

ECRE COUNTRY REPORT 2002: CZECH REPUBLIC

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years:

Table 1:

Month	2001	2002	Variation +/- (%)
January	1,228	1,334	+8.6
February	1,228	678	-44.8
March	1,636	726	-55.6
April	1,539	763	-50.4
May	1,600	603	-62.3
June	1,699	525	-69.1
July	1,614	580	-64.1
August	1,780	580	-67.4
Sept.	1,497	607	-59.5
October	1,498	774	-48.3
November	1,355	629	-53.6
December	1,420	683	-51.9
TOTAL	18,094	8,482	-53.1

Source: Ministry of Interior, Department of Asylum and Migration Policy.

2. Breakdown according to the country of origin/nationality, with percentage variation:

Table 2:

Country	2001	2002	Variation +/- (%)
Ukraine	4,419	1,676	-62.1
Vietnam	1,525	891	-41.6
Slovak Republic	388	843	+117.3
Moldova	2,459	724	-70.6
Georgia	1,290	678	-47.4
Russian Federation	642	629	-2.0
China	317	511	+61.2
Armenia	1,019	452	-55.6
India	1,305	364	-72.1
Belarus	438	312	-28.8
Iraq	296	201	-32.1
<i>Stateless</i>	67	132	+97.0
Bulgaria	290	123	-57.6
Romania	1,848	98	-94.7
Uzbekistan	34	84	+147.1
Mongolia	134	79	-41.0
Algeria	127	73	-42.5
Kazakhstan	133	66	-50.4
Kyrgyzstan	50	59	+18.0
Azerbaijan	89	48	-46.1
FRY	111	36	-67.6
Nigeria	40	34	-15.0

Sri Lanka	146	32	-78.1
Turkey	58	31	-46.6
Afghanistan	356	27	-92.4
FYROM	88	23	-73.9
Ivory Coast	31	22	-29.0
Pakistan	70	19	-72.9
Lithuania	24	16	-33.3
Senegal	5	15	+200.0
Syria	25	13	-48.0
Morocco	12	12	-
Somalia	6	12	+100.0
Ghana	9	10	+11.1
Iran	13	8	-38.5
DR Congo	7	8	+14.3
Sudan	5	8	+60.0
Bangladesh	21	7	-66.7
Poland	6	7	+16.7
Burkina Faso	4	6	+50.0
Ethiopia	3	6	+100.0
Thailand	-	6	-
Lebanon	18	5	-72.2
Cuba	8	5	-37.5
Nepal	21	4	-81.0
Guinea-Conakry	19	4	-78.9
Tunisia	9	4	-55.6
Sierra Leona	12	3	-75.0
Republic of Congo	4	3	-25.0
Bosnia-Herzegovina	3	3	-
Jordan	2	3	+50.0
Cameroon	-	3	-
Tajikistan	6	2	-66.7
Gambia	2	2	-
Albania	2	2	-
Israel	2	2	-
Yemen	1	2	+100.0
USA	-	2	-
Egypt	-	2	-
Libya	-	2	-
Latvia	8	1	-87.5
Angola	7	1	-85.7
Peru	4	1	-75.0
Turkmenistan	4	1	-75.0
Estonia	1	1	-
Mali	1	1	-
South Africa	1	1	-
Guinea-Bissau	1	1	-
Kenya	-	1	-
Bolivia	-	1	-
Greece	-	1	-
Austria	-	1	-

<i>Others</i>	48	13	-72.9
TOTAL	18,094	8,482	-53.1

Source: Ministry of Interior, Department of Asylum and Migration Policy.

3. Persons arriving under family reunification procedure:

There is no special family reunification procedure in Czech law. Individuals granted refugee status based on family links (of which there were 41 in 2002) arrived in the country as asylum seekers together with the principal successful claimant for asylum.

4. Refugees arriving as part of a resettlement programme: None.

5. Unaccompanied minors: 215 (2001: 239).

53 minors were accompanied by distant relatives, while 162 minors applied for asylum alone. The highest numbers of these came from India, China, the former Soviet Union, Iraq and the Slovak Republic, or were stateless.

RECOGNITION RATES

6. The statuses accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions:

Table 3:

Status	2001				2002			
	First instance		Appeal		First instance		Appeal	
	Number	%	Number	%	Number	%	Number	%
No status awarded	6,017	35.0	984	57.5	5,139	37.1	1,355	65.6
Convention status	75	0.4	8	0.5	101	0.7	2	0.1
Rejected – obstacle to travel	13	0.1	17	1.0	16	0.1	11	0.5
Procedure discontinued	8,986	52.3	575	33.6	6,717	48.5	590	28.5
Applications withdrawn	2,080	12.1	-	-	1,881	13.6	-	-
Returned to first instance	-	-	126	7.4	-	-	109	5.3
TOTAL	17,171	100	1,710	100	13,854	100	2,067	100

Source: Ministry of Interior, Department of Asylum and Migration Policy.

