



■ Current Immigration  
Debates in Europe:  
A Publication of the  
European Migration  
Dialogue

Jan Niessen, Yongmi Schibel and  
Cressida Thompson (eds.)

Czech Republic

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Dusan Drbohlav and Eva Janska, Charles University Prague  
Milada Horakova, Research Institute of Labour and Social Affairs

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The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

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## Czech Republic

Dusan Drbohlav, Milada Horakova, Eva Janska<sup>1</sup>

### 1. Making the case

Issues relating to migration and integration are relatively new for the Czech Republic. As such, there is a lack of experience in this area. However, some significant changes have taken place since the 1990s, particularly in harmonising policies with the European Union (EU). This harmonisation process was successfully completed on 1 May 2004, when the Czech Republic joined the EU.

The basic principles of the government's immigration policy were formulated in 2002<sup>2</sup> and the basic principles of the integration policy were designed in an earlier strategy (1999) titled *Integration of Foreigners in the Czech Republic*.<sup>3</sup> Regarding organisational matters and competencies, some important responsibilities in the field of migration have recently been transferred from the Ministry of Interior to the Ministry of Labour and Social Affairs, signalling a significant shift in policy direction. Broadly, policies have been developed in these areas in the context of joining the EU, and they have often been overshadowed by steps taken to adopt EU legislation. While some new activities do respond to the current local environment, it is more common that they are driven by the need to further harmonise legislation with the EU.

Over time the government has moved towards a more multifaceted approach to immigration and integration. Immigrants are starting to be seen as an asset - able to contribute to economic growth and to complement the domestic labour market. Migration is now seen in terms of management or assessment of migration needs. There is a strong traditional focus on long-term and permanent migration and refugees, and there is now some interest in more flexible arrangements for highly skilled and educated immigrants in particular.

It is important to note that migration policy initiatives have not been based on in-depth or detailed socio-economic analyses of current and future trends (e.g. a supply-demand puzzle game). This is because the government has not yet managed to mobilise internal economic and demographic research vis-à-vis immigration to develop well informed policies (see e.g. Green 2005).

The first migration policy initiatives were typical of a multicultural approach; however, a different approach seems to be emerging. The latest documents and concepts point to a reorientation towards 'civic integration' (Barsova 2005). Such a trend is also characteristic of many other EU countries.

When dealing with the migration policy in the broadest sense of the word, one can separate a theoretical dimension (legislation and conceptual documents) from practice (how a law is implemented in the field). It must be stressed that the theoretical and practical elements of the policy do not always reinforce one another. In other words, legislation is not always implemented the way it was intended (see, for

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<sup>2</sup> For more information, see the Government Resolution of 13 January 2003, No. 55 in Annex 1

<sup>3</sup> For more information, see the Government Resolution of 7 July 1999, No. 689 in Annex 2

example, Drbohlav 2004). In addition, it is interesting to note that while some initiatives are clearly more restrictive than they used to be, other legislative changes point to an overall 'humanisation' of migration and the integration of foreigners. For example, despite the overall restrictive climate, there has been a very liberal regime of providing foreigners with trade licenses.<sup>4</sup>

Political parties and their representatives have not really focused on the issue of migration. Indeed, their approach can only be described as reserved (see Drbohlav 2003 a)). However, one important development has been initiated by the Social Democratic Party, which came to power in 1998. This development, the *Active Selection of Qualified Foreign Workers – Pilot Project* (outlined below) reveals the party's pro-immigrant approach. Unfortunately, however, this has been the only 'active' and 'far-reaching' migration initiative implemented by the Social Democrats since coming to office.

The Civic Democratic Party policy is against the active recruitment of migrants. Instead, they favour a more restrictive policy that responds to the immediate needs of the labour market. However, so far policy makers have not been able to define labour market needs.

Overall one might say that immigration and integration issues are only debated in public in a limited way. There is a small, positive shift in the mass media,<sup>5</sup> however, positive issues could be publicised more widely. The lack of objective information about immigration and integration has also contributed to a general feeling of xenophobia (Drbohlav 2004, Analyza 2004, Nazory 2005). Fortunately, however, this xenophobia is still more 'theoretical' rather than 'practical'.

### **Major topics being discussed / publicised**

Since around 2003, several key topics have dominated the headlines. These include:

- The relationship between the host society and new comers (new immigrants and individual ethnic immigrant communities) – e.g. Rabusic-Burjanek 2003, Cesi 2003, Holecova-Kleknerova 2004, Stefanova 2005.
- The recently launched: *Active Selection of Qualified Foreign Workers – the Pilot Project*, its development over time and related issues as to who we need in the Czech labour market – e.g. Princ 2003, Ivanovicova 2003, 2004, Nadoba 2003, 2004, 2005, Holecova-Kopecky 2004, Cesi 2004.
- A decrease of the Czech population, the ageing of the population, and how this relates to the issue of international migration – Vojir 2003, Cechu 2004, Petrasova 2004, Potucek 2004, Doruzkova 2004, Naboba 2004.
- The Czech labour force abroad and conditions and situations under which Czechs operate – Bobkova-Brezinova 2003, Kerles-Menschik 2004, Na zapadni 2004, Nemecko 2004, Hlouskova 2004, Kaplan 2004, Kam 2004, Prochazkova 2004, Gola 2004, Maryska 2005, Kerles 2005, Palata 2005.
- Legislative measures and conditions under which a foreign labour force may function in the Czech Republic (including main principles of Czech integration and asylum policies and combating illegal / irregular migration) – Zeman 2003, Marcinkova 2003, Nacerno 2003, Svehla 2003, Potreba 2003, Holecova-Holub 2003, Jouza 2003, Blechova 2004, Kalinova 2004, Ryba-Pipkova-

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<sup>4</sup> Trade licence is used broadly here to include any type of business permit.

<sup>5</sup> The media is now starting to publish some positive pieces.

Hejtmanek 2004, Bouckova 2004, Za praci 2004, Gregori 2004, Holub 2004, Smolikova 2004, Kleknerova-Ctvrteckova 2004, Machacek-Baroch 2005, Stefanova 2005, Vavron 2005.

- Inflows of Slovaks (including Roma population) to the Czech Republic – Holub-Beranova 2004, Jung 2004, Ziegler-Mikolasova 2004, Leskova 2004.
- A new and important issue in the media centres on a corruption scandal among Czech police officers (Alien and Border Police). Two of them serving in Karlovy Vary have been arrested while being accused of charging foreigners for 'special illegal services' that enable them to circumvent various legal procedures (Biskup 2005).<sup>6</sup>

## **1.1 The immigration debate**

Two key concerns provided the impetus to design the first active immigration policy in the Czech Republic – demographic and economic concerns. First, the ageing and shrinking of the population has created a major challenge for future sustainability. Second, there is a mismatch between supply and demand in the labour market. Several years ago the demographic argument dominated in the media. Now the focus is on the mismatch between supply and demand.

### **Demographic concerns**

One of the decisive reasons for the government's new, active approach to migration is demographic. The share of seniors (older than 65) in Czech population is set to mushroom from 14 per cent in 2002 to 30 per cent by 2050. The most rapid increase can be expected for those who are older than 85 (see population prognosis in Burcin, Kucera, Drbohlav 2004). The Ministry of Labour and Social Affairs often warns that according to current projections, there might be a shortage of some 400,000 workers in the Czech Republic in 25 years time (Aktivni 2004).

In this environment, immigration is considered part of the solution. It is hoped that immigrants will help to fill labour shortages and ease the burden on the social security system.

