

325/1999 Coll.

ACT on Asylum

of 11 November 1999

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Amendment: [222/2003 Coll.](#) (part)
Amendment: [222/2003 Coll.](#)
Amendment: [539/2004 Coll.](#)
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Amendment: [350/2005 Coll.](#)
Amendment: [501/2004 Coll.](#)
Amendment: [136/2006 Coll.](#), [165/2006 Coll.](#)
Amendment: [112/2006 Coll.](#)
Amendment: [170/2007 Coll.](#)
Amendment: [379/2007 Coll.](#)
Amendment: [343/2007 Coll.](#)
Amendment: [140/2008 Coll.](#)
Amendment: [129/2008 Coll.](#), [274/2008 Coll.](#)
Amendment: [197/2009 Coll.](#)
Amendment: [41/2009 Coll.](#)
Amendment: [9/2010 Coll.](#)
Amendment: [227/2009 Coll.](#)
Amendment: [274/2008 Coll.](#) (part), [281/2009 Coll.](#), [427/2010 Coll.](#)
Amendment: [427/2010 Coll.](#) (part)
Amendment: [303/2011 Coll.](#), [341/2011 Coll.](#)
Amendment: [375/2011 Coll.](#)
Amendment: [103/2013 Coll.](#)
Amendment: [103/2013 Coll.](#) (part), [105/2013 Coll.](#)
Amendment: [101/2014 Coll.](#)
Amendment: [318/2015 Coll.](#) (part)
Amendment: [314/2015 Coll.](#)
Amendment: [318/2015 Coll.](#)

Parliament has adopted the following Act of the Czech Republic:

PART ONE

INTERNATIONAL PROTECTION

CHAPTER I

INTRODUCTORY PROVISIONS

Section 1 [\[Komentář WK\]](#)

Scope of Regulation

The Act defines

- a) conditions of entry and stay of foreign nationals who have applied to the Czech Republic for international protection in the territory of the Czech Republic (hereinafter the "Territory"), and the stay of recognised refugees or persons enjoying subsidiary protection in the Territory¹⁾,
- b) proceedings on international protection matters¹⁹⁾ and other proceedings conducted according to this Act,
- c) the rights and obligations of applicants for international protection, of recognised refugees and of persons enjoying subsidiary protection in the Territory and the foreign nationals to which this Act applies,

- d) the powers of the Ministry of the Interior (hereinafter the “Ministry”), and the Police of the Czech Republic (hereinafter the “Police”) in this area of public administration,
- e) state integration programme,
- f) asylum facilities.

Section 2 [\[Komentář WK\]](#)

Basic Terms

(1) For the purposes of this Act

- a) international protection means protection provided to foreign nationals within the Territory in the form of asylum or subsidiary protection,
- b) an applicant for international protection is a foreign national who has made an application for international protection in the Czech Republic, about which a decision has not yet gained legal effect. A foreign national shall also have the status of an applicant for international protection over the period during which an appeal may be made pursuant to [Section 32](#) and for the duration of legal proceedings on an appeal pursuant to the Code of Administrative Justice against a decision of the Ministry, if such appeal has suspensory effect or until the issuance of a ruling of a regional court concerning refusal to grant suspensory effect, if the foreign national has applied for such suspensory effect. A foreign national shall also have the status of applicant for international protection if such applicant applied for international protection in another state that is bound by a directly applicable regulation of the European Union²⁰⁾ and the Czech Republic has taken charge of such foreign national into its Territory in order to examine his/her application for international protection.
- c) international protection proceedings means proceedings resulting in a decision in matters of international protection,
- d) proceedings on transfer to the responsible state means proceedings resulting in specification of the state bound by a directly applicable regulation of the European Union²⁰⁾, which is obliged to take back a foreign national due to being responsible for assessment of the application for international protection made by such foreign national.
- e) a decision of the Ministry in matters of international protection means a decision issued pursuant to [Section 15](#) or [15a](#), and a decision to grant asylum, to grant or extend subsidiary protection, a decision not to grant international protection, a decision to discontinue proceedings, including a ruling to discontinue proceedings, a decision to reject an application for international protection for being manifestly unfounded and a decision to withdraw asylum or subsidiary protection.
- f) a repeat application for international protection means an application for international protection made by the same person before a decision of the Ministry in matters of international protection has gained legal effect or at any time after a decision of the Ministry in matters of international protection gains legal effect,
- g) a further repeat application for international protection means a second repeat application made by the same person once a decision of the Ministry in matters of international protection gains legal effect, with the exception of a decision to discontinue proceedings on a repeat application for international protection and all applications following such application pursuant to [Section 25 letters a\), d\), e\), f\), h\) or j\)](#), and all following applications,
- h) an unaccompanied minor means a child under 18 years of age who enters the Territory unaccompanied by an adult responsible for the minor for the period for which he/she is actually not in the care of such a person; an unaccompanied minor also means a child under 18 years of age who has been left unaccompanied after entering the Territory²¹⁾,
- i) a vulnerable person means especially an unaccompanied minor, a parent or family with a minor child or a parent or family with a minor child with a medical disability, a person over 65 years of age, a person with a medical disability or a serious illness, a pregnant woman, a victim of human trafficking or a person that has suffered torture or rape or been subjected to serious forms of mental, physical or sexual violence,
- j) a partner means a person who proves that he/she has entered into officially approved permanent union of two persons of the same sex. Such officially approved permanent union of two persons of the same gender is a partnership,
- k) a safe country of origin means the country of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence
 1. where widespread and systematic prosecution, torture, inhuman or degrading treatment or punishment does not occur and where there is no threat of indiscriminate violence due to international or internal armed conflict,
 2. whose citizens or stateless persons have not left for reasons specified in [Section 12](#) or [14a](#),
 3. that has ratified and observes international conventions on human rights and fundamental freedoms, including laws relating to effective remedial measures, and
 4. that permits the operation of legal entities that monitor the degree to which human rights are respected,
- l) a safe third country means a country other than that of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence where the foreign national had been staying and formed ties before he/she entered the Territory and
 1. to which the foreign national may return and apply for refugee status pursuant to an international agreement²²⁾,
 2. where the foreign national will not be exposed to persecution or threat of serious harm, and
 3. where the principle of non-refoulement and a ban on expulsion applies, if this would constitute a breach of the ban on torture, cruel, inhuman or degrading treatment or punishment as stipulated by international law,

m) a European safe third country means the country of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence, which

1. has ratified and complies with an international agreement governing the status of refugees and observes its provisions without geographical limitation,
2. has ratified and complies with the European Convention on the Protection of Human Rights and Fundamental Freedoms, including laws concerning effective remedial measures,
3. has legally regulated asylum proceedings, and it has been established that the foreign national entered or intended to enter the Territory from the said state unauthorised,

n) the state of last permanent residence is the state in which a stateless person had been staying before entry into the Territory and where such person established links of a fairly permanent nature,

o) the first country of asylum means a state other than the state of which the foreign national is a citizen or, if the foreign national is a stateless person, a state other than the state of his/her last permanent residence where the foreign national had been staying before he/she entered the Territory, if such other state has granted him/her refugee status pursuant to an international agreement²²⁾, and if the foreign national may still enjoy such protection and may safely return to such other state,

p) an asylum facility means a reception centre, an accommodation centre and an integration asylum centre,

q) resettlement is the selection and transfer of foreign nationals to the Territory conducted by the Ministry subject to the prior expression of their will, for the purpose of granting them asylum or subsidiary protection.

(2) A recognised refugee means a foreign national whom has been granted asylum pursuant to this Act; this shall apply for the term of validity of the decision to grant asylum.

(3) A person enjoying subsidiary protection means a foreign national who has been granted subsidiary protection, for the term of validity of the decision to grant or extend subsidiary protection. A person enjoying subsidiary protection also means a foreign national who, during validity of the decision to grant or extend subsidiary protection, made an application for extension of subsidiary protection; this shall apply until the Ministry's decision on such application gains legal effect.

(4) Persecution means serious violation of human rights, as well as measures inflicting psychological pressure or any other similar act, or acts that, when combined, constitute persecution in their intensity, if carried out, supported or tolerated by actors of persecution.

(5) Protection against persecution or serious harm means adequate steps by the responsible government authorities, party or organisation, including an international organisation controlling the country or a substantial part of its territory, focused towards preventing persecution or infliction of serious harm particularly by establishing an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, provided that such protection is effective and is not merely temporary and that the foreign national has access to such protection.

(6) An actor of persecution or serious harm means the state body, party or organisation controlling a state or a substantial part of its territory of the state of which the foreign national is a citizen or in which the stateless person had his/her last permanent residence. An actor of persecution or serious harm also means a private person, if it can be proved that the state, party or organisation, including any international organisation, controlling the state or a substantial part of its territory are unable or unwilling to provide adequate protection against persecution or serious harm.

(7) Persecution or serious harm is not constituted by a situation in which the foreign national's fear of persecution or serious harm applies only to a part of the territory of the country of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence, and if the foreign national can safely and legitimately travel to another part of the country, enter that part of the country and settle in that part of the country, and if, considering the situation in that part of the country and his/her personal situation in that part of the country:

a) the foreign national's fear of persecution is unfounded and there exist no legitimate concerns that the foreign national would be exposed to an actual risk of serious harm there, or

b) the foreign national has access to effective protection from persecution or serious harm.

CHAPTER II

APPLICATION FOR INTERNATIONAL PROTECTION AND TRANSPORTATION OF A FOREIGN NATIONAL TO AN ASYLUM FACILITY

Application for International Protection

Section 3 [\[Komentář WK\]](#)

(1) An application for international protection is constituted by an expression of the foreign national's will from which it is evident that the foreign national is seeking protection in the Czech Republic against persecution or against a threat of serious harm.

(2) An expression of the foreign national's will as defined in [subsection 1](#), made when leaving the Territory, after legally effective completion of international protection proceedings, of legal proceedings on an appeal or a cassation complaint against the Ministry's decision in matters of international protection (hereinafter a "Cassation Complaint"), after legally effective

completion of proceedings on administrative expulsion or during implementation of the expulsion sentence imposed by the court does not constitute an application for international protection. However, an application for international protection is constituted by an expression of the foreign national's will as defined in the first sentence herein if, on the basis of what is contained therein, it can be reasonably assumed that a substantial change in the circumstances concerning potential persecution or the threat of serious harm to the foreign national has come about; the Ministry shall inform the foreign national whether it considers that his/her expression of will constitutes the making of an application for international protection. [Section 11a subs. 3](#) shall apply mutatis mutandis for delivery of notifications pursuant to the second sentence.

(3) An expression of the foreign national's will as defined in [subsection 1](#) when made after legally effective completion of international protection proceedings, and after a decision of the Minister of Justice to permit the extradition of the foreign national or after a decision of the court to extradite the foreign national to a foreign state for criminal prosecution on the basis of a European arrest warrant or in order to serve a prison sentence pursuant to the Act on International Judicial Cooperation in Criminal Matters also does not constitute an application for international protection. An application for international protection is also not constituted by an expression of the foreign national's will as defined in [subsection 1](#), if made by the foreign national after the Czech Republic has received a request for extradition of the foreign national to the International Criminal Court, International Criminal Tribunal or, if applicable, to a similar international court authority which meets at least one of the conditions defined in [Section 145 subs. 1](#) of the Act on International Judicial Cooperation in Criminal Matters.

(4) In the case of an application made by the parent of a minor child on behalf of that child, the consent of the second parent is not sought.

(5) If a parent on whose application for international protection is being processed by the Ministry makes an application for international protection on behalf of his/her minor child, such applications shall be assessed in common proceedings²³⁾, unless the Ministry decides by ruling to reject common proceedings, in particular to ensure the protection of the rights and legitimate interests of the child.

(6) If an application for international protection is made with the Ministry, the Ministry shall register such application within 3 working days of being made; if an application for international protection is made with the Police, the Ministry shall register such application within 6 working days of lodging of such application for international protection. Registration of applications for international protection means the recording of an application for international protection in accordance with [Section 71 subs. 1 letter a\)](#).

Section 3a [\[Komentář WK\]](#)

(1) A foreign national is entitled to make an application for international protection

a) with the Police

1. at a border crossing, unless such foreign national is being extradited under an international agreement or a regulation of the European Union^{2a)},
2. in a reception centre,
3. at the Department of the Foreign Police of a regional Police Directorate (hereinafter the "Police Department"), provided that he/she reports there voluntarily, or
4. in a detention facility for foreign nationals³⁾, if the foreign national is detained therein, with the exception of a foreign national detained in order to be extradited or transited under an international agreement entered into with other Member States of the European Union before 13 January 2009 or under a directly applicable regulation of the European Union²⁰⁾ or

b) to the Ministry, if the foreign national has been hospitalised by an inpatient care provider or is being held in secure detention, custodial treatment, on remand or serving a prison sentence or has been placed in a school facility for institutional education or custodial education or in a facility for children in need of immediate aid.

(2) The Police and the entity organising provision of legal aid to refugee shall provide information relating to international protection to those who intend to make an application for international protection at the border crossing point or in the transit area of an international airport.

Section 3b [\[Komentář WK\]](#)

(1) A foreign national's right to make an application for international protection in a detention facility for foreign nationals³⁾ expires after 7 days elapse from the date on which he/she was informed by the Police of his/her option to apply for international protection in the Territory and of the consequences associated with the expiration of this deadline.

(2) The Police shall inform the foreign national of his/her right to apply for international protection with the deadline as per [subsection 1](#) in a language in which he/she is able to communicate. The Police shall make a record of such act, which shall be signed by the foreign national and by the person making the record. If the foreign national refuses to sign the record or is unable to write, a note of this fact shall be made in the record.

(3) An expression of a foreign national's will which clearly demonstrates that he/she is seeking protection against persecution or the threat of serious harm made at a detention centre for foreign nationals after expiry of the deadline as per [subsection 1](#) shall constitute an application for international protection only in cases where, on the basis of the content thereof, there is reason to believe that a significant change in circumstances has occurred concerning potential persecution or threat of serious harm to such foreign national; the Ministry shall inform the foreign national whether his/her expression of will constitutes the making of an application for international protection. [Section 11a subs. 3](#) shall apply mutatis mutandis for delivery of notifications pursuant to the first sentence herein.

Section 3c [\[Komentář WK\]](#)

An applicant for international protection is required to report to the reception centre specified by the Ministry within 24 hours of making an application for international protection with the Police as per [Section 3a letter a](#)), item 3, or of being released from hospital, secure detention, custodial treatment, remand or prison, a decision is made to release him/her from detention or having left a school facility for institutional education or protective education or from a school facility for preventive educational care or a facility for children in need of immediate aid. If an impediment arises beyond the control of the applicant for international protection, preventing him/her from reporting to the reception centre, the deadline according to the preceding sentence shall not apply and the applicant for international protection shall be required to report the existence of the impediment to the Police or Ministry and report to the reception centre within 24 hours of the impediment ceasing to exist. The provisions of [Section 4 subs. 1](#) shall apply mutatis mutandis.

title omitted

Section 3d [\[Komentář WK\]](#)

(1) An applicant for foreign international protection is entitled to remain in the Territory; this does not apply if he/she has made a further repeat application for international protection. The right to remain in the Territory does not constitute a right to a residence permit pursuant to the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic. The Ministry is entitled to restrict the stay of an applicant for international protection to a specified part of the Territory or to a reception centre in the transit area of an international airport, if he/she is denied entry into the Territory.

(2) In the case of an applicant for international protection who has not made a further repeat application for international protection, the stay of that applicant for international protection cannot be terminated on the basis of the issuance of an administrative or judicial decision. This does not prevent the extradition of an applicant for international protection to the International Criminal Court or International Criminal Tribunal or, if applicable, to a similar international court authority which meets at least one of the conditions defined in the Act on International Judicial Cooperation in Criminal Matters.

Section 3e [\[Komentář WK\]](#)

repealed

Section 3f [\[Komentář WK\]](#)

repealed

Section 3g [\[Komentář WK\]](#)

repealed

Transportation to an Asylum Facility

Section 4 [\[Komentář WK\]](#)

(1) The Police shall transport an applicant for international protection who has made an application for international protection at a border crossing or with the Police Department to a reception centre designated by the Ministry if the foreign national's state of health so requires or if there is a legitimate concern that he/she would not report to the reception centre within the stipulated deadline.

(2) The Police shall transport an applicant for international protection who has made an application for international protection in the transit zone of an international airport where there is no reception centre to another reception centre at an international airport or to a different asylum facility operated as a reception centre at an international airport designated by the Ministry.

(3) The costs connected with the transportation of an applicant for international protection pursuant to [subsections 1](#) and [2](#) shall be borne by the Ministry.

Section 4a [\[Komentář WK\]](#)

repealed

Section 4b [\[Komentář WK\]](#)

The Ministry shall arrange for the transportation of an applicant for international protection who has been released from a detention facility for foreign nationals to an asylum facility designated by the Ministry.

Section 4c [\[Komentář WK\]](#)

repealed

CHAPTER III

INTERNATIONAL PROTECTION PROCEEDINGS AND OTHER PROCEEDINGS CONDUCTED UNDER THIS ACT

Section 5

repealed

Section 6

repealed

Section 7

Repealed

title omitted

Section 8 [\[Komentář WK\]](#)

Powers of the Ministry

The Ministry

- a) makes decisions in matters of international protection,
- b) determines the state bound by a directly applicable European Union regulation responsible for examining an application for international protection²⁰⁾ made within the Territory,
- c) makes decisions in proceedings on transfers to a responsible state,
- d) decides on applications made according to the Convention regarding the Status of Stateless Persons²⁴⁾,
- e) makes decisions in other matters according to this Act.

Section 9 [\[Komentář WK\]](#)

The Administrative Code shall apply to the proceedings specified in [Section 8 letters a\), c\) and d\)](#), with the exception of the provision concerning delivery to addressees residing abroad,^{5b)} the provision concerning the official notice board,^{5c)} concerning appointment of a guardian for persons whose abode is unknown and persons residing abroad, if delivery to them is impossible,^{5d)} and concerning appointment of a representative for delivery,^{5e)} and also the provisions allowing for inspection of case files by persons other than participants and their representatives,^{5f)} concerning interviews,^{5g)} concerning provision of an identical copy of the decision text at the participant's request,^{5h)} concerning deadlines for issuance of decisions,⁵ⁱ⁾ provisions concerning appellate proceedings and remonstrations proceedings^{5j)}, provisions concerning review proceedings²⁵⁾ and concerning resumption of proceedings and new decisions²⁶⁾.

Section 10 [\[Komentář WK\]](#)

title omitted

(1) At the written summons of the Ministry delivered at least 2 working days in advance, an applicant for international protection is required to report to provide information in support of his/her made application for international protection. The Ministry shall summons the applicant for international protection to provide information without undue delay once an application for international protection has been made. In its summons, the Ministry shall inform the applicant for international protection of the rights and obligations of an applicant for international protection in the applicant's native language or in a language in which he/she is able to communicate, and shall also inform him/her of the consequences of an express or tacit retraction of his/her application for international protection and of his/her right to turn for help with his/her application at any time to an entity involved in the provision of legal aid or protection of the interests of refugees and to the Office of the United Nations High Commissioner for Refugees (hereinafter the "Office of the High Commissioner"). The Ministry shall also inform the applicant for international protection of his/her opportunity to request information concerning the course of international protection proceedings relating to the personal situation of the applicant for international protection. If such abovementioned information cannot be specified in the summons, the Ministry shall provide the information to the applicant for international protection within a reasonable period, no later than 15 days from the date of provision of information in support of the made application.

(2) In support of made application for international protection, an applicant for international protection shall be required to provide information concerning his/her

- a) name and surname, other names, all previous surnames and other names and surnames used,
- b) day, month and year of birth,

- c) place and country of birth
- d) nationality, religious beliefs and political beliefs,
- e) state citizenship,
- f) marital status and children,
- g) last residential address outside the Territory,
- h) stay in states that are bound by a directly applicable regulation of the European Union²⁰⁾,
- i) date and method of entry into the Territory,
- j) travel document number and expiry date,
- k) state of health, medical disabilities and other special needs,
- l) reason for applying for international protection,
- m) language in which he/she is able to communicate,
- n) method of travel to the Territory,
- o) visas or residence cards issued by other states and, if applicable, information on previous applications for international protection in other states.

(3) When providing information in support of his/her application for international protection, an applicant for international protection is required to identify him/herself with a valid travel document or other identity document or valid public instrument issued by the country of which the an applicant for international protection is a citizen or by his/her last country of permanent residence in the case of a stateless applicant for international protection, if information concerning his/her state citizenship and identity can be determined from such instrument and if it contains a photograph of the holder, or to affirm such by statutory declaration.

(4) With respect to provision of information in support of his/her application for international protection, the Ministry shall determine whether the applicant is a vulnerable person. In the case of an applicant for international protection determined to be a vulnerable person, the Ministry shall also determine whether such applicant for international protection needs assistance in exercising his/her rights and in performing his/her obligations with respect to the international protection proceedings, pursuant to this Act. The Ministry shall also provide assistance to an applicant for international protection determined to be a vulnerable person should the need arise during the course of international protection proceedings.

(5) The Ministry shall inform the applicant for international protection of the opportunity of arranging for a medical examination to identify signs of persecution or serious harm.

Section 10a [\[Komentář WK\]](#)

Inadmissibility of an Application for International Protection

(1) An application for international protection is inadmissible

- a) if made by a citizen of the European Union²⁷⁾ who does not meet the conditions stipulated by European Union law²⁸⁾,
- b) if another state bound by a directly applicable regulation of the European Union is responsible for examining the application for international protection²⁰⁾,
- c) if the applicant for international protection has been awarded international protection by another European Union Member State,
- d) if the applicant for international protection could have found effective protection in the first asylum country,
- e) if the foreign national has made a repeat application for international protection which the Ministry has been deemed inadmissible pursuant to [Section 11a subs. 1.](#)
- f) if the applicant for international protection arrives from a state that the Czech Republic regards as a European safe third country, unless the applicant for international protection proves that in his/her case that state cannot be regarded as such, or
- g) if the applicant for international protection who is not an unaccompanied minor arrives from a state that the Czech Republic regards as a safe third country, unless the applicant for international protection proves that in his/her case that state cannot be regarded as such.

(2) If an application for international protection is inadmissible, the applicant for international protection shall not be assessed as to whether he/she satisfies the criteria for granting asylum or subsidiary protection.

Section 10b [\[Komentář WK\]](#)

repealed

Section 10c [\[Komentář WK\]](#)

repealed

Section 11 [\[Komentář WK\]](#)

(1) Proceedings for withdrawal of asylum or subsidiary protection shall be initiated by order of the Ministry.

(2) Proceedings on transfer to a relevant state pursuant to [Section 2 subs. 1 letter d\)](#) shall be initiated ex officio. The Ministry shall decide on transfer to a relevant state pursuant to [Section 25 letter i\)](#) for the reason specified in [Section 10a subs. 1 letter b\)](#)

Repeat Application for International Protection

Section 11a

(1) If a foreign national has made a repeat application for international protection, the Ministry shall first assess the admissibility of the repeat application for international protection, specifically whether the foreign national has provided new facts or findings or whether new facts or findings have come to light which

a) through no fault of the foreign national, were not examined as reasons for granting international protection in preceding legally effective concluded proceedings, and

b) testify to the fact that the foreign national might be exposed to persecution for the reasons specified in [Section 12](#) or that he/she is threatened with serious harm according to [Section 14a](#),

(2) If the repeat application is not inadmissible, the Ministry shall decide on whether to grant or not to grant international protection, unless there is reason for another course of action to be taken.

