably justified costs for accommodation of the applicant and all persons assessed together with him/her; persons assessed together with an applicant mean for the purpose of this Act persons stipulated in Section 4 (1) (a) through (c) of the Act on Subsistence Minimum and Minimum Costs of Living upon conditions laid down in Section 4 (2) and (3) of the Act on Subsistence Minimum and Minimum Costs of Living;
- d) documents listed in Section 31 (1) with the exception of the requirements under Section 31 (1) (c) and (e) and on request the documents under Section 31 (5).

(4) With an application for a long-term residence permit for the purpose of employment an applicant shall be obliged to submit a work permit, or to indicate in his/her application a reference number for the application for a work permit and to state at which labour office such application had been filed, or a confirmation of an employer that a foreign national will be employed at a relevant company and documents stipulated in Section 3 1(1) (a), (d) and (e). On request, an applicant shall be obliged to submit documents pursuant to Section 31 (5).

(5) An application for a long-term residence permit may be filed by a family member of a resident of a Member State of the EU if such a family member has been permitted to reside for the purpose of family reunification in the territory of the Member State which conferred on the resident of any other Member State of the European Union the legal status in question, or he/she was conferred on the legal status of a resident of another Member State of the European Union on the territory of the Member State concerned.

(6) A family member of a resident of a Member State of the European Union shall be obliged to prove that he/she has satisfied the conditions under paragraph 5 and to submit with

^{9d)} Sections 2 and 3 of Act No. 110/2006 Coll. on Subsistence Minimum and Minimum Costs of Living

^{9e)} Section 26(1) of Act No. 117/1995 Coll., on the State Social Support, amended

an application a document on medical travel insurance, unless the provisions of Section 180i (2) apply, a document proving that an aggregate monthly income of an applicant alongside all persons assessed with him/her [paragraph 3 (c)] will not be lower than a sum amount of the subsistence minimum^{9d)} of the applicant and all persons assessed together with him/her and the highest amounts of standard costs for accommodation specified for the purpose of a contribution for accommodation by the special legal regulation^{9e)} or the amount which an applicant can credibly prove as an amount of reasonably justified costs for accommodation of the applicant and all persons assessed together with him/her; and further documents listed in Section 31 (1) (a), (d) and (e) and on request documents under Section 31 (5).

Section 42d

Long-Term Residence Permit for the Purpose of Studies in the Czech Republic

(1) A foreign national shall be entitled to file an application for a long-term residence permit for the purpose of studies in the Czech Republic^{9f)} at an Embassy if such foreign national intends to reside in the Czech Republic on a temporary basis for a period exceeding three months if he/she intends to study under Section 64, with the exception of education at basic school, secondary school or secondary art school (conservatory) which is not conducted within an exchange programme or professional training for a pecuniary consideration.

(2) A foreign national shall be obliged to submit or prove with the application under paragraph 1 the following:

- a) documents stipulated in Section 31 (1) (a), (b), (d) and (e);
- b) The consent of a parent or any other statutory representative or a guardian to the applicant's residence in the Czech Republic if such an applicant is minor;
- c) funds to cover his/her residence in the Czech Republic (Section 13) if studies at higher education institution or unpaid professional training are concerned; in all other cases a document that costs will be borne by a domestic hosting organisation; and
- d) on request, documents pursuant to Section 31 (5).

(3) Prior to the visa for a stay of over 90 days for the purpose of receipt a long-term residence permit for the purpose of studies in the Czech Republic being indicated, a foreign national shall be obliged to submit a document on medical travel insurance covering his/her stay in the Czech Republic. This provision shall not apply in cases listed in Section 180i (2).

Section 42e

Long-Term Residence Permit for the Purpose of Protection in the Czech Republic

^{9d)} Sections 2 and 3 of Act No. 110/2006 Coll. on Subsistence Minimum and Minimum Costs of Living

^{9e)} Section 26(1) of Act No. 117/1995 coll., on the State Social Support, amended

^{9f)} Council Directive 2004/114/EC of 13 December 2004 on the conditions for admission of third country nationals for the purposes of studies, student exchange, unremunerated training or voluntary service.

(1) A long-term residence permit for the purpose of protection in the Czech Republic^{9g)} shall be issued by the Ministry at the request of foreign nationals who

- a) are, or have probably been, victims of offences related to the trafficking in human beings^{9h)} or
- b) are persons who have been the subject of an action to facilitate illegal immigration⁹ⁱ⁾, or persons who were assisted to illegally reside in the Czech Republic⁹ⁱ⁾ and whose testimony is important for exposing an offender or an organised group involved in organising or facilitating illegal crossings of the national border or assisting in unlawful residence in the Czech Republic

upon the condition that such persons cooperate with law enforcement authorities within criminal proceedings relating to a suspicion that a criminal offence has been committed and such persons did not cooperate with a suspect(s).

(2) A foreign national under paragraph 1 must be forthwith informed in a language he/she can understand by a competent law enforcement authority or the Ministry on the right to apply for a long-term residence permit for the purpose of protection in the Czech Republic and on the conditions of such residence. A foreign national shall be, from the date on which he/she was informed under the first sentence, granted a reflection period of one month to make a decision on whether he/she will cooperate with a law enforcement authority within the criminal proceedings; such reflection period may be terminated if the foreign national ceased to satisfy any of the conditions under paragraph 1, or if it is necessary for the protection of public order or the security of the state or the foreign national him/herself applies for withdrawal from the reflection period. During the reflection period a foreign national may not be expelled or his/her residence in the Czech Republic may not be terminated otherwise and such foreign national is a subject to the proceedings on being granted international protection under the special legal regulation²⁾. The duration of the reflection period does not affect proceedings on administrative expulsion of a foreign national or proceedings on his extradition under an International Agreement which is part to the legal framework of the Czech Republic.

(3) A foreign national shall submit to the Ministry an application for a long-term residence permit for the purpose of protection in the Czech Republic furnished with the confirmation of the law enforcement authority proving that the conditions under paragraph 1 have been satisfied. An international protection seeker²⁾ may also file an application for a long-term residence permit for the purpose of protection in the Czech Republic.

(4) A foreign national shall be obliged to submit with an application for a long-term residence permit for the purpose of protection in the Czech Republic a travel document, if he/she is holder of it. This obligation shall apply also after the validity of the travel document has expired. A foreign national shall also submit a document proving his/her accommodation for the period of his/her residence in the Czech Republic, and photographs.

(5) Further, the Ministry may issue a long-term residence permit for the purpose of protection in the Czech Republic to a foreign national who is

- a) the spouse of;

^{9g)} Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities;

^{9h)} Section 232a of the Criminal Code

⁹ⁱ⁾ Section 171a and 171d of the Criminal Code

- b) a minor or adult dependent child of, or
- c) a person who was due to his/her legal incapacity placed by the decision of a court in the custody of

the foreign national referred to in paragraph 1 if such a foreign national was staying at the time when the application was filed in the Czech Republic and the reason is family reunification. With an application for a long-term residence permit for the purpose of protection in the Czech Republic a foreign national shall be obliged to prove the facts stipulated in letters (a), (b) or (c) to submit a travel document, if he/she is a holder of one, this obligation shall apply also after the validity of the travel document has expired and a foreign national shall also submit photographs.

(6) If a foreign national who has been provided a reflection period under paragraph 2, to decide whether he/she will cooperate with a law enforcement authority within criminal proceedings, or an applicant for a long-term residence permit for the purpose of protection in the Czech Republic is unable to ensure accommodation this will be ensured by the Ministry or a legal entity. The Ministry may, in accordance with a contract in writing, provide to the legal entity some funds to cover costs related to accommodation of the foreign national in question.

Section 42f

Long-Term Residence Permit for the Purpose of Scientific Research

(1) A foreign national who has concluded with a research organisation a hosting agreement^{9j)} and who intends to reside in the Czech Republic for a period exceeding three months (hereinafter referred to as a ‘researcher’) shall be entitled to apply for a long-term residence for a purpose of scientific research^{9k)} with an Embassy. For the purpose of this Act a research organisation means a public research institute, a higher education institution^{9k)} or any other research organisation recorded in the list of research organisations approved for accepting researchers from third-countries and maintained in compliance with the special legal regulation^{9j)}. Research means the activity of an academic worker or a hosting professor at a public research institute, or any other research organisation recorded in the list of research organisations approved for accepting researchers from third-countries and maintained in compliance with the special legal regulation^{9j)}.

(2) If such researcher resides in the Czech Republic and is in possession of a visa for a stay for over 90 days or a long-term residence permit issued for a different purpose he/she may apply for a long-term residence permit for the purpose of scientific research with the Police.

(3) A researcher shall be obliged to submit along with their application for a long-term residence permit for the purpose of scientific research

- a) the hosting agreement^{9j)};
- b) documents stipulated in Section 31 (1) (a) and (e);
- c) a written commitment by the research organisation concerning respective costs relating to the residence of the researcher in the Czech Republic after the residence permit expires, including the costs of the researcher’s departure from the Czech Republic if such costs have been incurred within six months from the date of termination of the hosting agreement^{9j)} and have been paid from public funds; and

^{9j)} Act No. 341/2005 Coll., on Public Research Institutes.

^{9k)} Act No. 111/1998 Coll. on Higher Education Institutions and on the Amendment to Some Other Related Acts (the Higher Education Act), as amended.

d) on request, documents pursuant to Section 31 (5).

(4) Prior to a visa for the stay for over 90 days for the purpose of receipt of long-term residence permit for the purpose of scientific research is indicated in the travel document a researcher shall be obliged to submit a document on medical travel insurance covering his/her period of stay in the Czech Republic from his/her arrival in the Czech Republic until such researcher is insured under the special legal regulation; this provision shall not apply in the cases listed in Section 108i (2).

(5) For the period of validity of the long-term residence permit for the purpose of scientific research a holder of such residence permit shall be deemed, for the purposes of payments of healthcare, to be a foreign national in possession of the permanent residence permit.

Section 42g

Long-Term Residence Permit for the Purpose of Employment in the Czech Republic in Special Cases

(1) A foreign national listed in the legal regulation issued under Section 182 (1) (e) shall be entitled to file an application for a long-term residence permit for the purpose of employment in the Czech Republic in special cases (hereinafter referred to as a 'Green Card') if the purpose of their stay in the Czech Republic is a job listed in the central records of vacancies which may be staffed by holders of Green Cards⁹⁾ if such foreign national satisfies the educational and qualifications requirements for such employment.

(2) An application for a Green Card shall be filed at an Embassy. An application for a Green Card may be filed in the Czech Republic with the Ministry by foreign nationals who have resided in the Czech Republic on the basis of

- a) a Green Card and shall file their application within the time limit specified under Section 46e (3);
- b) a Green Card for at least one year; or
- c) continuously for at least two years; this period includes a period of residence on the basis of the visa for over 90 days and the long-term residence permit

if such foreign national proves that he/she got a job listed in the central records of vacancies to be staffed by holders of Green Cards.

(3) The Green Card shall be issued for

- a) qualified personnel who attained higher education and key personnel⁹⁾ – type 'A';
- b) workers occupying jobs for which an apprenticeship certificate is required – type 'B' ;
- c) other workers – type 'C'.

(4) The Ministry shall decide to issue a Green Card for a job listed in the central records of vacancies to be staffed by holders of Green Cards provided that a foreign national satisfies required the education standard and/or their qualifications have been recognised for performing such a job, on the basis of an opinion of an Embassy or opinions issued by other authorities, in particular by the Ministry of Education Youth and Sports, the Ministry of Industry and Trade and the Ministry of Health.

(5) An Embassy shall be entitled to interview an applicant for a Green Card.

⁹⁾ Section 37 of |Act No. 435/2004 Coll. As amended by Act No.../2008Coll.

(6) An Embassy shall forward its opinion and the records of the interview, if applicable, to the Ministry along with the application of the foreign national for a Green Card; other authorities shall deliver their opinions forthwith, however not later than within 15 days from the date on which they were requested to deliver the opinion in question.

(7) If the Ministry decides not to take into account the negative opinion of an Embassy or any other authority on the issue of a Green Card, it shall inform the relevant authority thereof. Opinions of an Embassy, or any other authorities, are not available to the applicant or their legal representative.

(8) The Ministry shall affix on the Green Card in the box entitled 'residence type' a record 'GREEN CARD – A, B or C'.

(9) A foreign national who is a holder of a Green Card shall be entitled to reside in the Czech Republic and perform a job for a period recorded in the Green Card.

(10) The Green Card shall not be claimed. The Ministry shall not issue the Green Card on the grounds listed in Section 56 and shall not issue the Green Card if a foreign national is not listed in the legal regulation issued in accordance with Section 182 (1) (e) or if a foreign national applied for a job which is not listed in the central records of vacancies to be staffed by holders of Green Cards or there is a record that the Green Card for the respective job has been issued or the foreign national has not satisfied the condition of education or qualifications required for the job in question.

(11) After having assessed the application for a Green Card for a job listed in the central records of vacancies to be staffed by holders of Green Cards the Ministry shall notify in writing the employer that the application of the foreign national has been granted and shall mark the respective job for which the Green Card has been issued. Further, the Ministry shall notify in writing the employer on the number of the Green Card issued to the foreign national and on the date on which the foreign national received it.

(12) A foreign national shall be obliged to, prior to starting his his/her work, appear in person and pick up the Green Card at the Ministry within the time limit of three working days from their arrival in the Czech Republic.

Section 42h

Requirements for the Application for a Green Card

(1) A foreign national shall be obliged to submit along with the application:

- a) the documents referred to in Section 31 (1) (a) and (e);
- b) on request, documents pursuant to Section 31 (5) (b);
- c) documents certifying their education and qualifications for a job listed in the central records of vacancies to be staffed by holders of Green Cards which the foreign national applies for.

(2) Further, a foreign national shall be obliged to submit, on request, along with the application, or during their stay in the Czech Republic, however not later than within two months from their arrival in the Czech Republic, documents pursuant to Section 31 (5) (a).

(3) Prior to a visa for a stay for over 90 days for the purpose of receipt of the Green Card being indicated in the travel document a foreign national shall be obliged to submit a document on medical travel insurance covering the period of their stay in the Czech Republic, from their arrival in the Czech Republic until such foreign national is insured

under the special legal regulation; this provision shall not apply in the cases listed in Section 108i (2).

Section 43

Long-Term Residence Permit for the Purpose of Leave to Remain in the Czech Republic

A long-term residence permit for the purpose of leave to remain in the Czech Republic shall be granted by the Police at the request of a foreign national who has been granted a visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic under Section 33, provided that the stay of such foreign national in the Czech Republic shall exceed one year and if the grounds on which such a visa has been granted still exist.

Section 44

(1) The Police shall grant a long-term residence permit to a foreign national pursuant to Section 78 in the form of a residence permit card; the Police shall indicate the permitted purpose of the residence on the residence permit card.

(2) A foreign national who was issued a long-term residence permit for the purpose of family reunification or for the purpose of studies in the Czech Republic (Section 42d) or for the purpose of scientific research (Section 42f) at his/her request filed with an Embassy shall be obliged within three working days from their arrival in the Czech Republic to appear in person to the Police and pick up the residence permit card. The decision by which the foreign national has been permitted long-term residence for the purpose of family reunification, studies or scientific research shall come into force on the date when the foreign national receives it.

(3) Sections 79 (2) and 81 shall apply to a residence permit card *mutatis mutandis*.

(4) The Police shall issue a residence permit card with a validity period

- a) necessary for accomplishment of the purpose of the residence, with the maximum period being one year;
- b) of one year in the case of the temporary residence for the purpose of studies with an expected period of residence exceeding one year or a long-term residence permit for the purpose of leave to remain;
- c) corresponding in the case of family reunification to the validity of the residence permit card (Section 44 (1)) which has been issued to a sponsor, with the minimum period being one year;
- d) of two years in the case of family reunification if the sponsor has been issued a permanent residence permit;
- e) corresponding to the period stated in the relevant work permit;
- f) corresponding, in the case of a family member of a resident of a Member State of the European Union, to the validity of the residence permit card which has been issued to the resident in question;
- g) corresponding to the period stated in the agreement on voluntary service of youth in a domestic hosting organisation in the case of a long-term residence permit issued for the purpose of studies in the Czech Republic pursuant to Section 42d;
- h) corresponding, in the case of a family member of a researcher, to the validity of a long-term residence permit issued to the researcher; or
- i) of two years in all other cases.

(5) The Ministry shall issue a long-term residence permit for the purpose of protection in the Czech Republic for the period needed to achieve the purpose of the residence, with the minimum period being six months.

(6) The Green Card shall be issued for a period necessary for performing the employment, with the maximum period being

- a) three years, in the case of type 'A';
- b) two years, in the case of type 'B'; and
- c) two years, in the case of type 'C'.

Section 44a

(1) The validity period of a long-term residence permit may be repeatedly extended for

- a) the period stipulated in Section 44 (5);
- b) the maximum period stipulated in Section 44 (4) (a), (b) (e) through (i);
- c) the validity of a long-term residence permit pursuant to Section 44 (1) issued to a sponsor of family reunification provided that such validity of a long-term residence permit is stipulated pursuant to Section 44 (4) (c);
- d) a period of five years provided that such validity of a long-term residence permit is stipulated pursuant to Section 44 (4) (d);
- e) the period of the employment, but this period may not exceed three years in the case of the Green Card pursuant to Section 44 (6) (a) or (b).

(2) The validity of a long-term residence permit for the purpose of studies in the Czech Republic (Section 42d) may be extended repeatedly, however always only for two years if such permit has been issued for the purpose of education at a tertiary professional school or a higher education institution. If such permit has been issued for the purpose of unpaid professional training it may be extended only once for the period corresponding to the period stated in the agreement on professional training in the domestic hosting organisation. In all other cases the validity of such permit shall not be extended.

(3) Section 35 (2) and (3), Section 36, Section 46 (3) and (7) and Section 47 shall apply to extension of the validity of a long-term residence permit *mutatis mutandis*.

(4) A foreign national shall be obliged to submit, along with the application for extension of the long-term residence permit issued for the purpose of family reunification, documents pursuant to Section 42b (1) (a) (c) and (d) and also a document on medical travel insurance covering the period of their residence in the Czech Republic. This provision shall not apply if the foreign national has been insured pursuant to the special legal regulation^{8b)} or if they prove payment of healthcare by any other manner. If the sponsor has been granted asylum, a foreign national shall be obliged to submit only the travel document. The validity of a long-term residence permit issued for the purpose of family reunification may not be extended if the Police find reasons to commence proceedings to cancel the validity of such permit (Section 46a).

(5) A foreign national shall be obliged to submit, along with the application for extension of the long-term residence permit issued to the resident of a Member State of the European Union, documents pursuant to Section 42c (3) with the exception of a document similar to a copy from the Register of Criminal Records issued by the state of which the foreign national is a national as well as by those states in which the foreign national has

resided and a medical report that he/she does not suffer from a serious disease. Further, a foreign national shall be obliged to submit, along with the application for extension of the long-term residence permit for the purpose of a business undertaking, documents under Section 46 (7) or (8). A foreign national shall be obliged to submit, along with the application for extension of the long-term residence permit for the purpose of employment, in cases where under the special legal regulation a work permit is not required^{9m)}, an employment contract, an agreement to perform work or an agreement to complete a job and related documents stipulated in Section 31 (1) (a), (d) and (e).

(6) A foreign national shall be obliged to submit, along with the application for extension of the long-term residence permit for the purpose of studies in the Czech Republic issued under Section 42d,

- a) documents stipulated in Section 31 (1) (a), (d) and (e);
- b) a document on medical travel insurance covering the period of their residence in the Czech Republic; the obligation to submit a document on medical travel insurance shall not apply if such a foreign national has been insured pursuant to the special legal regulation^{8b)} or can prove that the payment for medical expenses has been made in a different manner;
- c) funds necessary to reside in the Czech Republic (Section 13) in the case of studies at a higher education institution or unpaid professional training; in all other cases a document proving that all costs will be borne by the domestic hosting organisation;
- d) the consent of a parent or any other statutory representative or a guardian to the applicant's residence in the Czech Republic provided that such applicant is minor.

(7) An application for the extension of the long-term residence permit for the purpose of protection in the Czech Republic shall be filed with the Ministry. A foreign national shall be obliged to submit, along with the application, the documents pursuant to Section 42e (4) with the exception of a photograph. Nonetheless, a foreign national shall be obliged to submit photographs, at the request of the Police, if his/her appearance has changed.

(8) A researcher shall be obliged to submit, along with the application for extension of the long-term residence permit for the purpose of scientific research, a travel document, documents stipulated in Section 42f (3) (a) and (c) and on request also a medical report proving that he/she does not suffer from a serious disease. The validity of a long-term residence permit issued for the purpose of scientific research may not be extended if the Police find reasons to commence proceedings to cancel the validity of such permit (Section 46d). Family members of the researcher shall be obliged to submit, along with the application for extension of the long-term residence permit, the documents stipulated in Section 31 (1) (a) and (c) through (e) and to prove that he/she is a family member of the researcher in question.

(9) An application for extension of a Green Card shall be filed with the Ministry. A foreign national shall be obliged to submit, along with the application, a travel document, an employment contract concluded for the period for which they wish to extend the Green Card and, if their appearance has changed, a photograph. On request such holder of the Green Card shall be obliged to submit a document proving his/her accommodation and a medical report that he/she does not suffer from a serious disease; a medical report may be required merely if a reasonable suspicion exists that the foreign national in question suffers from a serious disease.

(10) The validity of the Green Card type 'C' shall not be extended.

^{9m)} Section 98 (m) of Act No. 435/2004 Coll. on Employment, as amended by Act No. 161/2005 Coll.

Section 45

(1) A foreign national who intends to stay in the Czech Republic for any other purpose than the one for which the foreign national's stay was permitted shall be obliged to file an application with the Police for a new long-term residence permit. Such new long-term residence permit may not be granted in the cases stipulated in Section 33 (1) or (3), except for the cases laid down in Section 42 (2).

(2) A foreign national in possession of a long-term residence permit issued for the purpose of family reunification shall be entitled after three years of residence in the Czech Republic or after reaching 18 years of age to file an application with the Police for a long-term residence permit for a different purpose.

(3) A foreign national in possession of a Green Card shall be entitled after one year of the residence in the Czech Republic to apply for a for a long-term residence permit for a different purpose.

(4) A foreign national in possession of a long-term residence permit issued for the purpose of family reunification who is a survivor of the sponsor shall be entitled to file an application with the Police for a long-term residence permit for a different purpose provided that

- a) as of the date of the death of the sponsor such survivor had resided in the Czech Republic continuously for at least two years; the condition of the continuous residence shall not apply if such foreign national lost Czech nationality, as a consequence of a marriage with the sponsor; or
- b) the death of the sponsor was caused by a severe work injury or occupational disease.

(5) A foreign national in possession of a long-term residence permit issued for the purpose of family reunification shall be entitled to apply for a long-term residence permit for a different purpose if he/she has divorced the sponsor and if he/she had resided as of the date of the divorce in the Czech Republic continuously for at least two years and the marriage had lasted for at least five years; the condition of the continuous residence and the duration of the marriage shall not apply if such foreign national, as a consequence of a marriage with the sponsor, lost Czech nationality.

(6) A foreign national shall be obliged to submit along with the application under paragraph 4 or 5

- a) a travel document;
- b) the document confirming that the conditions under paragraph 4 or 5 have been satisfied;
- c) the document proving his/her accommodation in the Czech Republic;
- d) the document pursuant to Section 42b (1) (d) or a work permit;
- e) the document on medical travel insurance covering the period of their residence in the Czech Republic; this provision shall not apply if such foreign national has been insured pursuant to the special legal regulation⁵⁾ or if they prove payment of healthcare by any other manner; and
- f) photographs.

(7) The right to file an application for a long-term residence permit pursuant to paragraph 4 or 5 shall terminate after one year from the date when such right came into being.

(8) A foreign national in possession of a long-term residence permit issued for the purpose of protection in the Czech Republic shall be entitled after achieving the purpose of the residence or after one year of the residence in the Czech Republic to file an application with the Police for a long-term residence permit for a different purpose. The Police shall not permit a long-term residence for a different purpose if they find reasons to cancel a long-term residence permit for the purpose of protection in the Czech Republic under Section 46c (1) (a) through (c).

Section 46

(1) The provisions of Section 31, Sections 33, 34, 37, and 38, Section 55 (1), Section 56, Section 58 (3) and Section 62 (1) relating to a visa for a stay for over 90 days shall apply, *mutatis mutandis*, to a long-term residence permit. A foreign national shall be further obliged to submit, along with the application for a long-term residence permit under Section 42, a document on medical travel insurance unless cases listed in Section 180i (2) apply.

(2) The provisions of Section 56 shall apply, *mutatis mutandis*, to a long-term residence permit for the purpose of leave to remain in the Czech Republic on the grounds provided for in Section 33 (1) (a).

(3) The provisions of Section 55 (1), Section 56 (1) (a) through (c), (e), (h) and (i), Section 56 (2) (a) and Section 62 (1) shall apply, *mutatis mutandis*, to a long-term residence permit for the purpose of family reunification or for the purpose of scientific research.

(4) The provisions of Section 55 (1), Section 56 (1) (c), (e) and (h), Section 56 (2) (a) and Section 62 (1) relating to a visa for a stay for over 90 days shall apply, *mutatis mutandis*, to a long-term residence permit for the purpose of a resident of a Member State of the European Union and their family members who are in the Member State concerned in possession of a permit for the purpose of family reunification with the resident in question.

(5) The provisions of Section 37, Section 55 (1), Section 56 (1) (a) through (c), (e), (h) and (i), Section 56 (2) (a) and Section 62 (1) relating to a visa for a stay for over 90 days shall apply, *mutatis mutandis*, to a long-term residence permit for the purpose of studies in the Czech Republic (Section 42d).

(6) A foreign national shall be obliged to submit, along with the application for a long-term residence permit for the purpose of employment, the decision of a work permit application or the decision on the extension of the work permit and documents stipulated in Section 31 (1) (a), (d) and (e).

(7) A foreign national shall be obliged to submit along with the application for a long-term residence permit for the purpose of a business undertaking documents issued by the Tax Authority of the Czech Republic recording any tax arrears, if applicable, and the confirmation of the District Social Security Administration recording any debts of social security fees and fees for the state employment policy including any fines, if applicable; a due payment in arrears means, for the purpose of this Act, any debts of social security fees and fees for the state employment policy including any fines which the foreign national concerned has been permitted to pay by regular instalments under the special legal regulation⁹ⁿ⁾. If such foreign national is not a taxable entity or a payer of social security insurance fees and contributions for the state employment policy, he/she shall submit a document issued by the Tax Authority of the Czech Republic and/or by the District Social Security Administration to that effect.

⁹ⁿ⁾ Section 20a of Act 589/1992 Coll., on Social Security Insurance fees and Contributions for the State employment Policy as amended by Act No. 241/1994 Coll., Act No. 160/1995 Coll., Act No. 113/1997 Coll., and Act No. 492/2000 Coll.

(8) A foreign national shall be obliged to submit, along with the application for a long-term residence permit for the purpose of a business undertaking, under the special legal regulation^{8f)}, a trade licence or a concession certificate or a document issued by the Trade Licensing Office confirming that the foreign national satisfies both general and specific conditions for running the business. A foreign national shall also be obliged to submit the documents pursuant to paragraph 7 and Section 31 (1) (a) and (c) through (e).

(9) The validity of the long-term residence permit for the purpose of employment issued to a foreign national in possession of a work permit under the special legal regulation^{8e)} whose employment was terminated by any of the reasons stipulated in Section 52 (a) through (e) of the Labour Code or by a mutual agreement between the employer and the employee with respect to the same reasons or by immediate cancellation under Section 56 of the Labour Code and the foreign national concerned had resided in the Czech Republic for the purpose of employment as of the date of the termination of the employment

- a) for at least one year is such period immediately precede the termination of employment, or
- b) or a period shorter than one year if as of the date of the termination of employment he/she had resided in the Czech Republic for a continuous period of three years; the period of continuous residence shall, in such cases, include a period of the stay for a visa for over 90 days and a long-term residence permit,

shall be terminated by the Police unless the foreign national concerned has been issued within 60 days from the date following the date on which the employment was terminated a new work permit.

Section 46a

Cancelling the Validity of a Long-Term Residence Permit for the Purpose of Family Reunification

(1) The Police shall cancel a long-term residence permit for the purpose of family reunification if a foreign national applies so.

(2) The Police shall also cancel a long-term residence permit for the purpose of family reunification if

- a) a foreign national has been sentenced by the final and conclusive decision of a court for having committed a wilful criminal offence;
- b) a Member State of the European Union or any Contracting State applying a joint action concerning expulsion has decided on expulsion of a foreign national from its territory^{9a)}, since such foreign national had been sentenced for at least one year of imprisonment or is suspected to have committed serious criminal activities or is preparing such activities in the territory of a Member State of the European Union or any Contracting State applying a joint action concerning expulsion, and also because such foreign national violated legal provisions regulating entry and residence of foreign nationals in their respective territories;
- c) a foreign national cannot prove, during a residence check, the ability to cover healthcare and is unable to prove it within the time limit provided by the Police;
- d) it has been ascertained that a foreign national might during his/her further residence in the Czech Republic endanger the security thereof and to disrupt public order in a serious manner;
- e) a foreign national ceased to meet conditions proven under Section 42b (1) (c) or (d);

- f) the Police find out that documents submitted along with the application for the issue or extension of a long-term residence permit for the purpose of family reunification were forged or falsified;
- g) a foreign national does not have any accommodation in the Czech Republic;
- h) a foreign national might during his/her further residence in the Czech Republic endanger public health since he/she suffers from a serious disease, if such a disease broke out prior to foreign national's arrival in the Czech Republic;
- i) a foreign national does not satisfy the purpose for which a permit had been issued;
- j) the Police find that a foreign national violated this Act with the aim to acquire the permit in question, in particular if such foreign national entered into a fake marriage or declared paternity just for the purpose of acquiring the permit in question;
- k) the sponsor requested to cancel a long-term residence permit or such residence permit had been cancelled; or
- l) a holder of a Green Card requested to cancel its validity or the Green Card was cancelled

upon the condition that the consequences of such decision are adequate to the reason for cancelling the validity of the long-term residence permit. When considering the adequacy, the Police shall in particular take into account the impact of such decision on both the private and family life of the foreign national concerned

(3) The Police shall set the deadline by which the foreign national shall be required to leave the Czech Republic and shall impose an exit order on the foreign national concerned; the foreign national shall be obliged to leave the Czech Republic within the specified time limit.

Section 46b

Cancelling the Validity of a Long-Term residence Permit of a Resident of a Member State of the European Union

(1) The Police shall cancel a long-term residence permit of a resident of a Member State of the European Union^{7c)} if such a resident applies so.

(2) The Police shall also cancel a long-term residence permit of a resident of a Member State of the European Union if

- a) a holder of such residence permit has been sentenced by the final and conclusive decision of a court for having committed a wilful criminal offence;
- b) a reasonable suspicion exists that a holder of such residence permit might during his/her further residence in the Czech Republic endanger the security thereof and disrupt public order by a serious manner;
- c) a Member State of the European Union or any Contracting State applying a joint action concerning expulsion has decided on expulsion of a holder of such residence permit from its territory^{9a)}, since such holder of such residence permit had been sentenced for at least one year of imprisonment or is suspected to have committed serious criminal activities or is preparing such activities in the territory of a Member State of the European Union or any Contracting State applying a joint action concerning expulsion;
- d) a holder of such residence permit does not satisfy the purpose for which a permit had been issued, with the exception of cases listed in Section 46 (9);
- e) a holder of such residence permit cannot prove, during a residence check, the ability to cover healthcare and is unable to prove it within the time limit provided by the Police;

- f) a holder of such residence permit does not have any accommodation in the Czech Republic;
- g) an aggregate monthly income of a holder of such residence permit alongside all persons assessed with him/her [Section 42c (3)(c)] does not reach the sum amount of the subsistence minimum^{9d)} of the holder of such residence permit and all persons assessed together with him/her; or
- h) a Member State which conferred on a holder of such residence permit a legal status of the resident of a Member State of the European Union has decided to cancel this legal status and, at the same time, it has decided to cancel a permanent residence permit in its respective territory

upon the condition that the consequences of such decision are adequate to the reason for cancelling the validity of the long-term residence permit. When considering the adequacy, the Police shall in particular take into account the impact of such decision on both the private and family life of the holder of such residence permit.

(3) When cancelling the validity of a long-term residence permit for a resident of a Member State of the European Union the Police shall also cancel a long-term residence permit issued in the Czech Republic for the resident's family member upon the condition that the consequences of such decision are adequate as regards its impact on both the private and family life of such person. The Police shall apply to a family member of the resident of a Member State of the European Union the same procedures in the case that the validity of a long-term residence permit for a resident of a Member State of the European Union ceased to exist upon the decision on expulsion.

(4) The Police shall set the deadline by which a resident of a Member State of the European Union shall be required to leave the Czech Republic and shall impose an exit order on the resident of a Member State of the European Union concerned; the resident of a Member State of the European Union shall be obliged to leave the Czech Republic within the specified time limit.

Section 46c

Cancelling the Validity of a Long-Term residence Permit for the Purpose of Protection in the Czech Republic

(1) The Ministry shall also cancel a long-term residence permit for the purpose of protection in the Czech Republic if

- a) a foreign national ceased to satisfy the conditions upon which such permit had been issued pursuant to Section 42e (1);
- b) it is necessary for ensuring protection of public order or the security of the state; or
- c) a foreign national request to cancel such permit.

(2) The Ministry shall set in its decision on cancelling the validity of a long term residence permit for the purpose of protection in the Czech Republic the deadline by which the foreign national shall be required to leave the Czech Republic and shall impose an exit order on the foreign national concerned; the foreign national shall be obliged to leave the Czech Republic within the specified time limit.

^{9d)} Sections 2 and 3 of Act No. 110/2006 Coll. on Subsistence Minimum and Minimum Costs of Living

(3) The procedure under paragraph 2 shall not apply if the execution of the decision on administrative expulsion of a foreign national was suspended with regard to granting a long-term residence permit for the purpose of protection in the Czech Republic, or extradition of a foreign national was suspended in accordance with an International Agreement. In such cases the Police shall accomplish a foreign national's expulsion or extradition in accordance with an International Agreement.

(4) A law enforcement authority shall be obliged to inform the Ministry of facts justifying the cancelling of the validity of a long-term residence permit for the purpose of protection in the Czech Republic.

(5) By enforceability of the decision on cancelling the validity of a long term residence permit for the purpose of protection in the Czech Republic issued to a foreign national under Section 42e (1) a long term residence permit for the purpose of protection in the Czech Republic issued to a foreign national under Section 42e (5) will also cease to be valid. The Ministry shall inform the foreign national thereof.