### **Economic / labour market concerns**

The mismatch between supply and demand in the labour market is a key issue of concern in the Czech Republic and shortcomings in the education system are said to be a significant contributing factor to the problem. Young people are not receiving adequate vocational training, and university graduates do not possess the right kind of skills to find a job in the Czech labour market. One reason is that the education system suffers from a lack of financial resources, it lacks flexibility and it does not respond effectively to current and future demands. At the same time, the Czech Republic is, to some extent, experiencing a 'brain drain'. People in certain 'high demand' professions, such as doctors, dentists, pharmacists and nurses have started to leave the country in search of opportunities abroad. This problem is then compounded by the general reluctance of the Czech labour force:

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<sup>6</sup> As a corollary, the Alien and Foreign Police started intensively probing many of its officers and their related agendas (Na cizinecke 2005).

- 1) To work in less attractive and poorly paid jobs (the difference between a minimum wage and the 'social net' for unemployed persons is very small), and
- 2) To move to areas with new economic opportunities and jobs (the Czech labour force suffers from very low spatial flexibility due to housing and transportation shortages and, indeed, certain cultural barriers).<sup>7</sup>

In this environment, it is no surprise that there is always room for immigrants. However, at the same time, it is generally felt that the Czech immigration policy should be selective in an effort to restrict and regulate international migration movements in the interest of future sustainability and social cohesion. Immigration restrictions are also seen (by the Ministry of the Interior) as commensurate and in harmony with the EU regulations (and the Schengen Agreement).

### **Policies and programmes**

The government's current migration strategies and economic migration sub-strategies are not particularly "far-reaching". However, the Government has defined some priority groups. As mentioned above, one of the most significant initiatives in this area is the pilot project: *The Active Selection of Qualified Foreign Workers*. This project is designed to help the Czech Republic attract highly qualified, skilled foreigners, who are preferably young, have some work experience and have already got a job in the Czech Republic. Immigrants participating in this scheme would ideally speak Czech and have family members who are also able to help meet economic and labour market needs. It is hoped that these immigrants will stay in the Czech Republic permanently and that they will, to some extent, off-set some of the aforementioned demographic problems of low birth rates and the overall ageing of the population (Burcin, Kučera, Drbohlav 2003). The government does not believe that foreign specialists will compete with Czech citizens in the labour market. Instead, it believes they will find jobs in regions and professions in which shortages are visible. Finally, it is hoped that immigrants will generate new jobs and contribute new financial resources to the social system. The government approved the concept of this new, active approach to migration management on 28 July 2003.<sup>8</sup>

More specifically, the current immigration policy's *Active Selection of Qualified Workers* project uses a points system. The system addresses seven criteria, including having a job, work experience, education, age, experience living in the Czech Republic, language abilities and family members. This model (inspired by the Quebec model) is computerised, making it objective, transparent and limiting the possibility of "subjective interventions" (or human error). The Czech Republic does not provide an applicant with a job, housing or financial support. However, if an immigrant loses his/her job during during the first 2.5 years, due to no fault of his/her own, he/she has 30-days protection. During this time the visa remains valid and the applicant's stay is not interrupted, thus giving the applicant a chance to find another job. Those in the *Active Selection of Qualified Workers* programme who meet all of the abovementioned requirements may ask for a permanent residence permit after only 2.5 years instead of the current ten-year (soon to be five years) requirement.

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<sup>7</sup> There is no culture of moving, or relocating, for work.

<sup>8</sup> For more information, please see more in the Government Resolutions No. 975, of 26 September 2001, No. 720 of 10 July 2002, and No. 340, of 14 April 2004.

In the first round, the project targeted immigrants from Kazakhstan, Croatia and Bulgaria. Since October 2004 would-be immigrants from Belorussia and Moldavia<sup>9</sup> and fresh graduate students from Czech universities<sup>10</sup> regardless of their country of origin have also been allowed to participate. In early 2005, 256 applicants had entered the system,<sup>11</sup> which is less than the quotas allocated.<sup>12</sup>

When analysing problems of the programme (specifically why it failed to attract more applicants) a couple of key problems emerge:

1. The programmes included a precondition to find a job and to gain a visa for more than 90 days for employment purposes before entering the programme. This was extremely difficult to do - almost impossible to fulfil for those who apply from abroad (out of 256 accepted applicants only four managed this).
2. While it is understood that demand is high, Czech employers have not been very involved in the programme, despite reporting their demand for a skilled / qualified foreign labour force to the Ministry. Information campaigns targeting employers and job centres in the Czech Republic should be more numerous, intensive and effective.

One key challenge in the current environment is that there is no 'robust' in-depth economic analysis, not to mention a prognosis that would enable the development of a sophisticated system to specifically target 'structural demand' for a highly skilled, educated foreign labour force in terms of matching skills with areas (and regions) in need.<sup>13</sup>

3. Third, other 'support services', namely available housing for reasonable prices, are rather difficult to obtain for immigrants due to the 'not fully functioning' real-estate market.

In response to the lack of applications, the government and the Ministry of Labour and Social Affairs (as the responsible agency) have decided to change the current model in order to make it more effective and to attract more immigrants:

- The government is helping employers find employees through a new 'skill-matching database: [www.praceprocizince.cz](http://www.praceprocizince.cz).
- The quota has been modified to 1000 applicants – 600 from inside the country and 400 from abroad; and
- It has been opened up to more applicants:
  - Serbia and Montenegro and Canada (1 July 2005);
  - Ukrainians (January 2006);

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<sup>9</sup> After five years, the pilot programme should be opened to citizens of most countries of the world (Aktivni 2004)

<sup>10</sup> The opportunity is not, however, open to students that received scholarship from the Czech Government.

<sup>11</sup> Out of them, 165 are Bulgarians, 34 Belorussians, 30 Kazakhs, 12 Moldavians and five Croats. 10 graduates from Czech universities have entered the programme: three Ukrainians, two Belorussians, and one from Equador, Jemen, the Jordan, Pakistan and Syria. Regarding a gender dimension, they are 137 males vis-à-vis 118 females. Out of those who were accepted, for example, 60 work in technical professions, 20 are IT specialists or managers, 19 work in the health sector, 13 in research/science and 12 in the arts (see Berankova 2005).

<sup>12</sup> For the first year it was 300 and for the second year 700 as a maximum.

<sup>13</sup> In the very beginning, there was an intention to define demand in terms of professions. However, this goal has never been fulfilled.

- Graduates from Czech secondary schools (if they finished their studies after 2000); and
- Graduates from Czech universities (if they graduated after 1995).
- From 1 January 2006, applicants will be able to submit their application forms electronically via an “on line system”.

### **Temporary migration**

A temporary, short-term migration regime is considered an important tool for attracting economic migrants to the Czech Republic. Currently, about 60 per cent of ‘legal’ foreigners in the Czech Republic make use of this regime.

Needs in the field of temporary, short-term migrations or movements are regulated by job centres. Job centres are also responsible for granting work permits. It is up to them to evaluate an economic need and the benefits of an immigrant’s arrival and proposed activity. It should also be noted that a foreigner (a would-be employee) can only take a vacant job provided no other citizen of the Czech Republic or another EU country is willing to accept it.<sup>14</sup>

Temporary immigration can also be organised via private labour exchange agencies. At the moment there are approximately 1,100 labour exchange agencies operating in the Czech Republic (based on an interview with Tichý). There are also electronic portals to help people look for jobs independently, both in the Czech Republic and the rest of the EU: [www.portal.mpsv.cz/eures](http://www.portal.mpsv.cz/eures).

The current system of labour regulation in the Czech Republic is generally good, but slow. One of the shortcomings is that decisions are rather subjective as they are made at the local level (without sufficient checks and balances). In terms of temporary or short-term stays, preferential treatment is given to certain foreigners who are exempt from the work permit requirements.<sup>15</sup>

### **A broader picture**

The labour market situation is also addressed in the National Action Plan on Combating Social Exclusion, which is discussed in the context of fulfilling the Lisbon Strategy. In this strategy, economic growth and employment are defined as “the most important priorities of all the priorities”. Research, innovation and education issues are also priorities.