(3) If a foreign national has made a further repeat application for international protection and it cannot be reasonably assumed that the foreign national might be exposed to persecution or the threat of serious harm, with respect to preceding proceedings or to a significant change in the circumstances concerning potential persecution for reasons specified in [Section 12](#) or to the threat of serious harm according to [Section 14a](#), the Ministry shall discontinue the proceedings by ruling. The ruling to discontinue proceedings may be issued within 10 days of the date on which the application for international protection was made. The Ministry shall deliver the ruling on discontinuation of proceedings to the foreign national on the spot or to his/her residential address in the Territory, if provided by the foreign national in the further repeat application for international protection; otherwise the ruling on discontinuation of proceedings shall be deposited for a period of 10 days at the asylum facility where the foreign national was last officially registered and a notification of the correspondence being deposited shall be pinned to the notice board in that asylum facility. Lodging an appeal against the ruling does not have suspensory effect.

(4) For reasons warranting special consideration, the Ministry may deem the made repeat and further repeat application to be admissible.

Section 11b

(1) If an applicant for international protection has made a repeat application for international protection and a legally effective decision has not yet been issued concerning an application still under examination, or if the case has been returned to the Ministry by the court for new examination, the Ministry shall assess the repeat application together with the application still under examination.

(2) An expression of will pursuant to [Section 3 subs. 1](#) shall not constitute an application for international protection if made

a) within the deadline for appeal against a decision of the Ministry in matters of international protection, if an appeal is subsequently made,

b) having lodged an appeal against a decision of the Ministry in matters of international protection with suspensory effect, until the decision of the court gains legal effect,

c) having lodged an appeal against a decision of the Ministry in matters of international protection without suspensory effect, until the issuance of a ruling of the regional court not to grant a suspensory effect, if the foreign national has applied for such suspensory effect,

d) within the deadline for lodging a cassation complaint, if such cassation complaint is subsequently made,

e) having lodged a cassation complaint with suspensory effect, until the decision of the court on the cassation complaint gains legal effect, or

f) having lodged a cassation complaint without suspensory effect, until the issuance of a ruling of the Supreme Administrative Court not to grant suspensory effect, if the foreign national applied for such suspensory effect.

Section 11c

(1) The first repeat application for international protection made within 9 months of a decision concluding preceding international protection proceedings gains legal effect does not constitute a repeat application for international protection, if international protection proceedings were suspended pursuant to [Section 25 letters d\), e\), f\), h\) or j\)](#).

(2) An application for international protection made after transfer to the Territory under a directly applicable regulation of the European Union²⁰⁾ and if preceding proceedings were discontinued with legal effect pursuant to [Section 25 letters a\), d\), e\), f\), h\) or j\)](#) or the Ministry decided not to grant international protection and the decision was delivered by an alternative method according to [Section 24a subs. 2](#) and an appeal was not lodged in time according to the Code of Administrative Justice does not constitute a repeat application for international protection.

(3) An application for international protection made after unauthorised entry into the territory of a safe third country by a foreign national whose application was deemed inadmissible pursuant to [Section 10a subs. 1 letter g\)](#) or if a European safe third country refuses to accept return of the foreign national whose application for international protection has been deemed inadmissible pursuant to [Section 10a subs. 1 letter f\)](#) does not constitute a repeat application for international protection.

(4) If a repeat application for international protection is made after the date on which a decision concluding preceding international protection proceedings has gained legal effect, and before transfer from the Territory pursuant to a directly applicable regulation of the European Union²⁰⁾, the Ministry shall discontinue proceedings by ruling. The ruling shall be recorded in the case file and the foreign national shall be notified of this if, when making the repeat application for international protection, he/she provided his/her residential address within the Territory; otherwise, a written notification shall be deposited for a period of 10 days at the asylum facility where the foreign national was last officially registered and a notification of correspondence being deposited will be pinned to the notice board in that asylum facility. Appeal against this ruling is inadmissible.

Criteria for Granting Asylum

Section 12 [\[Komentář WK\]](#)

Asylum will be granted to a foreign national if it is established in the course of international protection proceedings that the foreign national

- a) is persecuted for exercising political rights and freedoms, or
- b) has legitimate fear of being persecuted on the grounds of race, gender, religion, nationality, belonging to a particular social group or for holding certain political opinions in the state of which he/she is a citizen or, if the foreign national is a stateless person, in the state of his/her last permanent residence.

Section 13 [\[Komentář WK\]](#)

Asylum for the Purpose of the Family Reunification

(1) A family member of a recognised refugee who has been granted asylum pursuant to [Section 12](#) or [Section 14](#) shall be granted asylum for the purpose of the family reunification in a case warranting special consideration even if no reason for granting international protection pursuant to [Section 12](#) had been established in his/her case during the international protection proceedings.

(2) For the purposes of the family reunification under [subsection 1](#), a family member is

- a) a recognised refugee's spouse or partner,
- b) a recognised refugee's unmarried child under 18 years of age,
- c) a parent of a recognised refugee under 18 years of age,
- d) an adult responsible for an unaccompanied minor pursuant to [Section 2 subs. 1 letter h\)](#), or
- e) a recognised refugee's unmarried sibling under 18 years of age.

(3) The granting of asylum to the spouse of a recognised refugee for the purpose of family reunification is conditional upon the existence of a marriage before asylum was granted to the recognised refugee. The granting of asylum to the partner of a recognised refugee for the purpose of family reunification is conditional upon existence of the partnership before the asylum was granted to the recognised refugee.

(4) In case of a polygamous marriage, if the recognised refugee already has a spouse living with him/her in the territory of the Czech Republic, asylum cannot be granted for the purposes of the family reunification to another person who is the recognised refugee's spouse pursuant to the legal system of another state.

Section 14 [\[Komentář WK\]](#)

Humanitarian Asylum

If no reason for granting asylum pursuant to [Section 12](#) is found during international protection proceedings, asylum may be granted for humanitarian reasons in cases warranting special consideration.

Reasons for Granting Subsidiary protection

Section 14a [\[Komentář WK\]](#)

(1) Subsidiary protection shall be granted to a foreign national who does not satisfy the criteria for asylum if it has been established in the procedure for granting international protection that a legitimate concern exists in his/her case that if the foreign national is returned to the country of which he/she is a citizen or, if the foreign national is a stateless person, to the country of his/her last permanent residence, he/she would face a genuine risk of serious harm pursuant to [subsection 2](#) and that he/she is unable or unwilling, due to such risk, to avail him/herself of the protection of the country of which he/she is a citizen or the country of his/her last permanent residence.

(2) For the purposes of the Act, serious harm means

- a) imposition or execution of capital punishment,
- b) torture or inhuman or degrading treatment or punishment of the applicant for international protection,
- c) serious threat to life or human dignity by reason of arbitrary violence in situations of an international or internal armed conflict, or
- d) if the foreign national's departure from the country would contradict the international obligations of the Czech Republic.

Section 14b [\[Komentář WK\]](#)

Subsidiary Protection for the Purposes of the Family Reunification

(1) A family member of a person enjoying subsidiary protection shall be granted subsidiary protection for the purpose of family reunification in a case warranting special consideration even if no reason for granting international protection is established in the procedure for granting international protection in his/her particular case.

(2) For the purposes of family reunification pursuant to [subsection 1](#) a family member means

- a) the spouse or partner of a person enjoying subsidiary protection,
- b) an unmarried child, under 18 years of age, of a person enjoying subsidiary protection,
- c) a parent of a person enjoying subsidiary protection under 18 years of age,
- d) an adult responsible for an unaccompanied minor pursuant to [Section 2 subs. 1 letter h\)](#), or
- e) an unmarried sibling, under 18 years of age, of a person enjoying subsidiary protection.

(3) The granting of subsidiary protection to the spouse of a person enjoying subsidiary protection for the purpose of family reunification is conditional upon existence of the marriage before subsidiary protection is granted to the foreign national. The granting of subsidiary protection to the partner of a person enjoying subsidiary protection for the purpose of family reunification is conditional upon existence of the partnership before subsidiary protection was granted to the foreign national.

(4) In case of a polygamous marriage, if the person enjoying subsidiary protection already has a spouse living with him/her in the territory of the Czech Republic, subsidiary protection cannot be granted for the purpose of family reunification to another person who is the spouse of the person enjoying subsidiary protection pursuant to the legal system of another state.

Reasons Excluding the Granting of International Protection

Section 15 [\[Komentář WK\]](#)

(1) Asylum cannot be granted if there exist reasonable grounds for suspicion that a foreign national who has made an application for international protection

- a) has committed a crime against peace, a war crime or a crime against humanity within the meaning of international documents which contain provisions on such crimes,
- b) has committed a serious non-political crime outside the Territory prior to the issuance of a decision of the Ministry in matters of international protection, even if it was allegedly committed with a political goal, or
- c) has committed acts that are contrary to the principles and goals of the United Nations Organisation.

(2) [Subsection 1](#) applies mutatis mutandis to a foreign national inciting another person to commit the crimes listed in [subsection 1](#) or participating in committing such crimes.

(3) Furthermore, asylum cannot be granted if

- a) the foreign national is enjoying the protection or support of bodies or professional organisations of the United Nations Organisation other than the Office of the High Commissioner; if, for any reason, protection or support ceases to be granted to persons for whom a final decision on their status has not yet been made pursuant to the provisions of the relevant resolutions made by the United Nations General Assembly, the provisions of this Act shall apply to him/her,

b) the foreign national is recognized by the relevant authorities of the country in which he/she has settled as the place of permanent residence to be a person who has been granted the rights and obligations equivalent to the citizenship of such state; this shall not apply in the case of a state in which he/she faces the threat of persecution pursuant to [Section 12](#).

Section 15a [\[Komentář WK\]](#)

(1) Subsidiary protection cannot be granted if there exist reasonable grounds for suspicion that the foreign national who made the application for international protection

a) has committed a crime against peace, a war crime or a crime against humanity within the meaning of international documents which contain provisions on such crimes,

b) has committed a serious crime,

c) has committed acts that are contrary to the principles and goals of the United Nations Organisation, or

d) poses a threat to national security.

(2) [Subsection 1](#) applies mutatis mutandis to a foreign national inciting another person to commit the crimes listed in [subsection 1](#) or participating in committing such crimes.

(3) Furthermore, subsidiary protection cannot be granted to a foreign national who has committed one or more crimes other than the crimes described in [subsection 1](#) outside the Territory, if he/she has left the country of which the foreign national is a citizen, or if the foreign national is a stateless person, the country of his/her last permanent residence, with the sole intention of avoiding criminal prosecution for such crimes, provided that such crimes are crimes punishable by imprisonment in the Czech Republic.

Section 16 [\[Komentář WK\]](#)

Manifestly Unfounded Applications for International Protection

(1) An application for international protection shall be rejected as manifestly unfounded if the applicant for international protection fails to provide information testifying to the fact that he/she may be exposed to persecution for the reasons listed in [Section 12](#) or is under threat of serious harm according to [Section 14a](#), and also if he/she

a) only cites economic reasons,

b) submits incorrect information regarding his/her identity or citizenship or refuses to provide such information without good reason,

c) applies for international protection only to escape from a situation of general need,

d) holds more than 1 citizenship and has failed to avail him/herself of the protection of any of the states of which he/she is a citizen, unless the foreign national proves that he/she was unable to avail him/herself of such protection for reasons referred to in [Section 12](#) or [14a](#),

e) makes manifestly unreliable claims,

f) with the aim of making determination of the actual merits of the case more difficult he/she has destroyed, damaged or concealed his/her travel document or any other important document and/or submitted a forged or altered a travel document or any other important document with the same aim.

g) has refused to perform his/her obligations of allowing his/her fingerprints to be taken pursuant to [Section 45 subs. 6](#), or

h) has made an application for international protection with the sole intention of avoiding or delaying impending expulsion, extradition or transfer under a European arrest warrant for criminal prosecution or for serving a prison sentence abroad, despite the fact that he/she could have applied for international protection sooner.

(2) An application for international protection shall also be rejected as manifestly unfounded if the applicant for international protection arrives from a state which the Czech Republic regards as a safe country of origin, unless the applicant for international protection that in his/her case, the state in question cannot be considered to be such a country.

(3) If reasons exist for rejecting an application for international protection as manifestly unfounded, no assessment shall be made as to whether the applicant for international protection satisfies the criteria for being granted asylum pursuant to [Section 13](#) and [14](#) or subsidiary protection pursuant to [Section 14b](#). If reasons exist for rejection of an application for international protection for being manifestly unfounded according to [subsection 2](#), likewise no assessment shall be made as to whether the applicant for international protection submits information testifying to the fact that he/she might be exposed to persecution for reasons specified in [Section 12](#) or that he/she is under threat of serious harm according to [Section 14a](#).

(4) An application from an unaccompanied minor cannot be rejected as manifestly unfounded.

Reasons for Withdrawal and Termination of Asylum or Subsidiary Protection

Section 17 [\[Komentář WK\]](#)

(1) Asylum shall be withdrawn if

- a) before it was granted, the recognised refugee submitted untrue information and/or concealed any facts of substantial relevance to determination of grounds for issuance of the decision,
- b) the recognised refugee has voluntarily re-availed him/herself of the protection of the state of which he/she is a citizen or the state of his/her last permanent residence,
- c) the recognised refugee has voluntarily regained the citizenship of the state he/she had left for legitimate fear of persecution,
- d) the recognised refugee has obtained a new citizenship and therefore has the option to avail himself/herself of the protection of the state concerned,
- e) the recognised refugee is voluntarily staying in the country which he/she had left for reasons referred to in [Section 12](#),
- f) the recognised refugee can avail himself/herself of the protection of the state of which he/she is a citizen because the reasons for which asylum was granted have ceased to exist, or
- g) the recognised refugee is stateless person and can return to the state of his/her last permanent residence because the reasons for which asylum was granted have ceased to exist,
- h) the recognised refugee should have been or has been excluded from the possibility of being granted asylum for the reasons defined in [Section 15](#),
- i) legitimate reasons why the recognised refugee should be considered to be a threat to national security exist, or
- j) the recognised refugee has been lawfully convicted of an extremely serious crime and therefore poses a threat to national security.

(2) When assessing the reasons referred to in [subsection 1 letters f\) and g\)](#) consideration shall be given as to whether the change in circumstances is of such a significant and permanent nature that the reasons for which the recognised refugee has been granted asylum can no longer be regarded as well-founded. Consideration shall also be given as to whether the recognised refugee cites severe circumstances supported by previous instances of persecution which would justify rejection of the protection of the country of which the foreign national is a citizen or, if the foreign national is a stateless person, of the country of his/her last permanent residence.

(3) If the reason for which asylum had been granted for the purpose of family reunification ceases to exist and no other reason for continuation of the asylum warranting special consideration is found, asylum granted for the purpose of family reunification shall be withdrawn.

(4) If the reason for which humanitarian asylum had been granted ceases to exist and no other reason for continuation of the asylum warranting special consideration is found, humanitarian asylum shall be withdrawn.

Section 17a [\[Komentář WK\]](#)

(1) Subsidiary protection shall be withdrawn if

- a) the circumstances due to which subsidiary protection was granted have ceased to exist or have changed to such extent that subsidiary protection is no longer necessary,
- b) a person enjoying subsidiary protection should have been or has been excluded from the possibility of being granted subsidiary protection for reasons stated in [Section 15a](#),
- c) misrepresentation or omission of certain facts, including the use of forged or altered documents, was decisive for granting of subsidiary protection, or
- d) a person enjoying subsidiary protection has committed a particularly serious crime.

(2) When assessing the reasons specified in [subsection 1](#), the Ministry shall consider whether the change in circumstances is of such a significant and non-temporary nature that the person enjoying subsidiary protection no longer faces a risk of suffering serious harm. Consideration shall also be given to whether the person enjoying subsidiary protection cites severe circumstances supported by previous instances of persecution which would justify rejection of the protection of the country of which the foreign national is a citizen or, if the foreign national is a stateless person, of the country of his/her last permanent residence.

(3) If the reason for which subsidiary protection has been granted for the purpose of family reunification ceases to exist and if no other reason warranting special consideration is found for its continuation, subsidiary protection for the purpose of family reunification shall be withdrawn.

Section 18 [\[Komentář WK\]](#)

International protection shall terminate

- a) upon the death of a recognised refugee or the person enjoying subsidiary protection or if the recognised refugee or the person enjoying subsidiary protection is pronounced dead,

- b) once a recognised refugee or a person enjoying subsidiary protection is granted citizenship of the Czech Republic⁶⁾ or of another Member State of the European Union,
- c) upon written declaration by the recognised refugee or the person enjoying subsidiary protection that he/she relinquishes asylum or subsidiary protection, or
- d) once the period for which subsidiary protection was granted expires.

Joint Provisions on Proceedings

Section 19 [\[Komentář WK\]](#)

(1) The Ministry is entitled to establish any and all data required for issuing a decision of the Ministry in matters of international protection from states bound by a directly applicable regulation of the European Union²⁰⁾ where the applicant for international protection previously made his/her application for international protection if the applicant for international protection expresses his/her consent to this in writing. When establishing the data pursuant to the preceding sentence, the Ministry shall consider the safety of the applicant for international protection and his/her family members in the country of which the applicant is a citizen or, if the applicant is a stateless person, the country of his/her last permanent residence.

(2) The Ministry or other public authorities, if applicable, shall not disclose any information in any manner regarding the application for international protection, to an applicant for international protection, to a recognised refugee or to a person enjoying subsidiary protection and shall not obtain any information concerning an applicant for international protection, a recognised refugee or a person enjoying subsidiary protection from any alleged actors of persecution or serious harm in connection with international protection proceedings; the obligation of cooperation between the authorities of the Czech Republic and performing the obligations pursuant to this Act remains unaffected.

(3) The Ministry shall ensure that the interview is conducted and background materials supporting the issuance of the decision are prepared by a qualified person who has been duly trained in areas specified in a directly applicable regulation of the European Union²⁹⁾.

Section 20 [\[Komentář WK\]](#)

Participant in Proceedings

(1) A participant in proceedings under this Act is

- a) an applicant for international protection,
- b) a recognised refugee,
- c) a person enjoying subsidiary protection,
- d) a person with whom proceedings for transfer to a relevant state are underway, or
- e) a foreign national stipulated by this Act.

(2) A participant of international protection proceedings is a participant in proceedings as specified in [subsection 1 letters a\) to d\)](#).

Section 21 [\[Komentář WK\]](#)

(1) A participant in proceedings is entitled to request assistance from a legal entity or natural person engaged in providing legal aid to refugees; the Ministry shall contribute towards costs to a legal entity or natural person who has entered into a written agreement with the Ministry for provision of charge-free legal aid.

(2) The provision of [subsection 1](#) shall not affect the right of the participant in proceedings to receive legal aid provided on the basis of different legislation; the costs associated with the provision of such legal aid shall be borne by the participant in proceedings.

(3) A participant in proceedings is entitled to contact with the legal entity or natural person providing him/her with legal aid. In an asylum facility, legal aid may only be provided in spaces designated for such a purpose by the operator of the asylum facility.

Section 22 [\[Komentář WK\]](#)

(1) A participant in international protection proceedings is entitled to proceed in his/her mother tongue or in a language in which he/she is able to communicate. The participant in proceedings is required to present all submissions drawn up in a foreign language in their original form, along with an translation into Czech; this shall not apply to submissions drawn up in the language in which proceedings are conducted as per the first sentence, or if the Ministry does not demand such translation.

(2) The Ministry shall provide the participant with an interpreter at no charge for legal acts requested or for which he/she is summonsed by the Ministry.

(3) A participant in proceedings is entitled to be accompanied by the interpreter of his/her choice, at his/her own expense.

Section 23 [\[Komentář WK\]](#)

Interview

(1) The Ministry shall conduct an interview with an applicant for international protection to establish the state of affairs beyond reasonable doubt. A transcript shall be made of the conducted interview³⁰⁾. The transcript shall be specifically a written record of the Ministry's questions and the answers of the applicant for international protection.

(2) An interview shall not be conducted

a) if a decision to grant asylum may already be issued,

b) if making a repeat application for international protection; in such case, the Ministry shall allow the applicant to provide the reasons for his/her application for international protection in writing or in another suitable manner, or

c) if the applicant for international protection is a minor, with the exception of an unaccompanied minor, unless an interview is essential for establishing the state of affairs beyond reasonable doubt.

(3) An interview shall also not be conducted if the applicant for international protection is not fit for interview, mainly for medical reasons. The Ministry shall arrange for the applicant for international protection to provide the reasons for his/her application for international protection in writing or in a different suitable manner.

(4) An applicant for international protection shall be obliged to appear for the interview at the place and time determined by the Ministry, having received a written summons delivered to the applicant for international protection at least 2 working days before the interview. If he/she fails to appear for the interview at the place and time specified by the Ministry, this fact shall be noted.

(5) For reasons warranting special consideration or at the explicit request of the applicant for international protection, the Ministry shall arrange for the interview to be conducted and, if feasible on the part of the Ministry, interpreted by a person of the same sex.

(6) If an empowered representative of the applicant for international protection or an authorised representative of the Office of the High Commissioner is present during conduction of the interview, such person shall not be entitled to become involved in the interview in any way. Once the interview has finished, the representatives of the applicant for international protection shall be given the opportunity to comment on the content thereof.

(7) If essential for establishing the state of affairs beyond reasonable doubt, the Ministry is entitled to conduct an interview with another participant in proceedings as specified in [Section 20](#); [subsections 1](#) and [3 to 6](#) shall apply mutatis mutandis.

Section 23a [\[Komentář WK\]](#)

The Ministry shall not make copies of the case file or any part thereof.

Section 23b [\[Komentář WK\]](#)

The Ministry may admit a statutory declaration made by the participant in proceedings instead of submission of an official document. The participant in proceedings is obligated to provide complete and true information in the statutory declaration.

Section 23c

Background Materials for Issuance of a Decision

Background materials for issuance of a decision may include

a) an application for international protection and additional information thereto,

b) the interview transcript,

c) precise and up-to-date information from various sources concerning the state of which the applicant for international protection is a citizen or, in the case of a stateless person, concerning the state of his/her last permanent residence and

d) the result of investigations pursuant to [Section 10 subs. 5](#).

Section 24 [\[Komentář WK\]](#)

Delivery of Correspondence to a Participant in Proceedings

(1) Correspondence shall be delivered to a participant in international protection proceedings in person at his/her registered address or to an applicant for international protection under the conditions specified in [subsection 2](#) at the delivery address, if the Ministry fails to deliver in person or via data box.

(2) For the purposes of this Act, the delivery address means the address specified in a notification pursuant to [Section 82 subs. 1](#) if the Ministry has permitted departure from the accommodation facility pursuant to [Section 82 subs. 3](#), or the address of the asylum facility agreed upon by the applicant for international protection and the Ministry, if the applicant for international protection intends to remain at that address for at least 15 days. The written record of such agreement shall state the name, surname and date of birth of the applicant for international protection and the date from which documents should be delivered to the delivery address and, if applicable, the date until which documents should be delivered to the delivery address, and the address of the asylum facility.

