

**Amendment of the  
Act No. 325  
on Asylum and Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic as  
amended in later versions  
(Asylum Act)**

**The Parliament has adopted the following Act of the Czech Republic:**

**PART ONE  
ASYLUM  
CHAPTER I  
Introductory Provisions**

**Article 1  
Subject Matter of Regulation**

The Act regulates:

- a) conditions of entry and stay of an alien, who expresses his intention to apply to the Czech Republic for protection in the form of asylum, in the territory of the Czech Republic (hereinafter the "Territory") and stay of a refugee in the Territory,
- b) proceedings on granting or withdrawal of asylum,
- c) rights and obligations of the applicant for asylum and asylum holder,
- d) the competence of the Ministry of Interior (hereinafter the "Ministry"), Ministry of Education, Youth and Physical Culture and Police of the Czech Republic (hereinafter the "Police") in this area of state administration,
- e) state integration programme,
- f) asylum establishments.

**Article 2  
Basic Terms**

- (1) A safe country of origin means the country of the alien's nationality or, in case of stateless persons, the country of his former habitual residence:
  - a) where the state powers respect human rights and are capable of ensuring compliance with human rights and legal regulations,
  - b) the nationals of which or stateless persons do not leave this state's territory on the basis of reasons stated in Article 12,
  - c) which has ratified and complies with international agreements on human rights and fundamental freedoms,
  - d) which allows the activity of legal entities which supervise the status of compliance with human rights.
- (2) A safe third country means a country other than that of the alien's nationality or, in case of stateless persons, the country of his former habitual residence where the alien stayed prior to entry in the Territory and where the alien may return and apply for refugee status under an international agreement<sup>1</sup> without being subject to persecution, torture, inhuman or degrading treatment or punishment. A country shall not be a safe third country if obstacles to travel referred to in Article 91 may be applied to it.
- (3) An asylum holder is an alien who was granted asylum under this Act for the period of validity of the decision on asylum.
- (4) For the purposes of this Act, persecution means danger to life or freedom as well as measures causing psychological pressure or any other similar treatment if carried out, supported or tolerated by the authorities in the country of the alien's nationality or, in case of stateless persons, in the

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<sup>1</sup> Information of the Ministry of Foreign Affairs No. 208/1993 Coll., on the Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees.

country of his former habitual residence, or if such country is not able to ensure protection against such treatment in an adequate manner.

- (5) For the purposes of this Act, permanent residence means the country where a stateless person stayed prior to entry in the Territory and to which he developed links of a more permanent nature.
- (6) For the purposes of this Act, an asylum establishment means a reception centre, a residence centre and an integration asylum centre (Chapter XI).

## **CHAPTER II**

### **Expression of Intention to Claim Asylum**

#### **Article 3**

- (1) As an expression of intention to apply for asylum (hereinafter "Asylum Statement") is considered an expression of an alien's will from which it is obvious that he/she seeks in the Czech Republic protection from persecution.
- (2) Asylum Statement can be made either in writing or orally into a protocol.

#### **Article 3a**

An alien is entitled to make an Asylum Statement

- a) to the Police
  1. at a border crossing<sup>2</sup>,
  2. at a reception centre,
  3. at a department of Aliens and Border Police under the condition that he/she came voluntarily, or
  4. in an establishment for detention of aliens<sup>3</sup>, or
- b) to the Ministry if he/she is hospitalized in a medical establishment or placed in the detention or serving an imprisonment sentence.

#### **Article 3b**

- (1) An entitlement of an alien to make Asylum Statement in an establishment for detention of aliens<sup>3</sup> ceases to exist seven days after he has been informed by the Police about the possibility to apply for asylum on the territory and on the consequences connected with expiry of this deadline.
- (2) The Police informs an alien in a language in which he/she is able to communicate. The Police shall prepare a record about this act which shall be signed by the aliens and by the author of the report. If the alien shall refuse to sign it or if he cannot write, this fact shall be stated in the report.

#### **Article 3c**

- (1) An alien who submitted an Asylum Statement is, for the purpose of provision of medical care (Art. 88) and provision of accommodation, food and other services (Art. 42, para 1, letter a) considered as an asylum seeker
  - a) during the period for which he/she is entitled to reside on the territory on the basis of entry visa,
  - b) for five days from the submission of an Asylum Statement in case he/she has not been granted entry visa,
  - c) for the time of submission of an Asylum Statement during hospitalisation or execution of detention or imprisonment sentence until the time when he/she is obliged to arrive to a reception centre.
- (2) During the period stated in paragraph 1, a residence of an alien on the territory cannot be terminated ex officio.

#### **Entry Visa**

#### **Article 3d**

- (1) Entry visa shall be issued to an alien who made an Asylum Statement at a border-crossing point, in a reception centre or at a department of the Aliens and Border Police and who demonstrated his/her identity by a travel document or certified it by an affidavit.
- (2) Entry visa shall be issued by the Police.

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<sup>2</sup> Art. 3, para 2 of the Act No. 326/1999 Coll., on the Stay of Foreigners on the Territory of the Czech Republic and on the change of relevant Acts.

<sup>3</sup> Art. 14 of the Act No. 326/1999 Coll.

- (3) Entry visa is valid for the period of thirty days from the date of its issuance.
- (4) Entry visa entitle the holder to reside on the territory for the period stated in the visa.

#### **Article 3e**

- (1) An alien who made an Asylum Statement at a border crossing point or at the department of Aliens and Border Police shall be issued visa entitling him to reside on the territory for a period necessary to arrive to a reception centre designated by the Ministry.
- (2) The period of residence is considered as extended while obstacles independent of the aliens' will preventing him/her from arriving to a reception centre existed.
- (3) An alien is obliged
  - a) to inform the Police or the Ministry about existence of an obstacle without delay,
  - b) to arrive into a reception centre within 24 hours after the obstacle ceased to exist.
- (4) Upon arrival of the alien into a reception centre, the Police shall extend the validity of his/her visa until the day stipulated by the Ministry as the day for submission of an asylum application (Art. 10).

#### **Article 3f**

An alien who made an Asylum Statement in a reception centre shall be issued by the Police visa entitling him to reside on the territory until the day stipulated by the Ministry as the day for submission of an asylum application (Art. 10).

#### **Article 3g**

Entry visa cannot be issued if the alien

- a) is, as of the time of the submission of Asylum Statement, entitled to reside on the territory on the basis of residence permit under special legal regulation<sup>4)</sup>, or
- b) made an Asylum Statement in the transit area of an international airport.

### **Transportation of an Alien into an Asylum Establishment**

#### **Article 4**

- (1) The Police shall transport an alien who made an Asylum Statement at a border crossing point or at the Department of Asylum and Border Police into a reception centre designated by the Ministry if this is required by the medical condition of the foreigner or if there is a well-founded fear that the alien would not arrive to the reception centre within the stipulated deadline.
- (2) Transportation related expenses shall be covered by the Ministry.

#### **Article 4a**

- (1) An alien who made an Asylum Statement is obliged to arrive to a reception centre designated by the Ministry within 24 hours from the moment of his/her release from a hospital, detention or imprisonment establishment; Art. 4, para 1 here applies in similar manner.
- (2) The deadline described in paragraph 1 is considered as extended in case that fulfilment of this obligation is prevented by an obstacle independent of the alien's will.
- (3) An alien is obliged
  - a) to inform the Police or the Ministry about the obstacle without unnecessary delay;
  - b) to arrive into a reception centre within 24 hours after the obstacle ceases to exist.

#### **Article 4b**

The Ministry shall transport an asylum seeker who was released from and establishment for detention of aliens into an asylum establishment as designated by the Ministry.

