

## COUNTRY REPORT

### **Aspiring re-migrants' behaviour in mobility policies: the case of the Czech Republic**

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**AspirE** – Asian prospects in (re)migration to/within the EU – is a three-year research project (2023-2025) that examines the decision making of aspiring (re)migrants from selected Southeast and East Asian countries (China, Japan, Philippines, Thailand and Vietnam) to and within selected EU member countries (Belgium, the Czech Republic, Finland, Germany, Italy and Portugal).

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## **Executive summary**

This research report delves into the Czech Republic's migration regulations in the context of global human mobility. As part of the broader AspirE project, the study focuses on how the Czech migration regime incorporates the behaviour of aspiring re-migrants, aiming to shed light on the interplay between migration policies and re-migrant aspirations. The report employs content analysis, specifically in the domains of labour migration, tourism, family reunification, student migration, investment migration, and EU freedom of movement, with a focus on Vietnamese nationals. The data subject to analysis originated from three main sources: Czech legislation, governmental regulations and programmes, and summaries conducted by ministries responsible for facilitating the process of acquisition of residence authorisation. The report highlights the restrictive nature of the Czech Republic's migration policies, emphasising the careful regulation of entry conditions for Third-Country Nationals (TCNs). The Czech migration regime's primary focus is on stringent entry requirements, employment ties, considerations of deservingness, and security concerns. The report notes the limited emphasis on individual life situations in the policies. The requirements for Vietnamese nationals are generally unspecified or more stringent, with the student mobility presenting a notable exception.

## **Keywords**

Migration policy, Vietnam, Czech Republic, European-Asian Migration, Labour migration policy, Family reunification policy, Schengen policy

## **Abbreviations**

HQE -Highly Qualified Employee (governmental programme)  
QE - Qualified Employee (governmental programme)  
KASP – Key and Scientific Personnel (governmental programme)  
TCN – Third country national  
EU – European Union  
MV – Ministry of the Interior  
MPSV – Ministry of Work and Social Affairs  
MPO – Ministry of Industry and Trade  
MZV – Ministry of Foreign Affairs  
MŠMT – Ministry of Education, Youth and Sports  
OAMP – Department of Asylum and Migration Policies  
CZ – the Czech Republic

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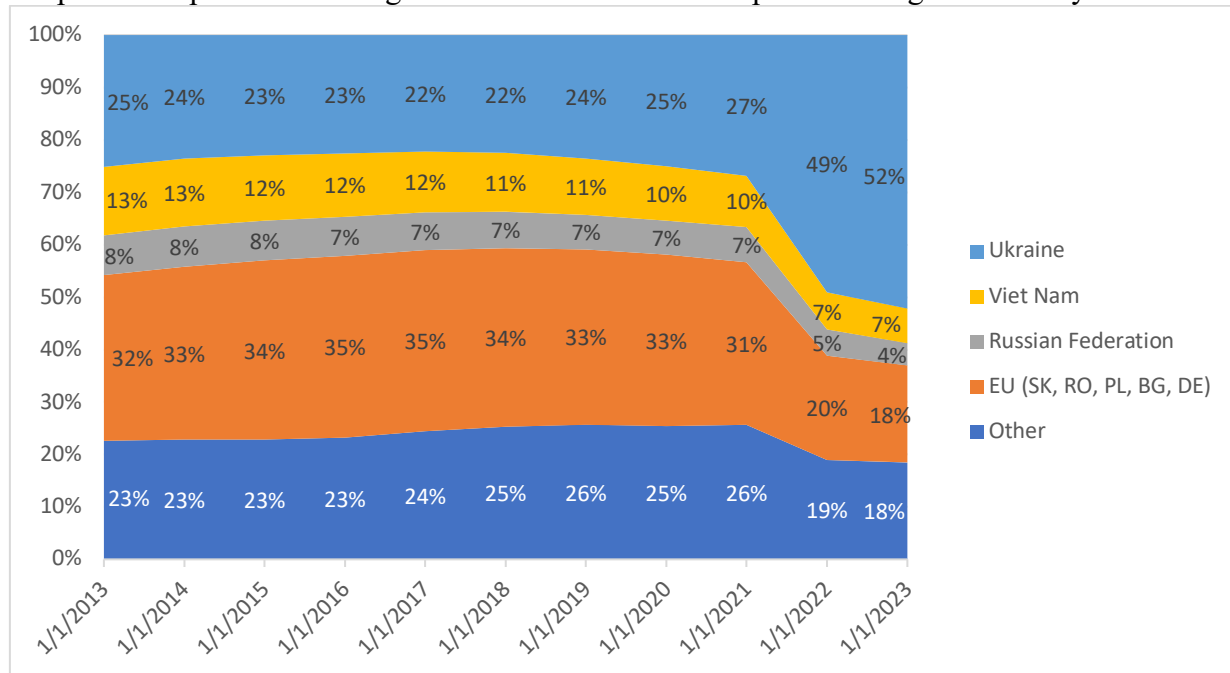
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## Introduction

In the context of global human mobility, the Czech Republic, as a post-Soviet nation, presents a unique case characterised by distinct migration patterns and regulations. This report aims to elucidate the Czech Republic's approach to legal migration and mobility by examining how aspiring re-migrants' behaviour is integrated into national mobility policies. This investigation, a part of the broader AspirE project, seeks to understand the interplay between migration policies and re-migrant behaviour, offering insights into the country's strategies for managing human movement. The central question guiding this study is: "How does the Czech Republic's migration regime incorporate the behaviour of aspiring re-migrants within its policies, shedding light on how their aspirations are considered in mobility frameworks?"

It is essential to recognise that the Czech Republic's migration policies have been described by scholarly literature as "restrictive," (Stojarová, 2019) even as the country plays host to a diverse group of foreigners, among which Vietnamese nationals constitute the second-largest migrant community. Currently, there has been a significant surge in Ukrainian nationals arriving in the country over the past two years. This situation is pressing in light of the ongoing Russian-Ukrainian conflict, with the number of Ukrainian citizens almost quadrupling, soaring from approximately 165,000 in March 2020 to an estimated 636,000 by the close of 2022. Consequently, due to the exigencies of the Russian-Ukrainian war, Ukrainian citizens now make up more than half of the foreign nationals residing on Czech soil (see Graph 1).

Graph 1 – Proportion of foreign nationals in the Czech Republic during the last 10 years



(Own representation and calculation by L. Novotna based on ČSÚ, 2023)

Ukrainian refugees, however, receive special patronage through "dočasná ochrana" or temporary protection. This protection is outside the scope of the regular Czech legal migration regime, granting Ukrainian refugees distinct rights and obligations compared to other migrants.