(3) If a participant in international protection proceedings cannot be reached at the place of delivery, the mail carrier shall deposit correspondence at the local offices of the postal licence holder or at the asylum facility where the participant in international protection proceedings has his/her registered address, and the mail carrier shall notify the applicant for international protection thereof in an appropriate manner. Should the addressee fail to collect correspondence within a period of 10 days after correspondence is deposited, the last day of this period shall be deemed the date of delivery.

(4) Correspondence addressed to a participant in international protection proceedings whose address is unknown shall be deposited at the asylum facility where the participant in international protection proceedings has his/her registered address for a period of 10 days or, if the participant in international protection proceedings has a registered address outside the asylum facility, at the asylum facility specified by the Ministry as the nearest to the location of his/her registered address. Notification of correspondence being deposited shall be pinned to an official notice board at the asylum facility. The last day of this period shall be deemed the date of delivery.

Section 24a [\[Komentář WK\]](#)

Delivery of a Decision

(1) An exact copy of the written decision shall be delivered to the participant in international protection proceedings at the place and time specified in the written summons to take delivery of the decision.

(2) Should the applicant for international protection fail to report to take delivery of the decision on the date and at the time specified in the summons, despite having taken delivery of the summons, the date specified in the summons for receipt of the decision shall be deemed to be the date of delivery of the decision.

(3) If the participant in international protection proceedings has a representative, decisions of the Ministry on the matter of international protection shall be delivered both to the representative and the represented person. Delivery gains legal effect upon delivery to the represented person.

Section 24b [\[Komentář WK\]](#)

Official Notice Board

The Ministry shall equip asylum facilities with an official notice board.

Section 25 [\[Komentář WK\]](#)

Discontinuation of Proceedings

The proceedings shall be discontinued if:

- a) an applicant for international protection withdraws his/her application for international protection,
- b) the grounds for proceedings commenced on the Ministry's initiative cease to exist,
- c) the participant in proceedings dies during the course of proceedings,
- d) without good reason, the applicant for international protection fails to appear to provide information in support of his/her application for international protection or fails to provide information essential for establishing the state of affairs beyond reasonable doubt,
- e) an applicant for international protection fails to eliminate an error in a submission by the deadline set by the Ministry and proceedings cannot continue for this reason,
- f) the period for which the proceedings were suspended pursuant to [Section 26 subs. 1 letter a\)](#) expires to no avail and if a decision on the case cannot be made on the basis of the documents on file,
- g) the applicant for international protection is granted citizenship of the Czech Republic or of another EU member state in the course of the proceedings,
- h) the applicant for international protection without good reason enters or attempts to enter the territory of another state in the course of the proceedings,
- i) the application for international protection is inadmissible, or
- j) the whereabouts of the applicant for international protection are unknown and a decision on the case cannot be made on the basis of the documents on file.

Section 26 [\[Komentář WK\]](#)

Suspension of Proceedings

(1) Proceedings may be suspended by ruling, even repeatedly, if

- a) the participant in proceedings is summonsed to eliminate an error in a submission within the stipulated deadline, for a maximum period of 14 days, or
- b) the participant in proceedings is unable to attend the proceedings for health or other serious reasons of a long-term nature for an essentially necessary period of time which, however, must not exceed 90 days, or
- c) with respect to a temporarily unstable situation in the country of origin of the applicant for international protection or, if the applicant for international protection is a stateless person, in the country of his/her last permanent residence, there are no reasons to believe that a decision of the Ministry shall be issued within the deadline according to [Section 27 subs. 1](#).

(2) At latest within 180 days of the date of issuance of the ruling suspending proceedings according to [subsection 1 letter c](#)), the Ministry shall reassess the situation in the country of origin of the applicant for international protection or, if the applicant for international protection is a stateless person, in the country of his/her last permanent residence.

(3) If proceedings are suspended according to [subsection 1 letter c](#)), the deadline for issuance of the decision shall not be halted.

Section 27 [\[Komentář WK\]](#)

Deadlines for Issuance of Decisions

(1) Unless the Act stipulates otherwise, a decision of the Ministry in matters of international protection shall be issued by the Ministry without undue delay, at latest however within 6 months of the date of provision of information in support of a made application for international protection, or from the date on which a decision of the court to abrogate a decision of the Ministry in matters of international protection and returning the case for review gains legal effect.

(2) The deadline for issuance of a decision according to [subsection 1](#) may be extended by up to 9 months

- a) in materially or legally complex cases,
- b) if a large number of applications for international protection is made at one time, or
- c) if an applicant for international protection fails to perform his/her obligations according to this Act, and therefore a decision cannot be made within the deadline as per [subsection 1](#).

(3) If essential for establishing the state of affairs beyond reasonable doubt, the deadline as per [subsection 2](#) may in exceptional cases be extended by up to 3 months.

(4) The Ministry shall notify a participant in international protection proceedings in writing of extension of the deadline as per [subsections 2](#) and [3](#) and shall provide reasons for proceeding in this way.

(5) A decision to reject an application as manifestly unfounded may be issued at latest within 30 days of the date of provision of information in support of an application for international protection.

(6) If the Ministry proceeds according to [Section 26 subs. 1 letter c](#)), a decision in matters of international protection must be issued at latest within 21 months of the date on which information in support of a made application for international protection has been provided, or of the date on which a court decision to abrogate a decision of the Ministry in matters of international protection and returning the case for review.

(7) If a court is deciding or has already decided on admissibility of extradition of the applicant for international protection or on transfer of the applicant for international protection under a European arrest warrant for the purpose of criminal prosecution or for the purpose of serving a prison sentence to a foreign country pursuant to the Act on International Judicial Cooperation, the Ministry shall process the case as a priority. The Ministry shall issue a decision on the case without undue delay, no later than within 60 days from the date of initiation of proceedings. The court, public prosecutor, the Ministry of Justice and the Ministry of Foreign Affairs are required to provide the Ministry with necessary cooperation.

Section 28 [\[Komentář WK\]](#)

(1) International protection shall be granted in the form of asylum or subsidiary protection; if the Ministry establishes, while making its decision, that the criteria for granting asylum have been met pursuant to [Section 12](#), [13](#) or [14](#), it shall grant asylum preferentially.

(2) If the Ministry decides that there are no reasons for granting either form of international protection, it shall justify its decision with respect to both forms of international protection.

(3) If the Ministry deems an application for international protection to be inadmissible due to the fact that the foreign national arrived from a safe third country or from a European safe third country, at the same time as issuing its decision to the applicant, it shall simultaneously issue a notification to the safe third country or European safe third country in its official language that, during international protection proceedings, it was not deemed that grounds for granting asylum or subsidiary protection were satisfied.

(4) If the Ministry decides to withdraw asylum, it shall specify in its decision whether the foreign national will be granted subsidiary protection.

(5) For evaluation of whether the applicant for international protection has legitimate fear of persecution on the grounds described in [Section 12](#), the decisive factor is whether the actor of persecution attributes such characteristics to the applicant for international protection.

(6) For evaluation of whether the applicant for international protection has legitimate fear of persecution on the grounds specified in [Section 12](#), the decisive factor is whether there exists a connection between such characteristics and persecution or the non-existence of protection from it.

(7) Legitimate fear of persecution or real danger of serious harm may be based on events that occurred after the departure of applicant for international protection from the country of which he/she is a citizen or, if the applicant for international protection is a stateless person, in the country of his/her last permanent residence; the Ministry shall take these circumstances into account when assessing a foreign national's expression of will pursuant to [Section 3 subs. 2](#), [Section 3b subs. 3](#), [Section 11a](#) and [11b](#).

Remonstration

Section 29

repealed

Section 30

repealed

Section 31

repealed

Legal Effect of Decisions in Matters of International Protection

Section 31a

A decision of the Ministry in matters of international protection shall gained legal effect on the day of delivery to the participant in proceedings.

CHAPTER IV

JUDICIAL REVIEW OF DECISIONS IN MATTERS OF INTERNATIONAL PROTECTION

title omitted

Section 32 [\[Komentář WK\]](#)

(1) An appeal against the decision of the Ministry in matters of international protection may be lodged within 15 days of delivery of the decision.

(2) Lodging an appeal pursuant to [subsection 1](#) shall have suspensory effect, with the exception of an appeal against a decision pursuant to [Section 16 subs. 1 letters b\), d\), f\) and g\)](#), an appeal against a decision on asylum or subsidiary protection, an appeal against a decision on extension of subsidiary protection and a decision to discontinue the proceedings pursuant to [Section 25](#), with the exception of a decision to discontinue the proceedings pursuant to [Section 25 letter i\)](#) for reasons specified in [Section 10a subs. 1 letter g\)](#). An application for award of suspensory effect pursuant to the Code of Administrative Justice may only be made at the same time as lodging an appeal.

(3) Appeal proceedings fall within the competence of the regional court in whose jurisdiction the applicant for international protection (appellant) has his/her registered address on the day on which the appeal is lodged.

(4) If a penalty in the form of expulsion has been imposed on an applicant for international protection (appellant) or if proceedings are underway concerning his/her extradition to a foreign country or his/her transfer to another Member State under a European Arrest Warrant pursuant to other legislation¹⁴⁾, a regional court shall examine and rule on the case as a priority and at the utmost speed, no later than 60 days from the date of initiation of proceedings or, if proceedings are already underway, from the date on which the court learned of the imposition of the penalty of expulsion or of extradition or transfer proceedings under a European Arrest Warrant. If a cassation complaint is made against a decision of a regional court in these cases, the Supreme Administrative Court shall examine and decide on the case as a priority and at the utmost speed no later than 60 days from the date on which the made cassation complaint is seen not to contain any errors and to contain all the required particulars, or from the date on which the court learned of the imposition of the penalty of expulsion or of extradition or transfer proceedings under a European Arrest Warrant, after elimination of potential errors in or provision of the further required particulars to the cassation complaint.

(5) Lodging a cassation complaint shall have suspensory effect if lodging the appeal against the decision of the Ministry on international protection had had such suspensory effect.

(6) If the applicant for international protection is in detention pursuant to this Act or if he/she was refused entry into the Territory, is in custody pursuant to the Act on Residence of Foreign Nationals in the Czech Republic, or in the case of an appeal against a decision to discontinue proceedings pursuant to [Section 25 letter i\)](#) for reasons specified in [Section 10a subs. 1 letter b\)](#), the regional court shall examine the made appeal against a decision of the Ministry regarding international protection and decide on the case as a priority and at the utmost speed, no later than 60 days from the date on which the made appeal was deemed free of any errors and as containing all the required particulars. If a cassation complaint has been made, the Supreme Administrative Court shall examine and decide on the case as a priority and at the utmost speed no later than 60 days from the date on which the made cassation complaint was deemed free of any errors and as containing all the required particulars.

Section 33 [\[Komentář WK\]](#)

The court shall discontinue the proceedings if

- a) the applicant for international protection (appellant) dies during the course of the proceedings,
- b) the place of residence of the applicant for international protection (appellant) cannot be established,
- c) the applicant for international protection (appellant) enters the territory of another country while proceedings are underway,
- d) the applicant for international protection (appellant) is granted citizenship of the Czech Republic or another member state of the European Union while proceedings are underway, or
- e) the applicant for international protection (appellant) does not reside at his/her registered address and has failed to notify the court of a change of his/her registered address.

Section 33a

repealed

Section 33b

repealed

CHAPTER V

Costs and Interpreter Fee

Section 34 [\[Komentář WK\]](#)

(1) The Ministry shall bear the costs of administrative proceedings in matters of international protection.

(2) The Ministry shall bear the costs incurred for services and pocket money ([Section 42](#)) provided to the applicants for international protection.

Section 35 [\[Komentář WK\]](#)

The fee for the work of an interpreter and payment of the costs related to performance of this work shall be stipulated by agreement between the Ministry and the interpreter. The sum of the fee and the payment of the costs must not exceed the amount stipulated by special legislation. 8)

CHAPTER VI

OFFICE OF THE HIGH COMMISSIONER

Section 36 [\[Komentář WK\]](#)

The Ministry shall inform the Office of the High Commissioner upon request about the number of proceedings initiated pursuant to this Act.

Section 37 [\[Komentář WK\]](#)

(1) The Ministry or other state or public administration bodies, if applicable, shall permit an authorised representative of the Office of the High Commissioner at its request and without delay

- a) to make contact with a participant in proceedings at any time,
- b) to inspect the case file of a participant in proceedings,
- c) to be present during interview and oral proceedings.

(2) The inspection of a file is conditional to prior consent from the participant of the proceedings; this shall not apply if there is good reason to assume that the participant is no longer in the Territory. Similar consent shall be required with respect to the presence of an authorized representative of the Office of the High Commissioner at oral proceedings.

(3) The Office of the High Commissioner may use the data gleaned during the inspection of a file or during oral proceedings only for the needs of performing its tasks in the field of international protection.

Section 38 [\[Komentář WK\]](#)

A participant in proceedings pursuant to this Act shall be entitled to contact with the Office of the High Commissioner and with other organisations engaged in the protection of the rights of refugees throughout the proceedings.

Section 39 [\[Komentář WK\]](#)

The Ministry shall submit the following to the Office of the High Commissioner

a) a copy of the decision issued in proceedings pursuant to this Act, provided that the participant in proceedings gives his/her consent to this,

b) statistical information on proceedings pursuant to this Act.

Section 40 [\[Komentář WK\]](#)

repealed

CHAPTER VII

RIGHTS AND OBLIGATIONS

Division 1

Rights and Obligations of an Applicant for International Protection

Section 41 [\[Komentář WK\]](#)

(1) When lodging his/her application for international protection, a foreign national is obliged to surrender his/her travel document to the Ministry; this shall not apply if he/she has leave to remain in the Territory on a residence permit. The travel document shall be held for the duration of the proceedings. A foreign national to whom the obligation of surrendering his/her travel document does not apply must present his/her travel document when lodging an application for international protection.

(2) The Ministry shall pass on the travel document of a foreign national held in a reception centre at an international airport to the Police without undue delay for the purpose of terminating his/her stay if

a) the foreign national has not lodged an appeal³¹⁾ against a decision not to grant international protection or if the appeal has no suspensory effect,

b) the foreign national failed to make a cassation complaint or a cassation complaint together with a motion to award a suspensory effect, if it has no suspensory effect pursuant to the Act^{3a)}.

(3) If a decision has been made to grant asylum or subsidiary protection, the Ministry shall hold the travel document. The Ministry shall return the travel document to the foreign national if asylum or subsidiary protection is withdrawn or terminated; if it is not possible to render the travel document to the foreign national, the Ministry shall continue to hold it.

(4) An applicant for international protection is obliged to surrender his/her long-term residence permit issued under the Act on Residence of Foreign Nationals in the Territory of the Czech Republic to the Ministry when providing information in support of an application for international protection.

Section 42 [\[Komentář WK\]](#)

(1) An applicant for international protection with his/her registered address at an asylum facility shall be provided

a) accommodation, food, basic hygiene articles and

b) pocket money under the conditions stipulated in [Section 42a](#).

(2) In addition to the services specified in [subsection 1 letter a\)](#), the Ministry shall arrange for psychological, health, social and other essential services and items depending on the individual needs of the applicant for international protection and in order to maintain conflict-free coexistence of persons in asylum facilities.

(3) An applicant for international protection with his/her registered address at an asylum facility shall contribute to payment of costs of food and accommodation. Only the financial means of the applicant for international protection that exceed the living minimum⁹⁾ for the applicant and jointly assessed persons may be used for payment of the costs of accommodation and food; for the purposes of this Act, jointly assessed persons mean the persons specified in [Section 4 subs. 1 letters a\) to c\) of the](#)

[Act on the Living and Subsistence Minimum](#) under the conditions specified in [Section 4 subs. 2 and 3 of the Act on the Living and Subsistence Minimum](#).

(4) If the asylum facility does not provide food, the applicant for international protection shall be given financial assistance of an amount corresponding to the living minimum⁹⁾ for the applicant and jointly assessed persons. For the duration of provision of financial assistance, the applicant for international protection shall not be entitled to pocket money. If the state of health of the applicant for international protection requires increased costs for a special diet, as recommended by a specialist physician from a relevant field³²⁾, financial assistance shall be increased by the amount by which the livelihood amount according to special legislation³²⁾ is increased due following a special diet. An applicant for international protection is entitled to financial assistance only for the duration of his/her presence at an asylum facility and is provided in advance in the form of accountable advances.

(5) The Ministry shall stipulate the dates for provision of financial assistance according to [subsection 4](#) and shall display such dates in a publicly accessible place at the asylum facility.

(6) If an applicant for international protection seriously breaches the obligation to respect the accommodation rules for asylum facilities as defined in [Section 48 letter a\)](#), the Ministry shall decide to reduce the financial assistance provided for the applicant for international protection according to [subsection 4](#) to an amount equal to the subsistence minimum¹⁷⁾ for a period of 1 month; a serious breach of the obligation to comply with the rules for asylum facilities is constituted namely by situations where the applicant in the asylum facility endangers the lives or health of persons, produces, is in possession of or consumes alcohol or any other addictive substance, fabricates or possesses items that could be used to endanger the safety of persons or property, enters the asylum facility under the influence of alcohol or any other addictive substance, repeatedly breaches smoking bans or persistently fails to observe the principles of hygiene. A remonstration may be made against this decision, although with no suspensory effect. Reduction of financial assistance cannot be decided upon if a fine has been imposed for identical behaviour which bears elements constituting an offence as defined in [Section 93 subs. 3 letter i\)](#).

(7) In a case warranting special consideration, services pursuant to [subsection 1](#) or [2](#) may also be provided outside the asylum facility under an agreement between the Ministry and a service provider.

(8) The Ministry shall stipulate by decree the amount to be paid for provided food and accommodation at an amount equal to average essential costs.

(9) An applicant for international protection with his/her registered address at a reception or accommodation centre shall be provided by the Ministry with lump sum financial assistance of CZK 5,000 in the event of death of a family member of an applicant for international protection who had his/her registered address at a reception or accommodation centre at the time of his/her death ([Section 13 subs. 2](#) and [Section 14b subs. 2](#)).

Section 42a [\[Komentář WK\]](#)

(1) Pocket money shall only be provided for the period during which the applicant for international protection is present in an asylum facility.

(2) Pocket money shall be paid on the payment date specified in implementing legislation. If the applicant for international protection fails without good reason to report to receive payment of the pocket money on the payment date, the right to receive the pocket money for the payment period concerned shall expire.

(3) If an applicant for international protection over 18 years of age accommodated in a reception or accommodation centre carries out activities for the benefit of the other applicants for international protection which make adaptation to the environment in the asylum facility easier and at the same time contribute to the smooth operation of the asylum facility and improvement of mutual interaction, he/she may receive increased pocket money. Such activities may be carried out on the basis of an assignment given by the head of the asylum facility up to a maximum of 12 hours a month. The total pocket money after such increase may be up to double the pocket money amount stipulated by implementing legislation.

(4) The Ministry shall stipulate by decree the amount of pocket money per calendar day depending on the age of the applicant for international protection and the payment dates for reception and accommodation centres.

Section 43 [\[Komentář WK\]](#)

(1) An applicant for international protection with his/her registered address outside an accommodation centre shall cover his/her costs of living in the Territory from his/her own funds with the exception of healthcare services ([Section 88](#)).

(2) Upon request and dependent on the proven property-related and financial situation of the applicant or his/her family, an applicant for international protection with a registered address outside an accommodation centre may be provided with financial assistance of up to

a) 1.6 times the living minimum for the applicant stipulated in special legislation⁹⁾, if assessed without any jointly assessed persons ([Section 42 subs. 3](#)),

b) 1.5 times the living minimum for the applicant and jointly assessed persons ([Section 42 subs. 3](#)), if 2 to 3 persons are assessed jointly,

c) 1.4 times the living minimum for the applicant and jointly assessed persons together with him/her ([Section 42 subs. 3](#)), if 4 persons are assessed jointly,

d) 1.3 times the living minimum for the applicant and jointly assessed persons ([Section 42 subs. 3](#)), if 5 or more persons are assessed jointly;

no financial assistance shall be provided if the foreign national remains in the Territory on the basis of a residence permit granted pursuant to special legislation.⁴⁾ The total period for which financial assistance may be provided during the proceedings for granting international protection cannot exceed 3 months.

(3) Proceedings on the provision of financial assistance pursuant to [subsection 2](#) fall within the powers of the Ministry.

(4) The applicant for financial assistance pursuant to [subsection 2](#) is obliged to state his/her financial and property situation or the financial and property situation of his/her family, if applicable, in the form of a statutory declaration, and substantiate the same using all available documents.

(5) Financial assistance cannot be provided if

a) responsibility for payment of costs of accommodation lies with a legal entity or a natural person,^{9a)}

b) the applicant for financial assistance has provided untrue data regarding his/her financial and/or property situation or the financial or property situation of his/her family,

c) the applicant for financial assistance has failed to declare facts decisive for the provision of financial assistance or about any change therein, and/or

d) the applicant for financial assistance has made an application for international protection more than once.

(6) Financial assistance shall be paid by the Ministry.

Section 44 [\[Komentář WK\]](#)

An applicant for international protection is entitled to shared accommodation with his/her spouse at the asylum facility where he/she has their registered address together, a direct relative or a close person if these are applicants for international protection and if they consent to this step. Close persons are deemed to be persons declaring that they have personal relations with each other.

Obligations of an Applicant for International Protection

Section 45 [\[Komentář WK\]](#)

(1) An applicant for international protection is obliged to declare the financial funds available to him/her and, while staying in an asylum facility, to surrender any item that may endanger the life or health of people, or alcohol and other addictive substances. An applicant for international protection accommodated in a reception centre at an international airport is also obliged to surrender any electronic communication device.

(2) If reasonable suspicion exists that an applicant for international protection has failed to declare the financial funds available to him/her, or has failed to surrender an item that may endanger the life or health of people, or alcohol and other addictive substances, or is concealing something that may be used as information useful for the issuance of a decision, in particular a travel document or another document, he/she shall be obliged to suffer a body search and a search of his/her personal belongings. Furthermore, an applicant for international protection accommodated in a reception centre at an international airport shall be obliged to suffer a body search and a search of his/her personal belongings, if reasonable suspicion exists that he/she has failed to submit any electronic communication device.

(3) A search shall be carried out by the Police upon request of the Ministry upon the arrival of the foreign national at a reception centre or at any time during his/her stay in an asylum facility if the reasons under [subsection 2](#) are established. The Police shall confiscate anything that endangers the life or health of people, or alcohol and other additive substances or an electronic communication device found during a body search and a search of his/her personal belongings, and shall render them to the Ministry for safekeeping. The Police shall make a record of the body search.

(4) The body search shall be carried out by a person of the same gender.

(5) For the duration of the proceedings for granting international protection, the Police shall confiscate anything discovered during the body search or search of personal belongings pursuant to [subsection 2](#) which may serve as evidence in international protection proceedings or in determining the Member State of the European Union responsible for examining the application for international protection under a directly applicable regulation of the European Union²⁰⁾, and shall render it to the Ministry.

(6) An applicant for international protection is obliged to have his/her fingerprints and photographic image taken for the purpose of establishing or verifying his/her identity. Fingerprints shall be taken by the Police and the photographic image by the Ministry.

Section 46 [\[Komentář WK\]](#)

(1) An applicant for international protection may not leave a reception centre until

a) identification procedures pursuant to [Section 45 subs. 6](#) have been performed,

b) a medical examination has been conducted aimed at establishing whether the applicant for international protection suffers from an illness endangering his/her life or health or the life or health of other persons,

c) an international protection applicant identity card has been issued ([Section 57](#)),

d) quarantine or other measures related to the protection of public health have been lifted, if such measures can be implemented in the reception centre.