The Lisbon Strategy is relevant here because it has the potential to fuel both pro and anti immigration arguments.

In the Czech Republic, employment policy is often managed by the ‘Tripartite’ (the government, trade unions, representatives of employees and employers). Some of the tools used to ensure an effective policy include:

- Requalification courses;

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<sup>14</sup> As for self-employment, foreigners have to follow the same rules as Czech citizens. This liberal approach has often been misused with nominally self-employed persons actually being in a situation of ‘masked or hidden employment’ (a sort of quasi-business activities called ‘svarc system’). A situation is to be improved due to the Amendment No. 435/2994 of Coll., On Employment.

<sup>15</sup> As stipulated in the Act On Employment, No. 435 of 2004 (see Annex 3)

- Attracting skilled migrants (who do not compete with the current labour supply and who create new working opportunities in regions where there is a high rate of unemployment);
- Adopting an individual approach towards unemployed persons; and
- Developing special projects for groups of 'disadvantaged persons'.

Foreigners and asylum seekers are able to make use of these programmes as well.

Like other EU Member States, the Czech Republic has to adopt the EU laws and regulations in this field and incorporate them into national legislation. So far, the Czech Republic has not been successful in integrating strategies to address the long-term needs of its labour market with the migration policy. The main problem is that labour market needs are difficult to assess. While competent institutions in the Czech Republic are able, albeit imperfectly due to a lack of data, to describe and interpret the current state ('of the day') of the labour market, they are not able to anticipate long-term trends. The labour market is a dynamic, changing variable with huge regional and local differences. At the moment, there are no socio-economic in-depth analyses of the situation, and consequently, there is no broad picture that would enable the government to anticipate long term needs or demands.

Nevertheless, some attempts to overcome these problems do exist. The Ministry of Labour and Social Affairs, Employment Services Administration has produced some partial analyses. With support from the Ministry of Labour and Social Affairs one of the first sectoral studies has already been completed - on the car industry. It is a good model, which will be useful in helping the government ascertain needs in other sectors of the economy. The government is now preparing a *Strategic Economic Growth Programme*<sup>16</sup> in collaboration with the Institute for Labour and Social Affairs, The Center for Economic Research and Graduate Education of Charles University, the Economics Institute, National Education Fund, the Czech Statistical Office and the Institute for Information on Education. Together, they are developing a prognosis model of education needs in relation to medium-term supply and demand.

The *Strategic Economic Growth Programme* might also be used to target selected migrant categories to encourage investment, however this initiative is still being discussed.

It should also be acknowledged that the Czech Republic is monitoring international economic migration, and the quality of data has been improving over time.<sup>17</sup>

### **Irregular migrants**

The issue of granting an amnesty for illegal / irregular migrants who have been working in the country for some time is very controversial in the Czech Republic.

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<sup>16</sup> The Programme will be the first strategic document developed for business. It will take the form of a national action plan within the Lisbon process. It is based on individual ministries' plans and concerns five basic areas that have an impact on economic growth: human resources development, support of innovations, science and research, developing the infrastructure, financial sources and institutional environment for doing business.

<sup>17</sup> RILSA – Research Institute for Labour and Social Affairs has monitored labour migration since 1993 – by districts and migrants' citizenship. This monitoring is regularly put vis-à-vis a labour market conditions. In 2004 the database newly included border zone areas. Thus, the monitoring follows: 1) socio-economic characteristics with special regard to labour market problems, 2) real migration flows to two neighbouring countries of EU (Germany and Austria) and 3) a stay of foreigners in the territory of the Czech Republic.

Despite the large numbers (see estimates in Drbohlav 2003 b), a regularisation campaign is not on the agenda. This issue has not been openly discussed or publicised. Instead, some 'silent discussions' are taking place behind closed doors (generally initiated by NGOs). Overall, the Government is against the idea of a regularisation.

## Conclusion

Demographic concerns and the need for skilled labour present the government with difficult challenges, and it will be difficult to meet these challenges using immigration alone. Nevertheless, the arrival of young, qualified specialists from abroad, who settle and integrate, can at least partially contribute to the solution. As outlined above, in order to attract such immigrants, the government has developed *The Active Selection of Qualified Foreign Workers* pilot project. The main objective is to use easily controllable, simple and cheap tools to move away from a passive reaction to existing migration, to the active management of economic migration. When preparing the project, emphasis was placed on its pilot nature. The project will be monitored over time and it is envisaged that the entire system has the potential for further expansion in the future.

## 1.2 The integration debate

Generally, the government believes that the successful integration of immigrants benefits the whole society and that investment in integration is worthwhile.

Integration is conceptually run by the state.<sup>18</sup> The first integration programmes were formulated in the *Strategy of Integration of Foreigners in the Czech Republic*. The main goal is to bring the conditions (in various spheres of life) of foreigners who stay legally in the country for a long time in line with those enjoyed by Czechs. The main sectors involved include the Ministries of the Interior, of Labour and Social Affairs, of Education, Youth and Sports, of Industry and Trade, of Culture, for Regional Development, of Health, and of Finance. Other government and non-government institutions and organisations, such as the Czech Statistical Office, social partners of the Council of Economic and Social Agreement, and non-profit making NGOs also come into play.

Until 1 January 2004, the Ministry of the Interior coordinated the activities of the other ministries within the framework of the Strategy. As such, it was ultimately responsible for preparing and implementing government policy in the field of integration and the development of relationships between communities.

However, since 2004, the responsibility of co-ordination of integration issues has been taken over by the Ministry of Labour and Social Affairs.<sup>19</sup> Consequently, a new Committee was established<sup>20</sup> to work on fulfilling the aims of the Strategy.<sup>21</sup> Ministries have traditionally devoted significant attention to projects that support the integration of foreigners.

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<sup>18</sup> In other words, the broad goals and principles are developed by the state.

<sup>19</sup> At which time a special Department of Immigration and Integration within the Ministry of Labour and Social Affairs was established.

<sup>20</sup> Three new expert groups were created dealing with the following issues: 1) statistics and research, 2) conceptual and legislative matters and 3) NGOs, regions and social partners.

<sup>21</sup> See the Government Resolution No. 1252 of 2003.

“Projects that are approved are implemented mainly by non-profit, non-government organisations in areas where direct influence of state administration bodies and self-governing bodies cannot be applied. Projects are usually focused upon, in particular, improving the provisions of information to foreigners as well as citizens (including the provisions of assistance for their communication with authorities), supporting education, language skills and other qualifications of foreigners, promoting the placement of foreigners in the labour market, developing the cultural and religious life of foreigners, developing the further education of foreigners and civil servants in the field of integration of foreigners, developing relationships between foreigners and their communities and citizens, establishing and promoting activities of non-government non-profit making organisations and associations of foreigners, building and developing activities of community and multicultural centres, and supporting preventative measures that fight intolerance, racism and discrimination against foreigners” (2003 Status 2004).

The state earmarked 20 million Czech crowns for the implementation of these projects in 2004 (19 million in 2003) (Zprava 2005, 2003 Status 2004).

There is also a special programme for integration of refugees that has traditionally been implemented<sup>22</sup> in harmony with the Strategy and it is approved by the relevant Government Resolutions.<sup>23</sup> The programme is based on state budget subsidies that go to municipalities assist refugees with basic needs such as housing – rental accommodation. In 2005 there was 16 million Czech crowns for about 150 persons. The highest quotas were set for Prague (16 per cent), Central Bohemia Region, South Bohemia Region and Pilsen Region (all 10 per cent). The integration programme includes Czech language courses and a specific support programme to facilitate labour market integration based on individual needs (for more information, please see section 1.1) as of 1 October 2004.<sup>24</sup>

NGOs, social partners, employers, municipalities and regions, the public and private education institutions are all key players in the integration process. In 2005, it is likely that the integration programme will be financed not only through the state budget (the current allocation is 25 million Czech crowns) but also, for example, via EU grants: EQUAL (the second round), INTI Programme (Pilot Project on Integration of Third Country Nationals), European Refugee Fund, etc. Within the EQUAL programme, for example, there is an ongoing activity for supporting legal employment of asylum seekers.