(6) The Ministry shall set in its decision on cancelling the validity of a long term residence permit for the purpose of protection in the Czech Republic the deadline by which the foreign national shall be required to leave the Czech Republic and shall impose an exit order on the foreign national concerned. The Ministry shall also imposed an exit order on a foreign national whose long term residence permit for the purpose of protection in the Czech Republic has ceased to be valid under paragraph 5. The foreign national shall be obliged to leave the Czech Republic within the specified time limit.

Section 46d

Cancelling the Validity of a Long-Term residence Permit for the Purpose of Scientific Research

(1) The Police shall cancel a long-term residence permit for the purpose of scientific research if a foreign national applies so.

(2) The Police shall also cancel a long-term residence permit for the purpose of scientific research if

- a) a researcher has been sentenced by the final and conclusive decision of a court for having committed a wilful criminal offence;
- b) a Member State of the European Union or any Contracting State applying a joint action concerning expulsion has decided on expulsion of a researcher from its territory^{9a)}, since such foreign national had been sentenced for at least one year of imprisonment or is suspected to have committed serious criminal activities or is preparing such activities in the territory of a Member State of the European Union or any Contracting State applying a joint action concerning expulsion, and also because such researcher violated legal provisions regulating entry and residence of foreign nationals in their respective territories;
- c) it has been ascertained that a researcher might during his/her further residence in the Czech Republic endanger the security thereof and to disrupt public order in a serious manner, or might endanger public health since he/she suffers from a serious disease;
- d) the research organisation with which a researcher entered into a hosting agreement^{9j)} was excluded from the list of research organisations approved for accepting third-country researchers and maintained in accordance with the special legal regulation^{9j)}; this provision shall not apply if a researcher entered into the hosting agreement with another research organisation which is included in the list in question;
- e) a researcher ceased to satisfy the conditions under Section 42f (3);

- f) the Police find out that documents submitted along with the application for the issue or extension of a long-term residence permit for the purpose of scientific research were forged or falsified;
- g) a researcher does not satisfy the purpose for which a permit had been issued;

upon the condition that the consequences of such decision are adequate to the reason for cancelling the validity of the long-term residence permit. When considering the adequacy, the Police shall especially take into account the effect of such decision on both the private and family life of the researcher concerned.

(3) The Police shall set the deadline by which the researcher shall be required to leave the Czech Republic and shall impose an exit order on the researcher concerned; the researcher shall be obliged to leave the Czech Republic within the specified time limit.

Section 46e

Cancelling the Validity and Expiry of the Green Card

- (1) The Ministry shall also cancel the validity of the Green Card if
- a) a foreign national has been sentenced by the final and conclusive decision of a court for having committed a wilful criminal offence or for a crime committed with gross negligence and received a conditional sentence of imprisonment for a term of six months;
 - b) it is necessary for ensuring protection of public order or the security of the state;
 - c) a foreign national does not satisfy the purpose for which the Green Card had been issued with the exception of cases listed in paragraph 3;
 - d) a foreign national filled in the application for the Green Card with false data and information, or documents submitted along with the application or on request were forged or falsified;
 - e) a foreign national has not met conditions stipulated in Section 93a (1) or (2);
 - f) a foreign national has not submitted, within the specified time limit, the documents required under Section 42h (2);
 - g) a foreign national might during his/her further residence in the Czech Republic endanger public health since he/she suffers from a serious disease, if such disease broke out prior to the foreign national's arrival in the Czech Republic;
 - h) the Police during a residence check [Section 167 (1) (d)] find out deficiencies under Section 9 (1) (a) or (b); and
 1. the foreign national will not submit, within the specified time limit, a document confirming that he/she has applied for a new travel document, or
 2. although a reason for the issue of a travel identity card exists the foreign national has not applied for such travel document;
 - i) the travel document of the foreign national has been declared invalid by the authority of the state which had issued such a travel document, or it has been declared stolen and the foreign national has not submitted a confirmation under letter h, point 1 or 2;
 - j) a Member State of the European Union or any Contracting State applying a joint action concerning expulsion has decided on expulsion of a foreign national from its territory^{9a)}, since such foreign national had been sentenced for at least one year of imprisonment or is suspected to have committed serious criminal activities or is preparing such activities in the territory of a Member State of the European Union or any Contracting State applying a joint action concerning expulsion, and also because such foreign national violated legal provisions regulating entry and residence of foreign nationals in their respective territories; or

k) the foreign national request the Green Card to be cancel.

(2) The Ministry shall also cancel the Green Card if

- a) a foreign national has not met obligations under Section 88 (3); or
- b) a foreign national cannot prove, during a residence check, ability to cover healthcare and is unable to prove it within the time limit provided by the Police.

upon the condition that the consequences of such decision are adequate to the reason for cancelling the validity of the long-term residence permit. When considering the adequacy, the Police shall especially take into account the effect of such decision on both the private and family life of the foreign national concerned.

(3) The Ministry shall cancel the validity of a Green Card issued to a foreign national whose employment was terminated by any of the reasons stipulated in Section 52 (a) through (e) of the Labour Code or by a mutual agreement between the employer and the employee with respect to the same reasons or by immediate cancellation under Section 56 of the Labour Code unless the foreign national concerned has been issued, within 60 days from the date following the date on which the employment was terminated, a new Green Card.

(4) The Ministry shall set in its decision on cancelling the validity of a Green Card the deadline by which the foreign national shall be required to leave the Czech Republic and shall impose an exit order on the foreign national concerned. The foreign national shall be obliged to leave the Czech Republic within the specified time limit.

(5) A Green Card shall be invalidated by issuing a new Green Card under Section 42g.

Section 47

(1) A foreign national shall be obliged to file an application for a long-term residence permit not earlier than 120 days and not later than 14 days prior to expiration of a visa for a stay for over 90 days. If the act of filing an application within the period specified in the previous sentence is prevented by reasons beyond the foreign national's control, the foreign national shall have the right to file this application within three working days after such reasons cease to exist; until the expiration of this right, the visa shall be deemed to be valid.

(2) If the validity of a visa for a stay for over 90 days expires prior to a decision on an application for a long-term residence permit, even though the application was filed within the period specified in paragraph 1, the visa shall be deemed to be valid until the decision on the filed application becomes effective.

(3) A foreign national shall also be obliged to file an application for the long-term residence permit stipulated in Section 42 (4) during the validity of the long-term residence permit issued by the Ministry of Foreign Affairs or during a temporary stay under Section 18 (a) or (b) and shall be obliged to do so within the period specified in paragraph 1. The provisions of paragraph 2 shall also apply to the said applications *mutatis mutandis*.

Section 48

For the purposes of payment for provision of healthcare, a foreign national

- a) who was granted a visa pursuant to Section 33 (1) (a) and (b), Section 33 (3) or a long-term residence permit for the purpose of leave to remain in the Czech Republic (Section 43) ;
- b) who is listed in Section 42e (1) under conditions and within the time limit specified under Section 42e(2);

- c) who has filed an application for a long-term residence permit for the purpose of protection in the Czech Republic;
- d) who has been issued a long-term residence permit for the purpose of protection in the Czech Republic
shall be deemed to be a foreign national who was granted a residence permit for the purpose of provision of temporary protection in the Czech Republic under a special regulation^{3a)}, if such payment cannot be made in any other way.

Section 48a

(1) The Ministry, at the request of a foreign national who filed an application within the time limit specified in Section 42e (2), a foreign national who has filed an application for a long-term-residence permit for the purpose of protection in the Czech Republic and a foreign national who has been issued such a residence permit, shall decide on providing a financial contribution amounting up to

- a) 1.6 times the subsistence minimum of the applicant determined by the special legal regulation^{9d)} if an applicant is assessed without any other assessed persons [Section 42c (3) (c)],
- b) 1.5 times the subsistence minimum of the applicant together with all persons assessed with him/her if two or three persons are being assessed together;
- c) 1.4 times the subsistence minimum of the applicant together with all persons assessed with him/her if four persons are being assessed together;
- d) 1.3 times the subsistence minimum of the applicant together with all persons assessed with him/her if five and more persons are being assessed together.

(2) The amount of a financial contribution shall be set with respect to property of a foreign national. Such financial contribution may be provided from the date on which the foreign national was instructed under Section 42e (2). The financial contribution shall be provided, at the request of the foreign national, for a period of one month. The financial contribution may be awarded and paid not earlier than from the beginning of a calendar month in which the proceedings on its award were commenced. The financial contribution may be provided more than once.

(3) An applicant for a financial contribution under paragraph 1 shall be obliged to state his/her finance and property, or the finance and property of his/her family by the statutory declaration and to substantiate such application by all available means.

(4) If a foreign national is detained in a detention facility for foreign nationals a financial contribution is not provided. A financial contribution shall not be provided if

- a) a legal entity or natural person (Section 15 and Section 180) is liable for payments of accommodation and other similar costs;
- b) an applicant for a financial contribution has stated false data and information on his/her finance and property or the finance and property of his/her family; or
- c) an applicant for a financial contribution has not informed on facts decisive for the provision of a financial contribution and or any changes thereof.

Section 48ab

(1) If a foreign national who has been provided a reflection period of whether he/she will cooperate with a law enforcement authority (Section 42e (2)), a foreign national who has filed an application for a long-term-residence permit for the purpose of protection in the Czech Republic or a foreign national who has been issued such a residence permit is provided such assistance by a natural person or legal entity dealing with providing legal assistance to foreign nationals free of charge the Ministry may, in accordance with a concluded agreement, partially cover costs to the entity which provided such legal assistance.

(2) An applicant for a long-term residence permit for the purpose of protection in the Czech Republic shall be entitled to reside in the Czech Republic after the positive decision on his/her application becomes effective; this provision shall not apply if a law enforcement authority does not confirm that the application for such residence permit meets all conditions stipulated under Section 42e (1).

(3) During the validity of a long-term residence permit for the purpose of protection in the Czech Republic its holder shall be deemed for the purposes of employment or studies to be a foreign national in possession of a permanent residence permit.

Subpart 4

Section 49

Temporary Residence in the Czech Republic on the Basis of a Long-Term Residence Permit Issued by the Ministry of Foreign Affairs

(1) The Ministry of Foreign Affairs shall grant a long-term residence permit to the members of the staff of the embassy of a foreign state or an international governmental organisation accredited in the Czech Republic or to their family members registered by the Ministry of Foreign Affairs. The maximum period for which such a permit can be issued is the period of validity of their registration.

(2) A member of the staff of the embassy of a foreign state or an international governmental organisation accredited in the Czech Republic and/or their family members registered by the Ministry of Foreign Affairs, except for persons residing in the Czech Republic pursuant to Section 18 (a) or (b), shall be obliged to apply for a long-term residence permit during their stay in the Czech Republic, to which he/she is entitled by a visa for a stay longer than 90 days for the purpose of filing an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs.

(3) A member of the staff of the embassy of a foreign state or an international governmental organisation accredited in the Czech Republic or their family members shall be entitled to reside in the Czech Republic for the period stated in the long-term residence permit.

(4) The validity of a long-term residence permit can be repeatedly extended.

(5) The Ministry of Foreign Affairs is authorised to declare a long-term residence permit invalid.

Part 5
Temporary Residence in the Czech Republic under an Exit Order

Section 50
Exit Order

(1) An exit order is a document that the Police impose, in their official capacity, after termination of the validity of a visa, after rejection of an application for a long-term residence permit, if such visa had expired, after cancelling or after termination of the validity of a long-term residence permit, after termination of a temporary residence in the Czech Republic of a citizen of the European Union^{1b)}, after cancelling of the validity of a residence card for a family member of the European Union, after termination of the temporary residence in the Czech Republic or in the transit zone of an international airport where no visa is required or due to administrative expulsion.

(2) The Ministry of Foreign Affairs is also authorised to issue an exit order after expiration of the validity period of a diplomatic visa or a special visa, or after the same is declared invalid (Section 41) after expiration of the validity period of a long-term residence permit issued by this Ministry or after the same is declared invalid (Section 49 (5)), or after termination of a temporary residence in the Czech Republic, for which no visa is required. Furthermore, this Ministry shall issue an exit order after a long-term residence permit for the purpose of protection in the Czech Republic has been cancelled, or a permanent residence permit has terminated or protection in the Czech Republic under the special legal regulation²⁾,^{3a)} has been terminated.

(3) An exit order shall entitle a foreign national to a temporary residence in the Czech Republic for the period that is necessary for performing acts that bear no delay and for leaving the Czech Republic.

(4) The period of temporary residence of a foreign national on the basis of an exit order may not exceed 60 days; the period of such residence shall be specified and indicated in the exit order by the Police, by the Ministry of Foreign Affairs or by the Ministry.

(5) If the residence of a citizen of the European Union^{1b)} or their family member is terminated the period of residence on the basis of an exit order shall be specified for a minimum of one month. The condition of the definition of the minimal period of residence shall not apply if there is a substantiated risk that the foreign national concerned, during his/her stay in the Czech Republic, might endanger the security of the state, materially disrupt public order or if it has been found out that such foreign national suffers from a serious disease.

(6) An exit order shall encompass information on the identity of the foreign national, the number of his/her travel document and the period within which the foreign national is obliged to leave the Czech Republic; for the sake of protection of the security of the state, maintenance of public order or protection of public health, or for the purpose of implementation of an International Agreement, the departure from the Czech Republic may be subject to the condition lying with specification of the border crossing point through which the foreign national is to leave the Czech Republic.

(7) An exit order shall take the form of a label, which the Police or the Ministry of Foreign Affairs shall affix in the travel document; in justified cases, an exit order may be indicated otherwise than in the travel document.

Part 6
Common Provisions on Visas

Section 51

(1) A visa means a permit which, during its validity period, entitles a foreign national to enter and stay in the Czech Republic and to leave the Czech Republic unless provided otherwise herein.

(2) A visa may not be legally claimed.

(3) A visa shall be valid for the period indicated therein.

(4) A visa may not be granted to a citizen of the European Union^{1b)}.

(5) A visa shall be deemed to be granted once it has been affixed.

Section 52

(1) For the sake of protection of the state security, maintenance of public order or protection of public health or for the sake of implementation of an international agreement

- a) a visa may be restricted by the condition which specifies the border crossing point for the purpose of entering or leaving the Czech Republic;
- b) a period for which a visa is issued may be shortened;
- c) it may be required that an application for a visa is submitted at an embassy in the state a foreign national is a citizen of or which has issued foreign national's travel document and the foreign national is a holder of it, or in the state where such foreign national is in possession of a permanent residence permit or a long-term residence permit.

(2) When the condition under paragraph 1 is being determined, the reason for specifying the condition shall be adequate to the consequences thereof. When considering such adequacy, the Police shall primarily take into account the consequences of such a condition on the private and family life of the foreign national concerned.

Section 53

(1) An application for a visa shall be filed with an Embassy, unless stipulated otherwise herein. An application for a visa shall be filed on an official form.

(2) An Embassy shall reject an application for a visa for a stay for over 90 days if a foreign national fails to meet all prescribed requirements. The Embassy shall make a record of the rejection, indicating the reasons for such rejection.

(3) As regards applications for visa an Embassy shall be entitled to take fingerprints and facial images of applicants.

Section 54

In the application for a visa, a foreign national shall be obliged to state his/her name and surname, other names, gender, the day, month and year of birth, the place and country of birth, his/her current nationality and his/her nationality at the time of birth, the name and surname of his/her father and mother, his/her family status, his/her place of permanent residence abroad and the relevant telephone number, the type, the number and the dates of issue and expiry of the travel document, including indication of the authority that has issued it, and information on whether the foreign national has a residence permit for residence in the territory of some other state and information on whether such foreign national is entitled to return to such country, including the number and the date of expiry of the document in question, his/her profession, his/her employer and the employer's address, including a telephone number (the name and address of his/her school, if a foreign national is a student), the destination of the journey, the required type of visa, the period of his/her stay, the number of entries to the Czech Republic and the purpose of his/her stay in the Czech Republic, the planned date of arrival and departure, the place of entry to the Czech Republic; his/her route and information on whether the foreign national received the relevant permit to enter the territory of the destination country, including its validity and indication of the authority that has issued such permit, if transit is concerned; the intended means of transport, the method of ensuring payment of costs associated with his/her stay, the address of his/her place of residence in the Czech Republic, including a telephone number or some other contact information, information on the inviting person, if any, in the scope of the person's surname, name and the address of the person's place of residence in the Czech Republic, or, if a legal entity is concerned, its name, the registered office and the name and surname of the authorised person of such legal entity; more detailed information on the purpose of the stay in the Czech Republic; information on the visas granted in the last three years, including their validity periods; information on his/her previous stays in the territories of the Contracting States; information on his/her spouse and children in the scope of their names and surnames, other names, the day, month and year and place of birth.

Section 55

Requirements for an Application for a Visa

(1) All information and documents required to be attached to an application for a visa shall not be older than 180 days, with the exception of a travel document, documents from the registry of vital records and the photograph of the foreign national, provided that the photograph corresponds to his/her actual appearance.

(2) With the exception of a travel document, presentation of the information and documents required to be attached to an application for a visa shall not be required if the visa is to be issued in the interest of the Czech Republic.

Section 56

Reasons for the Denial of a Visa

(1) A visa, except for a visa for a stay of over 90 days for the purpose of leave to remain in the Czech Republic on the grounds defined in Section 33 (3) shall not be granted by the Police or an Embassy to a foreign national, if

- a) the foreign national, at the request of the Police or an Embassy, fails to come for an interview or fails to submit, within the specified time limit, the documents required for verification of the information stated in the application for a visa, or if verification of the information is not successful despite the interview conducted and examination of the documents submitted;
- b) the foreign national fills in the application for a visa illegibly or incompletely or provides false information;
- c) the foreign national is registered in the register of *personae non gratae*;
- d) it is known that the costs associated with the stay of the foreign national in the Czech Republic would be borne by the Czech Republic;
- e) the foreign national fails to submit documents required to be attached to an application for a visa or presents forged or falsified documents;
- f) as regards an application for visa for the stay for over 90 days for the purpose of employment, the foreign national includes only the reference number of the application for a work permit and the address of the relevant Labour Office and the Labour Office concerned shall not issue the work permit;
- g) as regards an application for visa for the stay for over 90 days for the purpose of a business undertaking under the special legal regulation^{8f)}, the foreign national includes only the reference number of the application for a trade licence of a concession and the address of the respective Trade Licensing Office and such Trade Licensing Office shall not issue a document confirming that the foreign national satisfies general and special conditions for running a business;
- h) the deficiencies stipulated in Section 9 (1) (a), (b), (g), (h), (i) or (j) had been ascertained;
- i) information is established which indicates that the foreign national shall not leave the Czech Republic after the expiry of the period of stay as set out by the visa or that the foreign national intends to abuse the visa for a purpose other than that stated in the application for a visa;
- j) prior to a visa is affixed the foreign national fails to submit a document on travel medical insurance covering the period of his/her stay in the Czech Republic, unless the provisions of Section 180i (2) apply;
- k) the stay of the foreign national in the Czech Republic is not in the interest of the foreign policy of the Czech Republic or a serious obstacle to the stay of the foreign national in the Czech Republic has been ascertained;
- l) the foreign national shall refuse to provide fingerprints or facial image; or
- m) the foreign national has failed to pay the fine imposed or costs of proceedings incurred in relation to proceedings commenced hereunder.

(2) The Police or an Embassy shall not grant a visa, except for a visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic on the grounds stipulated in Section 33 (3) to a foreign national, if

- a) the foreign national fails to prove a clean criminal record (Section 174);
- b) the validity period of the foreign national's travel document does not exceed the period of his/her stay in the Czech Republic under the visa applied for by at least 90 days; or

c) the foreign national breached any obligation set out herein during the last five years; on the condition that the consequences of denial of the visa are adequate to the reason for denial thereof. When considering the adequacy, the Police shall in particular take into account the consequences of this denial for the private and family life of the foreign national concerned.

(3) The reasons referred to in paragraph 1 or 2 shall not be taken into account if the visa is to be issued in the interest of the Czech Republic or in the interest of fulfilment of an international obligation.

(4) A family member of a citizen of the European Union, who is not a citizen of the European Union, shall be granted a visa for the stay for over 90 days or a transit visa on the grounds stipulated in paragraph 1 (a), (e) or (l) or on the grounds stipulated in Section 9 (3) (b), points 1, 3 or 4.

(5) An Embassy shall inform, in writing, a family member of a citizen of the European Union, who is not a citizen of the European Union, on the reasons for denial of the visa and on his/her right to request, within 15 days from the date of such written information was duly serviced, the Ministry of Foreign Affairs to assess the reasons for visa denial again. Such a request shall be in writing and shall encompass the data of the foreign national who submits such request in the scope of the name, or names, surname, the date and country of birth, nationality, the number of the travel document, and the explanation where the foreign national disagrees with the decision taken.

(6) The Ministry of Foreign Affairs shall assess the compliance of the reason for the denial of the visa to a family member of a citizen of the European Union who is not a citizen of the European Union, with reasons stated in paragraph 4. The Ministry of Foreign Affairs shall inform the foreign national in the Czech language or at the foreign national's option either in English, French, German, Russian or Spanish language on the results of the new assessment within the time limit of 60 days from the date on which the application was filed. This provision shall not apply if the foreign national has been granted visa on the basis of the new assessment.

Section 57

(1) Prior to the issue of a visa, an Embassy shall be obliged to request the opinion of the Police. A visa shall not be issued if the Police disagree. If the Embassy does not issue a visa despite the approval of the Police, the Embassy shall be obliged to notify the Police thereof and to give reasons for such denial without undue delay.

(2) Before sending an application for a visa for a stay for over 90 days to the Police, an Embassy shall be entitled to attach its opinion on the application. The Police shall take this opinion into account in the process of issuing the visa. If, prior to the issue of a visa, a foreign national fails to submit a document on medical travel insurance and the visa shall not be granted due to such deficiency an embassy shall be obliged to inform the Police thereof, unless the provisions of Section 180i (2) apply.

(3) An Embassy shall be entitled to conduct an interview with an applicant for a visa.

(4) The opinion of an Embassy of the Police regarding an application for visa shall not be available to the applicant.

Section 58
Affixing a Visa in a Travel Document

(1) Unless provided otherwise herein, a visa shall be affixed in a travel document by an Embassy.

(2) In justified cases, a visa may not be affixed in a travel document.

(3) In a visa for a stay for over 90 days, one or more purposes of the stay may be indicated.

Section 59
repealed

Section 60

(1) A foreign national shall file an application for an extension of the period of the stay in the Czech Republic on the basis of the visa or for an extension of the validity of the visa with the Police.

(2) A foreign national shall be entitled to apply for an extension of the period of the stay in the Czech Republic on the basis of the visa or for an extension of the validity of the visa not earlier than 120 days and not later than 14 days, if a long-term visa is concerned, and not earlier than 30 days and not later than three days, if a short-term visa is concerned, prior to the expiry of the period of the stay in the Czech Republic or the validity of the visa.

(3) Should the foreign national be prevented from filing an application within the period as set out in paragraph 2 by virtue of reasons beyond his/her control, the foreign national shall have the right to file the application within three working days after such reasons cease to exist; a visa shall be deemed to be valid until the expiry of the right referred to in the previous sentence.

(4) If the validity of a long-term visa or the period of the stay on the basis of such visa expires prior to a decision on extension thereof, even though the application was filed within the period referred to in paragraph 2 or paragraph 3, the visa shall be deemed to be valid and the period of the stay on the basis of such visa shall be deemed to have been extended until such a decision becomes effective.

(5) Unless stipulated otherwise herein, the validity period of a visa may not be extended.

(6) The reasons for denial to extend the period of the stay in the Czech Republic on the basis of the visa or to extend the validity of the visa shall apply accordingly as the reasons for the denial to grant a visa.

(7) If an application for a visa for the stay for over 90 days for the purpose of leave to remain under Section (33) (1) (c) is not decided within the period for which the foreign national is permitted to stay in the Czech Republic foreign national's further stay in the Czech

Republic shall be deemed to continue on the basis of such visa until the final decision of the application is adopted.

Section 61 **Cancelling of the Validity of a Short-Term Visa**

(1) The Police shall abolish the validity of a short-term visa if a foreign national

- a) does not meet the purpose for which the visa has been issued; or
- b) requests abolishment of the visa him/herself.

(2) The Police shall cancel the validity of a short-term visa if

- a) the foreign national intentionally endangered public order;
- b) the foreign national intentionally breached an obligation provided for herein;
- c) the foreign national has ceased to meet any of the conditions for the visa being granted ;
- d) the foreign national submitted during a residence check an irregular travel document (Section 116);
- e) the foreign national is a *persona non grata* or he/she has been included in the information system of the Contracting States;
- f) the travel document of the foreign national has been declared by the relevant authority of the country that had issued such travel document invalid or stolen;
- g) the foreign national fails to prove during a residence check that he/she is able to cover costs of health care and fails to prove it within the period subsequently specified by the Police

upon the condition that such a decision is adequate with respect to its impact on the private or family life of the foreign national.

(3) The validity of a transit visa or a visa for a stay for over 90 days shall be cancelled by issuing an exit order; the foreign national shall be obliged to leave the Czech Republic at the time indicated in the exit order. The Police shall be entitled to mark the fact that the validity of a visa has been cancelled in the visa.

(4) The validity of an airport visa shall be cancelled by issuing an exit order. After cancellation of the airport visa the foreign national shall be obliged to leave the transit zone of an international airport and depart the Czech Republic without undue delay.

Section 62 **Expiry of a Visa**

(1) A visa shall expire after a judgment imposing the sentence of expulsion¹⁰⁾ becomes effective or a decision on administrative expulsion becomes enforceable.

(2) The validity of a visa for a stay for over 90 days, issued pursuant to Section 30 (2), shall expire when a permanent residence permit, a long-term residence permit for the purpose of family reunification, for the purpose of studies or scientific research, a long term residence permit of a family member of a researcher or a long term residence permit issued by the Ministry of Foreign Affairs is received by the foreign national.

¹⁰⁾ Section 57 of Act No. 140/1961 Coll., the Criminal Code, as amended.

(3) The validity of a visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic granted pursuant to Section 33 (3) shall expire after the decision on granting asylum or subsidiary protection under the special legal regulation²⁾ shall become effective.

(3) After a foreign national leaves the Czech Republic, the visa pursuant to Section 22 (4) (a), Section 24 (3) (a) and Section 33 and a single-entry visa for a stay of up to 90 days shall expire; the visa pursuant to Section 22 (4) (b) and Section 24 (3) (b) shall expire after the foreign national leaves the Czech Republic for the second time. The validity of all other types of visa shall remain unaffected by a foreign national's departure from the Czech Republic.

Section 63

At the request of the Police or an Embassy, a foreign national shall be obliged to appear in person for the purpose of providing explanations prior to the issue of a visa and to provide such explanations.

Section 64

Studies

For the purposes of this Act, studies mean:

- a) primary, secondary and post-secondary education provided at primary schools, secondary school, conservatories or tertiary professional schools recorded in the Register of Schools and School Facilities^{10a)} and studies under accredited study programmes of higher education institutions^{9k)};
- b) participation in the language and professional preparation for studies under an accredited study programme of a higher education institution organised by a higher education institution, or participation in a language and professional training course organised in the framework of a programme of the European Union or in accordance with an International Agreement;
- c) training activities, including consultations and exchange of experience, exchange training programmes and attendance at artistic, methodological and other specialised courses and educational events the content and organisation of which are regulated by the special legal regulation^{10b)} or are governed by an International Agreement regulating cooperation in the education sector, including studies in the framework of lifelong learning organised by higher education institutions;
- d) professional training aimed at acquiring practical and professional experience of a foreign national and carried out during foreign national's studies at a domestic or foreign higher education institution or maximally five years after graduating from a higher education institution where such training must be organised and coordinated by a domestic higher education institution, the Academy of Science of the Czech Republic or by a legal entity accredited by the Ministry of Education, Youth and Sports and having its registered seat in the Czech Republic or a legal entity with a registered seat abroad but having its organisational unit in the Czech Republic;
- e) professional training and voluntary service of youth between 18 and 25 years of age aimed at acquiring practical and professional experience of a foreign national and carried out in a domestic host organisation, provided that the same is taking place as a part of a project

^{10a)} Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended

^{10b)} For example Section 114 of Act No. 561/2004 Coll.

under a programme or an initiative of the European Union or under the similar governmental programme and provided that the same is organised or coordinated by a legal entity accredited by the Ministry of Education, Youth and Sports and having its registered seat in the Czech Republic or a legal entity with a registered seat abroad but having its organisational unit in the Czech Republic;

- f) exchange of experience and studies of the persons responsible for educating and developing human resources, provided that these activities are performed under programmes or initiatives of the European Union or under International Agreements.

(2) For the purpose of a long-term residence permit for the purpose of studies in the Czech Republic (Section 42d) education at a secondary school or conservatory (i.e. a school of music and dramatic art) means only education within an exchange programme carried out within the domestic host organisation and professional training means that a foreign national does not receive any remuneration for it.

Sections 64a and 64 b
repealed

CHAPTER IV PERMANENT RESIDENCE IN THE TERRITORY

Part I

Section 65

(1) A foreign national shall be entitled to reside in the Czech Republic permanently on the basis of

- a) a permanent residence permit; or
- b) a decision of the competent authority on entrustment of such foreign national to foster care^{10c)} provided that the condition laid down in Section 87 (1) is satisfied.

(2) The provisions of this Chapter shall not apply to citizens of the European Union^{1b)} with the exception of Sections 78 through 86 the said provisions shall neither apply to family members of citizens of the European Union.

Permanent Residence Permit

Section 66

(1) Without the condition of the previous continuous residence in the Czech Republic, a permanent residence permit shall be issued to a foreign national

- a) who applies for such permit by virtue of humanitarian reasons, in particular where such foreign national;
 - 1. is a spouse of a recognised refugee and entered into marriage prior to the entry of the recognised refugee to the Czech Republic;
 - 2. is a minor child of a recognised refugee or a child dependent on a recognised refugee unless the foreign national seeks asylum; or

^{10c)} Act No. 94/1963 Coll., on Family, as amended.

3. was in the past the citizen of the Czech Republic;
- b) who applies for such permit for some other reasons worthy of consideration;
- c) whose stay in the Czech Republic is in the interest of the Czech Republic; in such case a permanent residence permit is issued at the request of the foreign national concerned;
- d) who is a minor child or a dependent major child of a foreign national who resides in the Czech Republic on the basis a permanent residence permit, if the reason for the application is family reunification.

(2) A permanent residence permit shall be further issued to a foreign national whose previous permanent residence permit was cancelled on the grounds stipulated in Section 77 (1 (c) or (d) unless three years have lapsed from the date on which the relevant decision became effective

Section 67

(1) A permanent residence permit shall be issued to a foreign national who has resided in the Czech Republic continuously for four years and who resides in the Czech Republic within temporary residence after proceedings on granting international protection were closed, provided that the proceedings on granting international protection, including proceedings on cassation complaint, were carried out at least last two years.

- (2) A permanent residence permit shall be issued if an applicant is a foreign national who
- a) is under 18 years of age;
 - b) is unable to take care of themselves due to long-term unfavourable health condition; or
 - c) is a solitary person over 65 years of age.

- (3) A permanent residence permit may be issued, if conditions stipulated in paragraph 1 have been satisfied and if the applicant is a foreign national who
- a) is a parent of the foreign national referred to in paragraph 2 (a) or (b);
 - b) was, by a decision of the competent authority, entrusted in foster care the foreign national referred to in paragraph 2 (a) or (b), or
 - c) is a relative in a directly ascending or descending line of the foreign national referred to in paragraph 2 and such foreign national is dependent on applicant's personal care.

(4) An application may be filed, if conditions stipulated in paragraph 1 have been satisfied, by a foreign national who applies for a permanent residence permit on the basis of other reasons worthy of consideration.

(5) An application shall be filed with the Ministry not later than by two months after the proceedings for granting international protection were lawfully closed.

(6) A permanent residence permit may be issued to the foreign national referred to in paragraph 3 only if such permit has been issued to the foreign national referred to in paragraph 2.

(7) The condition of the continuous residence in the Czech Republic may be waived in cases worthy of special consideration, in particular if an eligible person is a foreign national under 15 years or unable to take care of themselves due to an unfavourable health condition which broke out during such foreign national's residence in the Czech Republic.

(8) The condition that an application must be filed not later than by two months after the proceedings for granting international protection were lawfully closed may be waived to foreign national referred to in paragraph 3 if such proceedings were closed prior to closing proceedings on granting international protection to a foreign national referred to in paragraph 2.

Section 68

(1) A permanent residence permit shall be issued to a foreign national, at his/her request, who has resided continuously in the Czech Republic for five years.

(2) The period referred to in paragraph 1 shall include residence in the Czech Republic on a visa for over 90 days and a long term residence permit or a period on the basis of a document issued for residence in the Czech Republic under the special legal regulation^{2), 3a)}, if this special legal regulation does not apply to foreign national any more. Whilst secondment by a foreign employer or by a foreign legal or natural person shall not be taken into account. The same shall apply to the period of seasonal work in the Czech Republic or to a foreign national helped with household for food, accommodation and pocket money determined for satisfying his/her fundamental social, cultural or educational needs; length of stay in the Czech Republic for the purpose of studies shall be counted by one half.

(3) The period referred to in paragraph 1 shall include also periods during which a foreigner was not actually present in the Czech Republic, however such periods may not exceed six subsequent months, or the sum of individual periods during which a foreign national was not present must not exceed ten months, or in the case of a foreigner seconded to work abroad, it must not exceed 12 subsequent months. Further, continuous residence shall be recognised if one period during which the foreign national was not present in the Czech Republic did not exceed 12 subsequent months for serious reasons, in particular pregnancy and giving birth to a child, serious illness, studies or special training; however such a period shall not be included in the period referred to in paragraph 1.

(4) An application for a permanent residence permit may be also filed by a foreign national who in the period when he/she has satisfied conditions pursuant to previous paragraphs does not stay in the Czech Republic. If the validity of a long-term residence permit in the Czech Republic terminates when a foreign national does not stay in the Czech Republic the application must be filed not later than within six months from the date on which a long-term residence permit expired.

Section 69

(1) An application for a permanent residence permit pursuant to Section 66 shall be filed with an Embassy unless stipulated otherwise herein.