(2) Leaving the reception centre in order for the applicant for international protection to attend mandatory proceedings before a public authority body, provision of urgent healthcare or a medical examination aimed at establishing whether or not the applicant for international protection suffers from an illness endangering his/her life or the lives or health of other people that cannot be performed in the reception centre shall not constitute leaving the reception centre. In cases of leaving the asylum facility in accordance with the first sentence, the Police shall provide the applicant for international protection or the foreign national with escort at the request of the Ministry.

(3) The Ministry shall carry out the acts referred to in [subsection 1](#) without undue delay.

(4) The provisions of [subsection 1](#) shall not apply to a foreign national staying in the Territory on a permanent residence permit granted under special legislation.⁴⁾

Section 46a [\[Komentář WK\]](#)

(1) If necessary, the Ministry may decide on the obligation of detaining an applicant for international protection in a reception centre or in a detention facility for foreign nationals³⁾, unless special measures can be effectively implemented, if

a) the purpose of detention is to establish reliably his/her identity,

b) he/she presents forged or altered identity documents, and his/her identity is otherwise unknown,

c) there is reason to believe that he/she could pose a threat to national security or public order,

d) he/she is to be transferred to a state bound by a directly applicable regulation of the European Union²⁰⁾ and if a serious risk of his/her absconding exists, especially if, in the past, he/she has avoided transfer or attempted to abscond or expressed an intention not to respect the legally effective decision to transfer him/her to a state bound by a directly applicable regulation of the European Union²⁰⁾ or if such intention is clear from his/her behaviour,

e) his/her application for international protection was made at a facility for detention of foreign nationals and there is reason to believe that his/her application for international protection was made solely with the intention of avoiding or delaying impending deportation, extradition or transfer under a European arrest warrant for criminal prosecution or for serving a prison sentence abroad, despite the fact that he/she could have applied for international protection sooner,

f) by his/her behaviour he/she is impeding the proceedings in matters of international protection, particularly by failing to provide the Ministry necessary cooperation, thereby making it impossible to establish beyond reasonable doubt the state of affairs in his/her international protection proceedings, a risk of his/her absconding exists or he/she has already left the Territory without authorisation, unless such a step is at variance with the international obligations of the Czech Republic.

(2) The Ministry may furthermore decide to detain an applicant for international protection who is in serious breach of an obligation imposed on him/her under a special measure.

(3) In the case of an applicant for international protection who is a vulnerable person, with the exception of a person with a medical disability that does not inhibit him/her from placement in a reception centre or in a detention facility for foreign nationals, the Ministry may decide when essential on his/her detention only if he/she is over 18 years of age and has repeatedly seriously breached an obligation imposed on him/her under a special measure.

(4) If this concerns a foreign national who has been detained pursuant to the Act on Residence of Foreign Nationals in the Czech Republic and who has made an application for international protection, the Ministry shall decide on detention pursuant to [subsection 1](#) within 5 days of the date of the application for international protection being made. If a decision on detention of an applicant for international protection is made after detention pursuant to the Act on Residence of Foreign Nationals in the Czech Republic has ended, the preceding period of detention pursuant to the Act on Residence of Foreign Nationals in the Czech Republic shall not be taken into account.

(5) In its decision on detention the Ministry shall stipulate the detention period which can be extended, even repeatedly, to a maximum of 120 days.

(6) The first act in proceedings on detention of the applicant for international protection and proceedings on extension of the detention period is the issuance of a decision. Remonstrations, renewal of proceedings and review proceedings are inadmissible. In the decision on detention and in the decision on extension of the detention period, the Ministry shall instruct the applicant for international protection of the option of making a motion for appointment of a representative for appeal proceedings against the Ministry's decision on detention and on extension of the detention period pursuant to the Code of Administrative Justice.

(7) An appeal against a decision on detention and on extension of the detention period may be made within 30 days of delivery of the decision via the Ministry or the regional court with territorial jurisdiction, which is the regional court in whose region the applicant for international protection has his/her registered address on the date of lodging the appeal.

(8) If the appeal is made through the Ministry, the Ministry shall submit the appeal, a statement concerning the appeal and the administrative file to the court within 5 days of taking delivery of the appeal; if the appeal is made with the relevant court, the court shall request submission of the administrative file. The Ministry shall submit its statement concerning the appeal and the administrative file within 5 days of taking delivery of the appeal, and the Ministry shall also deliver its statement concerning the appeal to the applicant for international protection. The court shall make a decision on the appeal within 7 working days from

the date on which the administrative file was delivered to the court. The court shall order a hearing of the case if a participant in proceedings makes a motion to this effect no later than within 5 days from the date on which the appeal was made, or if it proves essential; the applicant for international protection must be informed of this in the Ministry's decision. If the court decides to overturn the contested decision, it shall inform the Ministry immediately after announcing its verdict.

(9) During validity of a decision on detention and on extension of the detention period, the Ministry shall examine whether the reasons for detaining the applicant for international protection endure. When issuing a decision on detention and on extension of the detention period, the Ministry shall instruct the applicant for international protection of his/her right to request review of the reasons for his/her detention after 1 month has passed since a decision of the Ministry has gained legal effect or, if the applicant has made an appeal, from the effective date of the decision on the appeal.

(10) If new facts emerge during detention constituting grounds for detention for a different reason, the Ministry shall issue a new decision on detention. Upon the issuance of a new decision on detention, the hitherto validity of the original decision on detention shall cease. The detention period according to [subsection 5](#) shall not be suspended or halted by issuance of a new decision on detention.

(11) [Section 46 subs. 2](#) shall apply mutatis mutandis to applicants for international protection pursuant detained at a reception centre.

(12) Detention pursuant to this Act must be terminated without the issuance of a decision without undue delay if

- a) the reason for detention no longer exists,
- b) the period stipulated in the decision on detention or extension of detention has expired,
- c) the court decides to abrogate the decision on detention or extension of the detention period; the obligation to release the applicant for international protection arises upon declaration of the abrogation ruling, or
- d) the applicant for international protection has been granted asylum or subsidiary protection.

(13) If detention is terminated, on the strength of an immediate written notification from the Ministry the operator of the reception centre or detention facility for foreign nationals and the Police shall perform the necessary acts connected with departure from the reception centre or detention facility for foreign nationals; this shall not apply if the Police decides to detain the foreign national pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

Section 47 [\[Komentář WK\]](#)

Special Measure

(1) A special measure means the obligation of the applicant for international protection imposed by decision of the Ministry

- a) to remain in the accommodation centre specified by the Ministry, or
- b) to report to the Ministry at the date and time stipulated by the Ministry.

(2) The Ministry may decide to impose a special measure on the applicant for international protection if the reasons specified in [Section 46a subs. 1](#) or [Section 73 subs. 3](#) occur, while there is reason to believe that the imposition of a special measure is sufficient to ensure the participation of an applicant for international protection at proceedings in matters of international protection.

(3) If his/her special needs or personal situation does not preclude this, a special measure may also be imposed on an applicant for international protection who is a vulnerable person, with the exception of an unaccompanied minor.

(4) A special measure may be imposed at longest until delivery of a decision of the Ministry in matters of international protection or until a legally effective decision of the regional court on an appeal against a decision of the Ministry in matters of international protection.

(5) In its decision on imposition of a special measure, the Ministry shall stipulate the method of implementation of the special measure and its duration, which may be extended, even repeatedly. Remonstrations against the decision on imposition of a special measure and on extension of a special measure has no suspensory effect.

(6) During validity of its decision on imposition of a special measure, the Ministry shall examine whether the reasons for imposition of a special measure endure.

(7) The applicant for international protection is obliged to accept the imposition of a special measure.

(8) The Ministry monitors compliance with the special measure; the Inspection Code does not apply to such monitoring.

Section 48 [\[Komentář WK\]](#)

An applicant for international protection is obliged

- a) to respect accommodation rules for asylum facilities,

- b) to respect hygiene regulations in the accommodation areas of an asylum facility and participate in maintenance of hygiene standards within of the asylum facility as stipulated by the rules for accommodation,
- c) to follow orders and instructions in the asylum facility given by the Police and the Ministry while performing tasks in accordance with this Act, and
- d) to protect the property of the asylum facility and of the other accommodated persons, and
- e) to suffer a medical examination, if necessary for protection of public health³³⁾.

Section 49 [\[Komentář WK\]](#)

An applicant for international protection is obliged

- a) to present his/her international protection applicant identity card ([Section 57](#)) to the relevant bodies to prove his/her identity or other facts entered in the card,
- b) to protect his/her international protection applicant identity card against damage, destruction, loss, theft or misuse; if any such circumstance occurs, the applicant shall be obliged to report that fact promptly to the Police,
- c) to surrender an invalid international protection applicant identity card ([Section 58](#)),
- d) to surrender his/her international protection applicant identity card to the Ministry upon completion of proceedings.

Section 49a [\[Komentář WK\]](#)

(1) During the course of the proceedings, an applicant for international protection shall be obliged to provide the Ministry with necessary cooperation and to provide true and complete information required to establish the state of affairs beyond reasonable doubt.

(2) An applicant for international protection is not entitled to leave the Territory for the duration of international protection proceedings.

Division 2

Rights and Obligations of Recognised Refugees

Section 50 [\[Komentář WK\]](#)

The rights related with permanent residence of a recognised refugee in the Territory are not affected by this Act.

Section 50a [\[Komentář WK\]](#)

(1) Upon written request of a recognised refugee submitted no later than 5 working days from the date on which the decision to grant asylum gained legal effect, the Ministry shall provide the recognised refugee lump sum financial assistance amounting to the living minimum⁹⁾ for this person and jointly assessed persons; the Ministry shall not provide such assistance if the recognised refugee holds a residence permit pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

(2) The Ministry shall inform the recognised refugee of his/her rights and obligations in writing in his/her mother tongue or in a language in which he/she is able to communicate no later than 3 days from the date on which the decision to grant asylum gained legal effect.

Obligations of a Recognised Refugee

Section 51 [\[Komentář WK\]](#)

A recognised refugee is obliged to notify the Ministry of any facts relevant to the continuance of asylum status, such as being granted citizenship of the Czech Republic.

Section 52 [\[Komentář WK\]](#)

A recognised refugee is obliged

- a) to protect his/her residence card and his/her travel document against damage, destruction, loss, theft or misuse; if any such circumstance occurs, he/she is obliged to report the fact promptly to the Ministry,
- b) to present his/her residence card to the relevant authorities to prove his/her identity or other facts entered in the card under the Act,
- c) to apply with the Ministry for the issuance of a new residence card without delay if his/her existing card has expired,
- d) to apply with the Ministry for an extension of validity of the residence card not less than 60 days before the expiry date. If circumstances beyond the control of the recognised refugee prevent him/her from lodging the application within the said time

limit, the recognised refugee shall be obliged to make this application within 15 working days after such circumstances cease to exist,

e) to surrender his/her residence card and his/her travel document to the Ministry if asylum is withdrawn or terminated. In the case of termination of asylum for a reason referred to in [Section 18 letter a](#)), the obligation shall apply to the person to whom the recognised refugee hands over the card or to the person who finds the card,

f) to surrender to the Ministry an invalid document issued pursuant to this Act,

g) to inform the Ministry any period of stay outside the Territory exceeding 365 days,

h) having taking delivery of a decision to grant asylum, to suffer acquisition of biometric data and his/her signature for further digital processing for the purpose of issuance of his/her residence card; a signature shall not be acquired if an insurmountable impediment prevents the recognised refugee from writing his/her signature. The recognised refugee shall be obliged to report to the Ministry to take receipt of his/her residence card by a deadline set by the Ministry, no later than 60 days from the date of acquisition of biometric data,

i) to suffer fresh acquisition of biometric data by special technical equipment for purposes of verification of the authenticity of a residence card or verifying the identity of the recognised refugee,

j) in cases of issuance of a residence card in replacement of a card that has been damaged, destroyed, lost, stolen or if it contains a non-functional data carrier, to take receipt of a new residence card within a time limit set by the Ministry but no later than 60 days from the date of acquisition of biometric data.

Section 53 [\[Komentář WK\]](#)

A recognised refugee shall be obliged to suffer an identification process pursuant to [Section 45 subs. 6](#) if legal reasons for the withdrawal of asylum arise.

Division 3

Rights and Obligations of Persons Enjoying Subsidiary Protection

Section 53a [\[Komentář WK\]](#)

(1) Subsidiary protection is granted for the period for which the person enjoying subsidiary protection is at risk of serious harm ([Section 14a](#)), but for no less than 1 year; subsidiary protection for the purpose of family reunification is granted for the same period. A person enjoying subsidiary protection has permitted residence in the Territory for the period stated in the decision to grant subsidiary protection.

(2) Upon a written request submitted by a person enjoying subsidiary protection made no later than 5 days after the decision to grant subsidiary protection gains legal effect, the Ministry shall provide the person enjoying subsidiary protection with lump sum financial assistance amounting to the living minimum⁹⁾ for the person and jointly assessed persons; the Ministry shall not provide financial assistance if the person enjoying subsidiary protection holds a residence card pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

(3) The Ministry shall inform the person enjoying subsidiary protection of his/her rights and obligations in writing in his/her mother tongue or in a language in which he/she is able to communicate no later than within 3 days from when the decision to grant subsidiary protection gains legal effect.

(4) A person enjoying subsidiary protection is entitled to apply for extension of the period for which subsidiary protection was granted. The person enjoying subsidiary protection must make this application no later than 30 days before expiry of the period for which subsidiary protection was granted to him/her. If circumstances beyond the control of the person enjoying subsidiary protection arise that prevent him/her lodging of an application for extension of subsidiary protection, he/she shall be entitled to make such application within 3 working days of such circumstances ceasing to exist. The Ministry shall extend the period for which subsidiary protection was granted if the person enjoying subsidiary protection is still at risk of serious harm ([Section 14a](#)) and if grounds for withdrawal of subsidiary protection have not arisen ([Section 17a](#)). Subsidiary protection shall be extended by at least 2 years; if there is a substantiated risk that the person enjoying subsidiary protection could seriously disrupt public order or has already disrupted public order, subsidiary protection shall be extended by 1 year. The same procedure shall apply when extending subsidiary protection for purposes of family reunification.

(5) If the Ministry fails to make a decision on an application for extension of subsidiary protection during the validity of a residence card for the Territory, the validity of the residence card for the Territory shall be extended until the Ministry's decision on the application gains legal effect.

(6) Having taken delivery of a decision to grant subsidiary protection or having taken delivery of a decision to renew subsidiary protection, a person enjoying subsidiary protection is required upon summons to report to the Ministry in person for the purpose of processing data necessary for issuance of the residence card, including acquisition of the biometric data of the foreign national and his/her signature for further digital processing; a signature shall not be acquired if an insurmountable impediment prevents the recognised refugee from writing his/her signature.

(7) A person enjoying subsidiary protection is required to report to the Ministry to take receipt of his/her residence card by the deadline set by the Ministry but no later than 60 days from the date of acquisition of the biometric data.

Section 53b [\[Komentář WK\]](#)

A person enjoying subsidiary protection is obliged

- a) to notify the Ministry of facts relevant to continuation of subsidiary protection,
- b) to protect his/her residence card and his/her travel document against damage, destruction, loss, theft or misuse; if any of such circumstances occurs, he/she is obliged to report them to the Ministry without delay,
- c) to present his/her residence card to the relevant bodies to prove his/her identity or other facts entered in the card pursuant to the Act,
- d) to surrender his/her residence card and travel document to the Ministry in the event that subsidiary protection is withdrawn or terminated. Should subsidiary protection be terminated for grounds specified in [Section 18 letter a\)](#), the obligation shall apply to the person to whom the person enjoying subsidiary protection hands over the card or to the person who finds the card,
- e) to surrender an invalid document issued pursuant to this Act to the Ministry,
- f) to notify the Ministry of any period of stay outside the Territory exceeding 365 days,
- g) to suffer the identification process pursuant to [Section 45 subs. 6](#) if legal grounds for the withdrawal of subsidiary protection arise,
- h) to suffer the acquisition of biometric data for the purpose of issuance of a residence card and subsequent verification of the authenticity of this card and verification of the identity of the person enjoying subsidiary protection carried out by comparing the biometric data processed in the data carrier with the biometric data contained in the information systems pursuant to this Act or, if applicable, biometric data freshly acquired by means of special technical equipment,
- i) to submit to fresh acquisition of biometric data to be carried out by means of special technical equipment for the purpose of verifying the authenticity of his/her residence card or for the purpose of verifying his/her identity,
- j) to receive a new residence card within a time limit set by the Ministry but not later than 60 days from the date of acquisition of biometric data, if it is a case of issuance of a residence card that is to replace a card that had been damaged, destroyed, lost, stolen or if it contains a non-functional data carrier.

Section 53c [\[Komentář WK\]](#)

A person enjoying subsidiary protection shall be considered a person with permanent residence in the Territory for the purposes of health services and employment.

Division 4

Legal Status of a Recognised Refugee or a Person Enjoying Subsidiary Protection as a Long-term Resident of the European Union in the Territory

Section 53d

(1) The Ministry shall grant a recognised refugee or a person enjoying subsidiary protection the legal status of a long-term resident of the European Union in the Territory¹⁸⁾ (hereinafter referred to as the "Territorial Resident"), if the foreign national applies for such in writing and

- a) satisfies the condition of 5 years of uninterrupted stay in the Territory,
- b) has not seriously disrupted public order or has not endangered the security of the Czech Republic or any other Member State of the European Union,
- c) has proved availability of funds for his/her stay in the Territory of an amount equal to the funds required for a permanent residence card pursuant to [Section 71 of the Act on Residence of Foreign Nationals](#) in the Territory of the Czech Republic.

(2) The period of stay on a long-term visa, on a long-term or permanent residence card issued under a special legislation⁴⁾ and the period of stay with the status of a recognised refugee or a person enjoying subsidiary protection all count towards the required period of 5 years of uninterrupted stay in the Territory. Only half of the period of stay in the Territory for the purpose of studies under a special legislation⁴⁾ shall count towards the required period. Also, only half of the duration of proceedings for granting international protection which resulted in a decision to grant asylum or subsidiary protection, including the duration of proceedings concerning an appeal or a cassation complaint shall count towards the required period; if international protection proceedings lasted longer than 18 months, this period shall count in full.

(3) Periods of absence of a foreign national, a recognised refugee or a person enjoying subsidiary protection from the Territory during the period of stay referred to in the first and second sentences of [subsection 2](#) shall also count towards the required period of 5 years of uninterrupted stay if these individual periods of absence do not exceed 6 consecutive months and if they do not exceed 10 months in total; and also, a period of absence from the Territory not exceeding 12 consecutive months shall count towards the required period if the foreign national, recognised refugee or person enjoying subsidiary protection is posted abroad for job-related purposes. The stay shall also be deemed to be uninterrupted in the event of a single period of

absence of a foreign national, a recognised refugee or a person enjoying subsidiary protection from the Territory not exceeding 12 consecutive months for serious grounds, particularly if this concerns pregnancy, childbirth, serious illness, studies or professional training; however, such period shall not count towards the required period of 5 years of uninterrupted stay.

(4) The period for which a foreign national, a recognised refugee or a person enjoying subsidiary protection has been posted to the Territory by a foreign employer or a foreign legal entity or natural person as well as the period for which a foreign national has stayed in the Territory for the purpose of seasonal employment or helped with domestic work in exchange for food, accommodation and pocket money intended for satisfaction of his/her basic social, cultural or education needs (au pair) shall not count towards the required period of 5 years of uninterrupted stay.

53e

(1) The Ministry shall cancel a decision to grant the legal status of a Territorial Resident if

- a) the Territorial Resident has seriously disrupted public order or endangered the security of the state,
- b) another Member State of the European Union has decided to terminate the Territorial Resident's temporary residence in its own territory due to serious disruption of public order,
- c) the Territorial Resident has remained outside the territory of European Union member states uninterruptedly for a period exceeding 12 months, unless this was for serious grounds, in particular pregnancy, childbirth, serious illness, studies, professional training or professional postings abroad, or
- d) the Territorial Resident has remained outside the Territory uninterruptedly for a period exceeding 6 years.

(2) The legal status of a Territorial Resident shall be terminated by withdrawal of asylum pursuant to [Section 17 subs. 1 letter a\)](#) or [h\)](#), by withdrawal of subsidiary protection pursuant to [Section 17a subs. 1 letter b\) or c\)](#) or by non-extension of subsidiary protection for grounds specified in to [Section 17a subs. 1 letter b\) or c\)](#).

(3) If asylum or subsidiary protection is terminated or withdrawn and the legal status of a Territorial Resident endures, the resident shall be entitled to remain permanently in the Territory pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

53f

(1) At the request of another Member State of the European Union and in connection with the decision-making process concerning the expulsion of a foreign national with the legal status of a Territorial Resident, the Ministry shall provide information as to whether a decision in matters of international protection is still valid within 1 month of delivery of such request.

(2) At the request of another Member State of the European Union and in connection with the issue of a residence card for a long-term resident in whose residence card the Ministry has made an entry stating that international protection has been granted pursuant to [Section 59 subs. 3 letter f\)](#), the Ministry shall provide information as whether the decision in matters of international protection is still valid within 1 month of delivery of such request.

Division 5

Obligation of a Foreign National to Leave the Territory and Obligations of Other Persons

Section 54 [\[Komentář WK\]](#)

(1) If proceedings in matters of international protection are discontinued due to failure to provide information in support of an application for international protection, a foreign national may be detained by the Police to facilitate his/her departure from the Territory.

(2) A foreign national shall be obliged to leave the Territory by the deadline specified in the departure order pursuant to special legislation⁹⁰⁾; if no departure order has been served on the foreign national, this deadline shall be 30 days after the legally effective termination of proceedings in matters of international protection.

(3) Subsections 1 and 2 shall not apply if the foreign national is entitled to remain in the Territory under a special legislation.

Section 54a [\[Komentář WK\]](#)

Voluntary Return

(1) The Ministry may bear the costs involved with the voluntary return

a) of an applicant for international protection who fails to provide information in support of an application for international protection, despite being called on to do so by written request of the Ministry issued within 7 days of the date specified in the summons for provision of data in support of the made application, or

b) of a foreign national, at his/her own written request submitted within 7 days of termination of international protection, or of the date on which a decision of the Ministry in matters of international protection, or a court ruling on an appeal against a decision of the Ministry in matters of international protection or concerning a cassation complaint gains legal effect to the foreign national's country of origin or, in the case of a stateless person, to the country of his/her last permanent residence. In a case warranting special consideration, the Ministry may bear the costs involved with voluntary return of persons specified under letters a) and b) even to a different state which is not a European Union member state or a state bound by a directly applicable regulation of the European Union²⁰⁾.

(2) For the purposes of provision of healthcare services, accommodation, food and other essential services, a foreign national who has made an application for voluntary return shall be treated as an applicant for international protection until his/her departure or until the Ministry informs him/her that it shall not pay the costs involved with his/her voluntary return.

Obligations of Other Persons

Section 55 [\[Komentář WK\]](#)

Legal entities or natural persons that invited an applicant for international protection to the Territory under the procedure stipulated in a special legislation⁴⁾ shall be obliged to cover the costs connected with the stay of the applicant, unless the applicant for international protection does not pay such costs him/herself pursuant to [Section 42 subs. 3](#), with the exception of the costs referred to in [Section 88](#).