## **CHAPTER III**

### **Article 8**

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<sup>4</sup> Act No. 326/1999 Coll.

Proceedings on granting or withdrawal of asylum is within the competence of the Ministry.

#### **Article 9**

Part I of the Chapter Four of the Administrative Code shall not apply to the asylum procedure.

#### **Article 10**

##### **Initiation of Procedure**

- (1) Asylum determination procedure commences at the moment of submission of the Application on a form contained in the Attachment No. 1.
- (2) An asylum application can be submitted by an alien who made an Asylum Statement.
- (3) An alien who has already applied for asylum in the Czech Republic cannot submit a new asylum application for at least two years from the day when the previous asylum procedure was effectively terminated. If an alien requested a judicial review of his claim, then as the beginning of this two-year deadline is considered the day when the judicial decision came into effect
- (4) The Ministry may in cases deserving special consideration make an exemption from this deadline.
- (5) The Ministry shall without unnecessary delay invite an alien to submit the Application; in this invitation it shall stipulate the place and deadline for the submission of this Application.

#### **Article 11**

A proceeding on withdrawal of asylum commences on the basis of an initiative of the Ministry.

#### **Reasons for Granting Asylum**

##### **Article 12**

Asylum shall be granted to an alien if it is established in asylum proceedings that the alien:

- a) is persecuted for the exercise of his political rights and freedoms, or
- b) has a well-founded fear of persecution for reasons of race, religion, nationality, membership to a particular social group or political opinion in the country of his nationality or, in case of a stateless persons, in the country of his former habitual residence.

#### **Article 13**

##### **Asylum for the purpose of Family Reunion**

- (1) A family member of an asylum holder, who was granted asylum under Art. 12 or 14, shall be in cases deserving special consideration granted asylum for the purpose of family reunion even when in a standard asylum procedure no reason for granting asylum under Art. 12 shall be found.
- (2) A family member for the purpose of family reunion under paragraph 1 is considered:
  - a) a spouse of the asylum holder;
  - b) single minor child (under 18 years of age) of the asylum holder; or
  - c) a parent of the asylum holder under 18 years of age.
- (3) Granting of asylum on the basis of family reunion in cases of a spouse is conditioned by the existence of marriage before the time of granting asylum to the asylum holder.

#### **Article 14**

##### **Humanitarian Asylum**

If during the asylum procedure a reason for granting asylum under Article 12 shall not be found, asylum can be, in cases deserving special consideration, grant asylum on the basis of humanitarian reasons.

#### **Reasons Excluding Granting of Asylum**

##### **Article 15**

Asylum may not be granted even if reasons stated in Article 12 are established but there is a well-founded suspicion that the alien who submitted an asylum application:

- a) committed a crime against peace, a war crime or a crime against humanity within the meaning of international instruments which contain provisions on such crimes,
- b) committed a serious non-political crime outside the Territory prior to his submission of the asylum application, or
- c) is guilty of acts contrary to the principles and objectives of the United Nations.

## **Article 16**

- (1) Asylum application shall be rejected as manifestly unfounded if the applicant
  - a) states only economic reasons;
  - b) without serious reason submits incorrect information on his/her identity or nationality or refuses to state these information;
  - c) applies for asylum only to escape from a situation of general poverty;
  - d) in repeatedly submitted asylum application states similar fact as in his/her previous application or states other information which he/she must have known already at the time of the submission of his/her previous application;
  - e) arrived from a country considered by the Czech Republic as a safe third country or a safe country of origin unless it is proved that in this particular case the country cannot be considered as such;
  - f) holds more than one nationality and failed to avail himself of the protection of any of the country of his nationality unless he/she proves that he his unable to avail himself/herself of such protection for reasons stated in Art. 12;
  - g) does not state any facts indicating that he could be persecuted for reasons described in Art. 12;
  - h) states facts obviously inauthentic;
  - i) could have found an effective protection in another part of the country of his nationality, or in case of a stateless person in another part of the country of his last permanent residence when the fear of persecution obviously applies only to a part of the country;
  - j) with the intention to complicate the determination of the real state of facts he/she demolished, damaged or concealed his/her travel document or another important deed or with this intention submitted false or altered travel document or another important deed, or
  - k) submitted asylum application in order to avoid imminent expulsion or hand-over for criminal prosecution even though no objective reasons prevented him/her from applying for asylum earlier.
- (2) Decision rejecting an asylum application as manifestly unfounded can be issued within maximum of 30 days after the beginning of the asylum procedure.
- (3) If the applicant does not have legal capacity (Art. 92) and is not accompanied by his/her legal representative, an asylum application cannot be rejected as manifestly unfounded.

## **Reasons for Withdrawal of Asylum and Termination of Asylum**

### **Article 17**

- (1) Asylum granted on the basis of reasons under Art. 12 shall be withdrawn if:
  - a) before asylum was granted, the asylum holder submitted incorrect data or withheld any facts relevant for the reliable establishment of the actual status of things,
  - b) the asylum holder voluntarily re-availed himself of the protection of the country of his nationality or the country of his former habitual residence,
  - c) the asylum holder voluntarily re-gained the nationality of the country which he left for reasons of well-founded fear of being persecuted,
  - d) the asylum holder obtain new nationality and therefore has the option to avail himself of the protection of such a country,
  - e) the asylum holder voluntarily remains in the country which he left for reasons referred to in Article 12,
  - f) the asylum holder can avail himself of the protection of the country of his nationality since the reasons for which asylum was granted ceased to exist, or
  - g) the asylum holder is a stateless person and can return to the country state of former habitual residence since the reasons for which asylum was granted ceased to exist.
- (2) If the reason on the basis of which asylum for family reunion was granted and if no other reason deserving special consideration for its maintenance shall be found, asylum for the purpose of family reunion shall be withdrawn.
- (3) If a reason on the basis of which humanitarian asylum was granted and if no other special reason deserving consideration for its maintenance, humanitarian asylum shall be withdrawn.

## **Article 18**

Asylum shall terminate:

- a) upon the death of the asylum holder or when an asylum holder is pronounced dead,
- b) upon naturalisation of an asylum holder as a Czech citizen<sup>6</sup>, *or*
- c) by way of a written statement of the asylum holder renouncing the asylum.

## **Joint Provisions on Proceedings**

### **Article 19**

- (1) The Ministry shall be entitled to establish all data required for issuance *of* the decision on asylum.
- (2) The Ministry is obliged to inform the participant in the asylum procedure on its duty to ensure the protection of personal information.

### **Article 20**

#### **Participant in the Proceedings**

- (1) Under this Act, a participant in the proceedings is:
  - a) an applicant for asylum, or
  - b) asylum holder where procedure on withdrawal of asylum commenced.
- (2) Throughout the duration of the proceedings, the participant in the proceedings shall be entitled to be represented on the basis of a power of attorney; if the power of attorney is not given to an advocate, signature of the participant on the affidavit must be officially verified.

### **Article 21**

- (1) A participant in the proceedings shall be entitled to request the assistance of a legal entity or private individual who provides legal assistance to refugees. If such a person provides to the participant in the procedure free legal assistance, the Ministry may contribute to the payment of expenses connected with the provision of such assistance on the basis of a contract concluded in writing.
- (2) The provisions of paragraph 1 shall not affect the participant's rights to legal assistance provided on the basis of another legal regulation; the costs related to the provision of this legal assistance shall be borne by the participant.

### **Article 22**

- (1) A participant in the proceedings shall be entitled to use his mother tongue or in a language in which he is able to make himself understood during the proceedings on granting asylum. For this purpose, the Ministry shall provide the participant with a free interpreter for the duration of the proceedings.
- (2) A participant in the proceedings shall be entitled to engage an interpreter of his own choice at his own expense.