(2) An application for a permanent residence permit pursuant to Section 66 (1) (a) or (b) may also be filed with the Ministry, if the foreign national, to whom the permanent residence permit is to be granted,

- a) resides in the Czech Republic within temporary residence and is a spouse or a minor child of a recognised refugee who has been granted asylum on the basis of other reasons worthy of consideration listed in the special legal regulation¹¹⁾;
- b) resides in the Czech Republic on the basis of a granted visa for a stay for over 90 days or a long-term residence permit; or
- c) resides in the Czech Republic on the basis of a long-term residence permit for the purpose of protection in the Czech Republic if foreign national's cooperation with a law enforcement authority within criminal proceedings contributes to proving a criminal act of trafficking in human beings or organising of or illegal crossing of the national border.

(3) A foreign national shall file an application for a permanent residence permit under Section 66 (1) (c) with the Ministry if he/she resides in the Czech Republic within temporary residence. A foreign national applying for a permanent residence permit under Section 67 shall also file an application with the Ministry.

(4) A foreign national shall file an application for a permanent residence permit under Section 66 (1) (d) also with the Ministry if the foreign national who is to be granted permanent residence resides in the Czech Republic within temporary residence.

(5) A foreign national shall file an application for a permanent residence permit under Section 68 (1) with the Ministry, however, an application pursuant to Section 68 (4) may also be filed with an Embassy.

Sections 69a and 69b

repealed

Section 70

(1) An application for a permanent residence permit shall be filed on an official form. A foreign national shall record the following in the application:

- a) his/her name, surname and other names, all previous surnames, the day, month and year of birth, his/her place and country of birth, nationality, marital status, his/her highest education attainment, profession, occupation prior to his/her arrival in the Czech Republic (position, the name and address of the employer), the purpose of residence in the Czech Republic, employment after his/her arrival in the Czech Republic (position, the name and address of the employer), his/her last address abroad, his/her address in the Czech Republic, his/her previous stay in the Czech Republic exceeding three months (the purpose and the place of residence), his/her date of entry in the Czech Republic, the number and the validity of the travel document;
- b) the name, surname and other names, all previous surnames, nationality, the day, month and year of birth, the place and country of birth, the place of residence and profession of a spouse;
- c) the names, surnames and other names, all previous surnames, nationality(ies), the day, month and year of birth, the place and country of birth, the place of residence and professions of parents;
- d) the name, surname and other names, all previous surnames, nationality, the day, month and year of birth, the place and country of birth, the place of residence and profession of children; and

¹¹⁾ Section 12 of Act No. 325/1999 Coll. as amended by Act No. 2/2002 Coll. and Act No. 165/2006 Coll.

e) the name, surname and other names, all previous surnames, nationality, the day, month and year of birth, the place and country of birth, the place of residence and profession of siblings;

(2) A foreign national shall be obliged to submit long with the application

- a) photographs;
- b) a travel document;
- c) a certificated document confirming the purpose of residence in the Czech Republic, such as a birth certificate, a marriage certificate or any other document confirming family relations, a document confirming that the foreign national was a Czech citizen in the past^{1a)} which shall not apply in the case of a foreign national applying for a permanent residence permit pursuant to Section 68;
- d) a document confirming the availability of funds to cover the foreign national's permanent residence in the Czech Republic (Section 71 (1)), which shall not apply in the case of a foreign national applying for a permanent residence permit pursuant to Section 67 or in the case of a foreign national filing the application pursuant to Section 87 who applies for a permanent residence permit after he/she reached 18 years under Section 66 (1) (a);
- e) a document similar to a copy from the Register of Criminal Records issued by the country of which the foreign national is a citizen or in which the foreign national has his/her permanent residence, as well as of those countries in which the foreign national stayed within the last three years for a continuous period exceeding six months, as a document for assessment of the foreign national's criminal record, or a statutory declaration if such country does not issue a document of this kind; this obligation shall not apply to a foreign national aged under 15 years and a foreign national over 15 years who has been granted visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic, has been granted subsidiary protection under the special legal regulation²⁾ or who applies for a permanent residence permit pursuant to Section 64; a foreign national who applies for a permanent residence permit pursuant to Section 68 (1) or a foreign national who falls under Section 87 and who applies for a permanent residence permit after he/she reached 18 year under Section 66 (1) (a) shall be obliged to submit a document similar to a copy from the Register of Criminal Records, if he/she is required to do so;
- f) a document confirming that accommodation in the Czech Republic has been arranged for the foreign national;
- g) the consent of a parent or any other statutory representative or guardian to the residence of a child in the Czech Republic if the family reunification with such parent, statutory representative or guardian is not concerned; this provision shall not apply if a foreign national proves that he/she is a unable to submit such document due to reasons beyond his/her control;
- h) a document proving foreign national's required knowledge of the Czech language issued by a school recorded in the list of schools authorised to organise examinations in the Czech language stipulated by the Decree of the Ministry of Education, Youth and Sports (Section 182a (2) unless stipulated otherwise herein.

(3) A foreign national who is a spouse or a minor child of a recognised refugee²⁾ or a child dependent under the care of a recognised refugee or a foreign national applying for a permanent residence permit pursuant to Section 66 (1) (a) or (b) and resides in the Czech Republic on the basis of a long-term residence permit for the purpose of protection in the Czech Republic shall be obliged to submit, along with the application for a permanent residence permit, documents and data referred to in paragraph 2 (a) through (c) and (f).

(4) At the request of an Embassy or the Police, a foreign national applying for a permanent residence permit under Section 66 shall be obliged to submit a medical report stating that such foreign national does not suffer from any serious disease. Presentation of the medical report can only be requested if there is a reasonable suspicion that the foreign national suffers from a serious disease.

(5) A document confirming the required knowledge of the Czech language pursuant to paragraph 2 (h) shall not be required from a foreign national who

- a) has not yet reached 15 years;
- b) can prove that during 20 years preceding his/her application for a permanent residence permit was at least for one continuous year a pupil of a basic or secondary school with the instruction in the Czech language;
- c) applies for a permanent residence permit pursuant to Section 66 or 67 or after his/her permanent residence permit expired under Section 87 (7) (a), point 4;
- d) can prove physical or mental disability affecting his/her ability to communicate;
- e) has reached age of 60 years.

Section 71

(1) A document confirming that monthly aggregate income of a foreign national together with persons assessed with him/her [Section 42c (3) (c)] will not be lower than the sum amount of the subsistence minimum^{9d)} of the foreign national together with all persons assessed with him/her and the highest amount of standard costs of living specified by the special legal regulation^{9e)} for the purposes of a contribution for accommodation or an amount proved by the foreign national in credible manner as an amount of actual justified costs of accommodation for him/her and all other persons assessed together with him/her shall be deemed to be a document proving the availability of funds to cover foreign national's permanent residence in the Czech Republic. In the case of a foreign national pursuant to Section 66 such document may be replaced by a promise that funds to cover foreign national's permanent residence in the Czech Republic will be provided from the general government budget.

(2) A document on arranging accommodation pursuant to Section 70 (2) (f) means a document of title to a flat or a house, a document proving that a foreign national is entitled to use a flat or a notarised signature on a written confirmation of an authorised person on the consent with accommodation of a foreign national; the premises where a foreign national is accommodated must bear, in accordance with the special legal regulation^{11a)} a number of the house of an orientation number and is, under the Construction Act, determined for living or individual recreational purposes. A notarised signature shall not be required if an authorised persons signs the said consent before an authorised official of the Ministry.

Section 72

The required documents for an application for a permanent residence permit must not be older than 180 days, with the exception of the travel document, the birth certificate, the

^{11a)} Decree No.326/2000 Coll. on marking streets and other public places by names, on using and placing numbers to mark buildings, on requirements for and renumbering of buildings and on the procedure and reporting of numbers and documents necessary for assignment of such numbers, as amended by Decree No. 193/2001 Coll.

marriage certificate and the photograph of the foreign national, provided that the photograph corresponds to his/her actual appearance.

Section 73

The Ministry shall notify without undue delay the Headquarters of the Všeobecná zdravotní poisťovna (the General Health Insurance Company of the Czech Republic) of the date when the approving decision on a permanent residence permit or the termination of the permanent residence came into effect and shall request to enter such date into the register of persons insured within the general medical insurance¹²⁾.

Section 74

(1) A foreign national shall be obliged to appear in person to receive a residence permit within three working days following his/her entry to the Czech Republic.

(2) Instead of a written decision a foreign national shall receive the permanent residence permit in the form of a card^{12a)}. A foreign national shall receive along with the card on a permanent residence permit a confirmation thereof.

Reasons for Denial of a Residence Permit, Expiry of a Residence Permit and Reasons for Cancellation of a Residence Permit

Section 75

- (1) The Ministry shall reject an application for a residence permit, if
- a) a foreign national fails to present the documents stipulated in Section 70 (2) (a) through (c), (e), (f) (g) or (h);
 - b) a foreign national has submitted forged or falsified documents;
 - c) in the case of a polygamous marriage, a sponsor has resided in the Czech Republic with one wife;
 - d) a foreign national is recorded in the register of *persona non grata* (Section 154);
 - e) the foreign national applying for a permanent residence suffers from a serious disease as stipulated in Section 66;
 - f) without having a serious reason a foreign national does not appear in person for hearing (Section 169 (3)), refuses to give a testimony and or states false facts in his/her testimony;
 - g) the facts referred to in Section 77 (1) (a) or (e) have been ascertained in the proceedings;
or
 - h) the reasons stated in the application for a permanent residence permit pursuant to Section 67 or 68 have not been confirmed in the proceedings.

(2) The Ministry shall reject an application for a permanent residence permit if a foreign national

- a) has been entered in the Information System of the Contracting States;
- b) fails to present a document confirming the availability of the funds to cover his/her permanent residence in the Czech Republic; or

¹²⁾ Section 27 of Act No. 592/1992 Coll. on Insurance Premium for General Medical Insurance as amended by Act No. 15/1993 Coll.

^{12a)} Section 151 of Act No. 500/2004 Coll.

- c) fails to satisfy the condition of a clean criminal record (Section 174);
 - d) the facts referred to in Section 77 (2) (f) have been ascertained in the proceedings;
 - e) there is a substantiated risk that such foreign national, during his/her stay in the Czech Republic, might endanger the security of the state or seriously disrupt public order; or
 - e) such foreign national endangered the security of the state or seriously disrupted public order of a Member State of the European Union
- upon the condition that such a decision is adequate with respect to its impact on the foreign national's private or family life.

(3) The reason referred to in paragraph 1 or 2 shall be disregarded if the residence permit is to be issued in the interest of the Czech Republic or in the interest of fulfilment of an international obligation.

(4) The reason referred to in paragraph 2 (a) shall be disregarded if the residence permit is to be issued on the basis of humanitarian reasons or the reasons worthy of special consideration.

(5) If a permanent residence permit is to be issued pursuant to paragraph 3 or 4 the Police or the Ministry shall discuss the issue of a residence permit with the Contracting State that entered the foreign national in the Information System of the Contracting States, and thereafter, during the proceedings, the Police must take due regard to the facts that resulted in the foreign national's having been entered into the said System. If the residence permit is issued, the Ministry shall give notice of this fact to the Contracting State that entered the foreign national in the Information System of the Contracting States.

Section 76

A residence permit shall cease to be valid if

- a) the foreign national has acquired the nationality of the Czech Republic;
- b) a judgment imposing a penalty of expulsion on the foreign national has become effective¹⁰⁾ or a decision on administrative expulsion has become enforceable;
- c) a Member State of the European Union conferred on the foreign national the status of a resident of another Member State of the European Union^{7c)}; or
- d) the foreign national has passed away.

Section 77

(1) The Ministry shall cancel the validity of a permanent residence permit if

- a) the Ministry ascertains that a foreign national violated this Act with the aim to acquire the permit in question, in particular if such foreign national entered into fake marriage or declared paternity just for the purpose of acquiring the permit in question;
- b) the foreign national was granted permanent residence on the basis of forged or falsified documents and data;
- c) the foreign national had resided outside the territory of Member States of the European Union continuously for a period exceeding 12 months, unless such residence was justified by serious reasons, in particular pregnancy and giving a birth, serious disease, studies or professional training, or secondment abroad;
- d) the foreign national had resided continuously outside the Czech Republic for a period exceeding six years;

- e) such decision has been justified by meeting an obligation arising from an International agreement; or
- h) the foreign national requests so.

(2) The Ministry shall also cancel a permanent residence permit if

- a) the foreign national has repeatedly materially disrupted public order and/or the rights and freedoms of others or there is a substantiated risk that such foreign national might endanger the security of the state;
 - b) the purpose of the residence permit, as stipulated in Section 66 (1) (a) point 1 or Section 66 (1) (b) ceases to exist within five years after the permanent residence permit was issued;
 - c) the permanent residence permit of the foreign national who takes care of the holder of the permit in question was cancelled;
 - d) the foreign national has failed to meet obligations under Section 88 (3);
 - e) the foreign national has been sentenced by a final and conclusive judgement of a court of the Czech Republic for having committed a wilful criminal offence for imprisonment for a term exceeding three years; or
 - f) a Member State of the European Union or a Contracting State applied a joint action concerning expulsion and decided to deport the foreign national from its territory^{9a)} since the foreign national had been sentenced for imprisonment for a term of at least one year or there is a reasonable suspicion that such foreign national committed serious criminal offence or is preparing to commit a serious criminal offence in the territory of the Member State of the European Union or the Contracting State applying a joint action concerning expulsion or the foreign national violated legal provisions governing entry and residence of foreign nationals in their respective territories
- upon the condition that such a decision shall be adequate with respect to its impact on the private or family life of the foreign national.

(3) In the decision, by which the Ministry shall cancel the validity of a permanent residence permit pursuant to paragraphs 1 and 2, the Ministry shall specify a time limit within which the foreign national shall be required to leave the Czech Republic, and shall impose on the foreign national an exit order; the foreign national shall be obliged to leave the Czech Republic within the time limit specified in the exit order.

Section 78

Residence Permit Card

- (1) A residence permit card is a public instrument.
- (2) A residence permit card shall be issued as
 - a) a separate document or
 - b) in the form of a label that is affixed in the foreign national's travel document.

(3) A residence permit card is used by the holder thereof to prove his/her name and surname, other names, the type of his/her residence, his/her birth number and other facts concerning the permitted residence in the Czech Republic; if a card is issued in the form of a separate document, the holder thereof uses the card to prove his/her date and place of birth and his/her nationality.

Section 79

Recording Data in a Residence Permit Card and its Validity Period

(1) A residence permit card shall encompass the information stipulated in Section 78 (3).

(2) If a foreign national has been issued by a competent authority of the Czech Republic a birth or marriage certificate, the name and surname shall be stated in such form as stated in the certificate in question. In other cases, the name, surname and other names of the foreign national shall be stated as in the foreign national's travel document but always in Roman letters.

(3) The Ministry shall, after the decision adopted by a court with respect to restricted legal capacity of a foreign national or after the decision on depriving a foreign national of legal capacity was adopted, indicate thereof in the residence permit card.

(3) A residence permit card shall be issued for a period of ten years and with respect to a foreign national under 15 years for a period of five years. The validity of a residence permit card can be repeatedly extended, each time by ten years.

Section 80

Extension of the Validity Period of a Residence Permit Card

(1) A foreign national shall be obliged to file an application with the Ministry for extension of the validity of a residence permit card within 90 days prior to expiration of such validity period; in justified cases, a foreign national may also file such an application at an earlier time.

(2) If a foreign national is prevented from filing an application within the period stipulated in paragraph 1 by reasons beyond the foreign national's control, the foreign national shall be obliged to file such an application within three working days after such reasons cease to exist.

(3) The Ministry shall not extend the validity of a residence permit card, if the Ministry finds a reason for terminating the residence permit pursuant to Section 77.

Section 81

Requirements for an Application for Extension of the Validity of a Residence Permit Card

A foreign national shall be obliged to present a travel document along with his/her application for extension of the validity of the residence permit card; if the appearance of the applicant has changed, the applicant shall also be obliged to submit photographs corresponding to his/her actual appearance.

Section 82

(1) A foreign national who applies for the issue of a residence permit card as a replacement of a lost, destroyed, stolen or damaged card, shall be obliged to submit photographs, a travel document, the damaged card or a document issued by the Police on notification of theft of such residence permit card. A similar procedure is followed when a foreign national applies for extension of the validity period of a card and this change can no longer be indicated in this card, or if a foreign national files the application after the validity of his/her residence permit card expired as stipulated in Section 86 (2).

(2) When indicating changes in the residence permit card a procedure similar to that when a foreign national applies for a card is followed. If the appearance of an applicant has changed, the applicant shall also be obliged to submit photographs corresponding to his/her actual appearance.

(3) A foreign national who applies under Section 86 (1) (f) for extension of a residence permit card after the validity of such card expired shall be obliged to present photographs, a travel document, the expired residence permit card and a document proving that the foreign national has accommodation (Section 71 (2)).

Part 2

Legal Status of a Resident in the European Community Residing for a Long-Term in the Czech Republic

Section 83

(1) The Ministry in its decision on a permanent residence permit shall confer on the foreign national the status of a long-term resident in the European Community residing in the Czech Republic^{7c)} (hereinafter referred to as a 'resident in the Czech Republic') if a foreign national

- a) has satisfied the condition of five year continuous residence in the Czech Republic (Section 68);
- b) has not seriously disrupted public order or has not endangered the security of the state or any other Member State of the European Union and
- c) has proved the availability of funds to cover his/her permanent residence in the Czech Republic under Section 71.

(2) The Ministry shall also confer on a foreign national the legal status of a resident in the Czech Republic if such foreign national is in possession of a permanent residence permit in the Czech Republic and he/she was not conferred on such legal status simultaneously with being granted permanent residence, if the foreign national request in writing so and satisfies conditions under paragraph 1.

(3) A foreign national whose status of a resident in the Czech Republic was cancelled (Section 85 (1)) shall be entitled to apply again for such legal status if at least five years have lapsed from the date when a final and conclusive decision on cancelling the legal status of a resident in the Czech Republic came into effect and such foreign national proves enough funds to cover his/her permanent residence in the Czech Republic under Section 71. The Ministry shall also confer on a foreign national the legal status of a resident in the Czech

Republic if such foreign national has resided in the Czech Republic continuously for the said period (Section 68) and reasons for cancelling the legal status in question have ceased to exist and there is no substantiated risk that such foreign national might disrupt public order or endanger the security of the state or any other Member State of the European Union.

Section 84

The Ministry shall record in the residence permit card ‘a permit for a long-term residing resident - EC’^{7c}.

Section 85

(1) By its decision the Ministry shall cancel the validity of the previous decision on conferring on a foreign national a legal status of a resident in the Czech Republic unless there are reasons for cancelling validity of a permanent residence permit, if

- a) the resident in the Czech Republic seriously disrupted public order or endangered the security of the state or
- b) a Member State of the European Union has decided to terminate temporary residence of the resident in the Czech Republic in its territory due to serious disturbance of public order.

(2) The Ministry shall, after the decision adopted under paragraph 1 comes into effect, invalidate in the residence permit a record reading ‘a permit for a long-term residing resident - EC’^{7c}.

(3) The validity of the decision on conferring the legal status of a resident in the Czech Republic shall terminate if validity of the permanent residence permit is cancelled.

Part 3

Termination of Validity of a Residence Permit Card

Section 86

(1) The validity of a residence permit card shall expire

- a) by expiration of the period specified in it;
- b) by reporting its loss or theft;
- c) if the foreign national’s legal capacity to perform legal acts has been restricted or he/she has been deprived of the capacity to perform legal acts by a decision of a court and the said decision has come into force;
- d) by acquiring nationality of the Czech Republic;
- e) by death of the foreign national or by declaration of the death of the foreign national by court; or
- f) by cancellation of the data concerning the place of residence of the foreign national in the Czech Republic.

(2) The Ministry shall cancel the validity of a residence permit card if

- a) such card is damaged and records are illegible or it is flawed;
- b) the card encompasses incorrect data or unauthorised changes; or
- c) the photograph does not correspond to the actual appearance of the holder thereof.

(3) If the holder of the residence permit card is present and fully recognises the reasons for cancelling validity of his/her residence permit card the matters referred to in paragraph 2 are deemed to be proven and the related order shall be issued on the spot^{12b)}. Justification of such order shall be replaced by personally signed acknowledgement of the holder of the residence permit card that he/she agrees with cancellation thereof. The order shall come into force and becomes enforceable through the signed acknowledgement. The holder must be provably informed on such facts in advance.

Part 4

Residence of a Foreign National Entrusted to Foster Care by a Decision of the Competent Authority

Section 87

(1) A foreign national under 18 years of age entrusted to foster care by a decision of the competent authority^{10a)} shall be entitled to reside permanently in the Czech Republic, if at least one natural person, to whom the foreign national has been entrusted, is in possession of the permanent residence permit in the Czech Republic or if the institution in which the foreign national has been placed is based in the Czech Republic.

(2) The right referred to in paragraph 1 shall arise on the effective date of the decision on entrustment of the foreign national to foster care. The Ministry shall provide the foreign national with a permanent residence card in the Czech Republic.

(3) The foreign national referred to in paragraph 1 shall be entitled to stay in the Czech Republic without a travel document until he/she reaches the age of 15 years.

(4) At the foreign national's request, the Ministry shall issue to such foreign national, as referred to in paragraph 1, a residence permit card. Whilst the foreign national shall be obliged to submit his/her travel document and photographs.

(5) The foreign national referred to in paragraph 1 shall be obliged to apply for a residence permit card not later than within 30 days after reaching the age of 15 years.

(6) The right for permanent residence of a foreign national entrusted to foster care in the Czech Republic shall be terminated prior to such foreign national reaches the age of 15 years if

- a) the person to whom a foreign national was entrusted to foster care notifies the Ministry in writing that the foreign national waives this right; such notification shall be signed and the signature shall be notarised;
- b) the foreign national acquires nationality of the Czech Republic under a special legal regulation^{1a)};
- c) the care referred to in paragraph 1 is terminated; or
- d) the natural person referred to in paragraph 1 terminates his/her registration of permanent residence in the Czech Republic.

^{12b)} Section 150 of Act No. 500/2004 Coll.

(7) The right for permanent residence of a foreign national entrusted to foster care in the Czech Republic shall be terminated after such foreign national reaches the age of 15 years if

a) the foreign national

1. has been sentenced by a final and conclusive decision of a court of the Czech Republic to imprisonment for the term exceeding three years for a wilfully committed criminal offence;
2. notifies the Ministry that he/she waives this right; the approval and a notarised signature of the statutory representative shall be affixed to the notice;
3. acquires nationality of the Czech Republic under the special legal regulation^{1a)}; or
4. reaches the age of 18 years; this provision shall not apply if the foreign national has been deprived of the capacity to perform legal acts by the decision of a court, or if the foreign national files an application under Section 66 (1) (a) within 60 days after reaching the age of 18 years, then the restriction shall not apply until a decision is made on such an application;

b) the care referred to in paragraph 1 is terminated before the foreign national reaches the age of 18 years; or

c) the natural person referred to in paragraph 1 terminates his/her registration of permanent residence in the Czech Republic.

(8) On the date when the right for permanent residence ceased to exist pursuant to paragraphs 6 or 7 the validity of the confirmation on the right to reside in the Czech Republic and a residence permit card shall be terminated.

(9) The provisions of Section 80 through 82 shall apply accordingly to foreign nationals who are in possession of permanent residence permits.

(10) If a foreign national has been entrusted in foster care before he reached the age of 15 years his/her residence in the Czech Republic shall be deemed, after he/she reaches the age of 15 years, a residence pursuant Section 65 (1) (a).

TITLE IVa

RESIDENCE OF A CITIZEN OF THE EUROPEAN UNION AND HIS/HER FAMILY MEMBERS IN THE CZECH REPUBLIC

Part I

Temporary Residence

Section 87a

(1) The Police shall issue to a citizen of the European Union^{1b)}, at his/her request, a temporary residence permit if a citizen of the European Union if

- a) he/she intends to stay in the Czech Republic temporarily for a period exceeding three months¹³⁾; and
- b) he/she has not endangered the security of the state or has not seriously disrupted public order.

(2) A citizen of the European Union shall present, along with his/her application for a temporary residence permit:

- a) a travel document;
- b) a document confirming the purpose of his/her residence, whether it is employment, business undertaking or any other activity to be carried out for earning money^{13a)}, or studies ;
- c) photographs;
- d) a document on medical insurance; this provision shall not apply if the purpose of the residence is employment, business undertaking or any other activity to be carried out for earning money^{13a)}, and
- e) a document proving that a citizen of the European Union has accommodation in the Czech Republic.

(3) A family member of a citizen of the European Union who is not a citizen of the European Union him/herself and intends to stay in the Czech Republic on the temporary basis for a period exceeding three months¹³⁾ together with the citizen of the European Union shall be obliged to submit, along with the application documents under paragraph 2 with the exception of a document stipulated in paragraph 2(d), a document confirming that he/she is a family member of the citizen of the European Union and in the case of a foreign national under Section 15a (1) (d) also a document confirming that he/she is a dependent person.

Section 87b

(1) A family member of the citizen of the European Union who is not a citizen of the European Union him/herself and intends to stay in the Czech Republic on the temporary basis for a period exceeding three months¹³⁾ together with the citizen of the European Union shall be obliged to file with the Police an application for a temporary residence permit. Such a foreign national shall be obliged to file the application within three months from his/her arrival in the Czech Republic.

(2) A family member of the citizen of the European Union who is not a citizen of the European Union shall be obliged to submit, along with the application documents under Section 87a (2) with the exception of documents stipulated in Section 87 (2) (b), a document confirming that he/she is a family member of the citizen of the European Union and in the case of a foreign national under Section 15a (1) (d) also a document confirming that he/she is a dependent person.

¹³⁾ Council Directive 2004/38/EC of 29 April 2004 on the right of citizens of the European Union and their family members to move and reside freely within the territory of the Member States

^{13a)} For example, the Commercial Code, the Trade Licensing Act, the Act No. 220/1991 Coll., on the Czech Medical Chamber, the Czech Dentists' Chamber and the Czech Pharmacists' Chamber, as amended, and the Act No. 85/1996 Coll. on Advocacy, as amended.

(3) The Police shall issue to a family member of the citizen of the European Union a temporary residence permit in the form of residence card for a family member of the citizen of the European Union.

Permanent Residence Permit

Section 87c

(1) A citizen of the European Union^{1b)} staying in the Czech Republic as a member of the staff of an embassy of a foreign state or an international governmental organisation accredited in the Czech Republic and his/her family member, who is a citizen of the European Union and is registered with the Ministry of Foreign Affairs shall be provided with a temporary residence permit by the Ministry of Foreign Affairs at his/her request.

(2) A family member of a citizen of the European Union staying in the Czech Republic as a member of the staff of an embassy of a foreign state or an international governmental organisation accredited in the Czech Republic and is not a citizen of the European Union but he/she is registered with the Ministry of Foreign Affairs shall be obliged to apply for a temporary residence permit within three months from his/her arrival in the Czech Republic. The Ministry of Foreign Affairs shall issue to the family member under the first sentence a temporary residence permit in the form of residence card for a family member of the citizen of the European Union.

(3) A citizen of the European Union^{1b)} or his/her family member shall submit along with the application pursuant to paragraphs 1 and 2 a travel document and photographs. A family member of the citizen of the European Union shall also submit a document confirming that he/she is the family member of a citizen of the European Union.

Section 87d

Reasons for Denial of a Confirmation of Temporary Residence in the Czech Republic and Termination Thereof and Reasons for Cancellation of a Temporary Residence Permit of a Citizen of the European Union

(1) The Police shall reject an application for a confirmation of temporary residence, if

- a) an applicant fails to present documents and data stipulated by law;
- b) an applicant has become an unjustifiable burden for the welfare system, the system providing contributions for care or a system of assistance in financial difficulties in the Czech Republic (Section 106 (3)), with the exception of persons to whom a directly applicable legal regulation of the European Communities apply^{13b)};
- c) there is a substantiated risk that an applicant might endanger the security of the Czech Republic or might materially violate public order;
- d) an applicant is recorded in the list of a *persona non grata* (Section 154).

^{13b)} Council Regulation (EEC) No. 1612/68 of 15 October 1968 on free movement of workers within the Community

(2) The Police shall, by their decision, cancel temporary residence of a citizen of the European Union^{1b)}, if

- a) such foreign national has become an unjustifiable burden for the welfare system, the system providing contributions for care or a system of assistance in financial difficulties in the Czech Republic (Section 106 (3)), with the exception of persons to whom a directly applicable legal regulation of the European Communities apply^{13b)};
- b) there is a substantiated risk that the applicant might endanger the security of the Czech Republic or might materially disrupt public order;
- c) the foreign national endangers public health since he/she suffers from a serious disease if such disease broke out three months, at the latest, after his/her arrival in the Czech Republic;

upon the condition that such a decision is adequate with respect to its impact on the private or family life of the foreign national.

(3) In their decision on cancelling temporary residence for a citizen of the European Union^{1b)} in the Czech Republic the Police shall specify time limit for leaving the Czech Republic and impose on a citizen of the European Union an exit order; a citizen of the European Union shall be obliged to leave the Czech Republic within the specified time limit.

(4) The provisions of Section 76 (a), (b) and (d) shall apply accordingly to termination of validity of the confirmation of temporary residence.

Section 87e

Reasons for Denial of an Application for Temporary Residence Permit

(1) The reasons under Section 87 (1) shall apply accordingly to rejection of an application for temporary residence permit. The Police shall also reject the application if an applicant

- a) endangers public health since he/she suffers from a serious disease if such disease broke out three months at the latest after his/her arrival in the Czech Republic;
- b) has been entered into the Information System of Contracting States;
- c) violated this Act with the aim to acquire the permit in question, in particular if such foreign national entered into a fake marriage or declared paternity just for the purpose of acquiring the permit in question;
- d) without having a serious reason a foreign national does not appear in person for hearing (Section 169 (3)), refuses to give a testimony and or states false facts in his/her testimony.

(2) Reasons under paragraph 1)a) shall be taken into consideration only upon the condition that such a decision is adequate with respect to its impact on the private or family life of the foreign national.

(3) Reasons under paragraph 1 (b) shall not be taken into consideration if temporary residence permit is in the interest of the Czech Republic or such permit is issued in compliance with an international obligation. The Police are obliged to discuss the issue of the temporary residence permit with the Contracting State that entered the foreign national in the Information System of the Contracting States, and thereafter, during the proceedings, the

Police must take into account the facts that resulted in the foreign national's having been entered into the said System. If the temporary residence permit is issued the Police shall give notice of this fact to the Contracting State that entered the foreign national in the Information System of the Contracting States.

Section 87f

Reasons for Termination of Temporary Residence of a Family Member of the Citizen of the European Union Residing in the Czech Republic Together with the Citizen of the European Union

(1) The Police shall terminate temporary residence in the Czech Republic to a family member of the citizen of the European Union^{1b)} who is not a citizen of the European Union and resides in the Czech Republic together with the citizen of the European Union if such foreign national request so or upon the reasons stipulated in Section 87e.

(2) The Police shall also terminate temporary residence in the Czech Republic to a family member of the citizen of the European Union if

- a) temporary residence of the citizen of the European Union has been terminated; this provision shall not apply if a family member of the citizen of the European Union cares for a child during education of such child of the citizen of the European Union at basic school, secondary school, tertiary professional school, conservatory or during his/her studies at a higher education institution;
- b) the citizen of the European Union passed away during his/her temporary residence; this provision shall not apply if a family member of such citizen of the European Union has resided in the Czech Republic for at least one year before the death of the citizen of the European Union; or
- c) the marriage with the citizen of the European Union has been terminated upon a final and conclusive decision of a court on the divorce of such marriage or on declaring such marriage invalid; unless a family member of the citizen of the European Union has been entrusted, by the decision of a competent authority^{10c)}, into foster care a child of the citizen of the European Union or unless he/she has the right for regular personal contacts with such child only in the Czech Republic or if prior to commencing divorce proceedings the marriage in question had lasted for at least three years and during this marriage a family member of the citizen of the European Union had been in possession of residence permit for a period shorter than one year;
upon the condition that such a decision is adequate with respect to its impact on the private or family life of the foreign national.

(3) In their decision on termination temporary residence for a family member of the citizen of the European Union in the Czech Republic the Police shall specify time limit for leaving the Czech Republic and impose on such family member of the citizen of the European Union an exit order; the family member of the citizen of the European Union shall be obliged to leave the Czech Republic within the specified time limit.

(4) The provisions of Section 76 (a), (b) and (d) shall apply accordingly to termination of validity of the temporary residence permit of a family member of the citizen of the European Union.

Part 2
Permanent Residence Permit

(1) The Ministry shall issue to a citizen of the European Union^{1b)}, at his/her request, a permanent residence permit¹³⁾

- a) after five years of continuous temporary residence in the Czech Republic;
- b) at the time of termination of employment, a business undertaking or any other activities carried out for earning money the foreign national had reached the age of eligibility to an old age pension^{13c)} or the age eligible for early pension^{13d)} and applied for such early pension, if he/she had been performing such activities during the last 12 months before filing the application for permanent residence permit and had been residing in the Czech Republic for a continuous period of at least three years;
- c) if the foreign national terminated employment, a business undertaking or any other activities carried out for earning money^{13a)} since he had become **fully disabled /disability of third grade –from 1 January 2010/** and has resided in the Czech Republic for a continuous period of at least two years; the condition of a continuous residence in the Czech Republic shall not apply if a citizen of the European Union has become entitled to a **disability support pension /disability pension for disability of the third grade – from 1 January 2010/** due to a serious work injury or occupational disease^{13e)};
- d) if a foreign is employed, runs a business or carries out any other activities for earning money in the territory of any other Member State of the European Union and returns to the Czech Republic everyday or at least once a week and had formerly been staying in the Czech Republic without interruption and simultaneously had been in the Czech Republic employed, had run a business or carried out any other activities for earning money here for a period of at least three years; or
- e) a citizen of the European Union who is younger than 18 years and who has been entrusted into foster care by the decision of a competent authority.

(2) The Ministry shall issue to a citizen of the European Union^{1b)}, at his/her request, a permanent residence permit¹³⁾ if the citizen of the European Union applies for such permit on the basis of humanitarian reasons or the reasons worthy of special consideration.

(3) The Ministry shall issue to a citizen of the European Union^{1b)}, at his/her request, a permanent residence permit if such residence is in the interest of the Czech Republic.

(4) For the purpose of issuing a permanent residence permit pursuant to paragraph 1 (b) or (c) the period of employment, a business undertaking or any other activities carried out for earning money^{13a)} in the territory of a Member State of the European Union shall be deemed to be a period for which such activities were performed in the Czech Republic provided that the citizen of the European Union had been employed, run a business or carried out any other activities for earning money in the territory of a Member State of the European Union and returned to the Czech Republic everyday or at least once a week.