Section 56 [\[Komentář WK\]](#)

Anyone who finds an international protection applicant identity card, a residence card or a travel document shall be obliged to promptly surrender it to the Ministry or to any Police station.

Section 56a [\[Komentář WK\]](#)

(1) Airline companies must not to transport a foreign national not in possession of a travel document to the territory of the Czech Republic.

(2) The airline company that transported a foreign national to the territory of the Czech Republic pursuant to [subsection 1](#) shall be obliged transport such foreign national out of the territory of the Czech Republic if, at the time when the decision not to grant international protection or to reject an application for international protection as manifestly unfounded or to discontinue proceedings for granting international protection gains legal effect, such foreign national is accommodated at a reception centre at an international airport.

Section 56b [\[Komentář WK\]](#)

The provider of inpatient care where a foreign national is hospitalised shall enable the Ministry to perform essential acts relating to the proceedings for granting international protection, unless the compliance with such an obligation is prevented by different legislation. The Ministry shall compensate the medical provider of health services for any financial loss incurred as a result of the performance of the obligation defined in the preceding sentence. A claim for compensation for financial loss must be made against no later than 30 days after the date of occurrence of such loss; otherwise, the right to compensation shall expire. If agreement is not reached, compensation and the amount thereof shall be decided upon by the court.

CHAPTER VIII

INTERNATIONAL PROTECTION APPLICANT IDENTITY CARD, RESIDENCE CARD AND TRAVEL DOCUMENTS

Division 1

International Protection Applicant Identity Card

Section 57 [\[Komentář WK\]](#)

(1) An international protection applicant identity card shall be issued by the Ministry to an applicant for international protection no longer than 3 days of provision of information in support of his/her application for international protection.

(2) An international protection applicant identity card shall be issued by the Ministry to an applicant for international protection no longer than 3 days of the arrival of the applicant for international protection at an asylum facility if information in support of the made application for international protection was provided at a detention facility for foreign nationals³⁾, or while in secure detention, custodial treatment, on remand or serving a prison sentence.

(3) An international protection applicant identity card is an official document proving its holder's identity and the holder's authorisation to stay in the Territory.

(4) Data concerning the identity of an applicant for international protection, his/her citizenship, place of accommodation and the term of validity of the identity card shall be recorded in the international protection applicant identity card.

(5) The term of validity of the international protection applicant identity card shall be prescribed by the Ministry. The term of validity of the international protection applicant identity card may be extended repeatedly. The applicant for international protection must be present in person for the purposes of extending validity, making changes in or additions to the data recorded

in the international protection applicant identity card; the Ministry may allow an exception for reasons warranting special consideration. When extending the validity of his/her international protection applicant identity card after the issuance of a decision of the Ministry in matters of international protection, the applicant for international protection shall be required to substantiate that he/she has made an appeal against such decision with a motion to award a suspensory effect, unless the appeal has such suspensory effect pursuant to this Act.

(6) The Ministry shall prescribe by decree a template for the international protection applicant identity card.

Section 58 [\[Komentář WK\]](#)

Invalidity of an International Protection Applicant Identity Card

(1) A international protection applicant identity card shall be invalid if

- a) the term of validity contained therein has expired,
- b) its loss or theft has been reported,
- c) its holder has died or has been pronounced dead, or
- d) a decision made by the Ministry in matters of international protection or a judicial decision on an appeal against a decision made by the Ministry in accordance with special legislation has gained legal effect.

(2) The body competent to issue the identity card shall decide to invalidate an international protection applicant identity card, if

- a) its holder has substantially changed his/her appearance,
- b) it is damaged in such a way that the records contained therein are illegible or its integrity has been seriously compromised, or
- c) it contains incorrect data or unauthorised changes.

(3) If the identity card holder is present and fully acknowledges the reasons for invalidity of the identity card, the rationale of the decision may be replaced with the identity card holder's declaration signed in person that he/she agrees with the decision to invalidate the identity card. In such case, an appeal against the decision shall be inadmissible.

Division 2

Residence Card

Section 59 [\[Komentář WK\]](#)

Residence Card

(1) A residence card is an official document issued to a recognised refugee and a person enjoying subsidiary protection.

(2) A residence card is issued as an independent document containing a data carrier containing biometric data, which is data containing the image of the holder's face and fingerprint data. A residence card shall be issued only with biometric data containing the image of the person's face in the case of a recognised refugee or person enjoying subsidiary protection younger than 6 years of age, unless a directly applicable regulation of the European Union¹⁵⁾ stipulates a different age threshold, or if the person is a recognised refugee or a person enjoying subsidiary protection from whom it is not possible to take fingerprints due to anatomical or physiological changes or a medical condition affecting his/her fingers. In this case, the data carrier shall contain the information that the data carrier does not contain the fingerprints of the recognised refugee or the person enjoying subsidiary protection.

(3) A residence card shall contain the data defined in a directly applicable regulation of the European Union¹⁵⁾ and also

- a) data concerning the form of international protection granted,
- b) birth registration number,
- c) registered address in the Territory,
- d) an entry concerning limitation of legal capacity,
- e) the digitally processed signature of the recognised refugee or the person enjoying subsidiary protection.
- f) in the case of residents in the Territory, an entry stating "International protection granted by CZE on [date]"¹⁸⁾,
- g) in the case of residents in the Territory, an entry stating "residence permitted for a long-term resident – EU"¹⁸⁾,
- h) an entry pursuant to [subsection 4](#).

(4) The first name, or names and surname of the recognised refugee or person enjoying subsidiary protection shall be entered into the residence card in the same format as displayed in Latin script in that person's travel document. If the recognised refugee or person enjoying subsidiary protection has been issued a birth or marriage certificate by the Public Records Office of the Czech Republic with the name, or names, and surname in a different format, the Ministry shall indicate this in the residence card in the form of a note, specifying the name, or names, and surname in the format as per the birth or marriage certificate.

(5) The Ministry shall acquire the biometric data of the recognised refugee or person enjoying subsidiary protection and his/her signature for further digital processing; a signature shall not be acquired if an insurmountable impediment exists, preventing the recognised refugee or the person enjoying subsidiary protection from writing his/her signature. At the same time, the Ministry shall prepare a protocol containing the data essential for issuance of a residence card, using the available data on the recognised refugee or the person enjoying subsidiary protection in the information systems maintained pursuant to this Act.

(6) When handing over a residence card, the Ministry shall demonstrably provide guidance to the recognised refugee or the person enjoying subsidiary protection on the conditions of use of the residence card in order to prevent its damage or misuse. Upon taking receipt of a residence card, at the request of the recognised refugee or the person enjoying subsidiary protection, the Ministry shall verify the accuracy of the personal data appearing in the issued residence card and the functioning of the data carrier with the biometric data and the accuracy of the biometric data contained therein. The functioning of the data carrier and the accuracy of the biometric data contained therein shall be verified by means of technical equipment facilitating comparison of the currently displayed biometric data of the foreign national with the biometric data contained in the data carrier of the residence card. If it is found that the data carrier with the biometric data is non-functional or if discrepancy in the personal data contained therein is found or if it is found that the personal data contained in the residence card is incorrect, the recognised refugee or the person enjoying subsidiary protection shall be issued with a new residence card.

(7) A holder of a residence card is entitled to request the Ministry to verify the functioning of the data carrier and the correctness of the biometric data contained therein. If it is found that the data carrier with the biometric data is not in working order or, alternatively, if it is found that the personal data contained in the residence card is incorrect, a new residence card shall be issued to the recognised refugee or the person enjoying subsidiary protection; in such case, an administrative fee for the issuance of a new card shall be charged only if the loss of function of the data carrier with the biometric data was caused by circumstances which the recognised refugee or the person enjoying subsidiary protection was demonstrably aware would result in damage or loss of function of the data carrier with the biometric data.

(8) Biometric data must be used solely to verify the authenticity of a residence card and to verify the identity of the recognised refugee or the person enjoying subsidiary protection by comparing the biometric data contained in the data carrier with the data on the aforementioned persons contained in the information systems maintained pursuant to this Act or by comparing the biometric data contained in the data carrier with the currently displayed biometric data of the recognised refugee or the person enjoying subsidiary protection as captured during the process of proving his/her identity by means of technological apparatus.

(9) If a recognised refugee or a person enjoying subsidiary protection is unable to present the residence card of which he/she is the holder for the purpose of verifying his/her identity, or else the data carrier with the biometric data in the residence card is non-functional, his/her identity shall be verified by taking fingerprints of the recognised refugee or the person enjoying subsidiary protection and by comparing them with the biometric data contained for these purposes in the information systems maintained pursuant to this Act in order to confirm that the person is the holder of the presented residence card.

(10) The Ministry shall stipulate in legislation

- a) the technical conditions and procedure for acquiring biometric data and the signature of the recognised refugee or the person enjoying subsidiary protection and the procedure for performing the signature for the purpose of issuance of a residence card,
- b) a template for the protocol described in [subsection 5](#) and the conditions for preparation thereof.

Section 59a

(1) The term of validity of a residence card issued for a recognised refugee is 10 years; for a recognised refugee younger than 15 years, the term of validity of the card is 5 years. The term of validity of a residence card can be extended for the same period, even repeatedly.

(2) The term of validity of a residence card issued for a person enjoying subsidiary protection shall be identical with the period for which the person enjoying subsidiary protection is permitted to stay in the Territory ([Section 53a](#)).

(3) Residence cards are issued and their term of validity extended by the Ministry.

Section 59b

(1) Extension of validity of a residence card is performed by issuing a new card. When applying for extension of validity of a residence card, the recognised refugee or the person enjoying subsidiary protection is required to present his/her travel document, if he/she holds one, and his/her hitherto valid residence card.

(2) A recognised refugee or a person enjoying subsidiary protection who is applying for issuance of a residence card in replacement of a lost, destroyed, stolen or damaged card, is required to present his/her travel document, if he/she holds one, and the damaged residence card or a residence card with a non-functional data carrier with biometric data.

(3) A recognised refugee or a person enjoying subsidiary protection who applies for issuance of a residence card after its validity was cancelled for the reasons defined in [Section 60 subs. 2](#) shall be required to present a travel document, if he/she holds one, and the now invalid residence card.

(4) A recognised refugee or a person enjoying subsidiary protection who applies for a change to be made to his/her residence card shall be required to present a travel document, if he/she holds a travel document, the existing residence card and a document proving the requested change. Changes to a residence card require the issuance of a new residence card.

(5) For the purposes of issuance of a new residence card, the recognised refugee or a person enjoying subsidiary protection described in [subsections 1 to 4](#) is required to report in person to the Ministry for the processing of the data essential for issuance of the residence card, including the capture of the biometric data of the recognised refugee or the person enjoying subsidiary protection and his/her signature for further digital processing; the signature shall not be captured if the recognised refugee or the person enjoying subsidiary protection is prevented from writing his/her signature by an insurmountable impediment. The recognised refugee or the person enjoying subsidiary protection is required to report to the Ministry to receive his/her residence card by the deadline set by the Ministry but no later than 60 days from the date of acquisition of biometric data.

Section 59c

Issuance of Residence Cards without a Data Carrier with Biometric Data

(1) The Ministry may issue residence cards without a data carrier with biometric data, that do not contain the digitally processed signature of a recognised refugee or a person enjoying subsidiary protection, if

a) a technical defect occurs in the equipment processing the data essential for issuing a residence card containing a data carrier with biometric data, or for acquiring the biometric data and the signature of a recognised refugee or a person enjoying subsidiary protection for further digital processing, or in the equipment carrying out the transmission of the data necessary for producing a residence card containing a data carrier with biometric data or in the manufacturing technology, if such technical defect endures for more than 7 calendar days, or

b) as a result of a disaster or other extraordinary event, it is impossible to issue residence cards containing data carriers with biometric data.

(2) Residence cards without data carriers with biometric data shall be issued with a term of validity of 6 months.

(3) If the circumstances described in [subsection 1 letters a\)](#) and [b\)](#) arise after the biometric data of a recognised refugee or a person enjoying subsidiary protection and their signatures have already been acquired for further digital processing for issuance of a residence card containing a data carrier with biometric data, such data shall be maintained in the operational information system pursuant to [Section 71 subs. 11](#) and, after the said circumstances desist, this data shall be used forthwith for issuance of such a residence card.

(4) If a residence card without a data carrier with biometric data has been issued to a recognised refugee or a person enjoying subsidiary protection, such person shall be required, upon summons, to report in person to the Ministry for the purpose of processing the data necessary for issuance of the residence card, including acquisition of the biometric data of the recognised refugee or the person enjoying subsidiary protection and his/her signature which is to be used for its further digital processing; the Ministry shall deliver the request to the recognised refugee or the person enjoying subsidiary protection without delay after the reasons for issuing a residence card defined in [subsection 1](#) desist.

(5) A residence card containing a data carrier with biometric data shall be issued to a recognised refugee or a person enjoying subsidiary protection not later than as at the date of expiry of the validity of the residence card without a data carrier with biometric data. No administrative fee is charged for the issuance of a residence card mentioned in the first sentence.

(6) The Ministry shall request a recognised refugee or a person enjoying subsidiary protection to report to take receipt of a residence card containing a data carrier with biometric data issued in replacement of a residence card without a data carrier with biometric data forthwith after receiving delivery of such a card from its manufacturer. On receipt of the residence card containing a data carrier with biometric data, mentioned in the first sentence, the residence card without a data carrier with biometric data shall cease to be valid.

Section 60 [\[Komentář WK\]](#)

Expiration or Cancellation of a Residence Card

(1) A residence card shall cease to be valid if

a) a circumstance mentioned in [Section 53e](#) or [Section 58 subs. 1](#) arises,

b) a decision to withdraw asylum or subsidiary protection gains legal effect,

c) asylum terminates due to a reason referred to in [Section 18 letters a\) to c\)](#),

d) subsidiary protection terminates due to a reason referred to in [Section 18](#),

e) a new residence card is issued to the recognised refugee or the person enjoying subsidiary protection,

f) a decision on limitation of legal capacity gains legal effect, or

g) data concerning the registered address of the recognised refugee or the person enjoying subsidiary protection in the Territory has been cancelled; this shall not apply in the case of a Territorial Resident who has cancelled his/her housing in the Territory for a term of stay in another European Union member state.

(2) The Ministry shall cancel validity of a residence card if

- a) its holder has substantially changed his/her appearance,
- b) it was damaged in such a way that the records contained therein are illegible or its integrity is seriously compromised,
- c) it contains incorrect data or unauthorised changes, or
- d) it contains a non-functional data carrier with biometric data.

(3) If the holder of a residence card is present and fully acknowledges the reasons for cancellation of the validity of his/her card, the rationale of the decision may be replaced with the card holder's statement signed in person that he/she agrees with the decision to cancel validity of the card. In such case, an appeal against the decision shall be inadmissible.

Division 3

repealed

Section 60a [\[Komentář WK\]](#)

repealed

Section 60b [\[Komentář WK\]](#)

repealed

Division 4

Travel Documents

Travel Document

Section 61 [\[Komentář WK\]](#)

(1) The Ministry shall issue a travel document, an official document, to a recognised refugee at his/her request. The travel document shall be issued in the Czech language and two foreign languages in accordance with international practice.

(2) The travel document shall contain a data carrier with biometric data, namely an image of the holder's face and his/her fingerprints, shall be issued with a term of validity of 10 years; in the case of a recognised refugee younger than 15 years of age, the term of validity shall be 5 years. The travel document shall be issued within 30 days of the date of making an application. At his/her request, a recognised refugee may verify the accuracy of the personal data specified in the travel document being issued and the functioning of the data carrier with the biometric data and accuracy of the biometric data processed in it. The functioning of the data carrier and the accuracy of the biometric data processed in it shall be verified using technical equipment facilitating comparison of the recognised refugee's biometric data currently displayed with the biometric data processed in the data carrier of the travel document. If the data carrier with biometric data is found not to be functioning or if any personal data processed in the travel document is found to be incorrect, the recognised refugee shall be entitled to the issuance of a new travel document.

(3) A travel document with a data carrier in which the only biometric data processed is a facial image of the holder shall be issued to a recognised refugee younger than 6 years of age, unless a directly applicable regulation of the European Union³⁹⁾ sets a different age limit, or a recognised refugee from whom it is impossible to take fingerprints due to anatomical or physiological changes or due to a medical condition of his/her fingers. In this case, the data carrier shall contain an entry stating that the data carrier does not contain the fingerprints of the recognised refugee. The travel document shall be issued within 30 days after the date the application has been made, and the term of validity specified in [subsection 2](#) shall apply to the travel document.

(4) A recognised refugee travel document issued in accordance with [subsection 2](#) or [3](#) contains a machine-readable zone. Data is recorded in the machine-readable zone in the following order: document type, code of the issuing country, foreign national's surname and first names, if applicable, travel document number, citizenship, date of birth, sex, term of validity of the travel document, birth registration number and check code expressing selected data in the machine-readable zone.

Section 61a [\[Komentář WK\]](#)

(1) Biometric data may be used exclusively to verify the authenticity of a travel document and to verify the recognised refugee's identity by means of personal data recorded in the travel document, or to compare the biometric data ([Section 61 subs. 2](#)) processed in the data carrier by means of technical equipment facilitating comparison of the recognised refugee's biometric data currently displayed with the biometric data processed in the data carrier of the travel document.

(2) The holder of a travel document containing a data carrier with biometric data shall be entitled to request any authority responsible for issuing this travel document, or a diplomatic mission or a consular office (hereinafter referred to as a "Representative Office"), with the exception of a consular office headed by a honorary consular official, to verify the data in the

travel document. If the data carrier with biometric data is found not to be functioning, or if the personal data processed in the travel document is found to be incorrect, the recognised refugee shall be entitled to the issuance of a new travel document; in this case an administrative fee shall be charged for issuance of a new travel document only if the loss of function of the data carrier with biometric data has been caused by circumstances which the recognised refugee or the person enjoying subsidiary protection was demonstrably aware would result in damage to or loss of function of the data carrier with biometric data.

(3) The Ministry shall specify by decree the technical conditions and the procedure for acquisition and further processing of biometric data, including the procedure for acquisition of biometric data for imaging the face or for taking fingerprints of the left and right hand in the case of persons with unusual anatomical or physiological conditions.

Section 61b [\[Komentář WK\]](#)

(1) The data processed in a data carrier with biometric data ([Section 61 subs. 2](#)) may not be processed otherwise than specified by the Act.

(2) The territorial validity of a travel document defined in [Section 61](#) shall include all countries of the world with the exception of the country of which the foreign national is a citizen or, if the foreign national is a stateless person, the country of his/her last permanent residence. The validity of the travel document cannot be extended.

Section 62 [\[Komentář WK\]](#)

(1) A travel document shall be issued by the Ministry.

(2) No administrative fee is charged for the first issuance of a travel document. Special legislation shall apply to any subsequent issue of the travel document.10)

Section 63 [\[Komentář WK\]](#)

(1) In the application for the issuance of a travel document, a foreign national shall state his/her first name, surname, other names, sex, day, month and year of birth, place and country of birth, citizenship and registered address in the Territory.

(2) A recognised refugee must attach 1 photograph to an application made in accordance [Section 61 subs. 4](#).

Section 64 [\[Komentář WK\]](#)

Invalidity of a Travel Document

(1) A travel document shall be invalid if

- a) a circumstance referred to in [Section 58 subs. 1](#) arises,
- b) a decision to withdraw asylum has gained legal effect, or
- c) asylum terminates due to the reason specified in [Section 18 letters b\) or c\)](#).

(2) The invalidity of a travel document shall be decided upon by the authority responsible for issuing the same if

- a) its holder has substantially changed his/her appearance,
- b) it was damaged in such a way that the records contained therein are illegible or its integrity is seriously compromised, or
- c) it contains incorrect data or unauthorised changes.

Section 64a [\[Komentář WK\]](#)

Travel Document Issued to a Person Enjoying Subsidiary Protection

At his/her request, a person enjoying subsidiary protection shall be issued with an alien's passport pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

Section 65 [\[Komentář WK\]](#)

Travel Identity Card

(1) A travel identity card shall be issued by a Representative Office upon a request of a recognised refugee or a person enjoying subsidiary protection who has lost his/her travel document abroad, to enable the recognised refugee or the person enjoying subsidiary protection to return to the Czech Republic.

(2) A travel identity card shall be issued by the Ministry to a recognised refugee or the person enjoying subsidiary protection who does not hold a travel document for the purpose of proving the identity of its holder until such time as he/she receives a residence card.

(3) A travel identity card shall also be issued by a Representative Office upon instruction from the Ministry for a foreign national who is to be resettled by the Ministry but does not hold a travel document.

(4) A travel identity card shall also be issued by the Ministry at the request of a foreign national with leave to remain in the Territory pursuant to this Act.

(5) A travel identity card shall also be issued by the Ministry to facilitate the departure of a foreign national who is staying in the Territory without a valid travel document, after

- a) termination of provision of international protection within the Territory,
- b) a decision of the Ministry in matters of international protection gains legal effect, unless the foreign national files an appeal against it,
- c) a decision of the court on an appeal against a decision of the Ministry in matters of international protection gains legal effect, unless the foreign national makes a cassation complaint against it, or
- d) a decision on a cassation complaint gains legal effect.

(6) The term of validity of a travel identity card defined in [subsection 1](#) is 30 days. The term of validity of a travel identity card as defined in [subsections 2 to 5](#) is 60 days. In justified cases, validity may be extended by another 30 days.

(7) A travel identity card shall become invalid for the grounds referred to in [Section 58 subs. 1](#). A travel identity card defined in [subsections 2 and 3](#) shall also become invalid upon taking receipt of a residence card ([Section 59](#)).

(8) In the application for the issuance of a travel identity card, the recognised refugee or person enjoying subsidiary protection shall state his/her first name and surname, day, month and year of birth, place of residence in the Territory, and attach 1 photograph to the application.

(9) A travel identity card defined in [subsection 1](#) shall be withdrawn during a border check.

(10) The Representative Office shall promptly notify the Ministry of the issuance of a travel identity card defined in [subsection 1](#) and of any change to its term of validity.

Section 65a [\[Komentář WK\]](#)

(1) A travel identity card shall be produced in the Czech language and generally in one foreign language, according to international practice.

(2) Upon the request of a foreign national, the Representative Office shall enter a child of the foreign national under 15 years old into the travel identity card described in [Section 65 subs. 1](#).

Division 5

Seizure of a Document Issued Pursuant to This Act

Section 66 [\[Komentář WK\]](#)

(1) When performing a document check¹¹⁾, the Police shall seize a document issued under this Act which is invalid or the invalidity of which is to be decided upon.

(2) The Police shall notify the Ministry of the seizure of the document pursuant to [subsection 1](#) without any delay.

(3) If a document is seized pursuant to [subsection 1](#), the Police shall issue a certificate stating the grounds for its seizure without any delay.

Section 67 [\[Komentář WK\]](#)

The Police shall deliver a seized document to its issuing entity without any delay.

CHAPTER IX

STATE INTEGRATION PROGRAMME

Section 68 [\[Komentář WK\]](#)

(1) The State Integration Programme is a programme aimed at helping recognised refugees and persons enjoying subsidiary protection with their integration into society. The State Integration Programme mainly comprises the creation of opportunities to obtain knowledge of the Czech language and to provide housing.