### **Article 23**

#### **Interview**

- (1) An authorised employee of the Ministry shall conduct an interview with the asylum seeker in order to establish, in a reliable manner, the actual status of things. He shall make a protocol on the interview.
- (2) The asylum seeker is obliged to come for an interview on the basis of an invitation from the Ministry.
- (3) For reasons deserving special consideration, the Ministry shall arrange that the interview is conducted and that - if this is within its possibilities - interpreting is provided by a person of the same sex.

### **Article 24**

#### **Delivery of Written Material to Asylum Seekers**

- (1) Written material shall be delivered to the hands of asylum seekers.

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<sup>6</sup> Act No. 40/1993 Coll., on Acquisition and Loss of Citizenship of the Czech Republic as amended.

(2) Written material, which has not been successfully delivered shall be deposited in a reception or residence centre at the place of the asylum seeker's registered residence or in an establishment designated by the Ministry if the asylum seeker lives outside an asylum establishment. Information on non-delivery of a written material shall be posted by the Ministry at a customary place. If the addressee shall not collect the remittance within ten days after its deposition, then the last day of this period is considered as the date of delivery even though the addressee did not learn about this deposition.

(3) When it has been reliably determined that an asylum seeker has been for a long time residing at the place of his/her registered residence and his/her whereabouts are not known, the Ministry shall deliver its decision in the manner described in paragraph 2.

#### **Article 24a**

##### **Handover of Decision**

(1) Decision shall be handed over to an asylum seeker at the place and time stipulated by the Ministry in a written invitation for handover of the decision.

(2) If an asylum seeker does not come at a specified day and time to receive the decision even though an invitation was delivered to him, then as a day of handover of asylum decision to an asylum seeker is considered the day stated in the invitation for the delivery.

#### **Article 25**

##### **Termination of Procedure**

Proceedings shall be terminated if:

- a) the asylum seeker has withdrawn his/her asylum application,
- b) the reason for proceedings brought on the Ministry's initiative ceased to exist,
- c) asylum seeker died during the procedure,
- d) the asylum seeker fails to come for an interview without any serious reason (Article 23, para 2) or fails to provide information required for the actual status of things to be established in a reliable manner and a decision cannot be made on the basis of the facts established so far,
- f) the period of suspension of the proceedings expired (Article 26), with the exception of proceedings suspended for medical reasons, and provided that a decision cannot be made on the basis of the file,
- g) another state is competent to carry out the asylum procedure, or
- h) asylum seeker during the asylum procedure entered illegally a territory of another state or attempted to enter illegally a territory of another state.

#### **Article 26**

##### **Suspension of Proceedings**

Proceedings may be suspended if:

- a) the participant in the proceedings was requested to eliminate faults of the submission within a specified period of time, however, for the maximum period of 14 days, or
- b) if the participant cannot take part in the proceedings due to medical reasons or other serious reasons of a long-term nature, for the period as required, however, no longer than 90 days.

#### **Article 27**

##### **Decision**

A decision on the matter shall be issued by the Ministry within 90 days from the date of the commencement of the proceedings. If a decision cannot be made within this period due to the nature of the matter, the Ministry may extend this period accordingly. It shall notify the participant of the extension of the period in writing without unnecessary delay.

#### **Article 28**

If it is decided to refuse or withdraw asylum, the Ministry shall indicate in the decision whether an obstacle to travel applies to the alien (Article 91).

## **Effectiveness of decisions in the asylum procedure**

### **Article 31a**

Decisions in the asylum procedure has come into effect, when no appeal or judicial complaint can be submitted against it.

## **CHAPTER IV**

### **Review of a decision in the asylum procedure**

#### **Article 32**

- (1) Against a decision of the Ministry of Interior in the asylum procedure can be submitted a judicial remedy<sup>7</sup>.
- (2) A remedy can be submitted within 15 days after delivery of the decision.
- (3) Within seven days from the time of delivery of a decision can be submitted a remedy against a decision
  - a) rejecting an application as manifestly unfounded,
  - b) delivered at the time when the asylum seeker was placed in a reception centre in a transit area of an international airport,
  - c) submitted in a centre for detention of aliens<sup>3</sup>,
- (4) If a decision does not contain a regular information on the possibility of remedial action then a remedy can be submitted within 60 days after delivery of the decision.
- (5) A timely submitted remedy has a suspensive effect with the exception of a remedy submitted against a decision on termination of the asylum procedure under Art. 25, letter g).

#### **Article 33**

- (1) Remedy is submitted to the Ministry of Interior.
- (2) The Ministry of Interior shall forward the remedy, along with his comments, to the appropriate court within 15 days after its submission.
- (3) Before the court issues a decision on the remedy, the Minister of Interior may the cancel or change the contested decision if in this way the remedy shall be fully accommodated.

#### **Article 33a**

- (1) The court shall terminate the procedure if it is not possible to determine the place of residence of the asylum seeker and if this fact prevents the issuance on a decision in the matter.
- (2) Decision of termination of the procedure comes into effect as of the day of delivery.

#### **Article 33b**

Court shall decide on a remedy against a decision rejecting the asylum application as manifestly unfounded as soon as possible and with a priority.

## **CHAPTER V**

### **Costs and Interpreter's Fee**

#### **Article 34**

- (1) The Ministry shall cover the expenses of the asylum procedure until the time of submission of a remedy to the court, unless provided otherwise by a special law.
- (2) The Ministry shall cover the expenses which occur in connection with provision of services and pocket money (Art. 42) until the day, when a decision in the asylum procedure comes into effect.

#### **Article 35**

The fee for the activity of an interpreter and payment of costs related to this activity shall be set out by an agreement between the Ministry and the interpreter. The amount of the fee and the payment of the costs shall not exceed the amount set out according to special legal regulations.<sup>8</sup>

## **CHAPTER VI**

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<sup>7</sup> Art. 250l and foll. of the Civic Judicial Order.

<sup>8</sup> 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.



## **Office of the United Nations High Commissioner for Refugees**

### **Article 36**

The Ministry shall inform the Office of the United Nations High Commissioner for Refugees (hereinafter the "Office of the UNHCR"), on request, about the number of proceedings brought under this Act.

### **Article 37**

- (1) The Ministry of other state or public administration bodies shall allow an authorised representative of the Office of the UNHCR, on request, without any delays:
  - a) to make contact with a participant in the proceedings at any time,
  - b) to inspect a file of a participant in the proceedings,
  - c) to be present during an interview and oral hearing.
- (2) The inspection of a file shall be conditional upon a previous consent of the participant; the same shall not apply in case of a well-founded assumption that the participant is no longer in the Territory. A similar consent shall be required with the presence of an authorised representative of the Office of the UNHCR at an oral hearing .
- (3) The Office of the UNHCR may use the information obtained during the inspection of a file or during an oral hearing only for the needs of its tasks in the asylum area.

### **Article 38**

During the procedure, a participant in the proceedings under this Act shall be entitled to be in contact with the Office of the UNHCR and with legal entities which are engaged in the protection of his interests.

### **Article 39**

The Ministry shall submit the following to the Office of the UNHCR:

- a) a copy of the decision issued in the proceedings under this Act,
- b) statistical information on proceedings under this Act.

### **Article 40**

When obtaining information about persons who made Asylum Statements (Article 3), the Office of the UNHCR shall follow the provisions of this Chapter within a reasonable extent.