In essence, the foundation of the Czech Republic's migration regime rests on six laws. The most crucial is the Alien Act<sup>1</sup>, which determines the legal status of foreign nationals in the Czech Republic. It includes provisions concerning the entry, residence, work, rights, and obligations of foreign nationals within the country. The other five laws regulating migration are as follows: the law on asylum<sup>2</sup>, which outlines the procedures for seeking asylum; the law on citizenship<sup>3</sup>, which outlines the rules for acquiring and losing Czech citizenship; the Employment Law<sup>4</sup> (with regard to Immigration), which combats concealed intermediation of employment by imposing fines; Border Protection Law<sup>5</sup>, which focuses on safeguarding the state borders of the Czech Republic; and the law on temporary protection,<sup>6</sup> which encompasses the unique protection provided to foreign nationals. These laws collectively shape the framework within which legal migration is managed in the Czech Republic. The analysis carried out in this report focuses on legal mobility concerning the conceptualisation of migrants from Asia, specifically within six predefined policies: labour migration, tourism, family reunification, student migration, investments, and freedom of movement. It is worth noting that the Czech Republic primarily experiences labour-driven migration. In 2022 alone, more than half of Third Country Nationals (TCNs) granted long-term stay arrived for labour-related purposes (57 per cent). The second most prevalent reason for long-term stay was family reunification, accounting for less than a quarter of all cases (22 per cent)<sup>7</sup>.

The primary focus of this study will revolve around insights derived from the migration laws, with a specific exclusion of matters related to border protection, asylum, and temporary protection. This emphasis on Asian migrants is further narrowed down to the Czech-Vietnamese community, given that the primary surge of Asian refugees originates from Vietnam. Additionally, the Vietnamese diaspora has solidified itself as a well-established community within the Czech Republic.

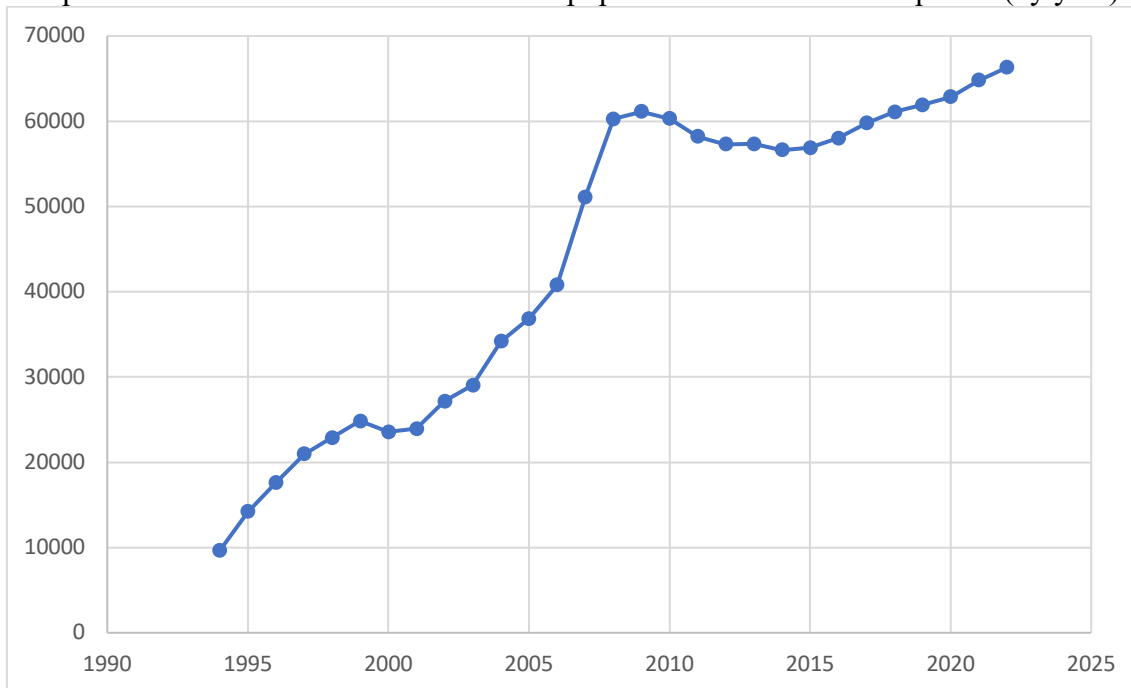
The history of Czech migration from Vietnam holds a significant legacy, dating back to the Soviet era before 1989. During this period, there wasn't a structured migration regime in place for Vietnamese citizens; rather, their mobility was constrained by performance criteria and the framework established through bilateral agreements, largely focused on work and training. The development of a migration regime began after the Velvet Revolution in 1989, coinciding with a gradual and consistent increase in the number of Vietnamese citizens in the Czech Republic.

When the Czech Statistical Office began recording data on foreign citizens in the Czech Republic, there were approximately 9,500 Vietnamese citizens scattered across the country (Graph 2). The Vietnamese population steadily increased over time. In the early 1990s, a notable number of Vietnamese individuals in Czechoslovakia capitalised on the opportunity to establish businesses by obtaining trade licenses. Many arrived during the 1990s through the family reunification process or upon the recommendations of those familiar with the Czech Republic (Martinkova, 2008, p. 176). Additionally, former students and workers returned for business ventures (ibid.). Some individuals came from neighbouring countries and following the 1993 German reunification, a considerable number of German-Vietnamese migrants settled in Czech border regions (ibid.). Vietnamese traders established stalls and sales tables, catering to local and neighbouring customers, thereby giving rise to extensive border markets. It is worth noting that Vietnamese marketplaces served as focal points for community growth throughout the Czech Republic. Interestingly, Vietnamese individuals were also engaged in various professions, and Vietnamese business owners achieved success beyond Vietnamese businesses (ibid., p. 177; Brouček, 2003).

The sharp increase occurred between 2006 and 2008, with a 50 per cent rise in the number of Vietnamese nationals in the Czech Republic. This surge can be attributed to the recruitment of Vietnamese for factory positions, often facilitated by recruitment agencies seeking inexpensive

labour (Krebs et al., 2009, p. 8). Vietnamese labourers were imported through these agencies as cost-effective workers, often from economically disadvantaged provinces in Vietnam, with the aim of improving their living standards. However, this practice faced criticism from NGOs such as La Strada for its potential for economic exploitation (Krebs et al., 2009, p. 8). In response, the government intensified efforts to establish a more effective migration regime, implementing stricter penalties for employers and agencies that violated established regulations (Drbohlav & Janska, 2008), leading to a period of stagnation (with a minor decrease). Since 2017, the number of Vietnamese citizens has been increasing by approximately 1,300 individuals annually. In 2022, total number of the Vietnamese population in the Czech Republic was appr. 66 000.

Graph 2 – Total number of the Vietnamese population in the Czech Republic (by year)



(Own representation and calculation by L. Novotna based on ČSÚ, 2023)

