

1. DEMOGRAPHIC ASPECTS OF THE LIFE OF FOREIGNERS

Definition of the foreigner's residence in the CR

Residence of foreigners in the CR is governed by the Act No. 326/1999 Sb., on the Residence of Foreigners, and partially also by the Act No. 325/1999 Sb., on Asylum, as last amended.

Pursuant to the law, such a person is deemed to be a foreigner, who does not have Czech citizenship (or none of his/her citizenships is Czech). Acquisition and loss of citizenship of the CR is governed by the Act No. 40/1993 Sb., on the Acquisition and Loss of Czech Citizenship, and further by the Act No. 193/1999 Sb., on Citizenship of Some of the Former Citizens of Czechoslovakia.

The issue of the foreigner's entry, residence and exit from the CR belongs to competences of the Police of the CR, the Ministry of Interior of the CR, and the Ministry of Foreign Affairs of the CR. A foreigner may reside in the CR temporarily or permanently. On the grounds determined by law, the Police can refuse to grant the foreigner a residence visa (temporary or permanent). Reasons for not granting visa or other residence permit (both temporary and permanent) are stipulated by law.

The categories of foreigners residing in the CR are as follows (according to Act No. 326/1999 Sb., on the Residence of Foreigners, legal regulation in force as at 31 December 2007):

A. CITIZENS OF MEMBER STATES OF THE EU, NORWAY, SWITZERLAND, ICELAND AND LIECHTENSTEIN (ABBREVIATED AS "EU CITIZENS") AND THEIR DEPENDANTS

Dependants of EU citizens (within the meaning of Section 15a of the Act No. 326/1999 Sb., on the Residence of Foreigners on the Territory of the Czech Republic, and on Change of Some Acts, as last amended) have to respect special conditions of stay (chapter IV of Act No. 326/1999 Sb.) only provided that the EU citizen stays on the territory on the basis of a special residence permit or applies for such a permit.

- 1. Citizens of EU Member States registered not having temporary or permanent residence permit and their dependants**
- 2. Citizens of EU Member States and their dependants having temporary residence permit** (it is a claim permit or rather a confirmation on residence, which should facilitate EU citizens to deal with authorities and their stay in the CR within this confirmation is included in the period decisive for the application for a permanent residence permit)
- 3. Citizens of EU Member States and their dependants having permanent residence permit** (EU citizen is granted a permanent residence permit (under Section 87h of Act No. 326/1999 Sb.) (i) after 5 years of continuous temporary stay without other limitations, (ii) if he/she is a dependent of a Czech citizen who has permanent residence on the territory or is a dependent of other EU member state citizen who was granted a permanent residence permit on the territory). A residence permit card for a national of the EU member state is in case of the permanent residence permit issued for the period of 10 years (Section 87r paragraph 4 of Act No. 326/1999 Sb.). A dependent of the EU citizen is granted a residence permit card with the same period of validity as the period of validity of the card granted to the EU citizen.

B. CITIZENS OF COUNTRIES OUT OF THE EU (ABBREVIATED AS "CITIZENS OF THIRD COUNTRIES")

- 4. Citizens of third countries staying in the CR for a short time (generally up to 90 days) without visa** (it applies to citizens of those countries with which the CR has concluded an agreement on visa-free relations). A foreigner can stay on the territory without visa not only on the basis of an international agreement but also based on the CR Government Regulation (and in some other cases determined in Section 18 of Act No. 326/1999 Sb.)
- 5. Citizens of third countries staying in the CR based on short-term visas up to 90 days** (it applies to citizens of those countries with which the CR has not concluded an agreement on visa-free relations)

