

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 Coll., on the Residence of Foreigners, and partially also by the Act No. 325/1999 Coll., on Asylum, as last amended.

Pursuant to the law, a foreigner is defined as a physical person, who is not a citizen of the Czech Republic, including a citizen of the European Union. Acquisition and loss of citizenship of the CR is governed by the Act No. 40/1993 Coll., on the Acquisition and Loss of Czech Citizenship, and further by the Act No. 193/1999 Coll., 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 visa or permit for residence (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 Coll., 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 Coll., 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 Coll.) 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 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 Coll.) (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 Coll.). 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 Coll.),

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** (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; in the cases defined by the Act. No. 326/1999 Coll. a foreigner may apply for this permit at the representative office of the Czech Republic abroad without a previously granted visa over 90 days; this permit can be granted for the period longer than 1 year and 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 Coll.) (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, or 1.5 years respectively, 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 Coll., 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 are also included in tables of this chapter, because temporary protection and sufferance are recorded within temporary residence - long-term residence permits),
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 Coll., on the Acquisition and Loss of Czech Citizenship, as amended, and the Act No. 193/1999 Coll., on the Citizenship of Certain Former Czechoslovak Citizens, as amended.

Under Act No. 40/1993 Coll., 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 Coll. 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 Coll., 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 permanent stay permit, foreigners staying in the CR seeking for temporary protection and foreigners with valid asylum for the territory of the CR). Newly a category of stay for 12 months and more is being launched in the tables which includes both foreigners with permanent residence and former category of foreigners with long-term residence. The mentioned category is a part of Regulation of the European Parliament and Council no. 862/2007, on Statistics of the Community in the Field of Migration and International Protection, and the data related to this category is required from EU member states by Eurostat.

The CZSO obtains data on the number of foreigners from various sources: the Directorate of Alien Police of the CR provides data on numbers of residence permits and visas over 90 days; data on asylum seekers is 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 **1-10**. Other data source for Chapter 1 is demographic statistics - data on demographic events of foreigners (marriage, birth, abortion, divorce, death and migration), which is in Tables **1-9**. 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 provided CZSO by the Directorate of Alien Police of the CR. In accordance with the requirements of international definitions there are also added in the tables **1-4.**, **1-5.** and **1-6.** numbers of 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 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 tables **1-4.**, **1-5.** and **1-6.** represent the most general summary of basic types of residence permits 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. Table **1-7.** includes the total number of foreigners, excluding refugees, by the most frequent nationality and region. The following table **1-8.** gives information on the age and sex structures of foreigners in the CR, with the exception of refugees.

Table **1-9.**) shows demographic events of foreigners, and the last table in this chapter (**1-10.**) focuses on foreigners, who were granted the Czech citizenship.

The category "residence for 12 months and more" includes the foreigners from third countries residing on the territory of the Czech Republic on the basis of permanent or long-term permits and nationals of EEA countries (EU, Norway, Switzerland, Iceland and Liechtenstein) residing in the Czech Republic on the basis of permanent or temporary permits. The given category does not include the foreigners residing in the Czech Republic on the basis of visa over 90 days.

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 substantial change - 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 last change, in this case concerned to the **source of data**, occurred **in 2008**. Since 2008, the Czech Statistical Office has obtained the data of demographic statistics on international migration of foreigners from Information System of Population Evidence (ISEO) of the Ministry of the Interior. Until 2007 these statistics were provided by Information System on Foreigners (CIS) of the Alien Police Service. In this connection it is necessary to draw attention to the fact that data from ISEO and CIS show certain discrepancies (due to the legislative changes in the field of information systems and an intricacy of definitions related to individual categories and types of residence). The comparability of the data on international migration of foreigners for 2008 with the data for previous periods is, therefore, limited.

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The number of legally residing foreigners (i.e. with visas over 90 days or some of the types of residence permits, excluding persons who were granted asylum, i.e. accredited refugees) exceeded, according to data of Alien Police Service, the level of 430 thousand by the end of 2008; 93 per cent out of this number resided in the Czech Republic one year or more. The proportion of female-foreigners reached approximately 40 per cent of the total number of foreigners in 2008, as well as in previous year. An identical share of female was also found among the foreigners living on the territory of the Czech Republic one year or more.

As compared to the age structure of the majority population, the age structure of foreigners shows certain differences, which can be explained particularly by economic motives of foreign migration to the Czech Republic (most of the foreigners come to earn their living). The biggest share have mainly age groups in junior productive age (20-39 years) – over a half (53 per cent) of all legally residing foreigners in the Czech Republic belonged to this age group by the end of 2008. On the contrary, very small shares in comparison with the age structure of population of the Czech Republic can be found among children and those in post-productive age.

The order of the most numerous groups of foreigners according to nationality has not changed dramatically recently. Nationals of the Ukraine dominate among the foreigners with more than 30 per cent by the end of 2008. Then citizens of Slovakia (17 per cent), Vietnam (14 per cent), Russia (6 per cent) and Poland (5 per cent) follow.

In term of the territorial distribution, Praha and Středočeský region are the regions of the highest concentration of foreigners. Subsequent are the Jihomoravský and Ústecký regions. According to nationals groups, however, distribution of foreigners differs. Citizens of neighbouring countries are concentrated, in general, near the border of the Czech Republic with the relevant country. Citizens of the Ukraine are rather significantly concentrated in Praha, Středočeský and Jihomoravský regions. Nationals of Vietnam are settled usually in Praha and in the Czech-German border area. Praha, Středočeský and Karlovarský regions are the attractive regions for nationals of Russia.