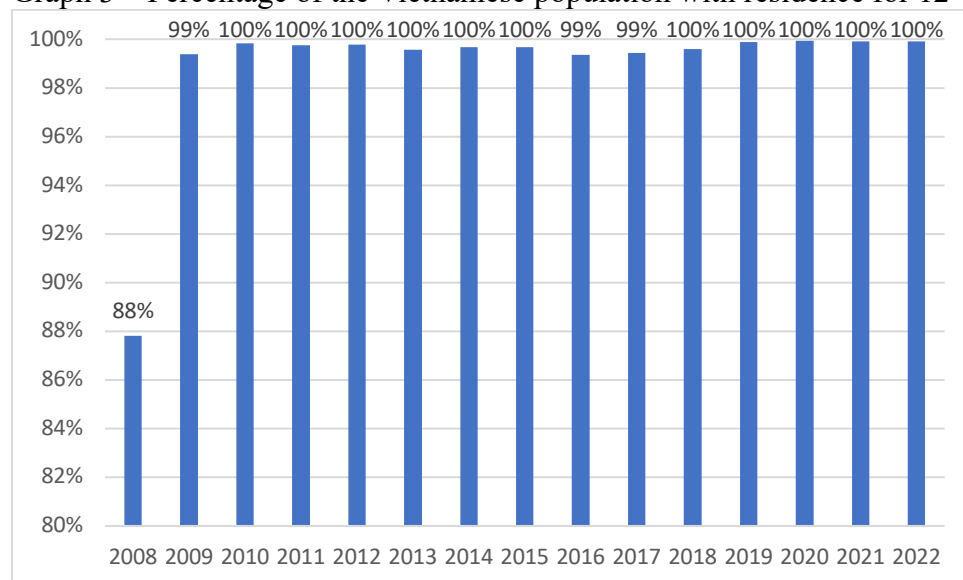
The majority of Vietnamese citizens are in the Czech Republic long term. As visible in Graph 3, since 2009, almost every Vietnamese person stays in the Czech Republic for more than one year. Stays that were shorter than one year oscillated between 375 (2016) to 49 (2020) Vietnamese citizens. It is necessary to add that since 2017, the number of short-term stays did not exceed 70. The Czech Statistical Office started to collect the data in 2008 when the number of long-term stays was approximately four-fifths of all documented stays of Vietnamese citizens in the Czech Republic. This situation is a consequence of that fact that the Vietnamese community has a longstanding history and strong roots; and thus, the Czech Republic is not merely a transit country, rather, it is a deliberate destination.

Newly arrived and inexperienced individuals gathered around those with knowledge of Czech reality, leading to the formation of local communities where groups of Vietnamese would bond through familial ties, shared market interests, and shared living arrangements (Martinkova, 2008). A service network emerged within the community to bridge language and cultural gaps, providing assistance with various administrative tasks. This service involves businesses and individuals



aiding fellow Vietnamese in dealing with Czech authorities, offering advice, housing assistance, medical interpretation, and more. Most present-day Vietnamese immigrants in the Czech Republic arrived from Vietnam, not directly linked to pre-1989 Vietnamese immigration (Martinkova, 2008). Vietnamese individuals are portrayed in Czech society as inexpensive labour with strong work ethics, contracted as factory workers, and/or the owners of marketplaces or late-night convenience store ("večerka"). With a well-established presence, second-generation immigrants are becoming well integrated into Czech society as they went through the Czech educational system or had Czech caretakers (Krebs et al., 2009, p. 8). And, as data suggests, even the newly incoming Vietnamese nationals are increasingly arriving with the intention of settling in the Czech Republic for the long term. The tradition of seeking a better livelihood in the Czech Republic still persists in Vietnam. As Martinkova (2008, p. 178) explains, this is due to Vietnamese in the Czech Republic who visit Vietnam and spread the illusion of easy earnings. Further, recruitment agencies can effectively capitalise on this impression (ibid.).

Graph 3 – Percentage of the Vietnamese population with residence for 12+ months



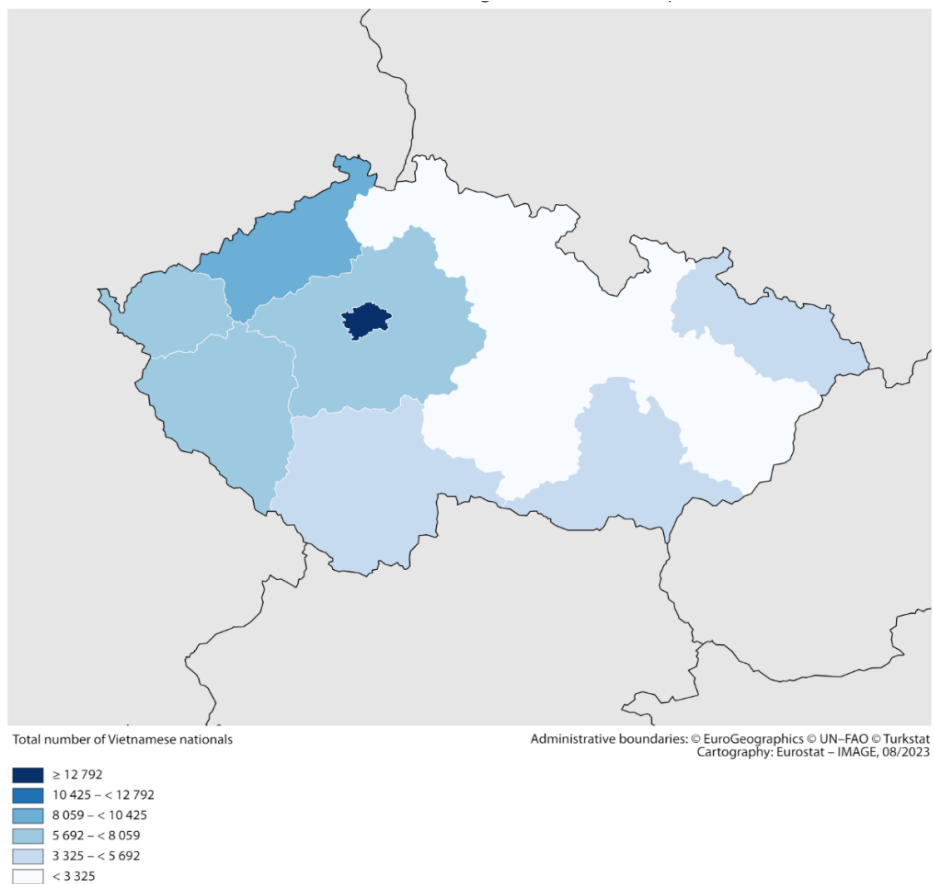
(Own representation and calculation by L. Novotna based on ČSÚ, 2023)

Vietnamese concentrate in big cities and in regions neighbouring with Germany (see Cartogram 1). The top four largest cities in the Czech Republic (Prague, Brno, Ostrava, Pilsen) are collectively hosting more than one-third of all the Vietnamese population (36 per cent). One in five Vietnamese in the Czech Republic lives in Prague (the highest number residing there), creating a population of more than 15,000. Prague has historically attracted a significant number of Vietnamese citizens due to its industrial nature and demand for foreign labour. The capital city is still appealing due to job opportunities and anonymity (Martinkova, 2008). Furthermore, Vietnamese immigrants in Prague have formed their own enclave within the majority society, creating their own support networks and institutions. For example, the Prague marketplace Sapa currently stands out as the most prominent hub for the Vietnamese community. Beyond being a trade centre, Sapa acts as a community focal point, encompassing administrative, cultural, and media functions. It hosts various businesses, non-profit organisations supporting the Vietnamese community, and events such as cultural festivals and educational programmes. It offers a wide array of services including advising, translation, education, medical facilities, and entertainment outlets, creating a vibrant

enclave that caters to the various needs of the Vietnamese population (ibid.). While there are several similar centres across the Czech Republic, the Prague Sapa stands as the largest and most notable among them.