^{13c)} Section 32 of the Act No. 155/1995 Coll., on Pension Insurance.

^{13d)} Sections 30 and 31 of Act 155/1995 Coll.

^{13e)} Section 25 and Section 38 (b) of Act No. 155/1995 Coll.

(5) The condition of a period of residence in the Czech Republic and the condition of the period of employment, a business undertaking or any other activities carried out for earning money^{13a)} referred to in paragraph 1 (b) or (c) shall not apply in the case of a citizen of the European Union who is a spouse of a national of the Czech Republic or whose spouse lost the nationality of the Czech Republic as a consequence of marriage with such citizen of the European Union or by acquiring the spouse's nationality.

(6) The period for which a citizen of the European Union^{1b)} has been recorded in the list of unemployed persons maintained by a Labour Office in the Czech Republic shall be included in the period of employment under paragraph 1 (b) or (d) provided that employment of the citizen of the European Union^{1b)} was terminated due to reasons beyond his/her control.

(7) The condition of continuous temporary residence shall be maintained if the absence of a citizen of the European Union^{1b)} does not exceed in total six months a year or if it exceeds such period

- a) due to compulsory military service, or
- b) if one absence does not exceed 12 subsequent months due to serious reasons, in particular pregnancy and birth of a child, a serious disease, studies or professional training, or secondment abroad.

(8) Provisions of Section 87 shall apply accordingly to a citizen of the European Union younger than 18 years who has been entrusted to foster care by the decision of a competent authority.

Section 87h

(1) The Ministry shall issue a permanent residence permit at the request of a family member of a citizen of the Czech Republic¹³⁾

- a) after five years of continuous temporary residence in the Czech Republic;
- b) after two years of continuous temporary residence in the Czech Republic if such a foreign national had been for at least one year a family member of the national of the Czech Republic^{1a)} who resides in the Czech Republic permanently or a family member of a citizen of a Member State of the European Union^{1b)} who had been issued a permanent residence permit in the Czech Republic;
- c) if such foreign national is a survivor of a national of the Czech Republic^{1a)} who had been residing in the Czech Republic permanently; or
- d) if such foreign national is a survivor of a citizen of a Member State of the European Union^{1b)} who had resided in the Czech Republic for the purpose of employment, a business undertaking or any other activities carried out for earning money, and
 1. as of the date of the death the citizen of a Member State of the European Union had been residing in the Czech Republic continuously for at least two years;
 2. the citizen of a Member State of the European Union passed away as a consequence of a serious work injury or an occupational disease; or
 3. lost nationality of the Czech Republic as a consequence of a marriage with such citizen of a Member State of the European Union or by acquiring nationality of his/her spouse.

(2) The Ministry shall issue to a family member of the citizen of the European Union, at his/her request, a permanent residence permit

- a) if his/her residence in the Czech Republic is in the interest of the Czech Republic; or
- b) on the basis of humanitarian reasons, in particular
 - 1. with respect to care for a citizen of the European Union who as a consequence of long lasting unfavourable health condition cannot take care of him/herself; or
 - 2. if an applicant is minor or major dependent child of the national of the Czech Republic who has resided in the Czech Republic^{1a)} permanently or a minor or major dependent child of a citizen of a Member State of the European Union^{1b)} who is in possession of a permanent residence permit in the Czech Republic provided that the reason of such application is family reunification.

(3) The provisions of Section 87g (7) shall apply accordingly to the continuity of temporary residence of a family member of the citizen of the European Union

Section 87i

(1) A citizen of the European Union^{1b)} or his/her family member shall submit along with the application for a permanent residence permit

- a) a travel document;
- b) a document confirming that conditions referred to Section 87g (1) had been satisfied in the case of the citizen of the European Union, or a document confirming that conditions referred to Section 87h (1) had been satisfied in the case of a family member;
- c) photographs; and
- d) a document proving that such foreign national has accommodation in the Czech Republic.

(2) A document on arranging accommodation referred to in paragraph 1 (d) means a document of title to a flat or a house, a document proving that a foreign national is entitled to use a flat or a notarised signature on a written confirmation of an authorised person on the consent with accommodation of a foreign national; the premises where a foreign national is accommodated must bear, in accordance with the special legal regulation^{11a)}, a number of the house or an orientation number and is, under the Construction Act, determined for living or individual recreational purposes. A notarised signature shall not be required if an authorised persons signs the said consent before an authorised official of the Ministry.

Section 87j

(1) Instead of a written decision a citizen of the European Union or his/her family member who is a citizen of the European Union shall receive the permanent residence permit in the form of a card for a citizen of the European Union (Section 87r) and a family member who is not a citizen of the European Union shall receive only a permanent residence card (Section 87t)^{12a)}. A citizen of the European Union or his/he family member shall receive along with the card referred to in the first sentence a confirmation thereof.

(2) The Ministry shall notify without undue delay the Headquarters of the Vseobecna zdravotni pojistovna of the date when the approving decision on a permanent residence permit

or the termination of the permanent residence came into effect and shall request to enter such date into the register of persons insured within the general medical insurance¹²⁾.

Section 87k

Reasons for Denial of an Application for a Permanent Residence Permit

- (1) The Ministry shall reject an application for a permanent residence permit if
- a) an applicant does not submit documents and data stipulated herein;
 - b) there is a substantiated risk that an applicant might endanger the security of the Czech Republic or might materially disrupt public order;
 - c) a foreign national violated this Act with the aim to acquire the permit in question, in particular if such foreign national entered into a fake marriage or declared paternity just for the purpose of acquiring the permit in question;
 - d) an applicant is recorded in the list of *persona non grata* (Section 154);
 - e) an applicant has been entered in the Information System of the Contracting States; this shall apply in the case of a family member of the citizen of the European Union who is not a citizen of the European Union^{1b)};
 - f) an applicant endangers public health since he/she suffers from a serious disease if he/she applies for a permanent residence permit without the condition of the previous continuous residence in the Czech Republic and the disease broke out within three months from applicant's arrival in the Czech Republic;
 - g) without having a serious reason an applicant does not appear in person for hearing (Section 169 (3)), refuses to give a testimony and/or states false facts in his/her testimony; or
 - h) the reasons pursuant to Section 87g or 87h have not been ascertained in the proceedings.

(2) Reasons under paragraph 1 (e) shall not be taken into consideration if a permanent residence permit is in the interest of the Czech Republic or such permit is issued in compliance with an international obligation. The Ministry shall be obliged to discuss the issue of the temporary residence permit with the Contracting State that entered the family member of the citizen of the European Union into the Information System of the Contracting States, and thereafter, during the proceedings, the Ministry must take into account the facts that resulted in the foreign national's having been entered into the said System. If the permanent residence permit is issued the Ministry shall give notice of this fact to the Contracting State that entered the family member of the citizen of the European Union in the Information System of the Contracting States

Section 87l

Reason for Termination and Cessation of Validity of a Permanent Residence Permit

- (1) The Ministry shall terminate a permanent residence permit if a holder of such a permit
- a) endangers the security of the state or materially disrupts public order unless proceedings on his/her administrative expulsion have been commenced;

- b) a foreign national violated this Act with the aim to acquire the permit in question, in particular if such foreign national entered into a fake marriage or declared paternity just for the purpose of acquiring the permit in question; or
- c) has not resided in the Czech Republic for a period exceeding the subsequent two years, upon the condition that such a decision is adequate with respect to its impact on the private or family life of the foreign national.

(2) The Ministry shall, by its decision, terminate a permanent residence permit if a holder of such permit requests so.

Section 87m

Provisions of Section 76 (a), (a) or (d) shall apply accordingly to termination of a permanent residence permit.

Part 3

Confirmations and Residence Permit Cards

Section 87n

Confirmation on Temporary Residence in the Czech Republic

(1) Confirmation on temporary residence in the Czech Republic is a public instrument.

(2) A holder of the confirmation on temporary residence proves by it his/her name, surname and other names, the date and place of birth, his/her nationality, the number of his/her travel document, his/her address in the Czech Republic, his/her birth number and some additional facts concerning temporary residence in the Czech Republic.

Section 87o

A Card on the Residence of a Family Member of the Citizen of the European Union

(1) A residence card of a family member of the citizen of the European Union is a public instrument; it shall be in the Czech language and usually in two other languages as international rules may be.

(2) A residence card of a family member of the citizen of the European Union shall be issued as a separate document by which the holder thereof shall prove his/her name, surname and other names, the date and place of birth, his/her nationality, the number of his/her travel document, his/her address in the Czech Republic, his/her birth number and some additional facts concerning temporary residence in the Czech Republic.

(3) The validity of a residence permit card issued to a family member of the citizen of the European Union shall be set so as to be identical with the expected validity of the residence permit card for the citizen of the European Union, however, for a maximum period of five years. The validity of the card may be extended by the same period more than once. A family member of the citizen of the European Union shall be obliged to apply for the extension of the validity of card prior to its expiration.

Section 87p

Extension of Validity of a Card on the Residence of a Family Member of the Citizen of the European Union

(1) An applicant shall be obliged to submit, along with the application for extension of validity of residence card of a family member of the citizen of the European Union, documents and data stipulated in Section 87a (2) (a), (d) and (e) and a document confirming that such family member resides in the Czech Republic together with the citizen of the European Union; an applicant shall be further obliged to submit photographs, if their appearance has changed.

(2) If the Police find a reason for withdrawing a residence permit pursuant to Section 87f, then the Police shall not extend the validity of a residence permit card of a family member of the citizen of the European Union.

Section 87r

A Permanent Residence Permit Card of a Citizen of the European Union

(1) A permanent residence permit card of a citizen of the European Union is a public instrument; it shall be in the Czech language and usually in two other languages as international rules may be.

(2) A permanent residence permit card of a citizen of the European Union shall be issued as a separate document by which the holder thereof shall prove his/her name, surname and other names, the date and place of birth, his/her nationality, the number of his/her travel document, his/her address in the Czech Republic, his/her birth number and some additional facts concerning the residence in the Czech Republic.

(3) A permanent residence permit card of a citizen of the European Union shall be issued for a period of ten years. The validity of the card may be extended by ten years more than once.

Section 87s

Extension of Validity of a Permanent Residence Permit Card on the Residence of a Citizen of the European Union

(1) A citizen of the European Union shall be obliged to file an application with the Ministry for extension of the validity of a permanent residence permit card of a citizen of the European Union not later than within 15 days after the expiration of the card concerned.

(2) If the act of filing an application within the period specified in the previous sentence is prevented by reasons beyond foreign national's control, the foreign national shall have the right to file this application within three working days after such reasons cease to exist

(3) An applicant shall be obliged to submit along with the application for the extension of the validity of a permanent residence permit card a travel document; the applicant shall be further obliged to submit photographs, if their appearance has changed.

(4) If the Ministry finds a reason for withdrawing a permanent residence permit card of a citizen of the European Union pursuant to Section 87l, then the Ministry shall not extend the validity of such permanent residence permit card of a citizen of the European Union.

Section 87t

A Permanent Residence Permit Card

(1) A permanent residence permit card is a public instrument; it shall be in the Czech language and usually in two other languages as international rules may be.

(2) A permanent residence permit card shall be issued as a separate document by which the holder thereof shall prove his/her name, surname and other names, the date and place of birth, his/her nationality, the number of his/her travel document, his/her address in the Czech Republic, his/her birth number and some additional facts concerning the residence in the Czech Republic.

(3) Provisions of Section 87r (3) and 87s shall apply accordingly to a permanent residence permit card.

Part 5

Common Provisions

Section 87u

(1) If a citizen of the European Union or his/her family member has been issued by a competent authority of the Czech Republic a birth or marriage certificate, the name and surname shall be stated in the confirmation on temporary residence in the Czech Republic, in the residence card of a family member of the citizen of the European Union, in a permanent residence permit card of a citizen of the European Union, or in the permanent residence permit card in such form as stated in the certificate in question. In other cases, the name, surname and other names of a citizen of the European Union or his/her family member shall be stated as in their travel documents but always in Roman letters.

(2) The Police shall, after the decision adopted by a court with respect to restricted legal capacity of a foreign national or after the decision on depriving a foreign national of legal capacity was adopted, indicate thereof in the confirmation on temporary residence in the Czech Republic, in the residence card of a family member of the citizen of the European Union, in a permanent residence permit card of a citizen of the European Union or in the permanent residence permit card.

Section 87v

(1) A citizen of the European Union who applies for the issue of a confirmation of a temporary residence permit as a replacement of a lost, destroyed, stolen or damaged confirmation shall be obliged to submit a travel document and the damaged confirmation.

(2) A citizen of the European Union or his/her family member who applies for the issue of a residence card of a family member of the citizen of the European Union, a permanent residence permit card of a citizen of the European Union or a permanent residence permit card as a replacement of a lost, destroyed, stolen or damaged card shall be obliged to submit photographs, a travel document, the damaged card. The same provisions shall apply *mutatis mutandis* if a citizen of the European Union or his/her family member applies pursuant to Section 87 (2) for the issue of a card after it has expired. If a citizen of the European Union or his/her family member applies pursuant to Section 87z (1)(f) for the issue of a card after it expired he/she shall be obliged to submit photographs, a travel document and a document proving that he/she has accommodation in the Czech Republic.

(3) A citizen of the European Union or his/her family member, who applies for any change to be made in the residence card of a family member of the citizen of the European Union, the permanent residence permit card of a citizen of the European Union, or the permanent residence permit card, shall be obliged to submit a travel document, the card in which the change in question is to be made and a document proving that he/she is entitled to claim such change to be made. If the requested change cannot be marked in the card the holder thereof shall be issued a new card; in such case the holder shall be obliged to submit photographs. No changes shall be made in the confirmation of temporary residence; the Police shall issue to the holder thereof a new confirmation on temporary residence.

Section 87w

The documents and/or data submitted along with the application for the issue of a confirmation of temporary residence in the Czech Republic; a residence card of a family member of the citizen of the European Union, a permanent residence permit card of a citizen of the European Union or a permanent residence permit card or along with the application for extension of a residence card of a family member of the citizen of the European Union must not be older than 180 days, with the exception of a travel document, the birth or marriage certificates, and a photograph, provided that the photograph corresponds to applicant's actual appearance.

Section 87x

(1) An applicant shall be entitled to file an application for the issue of a confirmation of temporary residence in the Czech Republic or for extension thereof with the Police. An applicant shall be entitled to file an application for the issue of a permanent residence permit card of a citizen of the European Union or a permanent residence permit with the Ministry.

An application for the issue of a confirmation of temporary residence in the Czech Republic, a residence card of a family member of the citizen of the European Union, a permanent residence permit card of a citizen of the European Union, or a permanent residence permit or for extension of such cards shall be filed on an official form. A foreign national shall be obliged to record in the application:

- a) his/her name, surname and other names, all previous surnames, his/her day, month and year of birth, his/her place and country of birth, nationality, marital status, profession, occupation prior to his/her arrival in the Czech Republic (position, the name and address of the employer), the purpose of residence in the Czech Republic, employment after his/her arrival in the Czech Republic (position, the name and address of the employer), his/her last address abroad, his/her address in the Czech Republic, his/her previous stay in the Czech Republic exceeding three months (the purpose and the place of residence), his/her date of entry in the Czech Republic, the number and the validity of his/her travel document;
- b) the name, surname and other names, all previous surnames, nationality, the day, month and year of birth, the place and country of birth, the place of residence of a spouse; and
- c) the names, surnames and other names, the day, month and year of birth, the place and country of birth, nationality and the place of residence of parents and children.

Section 87y

A family member of the citizen of the European Union who is not a citizen of the European Union him/herself and resides in the Czech Republic together with a citizen of the European Union shall be entitled to reside in the Czech Republic after the decision on his/her application comes to force; during such period his/her residence in the Czech Republic shall be deemed to be the temporary residence. The permission to reside in the Czech Republic after the relevant decision comes into force shall not apply if the decision on termination of the residence of the family member has come into force.

Section 87z

Termination of Validity of Cards

(1) The validity of a residence card of a family member of the citizen of the European Union, a permanent residence permit card of a citizen of the European Union, or a permanent residence permit shall terminate

- a) by expiration of the period stated therein;
- b) by reporting its loss or theft;
- c) after a decision adopted by a court with respect to restricted legal capacity of a foreign national or after the decision on depriving a foreign national of legal capacity has come into force;
- d) by acquiring nationality of the Czech Republic;
- e) by the death of the holder thereof or after the decision on declaring the holder to be dead has come into force; or
- f) by cancelling the registered place of residence of a citizen of the European Union or his/her family member in the Czech Republic.

(2) The Police shall cancel the validity of a residence permit card of a family member of the citizen of the European Union and the Ministry shall cancel the validity of permanent residence permit card of a citizen of the European Union, or a permanent residence permit if

- d) such card is damaged and records are illegible or it is flawed;
- e) the card encompasses incorrect data or unauthorised changes; or
- f) the photograph does not correspond to actual appearance of the holder thereof.

(3) If the holder of the card is present and fully recognises the reasons for cancelling validity of his/her card the matters referred to in paragraph 2 are deemed to be proven and the related order shall be issued on the spot^{12b)}. Justification of such order shall be replaced by the acknowledgement signed in person by the holder of the card thus confirming that he/she agrees with cancellation thereof. The order shall come into force and becomes enforceable through the signed acknowledgement. The holder must be provably informed on such facts in advance.

Section 87aa

Termination of the Validity of a Confirmation on Temporary Residence in the Czech Republic

(1) The validity of a confirmation on temporary residence in the Czech Republic shall terminate

- a) by expiration of the period stated therein;
- b) by acquiring nationality of the Czech Republic;
- c) after a decision adopted by a court with respect to restricted legal capacity of a foreign national or after the decision on depriving a foreign national of legal capacity has come into force;
- d) by the death of the holder thereof or after the decision on declaring the holder to be dead has come into force;
- e) by cancelling the registered place of residence of a citizen of the European Union; or
- f) when the holder thereof reports that he/she has decided to terminate his/her residence in the Czech Republic.

- a) (2) The Police shall decide on termination of the validity of a confirmation on temporary residence in the Czech Republic if such confirmation is damaged and records are illegible or it is flawed; or
- b) encompasses incorrect data or unauthorised changes.

(3) If the holder of the confirmation is present and fully recognises the reasons for cancelling validity of his/her confirmation the matters referred to in paragraph 2 are deemed to be proven and the related order shall be issued on the spot^{12b)}. Justification of such order shall be replaced by the acknowledgement signed in person by the holder of the confirmation thus confirming that he/she agrees with cancellation thereof. The order shall come into force and becomes enforceable through the signed acknowledgement. The holder must be provably informed on such facts in advance.

TITLE V

RESIDENCE OF A FOREIGN NATIONAL BORN IN THE CZECH REPUBLIC

Section 88

(1) If a foreign national is born in the Czech Republic, then his/her residence in the Czech Republic for the period of the residence of his/her statutory representative, however, for no longer than 60 days from the date of birth, shall be deemed to be a temporary residence, unless stipulated otherwise herein.

^{12b)} Section 150 of Act No. 500/2004 Coll.

^{12b)} Section 150 of Act No. 500/2004 Coll.

(2) If the statutory representative of a newly born foreign national is staying in the Czech Republic on the basis of a visa, he/she shall be obliged, within the period specified in the previous paragraph, to file an application for the same visa for the newly born child with the Police at the place of his/her registered address in the Czech Republic; this provision shall not apply if a newly born foreign national leaves the Czech Republic within the said period of time.

(3) If the statutory representative of a newly born foreign national is residing in the Czech Republic on the basis of a long-term residence permit or a permanent residence permit, then he/she shall be obliged, within the period specified in paragraph 1, to file an application for a long-term residence permit or for a permanent residence permit on behalf of the newly born foreign national with the Police. If an application for a permanent residence permit is filed, the residence of the newly born foreign national from the moment of his/her birth until the decision on such an application becomes effective shall be deemed to be a permanent residence.

(4) The period referred to in paragraph 1 shall be deemed to have been extended if the foreign national had been prevented from filing the application within such a period by reasons beyond the control of the foreign national, until these reasons cease to exist. The foreign national shall be obliged to notify the Police of the reasons referred to in the first sentence, if he/she resides in the Czech Republic on the basis of a visa or a long-term residence permit, or to notify the Ministry if such foreign national resides in the Czech Republic on the basis of a permanent residence permit.

Section 89

(1) The statutory representative of a newly born foreign national shall be obliged to present, along with the application stipulated in Section 88 (2),

- a) the travel document of the child; if the statutory representative is a foreign national, presentation of a travel document may be substituted with the statutory representative's own travel document, in which the child is recorded;
- b) the birth certificate of the child;
- c) a document on medical travel insurance for the period of the residence in the Czech Republic or a statutory declaration that he/she shall cover the costs associated with the provision of healthcare to the child.

(2) The statutory representative of a newly born foreign national shall be required to present along with the application stipulated in Section 88 (3) documents under paragraph 1 (a) and (b).

CHAPTER VI FOREIGN NATIONAL'S DEPARTURE FROM THE CZECH REPUBLIC

Section 90

(1) The procedure to be respected by the Police during border checks and during departure of a foreign national from the Czech Republic is laid down in the directly applicable legal regulation of the European Communities¹⁾.

(2) The Police shall confirm, in compliance with the directly applicable legal regulation of the European Communities¹⁾, the departure of a foreign national from the Czech Republic by affixing an exit stamp in his/her travel document.

Section 91

The Police shall enable a citizen of the European Union and his/her family member who travels to a Member State of the European Union to leave the Czech Republic without a travel document if

- a) a citizen of the European Union submits an other document proving his/her identity and the fact that such a foreign national is a citizen of the European Union, or a permanent residence card of a citizen of the European Union;
- b) a family member of a citizen of the European Union who is not him/herself submits an other document proving his/her identity and the fact that her/she is a family member of the citizen of the European Union, or a residence card of a family member of the citizen of the European Union or a permanent residence permit card.

Section 92

Denial to Permit a Foreign National to Leave the Czech Republic

The Police shall refuse to permit a foreign national to leave the Czech Republic if the foreign national had left behind a foreign national aged under 15 years, whose statutory representative he/she is, in the Czech Republic, unless the foreign national leaving the Czech Republic submits the following during the border check:

- a) a document verified by the Police confirming that the foreign national aged under 15 years is staying in the Czech Republic with a travel document and has been granted a visa, if such a foreign national is subject to visa obligation for his/her residence in the Czech Republic, and that a natural person over 18 years or a legal entity has undertaken to bear the costs associated with the subsistence of the foreign national concerned, his/her accommodation and medical treatment throughout the period of his/her residence in the Czech Republic until the foreign national concerned leaves the Czech Republic and any costs incurred by the Police in connection with a decision, if any, on administrative expulsion; or
- b) a document issued by a medical facility confirming that the foreign national aged under 15 years has been hospitalised; the Police shall permit the foreign national to leave the Czech Republic even if a document issued by such medical facility is not submitted, provided that the statutory representative signs a statutory declaration confirming that his/her leaving the Czech Republic is not contrary to the interests of the foreign national whom he/she is leaving behind in the Czech Republic.

TITLE VII

REPORTING THE PLACE OF RESIDENCE IN THE CZECH REPUBLIC

Section 93

(1) A foreign national shall be obliged to report the place of his/her residence in the Czech Republic (Section 97) to the Police within three working days from the date of his/her entry to the Czech Republic; this provision shall not apply if the foreign national is a person aged under 15 years, a member of the staff of an embassy of a foreign country or an international governmental organisation accredited in the Czech Republic, his/her family member registered by the Ministry of Foreign Affairs, or a foreign national, whose accommodation is provided by the Ministry. The obligation to report the place of residence to the Police shall neither apply to a foreign national who has fulfilled this obligation with the provider of accommodation [Section 103 (b)].

(2) A citizen of the European Union ^{1b)} shall be obliged to report the place of his/her residence in the Czech Republic to the Police within 30 days from the date of his/her entry to the Czech Republic, if the expected length of his/her stay exceeds 30 days; this obligation shall also apply to a family member of a citizen of the European Union, if this citizen is staying in the Czech Republic. The obligation to report the place of residence to the Police shall not apply to a foreign national who has fulfilled this obligation with the provider of accommodation (Section 103 (b)).

(3) No title rights to the premises, where the foreign national resides, or to the owner of the premises shall arise from reporting the place of residence of a foreign national.

Section 93a

Reporting the Place of Residence of a Green Card Holder

(1) A foreign national who has been issued a Green Card shall be obliged to meet the obligation laid down in Section 93 (1) in person.

(2) When reporting the place of residence after his/her entry in the Czech Republic a foreign national shall be obliged to submit a document proving that he/she has accommodation in the Czech Republic (Section 71 (2)); if a foreign national does not submit such a document then he/she shall be obliged to do the same no later than within ten working days from his/her entry in the Czech Republic.

(3) The Police shall make a copy of the document on accommodation, verify that such copy is identical to the original and shall send it forthwith to the Ministry. If a foreign national does not meet the obligation referred to paragraph 1 or 2 the Police shall forthwith inform the Ministry thereof.

Section 94 repealed

Section 95

The obligation to report the residence in the Czech Republic shall not apply to a foreign national who is in a detention facility, in custody, who is serving a prison sentence or who has been placed in a Police cell ⁷⁾ or in a Facility (Section 130).

Section 96

(1) A natural person in whose foster care a foreign national has been entrusted¹³⁾ or a legal entity that provides a foreign national with institutional care shall be obliged to register a foreign national aged under 15 years, or a foreign national who does not have the legal capacity to perform such an act under this Act, for permanent residence in the Czech Republic within three working days from the date when permanent residence permit came into force (Section 87).

(2) The person or entity referred to in the previous paragraph shall submit to the Police a court decision or a decision of the authority for the social and legal protection of children and, if a natural person is concerned, a document confirming that such person has been registered for permanent residence in the Czech Republic.

Section 97

When reporting the foreign national's address in the Czech Republic, the foreign national or the person or entity referred to in Section 96 (1) shall be obliged to notify the Police, by filling in a registration form, of the name and surname of the foreign national being registered, the day, month, year and place of his/her birth, nationality, the permanent address abroad, the number of his/her travel document and visa, if such visa had been affixed in the travel document, the starting date of the residence and the place of residence, the expected length and purpose of the residence in the Czech Republic and the registration number of the motor vehicle in which the foreign national arrived in the Czech Republic.

Section 98

Reporting Any Changes

(1) A foreign national who has been issued a residence card of a family member of the citizen of the European Union and a citizen of the European Union who has met his/her reporting obligation pursuant to Section 93 (2) or who has been issued a confirmation on temporary residence in the Czech Republic shall be obliged to notify the Police about a change of address in the Czech Republic within 30 working days from the date of such change. A foreign national who has been issued a permanent residence permit card or a permanent residence permit card of a citizen of the European Union shall be obliged to notify the Ministry about a change of address in the Czech Republic within 30 working days from the date of such change. The obligation shall apply to a foreign national if the expected duration of the change of the place of residence exceeds 180 days.

(2) The person or entity referred to in Section 96 (1) shall report a change on behalf of a foreign national referred to in Section 87 who is not legally capable of such an act under this Act.

(3) A foreign national who resides in the Czech Republic on the basis of a visa for a stay of over 90 days or a long-term residence permit shall be obliged to report a change of his/her place of residence in the Czech Republic to the Police office with jurisdiction over his/her new place of residence within 30 days from the date of such change, if the expected duration of the change of the place of residence exceeds 30 days.

(4) A foreign national who has been permitted temporary residence in the Czech Republic without a visa shall be obliged to report a change in the place of residence in the Czech Republic to the Police office with jurisdiction over his/her new place of residence

within 30 days from the date of the change, if it is known to the foreign national that the duration of the change in the place of residence shall exceed 90 days.

(5) A foreign national or the person or entity referred to in Section 96 (1) shall report changes stipulated in the previous paragraphs by filling in a registration form; at the request of the Police, the person or entity reporting the change shall be obliged to submit documents confirming the truthfulness of the information stated in the form.

Section 98a

Deleting the Data Concerning the Reported Place of Residence of a Foreign National in the Czech Republic

(1) The Police shall delete the data concerning the reported place of residence in the Czech Republic stated in a document issued hereunder to a citizen of the European Union or his/her family member for temporary residence in the Czech Republic and the Ministry shall delete the same in a document of a foreign national who is in possession of a permanent residence permit card in the Czech Republic if

- a) such data was recorded on the basis of falsified, invalid or forged documents or false or incorrect facts;
- b) the premises where the residence of a foreign national had been reported in the Czech Republic, is removed or ceases to exist ;
- c) such accommodation does not satisfy conditions stipulated in Section 100 (d); or
- d) the right to use such premises or part thereof where the residence of a foreign national had been reported in the Czech national ceases to exist and such premises or part thereof are not used any more.

(2) The Police or the Ministry shall delete the data concerning the reported place of residence in the Czech Republic referred to in paragraph 1 (d) at the request of the owner or the person authorised to use such premises or part thereof; the person requesting such deletions shall be obliged to prove existence of such reason.

(3) After the data concerning the reported place of residence in the Czech Republic has been deleted the seat of the administrative authority which officially deleted such data shall become the place of residence of the foreign national concerned. The Police shall inform the Ministry thereof.

Provider of Accommodation and the Provider's Obligations

Section 99

(1) For the purpose of this Act, a provider of accommodation shall be anyone that provides accommodation to a foreign national for pecuniary consideration.

(2) For the purpose of this Act, accommodation means a relation on the basis of an agreement on accommodation, lease agreement or any agreement with similar content.

Section 100

- A provider of accommodation shall be obliged
- a) to report the death of a foreign national provided with accommodation to the Police without any delay;
 - b) to enable the Police to enter the places where the foreign national may be staying if such a place is used for business undertaking or some other economic activities, provided that such entry does not violate the foreign national's right to privacy or family life;
 - c) to notify the Police that a foreign national has been provided with accommodation (Section 102);
 - d) to provide foreign national accommodation which is not apparently inadequate to the level of accommodation provided by other providers of accommodation in similar premises in the municipality, district, or region respectively. The adequacy shall be assessed, in particular, by comparing sanitary conditions and the number of accommodated persons;
 - e) to provide a foreign national, at the foreign national's request, with a certificate confirming accommodation and stating his/her name, surname, street, place and the duration of accommodation;
 - f) to maintain a guest register and submit the same for inspection at the request of the Police.

Section 101 **Guest Register**

(1) A guest register is a document wherein a provider of accommodation enters the name and surname of the foreign national provided with accommodation, the day, month and year of his/her birth, his/her nationality, the number of his/her travel document, and the start and end date of the accommodation.

(2) For the purposes of the inspection referred to in Section 100 (e), a guest register shall be maintained by a provider of accommodation in writing; a digitised form shall be excluded for the purposes of the inspection.

(3) Entries in the guest register shall be made in a clear and comprehensible manner. These entries shall be arranged chronologically in terms of time.

(4) A guest register shall be retained by the provider of accommodation for six years from the date of the last entry.

(5) The personal data maintained in a guest register shall only be treated in such manner as set out in a special legal regulation.¹⁵⁾

Section 102 **Reporting the Provision of Accommodation**

(1) A provider of accommodation shall be obliged to report that a foreign national has been provided with accommodation within three working days after the provision of accommodation.

¹⁵⁾ Act No. 256/1992 Coll., on the Protection of Personal Data in Information Systems.

(2) The notice referred to in paragraph 1 shall be given to a relevant Police unit.

(3) The obligation to report the provision of accommodation can be met by

- a) submitting a filled-in registration form or
- b) by means of technical data media and telecommunication transmission of such data in the scope of the information recorded in a guest register, if such transmission is possible.

(4) If the provider of accommodation reports accommodation of a foreign national by the manner laid down in paragraph 3 (b) the registration form shall be archived for six years from the date of accommodation of the foreign national.

TITLE VIII OBLIGATIONS

Section 103

Obligations of a Foreign National

In addition to the obligations set forth in other provisions hereof, a foreign national shall be obliged

- a. to appear in person at the Police on the first working day following the day of his/her release from a detention facility, custody or prison, unless the foreign national is a holder of a valid travel document and a visa, if this is a condition of his/her residence in the Czech Republic;
- b. to submit to the provider of accommodation a travel document, a residence permit card, confirmation on temporary residence, a card of a family member of the citizen of the European Union, a permanent residence permit card or a permanent residence permit card of a citizen of the European Union and to personally fill in and sign a registration form (Section 97); the obligation to personally fill in and sign a registration form shall not apply to foreign nationals aged under 15 years;
- c. to provide true and complete information required within the scope set out by this Act in the proceedings conducted pursuant to this Act;
- d) to prove, at the request of the Police, his/her identity by presenting a travel document, a residence permit card or an identity card issued by the Ministry of Foreign Affairs to persons enjoying privileges and immunities under international law and to provide evidence that he/she complies with the conditions of his/her residence in the Czech Republic within a period set by the Police; a citizen of the European Union shall be obliged to prove his/her identity by submitting a travel document or any other document proving his/her identity, including nationality of a Member State of the European Union or by submitting a permanent residence permit card of a citizen of the European Union; a family member of a citizen of the European Union shall be obliged to prove his/her identity by submitting a travel document or a card on residence of a family member of a citizen of the European Union or a permanent residence permit card; if such family member is not in possession of such document or card he/she may prove his/her identity by any other document, however, at the same time such family member shall be obliged to prove that he/she is a family member of the citizen of the European Union;
- e) to notify the Police of any change in his/her surname, personal status and any change in his/her travel document or in a document issued under this Act; a foreign national shall be obliged to report any change to the authority, which issued a document authorising

- such foreign national to reside in the Czech Republic, within three working days from the date on which the change occurred; in the case of a citizen of the European Union or his/her family member within a period of 15 working days;
- f) to protect the documents issued under this Act against loss, theft, damage or abuse and to make sure that such documents contain true information;
 - g) to apply for issue of a new document containing a photograph, without undue delay, if the foreign national's appearance has changed;
 - h) to surrender the document that was issued pursuant to this Act and which is invalid or full of official entries to the Police without undue delay; the obligation shall apply also after termination of a permanent residence permit or after termination of the validity of a permanent residence permit; a foreign national shall be obliged to surrender such document to the authority which had issued the same;
 - i) to surrender any document issued pursuant to this Act, except for a visa and a travel identity document if issued for the purposes of leaving the Czech Republic, not later than three days prior to the termination of his/her residence in the Czech Republic; a foreign national shall be obliged to surrender such document to the authority which had issued the same;
 - j) to report any loss, destruction, damage or theft of any document issued pursuant to this Act within three working days from the date when such event occurred; if it occurred in the Czech Republic the foreign national shall be obliged to report such event to the authority which had issued the document concerned; if such event occurred abroad, the foreign national shall report it to an Embassy;
 - k) to submit to fingerprinting and the taking of facial images carried out by the Police in connection with his/her visa being declared invalid, with administrative expulsion proceedings, with detention for the purpose of administrative expulsion or with establishment of his/her identity, with meeting obligations arising from an International Agreement or a directly applicable legal regulation of the European Communities and, on request, to submit to fingerprinting and the taking of facial images when applying for a visa and when verifying the foreign national's identity;
 - l) to submit to a medical examination and other measures aimed at limiting the occurrence and the spread of contagious diseases in the cases in which this is justified by the state of his/her health;
 - m) to notify the Police, without any delay, about any loss or theft of a travel document pursuant to Section 108 (1) (a), (b), (c), (g) or (h);
 - n) to reside in the Czech Republic only with a valid travel document and a visa, unless stipulated otherwise herein;
 - o) to prove, at the request of the Police, the possession of funds for his/her residence; this provision shall not apply in the case of a citizen of the European Union^{1b)}, his/her family member or a foreign national who resides in the Czech Republic on the basis of a long-term residence permit for the purpose of protection;
 - p) to request the relevant Police authority or a medical facility to issue a document referred to in Section 92 and to submit this document during a border check when leaving the Czech Republic, if he/she is going to leave a foreign national aged under 15 years of age, whose statutory representative he/she is, behind in the Czech Republic;
 - r) to present, during a residence check, a document confirming that costs of medical care shall be covered; this provision shall not apply in the case of a foreign national residing in the Czech Republic in the interest of the Czech Republic or a foreign national who was not obliged to submit a document on travel medical insurance to an Embassy.