### **The implications of EU membership**

Obviously, the ongoing process of EU harmonisation has included some important changes to legislation in integration policies in all Member States. The transposition of the adopted Directives on Family Reunion (2003/86/EC of 22/9/2003) and on long-term residents (2003/109/EC of 25/11/2003) into the Czech legislation is almost complete.

Amendments to the Act No. 326/1999 on the Stay of Aliens on the Territory of the Czech Republic (Aliens Act) in the Chamber of Representatives, address the ‘family

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<sup>22</sup> Approximately 700 refugees have made use of the programme since 1994.

<sup>23</sup> See now the Government Resolution No. 104 of 26 January 2005 (on the Integration of Recognised Refugees in 2005).

<sup>24</sup> Government Resolution No. 104. 26 January 2005.

reunion issue'.<sup>25</sup> These amendments are now going through the second reading and are due to be finalised by 3 October 2005. The amendments should reinforce a greater sense of stability and security, and this, in turn, will help the integration process.

The Aliens Act also covers long-term residents. New amendments are due on 31 January 2006 that will reduce the waiting period for a permanent residence permit in the Czech Republic from ten years to five years (similar to the 'safe-status' as defined in many other EU countries). This amendment is now being discussed by the different ministries and should be submitted to the Chamber of Representatives soon.

### **Shortcomings**

However, there are several shortcomings in the integration programmes:

First, the budget allocated to integration is limited, and at the moment it is insufficient to meet current needs.

Second, competencies and areas of responsibility should be clarified among various groups that deal with the integration process and among state bodies themselves. Integration is not regulated by a law, but via government resolutions. This means it is now up to regional administrators to decide whether they establish 'integration bodies' to support the integration processes in their particular region. Unfortunately there are a number of other problems to solve at the regional level, and as a result, integration issues are often neglected or even omitted.

Third, individual ministries have not developed integration strategies in their specific areas of responsibility (mainstreaming has not taken place) (2003 Status 2004).

Fourth, there is a need to develop transparent indicators through which one can easily consider whether the integration in a given field has been successfully accomplished or not. The immigrants must themselves be able to contribute, as they can provide the best advice on what is good and functional and what is not (Realizace 2005, Cechova 2005).

Fifth, programmes are hampered by too much bureaucracy. This problem is then compounded by the significant amount of xenophobia, even racism, in the Czech bureaucracy and the Czech public more broadly.

Sixth, the programmes should tackle other specific problems that complicate foreigners' integration, including (see also Analyza 2004, Cechova 2005):

- Waiting too long for a permanent residence permit (see the paragraph below)<sup>26</sup>,
- Limited (legal) possibilities for some foreigners to buy a property,
- No voting rights at a local level - even for foreigners with a permanent residence permit,
- Not enough stimuli to learn Czech language,

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<sup>25</sup> Conditions under which one can ask for a family reunion with third-country citizens who legally stay in the territory of EU Member States are formulated.

<sup>26</sup> Regarding this issue, an important principle that should be taken into account also in the Czech Republic is that foreigner's rights are to be defined gradually, in close relation to time spent in a new host country and a reached degree of his/her integration (see also Zprava 2004).

- No attention paid to vulnerable groups of foreigners (seriously ill, seniors, women on maternity leave etc.).

Citizenship is not really a factor in the integration debate. It is not easy to obtain in the Czech Republic<sup>27</sup> and so numbers are not high, though they are increasing over time. In 1997, for example, 837 people were naturalised. In 2004 this number rose to 1,495 (these figures do not include Slovak citizens).

### 1.3 The brain drain debate

The brain drain issue is not explicitly mentioned in the design or management of international migration issues in the Czech Republic. Nevertheless, it is considered important, and as such, it is dealt with implicitly in a state 'International Development Cooperation' programme that was designed by the government (see the Government Resolution No. 302 of 31 March 2004<sup>28</sup>) to provide financial, material, expert and technical help to selected developing countries and countries in transition.<sup>29</sup> Working with other developed countries, the Czech Republic is helping to:

- Reduce poverty,
- Facilitate social, environmental and economic (industrial) development,
- Promote the gradual integration of partner countries into the world economy,
- Boost agriculture,
- Support democracy, human rights and suitable administration of public matters,
- Establish a rule/state of law,
- Manage migration, and
- Rehabilitate areas after conflicts.

The *International Development Cooperation* programme of the Czech Republic is based on partnership principles (in other words, there must be a demand coming from the 'weaker partner'), flexibility, effectiveness and transparency. The programme reflects interests and needs of the Czech Republic, while being instrumental in intensification of political and economic relations with partner countries. The programme also corresponds to security interests of the donor country. In harmony with its main goals, the Government decided to target Angola, Zambia, Vietnam, Mongolia, Yemen, Moldova, Bosnia and Herzegovina and Serbia and Montenegro.

As already mentioned, migration issues are one of the priorities within the programme. The Ministry of the Interior is the main contributor to the programme<sup>30</sup> with several 'migratory projects' mostly in Moldova and Ukraine. Projects are run and organised by NGOs or international/inter-governmental organisations, namely the Czech Catholic Charity and the International Organisation for Migration (IOM) that

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<sup>27</sup> One has to wait for 15 years in order to apply for Czech citizenship. Even after the 15 years, there is no guarantee that it will be granted. However, it should be noted that changes are expected soon.

<sup>28</sup> An overall conception of international development aid of the Czech Republic for 2002-2007 was designed in Government Resolution No. 91 of 23 January 2002.

<sup>29</sup> In this regards this activity fits the EU and OECD 'Official Development Assistance' and 'Official Aid' programmes.

<sup>30</sup> A role of the Ministry of Foreign Affairs is to coordinate the activities while keeping them in harmony with the defined goal strategy.

also subcontract their partner organisations in the given countries while working on the projects. The main goal of these projects is to combat brain drain. Put simply, they aim to help establish a functional administration and to improve the living standards of the domestic population, thereby reducing the desire to emigrate.

More specifically, the projects are designed to establish new migratory management structures (including relevant educational programmes, legislation, detention and asylum centres etc.), and to support individual persons, would-be migrants, in selected regions including Kiev, Charkov, Lvov and its close vicinity.

Such support often takes the form of:

- Material goods and special services such as clothes or health examinations,
- Establishing new job opportunities or creating a better economic environment,
- Providing financial help (credit) to develop small businesses or providing a community with agricultural machines,
- Offering/organising recreational activities (especially for children and youth).

In addition, information campaigns are organised to deter local population from emigrating abroad, with a strong focus on those wishing to move to the Czech Republic.

The Government will spend approximately 25 million Czech crowns in 2005 on the 'International Development Cooperation' programme for migration projects in Moldova, Ukraine, Armenia, Georgia, Russia (Chechnya) and Bosnia and Herzegovina ([www.mzv.cz/pomoc](http://www.mzv.cz/pomoc)).

Other projects include, helping refugees in the Czech Republic (the responsibility of the Ministry of the Interior); and providing scholarships for students from poor countries (responsibility of the Ministry of Education, Youth and Physical Training).

The scholarship programme has traditionally been an important tool in the International Development Cooperation programme (see more in Jelinek- Dessieova-Naprstek 2004). Currently, this activity is based on the Government Resolution No. 773 of 2001<sup>31</sup> and about 250 scholarships are offered each year. This initiative aims to effectively improve the human capital of the country of origin, providing students return home after their studies, and make use of their new experience. However, the condition to return home (which would possibly prevent brain drain, at least for some time) is not binding.