In the eastern regions of the Czech Republic, the Vietnamese population is concentrated in regional cities, particularly in Jihomoravský (southeast) and Moravskoslezský (northeast), where about two-thirds of Vietnamese citizens reside (57 per cent in Brno, 64 per cent in Ostrava). As one moves westward, the significance of regional cities diminishes as the Vietnamese population becomes more dispersed, reflecting the influence of Czech-Vietnamese arrivals from Germany, which has established a Vietnamese community in the region. Notably, the Středočeský region (centre-west) and Jihočeský region (south) house three cities with the highest Vietnamese concentrations, each hosting 12 to 21 per cent of the region's Vietnamese population. The Plzeňský region (southwest) and the Karlovarský region (west) have two Vietnamese centres each, with Pilsen accommodating 41 per cent and the border city Tachov holding 20 per cent of the regional population in Plzeňský region, while the border city Cheb in the Karlovarský region is home to half of the regional Vietnamese population (50 per cent). Furthermore, the Ústecký region (northwest) evenly distributes its Vietnamese population across all five districts, with each district containing around 17 per cent of the Vietnamese residents, including the regional city.

Cartogram 1 – The distribution of Vietnamese nationals across the regions of the Czech Republic as of 31.12.2022



(Own representation and calculation by L. Novotna based on ČSÚ, 2023)

The present report will be organised as follows: to begin, we will offer an overview of the Czech mobility framework, with a particular focus on the provisions within the Alien Act, Czech-Vietnam bilateral agreements, and the historical evolution of Czech-Vietnam relations, alongside the development of the Czech migration system. Subsequently, the succeeding section will detail the methodology employed for the policy analysis outlined in the report. Following this, we will offer a concise compilation of the primary discoveries. The subsequent sections will engage in a comprehensive discussion of the outcomes and draw a conclusion.

### **(Im)mobility regime in the Czech Republic**

In her article, Stojarova (2019) categorises the migration regime in the Czech Republic as restrictive, leading to difficulties for migrants to enter the country and moderate ease/difficulty in settling down. This restrictive approach can be attributed to several influential factors as discussed in scholarly literature. First, following the 2015-2016 migrant crisis in Europe, the Czech public discourse on migration shifted towards viewing migration as a security concern. Consequently, more stringent policies were implemented, and migration matters were centralised within the Ministry of the Interior (Bureš & Stojanova, 2022).

Secondly, the global economic crisis of 2008 prompted the Czech government to introduce measures aimed at limiting foreign labour access and safeguarding the domestic labour force. Return programmes were established to encourage foreign workers to return to their home countries. The number of work permits issued to TCNs significantly decreased between 2008 and 2012, and the unemployment rate dropped to as low as two per cent by 2018. As these regulations are still in place, labour shortage is a significant long-term problem of the Czech economy, with the largest shortages in manual labour (Burianová & Votravcová, 2018).

Furthermore, the Czech Republic aims to attract highly skilled foreign workers through governmental initiatives, yet the migration system presents various barriers for both prospective employees and employers. These barriers include a lack of clarity for employers and employees due to the abundance of programmes and administrative complexities. Secondly, skilled migration is not a primary focus in the discourse of Czech policymakers across ministries, with politicians hesitating to openly advocate for policy improvements. Thirdly, challenges arise from policy implementation fragmentation across numerous actors and a lack of a facilitating framework for cooperation, with a special focus on immigration (Drbohlav, 2006). Scarce data availability hinders efficient, evidence-based policymaking (ibid.). Lastly, labour migration in particular lacks a strategic vision with well-defined priorities and execution strategies (ibid.).

It is evident that historical and institutional factors hold a prominent role in shaping the Czech migration regime in general. To understand how Vietnamese migrants are positioned within Czech policy, it is crucial to delve into the historical foundations of Czech-Vietnamese relations and the contemporary bilateral agreements. This section on (im)mobility regime in the Czech Republic will be structured as follows: firstly, it will explain the historical progression of Czech migration policies (with special regard to Vietnam). Secondly, it will provide an overview of present active bilateral agreements between the Czech Republic and the Republic of Vietnam. Thirdly, the chapter will introduce the institutional and legal framework underpinning the Czech migration regime. The final section will provide a concise introduction to the core migration legislation in the Czech Republic, known as the Alien Act.

## **Historical development of Czech migration policies in regard to Vietnam**

Following the conclusion of World War II, the Czech Republic became part of the Soviet bloc, characterised by stringent border controls that limited entry into the country to bilateral agreements. The development of Czech-Vietnamese relations can be summarised in the following phases:

1. **Initial Relations and Solidarity Measures (1950s):** Diplomatic ties between Czechoslovakia and Vietnam emerged during the Vietnam-France war (Martínková, 2008, p. 167). A 1955 agreement enabled Vietnamese citizens to undergo training in mechanical engineering and other industries in Czechoslovakia. This initiative aimed to support Vietnam's post-war reconstruction. An educational programme allowed Vietnamese students to study at Czech universities after completing a one-year language course. Additionally, a Czech-Vietnamese school was established in Chrastava in 1956, where one hundred Vietnamese children were received in Czechoslovakia. This marked the start of Czech-Vietnamese migration history.
2. **Bilateral Agreements and Skilled Workers (1960s-1970s):** Czechoslovakia signed various bilateral agreements with Vietnam, focusing on economic aid and cultural cooperation. The 1967 agreement brought blue-collar trainees from Vietnam to Czechoslovakia, with subsidies provided based on skill. An agreement also facilitated the exchange of medical students, doctors, and healthcare professionals.
3. **Professional Training and Work Agreements (1970s):** The 1974 agreement introduced a new phase in Czech-Vietnamese relations. Thousands of Vietnamese citizens were trained in various branches of engineering, metallurgy, construction, and more. The cost of training was covered by the Czech state, and graduates were expected to work in Czechoslovak factories for a specified period.
4. **Shift in Focus and Labour Market Needs (1980s until 1989):** structural changes were introduced in 1980 with a new treaty, leading to the arrival of over 30,000 Vietnamese workers in Czechoslovakia. The programme's focus shifted towards addressing gaps in the Czech labour market. By the mid-1980s, around 19,350 Vietnamese workers were present, decreasing from 10,000 to 17,000 by the end of the decade. The programme's decentralisation increased as direct ties between companies and Vietnamese counterparts strengthened.

The fall of the Communist regime in 1989 marked a period of economic and societal transformation in the Czechoslovak Republic. Agreements between the countries were cancelled, while new contracts were not yet established. Despite this, borders were opened, leading to a shift in how the Czech Republic approached international migration. During this period, the Czech Republic faced significant political changes to establish the country as a democratic and pluralistic society with a free market economy. This linked to the change in legislature which connected the Czech Republic to western structures such as NATO and the European Union (EU) (Janska & Drbohlav, 2008, p. 35). All of these crucial changes would also influence international migration issues.

The Czech Republic would start to develop a comprehensive policy framework on migration and integration, which was further strengthened by joining the EU. Czech migration thus stopped being dependent solely on bilateral and multilateral agreements. Since the 1990's, the Vietnamese community formed as it migrated in accordance with migration policies rather than based on predetermined economic agreements.

It is necessary to state that the framework of bringing in foreign workers to work in the Czech industry transitioned into the private sector. Notably after 2005, recruitment agencies would relocate workers from Vietnam to Czech factories. One of these projects called "Mutual Aid" (Vzajemna Pomoc) of WMC planned to bring in over 45,000 Vietnamese workers (Pechová, 2008).