6. **Citizens of third countries staying in the CR based on visa over 90 days** (visas of this type cannot be prolonged any more; maximum validity of that visa is 1 year; it is followed by a long-term residence permit dealt with in the following part; in the UN Recommendations on Statistics of International Migration of 1998 a stay lasting 3 months up to 1 year is considered to be a short-term stay, which does not establish a change of a person's country of habitual residence. Thus, this category is included in variants - see below)
7. **Citizens of third countries having long-term residence permit** (a permit following the visas over 90 days; it is granted as a general rule for the period of 1 year and after this period passes it can be prolonged)
8. **Citizens of third countries having permanent residence permit** (permanent residence can be applied for in compliance with Section 66-68 of Act no. 326/1999 Sb.) (i) generally after five years of continuous residence for visa over 90 days or long-term residence permit in the CR without any other conditions or (ii) after 4 years of continuous stay provided that the foreigner was granted temporary residence permit upon termination of proceedings on granting international protection, (iii) after 2.5 years of residence if he/she successfully finished the "Pilot Project Active Selection of Qualified Foreign Workforce" organised by the Ministry of Labour and Social Affairs; (iv) regardless the length of the previous residence, provided that he/she applies for the permanent residence for the purpose of cohabitation with his/her dependant, who is a citizen of the CR having permanent residence in the CR or in the case of humanitarian or other reasons deserving special respect)
9. **Foreigners with current asylum** (successful asylum seekers staying in the CR; valid asylum corresponds to the permanent residence permit as for the rights and duties)

C. FOREIGNERS REGARDLESS THE EU BORDERS

10. **Registered asylum seekers** (it is not possible to forbid EU citizens to apply for asylum)
11. **Foreigners staying in the CR within temporary protection** (based on the Act No. 221/2003 Sb., on Temporary Protection of Foreigners, and based on the CR Government Regulation or the EU Council Decision; it is a measure applied during exodus due to an armed conflict, natural disaster or systematic violation of human rights in the country of origin, which should protect the exiles and provide them with temporary protection until the critical situation ceases to exist. These persons occur in tables of this chapter, because temporary protection and sufferance are recorded and reported within long-term residence permits by the Alien Police)
12. **Foreigners staying in the CR illegally** (e.g. foreigners staying in the CR after their visas and residence permits expire or without necessary visas or permits and the like).

Czech citizenship

Acquisition and loss of Czech citizenship is regulated by the Act No. 40/1993 Sb., on the Acquisition and Loss of Czech Citizenship, as amended, and the Act No. 193/1999 Sb., on the Citizenship of Certain Former Czechoslovak Citizens, as amended.

Under Act No. 40/1993 Sb., Czech citizenship is acquired by birth (Section 3), adoption (Section 3a), determination of paternity (Section 4), finding on the territory of the CR (Section 5), declaration (Section 6 or 18a), and granting (Sections 7 and the following).

A child acquires Czech citizenship, if one or both parents are Czech citizens or, if both parents are stateless persons and at least one of them holds a permit for permanent residence on the territory of the CR and the child is born thereon.

A child whose one or both adoptive parents are Czech citizens acquires Czech citizenship on the day the decision on adoption comes into force.

A child born outside marriage, whose mother is a foreign citizen or a stateless person and whose father is a Czech citizen, acquires Czech citizenship on the day of affirmative declaration of paternity determination by both parents, or on the day when the decision on paternity determination comes into force.

A natural person found on the territory of the CR is a Czech citizen, unless he/she is proven to have acquired citizenship of another state by birth.

A person, who was a citizen of the Czech and Slovak Federative Republic as at 31 December 1992 and was neither a Czech citizen nor a Slovak one, is allowed to choose Czech citizenship by declaration (Section 6 of the quoted Act).

Natural person having as at 31 December 1992 the citizenship of the Czech and Slovak Federative Republic, who was not a citizen of the Czech Republic and had on the territory of the Czech Republic permanent residence under special legal regulations as at 31 December 1992 and the stay is still lasting or who since that date lives continually on the territory of the Czech Republic, can make a declaration on acquiring of the citizenship of the Czech Republic (Section 18a of the quoted act).

A citizen of the Slovak Republic, who as at 31 January 1992 had citizenship of the Czech and Slovak Federative Republic and who has acquired the citizenship of the Slovak Republic by granting in the period from 1 January 1994 to 1 September 1999, can make a declaration on acquiring of the citizenship of the Czech Republic, provided that he has not acquired the citizenship in the meantime in another way (Section 18b of the quoted act).