This programme accounts for approximately one quarter of all financial sources that are devoted to bilateral development aid. In absolute terms, it will amount to approximately 100 million Czech crowns in 2005. The scholarships are offered for bachelor, master and, to a lesser extent, also to Ph.D. study programmes, and they are available to students from a wide range of countries. For example, there were students from 92 countries in the Czech Republic (usually no more than five from the same country) in 2002 (Jelinek- Dessieova-Naprstek 2004).<sup>32</sup>

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<sup>31</sup> See, however, also Government Resolutions No. 2 of 1994 and No. 343 of 1996.

<sup>32</sup> Scholarships are advertised abroad through the Ministry of Foreign Affairs. The information is further transferred to Ministries of Education that also usually select students among applicants. If selected students do not speak Czech and they are not going to study in a foreign language (mainly in English) they take a Czech language course. On average approximately 70 per cent of quotas are not fulfilled.

Key indicators for the programme include:

- The ability to have students from countries that urgently need such aid,
- To study subjects and fields that are of use to given countries,
- To ensure that majority of students will finish their studies, that they will return home and that they will make use of their newly gained experience on a labour market.

It seems that for various reasons, many of these 'indicators' are not fulfilled (see Jelinek- Dessieova-Naprstek 2004). For example, in the academic year of 2003 - 2004, only one fifth of the set quota was reserved for the poorest countries. Further, the subjects studied are not always as useful for the development of the country of origin as they could be.<sup>33</sup> Jelinek- Dessieova-Naprstek (2004) found that about one third of all students successfully finished their studies, one third withdrew and one third failed. The difficulty of the Czech language and nepotism (applied when selecting students in developing countries) are the main reasons for these failures (Jelinek- Dessieova-Naprstek 2004).

It is estimated that between 50 and 80 per cent of students return to their mother countries (Jelinek- Dessieova-Naprstek 2004). Such a low share also follows from a fact that studies last on average for six years, and during this time, many social networks connecting a student with his or her mother country have either been weakened or broken. This is also not surprising when there are few opportunities waiting for them at home. Those who do return, however, often find their place in society (Jelinek- Dessieova-Naprstek 2004).

It is disappointing to note that the Czech Republic has not been able to keep regular and systematic contacts with school-leavers. Because of this, the possibility of assessing the whole programme is limited, and opportunities to further cultivate established relationships with these foreigners and their countries and the Czech Republic are lost. This programme is also difficult to administer. It is very difficult to 'balance' economic and development interests and support on one side, and security concerns on the other.

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<sup>33</sup> Students often choose their course of study during the language training programme and they often opt for 'easier fields of study'.

## **2. Basing policies on evidence and consultation**

### **2.1 Making use of knowledge**

The immigration and integration policies in the Czech Republic are inspired by several principal actors. First, European, especially German and Austrian, experience was taken into account when designing the face and soul of the migration policy. Other developments were based on the situation in the Netherlands and France. The Council of Europe and the Commission have been influential since the mid 1990s by working in close cooperation with the Ministry of the Interior, and bilateral committees have also had a significant impact.

Inside the Czech Republic, suggestions and stimuli come chiefly from individual ministries that deal with the migration / integration issue.

As mentioned in chapter 1, data on migration to the Czech Republic and on immigrant integration are far from perfect. Nevertheless, there are some improvements in data collection. Generally, the Czech Statistical Office, the Ministry of the Interior, the Ministry of Labour and Social Affairs, the Ministry of Industry and Trade provide some basic migration data (see a Yearbook Cizinci 2004). However, there are some shortcomings in the process of collecting, processing and tabulating data as well as in 'distributing competencies' among individual ministries. For example, the Ministry of Labour is concerned with characterising types of work, such as work requiring a 'university education', a 'secondary education' or 'manual work'. This data looks at both - education and the type of activity performed. The Ministry of Interior has a different focus, and it does not, therefore, use the same kind of data.

The Ministry of the Interior (mainly the Alien and Border Police) and the Czech Statistical Office have been working together to develop basic databases, and to share population register data (including information about international migrants). However, data that might measure the integration of immigrants are very rare. Integration is best measured through special surveys conducted by researchers (see e.g. Drbohlav-Cernik-Dzurova 2005). Indicators that would signal whether a policy is good or bad have not yet been developed. However, Czech representatives have been active in a debate on this issue in committees of the Council of Europe and the European Commission for many years. To date, the most concrete source of information continues to be migration numbers, rather than any 'qualitative parameters'. The situation is, however, being addressed through new studies such as the THESIM project, which is contributing to the harmonisation of migration / integration data throughout Europe.

Internally, various ministries develop different policies based on current resources and expertise. The Ministry of Labour, for example, has been monitoring a situation on Czech labour market via its 77 job centres (which provide support to people on the ground). In cooperation with social partners, these job centres are able to contribute to policy development by providing an indication of needs, and shortages on the ground. Recently, the Ministry of Labour engaged a consulting company to carry out a study mapping the experiences of foreigners who have stayed in the country for a long time, to provide further recommendations for policy development (Analyza 2004). The IOM has also prepared a study for the Ministry on how selected ethnic immigrant communities are integrated into Czech society and the labour market (Drbohlav-Ezzeddine-Luksikova, 2004). Finally, data are collected from regional bodies and NGOs around the country. This data is evaluated, and it too feeds into policy development. This is only a start; there is still a long way to go.

## 2.2 The stakeholders

### State bodies

There are several important government and non-governmental bodies that deal with international migration issues in the Czech Republic. First, one has to acknowledge the very important role that is played by the Ministry of the Interior. According to the Act No. 2/1969 Coll., regarding the responsibilities of ministries and other central bodies of the state authorities, the Ministry of the Interior is chiefly responsible for international migration and asylum issues in terms of both legislative-conceptual matters and their practical implementation.

In carrying out its functions it cooperates with other ministries, state and non-governmental organisations (NGO), both national and international. The Ministry deals with various issues, such as determining border crossings, contributing to the preparation of relevant international agreements, coordinating implementation of the Schengen Acquis, designing state integration programmes for recognised refugees and helping those with humanitarian status, and cooperating on the design and implementation of repatriation programmes (for more information, Zprava, 2002).

In the Ministry of the Interior, two ministerial departments have been of central importance to the debate: the Department of Asylum and Migration Policy and the Department of Managing Asylum Centres. Over the last decade, the former body has been particularly effective, giving new life to the issue of immigration. Its "Committee for the Preparation and Realisation of Governmental Policy of the Czech Republic in the Field of Immigrant Integration and Development of Relations between Communities", which advised the Minister of Interior was composed of about 40 representatives from relevant bodies, including other relevant ministries, the Office of the Government, the Office of the President and the Czech Statistical Office, as well as NGOs, local / regional / city authorities, academic institutes, trade unions and other associations. The main objective of the Committee was to systematically and conceptually initiate and coordinate activities in the migration and integration fields. It was given the mandate to contribute to developing migration policy objectives and integration strategies and to help decentralise migration issues towards regions and communes. It was also responsible for evaluating projects that target individual ethnic immigrant communities both through studies (to obtain more information about them and their 'new lives') and through information or educational campaigns (brochures, films, courses, and workshops to help immigrants orientate and adapt into the new society).

In 2004, however, all responsibilities relating to foreigners were given to the Ministry of Labour and Social Affairs.<sup>34</sup> This move signified a significant shift in the debate. International migration was no longer viewed as a matter of 'security' and 'restrictive measures'. Instead, it was seen as a challenge and an asset able to contribute to the development of the Czech Republic. The Ministry of Labour established a new 'Committee for Integration' as outlined in the Ministerial order No. 9 of 2004.

The Alien and Border Police also play a significant role in implementing Czech immigration policies. However, their focus is on border security, issuing permits and on controlling the arrival, departure and stay of foreigners in the country.