Section 104

Obligations of a Carrier

(1) An air carrier shall be forbidden to transport a foreign national who is not in possession of travel document or a visa if it is required for the purpose and destination of the journey or if the same is required for staying in the transit zone of an international airport in the Czech Republic.

(2) A water transport carrier or a carrier of regular bus transport shall be forbidden to transport a foreign national who is not in possession of travel document or a visa if the same is required for the purpose and destination of the journey.

(3) A carrier^{15a)} shall be obliged, under the order of the Police and in compliance with the directly applicable legal regulation of the European Communities^{15b)} to take charge of a foreign national and transport him/her abroad provided that such foreign national was refused entry to the Czech Republic. The obligation to take charge of a foreign national and transport him/her abroad shall also apply to an air carrier who

- a) has transported such foreign national to the Czech Republic if the foreign national does not submit a travel document or an airport visa, if such visa represents the condition upon which he/she may stay in the transit zone of an international airport in the Czech Republic;
- b) has transported such foreign national to the Czech Republic and this or any other carrier refused to transport such foreign national to the destination country; or
- c) transported a foreign national across the Czech Republic if such foreign national was refused entry to any other.

A carrier shall be obliged to ensure transport abroad within 48 hours from the time when the carrier received the order from the Police if land or water carriers are concerned, and within seven days if an air carrier is concerned; the time limit shall be suspended for the term of proceedings for granting international protection under the special legal regulation²⁾.

(4) An air carrier who transported a foreign national to the Czech Republic shall be obliged, under the order of the Police, to transport such foreign national abroad

- a) in the case of a foreign national whose airport visa was cancelled and the foreign national refuses to continue his/her journey to any other country ; or
- b) in the case of a foreign national staying in the transit zone of an international airport and refusing to continue his/her journey to any other country and reasons stipulated in Section 9 (1) (f), (g), (h) or (i) are established.

(5) An air carrier shall be obliged to bear the costs^{15c)} associated with the stay of a foreign national in the Czech Republic or in the transit zone of an international airport until they transport such foreign national abroad in compliance with the directly applicable legal regulation of the European Communities^{15b)}.

Section 105

Obligation of a Court, a Facility for Detention of Foreign Nationals, a Custody Facility and a Prison

(1) A court that has finally and conclusively

^{15a)} Article 2 (14) of Regulation of the European Parliament and the Council (EC) No. 562/2006

^{15b)} Annex 5, part A (3) (a) of Regulation of the European Parliament and the Council (EC) No. 562/2006

^{15c)} Article 3 of Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

- a) sentenced a foreign national;
- b) restricted or deprived a foreign national of legal capacity;
- c) declared the foreign national to be dead; or
- d) decided on divorce or invalidity of the marriage in the cases where a foreign national is a party to such court proceedings

shall inform the relevant Police department with territorial jurisdiction over the registered place of residence of the foreign national about such facts; in debatable cases, the court shall inform the Police department with territorial jurisdiction covering the seat of the court.

(2) A facility for detention of foreign nationals, a custody facility or a prison shall inform, without any delay, the Police department with territorial jurisdiction over the seat of the detention facility for foreign nationals, the custody facility or the prison about the decision on the release of a foreign national from the detention facility for foreign nationals, custody or on termination of the prison sentence of a foreign national.

(3) The Police shall forward information delivered pursuant to paragraph 1 or 2 forward, without any delay, to the Ministry if such information regards a foreign national in possession of a permanent residence permit.

Section 106

Obligations of the State Administration Authorities

(1) Labour Offices of the Czech Republic shall be obliged to give a written notice to the Police, without any delay, of

- a) employment of a foreign national who is not in possession of a residence permit;
- b) the fact that a foreign national has not started the job indicated in his/her work permit or the job determined for a Green Card holder;
- c) the fact that employment of a foreign national was terminated prior to the period indicated in the labour permit or the Green Card has lapsed; in the case where the employment was terminated by the notice given under any of the reasons stipulated in Section 52 (a) through (e) of the Labour Code or by a mutual agreement under the same reasons or by immediate termination under Section 56 of the Labour Code the reasons for termination of employment must be stated.

Labour Offices of the Czech Republic shall be also obliged to deliver to the Police, without any delay, the copy of the decision on granting, refusing to grant, extending, refusing to extend, or withdrawing a work permit.

(2) A Trade Licensing Office shall be obliged to give a written notice to the Police, without any delay, that the office issued a confirmation to a natural person, who reported a new business or applied for concession, proving that all general and special conditions for operating a business undertaking abroad have been satisfied; this obligation of a Trade Licensing Office shall also apply to the issue of a trade licence, the decision on granting concession or issue of a concession certificate, suspension or cancellation of a trade licence, the decision that by reporting it the trade licence did not come into force or that a trader did not meet conditions for being granted a trade licence, the decision on discontinuation of the proceedings on granting concession and the decision on rejecting the application for concession.

(3) Municipal Authorities of municipalities with extended scope of competence and specially authorised municipal authorities shall be a obliged to give a written notice to the Police, without any delay that a citizen of the European Union or his/her family member

residing in the Czech Republic on a temporary basis has become an unjustifiable burden for the welfare system, the system providing contributions for care or a system of assistance in financial difficulties in the Czech Republic. The scope of competence set forth for Municipal Authorities of municipalities with extended scope of competence and specially authorised municipal authorities under the first sentence is an execution of delegated powers.

(4) The authority providing assistance in financial difficulties⁹ⁿ⁾ shall be obliged to give a written notice to the Police, without any delay, that an aggregate income of a resident of a Member State of the European Union or his/her family member(s) who were issued a long-term residence permits and of all persons assessed together with him/her [Section 42c (3) (c)] does not reach the amount required to cover costs of living of all persons assessed together.

(5) *The Police shall forward, without any delay, information obtained under paragraphs 1 through 4 to the Ministry if such information regards a foreign national who has been issued a long-term residence permit or a citizen of the European Union or his/her family member residing in the Czech Republic on the temporary basis (as of 1 January 2013).*

(6) If a foreign national has been issued a Green Card the Ministry of Labour and Social Affairs, the Ministry of Industry and Trade or any other authorities, as the case may be, shall be obliged to forthwith inform the Ministry on facts which are known to them and could be reasons for cancellation of the Green Card.

Section 107

Obligations of Other Persons or Entities

(1) A person who shall find or shall otherwise obtain a travel document referred to in Section 108 (1), a residence permit card, confirmation on temporary residence, a permanent residence permit card, a residence card of a family member of the citizen of the European Union or a permanent residence permit card of a citizen of the European Union shall be obliged to surrender the same to the Police without any delay.

(2) A provider of accommodation for a foreign national shall be obliged to provide such a foreign national, at the request of the foreign national him/herself, with a document confirming that accommodation was provided and stating the period for which the accommodation has been provided.

(3) A person who is inviting a foreign national shall be obliged to provide compensation for loss, whether property-related loss or non-property-related loss, incurred by the state as a result of a failure to meet the obligations stated in the invitation certified by the Police.

(4) A person who assumed the commitment referred to in Section 15 shall be obliged to inform the Police forthwith of the termination of his/her commitment. The commitment referred to in Section 15 cannot be terminated during the stay of the invited foreign national in the Czech Republic.

(5) A higher education institution or a tertiary professional school shall be obliged to forthwith inform the Police on interruption or discontinuation of the studies of a holder of a long-term residence permit for the purpose of studies.

(6) A research organisation which entered with a foreign national into a hosting agreement^{9j)} shall forthwith inform the Police on terminating such an agreement or shall provide information which prevents the agreement to continue.

(7) The Ministry of Education, Youth and Sports shall forthwith inform the Police in writing that a research organisation was deleted from the list of research organisations approved for taking on researchers from third countries and maintained under the special legal regulation^{9j)}.

TITLE IX TRAVEL DOCUMENTS

Section 108

(1) For the purposes of this Act, a travel document shall mean:

- a) a public instrument recognised by the Czech Republic as a travel document;
- b) a public instrument which meets the conditions set out in paragraph 2;
- c) an identity card of a citizen of the European Union^{1b)};
- d) a foreign national's passport valid to all countries in the world;
- e) a travel identity card;
- f) a travel document issued by the Czech Republic under an International Agreement;
- g) an emergency travel document of the European Union^{15e)};
- h) the list of travellers for school trips within the European Union^{7b)} if
 1. a current photograph is included on the list for any of the school pupils therein mentioned who are unable to identify themselves with an ID card bearing a photograph;
 2. the responsible authority of the Member State in question confirms residence status of the school pupil as well as his or her right to re-entry and the Member State in which the school pupils reside notifies the Czech Republic that it wishes it to respect this list as a travel document.

(2) For the purposes of this Act, a public instrument issued by a foreign state for the purpose of travelling abroad can be recognised as a travel document referred to in paragraph 1 (b), provided that its form and language, in which the information is stated, complies with international practice and its territorial validity includes the Czech Republic and also provided that the following may be ascertained from such an instrument:

- a) information on the nationality of a foreign national;
- b) information on the identity of a foreign national;
- c) a photograph of its holder;
- d) information on the expiry date.

Section 109

^{15e)} Decision of the Representatives of the Governments of the Member States, meeting within the Council of 25 June 1996 on the establishment of an emergency travel document

(1) A foreign national's passport, an identity card and a travel document referred to in Section 108 (1) (f) shall be issued at the request of a foreign national, unless stipulated otherwise herein.

(2) A foreign national who loses any of the documents referred to in paragraph (1) whilst abroad shall be issued, at his/her request, by an Embassy with a travel identity card for a journey to the Czech Republic; the issue is conditional upon the consent of the authority which had issued the original document.

(3) The travel documents referred to in paragraph (1) are deemed to be public instruments.

Section 110 repealed

Section 111

(1) In an application for a foreign national's passport, a travel identity card or a travel document as stipulated in Section 108 (1) (f) the foreign national shall state his/her surname, first name, other names, gender, the day, month and year of birth, the place and country of birth, his/her nationality and his/her registered place of residence in the Czech Republic. Photographs shall be attached to the application on issue of a travel identity card or a travel document pursuant to Section 108 (1) (f) which does not bear a storage medium containing biometric identifiers.

(2) A foreign national shall be obliged to provide his/her photograph along with an application for the issue of a foreign national's passport pursuant to Section 113 (3).

(3) A foreign national's passport, a travel identity card or a travel document referred to Section 108 (1) (f) may encompass all of the information referred to in paragraph 1 and may be provided with a photograph of the foreign national applying for the issue of such a document. A foreign national's passport, issued under Section 113 (1) or (2), will be furnished with a storage medium containing biometric identifiers, being a facial image and fingerprints.

Section 112

When changes are being made to travel documents, which are not furnished with a storage medium for biometric identifiers, referred to in Section 108 (1) (d), (e) and (f), procedures similar to the procedures for issuing such documents shall apply; no photographs shall be required.

Section 113

(1) A foreign national's passport which is furnished with a storage medium containing biometric identifiers shall be issued for ten years; to foreign nationals under the age of 15 for five years, to foreign nationals enjoying subsidiary protection for a period corresponding to the validity of a card entitling them to enjoy subsidiary protection under the special legal regulation²⁾ and to foreign nationals staying for the purpose of temporary

protection for a period corresponding to the validity of a card entitling them to enjoy temporary protection under the special legal regulation^{3a)}. At the request of a foreign national who has been issued a foreign national's passport furnished with a storage medium containing biometric identifiers, the correctness of data recorded in the foreign national's passport as well as functionality and correctness of data stored on a storage medium containing biometric identifiers will be verified. Operability and correctness of the data recorded in a storage medium containing biometric identifiers shall be verified by means of a technical device enabling comparison of currently retrieved and displayed biometric identifiers of a foreign national with the biometric identifiers saved on the storage medium bearing biometric identifiers. If the medium bearing biometric identifiers does not function properly, the data saved is incorrect or the data recorded in the foreign national's passport is not correct the foreign national shall be entitled to a new foreign national's passport.

(2) A foreign national whose fingerprints cannot be taken due to his/her anatomic or physiological changes or deformity of fingers shall be issued a passport furnished with storage medium containing only a facial image. The storage medium shall also contain information stating that it was impossible to take fingerprints. A foreign national's passport shall be issued within 30 days from the date on which the application was filed and shall be valid for a period referred to in paragraph 1.

(3) A foreign national who applies to be issued a foreign national's passport within a time limit shorter than 30 days shall be issued, not later than 15 days after having filed the application, a foreign national's passport without a storage medium for biometric identifiers and without machine readable data. Such a passport shall be neither furnished with a digital photograph nor a digital signature of a foreign national. Such a document shall be issued for six months or for a period corresponding to the validity of a card of a foreign national enjoying temporary protection pursuant to the special legal regulation^{3a)} or for a period corresponding to the validity of a card of a person enjoying subsidiary protection under the special legal regulation²⁾ if it is shorter than six months.

(4) A foreign national's passport issued under paragraph 1 or 2 bears a machine readable zone. The data shall be recorded in the machine readable zone in the following sequence: the type of a travel document, code of an issuing country, surname, first name or other names of a foreign national, the number of the foreign national's passport, nationality, date of birth, gender, validity period of a foreign national's passport, birth identity number and reference figures which represent a numerical description of selected data included in the machine readable zone.

(5) The validity of a foreign national's passport may not be extended. A foreign national's passport shall lose its validity on the date when cancellation of a permanent residence permit comes into force, or on the date when permanent residence is cancelled under Section 87 or when the residence for the purpose of temporary protection in the Czech Republic is withdrawn or ceases to exist under the special legal regulation^{3a)}.

(6) The data processed on a storage medium with biometric identifiers (paragraph 1) may not be processed in any manner other than the one stipulated by law.

(7) The Ministry shall issue a foreign national's passport
a) at the request of a foreign national who resides in the Czech Republic on the basis of a residence permit, does not have any valid travel document and shall prove that he/she is prevented from obtaining such travel document for reasons beyond his/her control;

- b) at the request of a foreign national, who is in possession of a permanent residence permit referred to in Section 87, provided that he/she
 - 1. is aged under 15 years; or
 - 2. his/her capacity to perform legal acts has been restricted by the decision of a court;
- c) to a foreign national who enjoys temporary protection under the special legal regulation^{3a)} and who is not in possession of a valid travel document;
- d) at the request of a foreign national who has been granted subsidiary protection under the special legal regulation, who is not in possession of a valid travel document and shall prove that he/she cannot obtain such a travel document for reasons beyond his/her control.

(8) A holder of a foreign national's passport furnished with a storage medium with biometric identifiers is entitled to request any authority competent for issuing such passport or an Embassy to verify the functionality of the storage medium or the correctness of biometric identifiers and/or data stored on it. If the medium bearing biometric identifiers does not function properly, the data saved is incorrect or the data recorded in the foreign national's passport is not correct the foreign national shall be entitled to a new foreign national's passport. In such case a foreign national's passport shall be issued subject to an administrative fee if the foreign national was provably aware of circumstances that could have damaged or caused inoperativeness of a storage medium containing biometric identifiers.

(9) Biometric identifiers may be used exclusively for verification of the authenticity of a foreign national's passport and the identity of the foreign national by means of personal data recorded in a foreign national's passport, or for comparison of biometric identifiers (paragraph 1) processed on a storage medium containing biometric identifiers. The data shall be verified by means of a technical device enabling comparison of currently retrieved and displayed biometric identifiers of a foreign national with the biometric identifiers saved on the storage medium bearing biometric identifiers.

Section 114 **Travel Identity Card**

(1) A travel identity card for the purpose of leaving the Czech Republic shall be issued by the Police at the request of a foreign national

- a) who is not in possession of any valid travel document and is prevented from obtaining the same in some other way for reasons beyond his/her control;
- b) who has been granted a visa for a stay for over 90 days for the purpose of leave to remain in the Czech Republic referred to in Section 33 (1) (a) or (b) or who has been, for the same reasons, granted a long-term residence permit for the purpose of leave to remain in the Czech Republic pursuant to Section 43, or such foreign national has been granted a visa for a stay of over 90 days for the purpose of leave to remain under the special legal regulation²⁾ if the foreign national resides in the Czech Republic without a valid travel document; or
- c) who is aged under 15 years who has been hospitalised and whose statutory representative has left the Czech Republic and signed the statutory declaration pursuant to Section 92 (b).

(2) A foreign national referred to in paragraph (1) (a) and (c) shall be issued by the Police with a travel identity card with a maximum validity period of 180 days and with

territorial validity covering all the countries around the world. A foreign national referred to paragraph (1) (b) shall be issued by the Police with a travel identity document with a maximum validity period of 365 days and with territorial validity covering all the countries around the world.

(3) The Police shall issue a travel identity card to a foreign national who resides in the Czech Republic without a valid travel document after

- a) a short-term visa has been declared invalid;
- b) a decision on the cancellation of the validity of a visa for a stay of over 90 days or a long-term residence permit has become effective;
- e) a visa for a stay of over 90 days for the purpose of leave to remain in the Czech Republic is granted pursuant to Section 33 (3) or after a long-term residence permit for the purpose of leave to remain in the Czech Republic is granted pursuant to Section 43 for the same reason; the validity period of such document shall be set according to the validity period of the granted visa or long-term residence permit.

(3) A travel identity card for the purpose of leaving the Czech Republic shall also be issued by the Police to a foreign national on whose expulsion a valid decision has been made and whose protection in the Czech Republic has been terminated under the special legal regulation^{2), 3a)} and who is not in possession of any other travel document.

(4) The Ministry shall issue a travel identity card to a foreign national who has been issued a long-term residence permit for the purpose of protection in the Czech Republic if such foreign national is not in possession of a valid travel document and he/she is prevented from obtaining such travel document for reasons beyond his/her control. The Ministry shall issue a travel identity card with territorial validity covering all the countries around the world and for the period corresponding to the validity of the long-term residence permit issued for the purpose of protection in the Czech Republic.

(5) The Ministry shall issue a travel identity card to a foreign national who resides in the Czech Republic without any valid travel document after

- a) a decision on the cancellation of the validity of a long-term residence permit has become effective;
- b) a long term residence permit (Section 87) ceases to exist; or
- c) such foreign national has been issued a long-term residence permit for the purpose of protection in the Czech Republic and he/she is prevented from obtaining such travel document for reasons beyond his/her control; a travel identity card shall be issued with territorial validity covering all the countries around the world and for the period corresponding to the validity of the long-term residence permit issued for the purpose of protection in the Czech Republic.

Section 115

Reasons for Withdrawal and Denial of a Foreign National's Passport, a Travel Identity Card or a Travel Document Pursuant to Section 108 (1) (f)

(1) The Police shall not issue a foreign national's passport, a travel identity card or a travel document referred to in Section 108 (1) (f) to a foreign national, or shall withdraw the issued document, if the reasons for issue thereof have ceased to exist.

(2) The Police shall not issue a foreign national's passport, a travel identity card or a travel document referred to in Section 108 (1) (f), or shall withdraw the issued document in the case of a foreign national against whom

- a) execution of a decision has been ordered for his/her failure to comply with the duty to support and maintain or for his/her failure to perform his/her financial obligations; or
- b) criminal proceedings are being conducted or who failed to serve a prison sentence imposed by a court, unless his/her sentence was remitted or his/her sentence is statute-barred;

upon the condition that such a decision shall be adequate with respect to its impact on the private or family life of the foreign national.

(3) A foreign national's passport shall not be issued under Section 113 (7) (d) if

- a) there is a substantiated risk that such foreign national, during his/her stay in the Czech Republic, might endanger the security of the state or seriously disrupt public order; or
- b) such foreign national has been entered in the Information System of Contracting States.

Section 115a

Emergency Travel Document of the European Union

(1) An emergency travel document of the European Union shall be issued by an Embassy at the request of a citizen of the European Union whose passport or travel document has been lost, stolen or destroyed or is temporarily unavailable and he/she is in the territory of a country where the applicant's Member State of origin has no accessible diplomatic or consular representation with the capacity to issue a travel document, or where that State is not otherwise represented and clearance from the authorities of the applicant's Member State of origin has been obtained.

(2) An emergency travel document of the European Union may be issued for a single journey to the applicant's Member State of origin, country of permanent residence or, exceptionally, another destination.

(3) An applicant for an emergency travel document of the European Union must complete an application form where he/she states his/her name or names, surname, gender, height, birth date, place and country of birth, nationality, permanent residence address, mailing addresses and justifies his/her application. The applicant shall submit along with his/her application available documents proving his/her identity and nationality, state the country to which he/she intends to travel and submit photographs.

(4) An emergency travel document of the European Union shall be issued by an Embassy for a period barely longer than the minimum period required for completion of the journey for which it is issued.

(5) A photocopy of each emergency travel document of the European Union issued shall be sent by an Embassy to the authority of the applicant's Member State of origin.

Section 116

Invalidity of a Travel Document

For the purposes of this Act a travel document shall be deemed to be invalid if

- a) the validity period stated therein had expired;
- b) the travel document had been damaged to such an extent that the entries therein are illegible;
- c) it has been flawed;
- d) it contains incorrect data and information or changes made in an unauthorised manner;
- e) the photograph in the document does not correspond to the actual appearance of the holder of the document; or
- f) the holder of the document is deceased or has been declared dead.

Section 117

Seizure of a Travel Document

(1) During a border or a residence check, the Police shall seize

- a) a travel document if it had not been issued in the name of the foreign national being checked; and
 - 1. the foreign national had presented such a document as his/her own; or
 - 2. the foreign national does not give a plausible reason why he/she is in possession of such travel document;
- b) a travel document pursuant to Section 108 (1) (d), (e) or (f), if it can be deemed to be invalid in accordance with this Act;
- c) a travel document referred to in Section 108 (1) (a), (b), (c), (g) or (h), if it has been declared invalid or stolen from another person by the authority of the country that had issued such a document.

(2) If a decision had been made, or if it can be reasonably expected that a decision shall be made to withdraw a travel document, such a travel document can be seized by an authority responsible for criminal proceedings.

(3) The Police shall issue the holder of a travel document referred to in Section 108 (1) (d), (e) or (f) with a certificate on seizure thereof and shall deliver the seized document, without any delay, to the Police department with territorial jurisdiction over the holder's place of residence in the Czech Republic and in the case of a travel document issued under Section 114 (5) or (6) or a foreign national's passport issued under Section 113 (8) the Police shall deliver the seized document, without any delay, to the Ministry, giving the reason for seizure thereof; the Police department or the Ministry referred to in the previous sentence shall decide either to withdraw the seized document or to return the same within 15 days after receiving the notice in question. If seizure referred to in paragraph (1) (b) is concerned, the document shall be destroyed after 60 days from the date of delivery, unless such document is evidence in criminal proceedings.

(4) The Police shall issue the holder of a travel document referred to in Section 108 (1) (a), (b), (c), (g) or (h) with a certificate on seizure thereof and shall deliver such a document, without undue delay, to the Ministry of Foreign Affairs, unless it is a forged or falsified document or a document that is evidence in criminal proceedings.

TITLE X

ADMINISTRATIVE EXPULSION

Section 118

(1) Administrative expulsion shall mean the termination of a foreign national's residence in the Czech Republic, accompanied by the specification of a time by which a foreign national shall be obliged to leave the Czech Republic and a time period during which the foreign national shall not be permitted to enter the Czech Republic. The time period during which the foreign national shall not be permitted to enter the Czech Republic shall be set by the Police in the decision on administrative expulsion of the foreign national. In justified cases the decision may set a specific border crossing point through which the foreign national is to leave the Czech Republic. If there is a substantiated risk that the foreign national might materially endanger public order or the security of the Contracting States then the Police shall inform the foreign national concerned on such facts and shall request to record data concerning such foreign national in the Information System of the Contracting States. The Police shall also inform the foreign national on consequences thereof.

(2) For the purposes of administrative expulsion, temporary residence in the Czech Republic shall also be deemed to include the unauthorised residence of a foreign national in the Czech Republic, the stay of a foreign national in the transit zone of an international airport, a stay based on a visa granted under the special Act²⁾ or a stay until the Ministry adopts a decision on the residence for the purpose of protection in the Czech Republic^{3a)} or the court makes a decision on the action lodged in the matter of temporary protection. If, in such case, a decision on administrative expulsion is not made because the consequence of such decision would have an inadequate impact on the private or family life of the foreign national, the Police shall issue the foreign national with an exit order. The foreign national shall be obliged to leave the Czech Republic within the time limit specified in the exit order.

(3) Collective administrative expulsion of foreign nationals on the basis of a single decision shall be prohibited.

Section 119

Administrative Expulsion from a Temporary Residence in the Czech Republic

(1) The Police shall make a decision on the administrative expulsion of a foreign national, who resides in the Czech Republic on a temporary basis, specifying a period for which the foreign national concerned shall not be permitted to enter the Czech Republic

a) of up to 10 years

1. if there is a substantiated risk that the foreign national might endanger the security of the state during his/her residence in the Czech Republic by using violence in asserting political aims or by performing an activity endangering the foundations of a democratic state or aimed at disrupting the integrity of the Czech Republic, and/or in any other similar manner; or
2. if there is a substantiated risk that the foreign national might materially violate public order during his/her residence in the Czech Republic; or
3. if the foreign national had repeatedly intentionally breached legal regulations or had obstructed the execution of judicial or administrative decisions;

b) of up to 5 years

1. if the foreign national attempts to prove his/her identity during a border or residence check by using a document that had been forged, or by using a document of some other person as his/her own document;

2. if the foreign national tries to prove his/her identity during a residence or border check when leaving the Czech Republic by using a document that is invalid for the reasons referred to in Section 116 (a), (b), (c) or (d);
 3. if the foreign national had been employed in the Czech Republic without a work permit even though such work permit is a condition for employment, or if the foreign national performs a taxable gainful activity without holding a licence defined in the special legal regulation¹⁶⁾ or had employed a foreign national without a work permit or had intermediated such employment to a foreign national;
 4. if the foreign national had acted or was to act on behalf of a legal entity that employed the foreign national without a work permit or that intermediated such employment;
 5. if the foreign national fails to submit to a border check if he/she is required by the Police to do so;
 6. if the foreign national crosses the national border in a hideout or attempts to do so;
 7. if the foreign national crosses the national border otherwise than through a border crossing point; or
 8. if the foreign national does not prove, in a reliable manner, that he/she resides in any of the Contracting States for a period for which he/she has been authorised to reside on temporary basis without any visa or on the basis of a short-term visa;
- c) of up to 3 years
1. if the foreign national resides in the Czech Republic without a travel document even though he/she has not been authorised to do so;
 2. if the foreign national resides in the Czech Republic without a visa even though he/she has not been authorised to do so, or without a valid residence permit; or
 3. if the foreign national had stated, in any procedure defined herein, untrue information with the intention of influencing the decision-making of an administrative authority.

(2) A decision on administrative expulsion of a citizen of the European Union^{1b)} or his/her family member who resides in the Czech Republic on the basis of a temporary residence permit may only be made if the citizen of the European Union or his/her family member

- a) endangers the security of the state;
- b) materially disrupts public order; which shall not apply in the case of a citizen of the European Union who resides in the Czech Republic continuously for at least ten years; or
- c) endangers public health since he/she suffers from a serious disease if such disease broke out within three months from such foreign national's arrival in the Czech Republic.

(3) A decision on the administrative expulsion of a foreign national who resides in the Czech Republic on the basis of a long-term residence permit for the purpose of family reunification, studies or scientific research may be issued only if such foreign national endangers the security of the state or materially disrupts public order or endangers public health since he/she suffers from a serious disease and with respect to the gravity of his/her conduct cancellation of his/her residence permit shall not be sufficient. The decision on administrative expulsion of a foreign national under the first sentence due to protection of public health may not be issued if the disease broke out after the foreign national received a long-term residence permit for the purpose of family reunification or studies in the Czech Republic.

¹⁶⁾ For example, Act No. 455/1991 Coll., on Licensed Trades (Trade Licensing Act), as amended.

(4) A decision on the administrative expulsion of a foreign national who resides in the Czech Republic on the basis of a long-term residence permit for a resident of a Member State of the European Union may be issued only if such foreign national endangers the security of the state or materially disrupts public order and with respect to the gravity of his/her conduct cancellation of his/her residence permit shall not be sufficient. If a competent authority of a member State of the European Union which had conferred on the foreign national a status of a resident of a Member State of the European Union agrees with such procedure the Police shall deport the foreign national from the territory of the Member States of the European Union which are bound by the special legal regulation of the European Communities^{7c)}.

(5) A decision on the administrative expulsion of a foreign national seeking international protection in the Czech Republic shall be enforceable after a decision by which

- a) international protection has not been granted;
- b) the application for international protection has been rejected as manifestly unfounded;
- c) the procedure on granting international protection was discontinued; or
- d) asylum or subsidiary protection was withdrawn

becomes effective and if the period allowed for filing an action against the decision of the Ministry in the matter of international protection had expired without any actions taken or if, under the special legal regulation²⁾, the action lodged against the decision of the Ministry in the matter of international protection does not have a suspensive effect. The decision on administrative expulsion is not enforceable if the court awards, at the request of the foreign national concerned, a suspensive effect to his/her action.

(6) A decision on administrative expulsion of a foreign national who applied for a residence permit for the purpose of temporary protection in the Czech Republic under the special legal regulation^{3a)}, shall be enforceable after a decision on rejection of the application becomes effective or after a decision on termination of the procedure concerning the application in question becomes effective, if the period allowed for filing an action against the decision of the Ministry in the matter of temporary protection had expired without any actions taken or if the court had not granted the foreign national's request for admission of a suspensive effect of an action in the matter of temporary protection or the court cancelled the award of a suspensive effect.

Section 119a

(1) A decision on administrative expulsion under Section 119 (1) (b), points 6 to 7, shall not be issued if a foreign national seeking international protection in the Czech Republic under the special legal regulation²⁾ comes directly from a country where he/she can be persecuted or can be exposed to serious harm^{16a)} and enters or resides in the Czech Republic without any permit and he/she comes, without any delay, to the Police or the Ministry and proves a serious reason for such unauthorised entry or residence in the Czech Republic.

(2) A decision on administrative expulsion under Section 119 may not be issued if such decision would result in an inadequate impact on the private or family life of the foreign national concerned.

(3) A decision on administrative expulsion of a minor citizen of the European Union under Section 119 may be issued only if there is a substantiated risk that the security of the

^{16a)} Section 2 (7) and Section 17 (2) of Act no. 325/1999 Coll. as amended by Act No. 165/2006 Coll.

state would be endangered or if it is in the interest of such minor and in compliance with the Convention on the Rights of the Child.

(4) A decision on administrative expulsion under Section 119 may not be executed in the case of a foreign national who has applied for a long-term residence permit for the purpose of protection in the Czech Republic or has been issued such permit. The Police shall discontinue proceedings on administrative expulsion which were not been closed prior to a long-term residence permit for the purpose of protection in the Czech Republic being issued.

(5) The Police shall cancel a decision on administrative expulsion under Section 119 for a foreign national who has been issued a long-term residence permit for the purpose of protection in the Czech Republic if his/he cooperation with a law enforcement authority contributed to detecting or convicting an offender of criminal acts or, after the departure from the Czech Republic, his/her life or health could be endangered with respect to such cooperation.

Section 120

Administrative Expulsion of a Foreign National in Possession of a Permanent Residence Permit

(1) The Police shall pass a decision on administrative expulsion of a foreign national in possession of a permanent residence permit setting the period for which the foreign national concerned will not be permitted to enter the Czech Republic whereby such period may be up to

- a) 10 years, if there is a substantiated risk that the foreign national might endanger the security of the state during his/her residence in the Czech Republic by using violence in asserting political aims or by performing an activity endangering the foundations of a democratic state or aimed at disrupting the integrity of the Czech Republic, and/or in any other similar manner;
- b) 10 years, if there is a substantiated risk that the foreign national, during his/her residence in the Czech Republic, might materially violate public order; or
- c) 3 years, if the foreign national has failed to meet the obligation referred to in Section 77 (3).

(2) A decision on administrative expulsion of a citizen of the European Union^{1b)} or his/her family member, who has been granted a permanent residence permit, may only be passed if such foreign national endangers the security of the state or materially violates the public order and, with regard to gravity of his/her actions, withdrawal of the residence permit shall not be sufficient.

(3) A decision on expulsion may not be taken if its consequence would have an inadequate impact on the private or family life of the foreign national concerned.

Section 120a

(1) As regards the decision on administrative expulsion under Sections 119 and 120 the Police shall be obliged to require a binding opinion^{9b)} of the Ministry as to whether the departure of a foreign national is possible (Section 179); this provision shall not apply if the Police decide on administrative expulsion concerning departure of a foreign national at the

border crossing point and the foreign national explicitly states that his/her departure is not prevented by any obstacle.

(2) If reasons preventing departure of a foreign national after the date on which the decision on expulsion became effective arise the Police shall pass a new decision under the special legal regulation^{5d)} after they required a binding opinion of the Ministry pursuant to paragraph 1.

(3) The Ministry shall issue its binding opinion forthwith.

(4) If the departure of a foreign national under paragraph 1 or 2 is not possible the Police shall record such fact in their decision on administrative expulsion and shall grant the foreign national a visa for residence of over 90 days for the purpose of leave to remain in the Czech Republic (Section 33 (3)).