## **Chapter VII**

### **Rights and Obligations**

#### **Part 1**

#### **Rights and Obligations of an asylum seeker**

### **Article 41**

- (1) At the time of submission of an asylum application, an alien is obliged to hand over to the Ministry his/her travel document; this does not apply in case when he/she resides on the territory on the basis of visa or residence permit. Travel document is handed over for the period of duration of the asylum procedure. An alien to whom the obligation to handover travel document does not apply is obliged to show his/her travel document at the time of submission of his/her asylum application.
- (2) If at the time when a decision rejecting an asylum application or terminating the asylum procedure comes into effect the alien concerned resides at a reception centre in a transit area of an international airport, the Ministry shall, without unnecessary delay, hand over the travel to the Police for the purpose of termination of the alien's residence.
- (3) If asylum was granted, the ministry shall hand over the travel document to the Police for deposition during the period of its validity.

### **Article 42**

- (1) At an asylum establishment of his/her registered residence, an asylum seeker is entitled to:
  - a) free accommodation, food and other services and
  - b) pocket-money

provided that he/she tolerated actions necessary in order to determine his material and financial situation and that this situation does not justify even partial reimbursement of services as described in letter a).

(2) Instead of boarding services it is possible, taking into account the possibilities of the asylum establishment, to offer to the asylum seeker provision of a financial contribution in the amount of living minimum under special legal regulation.<sup>9</sup>

### **Article 43**

(1) An asylum seeker with a registered address outside an accommodation centre shall cover the cost of living on the Territory from the his own funds with the exception of health care (Article 88).

(2) An asylum seeker with a registered address outside an accommodation centre may be provided, upon request and with regard to the financial status of the participant or his family, with a financial contribution of up to the amount of the subsistence minimum<sup>9</sup>; this shall not apply if the alien remains on the Territory on the basis of residence permit to remain granted according to a special legal regulation<sup>4</sup>. Financial contribution can be provided during the asylum procedure for a maximum of three months.

(3) The authority competent to decide on provision of financial contribution under paragraph 2 is the Ministry.

(4) An applicant for a financial contribution under paragraph 2 shall be obliged to state his financial status ~~or~~ and the financial status of his family by way of a statutory declaration and to document the status with all documents available.

(5) Financial contribution cannot be provided if

a) the responsibility for the payment of costs connected with residence belongs to a legal entity or a natural person<sup>9a</sup>

b) the applicant for financial contribution stated false information about his/her financial or material situation of the financial or material situation of his family;

c) the applicant for financial contribution did not provide information about facts decisive for the granting of the contribution or on change of these facts; or

d) the application for financial contribution submitted the asylum application repeatedly.

(6) A financial contribution includes the following:

a) a contribution to cover sustenance and other basic personal needs,

b) a contribution to special diet food,

c) a contribution to cover necessary household expenses.

(7) The financial contribution is paid by the Ministry in a specified asylum establishment.

(8) A decision on provision of financial contribution which came into effect cannot be judicially reviewed.

### **Article 44**

If the resources of the asylum proceedings permit, an asylum seeker shall be entitled to be provided with shared accommodation together with a spouse, a direct relative or a close person if these are also asylum seekers. Close persons are considered to be persons of full age who declare that they have personal relations with each other and who agree with shared accommodation.

### **Obligation of an Asylum Seeker**

#### **Article 45**

(1) In case of a valid suspicion that an asylum seeker is withholding something which is a condition for the reliable establishment of the actual status of things, such as a travel or other document or a thing which puts the life or health of people in danger or which affects their psychology, such shall be obliged to allow a search of his person and his personal things.

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<sup>9</sup> Law No. 463/1991 Coll., on Living Minimum, as amended.

<sup>9a</sup> Art. 15 and Art. 180 of the Act No. 326/1999 Coll.

- (2) The search shall be carried out by the Police at the request of the Ministry upon the arrival of the alien in the reception centre or at any time during his stay in an asylum establishment if reasons referred to in paragraph 1 are established. The police shall make a record on the search.
- (3) The search of the person shall be carried out by a person of the same sex.

#### **Article 46**

- (1) An asylum seeker must not leave the reception centre until
  - a) identification under Article 47 is completed,
  - b) a medical examination is completed aimed at establishing whether the asylum seeker suffers an illness which endangers his life or health or the life or health of other persons,
  - c) a visa is issued in order for him to remain for the purpose of making an asylum claim and until a Certificate of an Asylum Seeker is issued (Article 57),
  - d) a quarantine or another measures related to the protection of public health is completed if the above can take place in the reception centre.
- (2) An asylum seeker must not leave the reception centre at the premises of an international airport even upon termination of acts stated in paragraph 1.
- (3) The Ministry shall carry out the acts referred to in paragraph 1 (a), (b) and (c) without unnecessary delay.
- (4) The provisions of paragraph 1 and 2 shall not apply to an alien who remains in the Territory on the basis of a visa or a residence permit granted according to a special legal regulation<sup>4</sup>.

#### **Article 47**

An asylum seeker is obliged to tolerate fingerprints and picture taking performed in order to establish or verify his identity. Fingerprints taking shall be ensured by the Police, picture taking shall be ensured by the Ministry.

#### **Article 48**

An asylum seeker shall be obliged to respect house rules of reception and accommodation centres (Article 83).

#### **Article 49**

An asylum seeker shall be obliged:

- a) to prove his identity or other facts to competent authorities with a Certificate of an Asylum Seeker (Article 57),
- b) to protect the Certificate of an Asylum Seeker against damage, destruction, loss, theft or abuse; in case such circumstances occurred, to report them to the Police without delay,
- c) to hand-over the Certificate of an Asylum Seeker which is invalid (Article 58),
- d) to hand-over the Certificate of an Asylum Seeker to the Ministry after the completion of the proceedings.

#### **Article 49a**

An asylum seeker is obliged

- a) to provide during the asylum procedure the Ministry with necessary co-operation, to state truthful and complete information necessary for a reliable determination of the state of facts;
- b) inform the court which is deciding on a remedy submitted by him/her under Art. 32 and foll. about his/her residence outside the place of his/her registered residence exceeding 20days.

### **PART TWO**

#### **Rights and Obligations of Asylum Holders**

#### **Article 50**

Rights related to permanent residency of a refugee shall not be affected by this Act.

#### **Obligations of an Asylum Holder**

### **Article 51**

An asylum holder shall be obliged to notify the Ministry of facts relevant for the continued validity of asylum status, such as naturalization as a Czech citizen.

### **Article 52**

An asylum holder shall be obliged:

- a) to protect his Certificate on Asylum Holder Residence Permit and his travel document against damage, destruction, loss, theft or abuse; in case such circumstances occurred, to report them to the Police without delay,
- b) to proof his identity with the Certificate on Asylum Holder Residence Permit or other information recorded in the certificate by operation of law to the relevant bodies,
- c) to apply to the Police for the issue of a new Certificate on Asylum Holder Residence Permit if his existing certificate expired,
- d) to apply to the Police for the extension of the Certificate on Asylum Holder Permit before his existing certificate expires,
- e) to surrender his Certificate on Asylum Holder Residence Permit and his travel document to the Police in case his asylum status is withdrawn or terminates. In case of termination of asylum for a reason referred to in Article 18 (a), the obligation shall apply to the person to whom the refugee handed over the certificate or the person who found the certificate,
- f) to surrender to the Police an invalid document issued under this Act,
- g) to report to the Police residence outside the Territory exceeding 365 days.

### **Article 53**

A refugee shall be obliged to tolerate an identification procedure under Article 47 if legal reasons for withdrawal of asylum arise.