The project was stopped as the Czech Republic decided to take on a more restrictive approach in migration (see below). Before explaining the development and formation of Czech migration regime, we will shortly focus on the agreements between VSP and the Czech Republic that did influence migration.

As a result of the newly-created diplomatic vacuum during the period of 1990-1991, the Vietnamese government pushed for the return of the Vietnamese back to the Vietnamese socialist republic, but with little effectivity, as Czechoslovakia permitted Vietnamese nationals who were already on Czech soil to stay in the country or migrate across European borders (Vlček, 2008). In 1991, CSFR was established, and the two countries signed the Protocol in cooperation between the Federal Ministry of Foreign Affairs of Czechoslovakia and the Ministry of Foreign Affairs of the Soviet Socialist Republic (Vlček, 2008). After the disintegration of Czechoslovakia in 1993, Vietnam recognised the Czech Republic and both states continued their diplomatic relations and signed many economic, developmental, and trade agreements (Vlček, 2008). Some of the most relevant agreements that influence migration are the Agreement on Mutual Employment of Czech and Vietnamese Citizens (signed in 1994) and the Agreement on Vocational Training of Vietnamese Citizens in Secondary Vocational Schools in the Czech Republic (1994). It is necessary to add that the Government of the Czech Republic, in its Resolution No. 302 of 31 March 2004, defined the Socialist Republic of Vietnam as one of the priority countries for long-term cooperation (Vlček, 2008).

The development of the Czech migration regime can be divided into multiple phases:

1. The first period (1990-1996) was characterised by a liberal migration regime due to the fact that legislative efforts of Czecho-Slovakia (and after 1993, the Czech Republic) focused on the consolidation of their polity. In 1992, Czechoslovakia introduced the Aliens Act that replaced the 1965 Aliens Act of Communist Czechoslovakia (Act no. 123/1992 Coll.). This Act defined short-term residence as up to six months and long-term residence as up to one year, and permanent residence (Drbohlav & Janska, 2008). According to this law, almost anyone could enter and settle in the Czech Republic without any restriction on their activities. Foreigners of countries with visa-free relations faced no bureaucratic obstacles in obtaining the legal stay for their citizens (ibid.). Citizens of other countries could apply for a long or short-term visa directly in the country (Stojarová, 2019). Although there were no restrictions on entry, the Act set very strict conditions for granting permanent residence. Permanent residence was granted only in certain situations: Firstly, for the purpose of uniting a family, if the family member resided permanently in the ČSFR (Czech and Slovak Federal Republic). Secondly, in other humanitarian cases, and third, if it was justified by the foreign policy interests of the ČSFR (Act no. 123/1992 Coll.) (Stojarová, 2019). This means there was no legal way that a foreign citizen could transition from a long-term stay to a permanent stay. And simultaneously, migrants could not apply for Czech citizenship (ibid.). The split of Czechoslovakia in 1993 did not lead to any significant changes of migration policy, although it did render Slovak citizens as foreigners to the newly created Czech Republic (in response, almost 400,000 Slovaks claimed Czech citizenship: see Drbohlav & Janska, 2008).
2. The second period (1997-2000) was characterised by growing economic problems, growing unemployment, and increasing numbers of illegal workers which translated into the institutionalisation of a more restrictive migration policy in the Czech Republic (Drbohlav, 2006). The rules tightened especially for migrants who wanted to hold a work permit (Drbohlav & Janska, 2008). The period brought two important legislative changes: the adoption of the new Aliens Act (no. 326/1999 Coll.), which is still active, and the Asylum Law (no. 325/1999) which

replaced the Refugee Law (no. 498/1990 Coll.). The new Aliens Act introduced the possibility to hold permanent residence after the fulfilment of ten years of consecutive residence. Applying for a visa became possible only outside the territory of the Czech Republic (Stojarová, 2019). The Refugee law gave a new list of rights to asylum seekers as it aimed to harmonise with the law of EU (ibid.). It granted refugees access to the labour market, free movement, provision of accommodation, food, and benefits (ibid.). The Czech Republic also revoked its non-visa agreements and started to require visas from many of the post-Soviet countries, including Russia, Belarus and the Ukraine (in 2000, Drbohlav & Janska, 2008). Many of the incoming migrants originated from these countries, which were the main migrants' countries of origin (Stojarová, 2019). This new restrictive tone led to many TCNs losing their right to stay in the Czech Republic (Drbohlav & Janska, 2008).

3. During the third period (2001-2004), priority was given to EU ascension, which was successful as the Czech Republic joined the EU on the 1st of May 2004. During the process, Czech migration policy became more systematic and comprehensive (Stojarová, 2019). The process of harmonising brought new, more liberal amendments to the existing Aliens Act, as part of the implementation of the Common European Immigration Policy from 2002 until 2006 (Drbohlav & Janska, 2008). It also introduced a new element into the Czech migration framework: EU citizens. EU citizens received a different treatment than TCNs (ibid.). In addition, in 2003, the Ministry of Labour and Social Affairs introduced the first migration project focused on the labour market titled "Selection of Qualified Foreign Workers" (ibid.).
4. The fourth period (2005 -2007) was during the first years after the Czech Republic joined the EU. During the said period, there was low unemployment and economic rise, accompanied with rise in immigration (Stojarová, 2019). On one hand, Czech migration policy became more open as the minimum period of consecutive residence required for permanent residence dropped to five years, which granted a more secure position to visa holders and liberalise the entry of foreigners into the Czech economy (Stojarová, 2019; Drbohlav & Janska, 2008). On the other hand, the government continued with their effort to establish a more effective migratory regime and introduced more severe punishments for employers and agencies that violate established rules (Drbohlav & Janska, 2008).
5. The fifth and final period (since 2008) is characterised by very restrictive migration policies legitimised as security measures (Stojarová, 2019). Due to the economic recession that followed the financial crises of 2008–2010, public authorities decided to reduce the number of foreigners working in the country (Bureš & Stojanov, 2022). The restrictive approach followed even after the Czech economy started to grow again, mainly because of the impact of the European migration crisis during 2015-2017 (ibid.). Understanding migration as a security issue and seeing migrants as security threats translated into the 2015 Migration Policy Strategy of the Czech Republic, which stipulated security considerations as a critical factor (ibid.) and led to the political controversy surrounding the revision of the Asylum and Migration Law (no. 314/2015 Coll.) (Stojarová, 2019). The revision aimed to reform the Asylum Law to comply with the Common European Asylum System (CEAS) to grant asylum seekers more access to the labour market (asylum seekers should be granted a work permit after nine months of residence). The passed amendments were on one hand even more liberal than required by the EU regulations (the time limit dropped from 12 to 6 months). On the other hand, the period for issuing the decision by public institutions increased from 90 days to 6 months, the Ministry of the Interior was granted a right to fully interrupt the procedure, and it also restricted lawyers' access and participation in the interviews with asylum seekers and other restrictive measures (Stojarová, 2019). The amendments were publicly criticised by human rights activists.

In following years, new, more restrictive amendments were passed to the Alien Act. The security reasons which stemmed from the 2016 National Security Audit which listed illegal migration and poor integration of legal migrants among the top security threats (Bureš & Stojanov, 2022). With some political controversies, the law set more restricted conditions for permanent residence, instituted a lack of judicial review over the asylum procedure, and introduced more restrictions for migration for the purpose of family unification (Stojarová, 2019; Bureš & Stojanov, 2022). At the same time, labour migration became focused on qualified workers with higher prospects of integration (cultural, religious, linguistic factors) to ease the process of integration of legal migrants into all aspects of society (Stojarová, 2019).