Comments: Refugee status was granted in forty-seven instances on the grounds of persecution, in forty-one instances for family reunion purposes and in fifteen instances for humanitarian reasons. Recognition rates in the Czech Republic are very low in comparison with the countries of Western Europe. A significant number of applicants do not await the final decision on their asylum claim and leave the country. There are some problems relating to the interpretation of some concepts, for example the Department of Asylum and Migration Policy interprets the notion ‘affiliation to social group’ very restrictively, and there are also no concrete criteria for the granting of humanitarian status. The Department uses information on the situation in countries of origin only selectively, making the asylum determination process difficult and inconsistent.

There are still many asylum seekers in the asylum system who were unable to extend their work and business permits in 2000 (and 2001) when the new restrictive amendments to the Aliens Act came into effect. As a result of these, numbers of foreigners from the Russian Federation, Moldova, Romania and Ukraine filed applications for asylum in the Czech Republic.

7. Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages:

Table 4:

Country of origin	2001		2002		Overall number
	First instance		Appeal		
	Number	%	Number	%	
Russian Federation	3	0.5	-	-	28
Belarus	23	7.1	2	9.0	26
Afghanistan	8	1.3	1	1.5	17
Iraq	4	1.4	-	-	8
Armenia	1	0.1	-	-	6
Cuba	-	-	-	-	4
Syria	-	-	-	-	4
Azerbaijan	-	-	-	-	3
Ukraine	3	0.1	-	-	2
FRY	9	6.3	-	-	1
<i>Stateless</i>	1	2.4	-	-	1
Vietnam	2	0.2	-	-	1
Ethiopia	-	-	-	-	1
Jordan	-	-	-	-	1
Kazakhstan	-	-	5	38.5	-
<i>Others</i>	21	-	-	-	-
TOTAL	75	0.4	8	0.5	103

Source: Ministry of Interior, Department of Asylum and Migration Policy

Comments: The 2002 figures were available neither as being distinguishable by the stage in the procedure at which status was granted nor as a percentage of the total number of each nationality.

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

- 8. **Persons returned on safe third country grounds:** 347 (2001: Figure unavailable).
- 9. **Persons returned on safe country of origin grounds:** 589 (2001: Figure unavailable).
- 10. **Number of applications determined inadmissible:** 2,430 (2001: Figure unavailable).
- 11. **Number of asylum seekers denied entry to the territory:** Figures unavailable.
- 12. **Number of asylum seekers detained, the maximum length of and grounds for detention:** 1,513 (2001: 4,473).

The longest period for detention in the aliens' detention centre is 180 days. Since 2002 the detention centre 'Velké Přílepy II – Jezová' has been reserved for families with children. The majority of asylum seekers from China, India, Iraq and Turkey apply for asylum from a detention centre.

- 13. **Deportations of rejected asylum seekers:** Figures unavailable - very few are deported.
- 14. **Details of assisted return programmes, and numbers of those returned:** 474 (2001: 449).

In 377 cases the repatriation was carried out on land, and in 97 cases by air. 266 persons applied for repatriation during the first stage of their procedure, while 208 voluntarily applied for repatriation during the second, appeal stage.

15. Dublin Convention practice comments:

The Czech Republic is not party to the Dublin Convention. A 'Dublin centre' will be operational at the time of the accession of the Czech Republic to the European Union in May 2004.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern:

In 2002, 201 new applications for asylum were submitted by nationals of Iraq. Eight Iraqis were granted refugee status in 2002, with 66 cases pending at the year's end.

Twenty-seven new applications for asylum were submitted by nationals of Afghanistan in 2002. Seventeen Afghans were granted refugee status in 2002, with twenty-four cases pending at the year's end.

Temporary protection based upon a governmental order (290/2001 of 18 July 2001) was offered to 250 Chechen asylum seekers. The protection expired on 30 June 2002.

Unaccompanied minor applicants form another problematic group. During 2002, 215 minors applied for asylum in the Czech Republic, most of them originating from India or China. The Ministry of Education, Youth and Sport prepared a proposal for the education of children with language barriers, including unaccompanied minor applicants, which the Czech government accepted in April 2002. The Department intends to establish an accommodation facility for these children but due to lack of funds the opening of the centre has been continually postponed.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed:

Significant changes to the Asylum Act (325/1999 Coll.) were accepted at the end of the year and these amendments came into force on 1 February 2003. The aim of these changes was to prevent abuse of the asylum procedure.