A citizen of the Slovak Republic, who was born on the territory of the Slovak Republic to parents of which one had the citizenship of the Czech Socialist Republic or Czech Republic and the other the citizenship of the Slovak Socialist Republic or Slovak Republic and as at 31 December 1992 was a citizen of the Czech and Slovak Federative Republic and at the same time of the Slovak Republic under 18 years old, can make a declaration on acquiring of the citizenship of the Czech Republic, provided that he has not acquired the citizenship in the meantime in another way (Section 18c of the quoted act).

Czech citizenship can be granted to a person at his/her request, provided he/she fulfils all of the following conditions at the same time:

- the person has had her/his permanent residence on the territory of the CR permitted for a minimum of five years as at the day his/her application is filed and has mostly been staying thereon over this period;*
- the person will prove that by acquiring Czech citizenship he/she will lose or has lost his/her original citizenship, unless he/she is a stateless (homeless) person or a person with the status of a refugee on the territory of the Czech Republic (document on the lost of the citizenship can be acquired after the applicant is granted the promise that he/she will be granted the citizenship of the Czech Republic),*
- the person was not lawfully convicted of a deliberate criminal offence during last five years;*
- the person will demonstrate the command of Czech language and*
- the person fulfils duties resulting from the provision of a special regulation regulating stay and entry of foreigners on the territory of the Czech Republic (Act No. 326/1999 Sb. on the Residence of Foreigners on the territory of the Czech Republic and on change of some acts, as amended), duties resulting from special regulations regulating public health insurance, social security, pension insurance, taxes, levies and fees.*

Under Act No. 193/1999 Sb., on Czech citizenship of some of the former Czechoslovak citizens, as amended, natural persons, who were deprived of the citizenship of the Czechoslovak Republic, Czechoslovak Socialist Republic, Czech Socialist Republic or Czech Republic during the period from 25 February 1948 to 28 March 1990 by releasing out of the state bond or in relation to acquiring of the citizenship of another country with which the Czech Republic used to have or has concluded a contract regulating the issue of preventing double citizenship, can make a declaration on acquiring of the citizenship of the Czech Republic. In case of acquiring of the Czech citizenship in this way, it is not required that a person resides again in the Czech Republic or proves the lost of the up-to-now citizenship.

Contents of Chapter 1

In this chapter you can find categories of persons, which were in the beginning of the text included into group A2, A3 (EU citizens and their family dependants with transitory and permanent stay permit), further B6, B7, B8, B9, C11 (citizens of third countries with visa for over 90 days, with long-term and permanent stay permit, foreigners staying in the CR seeking for temporary protection and foreigners with valid asylum for the territory of the CR).

The CZSO obtains data on the number of foreigners from various sources: the Alien and Border Police of the CR provides data on permitted residences and visas over 90 days; data on asylum seekers are provided by the Asylum and Migration Policies Department of the Ministry of the Interior of the CR. Data on Czech citizenship granted come from the General Administration Department of the Ministry of the Interior of the CR, which are presented in Tables 1-15. The last data source for Chapter 1 is demographic statistics - data on demographic events of foreigners (marriage, birth, abortion, divorce, death and migration), which are in Tables 1-14. and some graphs included in the Chapter.

Tables in the beginning of the chapter (i.e. 1-1. to 1-3.) are based on the number of foreigners, which is published by the Directorate of Alien and Border Police of the Ministry of the Interior of the CR. By further processing of the data, the Czech Statistical Office produces the following tables (i.e. 1-4. to 1-13.1); it means that into the total number of foreigners are included, according to the requirements of international definitions, (besides foreigners in the register of the Directorate of Alien and Border Police) also those foreigners, who had valid asylum in the CR as at the relevant date. Those tables then depict the total number of foreigners (foreigners in the register of the Directorate of Alien and Border Police plus foreigners with currently valid asylum) and possibly mention numbers of foreigners with the so-called residence permit in the CR (i.e. the total number of foreigners including asylum holders excluding foreigners holding visa over 90 days - those persons do not fulfil the condition of the length of the stay over 1 year as it is required by international definitions). The table that follows (1-14.) shows demographic events of foreigners, and the last table in this chapter (1-15.) focuses on foreigners, who were granted the Czech citizenship.