### **Active bilateral agreements between the Czech Republic and Vietnam**

In the 1990s, the Czech Republic terminated the majority of its bilateral agreements with Vietnam and made efforts to repatriate Vietnamese citizens residing on Czech territory based on these agreements. However, due to the absence of a proper legislative and institutional framework, this endeavour was largely unsuccessful. Presently, Vietnamese citizens are required to obtain a visa or other permission to enter Czech territory, except for diplomatic passport holders, as stipulated by an agreement that remains in effect from 2000<sup>8</sup>. Currently, there are six active bilateral agreements between the Czech Republic and Vietnam that cover various aspects concerning legal migration.

In 2006, the Czech Republic and Vietnam signed the **Agreement on Economic Cooperation**,<sup>9</sup> effective for five years with automatic annual extensions, focusing on fostering economic, industrial, technical, and technological collaboration. While not primarily centred on personnel exchange, the agreement includes provisions in Article II that facilitate the exchange of experts, technicians, investors, and business representatives between the two countries, promoting collaborative projects, joint ventures, and economic cooperation.

Two years later, **Agreements regarding the extradition**<sup>1011</sup> and the transfer of citizens from both nations became operational. It outlines the procedures for the transfer of individuals who do not meet or have ceased to meet the valid entry or residency requirements of the other contracting party. During the same year, the Czech Republic and Vietnam signed an **Education Cooperation Agreement for 2008-2011**<sup>12</sup>, which was initially valid until 31 December 2011. It would automatically extend for three more years unless terminated by either party six months before the original term ended. This agreement fosters collaboration among educational institutions, emphasising language and literature education, teacher exchange, and information sharing on educational systems. It outlines provisions for student exchanges in various programmes (two to nine months) and supports academic staff exchanges (up to 15 days annually). The agreement also promotes language and culture studies through summer courses, strengthening educational ties between the two nations.

In 2017, the Czech Republic and Vietnam reaffirmed their dedication to cultural interaction by endorsing **the Agreement on Cooperation in Culture, Education, Science, Youth, and Sports**<sup>13</sup>. This agreement, automatically renewed every five years, seeks to foster mutual understanding and bolster cultural exchange, education, scientific research, and youth involvement. Encompassing a wide range of domains, the agreement includes sharing cultural resources, language education, student and faculty exchanges, scientific collaboration, and joint youth and sports initiatives. While mentioning exchanges of higher-education students, postgraduates, academic personnel, and experts in education, the specific provisions remain unspecified.

In 2022, **the Framework Agreement on Comprehensive Partnership and Cooperation**<sup>14</sup> was signed by the European Union member states, including the Czech Republic, and Vietnam as a signing party. The agreement, of a general nature, signifies a shared willingness to cooperate across various domains such as trade development, investment, services, education, transportation, industrial policy, labour, and social matters. It emphasises collaboration on policy development, information exchange, capacity building, and joint initiatives aimed at improving economic relations, sustainable development, and social well-being between the parties. Notably, Article 27 underscores collaborative actions in addressing migration through dialogues, integration into national strategies, tackling root causes, facilitating legal migration, refugee protection, combating human trafficking, and enhancing technical capacities. Additionally, the agreement considers procedures for readmission and the potential establishment of an EU-Vietnam accord for repatriation.

In summary, among the various bilateral agreements between the Czech Republic and Vietnam, only one agreement stands out for its detailed coverage of the exchange of citizens. The Education Cooperation Agreement details provisions on student and faculty exchange. The bilateral agreement ties to the student mobility programmes mentioned in the previous section.

### **The institutional and legal framework of the Czech migration regime**

The most relevant body of Czech legal migration is the **Ministry of the Interior (MV)** and its Department of Asylum and Migration Policy (OAMP). This body exercises competences in the field of international protection, refugees, the entry and stay of foreigners, the concept of integration of foreigners, the state integration programme, and Schengen cooperation. It manages the migration agenda including issuing long-term visas, certificates of temporary residence, temporary residence permits, long-term and permanent residence permits, and residence of foreigners on the territory. The OAMP can submit proposals for establishing or changing the nature of asylum facilities or facilities for the detention of foreigners. It also manages state agencies connected to migration, such as the Directorate of the Foreign Police, Refugee Facilities Administration, Integration centres, and more.

The other relevant ministries are the Ministry of Foreign Affairs (MZV), Ministry of Labour and Social Affairs (MPSV), the Ministry of Industry and Trade (MPO), and the Ministry of Education (MŠMT). **The Ministry of Foreign Affairs** oversees foreign policy formulation, foreign development cooperation, and humanitarian aid abroad. It handles matters related to foreigners' residency on Czech territory, including privileges and immunity under international law. Through embassies, it administers visa issuance and foreign residence within parameters set by the Alien Act. **The Ministry of Labour and Social Affairs** defines employment criteria for foreign nationals in accordance with the Employment Act. It regulates employment authorisation based on labour market conditions and enforces foreign employment regulations aligned with EU legislation and intergovernmental agreements. The MPSV maintains a central register of vacancies for certificate holders. It also addresses social policy, social insurance, equal opportunities, and labour legislation. **The Ministry of Industry and Trade** administers trade and business issues and oversees activities requiring special licenses; it focuses on trade compliance. The MPO is involved in economic migration programmes, deciding programme inclusions, and coordinating certain initiatives. **The Ministry of Education** integrates foreigners through education, ensuring equal conditions for their education. It manages the education of foreign students and recognises foreign higher education. The MŠMT participates in student migration programmes and cares for unaccompanied minors through specialised services.



The foundation of the Czech Republic's migration regime rests on six laws. The most crucial are the Alien Act, the Law on Asylum, the Employment Law (with regard to immigration), the Border Protection Law, and the Law on Temporary Protection, which encompasses unique protection provided to foreign nationals.

Regarding the legal migration of TCNs, our focus will be mainly on the Alien Act and the Employment Act. Firstly, **the Alien Act**<sup>15</sup> includes provisions concerning the entry, residence, work, rights, and obligations of foreign nationals within the country. We will discuss it in detail in the following section. Secondly, recent amendments to **the Employment Act**<sup>16</sup> introduced accountability for facilitating concealed mediation by introducing a new offense - enabling concealed mediation of employment, with sanctions of up to five million CZK for individuals and up to 10 million CZK for legal entities, but 50,000 CZK minimum.

The legislation on labour migration in the Czech Republic is complemented by other governmental actions: quotas, governmental programmes, and more. In 2019, the Czech Republic introduced **annual quotas** determining the maximum number of visa applications for stays exceeding 90 days for the purpose of business and employment. The reason for implementing the quotas was the need to regulate economic migration from countries where Czech embassies had been consistently overwhelmed due to a significantly higher interest from foreigners in migrating to the Czech Republic, far exceeding the capacity of these offices (MV, 2022). The quotas are thus introduced only for selected states<sup>17</sup>. Within the quotas, there is a system of preferential treatment for those groups of economic migrants for whom the Czech state has an increased interest in their arrival (more in the section on Labour migration policy). Additionally, the government has introduced **multiple migration programmes** divided into two groups: labour market programmes and study programmes (more in the sections below). Labour market programmes have been active since 2012 and represent collaborative efforts involving ministries such as Interior, Industry, Foreign Affairs, Labour, Agriculture, and Health, along with some business groups. These initiatives effectively support the migration of specific third-country citizen groups, aligning with the Czech state's interests in their entry and stay.