Other ministries are responsible for specific aspects of migration. The Ministry of Foreign Affairs, for example, issues documents for the entry and stay of members of

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<sup>34</sup> The Government Resolution No. 1252 of 10 December 2003.

diplomatic corps and also deals with visa administration as a whole. In addition, it manages Czech international aid in the migration field (which is one of the priority areas – Koncepce, 2002<sup>35</sup>).

The Ministry of Labour and Social Affairs is responsible for the state employment policy. Aside from other activities, it regulates the conditions under which foreigners are allowed to enter the Czech labour market as employees, while respecting EU legislation. It also deals with relevant bilateral international agreements.

There is no overall quota for foreigners wanting to come to the Czech Republic.<sup>36</sup> However, quotas are often used by OECD countries vis-à-vis citizens of the Czech Republic – see the list of bilateral agreements below. In 2000 a new inter-ministerial body for fighting the illegal employment of foreigners in the Czech Republic was established under the umbrella of the Ministry of Labour and Social Affairs<sup>37</sup> (in close cooperation with the Ministry of the Interior and the Ministry of Industry and Trade). Then, in 2003, the Ministry launched a *Pilot Project for the Active Selection of Qualified Foreign Workers* (outlined in chapter 1) to respond to demographic forecasts (in particular low fertility and the ageing of the Czech Population) but also to respond to challenges facing the Czech labour market.

The Ministry of Industry and Trade is responsible for business-related activities. In issuing trade licences, the Ministry aims to create optimum conditions both for the state and for the immigrants. It has prepared its favourable legislation to this effect.

The Ministry of Education, Youth and Physical Training deals with access to education in the Czech Republic (all types of schools plus some of the training institutions) and seeks to establish suitable conditions for foreigners by organising various language courses, special programmes etc. The Ministry also organises study trips for international experts, lecturers and researchers to visit (and work in) the Czech Republic. It is also responsible for skills / qualification recognition and its representatives take part in work of the Committee for Integration.

The Ministry of Justice has an impact on immigration through its legislative activities. For example, it regulates entrepreneurs through the commercial code. It also administers companies' registers and defines conditions under which business companies and cooperatives can and cannot operate. In addition, it deals with foreigners who are undergoing criminal investigations, including those who are expelled. The Ministry also has competence to change the existing legislation covering the situation of migrants in the criminal justice system.

Other important bodies are the Committee on Foreigners' Rights within the Council of the Government for Human Rights (this body may contribute to legislative initiatives) and the Ombudsman, who is also charged with solving problems related to the human rights of foreigners.

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<sup>35</sup> Preventing migration in South-Eastern Europe and countries of the former Soviet Union is one of the priorities of Czech international aid between 2002 and 2007 (Koncepce, 2002).

<sup>36</sup> There is a quota for the pilot programme, however, it is not applied to all foreigners entering – just those entering in that programme.

<sup>37</sup> The Government Resolution of 23 October 2000, No. 1044.

## Civil society

Trade unions<sup>38</sup> support equal treatment on the Czech labour market regardless of whether a person is a Czech citizen or a foreigner. In relation to foreigners, the Confederation mainly deals with labour laws and labour regulation issues. Everybody, including foreigners has the right to join a trade union. The main role of trade unions vis-à-vis foreigners is to widely publicise and inform them about the Czech labour market - about conditions and rights via brochures and booklets in foreign languages. In terms of education, they organise re-qualification courses (e.g. a Catalogue of CMCTU's activities in 2005). The problem is that the courses are taught in Czech, which is difficult for most foreigners to understand, and the courses are expensive.

Trade unions also help foreigners solve housing problems while cooperating with the Association for Protection of Tenants, and they provide foreigners with juridical counselling free of charge. Employers tend to give 'silent support' to pro-immigrant approaches.

The advocacy work of non-governmental organisations focuses on the human rights of foreigners. NGOs also provide numerous services to foreigners (providing them mainly with social and juridical and psychological counselling) that are tied to migration / integration issues, often acting as implementing agencies for the state administration.<sup>39</sup> Their most important task is to monitor whether laws and regulations are adhered to, and to reveal fundamental shortcomings (e.g. supplying a foreigner with wrong or incomplete information by, for example, the Police or registers). The prime recipients of their support are long-stay legal immigrants and refugees. Some NGOs also participate in organising free time activities for asylum seekers who stay in the asylum centres of the Ministry of the Interior.

The policy activities of major, experienced NGOs, namely, Centre for Integration (Poradna pro integraci), The Centre for Foreigners' Integration (Centrum integrace cizincu), The Organisation for Aid to Refugees (Organizace pro pomoc uprchlikum), The Centre for Refugees (Poradna pro uprchliky), The Society of Citizens Assisting Emigrants (Sdruzeni obcanu zabyvajici se emigranty), the Centre for Migration Issues (Centrum pro otazky migrace), Counselling Centre for Citizenship, Civil and Human Rights (Popradna pro obcanstvi, obcanska a lidska prava), The Czech Catholic Charity (Sdruzeni Ceska katolicka charita), People in Need (Clovek v tisni), Multicultural Centre Prague (Multikulturni centrum Praha) are, to large extent, described in Drbohlav 2003 b).

Some of the abovementioned NGOs established an association - COM (Consortium) – in September 2000 in order to be 'more powerful' when lobbying, negotiating, fund-raising and pushing their objectives on behalf of foreigners' but mainly asylum seekers' and refugees' interests (see [www.uprchlici.ecn.cz](http://www.uprchlici.ecn.cz)). The trigger for the

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<sup>38</sup> For example, The Czech-Moravian Confederation of Trade Unions (CMCTU) represents 35 individual Trade Unions.

<sup>39</sup> Help is given at all stages of an asylum procedure. It starts when an asylum seeker enters a centre (juridical and social services) and continues through the whole period during which a person stays in the country. These services are provided free of charge in asylum centres and in NGO centres in the cities of Prague and Brno. Once a client has been granted asylum, services are provided via community integration centres that are located throughout the whole country in order for a foreigner to have a chance to integrate quickly and without many problems into Czech majority society. Cooperation among NGOs takes place to improve the mutual exchange of information and experience and to avoid situations where the same service is being offered by two or more organisations.

current institutionalised cooperation was a common project under the umbrella of the European Commission. The main goal of the Consortium is to create a firm, homogenous and effective system of services provide to refugees. The Consortium has had a long-term and successful relationship to the UNCHR Office in Prague and ECRE (European Council on Refugees and Exiles). Now members of the Consortium work hard on the EU project EQUAL while concentrating on improving access for 'disadvantaged groups' in the Czech labour market. Of course, besides common activities, like publishing a two-language (Czech-English) journal AZYL (on asylum issues in the Czech Republic and abroad) every two months, and organising common meetings, seminars and courses, the individual NGOs have their own activities, including publishing practical brochures (in more languages) informing foreigners how to cope with various issues in their host society, such as family reunification, housing or health service.

The MIGRACE project carried out by the Open Society Fund in Prague since 2002 involves three main NGO partners. People in Need (Clovek v tísni) – a society affiliated with the Czech Television, which publicises migration issues through the mass media (TV, radio, newspapers, journals, magazines, and cultural and educational programmes). The aim is to inform the Czech public about the challenges and opportunities offered by migration, and thus to contribute to combating racism and xenophobia. The Multicultural Centre Prague is responsible for the second part of the project, the launch of the 'Migration Information Service' project (MISE) via a structured web site. This site seeks to enable its readers to systematically orient themselves in research studies / projects, articles, legislative documents, bodies / institutions involved etc. The Counselling Centre for Citizenship, Civil and Human Rights is the third partner within the MIGRACE project working on a comparative study on relevant legislation (the Czech Republic vis-à-vis selected European countries). The project was successful, fulfilled its main goals and will be finished in autumn 2005<sup>40</sup>.