Double lines between columns mean a key change of legislation or a statistical definition: The first key change occurred **in 2000 from legislative point of view** (the new Act on the Residence of Foreigners became effective). While till then the law distinguished among permanent, long-term (over 180 days) and short-term (up to 180 days) residence since the beginning of 2000 what ceased to exist in law was the term long-term residence and the long-term residence permit was replaced by visa over 90 days.

Another change followed a year after - **in 2001 - a change of statistical definition of the population**. Following the UN Recommendations on Statistics of International Migration and the Population and Housing Census the population of the CR started to include also asylum seekers and foreigners staying in the CR for visa over 90 days, the length of stay of whom did not exceed 1 year (up to that time the population of the CR consisted only of individuals with permanent residence on the territory).

The last substantial change - this time both **in legislation and definition** - took place **in 2004**. Legislative changes related mainly to the accession of the CR to the EU (it was necessary to define two categories of foreigners with different conditions of stay in relation to the EU law in the area of free movement of persons). Current legislation for residence conditions is summarised in the first part of this Chapter. The definition changed for the range of individuals included in the population of the CR based on reproaches of representatives of the EU institutions regarding the existence of double mutually non-convertible data on the number and structure of foreigners and also due to the extended possibilities of the new information system of the Alien and Border Police of the CR - CIS.

Table 1-1. includes data from the Alien Police of the CR and with precisely the same data it is published in the regular Report on Migration of the Ministry of the Interior of the CR. The Table does not include asylum seekers. The term "long-term stays" as provided by the Alien and Border

Police of the CR as at 31 December 2005 includes stays marked in the list by No. 2 (temporary residence of EU citizens or their dependants), No. 6 (residence of third-country citizens for visas over 90 days), No. 7 (long-term residence of third-country citizens) and No. 11 (residence within temporary protection). In previous years mentioned in the Table (i.e. before 2004) the term “long-term stays” relates only to stays for visas over 90 days (until 1999 to stays for long-term visas).

Tables 1-2. and 1-3. contain numbers of foreigners registered by the Alien Police of the CR; thus, the tables do not include foreigners with currently valid asylum in the CR.

Tables 1-4. and 1-5. are the most general summary of basic types of residencies of foreigners in the CR and at the same time they contain numbers and shares of foreigners namely with those types of residencies as at the relevant date and relationship to the population of the CR.

Tables 1-1., 1-4., 1-5., and 1-15. contain data for a longer period of time. The time series available for these tables is longer than it was possible to place into the hard copy of this publication. On the website of the CZSO, at the link corresponding to the publication *Foreigners in the Czech Republic*

<http://www.czso.cz/csu/edicniplan.nsf/p/1414-08>

it is possible to find data for previous years as well as an electronic form of other tables.

Table 1-6. is a kind of a bridge between the data of the Alien and Border Police and data modified for statistical purposes (with the information extended by the variable “gender”). This Table contains namely an analysis of the difference between data published by the Alien Police and statistical data made close to international definitions on the number of foreigners in the CR. Categories of individuals are broken down in details by individual citizenship.

Tables 1-9., 1-10., 1-11., 1-12. and 1-13. are presented in the publication in two variants. On the one hand, for foreigners in total (i.e. foreigners mentioned above under No. 2, 3, 6, 7, 8, 9, and 11, i.e. foreigners with permanent, temporary, long-term residence, foreigners staying in the CR within a temporary protection, foreigners with currently valid asylum and also foreigners with visa over 90 days), and, on the other hand, for foreigners included in the population of the CR so-called foreigners with residence permit; (exclusive of No. 6 - stay of third-country citizens for visas over 90 days).

Table 1-9 – citizens of the EU non-member states are imputation of EU citizens into the total number of foreigners in the CR. To simplify that, we have included into the category also stateless persons or persons, for which their citizenship had not been recorded.