## **Part 3**

### **Obligation of an Alien to Leave the Territory and Obligations of Other Persons**

#### **Article 54**

(1) An alien is obliged to depart from the territory

- a) without unnecessary delay if he did not submit an Application under Art. 10 even though he was invited to do so by the Ministry;
- b) within 15 days since the date of effectiveness of a decision rejecting his/her asylum application, decision on withdrawal of asylum or decision on termination of the procedure,
- c) within 3 days from the day of effectiveness of a decision issued during the time of the alien's residence in a reception centre in the transit area of an international airport.

(2) An alien does not have to comply with his/her duty to depart if he/she is entitled to reside on the territory under special legal regulation<sup>4</sup>.

#### **Article 54a**

#### **Voluntary Repatriation**

The Ministry can cover, if it is in public interest, the costs of voluntary repatriation

- a) of an asylum seeker on the basis of his/her written request submitted in the course of the asylum procedure, or
- a) of an alien on the basis of his/her written request submitted within 24 hours after the decision rejecting his/her asylum application, withdrawal of asylum or termination of the procedure came into effect into the country of origin or another state.

#### **Article 55**

#### **Obligations of Other Persons**

Legal entities or private individuals which invited an asylum seeker to the Territory according to a procedure set out by a special legal regulation<sup>4</sup> shall be obliged to cover the costs related to the stay of this asylum seeker if his/her registered address is outside an accommodation centre with the exception of costs referred to in Article 88.

#### **Article 56**

Any person who finds a Certificate of an Asylum Seeker, a Certificate of Asylum Holder Residence or a travel document shall be obliged to surrender the same to the Ministry or to any Police station without delay.

#### **Article 56a**

(1) An airline company must not transport to the territory of the Czech Republic an alien who does not have a travel document.

(2) An airline company which transported to the territory of the Czech Republic an alien as per paragraph 1 is obliged to transport this alien out of the territory of the Czech Republic if the alien at the time of decision rejecting his asylum application or terminating the asylum procedure resides at a reception centre in the transit area of an international airport.

#### **Article 56b**

A medical establishment where an alien is hospitalized is obliged to enable the Ministry to perform necessary actions connected with the asylum procedure unless this is prevented by another legal regulation. The Ministry shall reimburse to a medical establishment property damage caused in connection with the fulfilment of an obligation as per previous sentence. The right of damage compensation must be enforced within maximum of 30 days otherwise it expires. If no agreement is reached, the compensation and its amount shall be determined by a court.

### **Chapter VIII**

#### **Asylum Seeker Certificate, Asylum Seeker Residence Permit, Travel Documents**

##### **PART 1**

##### **Asylum Seeker Card**

##### **Article 57**

- (1) A Card of an Asylum Seeker shall be issued by the Ministry immediately upon submission of an asylum application:
  - a) to an asylum seeker over 15 years of age,
  - b) to an asylum seeker under 15 years of age if such participant arrived in the Czech Republic unaccompanied by his statutory representative.
- (2) If the asylum application was submitted during detention or execution of imprisonment sentence, during hospitalization or in an establishment for detention of aliens<sup>3</sup>, the Ministry shall issue an Asylum Seeker Card without unnecessary delay upon arrival of the asylum seeker into an asylum establishment.
- (3) Asylum Seeker Card is a document confirming the identity of its owner. The holder of the Asylum Seeker Card is not obliged to demonstrate the information on facts registered in this Card in another manner unless stipulated so in a special legal regulation.
- (4) Data on the identity of the asylum seeker, his nationality, address, visa issued (Article 72) and children under 15 years of age if these are also asylum seekers shall be recorded in the Asylum Seeker Card.
- (5) The Asylum Seeker Card shall be issued for the period of the proceedings.
- (6) A sample Asylum Seeker Card is contained in Attachment No. 2.

##### **Article 58**

##### **Non-validity of Asylum Seeker Card**

- (1) Asylum Seeker Card is not valid if

- a) the validity period stated on the Card expired,
  - b) a loss or a theft of this Card has been reported, or
  - c) its holder died or has been proclaimed dead.
- (2) An authority competent to issue Asylum Seeker Card shall decide on its non-validity if
- a) its holder's image has changed substantially,
  - b) the Card is damaged in such a way that information contained there are illegible or the integrity of the Card is seriously damaged, or
  - c) it contains incorrect information or unauthorized changes.

## **PART 2**

### **Asylum Holder Residence Permit Card**

#### **Article 59**

- (1) An Asylum Holder Residence Permit Card is a public document by which the refugee proves his name and surname, date and place of birth, marital status, nationality, birth number, information on the grant of asylum and registered address of residence in the Territory.
- (2) At the request of the refugee, the Police shall record in the Asylum Holder Residence Permit Card data of his children under 15 years of age including their name, surname, date of birth and address of residence in the Territory.
- (3) The Asylum Holder Residence Permit Card shall be valid for five years. The Certificate may be extended twice, each time by five years.
- (4) The Asylum Holder Residence Permit Card shall be issued, records in the Card shall be made and the Certificate shall be extended by the relevant local Foreign and Border Police Department according to the registered address of residence of the refugee.

#### **Article 60**

### **Non-Validity of Asylum Holder Residence Permit Card**

- (1) Asylum Holder Residence Permit Card is invalid if
- a) a reason described in Art. 58, para 1 occurred;
  - b) a decision on withdrawal of asylum came into effect, or
  - c) asylum ceased to exist on the basis of reasons stated in Art. 18, letter b) or c).
- (2) An authority competent to issue an Asylum Holder Residence Permit Card shall decide in its non-validity if,
- a) its holder's image has changed substantially,
  - b) the Card is damaged in such a way that records contained in it are illegible or the integrity of the Card is seriously damaged, or
  - c) it contains incorrect information or unauthorized changes.

## **PART 3**

### **Travel Documents**

#### **Travel Document**

#### **Article 61**

- (1) An asylum holder shall be issued, upon request, a travel document by the Police.
- (2) The travel document shall be valid for 5 years and may be extended; the total validity period shall not exceed 10 years. The territorial validity of the travel document shall include all countries of the world with the exception of the country of the alien's nationality or, in case of stateless persons, the country of his former habitual residence.
- (3) The validity of the travel document shall be curtailed by the Police when issued if it was to exceed the validity period of the Certificate of a Residence Permit of a Refugee.

- (4) A travel document is a public document.
- (5) A travel document shall contain a photograph of the refugee, his particulars including his name and surname, date and place of birth and nationality.
- (6) At the request of the refugee, the Police shall record in the travel document the particulars of his children under 15 years of age.
- (7) A travel document shall be issued in the Czech language and two foreign languages according to international practice.

#### **Article 62**

- (1) A travel document shall be issued and extended by the relevant local Foreign and Border Police Department according to the registered address of residence of the asylum holder.
- (2) The Foreign and Border Police Department shall notify the Ministry without delay of the issue of a travel document and any change to its validity period.
- (3) The first issue of a travel document shall not be subject to an administrative fee. A special legal regulation<sup>10</sup> shall be followed in case of a new issue and extension of the travel document.

#### **Article 63**

- (1) In the application for issuance of a travel document, the alien shall be obliged to state his name, surname, other names, sex, day, month and year of birth, place and country of birth, nationality and registered address of residence in the Territory. Two photographs shall be attached to the application.
- (2) When making changes to a travel document or extending the document, the same procedure as during its issue shall apply except that photographs shall not be required.

#### **Article 64**

##### **Non-validity of Travel Document**

- (1) Travel document is invalid if
  - a) a reason described in Art. 58, para 1 occurred,
  - b) a decision on withdrawal of asylum came into effect, or
  - c) asylum ceased to exist for reasons stated in Art. 18, letter b) or c).
- (2) An authority competent to issue travel document shall decide on its non-validity if
  - a) its holder's image has changed substantially,
  - b) the Card is damaged in such a way that records contained in it are illegible or the integrity of the Card is seriously damaged, or
  - c) it contains incorrect information or unauthorized changes.