The UNHCR and the IOM<sup>41</sup> are also active in the Czech Republic and cooperate with both governmental and non-governmental organisations.

One has to distinguish several dimensions when describing the migration debate in the Czech Republic. The first dimension is the transfer of European initiatives to the governmental bodies and NGOs (be it through a direct link: the EU / often the EC or the Council of Europe → state bodies or the EU / often the EC or the Council of Europe or NGO(s) functioning abroad → NGO(s) or via a two-step process: the EU / often the EC or the Council of Europe → state bodies → NGO(s)). These 'channels' work quite well. The given institutions and their departments 'accept the information' and try to 'apply' it to conditions in the country via new laws, regulations, amendments, recommendations, educational programmes, consultations, advices, research projects, funding etc. However, there may still be tensions or disputes over some issues among the players. On the other hand, such disharmony is not serious and mainly 'internal' in its character – problems are not widely publicised.

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<sup>40</sup> Nevertheless, the Open Society Fund in Prague, People in Need and Multicultural Centre Prague will further continue in their rich and colourful activities in migration/integration fields.

<sup>41</sup> Whereas UNHCR representatives already started working in the Czech Republic in the beginning of the 1990s, the agreement with IOM was signed in 1997 and came into force in 1998. Since 2004, the Czech IOM Mission has been subordinated to the IOM Mission with Regional Functions for Central and Eastern Europe in Budapest.

## Stakeholders and a policy making process

Despite defining basic policy principles in the field of international migration in 2002 (Government Resolution of 13 January 2003, No. 55 – see above), the Czech migration policy has more or less developed through the rather pragmatic adoption of strategies advocated by the EU. Indeed, there have been few exceptions to this rule (the most notable being the *Active Selection of Qualified Foreign Workers Pilot Project*). Generally, there has not been a lot of time or space for creating new specific policies or programmes. Because of this, the main philosophy has and is being further implemented via two basic legislative documents: Act No. 326/1999, as amended on the Stay of Aliens on the Territory of the Czech Republic (Aliens Act) and Act No. 325/1999, as amended on Asylum (Asylum Act). Both entered into force in January 2000.<sup>42</sup>

As a member of the EU, the Czech Republic is able to express its opinions and views to influence new legislative measures at the EU level (since May 2004). Currently, for example, it is involved in the development of the Directive on the admission of third country nationals to carry out scientific research and two proposals for Council Recommendations to facilitate the admission of researchers are in the pipeline (see also First 2004). There is a 'transposition period' (its length depends on the complexity of changes - usually it is about two years) within which the newly accepted legislation must be included in the Czech legislation.

New bills or amendments to the existing laws on issues closely related to foreigners (immigrants) including asylum seekers / refugees in the Czech Republic are prepared and then submitted by ministries, mainly by the Ministry of the Interior, but also the Ministry of Labour and Social Affairs, and the Ministry of Industry and Trade. The bills or amendments<sup>43</sup> must first go through an internal procedure (within the given department and ministry) within which formulations are polished. Then, representatives of other ministries can do the same while other important subjects, depending on which field is being commented upon, can also contribute while expressing their comments and suggestions.<sup>44</sup> When dealing with some pieces of new legislation, especially legislation concerning asylum, relevant NGOs and the UNHCR Office can be invited to comment upon bills or amendments. The Government then discusses the issue and after agreement has been reached and after comments have been through the Government Office and its bodies, the bill or amendment goes to the Parliament – the House of Representatives. It goes through the first reading (the MPs decide whether or not they will deal with the given issue; and if they decide they will, they determine which Committee will be responsible for it), the second reading (with all the comments) and the third reading (with its voting procedure). After that, it goes to the Senate (with possible other comments and suggestions) and after passing it in both parliamentary chambers it goes to the President. The whole process is completed by publishing the new legislation in the Collection of Laws.

Trade unions can actively contribute to creating new legislation by lobbying in parliamentary clubs.

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<sup>42</sup> When preparing the current legislative and practical measurements in the field of international migration in the late 1990s, mainly German and Austrian experience was taken into account (see also above).

<sup>43</sup> Of course, preparing amendments is always easier.

<sup>44</sup> Concerning foreigners and asylum legislation, The Human Right Council and the Ombudsman Office have to be addressed.

NGOs do not have an automatic mandate to directly or regularly participate in assessing bills, but they can express their opinions via the Government Council, the UNHCR or via lobbying directly when addressing individual MPs. Putting legislative changes through, however, is rather a difficult task since often it is possible to intervene at every state of the process.

Individual persons can take part in the procedure by directly contacting their MP. Of course, such influence is very weak compared to NGOs' lobbying directly in the Parliament. The International Organisation for Migration (IOM) is an intergovernmental organisation that does not provide migrants with juridical counselling and therefore, does not comment on legislative activities. However, they too can influence new bills, regulations and rules in migration field via personal contacts or through their work on various projects in the migration / integration sphere.<sup>45</sup> NGOs and international organisations are also active in consultation processes.

The Consortium (see above) have recently commented on the 'Proposal of Comments on the Detention Centres Concerning the Amendment to Law 326/1999 – Law on the Stay of Aliens.' The Consortium's comments were submitted to both the Ministry of Interior and the Government's Committee on Foreigners' Rights where a debate on the situation related to detention centres is currently being held. Three topics are to be discussed in this regard: asylum seekers' and unaccompanied minors' position / situation and overall living conditions in detention centres. The Committee on Foreigners' Rights within the Council of the Government for Human Rights in itself, for example, discusses issues of possible liberalisation of the Czech migratory policy in terms of foreigners' voting rights at a local level and dual citizenship. However, the results are not yet known.

There is also an academic sphere that contributes to migration policy and immigrants' integration issues. Three sorts of activities might be mentioned in this regard.

- I. Scientists / researchers participate in research projects that are directly designed to contribute to improve foreigners' integration in the Czech Republic (money from a state budget is allocated for this purpose via "small grant agencies"; the Ministry of Labour and Social Affairs through its "Integration Commission" organises and guarantees this process). Scientists can also submit research proposals that focus on migration / integration issues to other grant agencies, such as the Grant Agency of the Czech Republic or the Grant Agency of the Academy of Sciences the Czech Republic, where their chances of success is limited due to the high level of competition.
- II. The academic sphere also contributes to the public debate via the mass media, namely through articles in newspapers and journals or in public discussions. There is also a website ([www.migraceonline.cz](http://www.migraceonline.cz)) run by the Multicultural Centre Prague where one can find various 'migratory' papers and presentations also prepared by representatives of academic sphere.

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<sup>45</sup> For example, since 2003 the IOM has successfully run an important project on integration in Georgia. They organize voluntary reintegration of asylum seekers and illegal/irregular migrants from the Czech Republic back to Georgia. The main goal of this project, which is also supported by the Ministry of the Interior of the Czech Republic is prevention of further illegal / irregular migration and a stabilization of potential migrants to Czechia.

- III. There were several special seminars organised in the Chamber of Representatives and the Senate of the Czech Republic<sup>46</sup> to generate interest and educate politicians and wider public about the benefits of international migration. Unfortunately, participation was rather minimal.

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<sup>46</sup> For example, a seminar dealing with a population prognosis of the Czech Republic in the Chamber of Representatives in November 2003 or a seminar on the economic migration in the Czech Republic in the Senate in June 2004.

## **ANNEX 1**

### **Basic Policy Principles on International Immigration (2003):**

- 1) With regard to international obligations, which arise from its membership in the EU, the Czech Republic principally pushes for a governing role of the state in the migration process.
- 2) The state migration policy is based on the coordinated activities of all state bodies, regional self-governments and support coming from other subjects which deal with migration.
- 3) The state migration policy is aimed at eliminating all forms of illegal migration and other illegal activities both through measures in the migration field and measures that are national in character.
- 4) The state migration policy does not impose restraints on legal migration and supports immigration that is an asset for the state and society in a long-term perspective.
- 5) Implementation of the migration policy calls for a wide involvement of non-governmental and other civil society organisations.
- 6) The Czech Republic cooperates in activities of the world and European communities to contribute to solving migration problems in the wake of humanitarian crises and to eliminating the causes of these events.