(2) The rules of the State Integration Programme and the amount of funds spent on the implementation of individual areas shall be determined by the government.

Section 69 [\[Komentář WK\]](#)

With respect to the provision of housing, the State Integration Programme shall be implemented by the Ministry using state funds in the form of an unrepeatable offer of housing or financial assistance.

Section 70 [\[Komentář WK\]](#)

With respect to gaining knowledge of the Czech language, the State Integration Programme shall be implemented by the Ministry in cooperation with the Ministry of Education, Youth and Sports in the form of a free language course.

CHAPTER X

RECORD-KEEPING, ADDRESS AND REGISTRATION OF ADDRESS

Section 71 [\[Komentář WK\]](#)

Record-Keeping

(1) The Ministry shall keep

- a) records of applicants for international protection, including image records acquired pursuant to [Section 45 subs. 6](#),
- b) records of the registered address of applicants for international protection, the registered address of persons enjoying subsidiary protection and the registered address of recognised refugees,
- c) records of foreign nationals, persons enjoying subsidiary protection and recognised refugees who have made a cassation complaint^{8a)},
- d) records of foreign nationals born in the Territory to applicants for international protection, to persons enjoying subsidiary protection or to recognised refugees,
- e) records of applicants for financial assistance,
- f) records of foreign nationals for whom the proceedings for granting international protection have been discontinued due to inadmissibility of their application for international protection.
- g) records of foreign nationals with whom proceedings are underway for transfer to a responsible state,
- h) records of administrative infractions examined pursuant to this Act.

(2) The records mentioned in [subsection 1](#)

- a) letters a), c), and f) contain data comprising the data processed in an application for international protection and acquired in connection with the lodging thereof and to the scope of provision of information in support of an application for international protection,
- b) letter d) contain data comprising a notification of an applicant for international protection, a recognised refugee or a person enjoying subsidiary protection as defined in [Section 88a](#),
- c) letter e) contain data comprising an application for provision of financial assistance,
- d) letter h) contain data comprising decisions on administrative infractions,
- e) letter g) contain data comprising data transferred pursuant to a directly applicable regulation of the European Union²⁰⁾.

(3) For the purposes of keeping records of accommodation and other services provided pursuant to this Act to applicants for international protection, recognised refugees and persons enjoying subsidiary protection with a registered address at an asylum facility and to other accommodated persons for the purposes of maintaining a system of related accounting records and for the purposes of securing the rights and the legally protected interests of such persons, the Ministry shall maintain an operational information system of which the Ministry is the administrator; the operational information system will not use links to public administration information systems or any other information systems provided for in this Act. The operational information system shall contain personal data identifying those applicants for international protection with registered addresses in an asylum facility and those persons who are accommodated therein, including sensitive data, if the processing of such is necessary for performance of the Ministry's obligations concerning the protection of the health of such persons and their basic rights, and data essential to be processed for executing of the Ministry's tasks pursuant to this Act connected with the performance of the obligations and the exercise of the rights that the Ministry has with respect to the said persons, and with securing the internal operation, organisation and financing of an asylum facility.

(4) The data kept on record pursuant to [subsection 3](#) shall be destroyed forthwith after termination of the registered stay of a foreign national in an asylum facility or after termination of accommodation of a foreign national in an asylum facility, with the exception of data comprising accounting records pursuant to the Accountancy Act, data comprising the name or names, surname, date of birth and reference number of a foreign national necessary for identification of accounting records, data concerning the beginning and the end of the period of a foreign national's registered stay of in an asylum facility or accommodation of a foreign national in an asylum facility, data concerning the money put into safekeeping at an asylum facility by a foreign national and concerning the purpose and scope of its use. The data that is destroyed forthwith after the end of the registered stay or accommodation of a foreign national in an asylum facility shall be retained for a period of 5 years starting from the end of the accounting period to which it relates or else starting from the date of termination of the registered stay of a foreign national in an asylum facility or termination of accommodation of a foreign national in an asylum facility; the data shall be destroyed upon expiration of this period of time.

(5) The data maintained in the records referred to in [subsection 1](#) may be used by the Ministry only to perform tasks according to the law.

(6) The data from the records kept pursuant to [subsection 1](#) is provided to state bodies at their request if they are authorised to process such records in order to perform their tasks defined in special legislation, unless this Act provides otherwise.

(7) The Police shall keep records

a) of applicants for international protection comprising the data processed in their application for international protection and acquired in connection with lodging such application,

b) of departure orders issued pursuant to this Act comprising the data processed in the departure order, the number and series of the issued departure order, the date of its issue and the deadline with which the departure order was issued,

c) of the registered addresses of applicants for international protection, the registered addresses of foreign nationals who have made a cassation complaint, the registered addresses of persons enjoying subsidiary protection and the registered addresses of recognised refugees,

d) of the fingerprints taken from an applicant for international protection pursuant to [Section 45 subs. 6](#); these records also contain data of the name or names, surname, former surnames, the date, place and state of birth, sex and citizenship of a foreign national,

e) of recognised refugees and persons enjoying subsidiary protection who hold a residence card, comprising data contained in the residence card, including biometric data, a digitally processed signature, the number of the issued residence card, its date of issue and data concerning the term of validity of the issued residence card.

(8) The Ministry shall keep records of recognised refugees and persons enjoying subsidiary protection who have been issued with a residence card. These records contain data to the scope of the data contained in a residence card, including the biometric data, digitally processed signature, residence card serial number, date of issue and expiry date of the issued residence card. The Ministry shall transfer the data contained in these records to the records kept by the Police pursuant to [subsection 7 letter e](#)) forthwith once a recognised refugee or a person enjoying subsidiary protection has taken receipt of his/her residence card.

(9) The intelligence services of the Czech Republic and the General Inspectorate for Security Forces may, while performing their tasks defined in this Act and in special legislation¹⁶⁾, use the data contained in the records referred to in [subsections 1](#) and [7](#), and the Police may use, under the same conditions, the data contained in the records referred to in [subsection 1](#), including personal data, in a manner allowing for uninterrupted and remote access; the data from the records kept pursuant to [subsection 8](#) shall be provided by the Ministry to the intelligence services of the Czech Republic and the General Inspectorate for Security Forces upon request and to a scope necessary for accomplishment of the given task.

(10) The Ministry shall be the administrator of

a) an information system on those recognised refugees applying for a travel document of a recognised refugee containing a data carrier with biometric data ([Section 61 subs. 2 and 3](#)), to the scope of an application for issuing a travel document of a recognised refugee, containing a data carrier with biometric data, including the biometric data,

b) the information system on those recognised refugees issued with a travel document pursuant to [Section 61 subs. 4](#), to the scope of the data in an application for issuing such document,

c) the information system on those recognised refugees or persons enjoying subsidiary protection, who were issued with a travel identity card pursuant to [Section 65](#) to the scope of the data in an application for issuing such card.

(11) When exercising its powers defined in this Act for the purpose of issuing a residence card and preparation of a report defined in [Section 59 subs. 5](#), the Ministry shall maintain an operational information system on recognised refugees and persons enjoying subsidiary protection applying for issuing a residence card, extending a residence card, issuance of a residence card in replacement for a lost, destroyed, stolen or damaged card or in replacement for a residence card whose data carrier with biometric data is non-functional, all to the scope of the application made by a recognised refugee or a person enjoying subsidiary protection. The Ministry shall be the administrator of the operational information system referred to in the first sentence. The operational information system will also contain biometric data acquired for the purpose of issuing a residence card and the digitally processed signature of a recognised refugee or a person enjoying subsidiary protection.

(12) The data contained in the information system described in [subsection 11](#) shall be transferred to the records pursuant to [subsection 7 letter e](#)) once a recognised refugee or a person enjoying subsidiary protection has taken receipt of his/her residence card.

(13) If a recognised refugee or a person enjoying subsidiary protection fails to take receipt of a residence card, the data maintained on this data subject in the operational information system described in [subsection 11](#), including biometric data, shall be destroyed after 60 days have elapsed from the date of delivery of the manufactured residence card to the Ministry.

(14) The data in the records and information systems provided for in this Act may be kept in hard copy or in electronic format, except for biometric data, which will always be processed in electronic format.

(15) The data kept in the records and the information systems referred to in [subsections 7](#) and [10 letter a](#)) shall be destroyed 20 years after termination of the stay of a person in the Territory; for these purposes, the date of termination of a stay

in the Territory shall mean the calendar year in which the stay of the person was terminated. Biometric data shall be destroyed forthwith after a travel document expires or after a residence card expires.

(16) The data kept in the information systems referred to in [subsection 10 letters b\)](#) and [c\)](#) shall be destroyed 15 years after expiration of a travel document of a recognised refugee or after expiration of a travel identity card of a recognised refugee or of a person enjoying subsidiary protection.

Section 71a [\[Komentář WK\]](#)

Provision of Personal Data to Other Countries

The obligation to apply to the Office for Personal Data Protection for permission to provide or repeatedly provide personal data regarding applicants for international protection, persons enjoying subsidiary protection or recognised refugees to third countries does not apply to the Ministry. 12a)

Section 71b [\[Komentář WK\]](#)

Access to the Information System of Signatory States

Pursuant to a directly applicable regulation of the European Union^{12b)} and an international agreement on the abolition of checks at common borders^{12c)}, the Ministry shall be able to access the data kept in the information system created by the states bound by international agreements on the abolition of checks at common borders and by related regulations of the European Union.

Section 72 [\[Komentář WK\]](#)

repealed

Section 73 [\[Komentář WK\]](#)

Proceedings in a Reception Centre at an International Airport

(1) The Police shall place an applicant for international protection who makes an application for international protection in the transit area of an international airport into a reception centre at an international airport, unless grounds for detention of the foreign national exist pursuant the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

(2) The Ministry shall inform the applicant for international protection upon his placement in the reception centre at an international airport of the fact that making an application for international protection shall not entitle him/her to enter the Territory and that he/she shall be required to remain in the reception centre at the international airport.

(3) Where necessary, the Ministry shall decide to refuse entry to the Territory by an applicant for international protection within 5 days of his/her making an application for international protection, unless special measures can be effectively applied if:

- a) the purpose of detention is reliable establishment or verification of his/her identity,
- b) he/she has presented forged or altered identity documents, and his/her identity is otherwise unknown,
- c) there is good reason to suspect he/she poses a threat to state security, public health or public order.
- d) he/she is to be transferred to a state bound by a directly applicable regulation of the European Union²⁰⁾ and if a serious risk of his/her absconding exists, particularly if, in the past, he/she has avoided transfer or has expressed an intention not to respect a legally effective decision on transfer to a state bound by a directly applicable regulation of the European Union²⁰⁾,
- e) legitimate reasons exist to assume that he/she made an application for international protection with the sole intention of avoiding or delaying impending expulsion, extradition or transfer under a European arrest warrant for criminal prosecution or for serving a prison sentence abroad, despite the fact that he/she could have applied for international protection sooner, or
- f) by his/her behaviour he/she is impeding the proceedings in matters of international protection, particularly by failing to provide the Ministry necessary cooperation, thereby making it impossible to establish beyond all reasonable doubt the state of affairs in the international protection proceedings, a risk of his/her absconding exists or he/she has already left the Territory without authorisation, unless such a step is at variance with the international obligations of the Czech Republic.

(4) In its decision to refuse entry to the Territory, the Ministry shall stipulate the period for which the applicant for international protection may not enter the Territory; this period may be extended, even repeatedly. The length of stay by an applicant in a reception centre at an international airport must not exceed 120 days from the date of making an application for international protection.

(5) In proceedings on refusal of entry to the Territory and on extension of the period for which an applicant for international protection cannot be permitted entry into the Territory, the issuance of a decision shall be the first legal act in the proceedings. Remonstrations, renewals of proceedings and review proceedings are inadmissible. In its decision to refuse entry to the Territory and on extension of the period for which entry to the Territory by an applicant for international protection cannot be

permitted, the Ministry shall inform the applicant for international protection of the option of filing a motion to appoint a representative for the appeal proceedings pursuant to the Code of Administrative Justice.

(6) An appeal may be lodged against the decision of the Ministry to refuse entry to the Territory and on extension of the period for which the applicant for international protection cannot be permitted entry into the Territory within 30 days of receipt of such decision; the appeal may be lodged with the Ministry or with the competent court, which is the regional court in whose region the applicant for international protection had his/her registered address on the date of lodging the appeal.

(7) If an appeal is lodged with the Ministry, the Ministry shall submit the appeal, a statement concerning the appeal and the administrative file to a court within 5 days from the date of delivery of the appeal. If the appeal is lodged with the competent court, the court will demand the administrative file. The Ministry shall submit its statement concerning the appeal and the administrative file to the court within 5 days, at the same time delivering its statement concerning the appeal to the applicant for international protection. The court shall rule on the appeal within 7 working days of the date of delivery of the administrative file to the court. The court shall order a hearing of the case if a participant of the proceedings files an application to this effect no later than 5 days from the date on which the appeal was lodged, or if this proves necessary; the applicant for international protection must be informed of this in the Ministry's decision. If the court rules to overturn the contested decision, it shall inform participants in proceedings immediately after announcement of such ruling.

(8) Once the decision to refuse permission to enter expires, the Ministry shall examine whether the reasons for which the foreign national was not permitted to enter the Territory still endure. When issuing the decision to refuse entry to the Territory, the Ministry shall inform an applicant for international protection of his/her right to request review of the reasons for refusing entry into the Territory after 1 month elapses from the date on which the decision of the Ministry gains legal effect or, if an appeal is lodged against such decision, from the date on which the appeal decision gains legal effect.

(9) If, in the course the stay of an applicant for international protection at a reception centre at an international airport, new facts come to light justifying refusal of entry to the Territory, the Ministry shall issue a decision to refuse entry to the Territory. Upon issuance of a new decision to refuse entry to the Territory, the original decision to refuse entry to the Territory shall cease to be valid. Upon issuance of a new decision to refuse entry to the Territory, the period referred to in [subsection 4](#) shall not be suspended or halted.

(10) The Ministry shall decide on inadmissibility of an application for international protection or on rejection of an application for international protection for being manifestly unfounded no later than 4 weeks of the date on which the application for international protection was made.

Section 74

(1) In the case of a vulnerable person, with the exception of persons with medical disabilities that do not preclude their placement in a reception centre or in a facility for the detention of foreign nationals, the Ministry shall, without the issuance of a decision, allow entry to the Territory by a foreign national who made an application for international protection in the transit area of an international airport, and shall arrange his/her transportation to an asylum facility in the Territory, unless the Ministry imposes a special measure.

(2) The Ministry shall, without the issuance of a decision, allow entry to the Territory by a foreign national who made an application for international protection in the transit area of an international airport if

- a) the grounds for which an applicant for international protection was refused entry to the Territory have ceased to exist,
- b) the period stipulated by the decision to refuse entry to the Territory or to extend the period for which entry into the Territory cannot be permitted has expired,
- c) the court has ruled to abrogate the decision to refuse entry to the Territory or to extend the period for which entry into the Territory cannot be permitted; the obligation to allow entry to the Territory by an applicant for international protection arises upon pronouncement of the abrogation decision,
- d) the applicant for international protection has been granted asylum or subsidiary protection, or e) within a deadline of 4 weeks of the date of lodging of an application for international protection, the Ministry fails to decide that the application for international protection is inadmissible or that the application for international protection has been rejected for being manifestly unfounded.

(3) The Ministry is entitled to impose special measures if it allows an applicant for international protection entry into the Territory without the issuance of a decision. In such case, the Ministry shall arrange transportation of the applicant for international protection to an asylum facility in the Territory.

(4) The Police and operator of the reception centre at an international airport shall perform the necessary procedures connected with allowing an applicant for international protection to enter the Territory and the operator shall arrange for transportation of the applicant for international protection to an asylum facility in the Territory.

(5) A foreign national who has not lodged an appeal against a decision of the Ministry in matters of international protection or lodged a cassation complaint, or whose appeal or cassation complaint was not awarded suspensory effect by the court shall be obliged to remain in a reception centre at an international airport for the purpose of departing from the Territory for a period not exceeding a further 30 days from the date on which a decision of the Ministry in matters of international protection or of the regional court on an appeal gains legal effect, or of the date on which a decision not to award an appeal or cassation complaint suspensory effect gains legal effect. The obligation to remain in a reception centre at an international airport for the purpose of departing from the Territory shall also apply to foreign nationals whose cassation complaint was rejected. If departure cannot be performed within the deadline according to the preceding sentence due to the existence of an impediment

beyond the control of the foreign national, the foreign national shall be permitted to enter the Territory without the issuance of a decision.

(6) The Police shall transport a foreign national who has applied for voluntary return at a reception centre at an international airport or who is obliged to remain in that reception centre for the purpose of departure to a border crossing point.

Section 75

repealed

Section 76 [\[Komentář WK\]](#)

Residence of a Recognised Refugee

A recognised refugee shall have permanent residence in the Territory in the sense of the Act on Residence of Foreign Nationals in the Czech Republic for the term of validity of the decision to grant asylum.

Registering a Residential Address

Section 77 [\[Komentář WK\]](#)

(1) The registered address of an applicant for international protection shall be that of the asylum facility in which he/she was placed by the Ministry, or the facility for detention of foreign nationals or reception centre where he/she is detained.

(2) An applicant for international protection shall apply for a change of registered address by written application made with the Ministry. When applying for a change of registered address, an applicant for international protection is obliged to

- a) state his/her surname, name, day, month, year and place of birth, citizenship, the number of his/her identity card of an applicant for international protection and the estimated duration of accommodation,
- b) submit the proof of accommodation referred to in [subsection 5](#) and
- c) submit his/her identity card of an applicant for international protection.

(3) Accommodation may be arranged only in a building which, according to special legislation³⁴⁾ is identified by a "descriptive" or "registration" number, or "orientation" number, if applicable, and which is designated for dwelling or accommodation or recreation pursuant to the Construction Act.

(4) The Ministry shall reject an application for change of the registered address if it establishes evidence to support doubts that the applicant for international protection can be reached at the new registered address for the purposes of the international protection proceedings or if it establishes that the submitted documents contain any untrue fact.

(5) For the purposes of this Act, proof of accommodation means a document

- a) of ownership of a flat or house,
- b) authorising the use of a flat or a house, or
- c) which is a written confirmation of the owner or authorised user of a flat or house, bearing his/her officially certified signature, granting consent to house the applicant for international protection; in this case, accommodation must comply with the requirements stipulated in Section 100 letter d) of the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

(6) An officially certified signature on the written confirmation of the owner or authorised user of a flat or house shall not be required if

- a) an authorised person signs the document before an empowered employee of the Ministry,
- b) the document is submitted electronically and signed with a recognised electronic signature, or
- c) the document is delivered via data box.

(7) The Ministry shall decide to delete the data on the registered address if the entry was made on the basis of altered, incomplete or forged documents, untruthful or incorrectly stated facts or at the owner's request. Remonstrations against the decision referred to in the first sentence does not have suspensory effect.

(8) After the decision referred to in [subsection 7](#) gains legal effect, the registered address shall be deemed to be the address of the Ministry.

(9) The Ministry shall notify the Police Department of a change of the registered address of an applicant for international protection within 3 working days.

Section 78 [\[Komentář WK\]](#)

(1) A recognised refugee is obliged to register his/her residence address with the Ministry within 7 working days from the date of

- a) delivery of the decision to grant asylum, or
- b) change of registered address.

(2) The obligation defined in section 1 shall also apply to a person enjoying subsidiary protection reporting his/her registered address to the Ministry.

(3) The Ministry shall inform the Police Department of a change of the registered address of a recognised refugee or person enjoying subsidiary protection within 3 working days.

(4) When registering and cancelling the registered address of a recognised refugee or a person enjoying subsidiary protection and any changes thereto, [Section 77](#) shall apply mutatis mutandis.

Section 78a [\[Komentář WK\]](#)

repealed

Section 78b [\[Komentář WK\]](#)

Leave to Remain in the Territory

(1) At the request of the foreign national, the Ministry shall decide on his/her leave to remain in the Territory if the foreign national has submitted the appurtenances described in [subsection 4](#). The Ministry shall issue a certificate of leave to remain in the Territory, specifying the term of leave to remain. Leave to remain in the Territory is out of the question if the foreign national is resident in the Territory on a residence permit pursuant to the Act on Residence of Foreign Nationals in the Czech Republic or is in detention.

(2) At the request of a legal guardian, the Ministry shall decide on leave to remain in the Territory for a child born inside the Territory.

(3) The Ministry shall decide on leave to remain in the Territory for one legal guardian of a child who has leave to remain in the Territory pursuant to this Act if he/she has submitted all the appurtenances referred to in [subsections 4 letters a\) and c\)](#) at the request of the same legal guardian.

(4) With his/her application for leave to remain in the Territory or extension of leave to remain in the Territory, a foreign national is required

- a) to submit a travel document, if he/she holds one,
- b) to submit a document proving timely lodging of a cassation complaint with a motion to grant suspensory effect or, when applying to extend the term of leave to remain, a document proving the suspensory effect of a lodged cassation complaint and a document proving that proceedings on the lodged cassation complaint have hitherto not been concluded with legal effect, and
- c) to submit a document proving his/her registered address in the Territory.

(5) At the request of the foreign national, the Ministry shall extend leave to remain in the Territory by a period essentially necessary if proceedings on a cassation complaint have not yet concluded with legal effect; the provisions of the second and third sentences in [subsection 1](#) shall apply mutatis mutandis.

(6) Leave to remain in the Territory shall expire on the date on which the court ruling on the cassation complaint or refusal to award suspensory effect to the made cassation complaint gains legal effect. Leave to remain in the Territory for a child born in the Territory pursuant to [subsection 2](#) shall terminate on the date on which the court ruling on the cassation complaint or refusal to award suspensory effect to the cassation complaint made by the legal guardian of a child born in the Territory gains legal effect. Leave to remain in the Territory for a legal guardian pursuant to [subsection 3](#) shall expire on the date on which the court ruling on the child's cassation complaint or refusal to award suspensory effect to the cassation complaint gains legal effect.

(7) The Ministry shall indicate expiry of leave to remain in the Territory with a stamp in the certificate of leave to remain in the Territory and serve a departure order on the foreign national with a deadline of a maximum of 1 month. The foreign national shall be obliged to report to the Ministry to have expiry of leave to remain stamped without undue delay, no later than 15 days from the date on which the ruling on the cassation complaint gains legal effect.

(8) The Ministry shall cancel leave to remain at the foreign national's request and shall stamp the certificate of leave to remain to this effect.

(9) [Section 77](#) shall apply mutatis mutandis to a foreign national with leave to remain in the Territory when registering his/her residential address and registering of changes thereto.

Section 78c [\[Komentář WK\]](#)

repealed

Section 78d [\[Komentář WK\]](#)

(1) A foreign national with leave to remain in the Territory shall cover the costs incurred in relation to his/her stay in the Territory from his/her own funds.

(2) Upon request and dependent on the proven property-related and financial situation of the applicant or his/her family, foreign national with leave to remain in the Territory or his family may be provided with financial assistance of up to

a) 1.6 times the living minimum for the applicant stipulated in special legislation⁹⁾, if assessed without any jointly assessed persons ([Section 42 subs. 3](#)),

b) 1.5 times the living minimum for the applicant and jointly assessed persons ([Section 42 subs. 3](#)), if 2 to 3 persons are assessed jointly,

c) 1.4 times the living minimum for the applicant and jointly assessed persons together with him/her ([Section 42 subs. 3](#)), if 4 persons are assessed jointly,

d) 1.3 times the living minimum for the applicant and jointly assessed persons ([Section 42 subs. 3](#)), if 5 or more persons are assessed jointly.