## Methodology

The methodology applied in WP2 (Work Package 2) of the AspirE project was centred on the execution of a content analysis concerning mobility policies pertaining to Third-country nationals (TCNs), with a particular focus on Vietnam. This analysis encompassed six key policy domains: labour migration, tourism, family reunification, student migration, investment migration, and the EU's freedom of movement. The primary aim of this analysis was to delve into the socio-legal context that informs decision-making processes related to the (re)migration or prolonged stays of Vietnamese nationals. This exploration involved scrutiny of the legal underpinnings governing the mobility of TCNs to and within the EU, as delineated in official policy documents and residence authorisation (visa + residence permit) prerequisites.

The data subject to analysis originated from three main sources: Czech legislation (specifically the Alien Act, the Labor Code, etc.), governmental regulations and programmes (pertaining to relevant policies), and summary websites of ministries responsible for facilitating the process of acquisition of residence authorisation (primarily the Ministry of the Interior and the Ministry of Foreign Affairs). The policies were analysed during Autumn 2023 (the validity of the policies dates to this period). The complete list is provided in the References section.

The methodological foundation for this report was based on a standardised guide for content analysis (Annex 2). Within the context of the six mobility policies, this guide outlined five prominent themes in policy analysis: guarantees, benefits, penalties, forgiveness, and referrals. In addition to these themes, three crucial dimensions were taken into account: actors, characteristics, and temporality. To streamline the analysis process, the standardised guide furnished a table for facilitating data collection.

The researchers completed the tables in the standardised guide with pertinent information for each mobility policy. This process involved identifying the themes and dimensions applicable to each policy and addressing the questions associated with the specific theme or dimension (e.g., which actors are exempt? Which are not? What temporalities are reinforced?: for more information see Table 9 in Annex 2). The objective of this analysis was to uncover the fundamental assumptions and presuppositions underpinning specific policy provisions, particularly with regard to the adaptability of individuals' behaviour.

It is essential to note that our goal was to maintain concise analysis at the same level of generality. However, it should be mentioned that tourist visas (section Policy on tourism) represent only one type of Schengen visa in the Czech system (high level of specificity), while the labour market (section on Labour migration policy) is regulated by 11 residence authorisations, necessitating an adjustment in the analysis' level of generality. To achieve greater conciseness while accommodating variations in the level of generality/specificity, we attempted to minimise the scope by capturing the essence within individual standardised tables. Within certain themes, our primary focus was on identifying the core assumptions (e.g., penalty for criminal behaviour, etc.) that are shared across various residence authorisations in given policy areas to maintain the same level of generality. We focused on a higher level of specificity, particularly in the section concerning characteristics, which holds a pivotal place in this report. We endeavoured to understand how Czech migration policy perceives (potential) migrants and their behaviour.

### **Human behaviour in Czech mobility policies: key results**

This section presents an overview of our analysis of Czech migration policies, focusing on shared characteristics across various residence permits and visas. While specific differences will be elaborated in subsequent sections, our initial exploration highlights key guarantees and obligations common to all policies.

First, there are some variations among residence permits with regard to guarantees (as described in the section). Residence authorisations need to provide the following documents upon application: travel document, proof of accommodation, and a photograph (or two depending on residence permit). All residence permits require the collection of biometric data.

Second, documents submitted as part of a long-term residence permit application must not be older than 180 days, with the exception of the travel document and the photograph of the foreign national, provided it accurately represents their current appearance.

Third, the application for a long-term residence permit or visa from abroad is always submitted at the embassy or consulate of the Czech Republic, either (A) in the country that issued the applicant's travel document or the applicant is a citizen of; (B) in the country where the applicant has been granted long-term residence or permanent residence and has been lawfully residing there for at least two years; or (C) at any embassy or consulate of the Czech Republic if the applicant is a citizen of one of these countries<sup>18</sup>.

Fourth, successful applicants for a residence permit are required to obtain a D/VR visa for stays exceeding 90 days from the Czech embassy or consulate to formalise their residence permit. This visa, however, is waived if the applicant can enter the Czech Republic through alternative means, such as possessing a biometric passport without requiring a visa. Before the visa is affixed to the applicant's passport, proof of travel medical insurance must be provided. This includes either (A) coverage for necessary and urgent care during the initial 90 days of their stay, coupled with proof of comprehensive medical insurance for the remaining duration, or (B) evidence of comprehensive medical insurance covering the entire authorised stay period. Exceptions to this rule may be specified in individual chapters.

Upon approval of the application, successful applicants will be issued a D/VR visa for the purpose of acquiring residence authorisation. This visa is granted by the competent Czech embassy or consulate abroad and remains valid for six months. However, individuals holding this visa can stay in the Czech Republic for a maximum of 60 days. Upon arrival, those with a D/VR visa who also possess a residence permit must register at the Ministry of the Interior office within 30 calendar days. For those entering the Czech Republic through other means, such as a visa-free entry with a biometric passport, registration is required within three working days. The foreign national must collect their residence permit card (biometric card) within 60 days of the recording of their biometric data.

Fifth, unlike residence permit holders, visa applicants have their entrance covered within the visa (no need for the special D/VR visa). Before the visa is stamped into the passport, visa applicants must provide proof of travel medical insurance. This includes documentation for necessary and urgent care for the first 90 days of their stay in the territory. Simultaneously, they must submit proof of comprehensive medical insurance covering the remaining duration of their authorised stay. This condition holds unless specified differently in individual chapters or sections, underscoring the importance of insurance coverage throughout their stay.

Sixth, it is important to note that while the Czech Republic can issue visas, possessing one does not guarantee entry into the Schengen Area. Entry into the Schengen Area is determined at the point of entry, and visa holders may be denied entry if they fail to meet the criteria outlined in the Schengen Codex. According to the codex, to enter the Schengen Area, individuals must have a valid passport and visa, provide a clear reason for their stay, demonstrate that they have the necessary funds to support their stay and return, not be listed in the Schengen Information System (SIS), and not pose a threat to public order, internal security, public health, or international relations between member countries.

The Schengen Codex outlines the necessity of additional documents that supplement the visa application, such as a statement detailing the purpose of the travel, proof of accommodation, and evidence demonstrating sufficient funds to support the stay. These supplementary documents serve as evidence of the applicant's intent to depart the Schengen Area before the visa's expiration date.