## **ANNEX 2**

Supplement 1 to the Resolution of the Government of the Czech Republic No. 689 of 7 July 1999

### **Principles for Concept of Integration of Foreigners in the Czech Republic**

The Integration of Foreigners in the Czech Republic is the part of government policy. The government policy concerning the integration of long-term legally settled foreign immigrants arises from the international commitments of the Czech Republic, internationally recognised principles, standards, experience and recommendations by expert bodies of the Council of Europe and the European Union.

The Principles for Integration of Foreigners in the territory of the Czech Republic are the basic background instrument for the preparation of the Concept of Integration of Foreigners in the territory of the Czech Republic (further only 'the Concept'). The present capacities for implementation of Integration of Foreigners under the conditions of the Czech Republic are taken into consideration. With respect to the tradition in this field conditions are created for goal-directed and systematic development of good relations among communities and these are the essential assumptions for ensuring rights to protection of the immigrants in the Czech Republic. With its significance, substantiality and goals it simultaneously supports combating illegal migration and other illegal activities in this field.

- 1) The government policy in the field of integration of long-term legally settled foreign immigrants and the field of the Concept is based on the principles of equal access and equal opportunity.
- 2) The communities of immigrants are considered an integral and enhancing part of the society and fully valued essential partners in the process of forming multicultural society
- 3) Relations among the communities include all of the relationships among the indigenous population and the communities of immigrants including their mutual relations.
- 4) The government policy concerning the integration of long-term legally settled foreign immigrants aims, in particular, at the creation of legal conditions and concepts to stipulate the protection of foreigners and their access to fundamental human rights and freedoms, including political, economic, social and cultural rights, with a view of the length, purpose and objectives of their stay in the territory of the Czech Republic as being a prerequisite for their integration and development of good relationship among the communities.
- 5) The integration of immigrants is a natural consequence of the fact of migration. It is perceived as a process of gradual involvement of immigrants into the structures and ties to the society of the indigenous population. The integration of foreigners is a complex phenomenon that has its specific conditions and political, legal, economic, social, cultural, psychological and religious aspects.
- 6) The main principle of the government policy concerning the integration of long-term legally settled foreign immigrants is the positive approach together with the state to take-over the responsibility for creating conditions that should enable the right participation of the foreigners in the life of the society. This guarantees the foreigners to avail themselves the opportunity of participating adequately, freely and fully

in the social and public life of the nation and to preserve freely their own religious and cultural identity. It is also the basic instrument to appraise the personal efforts, the share and personal responsibilities of the immigrants and their groups in the process of integration and development of good relationship among the communities.

7) Assistance concerning the integration of immigrants is based on an effective partnership between the Government and the society with the goal to remove discrimination, to enable to utilise the values common to all inhabitants of the Czech Republic. It enables the further development of the immigrants' community and facilitates the development of neighbourhoods and mutual respect in their relationship toward the indigenous people and other communities of immigrants.

8) Constituent of the Government policy concerning the integration of long-term legally settled foreign immigrants and the field of the Concept are to create the socio-economic, organisational and administrative conditions to promote effectively the integration of foreign immigrants. Particularly regarding provisions for their personal involvement in the integration process and in social life on the local level and for equal access and equal opportunity, first of all, in the labour market, housing, education, health and social care and religion.

9) The Government upon determining the Concept, goals and contents of the government policy concerning the integration of long-term legally settled foreign immigrants, shall collaborate closely with the competent national and international governmental, intergovernmental and non-governmental organisations, the academic and research institutes and the immigrants' associations.

10) Preparations of the government Concept concerning the integration of long-term legally settled foreign immigrants are co-ordinated by the Ministry of the Interior and implemented through appropriate government departments, state administration agencies and in collaboration with the regional government bodies, NGOs and immigrants' associations.

11) The regional government bodies have an indispensable role in the integration process of foreign immigrants. These bodies take an effective part in building up and implementation of the government concepts and policy concerning integration of long-term legally settled foreign immigrants and the field of the Concept. The Government is both organisationally and financially involved in their activities.

12) The Government supports the emergence, activity and development of NGOs, immigrants' associations, churches and charitable organisations, and creates conditions for their effective participation in the integration process of foreign immigrants.

13) The Government encourages the media to depict in a realistic way the relationships between the communities and possibilities for their further development and enhancement. The goals and designs concerning the integration of long-term legally settled foreign immigrants and the field of the Concept exclude all forms of public discrimination against communities of immigrants or singular members of them.

14) The preparation and the gradual implementation of the government policy concerning the integration of long-term legally settled foreign immigrants and the field of the Concept shall go on in phases according to an approved time schedule, with a deadline of the end of 2002.

15) The preparation and the implementation of the Principles for Concept of Integration of Foreigners in the territory of the Czech Republic and the government policy concerning the integration of long-term legal foreign immigrants shall be funded from the state budget of the Czech Republic.

### **ANNEX 3**

Act On Employment, No. 435 of 2004 Section 97: It is not necessary to meet the conditions set out Section 92 (1) if a work permit is issued to a foreign national:

- a) carrying on in the Czech Republic consistent educational or scientific activity as a teacher or academic worker at a university or scientific, research or development worker in a research institute,
- b) who will be employed for a fixed period in order to improve his skills and qualifications in a chosen job (educational stay) for up to one year. This period may be extended up to a time necessary to acquire professional qualifications according to the regulations in force in the Czech Republic,
- c) up to the age of 26 years carrying on temporary work as part of exchange between schools or under programmes for young people that the Czech Republic participates in,
- d) who is minister in a church registered in the Czech Republic or religious society registered in the Czech Republic,
- e) covered by an international treaty to whose ratification Parliament has agreed and binding the Czech Republic,
- f) who has been granted a refugee visa or a long-time residence permit for the same purpose,
- g) who is asylum seeker or has been granted a refugee visa, but at the earliest after elapse of 12 months after the day when the application for asylum is filed.

#### **Section 98: No work permit is required to employ a foreign national:**

- a) with permanent residence permit,
- b) who is a family member of a member of a diplomatic mission, consulate or family member of an employee of an international governmental organisation based in the Czech Republic, an international treaty to whose ratification Parliament has agreed and binding the Czech Republic guarantees reciprocity,
- c) who has been granted asylum,
- d) whose work in the Czech Republic will not exceed seven consecutive calendar days or a total of 30 days in one calendar year and he is at the same time a performing artist, teacher, academic worker at a university, scientific, research or development worker, a participant in a scientific conference, pupil or student up to the age of 26, sportsman and person organising supplies of goods or services in the Czech Republic or supplying these goods or carries out installations on the basis of a contract, or carries on servicing and repair work,
- e) covered by an international treaty to whose ratification Parliament has agreed and binding the Czech Republic,
- f) who is member of a rescue unit and provides aid on the basis of an international agreement mutual assistance in eliminating the consequences of accidents and natural disasters, and in cases of humanitarian aid,

- g) employed in international public transport if assigned to work in the Czech Republic by his foreign employer,
- h) accredited in the mass media,
- i) who is military or civilian employee of the armed forces of the sending state according to a special Act,
- j) who works within the framework of vocational training in a school or educational facility, or who is sent to the Czech Republic to provide services for an employer established in another Member State of the European Union.

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Migration Policy Group  
Rue Belliard 205, box 1  
B-1040 Brussels  
Tel. +32 2 230 5930  
Fax. +32 2 280 0925  
email: [info@migpolgroup.com](mailto:info@migpolgroup.com)  
[www.migpolgroup.com](http://www.migpolgroup.com)