(3) The applicant for financial assistance is obliged to declare his/her financial and property-related situation or the financial and property-related situation of his/her family in the form of a statutory declaration, and substantiate the same using all available documents.

(4) Financial assistance cannot be provided if

a) responsibility for payment of costs of accommodation is borne by a legal entity or a natural person,^{9a)}

b) the applicant for the financial assistance has provided untrue data regarding his/her financial and/or property situation or the financial or property situation of his/her family, or

c) the applicant for the financial assistance has not provided information decisive for the provision of the financial assistance or about any change therein.

(5) Proceedings for the provision of financial assistance fall within the powers of the Ministry. Financial assistance shall be paid by the Ministry.

(6) The Ministry shall provide financial assistance of an amount corresponding to the living minimum of the foreign national and jointly assessed persons to a foreign national with leave to remain in the Territory accommodated free of charge in an asylum facility that does not provide food for the duration of his/her accommodation in such asylum facility. The provisions of [Section 42 subs. 4 a 5](#) shall apply mutatis mutandis. Financial assistance pursuant to [subsection 2](#) cannot be provided in such case.

CHAPTER XI

ASYLUM FACILITIES

Section 79 [\[Komentář WK\]](#)

(1) Asylum facilities serve to provide collective accommodation to applicants for international protection, recognised refugees and persons enjoying subsidiary protection in conditions guaranteeing respect for human dignity.

(2) A reception centre serves to provide accommodation to an applicant for international protection or a foreign national for the period stipulated by this Act. A reception centre at an international airport also means a reception centre at a different international airport or another asylum facility designated by the Ministry in the vicinity of an international airport if it proves impossible for reasons of capacity and related reasons to place a foreign national in a reception centre at an international airport in whose transit area he/she made an application for international protection. When transferring the foreign national to a reception centre as described in the second sentence, the Police shall be entitled to restrict his/her personal freedom and freedom of movement. Exterior security of the other asylum facility designated by the Ministry as described in the second sentence shall be performed by the Police.

(3) An accommodation centre is used to provide accommodation to an applicant for international protection until a decision on his/her application for international protection gains legal effect.

(4) An integration asylum centre is used to provide temporary accommodation to recognised refugees and persons enjoying subsidiary protection. Accommodation as referred to in the first sentence shall be provided for a maximum period of 18 months. The Ministry may exceptionally permit accommodation as referred to in the first sentence for a period longer than 18 months.

(5) The Ministry may permit the provision of meals and accommodation in an asylum facility to persons other than the persons referred to in [subsections 1 to 3](#), in particular

a) to a minor family member for whom the proceedings for granting international protection have been discontinued if his/her legal guardian is an applicant for international protection, but for no longer than until the conclusion of international protection proceedings,

- b) to a legal guardian for whom the proceedings for granting international protection have been concluded if the applicant for international protection is a minor family member, but no longer than until the conclusion of international protection proceedings,
- c) to a citizen of the Czech Republic who is the legal guardian of an applicant for international protection,
- d) to a citizen of the Czech Republic whose legal guardian is an applicant for international protection, or
- e) to a foreign national with leave to remain in the Territory pursuant to this Act for the duration of validity of the certificate of leave to remain in the Territory.

(6) A person accommodated in an asylum facility is required

- a) to respect the accommodation rules of asylum facilities,
- b) to respect hygiene regulations on the accommodation premises of an asylum facility and participate in maintenance of hygiene standards on the premises of the asylum facility as stipulated in the accommodation rules,
- c) within the asylum facility to follow the commands and instructions given by the Police and the Ministry while performing the tasks pursuant to this Act, and
- d) to protect the property of the asylum facility and that of the other accommodated persons.

(7) The Ministry shall create conditions for safe stay in asylum facilities and for support of coexistence of applicants for international protection, recognised refugees and persons enjoying subsidiary protection with the population.

(8) The Ministry shall ensure that suitably trained persons work with applicants for international protection, especially in the case of vulnerable persons,

Section 80 [\[Komentář WK\]](#)

(1) Asylum facilities shall be funded by the Ministry.

(2) Reception centres shall be operated by the Ministry.

(3) Accommodation centres and integration asylum centres shall be operated by the Ministry or a legal entity to the extent of the authorisation granted by the Ministry and for payment of a fee.

(4) Applicants for international protection shall have access to education under the terms and conditions stipulated by the Education Act^{12e)}. Via the Ministry of Education, Youth and Sports, the state shall ensure conditions for the successful integration of children of applicants for international protection subject to compulsory school attendance pursuant to the laws of the Czech Republic into education at an elementary school.

Section 81 [\[Komentář WK\]](#)

(1) A foreign national accommodated in a reception or accommodation centre is entitled to

- a) enjoy basic hygiene standards at no charge,
- b) receive meals compliant with correct nutrition principles and the foreign national's health condition three times a day and, in the case of children less than 18 years of age, five times a day,
- c) have a bed and a locker for placing his/her personal belongings,
- d) receive visitors,
- e) receive packages and money,
- f) receive and send written communications at his/her own expense,
- g) an uninterrupted eight hours of sleep,
- h) leave the accommodation centre under the conditions stipulated in [Section 82](#).

(2) Within its powers and for purposes of performance of tasks pursuant to this Act, the operator of an asylum facility shall establish whether an applicant for international protection is a vulnerable person. In the case of an applicant for international protection who is a vulnerable person, the operator shall further establish whether such applicant for international protection has any special needs, establish the nature of such needs and shall take into account such specific needs for the duration of accommodation of such applicant for international protection in the asylum facility.

(3) Under a court ruling, an unaccompanied minor shall be placed in an educational facility for institutional education upon completion of the procedures pursuant to [Section 46 subs. 1](#) or into the care of the person identified in the court ruling.

Section 81a [\[Komentář WK\]](#)

(1) A person accommodated in an accommodation centre shall not be permitted to bring into, or make, store or consume alcohol or other addictive substances in such centre and shall not be permitted to make and store any things in such centre which might be used to jeopardise the safety of people or property or that might disrupt order or damage health due to their quantity or nature.

(2) The Ministry may confiscate items referred to in [subsection 1](#) and deposit them in safekeeping. The item shall be returned to the person after the decision in matters of international protection gains legal effect or when the person leaves to live at a registered address outside the asylum facility, with the exception of items that spoil quickly, alcohol and other foods that were not confiscated intact in their original packaging. The Ministry shall apply the same procedure to items confiscated from persons by the Police during a body search and delivered to the Ministry for safekeeping.

(3) A person accommodated in a reception centre at an international airport shall not be permitted to bring or keep any electronic communication device in this centre. The Ministry may confiscate an electronic communication device and place it in safekeeping. The electronic communication device shall be returned to the person after his/her decision in matters of international protection gains legal effect or when the person leaves to live at a registered address outside the asylum facility or, in the case of a foreign national held in a reception centre at an international airport, when he/she leaves that centre. The Ministry shall apply the same procedure to any electronic communication device taken away from persons by the Police during a body search and delivered to the Ministry for safekeeping.

Section 82 [\[Komentář WK\]](#)

(1) An applicant for international protection shall be obliged to notify the Ministry in writing of his/her leaving an accommodation centre for any period exceeding 24 hours. In the notification, the applicant for international protection shall provide the address at which he/she shall be staying and the length of stay outside the accommodation centre. An applicant for international protection is required to notify the Ministry in writing of any departure from the accommodation centre for a period exceeding 3 days, at least 24 hours before leaving the accommodation centre.

(2) An applicant for international protection with his/her registered address in an accommodation centre may leave this centre for a period not exceeding 10 days per calendar month.

(3) The Ministry may permit leaving the accommodation centre for more days per calendar month than stipulated in [subsection 2](#) if this not hinder due conduct of the asylum proceedings and if the applicant for international protection has stated that he/she will remain at the notified address for at least 15 days.

(4) In the event of failure to observe the notified or approved period of absence from the accommodation centre, the accommodation centre may provide the applicant for international protection an alternative form of accommodation for an essential length of time, depending on the options available to the centre. The notification pursuant to [subsection 1](#) and permission to leave the accommodation centre described in [subsections 2, 3 and 5](#) shall expire on the applicant's return to the accommodation centre.

(5) If international protection proceedings have been discontinued pursuant to [Section 25 letter i\)](#) for the grounds specified in [Section 10a subs. 1 letter b\)](#) or if a special measure has been imposed on the applicant for international protection, leaving an accommodation centre for a period exceeding 24 hours is dependent upon prior permission from the Ministry; [subsection 1](#) shall apply mutatis mutandis. In such case, the Ministry may permit absence from the reception centre for a period of a maximum of 10 days in one calendar month; [subsection 3](#) shall not apply.

Section 83 [\[Komentář WK\]](#)

(1) The Ministry shall issue accommodation rules for asylum facilities which shall cover details regarding the organisational and technical aspects of a foreign national's stay in an asylum facility.

(2) The accommodation rules shall in particular lay down the

- a) timetable for pocket money payments,
- b) timetable for meal provision,
- c) visiting rules,
- d) timetable for issuance of hygiene products,
- e) rights and obligations of persons accommodated in asylum facilities,
- f) conditions for accommodation in asylum facilities,
- g) rules for making applications, complaints and suggestions concerning the running of asylum facilities, and
- h) culture, sports and other activities available specifically for various age groups of minor children.

(3) If a foreign national is unable to understand the language in which the accommodation rules have been issued, the operator shall ensure that the foreign national is informed of the contents thereof in an alternative manner.

(4) The accommodation rules shall also be published in a language that the majority of accommodated persons are able to understand, and displayed in a publicly accessible place.

(5) The operator of an asylum facility shall be entitled to monitor compliance with the accommodation rules by the accommodated persons. A representative of the operator of the asylum facility may enter the rooms used for accommodation only with the knowledge of the person accommodated there; without his/her knowledge, such an entry is permitted only in cases of imminent danger to life, health or property. The Inspection Code shall not apply to the monitoring activity referred to in the first sentence.

(6) Unless there exists legitimate concern that an applicant for international protection or foreign national intends to avoid or complicate his/her departure from the Territory, the Ministry shall be obliged no later than 24 in advance to inform an applicant for international protection or foreign national of the date, time and reason of his/her departure from an asylum facility; if the date and time of departure is unknown to the Ministry, it shall inform the applicant for international protection without undue delay after learning such information.

Section 84 [\[Komentář WK\]](#)

Contribution to a Municipality

(1) The Ministry shall provide a contribution to a municipality to be used to reimburse incurred costs in connection with an asylum facility located within its territory. The government shall decide on the size of the contribution for the municipality.

(2) The Ministry shall provide a one-off subsidy for development of a municipality in whose territory an asylum facility lies.

CHAPTER XII

COMMON, ENABLING AND TRANSITIONAL PROVISIONS

Section 85 [\[Komentář WK\]](#)

Procedure pursuant to a special legislation⁴⁾ shall apply for termination of stay and departure of a foreign national from the Territory, unless this Act provides otherwise.

Section 85a [\[Komentář WK\]](#)

(1) Upon making an application for international protection, any short-term visa, long-term visa or long-term residence permit issued pursuant to the Act on Residence of Foreign Nationals in the Czech Republic shall expire.

(2) If a decision to detain an applicant for international protection is made pursuant to this Act or to the Act on Residence of Foreign Nationals in the Czech Republic and detention is conducted in a detention facility for foreign nationals, for the purposes of his/her stay in the detention facility for foreign nationals such applicant for international protection shall be treated as a foreign national detained pursuant to the Act on Residence of Foreign Nationals in the Czech Republic.

(3) An applicant for international protection is obliged to suffer placement in a detention facility for foreign nationals under the conditions stipulated by the Act on Residence of Foreign Nationals in the Czech Republic.

Section 85b [\[Komentář WK\]](#)

(1) Unless procedure pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic is followed, the Ministry shall issue a departure order ex officio with a maximum deadline of 1 month to a foreign national after a decision to not to grant international protection, a decision to discontinue proceedings or a decision to reject an application for international protection as manifestly unfounded has gained legal effect or after a court ruling on an appeal against such decision by the Ministry has gained legal effect, unless such decision is overturned by the court. In justified cases, in particular if the Ministry is deciding on payment of the costs related to voluntary return, a departure order may be issued repeatedly.

(2) A foreign national shall be obliged to report to the Ministry to collect his/her departure order without unreasonable delay, no later than 1 month from the day on which a decision referred to in [subsection 1](#) has gained legal effect. Upon expiry of this time limit, the Ministry shall not issue the departure order to the foreign national; this shall not apply if circumstances beyond the control of the foreign national exist, preventing the foreign national from reporting to collect the departure order. The foreign national is required to report to collect the departure order no later than on the working day after such circumstances have ceased to exist.

Section 86 [\[Komentář WK\]](#)

(1) The Ministry shall notify the Police and the intelligence services of the Czech Republic of any foreign nationals who have been granted any of the forms of international protection or from whom any form of international protection has been withdrawn, once the decision to grant or withdraw such protection gains legal effect.

(2) The Ministry shall notify the Ministry of Education, Youth and Sports of persons who have been granted one of the forms of international protection within 3 days of the decision becoming legally effective.

(3) The Ministry shall issue statistical breakdowns of the number of participants in proceedings pursuant to this Act and on the number of recognised refugees and persons enjoying subsidiary protection.

(4) The Ministry shall define by decree a list of safe countries of origin, safe third countries and European safe third countries. The Ministry shall review the lists of countries defined by decree at least once per calendar month.

Section 87 [\[Komentář WK\]](#)

(1) The Police, the intelligence services of the Czech Republic or the Ministry of Foreign Affairs shall provide the Ministry or a court, upon their request, any information or opinion necessary to establish beyond reasonable doubt the state of affairs in proceedings provided for under this Act. The Police or the intelligence services of the Czech Republic shall refuse to provide such information or opinion if that would jeopardise the performance of their tasks. If the substance of such information or opinion includes a fact that must remain secret in the interest of the Czech Republic, such information or opinion shall not become a part of the file. The Ministry shall facilitate familiarisation with an essential part of the substance of such information or opinion by an applicant for international protection and also to an empowered representative with authorisation to be acquainted with classified information pursuant to the Act on Protection of Classified Information.

(2) Upon request an organisational unit of the state established by the Ministry ([Section 92c](#)) and the intelligence services of the Czech Republic shall, via the Ministry, provide each other information falling within their terms of reference, established while performing the tasks defined in this Act or special legislation¹²⁾. The intelligence services of the Czech Republic shall refuse to provide information if this would jeopardise performance of their tasks.

(3) The Police shall notify the Ministry promptly of any facts relevant to the commencement of proceedings for withdrawal of asylum or subsidiary protection, and of any circumstances preventing a foreign national from reporting to a reception centre within the stipulated period.

(4) The Police shall promptly provide the address of a reception centre at the request of a foreign national.

(5) The Police pass on an application for international protection made with the Police by a foreign national to the Ministry without undue delay. When passing on a made application for international protection, the Police shall inform the Ministry of the first name, surname, date of birth, sex and citizenship of a foreign national who has made an application for international protection and of the place and date on which such application for international protection was made.

(6) At the request of the Ministry, the Police shall verify the information contained in an application pursuant to [Section 77](#).

(7) At the request of the Ministry, the Ministry or the Police shall ensure the transportation of an applicant for international protection or a foreign national to the border crossing of the state bound by a directly applicable regulation of the European Union²⁰⁾ responsible for examining the application for international protection or obliged to take the foreign national back. The Ministry or the Police shall likewise ensure the transportation of an applicant for international protection or a foreign national from a border crossing point, in the event that the Czech Republic is responsible for examining the application for international protection or obliged to take the foreign national back. The Police shall be entitled to restrict the personal freedom and freedom of movement of the applicant for international protection or the foreign national during his/her transportation.

(8) The Ministry shall deliver to the Police the travel document of a foreign national which its holder has failed to reclaim after the completion of proceedings for granting international protection were completed and gained legal effect. The Police shall return an invalid travel document to the issuing state as a document found in the Territory. A similar procedure shall also apply in the case of a travel document the holder of which is not present in the Territory.

(9) At the request of the Ministry, the Police shall ensure the transportation of an applicant for international protection to a detention facility for foreign nationals for the purpose of his/her detention pursuant to [Section 46a subs. 2 or 3](#). The Police shall be entitled to restrict the personal freedom and freedom of movement of an applicant for international protection.

(10) The costs incurred by the Police in connection with transportation of an applicant for international protection pursuant to [subsections 7](#) and [9](#) shall be reimbursed by the Ministry.

Section 87a [\[Komentář WK\]](#)

(1) A foreign national placed in an asylum facility referred to in [Section 73 subs. 1](#) or in the second sentence of [Section 79 subs. 2](#) shall be considered as an applicant for international protection for the purposes of provision of health services and services defined in [Section 42](#), with the exception of pocket money. Financial assistance pursuant to [Section 43](#) cannot be provided.

(2) A foreign national whose proceedings on an application for international protection have been discontinued on the grounds of inadmissibility pursuant to [Section 10a subs. 1 letter b\)](#) shall be regarded as an applicant for international protection for the purposes of provision of health services and services defined in [Section 42](#), with the exception of pocket money, until he/she departs the Territory. Financial assistance pursuant to [Section 43](#) cannot be provided.

(3) The rights and obligations of an applicant for international protection pursuant to this Act and special legislation shall not apply to an applicant for international protection who has made a further repeat application. For the purposes of administrative expulsion and detention, such applicant for international protection shall be regarded as a foreign national pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

(4) The period of stay of a foreign national or an applicant for international protection in a reception facility at an international airport, his/her relocation to a different reception centre at an international airport or his/her relocation to a different asylum facility pursuant to [Section 79 subs. 2](#) and his/her stay therein shall not be deemed to be entry and stay within the Territory. [Section 46 subs. 2](#) shall apply mutatis mutandis to the stay of an applicant for international protection in asylum facilities as per the first sentence herein.

Section 88 [\[Komentář WK\]](#)

Healthcare Services

(1) An applicant for international protection and his/her child born in the Territory and a foreign national with leave to remain in the Territory and his/her child born in the Territory shall be provided healthcare services to the extent of services paid from health insurance pursuant to the Public Health Insurance Act^{12a)} and healthcare services relating to mandatory quarantine or another measure relating to the protection of public health, at no charge and for the duration of a 60-day period after the child's date of birth; this shall not apply if the health services are provided pursuant to a different legislation.12d)

2) The costs related to the provision of health services referred to in [subsection 1](#) shall be borne by the state; the costs incurred by a provider of health services shall be covered from public health insurance.

(3) For the purposes of public health insurance, an applicant for international protection and a foreign national with leave to remain in the Territory shall be considered a foreign national with permitted permanent residence in the Territory until a decision of the Ministry in matters of international protection becomes executable. A child of an applicant for international protection born in the Territory, a child of a foreign national with leave to remain born in the Territory, and a child who was born in the Territory to a recognised refugee or a person enjoying subsidiary protection and who is staying in the Territory, for the purposes of public health insurance shall be regarded as a foreign national with permitted permanent residence in the Territory for a maximum period of 60 days from the child's date of birth or, if an application for leave to remain pursuant to this Act or for another type of residence in the Territory pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic has been made on behalf of the child, from the date of the lodging of such application until the child is granted leave to remain in the Territory pursuant to this Act or until a decision is made on any other type of permitted stay in the Territory pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic.

(4) If essential for the provision of health services to an applicant for international protection, the Ministry may make premises in an asylum facility available free of charge to the municipality in whose territory an asylum facility owned by the Ministry is located or to another entity for the purpose of providing health services pursuant to a special legislation^{12b)} to the child of an applicant for international protection born in the Territory for a period of 60 days after such child's date of birth, to a foreign national with leave to remain in the Territory or to the child thereof born in the Territory for a period of 60 days after such child's date of birth.

(5) An applicant for international protection detained in a detention facility for foreign nationals or who is being held in secure detention, custodial treatment, remand custody or serving a prison sentence shall be provided with health services pursuant to [Section 176 of the Act on Residence of Foreign Nationals](#) in the Territory of the Czech Republic.

Section 88a [\[Komentář WK\]](#)

An applicant for international protection, a foreign national with leave to remain in the Territory pursuant to this Act, a recognised refugee and a person enjoying subsidiary protection is obliged to make an application for international protection or an application for leave to remain in the Territory pursuant to this Act or an application for another type of residence in the Territory pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic on behalf of the child within 60 days from the date on which his/her child was born in the Territory. The deadline of 60 days shall be deemed to have been met for the purposes of public health insurance if the applicant for international protection, the foreign national with leave to remain in the Territory, the recognised refugee or the person enjoying subsidiary protection proves that circumstances beyond his/her control prevented him/her from complying with the obligation defined in the first sentence. An applicant for international protection, the foreign national with leave to remain in the Territory, a recognised refugee or a person enjoying subsidiary protection shall be obliged to perform the obligation defined in the first sentence no later than 3 working days after the circumstances cease to exist.

Section 88b [\[Komentář WK\]](#)

While attempting to locate family members of a child who has made an application for international protection, is a recognised refugee or a person enjoying subsidiary protection and who is present in the territory of the Czech Republic unaccompanied by a person over 18 years of age who is responsible for the child pursuant to the laws applicable in the territory of the country whose citizen the child is, or, if the child is a stateless person, in the country of his/her last residence, it is essential to proceed in such a way as not to endanger the life and freedom of the child and his/her family particularly in the country whose citizenship they have or, if they are stateless persons, in the country of their last residence.

Section 89 [\[Komentář WK\]](#)

(1) If an applicant for international protection is an unaccompanied minor, a guardian shall be appointed by the court to protect his/her rights and legally protected interests relating to his/her stay in the Territory in accordance with special legislation.13)

(2) The role of guardian shall be performed by an adult relative of an unaccompanied minor staying in the Territory; if no such person exists or if such person cannot be entrusted with the role of guardian, the role of guardian shall be performed by another suitable natural person or legal entity or by the municipal authority with extended powers according to the unaccompanied minor's registered address.

(3) If an applicant for international protection is an unaccompanied minor and justified doubts exist with respect to his/her claimed age, a medical examination shall be carried out in order to determine his/her actual age. If such unaccompanied minor refuses the medical examination, the Ministry shall regard him/her as an adult applicant for international protection. If the medical examination for determination of age is inconclusive, the Ministry shall regard such applicant for international protection as an unaccompanied minor.

(4) The Ministry shall inform an unaccompanied minor of the option of determining his/her age by medical examination pursuant to [subsection 3](#) in its summons to provide information in support of his/her made application for international protection in his/her mother tongue or a language in which he/she is able to communicate, no later than 15 days from the date of provision

of information in support of his/her made application for international protection. In the information, the Ministry shall also specify the manner in which the examination is conducted and shall inform the unaccompanied minor of the potential consequences of suffering the examination and also on the consequences of refusal to suffer a medical examination for assessment of his/her application for international protection.

Section 89a [\[Komentář WK\]](#)

The Ministry shall provide minor applicants for international protection and whose registered address is an accommodation centre with school aids to extent of compulsory school attendance.

Section 90 [\[Komentář WK\]](#)

(1) The Czech Republic may grant asylum to a foreign national without previous proceedings if he/she has been recognised as a refugee according to an international agreement by decision of the Office of the High Commissioner on condition of compliance with principle of fair burden-sharing between the signatory states of the [Convention](#) relating the Status of Refugees.