Table 1-11 – in the “Others” category rank foreigners whose citizenship was not identified, foreigners without citizenship, and foreigners from Australia and Oceania because they are few.

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The number of long-term or permanently residing foreigners in the CR according to the Alien and Border Police in 2007 got very close to the number of 400 thousand. 40% of these foreigners have permanent residence in the CR. Among foreigners in total there are 40% of women (almost a 50% share of women is among foreigners with permanent residence, among “others” women make almost 35%). The number of permanent residences is gradually increasing since the beginning of the 1990’s. The development of long-term stays fluctuates depending mainly on legislative changes. The decrease of the number of foreigners with the long-term stays between 31 December 1999 and 2000 can be explained by enacting of the Act No. 326/1999 Sb. on the Residence of Foreigners.

There are 3.3% of foreigners in the CR who are included in the population of the CR (foreigners with residence permit – data as at 31 December 2007). The CR thus ranks among countries with relatively low share of foreigners, like Malta or Slovenia (foreigners contribute by 2.5-3.5% to the total number of the population). Similar share of foreigners is recorded also in the

Netherlands, Portugal or Finland. The highest shares of foreigners from European countries are reported by Luxembourg (over 40%), approximately 20% of foreigners is recorded by Switzerland, Latvia or Estonia. On the contrary, to countries with the lowest shares of foreigners in the population belong Romania and Poland (both 0.1%), Bulgaria (0.3%) or Slovakia (0,6%). (More detailed data are depicted in the graph *Share of foreigners in population of selected European countries as at 1 January 2007*).

Age structure of foreigners with the residence permit as well as all foreigners in the CR substantially differs from the age structure of the population of the CR, which can be explained mainly by economic reasons foreigners have for coming to the CR (to earn their living). Big are mainly age groups in junior productive age (20-39 years) – over 50% of foreigners belonged particularly to this age group. On the contrary, very small shares in comparison with the structure of population of the CR can be found among children and those in the post-productive age.

Foreigners cannot possibly be regarded as “homogeneous mass” of persons with the same reasons for coming and the same plans for the future. The main distinctive features are: gender (women are coming more often to join their husbands – family reunion) and, most frequently, the citizenship. The biggest share of foreigners (more than 30%) was represented as at the year-end by citizens of the Ukraine followed by citizens of Slovakia (17%), Viet Nam (13%), Russian Federation (6%) and Poland (5%). Each of the citizenships is specific by its share of persons with permanent and long-term residence as well as of women and men. Among the most frequent citizenships with the highest shares of permanent residencies are, as usually, citizens of Viet Nam; about 60% of permanent residencies was found among citizens of Bulgaria, China or the United States. On the other hand, relatively low share of permanent residencies can be found among citizens of Mongolia, Moldova or the most frequent citizenship, i.e. the Ukraine (26% of permanent residencies; data as at 31 December 2007). Higher number of women than men (as for more frequent citizenships) was reported for applicants from Russian Federation, but also Belarus or Mongolia, for which women made up 60% of the registered persons; on the contrary, much more men than women (80%) was recorded for Austria and Germany.

The most frequent purpose of residence of foreigners is employment, which is more often registered for men (about 40% of men stated that the purpose of residence is employment); another important purpose of residence is family reunion, which is, on the contrary, much more frequently recorded for women (40% of women). Further, many foreigners state as a purpose of stay business activities (performed on the basis of a trade licence) or settlement (based on permanent residence permit).

Foreigners in general are concentrated in Prague and the Středočeský Region; further, significant numbers of foreigners are based in bigger towns and industrial areas. Differences exist also as for placing of foreigners by citizenship. Citizens of countries neighbouring with the CR are concentrated, in general, near the border of the CR with the relevant country. Citizens of the Ukraine are mainly in Prague, the Středočeský Region and the Jihomoravský Region, citizens of Viet-Nam are settled usually near the Czech-German border and citizens of Russian Federation are mostly in Prague, the Středočeský Region and the Karlovarský Region.