

## 2. ASYLUM AND ASYLUM FACILITIES

The course of the international protection 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 applicants for international protection. 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 international protection also in a facility for detention of foreigners (Poštorná and Bělá pod Bezdězem). Unless there exists any legal obstacle (applicant is in detention facility for foreigners, in prison), possibly in a hospital, 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 applicants for international protection until the decision on granting international protection enters into force. Residential centres are in municipalities: Zastávka, district Brno-venkov; Havířov, district Karviná, and Kostelec nad Orlicí, district Rychnov nad Kněžnou. Integration asylum centres provide transitional accommodation to foreigners with international protection. Integration asylum centres are in Jaroměř, district Náchod; Zastávka, district Brno – venkov; Havířov, district Karviná; and Ústí nad Labem – Předlice, district Ústí nad Labem.

### **Methodological notes on the tables**

#### **Table 2-1. New applications for international protection procedure and decisions by first instance: 2008**

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 international protection. 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 international protection) which, however, made a small part of total.

#### **Table 2-2. International protection procedure at regional courts of justice: 2008**

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 applicant for international protection receives a negative decision of the regional court, he/she ceases to be an applicant for international protection (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: 2008**

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

#### **Table 2-5. Applicants for international protection: by place of residence; 31 December 2008**

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 2008 show numbers of persons, whose asylum ceased to exist because they were granted Czech citizenship.

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In 2008, the Czech Republic's authorities registered a total of 1,656 applications for international protection. In comparison with 2007 the number of the asylum applications decreased of 11.8 per cent. The decreasing trend in numbers of applicants for international protection, which has been observed in the Czech Republic since 2004, i.e. since the Czech Republic joined the European Union, thus continued. With the enlargement of the Schengen area the institute of the international protection has in fact become the only way which enables a transit through an external Schengen border and a consequent stay on the territories of member states even to persons who are coming illegally. With one-year lapse in time, since the Czech Republic's entry into the Schengen area (December 21, 2007), it is, however, evident that there have not been any substantial changes in the development of numbers of applicants for international protection in the Czech Republic and the situation seems to be more or less stable.

In 2008, the number of applications for international protection was also influenced by a legal change. As of January 1, 2008 the Directive of EU was implemented into the Czech Law on Asylum, on the basis of which a waiting period of two years, which was previously requested for a repeated submission of an application for international protection, was abolished. Consequently, the applicants are presently entitled to submit a new application immediately after the negative decision for granting asylum enters into force. This change of the law reflected itself in the number of repeated applications. Therefore a total of 596 repeated applications were registered in 2008.

Despite the continuously decreasing total numbers of applicants for international protection, a substantial migration flow of applicants from Turkey was monitored in 2008. High numbers of applicants coming from this country were evident particularly on the turn of 2007 and 2008 when mostly young nationals of Turkey applied for international protection in the transit space of the international airport Prague-Ruzyně. The situation resulted in an introduction of transit visas for these nationals in April 2008. Altogether 212 applications of the total number of 251 submitted by the Turkish citizens in 2008 were submitted just in the first quarter of 2008.

A subsequent development in numbers of applicants for international protection can be regarded as a stable one until September 2008. Relatively higher numbers of applications in October 2008 were connected with a resettlement of 23 nationals of Myanmar (who fled to Malaysia). The resettlement of these nationals was realised within the pilot resettlement project. Asylum seekers from this country were consequently granted asylum in the Czech Republic.

An average monthly number of submitted applications for international protection reached 138. From the point of view of applicants' representation, according to individual continents, the applicants originate from Asia predominated in 2008, with 57.1 per cent. Both the shares of applicants from Europe (32.5 per cent) and Africa (7.4 per cent) remained, in comparison with 2007, approximately the same.

In course of 2008, a total of 58 nationals of different states applied for international protection in the Czech Republic. Similarly like in previous years, also in 2008 the Ukraine was the main source asylum seekers' country with 321 applicants for international protection registered. Turkey was the second important country (251 applicants), analogously as in 2007. Mongolia (193 applicants) placed on the third place of the ladder in 2008 and thus has become a significant source asylum seekers country in relation to the Czech Republic. Nationals of the Vietnam represented the fourth most numerous group of applicants for international protection in the Czech Republic, with 108 applicants registered.

*In comparison to 2007 the highest relative increase was registered among the applicants from Kazakhstan (of 143.3 per cent), Afghanistan (of 80 per cent) and Mongolia (of 20.6 per cent). On the contrary, in comparison to 2007 the number of applicants from Cuba (of 75 applicants) and from Serbia (of 40 applicants) decreased visibly.*

*In 2008 the Ministry of the Interior issued a total of 2,026 decisions within the international protection procedure. The Czech Republic belongs traditionally to the countries with relatively high shares of granted asylums and complementary protections. In 2008 the Ministry of the Interior granted the international protection in 295 cases. Out of this number 157 were granted asylums and 138 complementary protection.*