(5) When the reasons preventing a foreign national to leave the Czech Republic cease to exist the Police shall issue a new decision in the same matter under the special legal regulation^{5d)}. On the date on which such decision comes into force the validity of the visa granted under Section 33 (3) shall terminate. The Police shall impose on a foreign national an exit order and specify a time limit within which the foreign national shall be obliged to leave the Czech Republic.

(6) A foreign national whose departure under paragraph 1 or 2 is not possible shall be entitled, without any delay after the decision on administrative expulsion has been issued, to file an application for international protection, under the special legal regulation²⁾, with the Ministry. If a foreign national does not file an application under the first sentence within two months, at the latest, from the date on which the decision on administrative expulsion came into force, the right to seek international protection shall cease to exist. The right to seek international protection shall not cease to exist if filing the application was prevented by reasons beyond foreign national's control and the foreign national shall file such application within three working days after such reasons cease to exist.

(7) The validity of the decision on administrative expulsion shall cease to exist if the decision on granting asylum or subsidiary protection is valid for a period

- a) equal to the period specified in the decision on administrative expulsion for which a foreign national's entry to the Czech Republic is restricted in the case of the decision under Section 119 (1) (a) or (b) or under Section 120 (1) (a) or (b);
- b) equal to 1.5 times a period specified in the decision on administrative expulsion for which a foreign national's entry to the Czech Republic is restricted in the case of the decision under Section 119 (1) (c) or Section 120 (1) (c).

(8) The period specified in paragraph 7 shall run from the date on which a decision on administrative expulsion came into force.

Section 121

If any other state expresses its consent to admit a stateless person, such person may be expelled by administrative expulsion to such state.

Section 122

Conditions to Eliminate Harshness of Administrative Expulsion

(1) During the effective period of a decision on administrative expulsion the Police shall issue a foreign national with a visa or a leave to enter the Czech Republic if the consequence of denial of a visa or a leave to enter the Czech Republic would have an inadequate impact on the private or family life of the foreign national.

(2) During the effective period of a decision on administrative expulsion the Police shall grant a visa or a leave to enter the Czech Republic if the purpose of the stay in the Czech Republic is a summons by a governmental authority of the Czech Republic and the matter may not be resolved from abroad.

(3) The period of the stay referred to in paragraphs 1 and 2 may be set for the maximum length of 30 days.

(4) After denial of a visa or a leave to enter the Czech Republic the Police shall make, without any delay, a record containing the reasons for such a decision.

(5) At the request of a foreign national the Police may pass a new decision^{5d)} by which they cancel the validity of a decision on administrative expulsion, if

- a) the reasons for which such a decision had been passed ceased to exist and if a half of the period for which a foreign national was prohibited to enter the Czech Republic specified in such decision has expired;
- b) the decision concerns a foreign national entrusted in foster care (Section 87) who reaches the age of 18 years and, according to the opinion of the authority for social and legal protection of children, such foreign national makes his/her best efforts to integrate into society in the Czech Republic.

(6) At the request of a citizen of the European Union, or his/her family member, the Police may issue a new decision by which they cancel the validity of the previous decision on administrative expulsion if

- a) the reasons for such decision have ceased to exist and if a half of the period or at least three years for which a foreign national was prohibited to enter the Czech Republic specified in such decision have expired; or
- b) the decision concerns a foreign national entrusted in foster care (Section 87) who reaches the age of 18 years and, according to the opinion of the authority for social and legal protection of children, such foreign national makes his/her best efforts to integrate into society in the Czech Republic.

Section 123

Payment of the Costs Associated with Administrative Expulsion

(1) The costs of administrative expulsion shall be covered by the financial resources of the foreign national who is to be expelled under the decision on administrative expulsion.

(2) If the said costs cannot be covered by the financial resources of the foreign national the costs shall be paid, even if in part, by the person who undertook in the invitation letter certified by the Police to pay such costs or, in the case of a researcher, the costs shall be covered by the research organisation which undertook to do so in writing. The research organisation shall cover the costs associated with administrative expulsion incurred within six months from the date of termination of the host agreement^{9j)}.

(3) If the said costs cannot be paid in accordance with the previous paragraphs the following persons or entities shall be obliged to cover such costs, with the obligations being prioritised as follows:

- a) the person or entity that employed the foreign national without a work permit;
- b) the person or entity that intermediated the employment without a work permit; and
- c) a carrier that failed to meet the obligation pursuant to Section 104.

(4) If the costs associated with administrative expulsion cannot be paid in accordance with the previous paragraphs, such costs shall be borne by

- a) the Police in the case of a foreign national detained under the special legal regulation^{16b)};
- b) the Ministry in all other cases.

(5) The costs of accommodation and food, the transport costs and other necessary financial expenses shall be included in the costs associated with administrative expulsion.

(6) If the costs associated with administrative expulsion cannot be paid from the financial resources of a foreign national the Police or the Ministry shall lay down in their respective decision who, and up to what amount, shall be obliged to pay the said costs or part thereof. The decision shall become effective upon delivery or upon the foreign national's refusal to receive the decision in question.

Section 123a **Voluntary Return**

(1) The Ministry may, if it is in the public interest, bear the costs associated with a voluntary return of a foreign national

- a) who has been detained for the purpose of administrative expulsion; or
- b) who has been determined, by a decision on administrative expulsion, a time limit for leaving the Czech Republic and who is not a holder of a valid travel document to the country whose citizen the foreign national is, or to any other country which allows the foreign national concerned to enter its territory.

(2) A foreign national shall be obliged to additionally refund to the Ministry half of the amount of such transport costs. Until such costs are paid the foreign national shall be recorded in the register of *personae non gratae* [Section 154(4) (b)].

(3) A foreign national shall be entitled to file an application for a voluntary return with the Police

- a) during his/her detention in a detention facility; or
- b) within the time limit specified for departure from the Czech Republic in the decision on administrative expulsion.

(4) The Ministry shall decide on foreign national's application for a voluntary return without undue delay.

TITLE XI

^{16b)} Section 15 of Act No. 283/1991 Coll. On the Police of the Czech Republic as amended by Act No. 326/1999 Coll.

DETENTION OF A FOREIGN NATIONAL

Section 124

Detention of a Foreign National for the Purpose of Administrative Expulsion

(1) The Police shall be entitled to detain a foreign national aged over 15 years to whom a notice on commencement of administrative expulsion procedure has been duly served or in relation to whom a final and conclusive decision on administrative expulsion has been taken if there is a risk that he/she might endanger the security of the state, might materially disrupt public order or might obstruct or hinder the execution of the decision on administrative expulsion, in particular if the Police have established that the foreign national

- a) committed acts referred to in Section 119 (1) (a) or (b) point 6 or 7;
- b) is recorded in the register of *personae non gratae* (Section 154); or
- c) is a *persona non grata* recorded in the Information System of the Contracting States.

(2) For the reasons provided for in paragraph 1, a foreign national can be detained after a written decision on detention containing the reason for such detention has been duly served to the foreign national, or after the foreign national refuses to receive such a decision; the Police shall make a record of the refusal to receive the decision in question. The decision shall become effective upon delivery or upon the foreign national's refusal to receive the decision in question.

(3) The Police shall detain a foreign national aged over 15 years who has been duly served notice on the commencement of administrative expulsion proceedings if such foreign national did not leave the Czech Republic within the specified time limit after he had received a previous final and conclusive decision on administrative expulsion or protection on temporary basis had been terminated under the special legal regulation^{3a)}. This provision shall not apply if delayed departure of a foreign national is ascertained during a border check when the foreign national attempted to leave the Czech Republic.

(4) If an unaccompanied minor foreign national is detained (Section 180c) the Police shall appoint a guardian for him/her. The Police shall forthwith inform a minor foreign national thereof and instruct him/her on their guardian's tasks.

(5) A detained foreign national or a guardian on behalf of a detained unaccompanied minor foreign national shall be entitled to file an application for proceedings defined in a special legal regulation,¹⁷⁾ in which a court shall decide on the duration of the detention and shall order release if the legal reasons for continuation of the detention cease to exist.

Section 124c

For the purpose of administrative expulsion the Police shall be entitled to detain a foreign national who made a declaration on international protection or filed an application for international protection if the final and conclusive decision on his/her administrative expulsion has been made or the proceedings on administrative expulsion have been commenced under Section 119 (1) (a) or Section 119 (1) (b) point 6 or 7.

Section 124b

Detention of a Foreign National for the Purpose of Departure from the Czech Republic

¹⁷⁾ Section 200o et seq. of the Code of Civil Procedure.

(1) The Police shall detain for an indispensable time a foreign national aged over 15 years who did not use an option of voluntary return under the special legal regulation²⁾ for the purpose of his/her departure from the Czech Republic if such foreign national

- a) did not seek international protection, even though he had been invited to do so;
- b) did not leave the Czech Republic within the time limit specified in an exit order or within the period of 30 days if an exit order was not imposed upon him/her after a procedure concerning international protection had been finally and conclusively closed;
- c) continued residing in the Czech Republic after the residence permit awarded to a person enjoying subsidiary protection had expired.

(2) The Police shall, without any delay, make a record on detention of a foreign national for the purpose of his/her departure from the Czech Republic. The record shall contain identity data of the detained foreign national, the date, time and place of detention.

(3) If the departure of a foreign national cannot be implemented within 48 hours, the Police shall make a decision on his/her detention and the foreign national concerned shall be placed in a detention facility. The decision shall become effective upon delivery or upon the foreign national's refusal to receive the decision in question. The duration of detention may not exceed 180 days and it starts from the moment of restriction of personal liberty of the foreign national concerned.

(4) The provisions of Sections 123, 123a and Title XII shall apply accordingly to detention for the purpose of departure from the Czech Republic.

(5) Paragraph 1 shall not apply

- a) if the reason for detention under paragraph 1 (b) or (c) is ascertained at a border crossing point when a foreign national attempts to leave the Czech Republic, or
- b) if a foreign national was in possession of a transportation voucher (bus, train or air ticket) but he/she could not leave the Czech Republic within the time limit specified in paragraph 1 (b) due to reasons beyond his/her control.

Section 125

(1) The duration of detention must not exceed 180 days and it starts running from the moment of restriction of personal liberty of the foreign national concerned.

(2) The Police shall give immediate notice about such detention to a close relative of the detained foreign national legally residing in the Czech Republic. If a detained person is an unaccompanied minor foreign national the Police shall inform thereof the authority for social and legal protection of children. The Police shall also notify the relevant embassy or consulate of a foreign state about detention of a foreign national for the purpose of administrative expulsion if such embassy or consulate has a seat in the Czech Republic and if the foreign national or his/her guardian requests so, unless an International Agreement provides otherwise; this provision shall not apply if it is a case of detention of a foreign national who sought in the Czech Republic for international protection under the special legal regulation²⁾.

Section 126

The Police shall be obliged

- a) to keep reviewing, throughout the detention of a foreign national, whether the reasons for detention still persist;
- b) to provide a detained foreign national with information, in a language in which the foreign national is able to communicate, on the option of a judicial review of the legality of the detention. If such a language cannot be identified and the said information cannot be provided in any other way, the Police shall provide the foreign national with the information by giving him/her a written document containing the information in Czech, English, French, German, Chinese, Russian, Arabic, Hindu, and/or Spanish on the option of a judicial review of the legality of the detention. The Police shall make a record on the hand-over of the written document containing the said information.

Section 126a

(1) The Police shall forthwith, upon the instruction of the Ministry, suspend the detention if there is a substantiated risk that the life or health of

- a) a foreign national who has been provided a reflection period as to whether he/she wishes to cooperate with a law enforcement authority in criminal proceedings (Section 42e (2)); or
 - b) a foreign national who filed an application for a long-term residence permit for the purpose of protection in the Czech Republic
- could be endangered with regard to his/her cooperation with a law enforcement authority.

(2) The running of time under Section 125 (1) shall be suspended for the period for which the detention is discontinued.

(3) If there is a substantiated risk that a foreign national might escape or if a foreign national abuses such discontinuation of detention the Police shall forthwith, upon the instruction of the Ministry, cancel discontinuation of detention pursuant to paragraph 1.

Section 126b

(1) If a detained foreign national is accepted to a medical care facility providing non-ambulant health care pursuant to Section 176 outside of the detention facility, the Police may refrain from guarding the foreign national for the time while he/she is placed in such a medical care facility.

(2) If an attending surgeon confirms that the health of a foreign national is damaged permanently or it may be assumed on the basis of symptoms of a disease that a foreign national's stay in a medical care facility for the purpose of health care will last for a period exceeding 180 days from the moment of detention the Police shall terminate such detention. After such termination of detention the Police shall provide the foreign national with a visa for a stay of over 90 days for the purpose of leave to remain due to obstacles beyond the control of the foreign national which prevent his/her departure from the Czech Republic. Such visa shall be valid for a period necessary for departure of the foreign national from the Czech Republic, however, the period shall not exceed one year.

(3) The provisions of paragraphs 1 and 2 shall not apply if a foreign national damaged his/her health intentionally.

Section 127

(1) Detention must be terminated without undue delay

- a) after the reason for detention ceases to exist;
- b) if a court in the administrative judiciary decides to cancel the decision on detention of the foreign national or if a court orders the release of the foreign national in proceedings conducted under a special legal regulation;¹⁷⁾ or
- c) if the foreign national is granted asylum or subsidiary protection²⁾; or
- d) if the foreign national is permitted long-term residence for the purpose of protection in the Czech Republic.

(2) If an application for international protection is filed during detention, this shall not be a reason for termination of the detention.

Section 128

(1) A detained foreign national whose stay in the Czech Republic is to be terminated in compliance with a valid decision on administrative expulsion shall be transported by the Police to a border crossing point for the purpose of the foreign national's departure from the Czech Republic; this provision shall not apply if the detained foreign national presents a certificate that an action has been filed. The Police shall also transport a detained foreign national to a border crossing point after an action against a decision on administrative expulsion has been dismissed and a foreign national who was detained for the purpose of departure from the Czech Republic pursuant to Section 124b.

(2) The Police shall be entitled to leave a foreign national under paragraph 1 in a detention facility for the necessary period until the Police ensure the necessary conditions for the foreign national's departure from the Czech Republic.

Section 129

Detention of a Foreign National for the Purpose of His/Her Readmission or Transit Throughout a Foreign Country

(1) The Police shall, for the necessary period, detain a foreign national who entered or was residing in the Czech Republic illegally, for the purpose of his/her readmission under an International Agreement or the directly applicable legal regulation of the European Communities^{17a)}. The Police shall also, for the necessary period, detain a foreign national who is transited throughout the Czech Republic, if such transit cannot be carried out without necessary break.

(2) The Police shall make a record on the detention, without any delay, and such a record shall contain the information on the identity of the detained foreign national, the date, time and place of detention and the reason for readmission or the aforementioned transit.

(3) If the readmission or transit of a foreign national cannot be implemented within 48 hours (in the case of transit for the purpose of removal by air under Section 152 within the time limit of 72 hours) the Police shall make a decision on his/her detention and the foreign national concerned shall be placed in a detention facility. The decision shall become effective upon delivery or upon the foreign national's refusal to receive the decision in question. The

^{17a)} Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

duration of detention may not exceed 180 days and it starts running from the moment of restriction of personal liberty of the foreign national concerned.

(4) The Police shall be obliged to act in such a manner so that the foreign national is readmitted or his/her transit is terminated as soon as possible after the date of detention.

TITLE XII DETENTION FACILITY

Section 130

(1) After a decision on detention is issued a foreign national is placed in a detention facility.

(2) A detention facility is operated by the Ministry through an organisational unit of the state established by the Ministry (hereinafter referred to as the ‘facility operator’).

(3) A detention facility is divided into an open part and a specially guarded part. An open part may be further divided into parts where foreign nationals are prohibited to enter without the consent of, or unaccompanied by, the facility operator or the Police.

(4) After a decision on detention of a foreign national becomes effective the Police shall, without any delay, transport the foreign national concerned to the detention facility determined by the facility operator.

Section 131

Without any delay after being placed in a detention facility, a foreign national shall be provided with information on his/her rights and obligations concerning the detention and the internal rules of the detention facility. The information shall be provided in the foreign national’s mother tongue, or in a language in which the foreign national is able to communicate.

Section 132

(1) The open part of the detention facility shall consist of an accommodation area, common sanitary and entertainment facilities and another area where detained foreign nationals may, in accordance with internal rules of the detention facility, move around freely.

(2) The specially guarded part shall be separated from the open part and shall consist of an accommodation area and area determined for walks.

Section 132a

The facility operator shall be entitled, in compliance with the purpose of a detention facility and in the interest of security of detained foreign nationals and other persons accommodated in the detention facility, to install audio and video devices in the areas of such

detention facility, with the exceptions of accommodation areas, sanitary rooms and areas where there are personal checks of foreign nationals.

Section 133

(1) The room designed as an accommodation area in the open part shall be furnished with beds, cabinets for placement of personal belongings and a table and with chairs-the number of which shall be equal to the number of foreign nationals provided with accommodation.

(2) The room designed as an accommodation area in the specially guarded part shall be furnished with beds and a table and with chairs-the number of which shall be equal to the number of foreign nationals provided with accommodation-a sanitary room separated from the remaining area with an opaque shield and signalling (calling-on) device. The accommodation area is lockable solely from the external side.

Section 134

- (1) The facility operator shall, under conditions laid down herein,
- a) provide a detained foreign national with a bed, chair, cabinet for placement of personal belongings, food, and basic sanitary requisites;
 - b) permit a detained foreign national to receive and send written information without any restriction;
 - c) permit a detained foreign national to have visitors;
 - d) provide, if possible, books, daily press and journals including foreign ones if those are distributed in the Czech Republic;
 - e) allow a detained foreign national to file an application, complaint or any other information with governmental authorities of the Czech Republic or international organisations, in order to allow a foreign national to exercise his/her rights. The facility operator shall be obliged to send such applications and/or complaints without any delay;
 - f) ensure, at the request of a detained foreign national, an interview with the head of the detention facility, his/her deputy or the Police operating in the detention facility;
 - g) ensure that a detained foreign national can sleep continuously for eight hours during nights;
 - h) enable a detained foreign national to move around freely in the open part and to socialise with other foreign nationals placed in this part.

(2) The facility operator shall arrange medical checks of a detained foreign national, other necessary diagnostic and laboratory examinations, and/or vaccinations and shall adopt preventive measures specified by the authority responsible for the protection of public health.

(3) The facility operator shall enable a foreign national detained in a specially guarded part to have at least a one hour walk in the area reserved for such activity. The walk can be restricted or cancelled for a grave reason by a decision of the head of the facility. The head of the detention facility shall make, without undue delay, a record of the restriction or cancellation of a walk.

(4) The facility operator may ensure for a detained foreign national psychological and social services and other services and articles necessary for foreign national's stay in the detention facility.

Section 135

(1) On a proposal of the facility operator or on the basis of their own findings, the Police shall place in the specially guarded part a foreign national

- a) who is aggressive or requires more intensive surveillance for some other serious reason;
- b) who repeatedly seriously breaches the internal rules of the detention facility; or
- c) who repeatedly seriously violates obligations or prohibitions stipulated herein.

(2) A detained foreign national below 18 years of age may be placed in the specially guarded part only under reasons referred to in paragraph 1 (a) or (c).

(3) The Police shall, without any delay, make a record on placement of a detained foreign national into the specially guarded part and state detailed reasons for such decision. The Police shall incorporate in the record information on the option to file a complaint against placement in the specially guarded part with the Ministry (Section 148 (2)). The Police shall inform the detained foreign national on the content of such record. The record, signed by the detained foreign national, a Police officer and an interpreter, if applicable, shall be filed in the folder of the foreign national concerned. If a foreign national refuses to sign a record the Police shall make a note in the record to that effect.

(4) If a detained foreign national is placed in the specially guarded part for a period exceeding 48 hours the Police shall issue a decision to that effect. The decision shall become effective upon delivery or upon the foreign national's refusal to receive the decision in question.

(5) A detained foreign national may be placed in a specially guarded part for a necessary period which, however, must not exceed 30 days. When the foreign national is placed in the specially guarded part the Police shall review whether the reason for such placement still persists. If the foreign national committed, during the period under the first sentence, an act under the first paragraph or if the reason for placement into the specially guarded part persists the decision shall be extended by 30 days, otherwise the foreign national shall be placed, without undue delay, to the open part. The decision shall become effective upon delivery or upon the foreign national's refusal to receive the decision in question.

Section 136

(1) A detained foreign national shall be obliged to

- a) obey the internal rules of the detention facility;
- b) spare furniture and equipment of the detention facility;
- c) respect instructions of the Police or the facility operator issued for meeting tasks concerning detention;
- d) refrain from acts which could frustrate the purpose of detention;

- e) submit to restriction of his/her rights, in particular the right to privacy and freedom of movement and residence, within the scope necessary for achieving the purpose of detention or protecting public health; and
- f) respect night-time silent hours.

(2) A detained foreign national shall also be obliged to submit him/herself to preventive entry, periodical and final medical examinations and, if it is deemed to be necessary, an extraordinary medical examination within the scope determined by a physician,-including necessary diagnostic and laboratory examinations, vaccinations and preventive measures specified by authorities responsible for the protection of public health. A detained foreign national shall be examined without presence of the Police and the facility operator unless the physician decides otherwise. If such examination cannot be carried out due to resistance of a detained foreigner the Police shall be entitled to overpower such resistance. The Police must not inflict bodily injury to a defending detained foreign national by an obviously inadequate intervention.

(3) A detained foreign national may not during his/her detention

- a) bring in, manufacture, keep or drink alcoholic beverages or consume any other addictive substances;
- b) bring in, manufacture or keep objects that could be used to seriously endanger the safety of persons and damage property;
- c) bring in or keep articles which could, due to their quantity and nature, interfere with order or could be harmful for health, or bring in or keep electronic communication technology;
- d) leave the detention facility without the consent of the Police.

Section 137

(1) After placing a foreign national in a detention facility, the Police shall be entitled to carry out a search of his/her body and an inspection of his/her belongings for the purpose of finding out whether he/she has about him/her a travel document, personal identity card or document certifying his/her identity or nationality, money or an article that the bringing, manufacturing or receiving of is prohibited in the detention facility

(2) The Police shall be entitled to carry out a body search and an inspection of possessions at anytime during the foreign national's stay in a detention facility if the Police suspect that the foreign national may possess a travel document, personal identity card or document certifying his/her identity or nationality, money or an article that the bringing, manufacturing or receiving of is prohibited in the detention facility

(3) A body search shall be carried out by a person of the same gender. The Police shall make a record of a search or inspection carried out.

(4) The Police shall be entitled to seize and take into custody a travel document, personal identity card or document certifying his/her identity or nationality, money or an article that the bringing, manufacturing or receiving of is prohibited in the detention facility found during a body search, an inspection of personal belongings or otherwise.

(5) The Police shall forward to facility operator's custody the seized articles, with the exception of a travel document, personal identity card, document certifying foreign

national's identity or nationality, weapons in accordance with the special legal regulation¹⁸⁾ and articles¹⁹⁾, the possession of which contradicts the national legal framework of the Czech Republic along with a list of such articles.

Section 138

(1) The facility operator shall publish the internal rules of the detention facility which shall lie down

- a) the schedule for medical, psychological and social care provided;
- b) the schedule for meals to be served;
- c) the schedule and offer of cultural and sports activities;
- d) options for satisfying cultural needs and sports activities;
- e) the schedule for the distribution of sanitary requisites, shoes, clothes and underwear;
- f) the rules for visits;
- g) the area reserved for walks and the schedule of walks in the specially guarded part;
- h) areas where foreign nationals are prohibited from entering unless being accompanied by the Police or an employee of the detention facility;
- i) the manner of the implementation of compulsory school attendance;
- j) other details concerning the organisational and technical aspects of the foreign national's stay in the detention facility.

(2) The facility operator shall lay down in the internal rules of a detention facility where parents with children and unaccompanied minor foreign nationals are detained, the offer of entertainment, sports and other activities determined for different age categories.

(3) The internal rules of a detention facility shall be made available in Czech, English, French, German, Russian, Spanish, Chinese, Arabic, Vietnamese, Hindi or any other language which appears to be necessary for providing information to foreign nationals.

(4) The internal rules of the detention facility shall be placed in a place where all detained foreign nationals can have access to it.

Section 139

A family placed in a detention facility may be divided, as the case may be, if one member of the family has been placed in the specially guarded part.

Section 140

(1) The facility operator shall be entitled to accommodate in the open part a foreign national in relation to whom the detained foreign national has the duty to support and maintain or who is in the custody of the detained foreign national, if the care for the foreign

¹⁸⁾ Act No. 119/2002 Coll. on Firearms and Ammunition and on the amendment to Act no. 156/2000 Coll. on verification of Firearms, Ammunition and Pyrotechnical Objects, and on the amendment to Act No. 288/1995 Coll. on Firearms and Ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on Administrative Fees and Charges, as amended, and Act No. 455/1991 on Trade Licences (the Trade Licensing Act) (the Trade Licensing Act), as amended (Act on Firearms), as amended

¹⁹⁾ Section 1 (2) and (3) of Act No. 167/1998 Coll. on Narcotic Substances and on the amendment to some other acts, as amended

national concerned cannot be arranged in any other manner (hereinafter referred to as an 'accommodated foreign national'). An accommodated foreign national shall be provided with meals and other services as a detained foreign national. If an accommodated foreign national is able to realise the consequences of being placed in the detention facility the expression of his/her volition shall be taken into account.

(2) An accommodated foreign national may leave the detention facility if his/her care has been ensured by any other manner. If an accommodated foreign national is minor or a person without any legal capacity, such person can leave the detention facility only with the written consent of his/her statutory representative.

(3) Section 131, Section 134 (1), (2) and (4), Section 136 (1) (a) through (c) and (f), Section 136 (2), Section 136 (3) (a) through (c), Section 143, Section 144 (1) through (3) and Section 145 shall apply to an accommodated foreign national accordingly.

Section 141

(1) When foreign nationals are being placed in the accommodation areas, the facility operator shall take into account religious specificities, relations based on kinship or marriage and shall also take into account age or state of health.

(2) The following persons must be placed separately:

- a) minor foreign nationals from major foreign nationals;
- b) men must be segregated from women; an exception can be made if close persons are concerned¹⁴⁾.

(3) A foreign national under 18 years of age or a foreign national without legal capacity shall be placed together with a close person or a person into whose custody such foreign national was entrusted.

Section 142

(1) The facility operator shall be obliged to enable a foreign national, subject to compulsory school attendance, placed in a detention facility to attend school under the special Act^{19a)}.

(2) A foreign national may leave the detention facility in order to attend school, unless school attendance is provided by the detention facility, and to participate in other activities supporting the development of his/her personality. In justified cases the facility operator shall provide for transport to school.

(3) The facility operator shall provide to a foreign national placed in a detention facility, subject to compulsory school attendance, textbooks and other school aids unless those are covered by the state or if a foreign national is not able to pay for them him/herself.

Section 143

^{19a)} Section 36 (2) of Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act), as amended

(1) A detained foreign national shall be provided with food three times a day, according to principles of health nutrition and the health condition of a detained foreign national. A detained foreign national under 18 years of age shall be provided with food five times a day.

(2) If possible, the selection of the food shall reflect the customs ensuing from the cultural traditions and religious belief of detained foreign nationals.

Section 144

(1) A foreign national placed in a detention facility shall have the right to receive up to four visitors at one time once in a week. The duration of the visit shall not exceed one hour. In justified cases, the head of the detention facility or his/her deputy may permit, after the consent of the Police, visits at a shorter interval than one week or, as the case may be, may permit the duration of a visit longer than one hour or may permit an increase in the number of visitors if the capacity of the area determined for accepting visitors allows for that.

(2) The visits shall take place in the rooms reserved for this purpose.

(3) A foreign national shall have the right to receive visits from a lawyer or a representative of a legal entity, however they must prove that they are lawfully authorised to provide legal assistance to foreign nationals. An authorised employee or a member of a legal entity who has completed their study of law at university, which is required for the execution of a lawyer's duties, may act on behalf of the legal entity.

(4) The visits of a detained foreign national shall take place in the presence of the Police.

Section 145

(1) A foreign national may receive, once in a week, a package with food, books and personal belongings up to five kilograms in weight. This limit shall not apply to packages containing clothing sent for the purpose of replacing the same. The packages addressed to a detained foreign national shall be first delivered to the facility operator.

(2) At the request of the facility operator the Police shall inspect any package. The Police shall seize such articles that may not be brought in, manufactured or possessed in a detention facility. Articles that were not handed over to the detained foreign national shall be returned by the Police, through the facility operator, to the sender at his/her expense and along with a record made to that effect, save for objects¹⁹⁾ the possession of which is in contradiction with Czech Republic law.

(3) A foreign national may receive, without any limitations, money sent or otherwise delivered to him/her to the detention facility. A detained foreign national shall be obliged to deposit the money with the facility operator. If a detained foreign national does not hand over the money to the facility operator's custody the Police shall seize such money and forward it to the custody of the facility operator, together with a record made to that effect. At the request of a detained foreign national the facility operator may receive into custody other

articles, in particular valuables and documents. The facility operator shall make a record of money and articles and ensure that these are safely deposited.

(4) A foreign national who deposited his/her money with the facility operator may use such money for purchasing items for daily use, books, newspapers or journals. Such purchases shall be made by the facility operator on the basis of a written order of a foreign national within intervals specified by the internal rules of the detention facility. The foreign national shall confirm that he/she has received purchases and clearance of money by his/her signature; the facility operator shall record the amount paid in the records of deposited money.

Section 146

(1) The Ministry shall be entitled to make use of deposited money of a detained foreign national, whether in Czech or any other freely convertible currency, to pay for, although only in part, expenses related to their stay in the detention facility or to administrative expulsion. When using deposited money, the Ministry shall ensure that a foreign national shall, when he/she is released from the detention facility, receive at least CZK 400.00. If a foreign national deposited a lower amount he/she will be provided with such amount of money. This provision shall not apply if a foreign national is, immediately after having been released from the detention facility, taken to an asylum facility or is transported by the Police to a border crossing point to be deported from the Czech Republic.

(2) The Ministry shall provide a detained foreign national with a certificate on money used as referred in paragraph 1.

Section 147

(1) The Ministry shall give a foreign national being released from the detention facility money and other belongings which were seized or taken into custody, save for objects the possession of which is in contradiction with Czech Republic law and money which was paid to the detained foreign national during his/her stay in the detention facility in cash or was used by the Ministry in accordance with Section 146. The Ministry shall give a foreign national fully amount of money if money was deposited in other than freely convertible currency.

(3) The Police shall provide a foreign national being released from the detention facility with a seized travel document, personal identity card or a document certifying his/her identity or nationality; if a foreign nation is escorted after having been released from the detention facility to a border crossing point due to administrative expulsion or readmission under an International Agreement the Police shall provide him/her with a travel document, personal identity card or a document certifying his/her identity or nationality not earlier than at the border crossing point. If there is a risk that a foreign national might destroy or otherwise dispose of a travel document, personal identity card or a document certifying his/her identity or nationality in order to prevent his/her administrative expulsion or readmission under an International Agreement the Police shall hand over a travel document, personal identity card or a document certifying his/her identity or nationality to a carrier or an authority of the

country of the territory of which the foreign national concerned is taken back or readmitted to under an International Agreement.

Section 148

(1) Without prejudice to supervision competences pursuant to special legal regulations the Ministry shall be an authority designated to supervise the provisions of this Title in relation to foreign nationals detained in detention facilities.

(2) A foreign national shall lodge a complaint for violations of the provisions of this Title with the Ministry. The Ministry shall process such complaint within 30 days from the date of its delivery. The claimant shall be informed on the result of his/her complaint. The claimant may lodge with the Minister of the Interior a proposal to review the manner by which his/her original complaint was decided on.

Section 149

The facility operator and the Police operating in the detention facility shall be informed of the supervision of detention carried out by any other authority than the Ministry.

Sections 150 and 151 repealed

TITLE XIII TRANSIT AND TRANSPORT OF A FOREIGN NATIONAL AND AN UNDESIRABLE PERSON (PERSONA NON GRATA)

Transit of a Foreign National

Section 152

(1) For the purposes of this Act, the transit of a foreign national across the Czech Republic shall mean his/her entry to, stay in and departure from the Czech Republic, carried out by the Police regardless of the volition of the foreign national. If a transit for the purposes of removal by air via the Czech Republic is concerned²⁰⁾ (hereinafter referred to as 'transit by air') it shall mean the passage through, stay in or departure from the Czech Republic of the foreign national escorted by the Police from the transit zone of the airport regardless of the volition of the foreign national.

(2) The Police shall transit a foreign national throughout the Czech Republic under an International Agreement or at the request of a competent authority of a Member State of the European Union or any other country applying the common procedure regarding transit by air.

²⁰⁾ Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air

(3) The Police may refuse transit by air if there is a reason under an International Agreement or in the case of transit by air if

- a) a foreign national is charged under national legislation in the Czech Republic with criminal offences or is wanted for the carrying out of a sentence;
- b) transit through other states or admission by the country of destination is not feasible;
- c) transit of a foreign national to the country of destination requires a change of airport in the Czech Republic;
- d) the requested assistance is impossible at a particular moment for practical reasons; or
- e) a foreign national might be a threat to public order, public security, public health or a similar interest protected under the obligation arising from an International Agreement.

(4) The Police shall be entitled to request, under an International Agreement, transit throughout any other state. If the removal of a foreign national by air to the country of destination requires transit via a Member State of the European Union or any other state applying the common procedure²⁰⁾, in the case of transit by air the Police shall be entitled to request the competent authority of the state concerned to take appropriate arrangements to ensure that the transit by air takes place in the territory of the requested state.

Section 153

(1) Throughout the whole transit of a foreign national, the Police shall restrict a foreign national's personal liberty and freedom of movement. In the case of transit by air the Police shall supervise a foreign national during his/her passage in the transit zone of an international airport and if necessary the Police shall escort the transited foreign national in the transit zone of an international airport and shall restrict a foreign national's personal liberty and freedom of movement until he/she boards the plane. In the case of transit by air the foreign national may not leave the transit zone of an international airport. This provision shall not apply if it is necessary under the reasons referred to in paragraph 5 or Section 129 (3).

(2) After taking over the transited foreign national the Police shall take into custody his/her travel document.

(3) The foreign national shall be obliged to submit to a body search of his/her person carried out by the Police, the purpose of which shall be to establish whether the foreign national has in his/her possession any weapon or any other object that could endanger the life or health of the foreign national concerned or other persons; a body search of the foreign national shall be carried out by a person of the same gender.

(4) A foreign national subjected to transit transport shall be provided with food by the Police, usually every six hours from restriction of his/her liberty.

