

2. ASYLUM AND ASYLUM FACILITIES

The course of the asylum procedure is regulated by Act No. 325/1999 Sb., on Asylum, and on the Amendment to Act No. 283/1991 Sb., on the Police of the Czech Republic, as amended (hereinafter referred to as the Asylum Act).

The Ministry of the Interior is an administrative body adopting decisions on the matter in the first instance (department of international migration, asylum). The Ministry issues within 90 days (from the day of the commencement of the procedure) a judgement on merits. The decision comes into force on the day when it is delivered to the asylum seeker. Against the decision foreigners may file a complaint with regional courts having local jurisdiction. In case of dismissal of a complaint foreigners have the right to file a cassation complaint. If they apply for suspensory effect at the same time they are granted a stay sufferance visa for a year period.

The Ministry of the Interior of the CR operates asylum facilities for asylum seekers. In the reception centre a foreigner is obliged to stay during a certain period of time determined by law (for the purpose of identification, medical examination and the like). Reception centres are at Vyšní Lhoty municipality, district Frýdek-Místek, at the Ruzyně airport. Foreigners may apply for asylum also in a facility for detention of foreigners (Frýdek-Místek, Velké Přílepy, Poštorná and Bělá pod Bezdězem). Unless there exists any legal obstacle (applicant is in detention facility for foreigners, in prison), the applicant is transferred to residential centre where he/she can on the basis of an approved application find private accommodation. Residential centres serve for accommodation of asylum seekers until the decision on granting asylum enters into force. Residential centres are in municipalities: Zastávka u Brna, district Brno-venkov, Havířov, district Karviná; Zbýšov, district Brno – venkov, Stráž pod Ralskoem, district Česká Lípa and Kostelec nad Orlicí, district Rychnov nad Kněžnou. Integration asylum centres provide transitional accommodation to foreigners with asylum. Integration asylum centres are in Jaroměř, district Náchod; Zastávka u Brna, district Brno – venkov; Krásná Lípa, district Děčín, Havířov, district Karviná; and Ústí nad Labem – Předlice, district Ústí nad Labem.

Methodological notes on the tables

Table 2-1. New applications for asylum procedure and decisions by first instance: 2007

Data on the numbers of decisions include all decisions, i.e. also decisions issued in cases of minor participants of the procedure in the name of whom it is their statutory representative who files an application for asylum. Total number of decisions is not a simple sum of types of decisions as stated in the table but includes other types of decisions (e.g. decision on withdrawal of asylum) which, however, made a small part of total.

Compared to the last year the table 2-2 giving the numbers of decisions of second instance, i.e. number of appeals against decision of first instance to the High Court was excluded. The applicants could appeal to the High Court only until 31 December 2002 while in 2006 the 2nd instance did not decide on any remaining cases. Beginning from 2003 unsuccessful applicants for asylum may file a complaint against the decision of the Ministry of the Interior of the CR to the competent regional court (see below). Exclusion of the table had an impact on numbering of other tables which was adjusted.

Table 2-2. Asylum procedure at regional courts of justice: 2007

From 1 January 2003 asylum seekers can file a complaint against the decision at the relevant regional court (depending on the place of residence of the asylum seeker at the time when the complaint is filed). If an asylum seeker receives a negative decision of the regional court, he/she ceases to be an asylum seeker (after the decision comes into force). A foreigner can file a cassation complaint against the decision of the regional court to the Supreme Administrative Court in the city of Brno. If legal conditions are met, he or she can be granted a stay sufferance visa.

Tabulka 2-3. Course of the cassation complaints proceedings at the Supreme Administrative Court: 2007

The number of foreigners with cassation complaints is understood the number of foreigners whose cassation complaints have not been decided yet.

Table 2-5. Asylum seekers: by place of residence; 31 December 2007

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

Table 2-11. Citizenship of the CR granted to refugees

According to the Act No. 325/1999 Sb., on Asylum, when Czech citizenship is granted the asylum ceases to exist. Columns for the years 2000 to 2007 show numbers of persons, whose asylum ceased to exist because they were granted Czech citizenship.

In 2007, the total of 1 878 new applications for international protection were registered in the Czech Republic. In comparison to the year 2006, in which 3 016 persons asked for granting of some form of international protection, it is a year-on-year decrease by 38%. Thus, also in 2007 the trend of decreasing number of applications for international protection continued; the trend started in 2004, when the Czech Republic joined the European Union.

Although the number of newly submitted applications for granting of international protection was continually decreasing, in the end of 2007 there was increased number of applicants for international protection from Turkey. Until October 2007 the monthly development of the number of applications for international protection in the Czech Republic can be described as stable without marked changes in the figure.

Until the year 2006, development of the total number of applications for international protection in the Czech Republic corresponded to the situation in other European countries. In 2007, the number of applications for international protection in the Czech Republic continued to decrease, while the European Union as a whole registered an increase in the number of asylum applications. The increase was caused by a wave of refugees from Iraq. From the point of view of the total number of applicants for granting of international protection the Czech Republic in 2007 – in comparison to other EU member states – ranked seventeenth within the EU.

The year 2007 is again corresponding to the long-term registered development. Prevailing among applicants for international protection in the CR were citizens of Asian and European countries. In the past, more applicants were coming from European countries, while in 2007 the Asian continent was prevailing. From African countries only 9% came in 2007, which is in comparison with the preceding year a marked decrease – at that time the share of Africa reached 25% in relation to the wave of applicants for international protection from Egypt.

Similarly as in the preceding years, also in 2007 the most applicants for international protection in the Czech Republic were from the Ukraine. However, other source countries, which were in 2007 Turkey, Mongolia, Belarus and Viet Nam were following with almost the same share. Those five main source countries made up together 48% of the total number of applications for international protection.

In 2007, the Ministry of the Interior of the Czech Republic issued 2 260 decisions in proceedings to grant international protection. As at 31 December 2007, the total of 725 persons were in administrative proceedings to grant international protection. In comparison with the year 2006, the number of applicants for international protection about the application of whom it has not been decided, yet, thus decreased by 27.4% year-on-year.

In 2007, the Ministry of the Interior granted some form of international protection to foreigners in 382 cases. It is the highest number in the history of the Czech Republic. In half of the

cases the international protection was granted in the form of an asylum, the other 50% was a subsidiary form of international protection in the form of additional protection.

In 2007, the Ministry of the Interior granted asylum to the total of 191 persons. The highest number of asylums was granted (the same as in the previous year) to citizens of Belarus (32 asylums granted) and Russian Federation (31 asylums granted). Among other more frequent citizenships of applicants (to whom an asylum was granted in the Czech Republic in 2007) were citizens of the Ukraine (19 asylums granted) and citizens of Iraq (17 asylums granted).

Additional protection was granted by the Ministry of the Interior in 2007 to 191 foreigners. The same as in the case of an asylum this form of protection was granted the most often to citizens of Belarus (52 persons). Following rather closely were citizens of Iraq (33 persons), Russian Federation (31 persons) and Cuba (21 persons).

In 2007, the Ministry of the Interior of the Czech Republic issued decision not to grant asylum in 1 564 cases, which is 69.2% from the total number of decisions in the first-instance proceedings to grant international protection in 2007.