Asylum seekers are now only allowed to work when in possession of a work permit, which they can apply for after one year in the asylum procedure. It is quite difficult to obtain this permit, as applicants require a valid visa that expires after just two months, meaning that the validity of a work permit is also limited to this period. Not only applicants but also their employers must pay a relatively high fee for a work permit.

Since February 2002 financial benefits up to the official subsistence minimum for those residing outside asylum centres have been limited to three months. Realistically, the restrictive character of the new law makes it very difficult for asylum seekers to live outside asylum centres. Healthcare for asylum seekers is provided only in medical facilities, chosen by the Ministry, that have signed a specific agreement. Problems in some regions have been caused where there are insufficient specially contracted doctors.

Repeat claims can only be made two years following the end of a previous asylum determination procedure, although the Ministry reserves the right to accept repeat claims in cases worthy of special attention. This situation has resulted in various decisions of the Austrian authorities with regards to cases of asylum claimants who would otherwise be returned from Austria to have their asylum claims processed in the Czech Republic. These decisions have implied that the Czech Republic does not respect the principle of *non-refoulement*.

18. Changes in refugee determination procedure, appeal or deportation procedures:

The Department of Asylum and Migration Policy is responsible for the asylum procedure. Until 31 January 2002 applicants could appeal against the decision on their asylum claim to the Minister of Interior, who created a special committee for such cases comprising representatives of state administrative and academic institutions and non-governmental organisations. Since 1 February 2002 applicants have been able to appeal against the decision of this committee to the High Court. This procedure should secure independent examination of the decision of the administrative authorities, although this change has prolonged the asylum procedure and the High Court was initially ill-prepared for the new role of examining the legality of the Minister's decision. Applicants who appeal to the High Court must apply for a visa for the toleration of their stay in the Czech Republic, and are no longer considered applicants for asylum.

A new amendment to the Asylum Act and the Act of Judicial Administrative Procedure came into force on 1 January 2003. Since then applicants have been able to appeal against the decision of the Ministry of Interior to regional courts, and it is in turn possible to make a complaint to the highest Administrative Court against the judgment of the regional court. In such cases the applicants must again apply for a visa to legalise their stay in the Czech Republic, and the rights attached to the toleration visa ensure only a very poor standard of living in the country.

19. Important case-law relating to the qualification for refugee status and other forms of protection:

No information was provided.

20. Developments in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate:

There were no significant developments in the use of the exclusion clauses in 2002, and no official use of the exclusion clauses was observed.

21. Developments regarding readmission and cooperation agreements:

There were no significant developments regarding readmission and cooperation agreements in 2002.

THE SOCIAL DIMENSION

22. Changes in the reception system:

There were no significant changes in the reception system in 2002.

23. Changes in the social welfare policy relevant to refugees:

Applicants who live in a refugee centre receive accommodation and food free of charge, as well as some pocket money each month. Applicants who live outside the centres receive a financial allowance for three months only, after which time they must use their own resources.

24. Changes in policy relating to refugee integration:

The program for the integration of recognised refugees, which is operated by the Ministry of Interior, continued throughout 2002. In December the Ministry introduced new condition for obtaining accommodation – successful completion of a Czech language course.

25. Changes in family reunion policy:

There were no significant changes in family reunion policy in 2002. Very few families were reunited.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy:

There is no resettlement policy in the Czech Republic.

27. Developments in return policy:

There is no comprehensive forced return policy in the Czech Republic.

28. Developments in border control measures:

There were no significant developments in border control measures in 2002.

29. Other developments in refugee policy:

The Czech Republic adopted the 1961 Convention on the Reduction of Statelessness in 2002.

POLITICAL CONTEXT

30. Government in power during 2002:

Parliamentary elections took place in June 2002 and the winner was the Social Democrats (ČSSD). This party established a coalition government with two other parties (KDU-ČSL and UN).

31. Governmental policy vis-à-vis EU developments:

The government concentrated on preparation of a plebiscite concerning attachment to the EU.

32. Asylum in the national political agenda:

The issue is rarely discussed. During discussions on the amendment to the Asylum Act only a few MPs were involved or even paid attention to the issue. The right-wing People's Democratic Party through their leader Vaclav Klaus, the current Czech President, announced intentions to introduce restrictive measures towards foreigners, but there has been no follow-up made by any party following the elections. The restrictive measures adopted by Parliament therefore reflected the opinion of the Department for Asylum and Migration Policy of the Ministry of Interior.