(5) If a foreign national, subject to transit, falls ill, harms his/her health or attempts to commit suicide, the Police shall take the necessary measures aimed at protecting the foreign national's life and health, which include, but are not limited to, that the Police shall provide first aid and shall ensure the provision of healthcare, including an opinion of a physician on whether the state of health of the foreign national allows for completing the transit of the foreign national being transported.

(6) The Ministry shall pay the costs of healthcare provided to a transported foreign national.

Undesirable Person (Persona Non Grata)

Section 154

(1) A *persona non grata* shall mean a foreign national who may not be admitted to the Czech Republic for the reason that such foreign national, during his/her stay in the Czech Republic, might be a threat to public order, public security, public health or a similar interest protected under the obligation arising from an International Agreement.

(2) The Police shall decide to label a foreign national as a *persona non grata* on the basis of their findings, the request of a central administrative authority of the Czech Republic, the request of the intelligence service of the Czech Republic or under an obligation arising from an International Agreement.

(3) The Police shall label a foreign national as a *persona non grata* on the basis

- a) of a final and conclusive decision of a court on the penalty of expulsion from the Czech Republic¹⁰⁾; or
- b) of a final and conclusive decision on administrative expulsion.

(4) The Police shall further label a foreign national as a *persona non grata* provided that

- a) expenses related to administrative expulsion are borne by the Police or the Ministry (Section 123 (4));
- b) expenses related to a voluntary return are borne by the Ministry and the foreign national concerned has not refunded the transportation costs in the half of the amount (Section 123a (2)); or
- c) expenses related to the departure from the Czech Republic are borne by the Ministry and the foreign national concerned has not refunded the transportation costs (Section 124b).

(5) A person requiring that a foreign national should be included in the register of *personae non gratae*, as stipulated in paragraph 1, must make sure that the reason for such inclusion is adequate to the consequences thereof. The Police shall be entitled to request the person making the request referred to in paragraph 1 to prove the adequacy stated in the previous sentence, unless such adequacy is proved in the request itself. When adequacy is being proved, it is primarily necessary to assess the impacts of such decision on the private and family life of the foreign national.

(6) A foreign national labelled as a *persona non grata* shall be registered in the register of *personae non gratae*. If there is a substantiated risk that a foreign national labelled as a *persona non grata* might seriously endanger public order or the security of the Contracting States, the Police shall input the information on such foreign national in the scope laid down in the directly applicable legal regulation of the European Communities^{20a)} into the Information System of the Contracting States; this provision shall not apply to a citizen of the European Union^{1b)} or a citizen of a Contracting State.

(6) The Police shall not inform a foreign national of him/her having been included in the register of *personae non gratae*.

^{20a)} Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism

Section 155

(1) The Police shall review the reasons that resulted in the inclusion of a foreign national in the register of *personae non gratae*, pursuant to Section 154 (2), once a year or whenever the Police have knowledge casting doubts on such reasons, and, depending on the result of such a review, the Police shall leave the foreign national in the register or shall exclude the foreign national from the register without any delay. If the Police are unable to review such reasons objectively, the Police shall require the person that requested labelling the foreign national as a *persona non grata* to carry out the review of the reasons.

(2) The Police shall exclude a foreign national from the register of *personae non gratae* if the final and conclusive decision of a court or an administrative authority (Section 154 (3)) has been executed, after remission of a penalty of expulsion or after a penalty of expulsion is abolished as a result of an amnesty by the President of the Czech Republic or after the decision on administrative expulsion is cancelled by a court or an administrative authority. The Police shall exclude from the register of *personae non gratae* a foreign national included in such register pursuant to Section 154 (4) (a) after such foreign national refunds to the Police or the Ministry expenses related to his/her administrative expulsion, however, not later than after six years from termination of detention or after the period determined for departure has lapsed. The Police shall exclude from the register of *personae non gratae* a foreign national included in such register pursuant to Section 154 (4) (b) after such foreign national refunds to the Police or the Ministry transport costs, however, not later than after six years from is/her inclusion into the register of *personae non gratae*.

(3) After a foreign national is excluded from the register of *personae non gratae*, the Police shall exclude the respective information from the Information System of the Contracting States that was entered therein pursuant to Section 154 (6).

TITLER XIV MINOR ADMINISTRATIVE OFFENCES

Section 156

(1) Pursuant to this Act, a carrier shall commit a minor administrative offence by

- a) transporting a foreign national who is not in possession of a travel document;
- b) transporting a foreign national who is not in possession of a visa to the Czech Republic, if the same is required by law;
- c) failing to meet the obligation to transport a foreign national abroad stipulated in Section 104 (3) or (4); or
- d) failing to bear costs related to the stay of a foreign national pursuant to Section 104 (5).

(2) A legal entity or a natural person providing accommodation shall commit a minor administrative offence by

- a) failing to allow the Police to enter the areas where foreign nationals can dwell;
- b) failing to maintain a guest register in compliance with requirements stipulated herein (Section 101);
- c) failing to submit, at the request of the Police, the guest register for review;

- d) failing to report to the Police accommodation of a foreign national or by failing to do the same within a specified time limit;
- e) failing to issue to a foreign national a certificate of his/her accommodation;
- f) failing to report the death of a foreign national to the Police;
- g) providing a foreign national with accommodation which is apparently inadequate, as stipulated in Section 100 (d); or
- h) failing to archive registration forms pursuant to Section 102 (4).

(3) A research organisation which entered with a foreign national into a hosting agreement^{9j)} shall commit a minor administrative offence by failing to report to the Police, without any delay, that such agreement expired or by failing to provide information which prevents the implementation of the hosting agreement.

(4) A penalty of from CZK 100,000 up to CZK 500,000 shall be imposed for a minor administrative offence committed pursuant to paragraph 1 for each foreign national and a penalty of up to CZK 50,000 shall be imposed for a minor administrative offence committed pursuant to paragraph 2 or 3.

Section 156a

(1) A legal entity or a natural person operating a business undertaking shall commit a minor administrative offence by processing, without having been authorised to do so, data contained on a storage medium with biometric identifiers.

(2) A penalty of up to CZK 10,000,000 shall be imposed for a minor administrative offence committed pursuant to paragraph 1.

Section 157

- (1) A foreign national shall commit a minor administrative offence by
- a) crossing the national border otherwise than through an official border crossing point;
 - b) misusing a travel document (Section 108) issued to any other foreign national, or by misusing a travel document issued under the special regulation²¹⁾;
 - c) avoiding a residence or border check;
 - d) carrying out, or having unauthorised alterations carried out in, the documents authorising him/her to enter the Czech Republic or documents issued in accordance with this Act;
 - e) by leaving, without previous consent of the Police, a detention facility where such foreign national is detained, or health care facility providing non-ambulant care where he/she was placed during his/her detention due to his state of health;
 - f) presenting forged or falsified documents or documents issued to any other person;
 - g) attempting to prove his/her identity by a travel document that is invalid for the reasons referred to in Section 116 (a), (b), (c) or (d) during a residence check or a border check when leaving the Czech Republic;
 - h) intentionally destroying or damaging a document issued in accordance with this Act;
 - i) failing to meet his/her obligation to deliver, without undue delay, a document issued in accordance with this Act which has become invalid or is full of official records;

²¹⁾Act No. 329/1999 Coll., on Travel Documents and on the amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Travel Document Act), as amended.

- j) failing to report any loss, destruction, damage or theft of any document issued in accordance with this Act within three working days from the date when he/she becomes aware of such loss, destruction, damage or theft;
- k) failing to report loss or theft of a travel document referred to in Section 108 (1) (a), (b) or (c);
- l) staying in the Czech Republic without a travel document without being authorised to do so;
- m) staying in the Czech Republic after expiration of the validity of a visa or the period of residence defined in a visa or without any visa without being authorised to do so;
- n) crossing a border crossing point outside the opening hours without being authorised to do so, or in contradiction of the purpose of such border crossing point;
- o) failing to apply for the extension of a residence permit card within the time limit stipulated by law;
- p) statutory representative failing to apply within a time limit specified by law for a visa, long-term-residence permit or permanent residence permit (Section 88 (2) and (3)) on behalf a newly born foreign national;
- q) stating untrue or incomplete information in the proceedings held in accordance with this Act;
- r) failing to meet the obligation to report his/her place of residence in the Czech Republic and any change therein;
- s) failing to submit to a provider of accommodation a travel document or a document issued in accordance with this Act or by failing to complete and sign in person a registration form;
- t) failing to report any change in the surname, marital status, data in the travel document or the document issued in accordance with this Act within three working days or in the case of a citizen of the European Union or his/her family member within 15 working days;
- u) failing to meet the obligation to prove his/her identity pursuant to this Act;
- v) failing to prove, during a residence check, his/her ability to cover costs of health care;
- w) attempting to prove his/her identity, during a border or residence check, by presenting an object in the form of an instrument as a travel document, even though the same is not a travel document;
- x) failing to leave the Czech Republic, without undue delay, after he/she has been refused entry to the Czech Republic or if the Police have terminated the stay of the foreign national in the transit zone of an international airport; or
- y) failing to file an application for a temporary residence permit within the time limit stipulated in Section 87b (1) in the case of a family member of the citizen of the European Union who is not a citizen of the European Union him/herself.

(2) A penalty of up to CZK 50,000 shall be imposed for the minor administrative offences pursuant to paragraph (1) (a) through (e); a penalty of up to CZK 5,000 shall be imposed for the minor administrative offences pursuant to paragraph (1) (f) through (n); and a penalty of up to CZK 3,000 shall be imposed for the minor administrative offences pursuant to paragraph (1) (o) through (y).

Section 157a

- (1) A natural person shall commit a minor administrative offence by
 - a) failing to deliver to the Police, without undue delay, a travel document or a document issued in accordance with this Act found or otherwise obtained;
 - b) stating untrue data in the certificate proving accommodation of a foreign national;

- c) failing to report to the Police, without undue delay, withdrawal from a commitment under Section 15; or
- d) processing, without having been authorised to do so, data contained on the storage medium with biometric identifiers.

(2) A natural person as a provider of accommodation shall commit a minor administrative offence by

- a) failing to allow the Police to enter the areas where foreign nationals can dwell;
- b) failing to maintain a guest register in compliance with requirements stipulated herein (Section 101);
- c) failing to submit, at the request of the Police, the guest register for review;
- d) failing to report to the Police accommodation of a foreign national or by failing to do the same within a specified time limit;
- e) failing to issue to a foreign national a certificate on his/her accommodation;
- f) failing to report the death of the foreign national to the Police;
- g) providing a foreign national with accommodation which is apparently inadequate as stipulated in Section 100 (d); or
- h) failing to archive registration forms pursuant to Section 102 (4).

(3) A penalty of up to CZK 5,000 shall be imposed for the minor administrative offences pursuant to paragraph (1) (a) through (c). In an administrative hearing on a ticket penalty, a penalty of up to CZK 3,000 may be imposed.

(4) A penalty of up to CZK 1,000, 000 shall be imposed for the minor administrative offence pursuant to paragraph (1) (d).

(5) A penalty of up to CZK 50,000 shall be imposed for the minor administrative offence pursuant to paragraph (2). In an administrative hearing on a ticket penalty, a penalty of up to CZK 5,000 may be imposed

Section 157b **Common Provisions**

(1) A legal entity shall not be liable for a minor administrative offence if such entity is able to prove that it has made the best efforts to prevent violation of law.

(2) When determining the amount of the penalty to be imposed on a legal person the gravity of such minor administrative offence, in particular the manner by which it was committed and its consequences and circumstance, shall be taken into consideration.

(3) The liability of a legal entity for a minor administrative offence shall cease to exist if a competent administrative authority did not commence the relevant proceedings after one year from the date such offence had been reported, however not later than within three years from the date on which it was committed.

(4) Minor administrative offences under this Act, with the exception of the minor administrative offences under Section 156a and Section 157a (1) (d), shall be dealt with by Police bodies (Section 161). The minor administrative offences under Section 156a and Section 157a (1) (d) shall be dealt with by the Office for Protection of Personal Data as a first instance authority.

(5) The provisions hereof on liability of and penalties for a legal entity shall apply to the liability for conduct of a natural person when operating a business undertaking^{21a)}.

(6) The minor administrative offence under Section 156a (2) may be dealt with by imposing a penalty within the administrative hearing on a ticket penalty if a minor administrative offence is reliably established and a provider of accommodation is willing to pay such penalty on the spot.

(7) A penalty of up to CZK 5,000 may be imposed within the administrative hearing on a ticket penalty.

(8) The Police shall use in the proceedings on minor administrative offences tickets for imposing and collecting penalties (hereinafter referred to as 'penalty tickets')^{21b)}. The Police shall mark on the penalty ticket to whom, when and for what violation of obligations the penalty was imposed. The penalty ticket shall be used as a confirmation of the fact that the penalty imposed was paid in cash on the spot.

(9) It shall be impossible to appeal against penalty imposed through a penalty ticket.

(10) The authority that imposed a penalty shall collect it and such penalties shall be enforced by a relevant customs authority. Penalties represent revenue of the state budget.

(11) When collecting and enforcing imposed penalties authorities concerned shall observe the special legal regulation²²⁾.

TITLE XV INFORMATION SYSTEMS

Section 158

(1) When implementing competences under this Act, the Police shall operate information systems containing the name or names, surname including previous names and surnames, the day, month and year of birth, gender and nationality of a foreign national, the foreign national's birth identification number or any other identification data provided by such foreign national, image record of the foreign national, for example a photograph, and his/her fingerprints. Further the Police shall maintain in the information system on foreign nationals

a) the data in the scope as follows:

1. the application for a visa (Section 54), a long-term residence permit (Section 42 (5)), a permanent residence permit (Section 70 (1));
2. the application for confirmation on temporary residence in the Czech Republic, a residence card for a family member of the citizen of the European Union, a permanent residence permit card of the citizen of the European Union or permanent residence permit (Section 87x);
3. the application for a foreign national's passport, a travel identity card and a travel document under Section 108 (1) (f) (Section 111 (1)) ;
4. an exit order (Section 50 (6)), a border crossing waybill (Section 14), an invitation form (Section 180 (2)) and a registration form (Section 97);

b) the data on

^{21a)} Section 2 (2) of the Commercial Code

^{21b)} Act No. 200/1990 Coll. on Minor Offences, as amended

²²⁾ Act No. 337/1992 Coll. on Administration of Taxes and Charges, as amended.

1. the day, month and year of the issue of a visa or a document in accordance with this Act, its number, type and validity;
 2. the day, month and year of verification of an invitation or its denial;
 3. the day, month and year when the decision on denial of an application for the issue of a document in accordance with this Act came into force and the grounds on which a document was refused to be issued;
 4. the day, month and year of the issue of an exit order, its number and validity;
 5. the cancellation, cessation of existence and termination of validity of visa or a document issued in accordance with this Act, including its type and number, the reason for the cancellation, cessation of existence or termination of validity;
 6. the hour, day, month, year and place of foreign national's entry to the Czech Republic and data on refusal to permit entry to or departure from the Czech Republic;
 7. the reason for a foreign national's inclusion into the register of *personae non gratae*, including the period for which is/her entry to the Czech Republic is restricted;
 8. the reason for permitting entry to the Czech Republic pursuant to Section 122 (1) or (2);
 9. a foreign national's inclusion into the Information System of the Contracting States by any other Contracting State, including the period for which is/her entry to the territories of the Contracted States Czech Republic is restricted and information on the authority of a state which included the foreign national in the system;
 10. the day, month and year when the decision on administrative expulsion was taken and when such decision came into force as well as the reason why such decision was adopted;
 11. the day, month and year of the foreign national's the border crossing when he/she was transited throughout the Czech Republic and on the authority which requested such transit as well as on the authority which permitted the said transit;
 12. the day, month and year when the decision on a minor administrative offence came into force under this Act, a record of a minor administrative offence under the relevant legal provisions, circumstances under which such minor administrative offence was committed according to the decision adopted, the manner of processing and the data related to collection and enforcement of the penalty imposed;
 13. a type, number and validity of a lost or stolen document and on the date when such loss of theft was reported;
- c) the data
1. allowing determination of an authority which took a decision in the matter under letter b);
 2. allowing determination of a file regarding the foreign national and established under letter b);
 3. concerning the course of proceedings under letter b) and the execution of the decision pursuant to this Act.

(2) When implementing competences under this Act, the Police shall also operate information systems containing the data on

- a) the day, month and year when the decision on a minor administrative offence under this Act whose offender is a legal entity or a natural person operating a business undertaking came into force; a record of a minor administrative offence under the relevant legal provisions, circumstances under which such minor administrative offence was committed

- according to the decision adopted, the manner of processing and the data related to collection and enforcement of the penalty imposed;
- b) the person who has invited a foreign national to stay in the Czech Republic within the scope of an invitation form (Section 180 (2)), the name, surname, day, month and year of birth and nationality of the invited foreign national, on circumstances which led to the refusal to certify the invitation and on the breach of the commitment included in the invitation and the data on the authority which dealt with the said matter;
 - c) the number and the type of a document which was declared invalid by the competent authority of an issuing state including the reason for such declaration.

(3) The Police shall be entitled to operate other information systems if the operation thereof is a prerequisite for implementing the tasks stipulated in this Act. Such information systems may only contain the information obtained when implementing such task.

(4) The data contained in the information system maintained under paragraphs 2 or 3 may also be encompassed in the information system under paragraph 1 if such data relates to a foreign national who is registered in such information system.

(5) The data contained in the information system maintained in accordance with this Act may be merged with the data contained in any other information system maintained under the special legal regulation if it is necessary for implementing a task assigned by this Act.

(6) The Ministry shall be entitled, within its scope of competences stipulated by this Act, to enter into the information system of the Police under paragraph 1 and paragraph 2 (2) (c) information acquired when implementing the tasks of the Ministry and to make use of information from the information systems under paragraphs 1 through 3 for Ministry's activities.

Section 158a

(1) When implementing competences under this Act, the Ministry of Foreign Affairs shall operate the information system containing the first name or names, surname including previous names and surnames, the day, month and year of birth, gender, nationality, an image record of the foreign national, for example a photograph, his/her fingerprints, a foreign national's birth identification number or any other identification data provided by such foreign national and some other data

- a) in the scope of an application for a visa (Section 54), a long-term residence permit (Section 42 (5)), an application for confirmation on temporary residence in the Czech Republic or a residence card for a family member of the citizen of the European Union (Section 87x;), a travel identity card (Section 111 (1)) and an application for an emergency travel document of the European Union (Section 115a);
- b) on the processing of an application filed under this Act, namely the number, type, the data of issue, the validity of a visa or a document and the authority that issued the visa or a document; in the case the said application was refused the date and the reason for such refusal and the authority that made the relevant decision;
- c) on imposing an exit order, namely the number of the travel document, the number of the exit order, the date of issue, the validity period and the authority that issued the said exit order;

- d) on cancellation and expiry of a visa or a document issued in accordance with this Act, namely the type, the number of the visa, the reason and the authority that took the relevant decision;
- e) allowing determination of a file regarding the foreign national and established under letters a) through d) and other data concerning the course of the proceedings under letters a) through d).

(2) When implementing competences under this Act, the Ministry of Foreign Affairs shall operate the information system on foreign nationals applying for long-term residence permits for the purpose of protection in the Czech Republic. This information system shall contain:

- a) the data within the scope of an application for a long-term residence permit (Section 42 (5));
- b) the reason stated in the confirmation issued by a law enforcement authority, including the data on such authority;
- c) the birth identification number or any other identification data provided by the foreign national;
- d) the data on the manner of processing the application, the number and type of the document, the day, month and year of the issue and the validity of the document;
- e) the day, month and year when the decision on refusal of the application came into force and the reason for such refusal;
- f) the day, month and year of the issue of an exit order, its number, validity and the data on the authority that issued such exit order;
- g) the data allowing determination of the file concerning a foreign national and established in the matter under letters (a) through f) and further data concerning the course of the proceedings under letters a) through f).

(3) When implementing competences under this Act, the Ministry of Foreign Affairs shall also operate the information system on foreign nationals applying for a foreign national's passport under Section 113 (1) and (2). Such information system shall contain the data within the scope of the application for a foreign national's passport, including biometric identifiers.

(4) The Ministry of Foreign Affairs and the Ministry shall be entitled to use the data maintained under paragraph 1 if the use thereof is a prerequisite for implementing the tasks stipulated in this Act.

Section 159

(1) Unless herein stipulated otherwise, an applicant can only be provided with such information from the information system that he/she needs to implement tasks stipulated in this Act, within the scope of surname, first name, maiden surname, the date and place of birth, nationality, the birth identification number and the place and type of residence in the Czech Republic. This scope may be extended, if it is a prerequisite for implementing the tasks stipulated in this the Act and if the necessary information cannot be obtained otherwise. Obtaining such information shall not give the right to collect, forward and use it above and beyond the authorisations defined within the meaning of special legal regulations.

(2) A foreign national may be provided with information in the scope stated in paragraph (1) at his/her request as defined in the special legal regulation²³⁾.

(3) The information from the information systems maintained pursuant to Section 158 and Section 158a (1) shall be supplied to governmental authorities, if they need it for implementing their tasks. The Intelligence Service may, when meeting tasks under special legal regulations^{23a)} use the data saved in information systems, including personal data by using on-line access.

(4) The Police shall forward the data from the information systems maintained under Section 158 within the scope laid down by the agreement concluded by the European Communities to competent governmental authorities of third countries if such agreement is legally binding for the Czech Republic. Further, the Police shall supply the data from the information systems maintained under Section 158 to an Embassy of the country of which a foreign national is a citizen within the scope necessary for issuing an emergency travel document.

(5) The Ministry of Foreign Affairs shall forward the data from the information systems maintained under Section 158a (1) within the scope laid down by an agreement concluded by the European Communities to competent governmental authorities of third countries if such agreement is legally binding for the Czech Republic.

(6) The Police shall forward the data on a foreign national who has been issued a long-term residence permit as a resident of a Member State of the European Union to the competent authority of the Member State of the European Union which conferred on the foreign national the legal status of a resident of a Member State of the European Union or permitted his/her residence for the purpose of reunification of the family; the Police shall provide this authority with information on cancellation validity of such residence permit in the Czech Republic or on expulsion of a resident of a Member State of the European Union, including the data concerning the foreign national's departure from the Czech Republic.

(7) The Ministry shall forward the data on a foreign national who has been conferred the legal status of a resident of the Czech Republic^{7c)} to the competent authority of a Member State of the European Union which in the past conferred such foreign national the legal status of a resident of a Member State of the European Union.

(8) The Ministry shall forward the data on a foreign national whose legal status of a resident in the Czech Republic was cancelled under Section 85 (1) (b) to the competent authority of the Member State of the European Union which decided on termination of a temporary residence of the resident in its territory since such resident seriously disrupted public order.

(9) The Ministry shall forthwith forward to the Police the data on the name and surname, the day, month and year of birth and nationality of a foreign national whose application for a long-term residence for the purpose of protection in the Czech Republic was rejected or validity of such permit was cancelled and shall forward also the data on the day,

²³⁾ Section 17 (l) of Act No. 256/1992 Coll.

^{23a)} Act No. 153/1994 Coll. on Intelligence Service of the Czech Republic, as amended
Act No. 154/1994 Coll. on the security Intelligence service of the Czech Republic, as amended
Act No. 289/2005 Coll. on Military Intelligence

month and year when such decision came into force and the validity of an exit order. The Ministry shall also forward to the Police the data required under Section 182b.

(10) At the request of the owner or a person authorised to use premises or specified parts of a premise the Police shall provide such persons with the information on the name or names, surname, the date of birth and nationality of a foreign national who was reported to reside in the place corresponding to the address of the premises owned or used or partially used by the aforementioned persons.

Section 160

(1) The data in the information systems under Section 158 may be maintained in a written form, on storage media or in a manner combining the said forms and the data may also be transferred in the same form.

- (2) The data recorded on storage media shall be retained for a period of
- a) 20 years from the termination of the residence of a foreign national in the Czech Republic, in the case of a permanent or temporary residence or from the date of acquisition of Czech Republic nationality;
 - b) 15 years from the expiration of a foreign national's passport under Section 113 (1) and (2), with the exception of fingerprints and other data maintained by the Ministry about foreign nationals applying for such type of passport; such data is stored for 60 days from the date of delivery of a produced foreign national's passport to the Ministry;
 - c) 10 years from expiration of the period for which a foreign national was included in the register of *personae non gratae*;
 - d) 10 years from the occurrence of a recorded fact, if it is a case of information concerning the loss or theft of travel documents referred to in Section 108 and concerning travel documents referred to in Section 108 (1) (a), (b), (c), (g) or (h) which were declared invalid by the authorities of the country that had issued such documents;
 - e) 5 years from expiration of a foreign national's passport under Section 113 (3), a travel identity card or a travel document under Section 108 (1) (f); or
 - e) 5 years from the occurrence of a fact that is subject to recording in other cases.

- (3) The data recorded in writing shall be retained for a period of
- a) 10 years from the termination of the residence of a foreign national in the Czech Republic, in the case of a permanent or temporary residence or from the date of acquisition of Czech Republic nationality;
 - b) 5 years from expiration of the period for which a foreign national was included in the register of *personae non gratae*;
 - c) 5 years from expiration of a foreign national's passport, a travel identity card or a travel document referred to in Section 108 (1) (f); or
 - d) 5 years from the occurrence of a fact that is subject to recording s in other cases.

(4) If the registered data on a foreign national consists of data merged within the meaning of Section 158 (5), the retention period applicable to the complete data shall be equal to the longest period defined for one of the part of the merged data.

(5) The retention period applicable to the data recorded in the information systems referred to in Section 158 (2) and (3) must not exceed 30 years.

(6) If the period specified in paragraphs (2), (3), (4) or (5) elapses, the data shall be destroyed, unless the special legal regulation stipulates otherwise.²⁴⁾

Section 160a

Access to the Information System of the Contracting States

In compliance with the directly applicable legal regulation of the European Communities and the International Agreement on removing common border control the following authorities shall have access to the Information System of the Contracting States:

- a) the Ministry;
- b) the Directorate of the Alien Police Service and its outlying units;
- c) Regional Directorates of the Alien Police Service and their outlying units;
- d) the Ministry of Foreign Affairs; and
- e) an Embassy

TITLE XVI

SCOPE OF THE COMPETENCE OF THE POLICE AND THE MINISTRY OF FOREIGN AFFAIRS AND AUTHORISATION OF THE POLICE

Section 161

State Administration Executed by the Police and Territorial Jurisdiction

(1) The competences of administrative authorities in accordance with this Act shall be executed, within the Police, by

- a) the Directorate of the Alien Police Service and its outlying units which are Inspectorates of the Alien Police at international airports;
- b) the Regional Directorates of the Alien Police Service and their outlying units, which comprise of
 1. Inspectorates of the Alien Police;
 2. the Department of Specialised Activities;

(2) The territorial jurisdiction of an administrative authority referred to in paragraph (1) shall be determined according to the place that a foreign national registered as his/her place of residence; in the case a foreign national who is not required to report his/her place of territorial jurisdiction shall be determined according to the place where he/she predominantly resides.

Section 161a

The Police shall forthwith forward to the Ministry information obtained when meeting tasks stipulated herein if such information concern a foreign national whose residence permit was issued by the Ministry and there may be grounds for commencing the proceedings on cancellation of validity of such permit.

Section 162

²⁴⁾ Act No. 97/1974 Coll., on Archiving as amended by the Act. 343/1992 Coll.

repealed

Section 163

Directorate of the Alien Police Service

The Directorate of the Alien Police Service shall

- a) meet the obligations arising from a directly applicable legal regulation of the European Communities and from an International Agreement;
- b) decide whether a foreign national will be recorded in or deleted from the Information System of the Contracting States;
- c) operate the information systems under Section 158 within the scope of its competences;
- d) manage and control activities carried out by Regional Directorates of the Alien Police Service and their outlying units;
- e) decide on whether to label a person as a *persona non grata* and on his/her inclusion in and exclusion from the register of *personae non gratae*;
- f) in administrative proceedings
 1. execute competences of the superior administrative authority in relation to a Regional Directorate of the Alien Police (Section 164);
 2. decide on an application for cancellation of a decision on administrative expulsion;
 3. require a binding opinion of the Ministry as to whether departure of a foreign national is possible;
- g) file an application for permitting transit by air with the competent authority of a Member State of the European Union or any other state which applies the common procedure in the case of transit by air and it shall also decide on delivered applications for transit by air;
- h) carry out escorting activities concerning expulsion of foreign nationals or concerning Police transit of foreign nationals throughout the Czech Republic or by air;
- i) ensure travel and transport documents (air or bus or train tickets and so forth) and impose an exit order on a foreign national being deported from the Czech Republic or detained under Section 124b;
- j) request a copy or duplicate from the Register of Criminal Records^{24a)}; an application and a copy or duplicate from the Register of Criminal records shall be delivered in an electronic form on-line;
- k) shall take facial images of a foreign national and his/her fingerprints when a foreign national files an application for a visa, when establishing identity of a visa holder, when declaring a visa to be invalid, within proceedings on administrative expulsion and during administrative expulsion itself, when a foreign national is being detained for the purpose of administrative expulsion, when detecting foreign national's identity, when meeting obligations arising from an International Agreement or a directly applicable legal regulation of the European Communities or in relation to provision of temporary protection;
- l) carry out border control and border checks;
- m) decide on granting a transit visa under Section 22 (5) and (6) and a visa for a stay of over 90 days under Section 26 (5) and (6);
- n) decide on refusal to permit entry of a foreign national to the Czech Republic and on cancellation of a visa;

^{24a)} Act No. 269/1994 Coll. On the Register of Criminal Records, as amended

- o) carry out necessary acts relating to the decision on refusal to permit entry of a foreign national to the Czech Republic with the aim to ensure that the foreign national concerned shall leave the Czech Republic without undue delay;
- p) decide on refusal to permit a foreign national to leave the Czech Republic;
- q) carry out residence checks;
- r) seize a travel document under Section 117 (1) or a document, the validity of which expired or was otherwise terminated, under Sections 86, 87 or 87aa;
- s) decide on minor offences and minor administrative offences in accordance with this Act;
- t) decide on granting a visa or permitting an entry to the Czech Republic under Section 122;
- u) conduct consultations concerning visas in compliance with the obligations of the Czech Republic arising from International Agreements on removing common border control;
- v) assess whether a public instrument under Section 108 (1) (b) meets all conditions referred to in Section 108 (2);
- w) verify whether a foreign national did not violate this Act with the aim to obtain a residence permit, in particular whether he/she entered into a fake marriage or declared paternity just for the purpose of acquiring a residence permit;
- x) decide on administrative expulsion of foreign nationals;
- y) issue confirmation on seizure of a travel document under Section 117;
- z) instruct a carrier to transport a foreign national back abroad under Section 104 (3) and (4); if a carrier does not meet this obligation within a specified time limit it shall ensure transport of the foreign national in question through any other carrier and cover related costs;

(2) The Directorate of the Alien Police Service shall further

- a) decide on detention of a foreign national for the purpose of administrative expulsion, detention under Section 124b or for the purpose of meeting obligations arising from an International Agreement;
- b) decide on placement of a foreign national in a detention facility;
- c) decide on covering expenses relating to the stay of a detained foreign national in and departure from the Czech Republic if such foreign national was detained under the special legal regulation^{16b)} and shall enforce the refund of such expenses.

(3) The Inspectorate of the Alien Police at an international airport shall be competent for meeting tasks under paragraph 1 (a), (c), (f) point 3, (h), (k) through (s), (u), (v), (x) through (z) and under paragraph 2 (a) and (b). It shall further decide on imposing an exit order, extending the validity of an airport visa, issuing a travel identity card, terminating temporary residence in the Czech Republic for which no visa is required and termination of stay in the transit zone of an international airport.

Section 164

Regional Directorate of the Alien Police Service

(1) A Regional Directorate of the Alien Police Service shall

- a) meet the obligations arising from a directly applicable legal regulation of the European Communities and from an International Agreement shall carry out residence checks;
- b) operate the information systems under Section 158 within the scope of its competences;
- c) carry out residence checks;

- d) request a copy or duplicate from the Register of Criminal Records^{24a)}; an application and a copy or duplicate from the Register of Criminal Records shall be delivered in an electronic form on-line;
- e) decide, within its scope of competence, on the issue and removal of a travel identity card;
- f) shall decide on the issue, extension of validity of and residence on a visa for a stay of over 90 days, on extension of and residence on a short-term visa, on termination of temporary residence in the Czech Republic for which no visa is required, and shall also impose an exit order;
- g) decide on the cancellation of the validity of a visa;
- h) decide on the issue of a long-term residence permit, temporary residence permit and on confirmation of temporary residence in the Czech Republic or on cancellation of the same;
- i) decide, within its scope of competence, on the extension of cards issued in accordance with his Act;
- j) decide, within its scope of competence, on minor offences and administrative minor offences in accordance with this Act;
- k) decide on administrative expulsion of foreign nationals;
- l) decide on additional confirmation of the date and place of entry of a foreign national to the Czech Republic (Section 180d);
- m) decide on covering expenses relating to the stay of a detained foreign national in and departure from the Czech Republic if such foreign national was detained under the special legal regulation^{16b)} and shall enforce refund of such expenses;
- n) seize a travel document under Section 117 (1) or, within its scope of competence, a document the validity of which expired or was otherwise terminated under Sections 86, 87 or 87aa;
- o) verify an invitation;
- p) meet tasks of a reporting authority within the scope of competences stipulated herein;
- q) carry out escorting activities concerning the expulsion of foreign nationals or concerning Police transit of foreign nationals throughout the Czech Republic or by air;
- r) shall take photographs of a foreign national and his/her fingerprints when a foreign national files an application for a visa, when establishing the identity of a visa holder, when declaring a visa to be invalid, within proceedings on administrative expulsion, during administrative expulsion itself, when a foreign national is being detained for the purpose of administrative expulsion, when detecting foreign national's identity, when meeting obligations arising from an International Agreement or a directly applicable legal regulation of the European Communities or in relation to provision of temporary protection;
- s) delete, within the scope of its competence, the record on the place of residence of a foreign national in the Czech Republic under Section 98a;
- t) require a binding opinion of the Ministry as to whether the departure of a foreign national is possible;
- u) issue confirmation on seizure of a travel document under Section 117;
- v) verify the confirmation under Section 92 (a);
- w) verify whether a foreign national did not violate this Act with the aim to obtain a residence permit, in particular whether he/she entered into a fake marriage or declared paternity just for the purpose of acquiring a residence permit.