#### **Article 65**

##### **Travel Identity Document**

- (1) A travel identity document shall be issued upon a request of an asylum holder who lost his travel document abroad by the diplomatic mission or consulate (hereinafter the "Diplomatic Mission") for the purpose of the return of the refugee to the Czech Republic.
- (2) The validity of travel identity document as per paragraph 1 shall be 30 days; in justified cases, it may be extended by the Diplomatic Mission by another 30 days.
- (3) Travel identity document is invalid for reasons stated in Art. 58, para 1.
- (4) In the application for the issue of a travel identity document, the alien shall state his name and surname, day, month and year of birth and registered address of residence in the Territory and he shall attach 2 photographs to the application.
- (5) Travel identity document shall be withdrawn during border control.

(6) The person who issued the travel identity document shall notify the Ministry without delay of the issue of the travel identity document and any change to its validity period.

#### **Article 65a**

(1) Travel identity document shall be issued in the Czech language and usually in two other foreign languages according to international conventions.

(2) A diplomatic mission shall record, upon an alien's request, into his/her travel identity document his/her children under 15 years of age.

### **PART 4**

#### **Retention of a Document Issued Under This Act**

#### **Article 66**

(1) The police shall during a control<sup>11</sup> retain a document issued under this Act if it is invalid or if a decision on its non-validity is to be issued.

(2) The Police shall notify the Ministry of the retention of the document under paragraph 1 without delay.

(3) Upon retention of a document under paragraph 1, the Police shall issue, without delay, a certificate showing the reason for retention.

#### **Article 67**

The Police shall return, without delay, the document retained to the person who issued the document.

### **Chapter IX**

#### **State Integration Programme**

#### **Article 68**

The State Integration Programme is a programme aimed at assisting aliens during their integration in the society. The State Integration Programme includes the creation of preconditions for the mastering of the Czech language and securing of accommodation.

#### **Article 69**

The State Integration Programme in the area of provision of accommodation shall be implemented in the form of one-time accommodation offer to asylum holders by the Ministry.

#### **Article 70**

(1) The State Integration Programme in the area of Czech language studies is implemented by the Ministry of Education, Youth and Physical Culture in the form of free language courses.

(2) The Ministry of Education, Youth and Physical Culture shall offer a Czech language course to a refugee within maximum of 30 days from the day when the decision granting asylum came into effect.

### **Chapter X**

#### **Record-Keeping, Address and Reporting of Address**

#### **Article 71**

##### **Record-Keeping**

(1) The Ministry shall keep

a) records on aliens who made an Asylum Statement;

b) records on the place of residence of asylum seekers and asylum holders;

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<sup>11</sup> Art. 167, letter d) of the Act No. 326/1999 Coll.



- c) records on asylum seekers and asylum holders;
- d) records on aliens born on the territory to asylum seekers or asylum holders;
- e) records on picture images made under Art. 47, and
- f) records on applicants for financial contribution.

(2) When fulfilling tasks under this Act and special legal regulations<sup>12</sup>, the Police and Intelligence Services of the Czech Republic may use information contained in records under para 1 including personal data.

(3) The Ministry may use the data maintained in the records referred to in paragraph 1 only to fulfil tasks under ~~this~~ the Act. Data from the records may be provided if applied for in accordance with a special legal regulation.

(4) Data maintained in the records under para 1, letter a) to d) are kept in the extent of information stated in the asylum application.

(5) The Police shall maintain records of visa issued to under this Act, records of addresses of asylum seekers and asylum holders and records of asylum seekers' fingerprints.

(6) Data maintained in the records referred to in paragraph 5 shall be destroyed by the Police upon the expiry of 5 years from the year when the alien terminated his stay in the Territory.

#### **Article 71a**

##### **Provision of Personal Information to Other States**

The Ministry is not bound by an obligation to apply at the Office for Protection of Personal Information for a permit for hand-over of personal information of asylum seekers or asylum holders to another states<sup>12a</sup>.

#### **Article 72**

##### **Residence on Visa for the Purpose of Asylum Proceeding**

(1) An alien who filed an asylum application shall be issued a visa by the Police for the purpose of the asylum proceedings; This does not apply if the alien remains in the Territory on the basis of a visa or residence permit issued under a special legal regulation<sup>4</sup> or is placed in an establishment for detention of aliens<sup>3</sup> or if he submitted an asylum application at a reception centre in the transit area of an international airport. The Police shall issue a visa on the day when reasons described in the previous sentence shall cease to exist.

(2) A visa referred to in paragraph 1 shall give the alien a residence permit for 60 days unless provided otherwise by this Act; the duration of the leave shall be extended by the Police by up to 60 days. The alien shall be obliged to file an application for the extension of the leave while this visa is still valid. A visa for the purpose of asylum proceedings shall expire when the decision on asylum becomes valid.

(3) If an alien resides outside an asylum establishment, a leave under paragraph 2 shall be extended by the relevant local Foreign and Border Police Department according to the registered address of the alien and the Ministry shall be notified of this extension without delay.

#### **Article 73**

##### **Residence in a Reception Centre of the Transit Area of an International Airport**

(1) The Police shall place into a reception centre in the transit area of an international airport an alien who made an Asylum Statement at this premises.

(2) The Ministry shall transport an alien into another asylum establishment on the territory designated by the Ministry if

a) a decision is not issued within five days from the beginning of the asylum determination procedure, or

b) a court shall not issue a decision within 30 days after submission of a remedy against a decision on appeal.

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<sup>12</sup> Act No. 153/1994 Coll., on Intelligence Services, as amended by Act No. 118/1995 Coll. Act No. 154/1994 Coll., on Security Intelligence Service, as amended by Act No. 160/1995 Coll. Act No. 67/1992 Coll., on Military Defence Intelligence, as amended.

(3) An alien who is placed in a reception centre under para 1 at the time when a decision rejecting his/her asylum application or terminating the asylum procedure comes into effect is obliged to tolerate placement in this centre until the time of his/her departure from the territory.

#### **Article 76**

##### **Residence of an Asylum Holder**

An asylum holder has permanent residence during the validity of the decision granting him asylum.

##### **Reporting on Place of Residence**

#### **Article 77**

(1) The place of registered residence of an asylum seeker is the asylum establishment where he/she is placed by the Ministry.

(2) Change of the place of registered residence outside a residence centre shall be reported by the asylum seeker to a department of Aliens and Border Police according to his new place of residence. The information shall be accompanied by a written certificate confirming the consent of the owner of the premises designated for accommodated containing a registration number of the premises; when the owner is a legal entity, the consent shall include also the entity's name, address and identification number, stamp and name, surname of the statutory representative.

(3) The Ministry shall not give its consent with the change of registered residence if it finds out information justifying doubts on the accessibility of the asylum seeker for the purpose of the asylum procedure at the new place of registered residence or if it finds out that the submitted documents contain false information.

(4) Change of place of residence is reported by an asylum seeker to the Department of Aliens and Border Police responsible according to the place of new residence (further reported to as 'Police department').

(5) During reporting on change of place of residence, an asylum seeker is obliged

a) by filling a form to provide information on his surname, name, date and place of birth, nationality, permanent residence abroad, registration number of his/her Asylum Seeker Card and the expected length of accommodation;

b) to provide a written certificate as per para 2. This certificate must include officially verified signature of the owner. The condition of official verification of the signature does not apply when the owner signs the certificate in front of the Police department worker and simultaneously provides his identity card;

c) to provide his/her Asylum Seeker Card;

d) to submit the Ministry's consent with the change of registered residence.