(2) The Czech Republic may also grant asylum or subsidiary protection without prior proceedings to a foreign national resettled to the Territory by the Ministry.

Section 91 [\[Komentář WK\]](#)

The scope of powers assigned pursuant this Act to a regional authority or a municipal authority of a municipality with extended powers constitutes the exercise of delegated powers.

Section 91a [\[Komentář WK\]](#)

When issuing travel documents to a recognised refugee who has been awarded the status of a recognised refugee status under an international agreement²²⁾ in a different country, responsibility for whom pursuant to an international agreement has passed to the Czech Republic, procedures as per Chapter VIII Part 4 shall be followed.

Section 92 [\[Komentář WK\]](#)

repealed

Section 92a [\[Komentář WK\]](#)

Repealed

Section 92b [\[Komentář WK\]](#)

(1) Part Two and Part Three of the Administrative Procedure Code shall not apply to proceedings for granting and termination of leave to remain in the Territory.

(2) The Appeal Commission on Residence of Foreign Nationals set up pursuant to the Act on Residence of Foreign Nationals in the Territory of the Czech Republic shall decide on appeals against decisions pursuant to [Section 53d](#) and [53e](#).

Section 92c [\[Komentář WK\]](#)

The Ministry's tasks referred to in [Section 4b](#), [Section 34 subs. 2](#), [Section 42 subs. 1 to 5, 7 and 9](#), [Section 42a subs. 1 to 3](#), [Section 43 subs. 6](#), [Section 45 subs. 3](#), [Section 47 subs. 8](#), [Section 48 letter c\)](#), [Section 50a subs. 1](#), [Section 53a subs. 2](#), [Section 54a](#), [Section 71 subs. 3](#), [Section 74 subs. 1](#) only to the scope of ensuring transportation, [Section 77 subs. 1](#), [Section 78d subs. 5 and 6](#), [Section 79 subs. 5, 7 and 8](#), [Section 80 subs. 2 and 3](#), [Section 81a subs. 2 and 3](#), [Section 83 subs. 1 and 6](#), [Section 87 subs. 7](#) only to the scope of ensuring transportation, [Section 88](#) and [89a](#) may be entrusted to an organisational unit of the state set up by the Ministry.

Administrative Infractions

Section 93 [\[Komentář WK\]](#)

Offences

(1) A foreign national commits an offence if he/she

- a) leaves a reception centre in contravention of [Section 46 subs. 1](#),
- b) fails to leave the Territory in contravention of [Section 54 subs. 2](#),
- c) fails to remain in a reception centre at an international airport in contravention of [Section 74 subs. 5](#).

(2) A foreign national with leave to remain in the Territory commits an offence by failing to comply with the obligation described in [Section 78b subs. 7](#) or fails to perform at least one of the acts described in [Section 88a](#).

(3) An applicant for international protection commits an offence if

a) in contravention of [Section 3c](#),

1. he/she fails to report to the reception centre designated by the Ministry within 24 hours of the moment at which he/she made an application for international protection with the Police pursuant to [Section 3a letter a\)](#) item 3, was released from hospital, secure detention, custodial treatment, remand custody or prison, a decision was made to release him/her as a detainee or after he/she has left a school facility for institutional education or protective education or from a school facility for preventive educational care, or

2. he/she fails to inform the Police or the Ministry without undue delay of circumstances beyond his/her control,

b) he/she fails to report for interview pursuant to [Section 23 subs. 4](#),

c) he/she refuses to suffer any of the identification processes pursuant to [Section 45 subs. 6](#),

d) he/she fails to surrender his/her travel document in contravention of [Section 41 subs. 1](#)

e) he/she fails to surrender his/her long-term residence card in contravention of [Section 41 subs. 4](#),

f) in contravention of [Section 45 subs. 1](#), he/she fails to declare the funds he/she has at his/her disposal, or during his/her stay in an asylum facility, fails to surrender an item endangering the lives or health of persons or alcohol or any other addictive substance; or, if he/she is accommodated in a reception centre, he/she fails to surrender an electronic communication device,

g) he/she refuses to suffer a body search or a search of his/her personal belongings pursuant to [Section 45 subs. 2](#),

h) he/she leaves a reception centre in contravention of [Section 46 subs. 1](#).

i) in contravention of a decision of the Ministry issued pursuant to [Section 46a subs. 1, 2 or 3](#), he/she fails to remain in detention in the reception centre or in a detention facility for foreign nationals

j) he/she fails to perform any of the obligations defined in [Section 48](#),

k) he/she fails to perform any of the obligations defined in [Section 49](#).

l) he/she violates the decision of the Ministry issued pursuant to [Section 73 subs. 3](#), forbidding entry to the Territory,

m) in contravention of [Section 82 subs. 1, 2 or 3](#), he/she leaves an accommodation centre, or

n) he/she fails to perform any of the acts pursuant to [Section 88a](#).

(4) A recognised refugee commits an offence if he/she

a) fails to perform any of the obligations defined in [Section 52 letters a\) to g\)](#) or [j\)](#),

b) refuses to suffer any of the identification procedures defined in [Section 52 letters h\) and i\)](#) or, in contravention of [Section 53](#), refuses to suffer any of the identification procedures defined in [Section 45 subs. 6](#),

c) fails to perform the obligation defined in [Section 78 subs. 1](#), or

d) fails to perform at least one of the acts defined in [Section 88a](#).

(5) A person enjoying subsidiary protection commits an offence if he/she

a) fails to perform any of the obligations defined in [Section 53b letters b\) to f\)](#) or [j\)](#),

b) refuses to suffer any of the identification procedures defined in [Section 53b letters h\) and i\)](#) or, in contravention of [Section 53b letter g\)](#), refuses to suffer any of the identification procedures defined in [Section 45 subs. 6](#),

c) fails to comply with the time limit of 30 days for making an application for extension of subsidiary protection pursuant to [Section 53a subs. 4](#),

d) in contravention of [Section 78 subs. 2](#) fails to perform his/her obligation pursuant to [Section 78 subs. 1](#),

e) fails to perform at least one of the acts defined in [Section 88a](#).

(6) A natural person commits an offence if he/she

a) fails to perform the obligation defined in [Section 56](#),

b) as a person accommodated in an asylum facility, fails to perform any of his/her obligations pursuant to [Section 79 subs. 6](#), or

c) as a person accommodated in an asylum facility, breaches a ban according to [Section 81a subs. 1](#) or [3](#) or as a person accommodated in an asylum facility, breaches a ban according to [Section 81a subs. 1](#).

(7) A fine of up to CZK 2,000 may be imposed for any offence referred to in [subsection 1, 2, 3, 4](#) or [5](#) or [subsection 6 letters b\)](#) or [c\)](#); a fine of up to CZK 1,000 may be imposed for the offence referred to in [subsection 6 letter a\)](#).

(8) If a decision was made to decrease the financial assistance pursuant to [Section 42 subs. 6](#), no fine can be imposed for the offence defined in [subsection 3 letter i](#)).

Section 93a [\[Komentář WK\]](#)

Administrative Infractions Committed by a Legal Entity and an Entrepreneurial Natural Person

(1) A provider of health services commits an administrative infraction if, in contravention of [Section 56b](#), it fails to enable the Ministry to perform the necessary acts connected with international protection proceedings.

(2) A fine of up to CZK 10,000 shall be imposed for the administrative infraction referred to in [subsection 1](#).

Section 93b [\[Komentář WK\]](#)

Common Provisions on Administrative Infractions

(1) A legal entity shall not be liable for an administrative infraction if it can prove that it has made every effort that could be required in order to prevent the breach of a legal obligation.

(2) When determining the amount of the fine for a legal entity, the severity of the administrative infraction shall be taken into account, particularly the manner in which it was committed and its consequences and the circumstances under which it was committed.

(3) Liability of a legal entity for an administrative infraction shall cease to exist if the administrative body fails to commence proceedings on the infraction within 1 year after it learns about the infraction or within 3 years from the day such infraction was committed.

(4) The provisions of this Act concerning liability and sanctions against a legal entity shall apply to liability for actions performed during business activities carried out by a natural person or in direct connection with such activities.

(5) The administrative infractions referred to in this Act shall be heard by the Ministry as the first instance.

Section 94 [\[Komentář WK\]](#)

Temporary Provisions

(1) An application for the granting refugee status made by an applicant before this Act gains legal effect shall be deemed to be an application for initiation of proceedings on granting asylum and shall be assessed pursuant to this Act.

(2) A foreign national who was granted a refugee status under former legislation shall be deemed to be a recognised refugee under this Act on the date on which this Act gains legal effect.

PART TWO

repealed

Section 95

repealed

PART THREE

FINAL PROVISIONS

Section 96

Act No. [498/1990 Coll.](#), on Refugees, as amended by Act No. [317/1993 Coll.](#), and [Article III of Act No. 150/1996 Coll.](#) shall be repealed.

Section 97

This Act shall become effective on 1 January 2000.

Klaus, signed

Havel, signed

Zeman, signed

**Schedule 1
repealed**

Schedule 2 repealed

Selected Provisions of Amendments

[Art. II of Act No. 2/2002 Coll.](#)

Temporary Provisions

1. An application for initiation of asylum proceedings that has not been decided upon with legal effect by the effective date of this Act shall be considered as an application for asylum.
2. Proceedings on a remonstrance that have not been decided upon by the Minister of the Interior by the effective date of this Act shall be completed pursuant to the legislation applicable hitherto.
3. If the time limit stipulated by the legislation applicable hitherto for lodging an appeal against a decision in matters of asylum has not expired, such an appeal may be made via the Minister of the Interior even after this Act becomes effective.
4. Proceedings on the matter of a review of the lawfulness of a Ministry's decision initiated before this Act becomes effective or pursuant to item 3 shall be completed pursuant to the legislation applicable hitherto.
5. The legal status of a foreign national who is a participant of the proceedings referred to in item 4 shall be governed by the legislation applicable hitherto.
6. For the term of validity of a visa permitting leave to remain pursuant to the hitherto applicable [Section 73](#), provision of healthcare shall proceed according to the new legislation for applicants for asylum.
7. Procedure pursuant to [Section 43](#), with the exception of the last sentence of subsection 2, shall apply in the proceedings on provision of financial aid to a foreign national who has been issued with a visa granting leave to remain. Where a provision uses the term "an applicant for asylum with his/her registered address outside an accommodation centre", for the purposes of such proceedings this shall mean a foreign national issued with a visa granting leave to remain.
8. If appeal proceedings concerning an asylum case have been suspended due to the fact that the appellant's address is unknown and if such a fact precludes the making of a decision on the case, the court shall discontinue the proceedings upon the expiry of 90 days, unless a change in circumstances occurs.

[Art. II of Act No. 350/2005 Coll.](#)

Temporary Provision

The legal status of a foreign national whose cassation complaint against a ruling of a regional court issued prior to the effective date of this Act has not yet been decided on shall be governed by the legislation applicable hitherto for the duration of the proceedings on such cassation complaint.

[Art. V of Act No. 136/2006 Coll.](#)

1. Proceedings commenced prior to the effective date of this Act shall be completed pursuant to Act No. [325/1999 Coll.](#), as amended until the effective date of this Act.
2. Travel documents with a data carrier containing biometric data on fingerprints shall be issued as of 1 April 2009.

[Art. II of Act No. 165/2006 Coll.](#)

Temporary Provisions

1. Prior to the expiry of his/her visa for stay longer than 90 days, a foreign national remaining in the Territory on long-term residence card permitting exceptional leave to remain or due to an impediment to departure from the Territory, granted pursuant to [Section 91 of Act No. 325/1999 Coll.](#), as amended until the effective date of this Act, shall be obliged to arrange his/her further stay in the Territory pursuant to Act No. [325/1999 Coll.](#), as amended until the effective date of this Act. In such cases, [Section 10 subs. 3 of Act No. 325/1999 Coll.](#), as amended from the effective date of this Act, shall not apply to the lodging of an application for international protection.
2. Applications for asylum that have not been decided on by the Ministry with legal effect by the effective date of this Act shall be treated as applications for international protection as defined in Act No. [325/1999 Coll.](#), as amended from the effective date of this Act.

[Art. IV of Act No. 379/2007 Coll.](#)

Temporary Provision

Proceedings that have not been completed with legal effect until the effective date of this Act shall be completed according to [325/1999 Coll.](#), as amended until the effective date of this Act.

[Art. IV of Act No. 427/2010 Coll.](#)

Temporary Provisions

1. Proceedings pursuant to the Asylum Act, initiated before the effective date of this Act still incomplete until such date shall be completed according to and related rights and obligations shall be assessed pursuant to Act No. [325/1999 Coll.](#), as amended until the effective date of this Act.

2. Asylum permits and subsidiary protection permits issued pursuant to Act No. [325/1999 Coll.](#), as amended until the effective date of this Act shall be treated as residence cards pursuant to [325/1999 Coll.](#), as amended as of the effective date of this Act.

[Art. II of Act No. 103/2013 Coll.](#)

Temporary Provisions

1. The rights and obligations of a person enjoying subsidiary protection pursuant to [Section 14a](#) or [14b of Act No. 325/1999 Coll.](#) as amended until the effective date of this Act shall be governed by Act No. [325/1999 Coll.](#) as amended until the effective date of this Act.

2. Proceedings pursuant to Act No. [325/1999 Coll.](#), initiated before and not completed by the effective date of this Act, shall be completed and the rights and obligations related to such proceedings shall be assessed pursuant to Act No. [325/1999 Coll.](#) as amended as of the effective date of this Act.

[Art. II of Act No. 314/2015 Coll.](#)

Temporary Provisions

1. Proceedings pursuant to Act No. [325/1999 Coll.](#), initiated before and not completed by the effective date of this Act, shall be completed and the rights and obligations related to such proceedings shall be assessed pursuant to Act No. [325/1999 Coll.](#) as amended as of the effective date of this Act, unless stipulated otherwise.

2. A declaration of the intention to apply for international protection made pursuant to Act No. [325/1999 Coll.](#) as amended before the effective date of this Act shall be treated as making an application for international protection pursuant to Act No. [325/1999 Coll.](#) as amended as of the effective date of this Act.

3. The making of an application for international protection pursuant to Act No. [325/1999 Coll.](#) as amended before the effective date of this Act shall be treated as provision of information in support of a made application for international protection pursuant to Act No. [325/1999 Coll.](#) as amended as of the effective date of this Act.

4. The deadline for issuance of a decision and extension thereof pursuant to Act No. [325/1999 Coll.](#) as amended before the effective date of this Act shall apply to proceedings initiated before the effective date of this Act.

5. A foreign national's stay in a reception centre or detention facility for foreign nationals and placement in a reception centre at an international airport in consequence of refusal to permit entry to the Territory pursuant to Act No. [325/1999 Coll.](#), as amended before the effective date of this Act, shall be terminated pursuant to Act No. [325/1999 Coll.](#), as amended before the effective date of this Act.

6. Determination of whether an applicant is a vulnerable person with special needs shall not apply in proceedings pursuant to Act No. [325/1999 Coll.](#) initiated before the effective date of this Act and incomplete as at that date.

7. A visa for a stay over 90 days for permitting leave to remain in the Territory granted pursuant to [Section 78b of Act No. 325/1999 Coll.](#), as amended before the effective date of this Act shall be considered valid for the period specified therein.

8. A departure order issued pursuant to Act No. [325/1999 Coll.](#), as amended before the effective date of this Act shall be considered valid for the period specified therein.

[Art. X of Act No. 318/2015 Coll.](#)

Temporary Provisions

1. Proceedings for the issuance of a travel document without machine readable data and without a data carrier with biometric data initiated before the effective date of this Act shall be completed pursuant to Act No. [325/1999 Coll.](#), as amended, before the effective date of this Act.

2. In the period between 15 December 2015 and 31 December 2015, applications for issuance of a travel document with machine readable data and with a data carrier with biometric data cannot be made or accepted.

1) Council Directive [2011/95/EU](#) of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

- 2a) [Section 129 of Act No. 326/1999 Coll.](#)
- 3) [Section 130 to 151 of Act No. 326/1999 Coll.](#)
- 4) Act No. [326/1999 Coll.](#)
- 4) Act No. [326/1999 Coll.](#), as amended.
- 4a) Council Regulation (EC) No. [343/2003](#) of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application made in one of the Member States by a third-country national. Commission Regulation (EC) No. [1560/2003](#) of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No. [343/2003](#) establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application made in one of the Member States by a third-country national.
- 5b) [Section 22 of the Administrative Code.](#)
- 5c) [Section 26 of the Administrative Code.](#)
- 5d) [Section 32 subs. 2 letter d\) of the Administrative Code.](#)
- 5e) [Section 33 subs. 4 of the Administrative Code.](#)
- 5f) [Section 38 subs. 2 of the Administrative Code.](#)
- 5g) [Section 49 of the Administrative Code.](#)
- 5h) [Section 69 subs. 4, second sentence of the Administrative Code.](#)
- 5i) [Section 71 subs. 1 and 3 of the Administrative Code.](#)
- 5j) [Section 81 to 93](#) and [Section 152 of the Administrative Code.](#)
- 6) Act No. [40/1993 Coll.](#), on Gaining and Losing Citizenship of the Czech Republic, as amended.
- 8) Act No. [36/1967 Coll.](#), on Experts and Interpreters. Decree No. [37/1967 Coll.](#), on the implementation of the Act on Experts and Interpreters, as amended.
- 8a) [Part 1 Chapter III division three of Act No. č. 150/2002 Coll.](#)
- 9) [Section 2 a 3 of Act No. č. 110/2006 Coll.](#), on the Living and Subsistence Minimum.
- 9) Act No. [463/1991 Coll.](#), on the Living Minimum, as amended.
- 9a) [Section 15](#) and [180 of Act No. 326/1999 Coll.](#)
- 9a) [Section 20 of Act No. 326/1999 Coll.](#)
- 9b) [Section 56 subs. 2 of Act No. 150/2002 Coll.](#), as amended by No. [165/2002 Coll.](#)
- 9d) [Section 50 of Act No. 326/1999 Coll.](#), as amended by Act No. [222/2003 Coll.](#), Act No. [428/2005 Coll.](#), of Act No. [161/2006 Coll.](#) and Act No. [379/2007 Coll.](#)
- 9e) [Section 150 of the Administrative Code.](#)
- 9f) Council Regulation (EC) No. [2252/2004](#) of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended.
- 10) Act No. [368/1992 Coll.](#), on Administrative Fees, as amended.
- 11) [Section 167 letter d\) of Act No. 326/1999 Coll.](#)
- 12) Act No. [153/1994 Coll.](#), on Intelligence Services, as amended by Act No. [118/1995 Coll.](#)
- Act No. [154/1994 Coll.](#), on the Security Information Service, as amended by Act No. [160/1995 Coll.](#)
- Act No. [67/1992 Coll.](#), on the Military Defence Intelligence Service, as amended.
- 12a) Act No. [48/1997 Coll.](#), on Public Health Insurance and on changes and amendments to some related Acts, as amended.
- 12b) Council Regulation (EC) No. [871/2004](#) of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism.
- 12c) Act No. [561/2004 Coll.](#), on Pre-school, Elementary, Secondary, Higher Technical or Other Education (the Education Act), as amended.
- 12d) Act No. [326/1999 Coll.](#), on the Residence of Foreign Nationals in the Territory of the Czech Republic, as amended.
- Act No. [169/1999 Coll.](#), on Serving Prison Terms, as amended.
- 12e) Act No. [561/2004 Coll.](#), on Pre-school, Elementary, Secondary, Higher Technical or Other Education (the Education Act).
- 12f) Act No. [160/1992 Coll.](#), on Healthcare in Non-state Healthcare Facilities, as amended.
- 13) Act No. [94/1963 Coll.](#), on the Family, as amended.
- 14) Act No. [141/1961 Coll.](#), on Judicial Criminal Proceedings (the Criminal Code), as amended.

- 15) Council Regulation (EC) No. [1030/2002](#) of 13 June 2002 laying down a uniform format for residence cards for third-country nationals, as amended by the Council Regulation (EC) No. [380/2008](#).
- 16) Act No. [337/1992 Coll.](#), as amended.
- 16) Act No. [153/1994 Coll.](#), on Intelligence Services, as amended.
- Act No. [154/1994 Coll.](#), on the Security Intelligence Service, as amended.
- Act No. [289/2005 Coll.](#), on Military Intelligence, as amended by Act No. [274/2008 Coll.](#)
- 17) [Section 5 subs. 1 of Act No. 110/2006 Coll.](#)
- [Section 3 of Government Decree No. 409/2011 Coll.](#), on indexation of the living minimum and the subsistence minimum.
- 18) Council Directive [2003/109/EC](#) of 25 November 2003 concerning the status of third-country nationals who are long-term residents, as amended by [2011/51/EU](#) of the European Parliament and Council of 11 May 2011 amending Council Directive [2003/109/EC](#) to extend its scope to beneficiaries of international protection.
- 19) Directive [2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).
- Directive [2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).
- Regulation (EU) No. [604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection made in one of the Member States by a third-country national or a stateless person (recast).
- 20) Regulation (EU) No. [604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection made in one of the Member States by a third-country national or a stateless person (recast).
- Commission Regulation (EC) No [1560/2003](#) of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No. [343/2003](#) establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application made in one of the Member States by a third-country national as amended by Commission Implementing Regulation (EU) No. [118/2014](#) of 30 January 2014 amending Regulation (EC) No [1560/2003](#) laying down detailed rules for the application of Council Regulation (EC) No [343/2003](#) establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application made in one of the Member States by a third-country national.
- 21) Directive [2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).
- Council Directive [2003/86/EC](#) of 22 September 2003 on the right to family reunification.
- 22) Ministry of Foreign Affairs Communication No. [208/1993 Coll.](#), regarding accession to the Convention relating to the Status of Refugees and the Protocol Relating to the Status of Refugees.
- 23) [Section 140 of the Administrative Code.](#)
- 24) Communication No. [108/2004 Coll. m. s.](#), on accession to the Convention Relating to the Status of Stateless Persons.
- 25) [Section 94 to 99 of the Administrative Code.](#)
- 26) [Section 100 to 102 of the Administrative Code.](#)
- 27) Art. 20 of the Treaty on the Functioning of the European Union.
- 28) Protocol no. 24 to the Treaty on the European Union and to the Treaty on the Functioning of the European Union on asylum for nationals of Member States of the European Union.
- 29) Art. 6 subs. 4 letters a) to e) of Regulation No. 439/2010 of the European Parliament and of the Council of 19 May 2010 on establishing a European Asylum Support Office.
- 30) [Section 18 of the Administrative Code.](#)
- 31) Act No. [150/2002 Coll.](#), the Code of Administrative Justice, as amended.
- 32) [Section 29 of Act No. 111/2006 Coll.](#), on Assistance in Material Need, as amended.
- Ordinance No. [389/2011 Coll.](#), on implementation of certain provisions of the Assistance in Material Need Act.
- 33) Act No. [258/2000 Coll.](#), on Protection of Public Health and Amendment of Certain Related Acts, as amended.
- 34) Ordinance No. [326/2000 Coll.](#), on the method of identifying streets and other public spaces with names, on the method of use and location of numbers to identify buildings, on the requirements for announcement of re-numbering of buildings and of the procedure and notification process for allocation of numbers and the documents required for allocation of numbers, as amended.