(2) The Regional Directorate of the Alien Police Service shall further

^{24a)} Act No. 269/1994 Coll. On the Register of Criminal Records, as amended

- a) carry out border control;
- b) decide on the detention of a foreign national for the purpose of administrative expulsion, detention under Section 124b or for the purpose of meeting obligations arising from an International Agreement;
- c) decide on the placement of a foreign national in a detention facility;
- d) ensure external surveillance of the open part of a detention facility; ensure both external and internal surveillance of the specially guarded part of a detention facility;
- e) escort foreign nationals in between individual detention facilities; guard detained foreign nationals when they are being transported to medical care facilities, transport them consular and law enforcement authorities for further investigation relating to the purpose of detention, or to courts and back.

(3) The Inspectorate of the Alien Police shall be competent for meeting tasks under paragraph 1 and paragraph 2 (a) through (c). It shall further assess whether a public instrument under Section 108 (1) (b) meets all conditions referred to in Section 108 (2).

(4) The department of Specialised Activities shall be competent to meet tasks under paragraph 1 (a) through (c), (g), (j), (k), (n), (q), (r), (u) and (w) and under and paragraph 2 (a) through (c). Furthermore, the Department shall decide on imposing an exit order, on termination of temporary residence in the Czech Republic for which no visa is required, on termination of short-term visas and assess whether a public instrument under Section 108 (1) (b) meets all conditions referred to in Section 108 (2).

Section 165

Scope of Competence of the Ministry

The Ministry, within its scope of competence concerning foreign nationals' entry to, residence in and departure from the Czech Republic shall

- a) carry out supervision over the Police when the Police execute state administration;
- b) perform the tasks of a superior administrative authority towards the Directorate of the Alien Police Service;
- c) decide on a long-term residence permits for the purpose of protection in the Czech Republic and permanent residence permits;
- d) establish and operate detention facilities for foreign nationals;
- e) decide on the payment of expenses related to the residence of a detained foreign national in the Czech Republic and his/her departure from the Czech Republic and shall enforce their refund;
- f) decide on the extension of the validity of a card in possession of a foreign national who has been issued a permanent residence permit;
- g) take biometric identifiers in relation to the issue of a foreign national's passport under Section 113 (1) and (2);
- h) decide on the issue and withdrawal of a foreign national's passport and, within the scope of its competence, on the issue and withdrawal of a travel identity card;
- i) certify that a foreign national has been authorised to reside permanently in the Czech Republic;
- j) *decide on the extension of a long-term residence permit and temporary residence permit (effective as of 1 January 2013);***
- k) decide on conferring and on withdrawing the legal status of a long-term resident in the Czech Republic;

- l) decide on minor offences ***or administrative minor offences (effective as of 1 January 2013)*** in accordance with this Act, within the scope of its competence;
- m) require the Police to verify information and documents submitted or provided by foreign nationals which are necessary for proceedings or decision-making under letters c), e), h), j), k) and l);
- n) decide on the issue, extension or cancellation of a Green Card;
- o) be authorised to enter data in the Information system under Section 158 (1) and, within the scope necessary for implementing tasks in accordance with this Act, to make use of the data stored in the information systems under Section 158;
- p) be authorised to add data on processing an application for a Green Card in the central register of vacancies eligible for Green Card holders;
- r) perform other tasks in accordance with this Act.

Section 165a
Authorisation of the Ministry

- (1) The Ministry shall be authorised to
- a) take fingerprints and facial images pursuant to the directly applicable legal regulation of the European Communities in relation to the issue of a foreign national's passport;
 - b) require, when performing tasks in accordance with this Act, explanations relating to such tasks;
 - c) require the Police to verify information and documents submitted by foreign nationals or acquired within activities carried out in relation to meeting tasks in accordance with this Act;
 - d) require a foreign national to prove his/her identity in relation to meeting tasks in accordance with this Act;
 - e) participate in residence checks carried out by the Police;
 - f) provide the Police or Embassies with instructions when these are granting a visa.

(2) The Ministry shall be further authorised to, within proceedings in accordance with this Act, require a copy or duplicate from the Register of Criminal Records^{24a)}. As regards the issue of permanent residence permits the Ministry shall always require a copy from the Register of Criminal Records.

(3) An application for a copy or duplicate from the Register of Criminal Records^{24a)} or a copy or duplicate from the Register of Criminal Records shall be delivered in an electronic form on-line.

Section 166
Scope of Competence of the Ministry of Foreign Affairs

(1) The Ministry of Foreign Affairs shall execute state administration as concerns the process of issuing foreign nationals enjoying privileges and immunities under international law with residence permits.

(2) The Ministry of Foreign Affairs shall execute state administration as concerns the process of issuing visas through an Embassy within the scope stipulated by this Act.

Section 167
Authorisation of the Police

The Police shall be authorised to

- a) require a copy or duplicate from the Register of Criminal Records^{24a)}; an application and a copy or duplicate from the Register of Criminal Records shall be delivered in an electronic form on-line;
- b) take fingerprints and facial images of a foreign national when a foreign national files an application for a visa, when establishing the identity of a visa holder, when declaring a visa to be invalid, within proceedings on administrative expulsion, during administrative expulsion itself, when a foreign national is being detained for the purpose of administrative expulsion, when establishing foreign national's identity, when meeting obligations arising from an International Agreement or a directly applicable legal regulation of the European Communities or in relation to provision of temporary protection;
- c) require, when performing tasks in accordance with this Act, explanations relating to such tasks;
- d) to carry out residence checks of
 1. a foreign national for the purpose of ascertaining whether he/she is residing in the Czech Republic legally and whether he/she meets the conditions for such residence in the Czech Republic as stipulated by this Act;
 2. a foreign national or any other persons for the purpose of ascertaining whether they comply with the obligations stipulated by this Act;
- e) require a foreign national to prove his/her identity during border or residence checks;
- f) enter accommodation facilities subject to the conditions stipulated by this Act and inspect guest registers;
- g) carry out a body search and a search of personal belongings, if so stipulated by this Act;
- h) record in the travel document a decision on administrative expulsion imposed on its holder;
- i) seize money of a foreign national detained under the special legal regulation^{16a)};
- j) use money of a foreign national seized under letter i) to cover, even if in part, expenses relating to the stay of a detained foreign national in the Czech Republic and his/her departure from the Czech Republic;
- k) verify, when meeting tasks in accordance with this Act, whether a foreign national did not violate this Act with the aim of obtaining a residence permit, in particular whether he/she entered into a fake marriage or declared paternity just for the purpose of acquiring a residence permit;
- l) take fingerprints and facial images of a foreign national under the directly applicable legal regulation of the European Communities^{5a)} in relation to the issue of a travel document under the special legal regulation²⁾;
- m) seize a travel document, the validity of which expired or was otherwise terminated under Sections 86, 87 or 87aa; and provide a foreign national with a certificate proving that such travel document has been seized;
- n) to require a foreign national whose entry into the Czech Republic was refused to leave the Czech Republic without undue delay and carry out necessary acts with the aim of ensuring that the foreign national concerned returns back abroad.

(2) If the Police carry out residence checks in cooperation with authorities entitled to inspect employers under special legal regulations the Police shall be empowered to enter premises and facilities of such employers.

(3) When granting visa for a stay for over 90 days, a long-term residence permit and extending a long-term residence permit the Police shall always require a copy or duplicate from the Criminal Register Records^{24a)}.

(4) An application and a copy or duplicate from the Register of Criminal Records^{24a)} and a copy or duplicate from the Register of Criminal Records shall be delivered in an electronic form on-line.

TITLE XVII ADMINISTRATIVE PROCEDINGS AND REVIEW BY COURTS

Administrative Proceedings

Section 168

The Rules of Administrative Procedure^{24b)} shall not apply to the proceedings referred to in Section 9 (with the exception of the proceedings referred to in Section 9 (4)), Section 19 (1), Sections 22, 24, 26, 29, Section 29a)1)and (3), Section 29b (5) and (6), Sections 61, 92, 98a, 115a, Section 122 (1) and (2), Section 123a, Section 124 (with the exception of the proceedings referred to in 124 (4)), Section 124b, Section 126a, Section 129, Section 135 (3) through (4), Section 148, Section 154 (2), Section 155 (1), Sections 180, 180b, 180d, 180e and 180h.

^{24b)} Parts Two and Three of the Rules of Administrative Procedure

Section 169

Derogations from the Rules of Administrative Procedure

(1) A decision, the delivery of which to the hands of a participant to the proceedings cannot be successfully completed within a period of 180 days, shall be delivered by posting the same on the official notice board of an Embassy for a period of 15 days, if a decision of such an Embassy is concerned.

- (2) If a decision cannot not be issued forthwith, the decision shall be issued
- a) within 120 days from the date when an application for a long-term residence permit of a resident of a Member State of the European Union and his/her family member was lodged;
 - b) within 180 days from the date when an application for a permanent residence permit was lodged;
 - c) within 270 days from the date when an application for a long-term residence permit for the purpose of family reunification in the Czech Republic was lodged;
 - d) within 60 days from the date when an application for a long-term residence permit for the purpose of studies, scientific research or for a long-term residence permit for a family member of a researcher was lodged under Section 42 (3);
 - e) within 60 days from the date when an application for a long-term residence permit, permanent residence permit under Section 69-if such application is lodged in the Czech Republic, a temporary residence permit and a permanent residence permit under Sections 87g and 87h.

(3) A participant to the proceedings shall be obliged to appear in person and participate in the proceedings. An administrative authority shall be entitled to hear a participant to the proceedings if such hearing is necessary for ascertaining the actual situation, in particular for assessing whether a foreign national did not violate this Act with the aim to obtain a residence permit, in particular whether he/she entered into a fake marriage or declared paternity. A participant to the proceedings shall be obliged to give evidence which shall be the truth and he/she must not conceal anything. An administrative authority shall warn the participant to the proceedings on the consequences of refusing to testify or of giving untrue or incomplete testimony.

(4) An appeal against a decision on denial of entry to the Czech Republic or against a decision on seizure of a foreign national's passport, a travel identity card or a travel document under Section 108 (1) (f), against a decision taken under paragraph 9 or against a decision on cancelling the validity of a residence permit card, a residence permit for a family member of the citizen of the European Union, a permanent residence permit card and a permanent residence permit card for a citizen of the European Union shall not have any suspensive effect.

(5) The Police shall make a decision on administrative expulsion within seven days from when the procedure was commenced; if the Police are unable to make a decision within this time limit, the Police shall be obliged to notify the participant to the procedure thereof and give the reason for such delay.

(6) An appeal against a decision on administrative expulsion may be filed within five days from the date when the notice of such a decision was given. In the case of a decision on administrative expulsion of a foreign national aged under 18 years old the time limit for appeal shall be 15 days from the date when the notice of such a decision was given.

(7) The proceedings shall be terminated by a resolution if a foreign national

- a) fails to pick up within the time limit specified in Section 44 (2) a residence permit card or to pick up within the time limit specified in Section 74 a permanent residence permit, unless the foreign national notifies, within this time limit, that such a receipt is prevented by reasons beyond his/her control;
- b) who filed an application in the Czech Republic fails to pick up a permanent residence permit within 30 days from the date of notification unless the foreign national notifies, within this time limit, that such a receipt is prevented by reasons beyond his/her control;
- c) filed an application for permanent residence permit in the Czech Republic, although he/she was not authorised to do so pursuant to Section 69 (2);
- d) who filed an application for extension of residence on the basis of a visa for a stay of over 90 days, an application for a long-term residence permit or an application for extension of a long-term residence permit at such time when he/she was not authorised to do so.

(8) An application for the extension of residence on the basis of a visa for a stay of over 90 days or an application for the extension of the validity period of such a visa shall be processed by the Police within 14 days.

(9) If some deficiencies which could have caused an application to have been rejected came to the light after the decision on an application for a long-term residence permit or a

permanent residence permit filed at an Embassy was adopted and if such decision is not final and conclusive, the decision shall be cancelled.

(10) The proceedings on an application filed under Section 42e which has not been certified by a law enforcement authority shall not be commenced and the Ministry shall through its resolution adjourn the matter. The resolution shall be recorded in the file.

(11) An Embassy shall be entitled to check applications and the data of submitted applications for long-term residence permits or permanent residence permits; if applications do not encompass prescribed data or have some other defects the Embassy shall be entitled to help a foreign national remove such deficiencies on the spot or invite him/her to remove them and provide him/her with an adequate time limit. Until such deficiencies are removed or a time limit under the first sentence lapses the time limit for processing the application for a long-term residence permit or permanent residence permit does not run. Upon the instructions of the Police or the Ministry the Embassy shall be entitled to hear an applicant for a long-term residence permit or permanent residence permit if such hearing seems to be necessary under conditions laid down in paragraph 3.

Section 170

(1) An application for a visa, with the exception of a diplomatic visa or special visa, for extension of residence in the Czech Republic on the basis of a short-term visa or for extension of the validity of a visa for a residence of over 90 days for the purpose of leave to remain in the Czech Republic shall be required to be filed by a foreign national in person. In justified cases, an Embassy or the Police may waive the obligation referred to in the previous sentence.

(2) An application for a transit visa under Section 22 (5) or for a visa for a stay of up to 90 days under Section 26 (5) shall be processed by the Police without undue delay.

(3) An application for a visa for a stay of up to 90 days, an airport visa and a transit visa shall be processed by an Embassy within 30 days from the date on which the application was filed. In the case of a family member of the citizen of the European Union who is not a citizen of the European Union him/herself or a visa for the purpose of research the Police shall process the visa within 14 days from the date on which such application was filed.

(4) An application for a visa for a stay of over 90 days for the purpose of leave to remain in the Czech Republic referred to in Section 33 (1) shall be processed by the Police within 30 days from the date on which such application was filed.

(5) An application for a diplomatic visa or a special visa or for a visa for a stay of over 90 days to be issued to a foreign national for the purpose of filing an application for a long-term residence permit to be issued by the Ministry of Foreign Affairs (Section 30 (2)) shall be processed by the Ministry of Foreign Affairs or an Embassy within 60 days from the date on which such application was filed.

(6) An application for a visa for a stay of over 90 days shall be processed by the Police within 90 days, in especially complicated case within 120 days, from the date on which such application was filed. An application for a visa for a stay of over 90 days for the purpose of

studies or for the purpose of teaching activities and research activities shall be processed by the Police within 60 days from the date on which such application was filed.

(7) An application for a Green Card shall be processed by the Ministry within 30 days from the date

- a) on which such application was delivered, if it is filed at an Embassy; or
- b) on which such application was filed, if the application is filed in the Czech Republic.

(8) An application for the extension of residence in the Czech Republic with a visa for a stay of up to 90 days shall be processed by the Police within seven days from the date on which such application was filed; an application for extension of the validity of a visa or the period of residence in the Czech Republic on the basis of a visa for a stay of over 90 days for the purpose of leave to remain in the Czech Republic shall be processed by the Police within 30 days.

(9) The proceedings shall be conducted before the Police in the Czech language; if the instrument is not written in this language the foreign national shall be obliged to enclose along with the application a translation certified by an official translator.²⁵⁾

(10) After termination of the proceedings, the visa shall be affixed in a travel document or in any other document subject to the conditions defined by this Act or the applicant shall be notified, when filing the application with the Police, that his/her application was rejected, and/or, if the application is filed abroad, an Embassy shall return the travel document to the foreign national.

(11) If an application for a visa does not satisfy prescribed requisites or demonstrates other defects the Police or an Embassy invites an applicant for a visa to remove them and provides an adequate time limit. Until such deficiencies are removed or a time limit under the previous sentence lapses the time limit for processing the application for a visa does not run.

Review by Courts

Section 171

The following shall be excluded from reviews of courts:

- a) a decision not to grant a visa;
- b) a decision on denial of entry to the Czech Republic;
- c) repealed;
- d) a decision on the termination of the residence, if the foreign national had been staying in the Czech Republic or in the transit zone of an international airport illegally before the procedure on the termination of his/her stay was commenced;
- e) a decision not to grant a Green Card.

Section 172

Legal Action

(1) A legal action against an administrative decision²⁶⁾ must be filed within 30 days from delivery of the decision of the administrative authority of the highest instance or from

²⁶⁾ Sections 244 through 250k of Act No. 99/1963 Coll.

the date of notification of any other decision of the administrative authority, unless stipulated herein otherwise. The lapse of time to file the legal action may not be waived.

(2) A legal action against an administrative decision on expulsion must be filed within ten days from the delivery of the decision of the administrative authority of the highest instance. The lapse of time to file the legal action may not be waived.

(3) A legal action against a decision on expulsion of a foreign national shall have a suspensive effect as regards enforceability of the decision; this provision shall not apply if the foreign national was expelled due to threatening the security of state.

(4) The suspensive effect of a legal action against a decision on expulsion shall be without prejudice to the provisions concerning the extension of the validity of visas, the period of residence in the Czech Republic on the basis of a visa or the extension of a residence permit card or a permanent residence permit card for a citizen of a Member State of the European Union.

TITLE XVIII COMMON PROVISIONS

Section 173

A foreign national who was issued with a residence permit card for a family member of the citizen of the European Union, a residence permit or a permanent residence permit card, shall be entitled to enter, reside in, and depart from the Czech Republic without a visa.

Section 174

No Criminal Record

(1) For the purposes of this Act, a foreign national with no criminal record shall be a foreign national who

- a) has no record in the Register of Criminal Records of having been convicted, with a final and conclusive effect, of a crime;
- b) has no record in a document issued by a foreign state which is similar to a copy from the Register of Criminal Records of having been convicted for an criminal act which corresponds to the constituent elements of a crime.

(2) For the purpose of proving no criminal record the relevant authority shall request a copy from the Register of Criminal Records^{24a)}. An application for the extract from the Register of Criminal records shall be delivered in an electronic form on-line.

(2) A criminal record with no convictions shall be proved by a copy from the Register of Criminal Records, which shall not be older than six months, or by a similar document issued by the state, the nationality of which the foreign national holds, as well as by the states in which the foreign national resided for a continuous period exceeding six months during the last three years; if the state in question does not issue such document, it may be replaced with a statutory declaration.

Section 175

The provisions of this Act shall apply, unless an International Agreement published in the Collection of International Agreements stipulates otherwise.

Section 176

Healthcare Provided for a Detained Foreign National

- (1) A detained foreign national shall be provided with healthcare
- a) in emergency situations which
 1. immediately endanger the foreign national's life;
 2. may cause through worsening pathological changes an unexpected death;
 3. may cause permanent pathological changes unless prompt medical care is provided;
 4. may cause unexpected distress and a pain;
 5. may cause changes in the behaviour and conduct of a suffering person, threaten him/herself or his/her vicinity; or
 6. concern pregnancy and childbirth, with the exception of artificial abortion at the request of a foreign national;
 - b) in relation to an ordered quarantine or any other measure adopted to protect public health.

(2) The costs associated with the provision of healthcare referred to in paragraph 1 shall be borne by the state and shall also be borne by the state in the case where detention was suspended.

(3) If healthcare cannot be provided directly in a detention facility the facility operator shall arrange such healthcare to be provided in a medical facility with which the Ministry or the facility operator enters into an agreement on providing healthcare; this provision shall not apply if life or health is immediately endangered.

(4) If a foreign national caused an intentional injury to their health he/she shall be obliged to cover the costs for treatment, including actual costs paid for surveillance and transport to a medical facility and back.

(5) In case where costs for provided healthcare are covered by the state and a foreign national did not seek international protection or he/she is an applicant for international protection costs will be paid by

- a) the Ministry for a foreign national detained in a detention facility;
- b) the Police in all other cases.

Section 176a

Payment of the Costs for the Stay of a Foreign National in a Reception Centre in the Transit Zone of an International Airport After Final and Conclusive Termination of an Asylum Procedure

(1) A foreign national who is placed in the reception centre in the transit zone of an international airport at the time when a decision made pursuant to a special legal regulation²⁾ becomes effective, shall bear the costs associated with his/her stay in such centre until he/she leaves the Czech Republic.

(2) A foreign national referred to in paragraph 1 shall be provided with healthcare in the case of an injury or a sudden illness, an ordered quarantine or any other measure adopted to protect public health. The costs associated with the provision of healthcare shall be borne by the foreign national concerned.

(3) If a foreign national is unable to pay the costs referred to in paragraphs 1 and 2, even if in part, and if the payment thereof is not arranged otherwise, such costs shall be borne by the state and the Ministry shall cover the costs in question.

Section 176b

Payment of the Costs Associated with the Detention of a Foreign National for the Purpose of Readmission or Transit

(1) When covering costs associated with the detention of a foreign national for the purpose of his/her readmission or transit under an International Agreement or the detention of a foreign national for the purpose of transit by air (Section 152 and 153) the same procedure as for covering costs associated with the detention of a foreign national for the purpose of administrative expulsion shall apply.

(2) The costs associated with the detention of a foreign national for the purpose of his/her readmission under an International Agreement shall include also the costs which incurred to the Police or the Ministry from the detention of the foreign national until he/she has been handed over to the relevant authority of the other contracting state.

(3) The costs associated with the detention of a foreign national for the purpose of his/her transit or transit by air under an International Agreement pursuant to Sections 152 and 153 shall be covered only in the case of a foreign national who has resided in the Czech Republic and whose return to the country the national of which he/she is or to any other country which admits such foreign national, shall require transit throughout any other state where he/she will be escorted by relevant authorities of such country. In such case the costs shall include also the costs associated with transit carried out by relevant authorities of the state across which the foreign national is transited.

Section 177

Identity

(1) For the purposes of this Act, identity shall mean evidence of the first name, the surname, the date, month and year of birth and nationality or the last permanent residence outside the Czech Republic.

(2) For the purposes of expulsion, evidence on identity can be replaced with the fingerprints and facial image of the foreign national and the information on the foreign national that the Police ascertained.

Section 178

Capacity to Perform Legal Acts

Unless this Act stipulates otherwise, a foreign national aged over 15 years, who is capable of expressing his/her own volition and ability to act independently, shall be deemed to have capacity to perform legal acts.

Section 178a

For the purposes of this Act a single foreign national shall mean a foreign national who is unmarried, widowed or divorced.

Section 179

Obstacles Preventing a Foreign National's Departure from the Czech Republic

(1) The departure of a foreign national shall not be possible if there are reasonable concerns that if such foreign national is returned to the country the national of which he/she is or in the case of a stateless person to the country of his/her last permanent residence the foreign national concerned would be under threat of harm under paragraph 2 and he/she cannot or is not willing, due to such threat, to use the protection of the state the national of which he /she is or of the state where her/she had last permanent residence.

(2) Serious harm under this Act shall be

- a) imposition or execution of a death penalty;
- b) the danger of torture, inhuman or humiliating treatment or sanctions;
- c) immediate danger to life or human dignity due to wanton violence in the situation of an international or domestic armed conflict; or
- d) if such departure were contrary to international obligations and commitments of the Czech Republic;

(3) The provisions of paragraph 1 shall not apply if there is reasonable suspicion that a foreign national

- a) has committed a crime against peace, a war crime or a crime against humanity within the meaning of international documents encompassing provisions on such criminal acts;
- b) has committed an especially grave criminal offence;
- c) committed acts contrary to principles and objectives of the United Nations Organisation; or
- d) endangers the security of the state.

(4) Furthermore, the provisions of paragraph 1 shall not apply if a foreign national

- a) incites or is an accessory to the criminal acts referred to in paragraph 3; or
- b) has committed, outside the Czech Republic, one or more criminal offences different from criminal acts referred to in paragraph 3, has left the country the national of which he/she is or, in the case of a stateless person, has left the country where he/she last had permanent residence with the aim of avoiding prosecution for such criminal acts, provided that those are crimes for which a sentence of imprisonment may be imposed in the Czech Republic.

(5) In cases under paragraph 3 or 4 it shall be made possible for the foreign national to seek admission to some other state within a maximum period of 60 days. If the foreign national proves that he/she was not able to find admission in such state the Police shall allow him/her to file an application for a visa [Section 33 (1) (a)].

Section 180

Certification of Invitation and Denial of Such Certification

(1) An invitation shall be certified by the Police at the request of a natural person or a legal entity.

(2) An invitation shall be filed on an official form. An inviting natural person shall state his/her first name, surname, birth identification number, the day, month and year of birth and the place of residence in the Czech Republic in the invitation. An inviting legal entity shall also state its name, registered office and identification number in the invitation and shall affix its seal and the first name, surname and signature of an authorised person (the statutory body) to the invitation. An inviting person shall also state the data about a foreign national being invited, namely his/her first name, surname and other names, the day, month and year of birth, nationality, the address abroad, the number of a travel document, the purpose of the journey and the period for which the foreign national shall stay in the Czech Republic.

(3) The Police shall certify an invitation within seven working days from the date on which an application for certification of the invitation was filed.

(4) An inviting natural person shall be obliged to present himself/herself to the Police on the seventh working day from the date on which the application for certification of the invitation was filed, or earlier after agreement with the Police, in order to receive the certified invitation. Such obligation shall apply to the representative of an inviting legal entity accordingly.

(5) The Police shall refuse to certify an invitation if

- a) the invited foreign national is recorded in the register of *personae non gratae*;
- b) an inviting person or entity, at the request of the Police, fails to prove the ability to meet the obligation referred to in Section 15;
- c) an inviting person or entity breached the obligation referred to in Section 15 or the obligation referred to in Section 100; or
- d) the reason referred to in Section 9 (1) (h) or (i) is ascertained.

(6) An inviting person shall be obliged, at the request of the Police, to prove the ability to meet commitments contained in the invitation by

- a) proving that he/she has available funds necessary to cover the stay of an invited foreign national within the scope stipulated in Section 13;
- b) proving that he/she has available funds in the amount of 0.25 times of the amount of the subsistence minimum⁶⁾ for each day of the stay of the foreign national in the Czech Republic, unless the foreign national is accommodated with the inviting person;
- c) submitting a medical travel insurance policy for the benefit of the invited foreign national or the statutory declaration that such insurance policy will be entered into prior to foreign national's entry in the Czech Republic or a document proving that the inviting person is in possession of the amount of at least EUR 30,000 for respective coverage of the costs within the scope laid down in Section 180i (1);
- d) proving that he/she has available funds for paying the costs associated with the departure of the invited foreign national from the Czech Republic in the amount corresponding to the price of an air ticket to the country of permanent residence of the foreign national concerned or to the country the travel document of which he/she holds.

(7) If the Police refuse to certify an invitation, they shall notify the inviting person of this fact when such a person presents himself/herself to the Police. At the request of the inviting person, the Police shall confirm this fact in writing, without stating the reason for the refusal.

(8) The Police shall indicate the certification in the invitation.

Section 180a

(1) If an International Agreement binding upon the Czech Republic provides so, an Embassy shall be entitled to issue a uniform Schengen visa on behalf of a Contracting State.

(2) An Embassy shall verify whether the entity which issued a medical travel insurance policy is authorised to do so.

Section 180b

Identification Cards Issued by the Ministry of Foreign Affairs

(1) An identification card is a public instrument valid only in the Czech Republic, which shall be granted by the Ministry of Foreign Affairs to the members of the staff of an embassy of a foreign state or an international governmental organisation accredited in the Czech Republic or to their family members.

(2) An identification card shall be an identity proving document; the card shall also encompass information on the scope of the privileges and immunities that its holder enjoys in the Czech Republic while registered with the Ministry of Foreign Affairs.

(3) The Ministry of Foreign Affairs shall be authorised to declare an identification card invalid.

Section 180c

Unaccompanied Minor Foreign National

For the purpose of this Act an ‘unaccompanied minor’ shall mean a foreign national between the age of 15 and 18 who arrives in the Czech Republic unaccompanied by an adult responsible for him/her by the law of the country the national of which a minor foreign national is or, in the case of a stateless person, by the law of the country of the last permanent residence of such minor for as long as he/she is not effectively taken into the care of such a person; it includes a minor below the age of 18 years who is left unaccompanied after he/she has entered the Czech Republic^{9c)}.

Section 180d

The Police shall additionally confirm, at foreign national’s request and under conditions stipulated by the directly applicable legal regulation of the European Communities¹⁾, to a foreign national whose travel document was not stamped by entry border stamp containing the date and point of entry to the Czech Republic such data.

Section 180e

New Assessment of Reasons for Refusal of Foreign National's Entry to the Czech Republic

(1) A foreign national shall be entitled to request a new assessment of the reason for which he/she was refused pursuant to Section 9 (1) or (2) to enter the Czech Republic.

(2) A foreign national shall file an application with the Ministry for such new assessment of the reasons for refusal to enter the Czech Republic within the time limit of 15 days from the date on which the foreign national was refused to enter the Czech Republic; filing such application does not have suspensive effect.

(3) The Ministry shall assess the compliance of the reason for which the foreign national was refused to enter the Czech Republic with the reasons stipulated in Section 9 (1) or (2).

(4) The Ministry shall inform the foreign national on the result of its assessment in writing within 60 days from the delivery of the application in question.

Section 180f Partnership

(1) If this Act uses a term 'spouse', 'marriage' or a 'child of a spouse' it shall mean also partner, partnership of a child of one of the partners or a child in the care of a partner.

(2) For the purpose of this Act a 'partner' shall mean a person who proves that they entered into an officially certified permanent partnership of two persons of the same gender.

(3) For the purpose of this Act 'partnership' shall mean an officially certified permanent partnership of two persons of the same gender under paragraph 2.

Section 180g Payment of the Costs Associated with Instruction of the Czech Language and an Examination in the Czech Language

A foreign national shall be obliged to cover the costs associated with his/her instruction of the Czech language and an examination in the Czech language in the scope stipulated by the special legal regulation^{10a)}.

Section 180h Termination of the Stay in the Transit Zone of an International Airport

(1) The Police shall terminate the stay of a foreign national in the transit zone of an international airport if reasons stipulated in Section 9 (1) (f), (g), (h) or (i) are established.

(2) A foreign national shall be obliged to return abroad within the time limit specified in the exit order unless proceedings on expulsion of the foreign national from the Czech Republic have been commenced.

Section 180i

Medical Travel Insurance

(1) For the purpose of this Act a document proving medical travel insurance shall mean a document by which a foreign national can prove that he/she will be able to cover costs of medical care resulting from an accident or sudden illness in the Czech Republic, including costs associated with transport of an ill person to the country the travel document of which such ill person holds or to any other country where his/her residence was permitted, up to the amount of at least EUR 30,000 for the stay in the Czech Republic.

(2) A document proving medical travel insurance shall not be required from a foreign national if such foreign national has been insured under the special legal regulation^{8b)}, if costs of health care are paid under an international agreement or if the foreign national proves that medical care will be paid by any other manner. A document proving medical travel insurance shall not be required from a foreign national who was not able to get such insurance due to reasons beyond his/her control in the territory of the country of his/her residence or from a foreign national referred to in Section 42b (2); in such case the foreign national shall be obliged to enter into such insurance policy in the Czech Republic, without undue delay, however not later than within three working days from his/her arrival in the Czech Republic. A document proving medical travel insurance shall neither be required if an Embassy when granting a diplomatic or special visa refrained from it or if a foreign national resides in the Czech Republic in the interest of the same or if a foreign national is a citizen of the European Union or his/her family member.

CHAPTER XIX EMPOWERING AND TEMPORARY PROVISIONS

Empowering Provisions

Section 181

The Government of the Czech Republic may, within the scope laid down by the directly applicable legal regulation of the European Union, stipulate in its Regulation

- a) that abolishing of a visa obligation shall not apply to a foreign national; the Government shall define in its Regulation the range of persons whose residence in the Czech Republic is subject to a visa obligation;
- b) that a foreign national may stay in the Czech Republic without any visa for a period stated in the Regulation; the Regulation shall define the range of persons whose stay in the Czech Republic is not conditional upon a visa.

Section 182

- (1) The Ministry shall define by a legal regulation
- a) the required features and the number of photographs required from a foreign national in accordance with this Act;
 - b) after consultations with the Ministry of Foreign Affairs and in compliance with an International Agreement binding upon the Czech Republic or a legal regulation issued on

its basis^{26b)}, foreign nationals who may stay in the transit zone of an international airport in the Czech Republic only with a granted airport visa;

- c) the amount of costs of accommodation; food and transport in the Czech Republic to be paid for a foreign national detained for the purpose of administrative expulsion;
- d) after consultations with the Ministry of Foreign Affairs, technical conditions and procedures for taking and processing of biometric identifiers, including procedure for taking biometric identifiers of foreign nationals with unusual anatomic or physiological features for taking a facial image or fingerprints of left and right hands;
- e) a list of countries the nationals of which are entitled to apply for a Green card;
- d) after consultations with the Ministry of Foreign Affairs, in the interest of protection of security of the state, maintenance of public order or protection of public health or in the interest of meeting an International Agreement, a list of countries the nationals of which are entitled to apply for a visa, long-term residence permit or permanent residence permit only at an Embassy in the country the nationals of which they are or in the country which issued a travel document a foreign national is a holder of, or in the country where a foreign national is permitted to reside permanently or on the basis of a long-term residence permit.

(2) The Ministry shall publish the list of border crossing points and the scope of operations at such border crossing points by the Communication to be published in the Collection of Laws.

Section 182a

(1) The Ministry of Health shall issue a Decree to specify a list of diseases that could endanger public health and a list of diseases and disabilities that could materially endanger public order.

(2) For the purpose of obtaining a permanent residence permit in the Czech Republic under Title IV the Ministry of Education, Youth and Sports shall, acting in agreement with the Ministry, shall lay down, by a Decree,

- a) the scope of required knowledge of the Czech language;
- b) a list of schools authorised to teach, for the aforementioned purposes, the Czech language and organise examinations in the same; and
- c) a sample of a certificate proving the required knowledge of the Czech language.

Section 182b

In order to provide the general public with information the Police shall be entitled to publish, on-line, numbers of lost, stolen or invalid foreign national's passports, travel identity cards, resident permit cards, cards for a family member of the citizen of the European Union, permanent residence permit cards and permanent residence cards for a citizen of the European Union and the date on which such loss or theft was reported. The Police shall proceed accordingly when publishing reference numbers of lost, stolen or invalid confirmations on temporary residence in the Czech Republic issued to citizens of the European Union.

Sections 185 through 1888

These provisions have amended other acts

^{26b)} Decision of the Executive Committee SCH/Com (99) of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions.

PART SIX
FINAL PROVISIONS

The following laws are hereby repealed:

1. Act No. 123/1992 Coll. on the Residence of Foreign Nationals in the Czech and Slovak Federal Republic.
2. Act No. 190/1994 Coll. amending and supplementing Act No. 123/1992 Coll. on the Residence of Foreign Nationals in the Czech and Slovak Federal Republic.
3. Article I of Act No. 150/1996 amending and supplementing Act No. 123/1992 Coll. on the Residence of Foreign Nationals in the Czech and Slovak Federal Republic.

Section 190
Legal Effect

This Act shall come into effect on 1 January 2009.

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