(6) The Police department shall decide on the cancellation of the place of residence if such an entry was made on the basis of altered, invalid or false documents, false or incorrect information or upon a proposal of the owner.

(7) When a decision as per para 6 comes into effect, then the last asylum establishment where the asylum seeker had a registered residence is considered as the place of registered residence.

#### **Article 78**

(1) An asylum holder is obliged to register for permanent residence at the police department within three working days since

a) the day of delivery of a decision on asylum, or

b) change of the place of permanent residence.

(2) The Police department shall inform the Ministry of the change of the place of residence of the asylum holder.

(3) Reporting on the place of residence of an asylum holder and reporting on changes of his place of residence is governed by special legal regulations<sup>4</sup>.

### **Article 78a**

A police department shall inform the Ministry on the change of the place of residence within three working days.

## **CHAPTER XI**

### **Asylum Establishments**

#### **Article 79**

- (1) A reception centre is used to provide accommodation to an alien until acts referred to in Article 46 are completed or during the period stipulated by this Act.
- (2) An accommodation centre is used to provide accommodation to an asylum seeker until a decision on his asylum application becomes valid; the Ministry may grant an exemption in cases deserving special consideration.
- (3) An integration asylum centre is used to provide temporary accommodation to asylum holders.

#### **Article 80**

- (1) Asylum establishments are established by the Ministry.
- (2) Reception centres are operated by the Ministry.
- (3) Accommodation centres and integration asylum centres are operated by the Ministry or a legal entity in accordance with authorisation granted by the Ministry and for a fee.
- (4) The state through the Ministry of Education, Youth and Physical Culture ensures conditions to integrate successfully asylum seekers, for whom school attendance is obligatory under the legislation of the Czech Republic, into primary education.

#### **Article 81**

An alien who is staying in a reception or accommodation centre shall be entitled:

- a) to basic hygienic standards free of charge,
- b) to food, free of charge, corresponding to the principles of correct nutrition and the state of health of the alien, three times a day and in case of children under 15 years of age, five times a day,
- c) to receive a bed and a locker for his personal things,
- d) to receive visitors,
- e) to receive packages and money,
- f) to receive and send, at his own expense, written communications
- g) to be allowed continuous eight hours of sleep,
- h) to leave the accommodation centre under the conditions set out in Article 82.

#### **Article 82**

- (1) An asylum seeker with registered residence in a residence centre can leave this centre for maximum of 30 days.
- (2) An asylum seeker is obliged to inform the Ministry in writing about departure from an establishment for a period exceeding 24 hours. In this information the asylum seeker shall state his address of residence and the length of his residence outside the residence centre. Departure from a residence centre for more than three days must be announced to the Ministry at least 24 hours before the departure.

#### **Article 83**

- (1) The Ministry shall issue house rules for asylum establishments which shall regulate, in detail, the organisational and technical aspects of the stay of an alien in an asylum establishment.
- (2) The house rules shall set out, in particular:
  - a) the time schedule for the payment of pocket money,
  - b) the time schedule for the provision of food,
  - c) the time schedule for the provision of health care and
  - d) visiting rules.

- (3) In case an alien is unable to understand the language in which the house rules have been issued, the operator shall ensure that the alien is informed about their contents in an alternative manner.
- (4) The house rules shall be also published in a language which the majority of those staying in the establishment are able to understand, and they shall be displayed at an open public place.

#### **Article 84**

#### **Contribution to the Municipality**

The Ministry provides contribution to the municipality

- a) for costs paid by the municipality in connection with the asylum establishment on its territory,
- b) for non-investment expenses of primary schools visited by the asylum seekers.

### **CHAPTER XII**

#### **Joint, Delegating and Temporary Provisions**

#### **Article 85**

Unless provided otherwise by this Act, a special legal regulation<sup>4</sup> shall be followed when an alien terminates his stay and leaves.

#### **Article 85a**

(1) Submission of an asylum application cancels the validity of visa issued under special legal regulation.<sup>4</sup> (2) Legal status of an alien resulting from his placement in an establishment for detention of aliens or from submission of an asylum application (Art. 10) is not affected.

#### **Article 86**

- (1) The Ministry shall notify the Ministry of Education, Youth and Physical Culture of persons who have been granted asylum within three days after the decision becomes valid.
- (2) The Ministry shall issue statistical information on the number of participants in proceedings under this Act and on the number of refugees.

#### **Article 87**

- (1) The Police, the Intelligence Services of the CR or the Ministry of Foreign Affairs shall provide the Ministry or the courts upon their request information or position needed in order to reliably determine the real state of facts in the procedure under this Act. The Police or the Intelligence Service of the CR shall refuse provision of an information or position if this would put in risk the fulfilment of their tasks. Information which must be classified in the interest of the CR do not constitute part of the file.
- (2) The Police shall notify the Ministry without delay of facts relevant for the commencement of proceedings to withdraw asylum status and facts preventing the alien from arriving into a reception centre within the stipulated period of time.
- (3) The Police shall provide without delay an address of a reception centre at the request of an alien.
- (4) The Police shall inform the Ministry without unnecessary delay of the name, surname, date of birth, sex, nationality of an alien who made an Asylum Statement and about the date and place of the submission of the Asylum Statement.
- (5) The Police shall verify, upon request of the Ministry, information stated in the information made under Art. 77, para 2.

#### **Article 88**

#### **Health Care**

(1) An asylum seeker and his/her child born on the territory shall be provided until the conclusion of the asylum procedure with health care in the Territory in the extent of care covered from medical insurance stated in a special legal regulation<sup>12a)</sup> and medical care in connection with an imposed quarantine or another measure related to the protection of public health; this does not apply if the medical care is provided under another legal regulation.<sup>12b)</sup>

(2) Medical care described in paragraph 1 is provided to asylum seekers at medical establishments designated by the Ministry with which the Ministry, or its organisational part, has concluded a contract on provision of medical care; this does not apply to provision of medical care in cases of life-threatening situations.

(3) The costs related to the provision of health care as referred to in paragraph 1 shall be borne by the state; the payment of costs incurred by medical establishments shall be covered by the Ministry from the General Treasury Administration chapter of the state budget.

(4) A child who was born to an asylum holder which remains on the Territory shall be considered as an alien with a permanent residence permit for the purposes of public health insurance until the time when a decision granting him asylum or another type of residence permit on the Territory according to a special legal regulation<sup>4</sup> is issued.

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<sup>12a)</sup> Act No. 48/1997 Coll., on Public Medical Insurance and on change and amendment of certain connected laws, as amended.

<sup>12b)</sup> Act No. 326/1999 Coll. on the Stay of Foreigners on the Territory of the Czech Republic, as amended

#### **Article 88a**

An asylum seeker is obliged to inform the Ministry about the birth of his/her child within 15 days after the birth.

#### **Article 89**

(1) If an asylum seeker is under 18 years of age and remains in the Territory unaccompanied by his statutory representative, a guardian shall be appointed by the court to protect his rights and legally protected interests related to his stay in the Territory in accordance with a special legal regulation.<sup>13</sup> With regard to the protection of a minor, the court, on the initiative of the Ministry, shall appoint a guardian without delay by way of a preliminary measure.

(2) The role of a guardian shall be played by a relative of a minor who is staying in the Territory; if there is no such person or if such person cannot be appointed a guardian, the role of the guardian shall be played by another suitable legal entity or private individual or the district council according to the registered address of the minor.

#### **Article 90**

The Czech Republic may grant asylum to an alien without previous proceedings if he has been recognised as a refugee according to an international agreement by a decision of the Office of the UNHCR provided that the principle of fair burden-sharing between the parties to the Convention relating to the Status of Refugees is adhered to.

#### **Article 91**

##### **Obstacles to Departure**

(1) The obligation to terminate stay shall not apply:

- a) if the alien would be forced to enter
  1. a country where his life or freedom are in danger for reasons of race, religion, nationality, membership of a particular social group or political opinion, or
  2. a country where he is in danger of torture, inhuman or degrading treatment or punishment or where his life is in danger as a result of a war, or
  3. a state which is requesting his extradition due to a crime which carries the death penalty according to the laws of that state, or
- b) if it was contrary to the international obligations of the Czech Republic, or
- c) if in his/her country of origin or in a third country willing to accept an unaccompanied minor exists no adequate care or acceptance corresponding to his/her needs and level of maturity.

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<sup>13</sup> Act No. 94/1963 Coll., on Family as amended.

- (2) The provisions of the previous paragraph shall not apply if the alien:
- a) can travel to another country or
  - b) presents a threat to the security of the state or has been convicted for an especially serious crime, and/or the above is justified by the fulfilment of international obligations; in such a case, the alien shall be allowed a maximum period of 60 days to seek reception in another state. If the alien proves that he cannot leave the Territory, he shall be given exceptional leave to remain by the Police under a special legal regulation<sup>4</sup>.

#### **Article 91a**

The procedure of issuance of travel documents to a refugee who was granted refugee status under an international agreement in another state and in whose case the responsibility was transferred, on the basis of an international agreement, to the Czech Republic, is governed by Chapter VIII, Part 3 with the exception Article 61, paragraph 3.

#### **Article 92**

##### **Legal Capacity**

An alien shall be considered capable of acts in law from the date when he attains 18 years. If he cannot act independently, he shall be appointed a guardian.

#### **Article 93**

- (1) An offence is committed by a person who
- a) intentionally violates an obligation stipulated in Art. 3e, para 3, letter b), Art. 4, para 1, Art. 4a, para 3, letter b), Art. 23, para 2, Art. 45, para 1, Art. 46, para 1, Art. 47, Art. 49, Art. 51 to Art. 54, Art. 72, para 2 or Art. 73, para 3;
  - b) intentionally violates an obligation stipulated in Art. 4a, para 3, letter a), Art. 41, para 1, Art. 56 or Art. 88a, or
  - c) leaves the residence centre of his registered residence for a period exceeding 30 days.
- (2) An offence described in para 1, letter a) and c) is punishable by a fine of up to CZK 2,000. An offence described in para 1, letter b) is punishable by a fine of up to CZK 1,000.
- (3) A special legal regulation<sup>14</sup> shall apply to offences and the investigation thereof.
- (4) A fine shall be exacted by the Financial Office.<sup>15</sup>
- (5) A ticket fine of up to half the amount referred to paragraph 2 may be imposed.

#### **Article 93a**

- (1) An administrative offence shall commit
- a) an airline company which shall
    1. transport to the territory an alien without a travel document, or
    2. not comply with its duty to transport an alien out from the territory (Art. 56a, para 2),
  - b) a medical establishment which shall not comply with its duty as per Art. 56b.
- 2) For an administrative offence
- a) under para 1, letter a), the Ministry shall impose a fine of up to CZK 100,000;
  - b) under para 1, letter b), the Ministry shall impose a fine up to CZK 10,000.
- (3) A procedure on fine imposition can be commenced within one year from the day, when the Ministry found out about the violation of duties but not later than three years from the day when the violation occurred.
- (4) The fine is payable within 30 days from the day when the decision on fine imposition came into effect.

<sup>14</sup> Act No. 200/1990 Coll., on Offences as amended.

<sup>15</sup> Act No. 531/1990 Coll., on Territorial Financial Authorities as amended.

Act no. 337/1992 Coll., on the Administration of Taxes and Fees as amended.

(5) The fine is paid to the Ministry and the payment is enforced by a responsible Financial Office. The fine constitutes an income of the State Budget. The collection and enforcement of fines is governed by special legal regulations.<sup>16</sup>

(6) The provisions of Chapter IV, Part 2 to 4 and Chapter V of the Administrative Code.

## **Section II**

### **Temporary Provisions**

- (1) An application for initiation of an asylum procedure where an effective decision has not been issued before the day of effectiveness of this Act is considered to be an asylum application.
- (2) Appeal procedure where a Minister of Interior has not decided before the day of effectiveness of this Act shall be finalized under the hitherto legal regulation.
- (3) If a deadline stipulated by the hitherto legal regulation for submission of a complaint against a decision in the asylum procedure has not expired, such complaint can be submitted through the Minister of Interior also after the day of effectiveness of this Act.
- (4) Procedure reviewing the legality of decision of the Minister of Interior commenced before the day of effectiveness of this Act or under para 3 shall be finalized under the hitherto legal regulation.
- (5) Legal status of an alien who participates in the procedure under para 4 shall be governed under the hitherto legal regulation.
- (6) During the validity of toleration visa issued under the hitherto Art. 73, the provision of medical care shall be governed by the new legal regulation for asylum seekers.
- (7) Procedure on provision of financial assistance to an alien who has been issued toleration visa is governed by Art. 43, with the exception of the last sentence of paragraph 2. Where a provisions use the term “asylum seeker with registered residence outside the residence establishment”, it means for the purpose of this procedure an alien with issued toleration visa.
- (8) If a procedure judicial complaint in the asylum procedure was interrupted because the complainant’s whereabouts are unknown and this facts prevents the issuance of an asylum decision, the court shall terminate the procedure after 90 days unless change of circumstances occurred.

## **PART TWO**

### **Section III**

#### **Change of Employment Act**

Act no.1/1991 Coll. On Employment in the reading of the Act No. 305/1991 Coll., Act No. 578/1991 Coll., Act No. 231/1992 Coll., Act No. 307/1993 Coll., Act No. 39/1994 Coll., Act No. 118/1995 Coll., Act No. 160/1995 Coll., Act No. 289/1997 Coll., Act No. 118/2000 Coll., Act No. 155/2000 Coll. and Act No. 369/2000 Coll., is amended as follows:

1. In Art. 2d, letter a) (including footnote 37) shall read:

“a) who was granted asylum,<sup>37)</sup>

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<sup>37)</sup> Act. No. 325/1999 Coll., on Asylum and on the change of the Act No. 283/1991 coll., on the Police of the Czech Republic, as amended (Asylum Act).”

2. After Art. 2d a new Art. 2e shall be inserted which shall read as follows:

#### **“Art. 2e**

Employment permit shall not be issued to an asylum seeker for a period of one year since the commencement of the asylum procedure; if a decision shall not be issued within this period of time, an asylum seeker may be issued employment permit under conditions stated in Art. 2a.”

### **Section IV**

#### **Temporary Provision**

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<sup>16</sup> Act No. 337/1992 Coll., as amended.

Labour relations of asylum seekers concluded before the day of effectiveness of this Act shall be governed by hitherto legal regulations.

### **PART THREE**

#### **Change of Act on Registration of Citizens**

##### **Section V**

In Art. 16 of the Act No. 133/2000 Coll., on Registration of Citizens and Birth Numbers and on change of certain laws (Act of Registration of Citizens), letter d) shall read:

“d) a person who was granted asylum on the territory of the Czech Republic.<sup>3b)</sup>”

### **PART FOUR**

#### **Day of Effect**

##### **Section VI**

This Act comes into effect on a first day of a month following its declaration.

**Klaus**

**Havel**

**Zeman**