Seven, residence authorisations in the Czech Republic are subject to shared conditions governing the behaviour of TCNs. While there are minor variations in specifics and concrete conditions for certain types of authorisations, a comprehensive understanding of these shared aspects is crucial. Notably, variations emerge for TCNs, who are family members of EU country nationals, as explored in the Policy on Tourism, Family reunification policy, and Schengen policy sections. For individuals holding residence authorisation, whether it is a long-term visa or a residence permit, the following conditions must be met. Foreign nationals must report a change of address within 30

working days from the date of the change. If they intend to terminate their stay, they must surrender their residence document at least three days before departure. Changes in personal details, such as name, surname, marital status, passport data, and residence permit information, should be reported to the Ministry of the Interior within three working days. These nationals must also be prepared to provide identity verification upon request by the police and furnish proof of travel health insurance during residence checks. For holders of a residence permit, in cases of lost, damaged, destroyed, or stolen residence documents, the incident must be reported within three working days to the Ministry of the Interior, and lost or stolen travel documents should be reported to the police without delay. There are the same penalties for failure to comply with these obligations, which can result in penalties categorised as either fines or, in more severe cases, the cancellation of residence authorisation, resulting in deportation. The deportation decision is paired with being designated as an undesirable person in CIS and an entry ban to the Schengen Area for up to ten years. Fines are usually imposed for minor infractions, with penalties of up to 10,000 CZK. On the other hand, deportation is a measure reserved for more serious violations of the terms of stay. It is essential to note that the immediate cancellation of residence authorisation varies among different types of authorisation. In the following sections, we will provide an overview of the different types of residence authorisation and how they differ from one another.

Eight, generally, immediate cancellation of residence authorisation may occur in specific situations: if the individual has been lawfully convicted of committing an intentional criminal offense, is not fulfilling the purpose for which the authorisation was granted, provided false information, or presented forged documents. Additionally, if the individual possesses an invalid travel document, if another EU or Schengen state implementing a common procedure for expulsion has decided to deport this foreigner from its territory due to criminal activity, if the person lacks insurance, or if their presence poses a threat to public health (etc.).

Nine, shared forgiveness applies across all types of residence authorisation, with some additional forgiveness available for specific residence permits. However, the core principles of forgiveness remain consistent for all. Cancellation of a residence permit may not be issued if it unreasonably interferes with the foreign national's private or family life. But only if the cancellation would occur under specific sets of conditions<sup>19</sup> (not those mentioned above in paragraph eight, in the majority of the cases these lead to cancellation of residence authorisation).

Ten, should the cancellation of a residence permit (or a violation of other clauses) results in deportation, certain circumstances may affect the execution of deportation. (a) Deportation may be prohibited if it unreasonably interferes with the private or family life of the foreign national. (b) Moreover, deportation decisions are not enforceable for foreign nationals who have applied for or obtained a long-term residence permit for protection purposes. Any ongoing deportation proceedings are halted upon the issuance of a long-term residence permit for protection purposes. (c) For EU family members applying for a temporary or permanent residence permit, the police will annul an administrative deportation decision unless there is a reasonable risk that their presence on the territory may endanger the state's security, severely disrupt public order, or threaten public health. (d) Deportation decisions are not issued for the transfer of foreign nationals according to international agreements concluded with other EU member states before 13 January 2009. (e) In specific situations, foreign nationals have the option to request new decisions from the police regarding their deportation status. Such requests can lead to the annulment or reduction of the original deportation duration. Circumstances allowing for these requests include situations where the reasons for deportation are no longer applicable, or half of the initial deportation period has

elapsed justifying revocation based on the initial deportation grounds. Additionally, if a foreign national entrusted to substitute care reaches the age of 18 and demonstrates efforts towards integration within the country, such a request is also permissible.

### **Labour migration policy**

The labour market migration policy in the Czech Republic offers a total of 11 distinct types of residence authorisations, supported by five different government programmes, associated with specific sets of governmental quotas tied to both the programmes and residence authorisations. It is worth noting that some governmental programmes also allow for the inclusion of close family members (such as spouses and children) of workers admitted under these programmes, provided they apply for a residence permit alongside the primary applicant (for further details, refer to the chapter on Family reunification policies). To gain a better grasp of the relationships between quotas, government programmes, and residence authorisations, please consult Table 1 in Annex 1. Additionally, the Czech migration regime permits one short-term Schengen visa tailored for seasonal work, with Schengen visas being addressed in the Schengen section.

Recognising the intricate nature of this subject, we can segment the labour market migration policies into three distinct sections for clarity and comprehensive coverage. In the first section, we will delve into the most prevalent types of governmental programmes, standard quotas, and their associated residence authorisations. The primary focus will be on programmes such as the Qualified Employee (QE), Highly Qualified Employee (HQE), Key and Scientific Personnel (KASP), and Digital Nomad. We will explore the connected residence authorisations, which encompass the Employee Card, Blue Card, and the Intra-Company Transferred Employee Card (along with their counterparts from other EU states, which, although outside the governmental programmes and quota system, share similar guarantees and conditions). We will also touch on the Long-Term Visa for the Purpose of Entrepreneurship.

The second section will examine migration policies related to residence authorisation outside the standard quota system. Topics covered will include the Extraordinary Work Visa, both the programme and residence authorisation, as well as the Long-Term Visa for the Purpose of Seasonal Work. This section will also briefly touch upon the Long-Term Residence Permit for the Purpose of Entrepreneurship and the Long-Term Residence Permit for the Purpose of Seeking Employment or Starting a Business. It is important to note that these two types of residence authorisation are not migration policies but are instead tied to previously obtained statuses within the Czech migration regime, as further elaborated in the respective section.

The third section, in contrast to the first two, will not have a dedicated section. This is because the nature of the residence authorisations within this section does not warrant in-depth explanations. It comprises the Short-Term Visa for the Purpose of Seasonal Work (which will be comprehensively covered in the Schengen section) and the Working Holiday Programme.

The Working Holiday Programme, with a maximum duration of one year, is exclusively available to nationals of Chile, Israel, Japan, South Korea, Canada, New Zealand, Australia, and Taiwan. Specific conditions for this programme may vary between participating countries (bilateral agreements), but they fall beyond the primary scope of our research. Nevertheless, the foundational framework for this programme is already outlined in the conditions for the long-term visa, which provides a solid reference point.

## **Section 1: Standard quota, governmental programmes, and associated residence authorisation**

Before we delve into the subsequent sections, it is essential to familiarise ourselves with the Czech quota system and its association with programmes and residence authorisation. Government regulations stipulate these quotas, which are defined for both the type of residence authorisation and the number of applications permitted for each governmental programme falling under a specific residence authorisation category (See Table 1 in Annex 1).

Government regulations determine the quotas for long-term visas for the purpose of entrepreneurship (most commonly setting the limit at 12 applications from a particular country per year). For instance, the quota for Vietnam has been established at zero. Within the confines of these quotas for long-term visas, a maximum number of applications are allocated, pertaining to programmes such as "Key and Scientific Personnel." In most cases, the common allocation for this programme is four applications per year. However, Vietnam's quota remains at zero.

Moreover, there is a predetermined maximum number of applications for Employee Cards. The specific figures vary widely among countries, ranging from zero applications for North Korea to 38,000 annual Ukrainian applications. In the case of Vietnam, this quota is established at 200. These applications are further specified within the framework of individual programmes. The typical quota for programmes like HQE and KASP stands at 60 applications per country annually. However, QE programmes often have quotas set at zero, although these numbers differ among countries. In Vietnam, for instance, the quota for the "Key and Scientific Personnel" programme is set at 200 applications per year, while all other programmes have a quota of zero.

The aim of the programmes is to facilitate the arrival of foreign workers in the Czech Republic. It can be assumed that the fact that they have secured employment based on a government programme is a prerequisite for the swift and successful approval of their residence authorisation application in the Czech Republic. Being part of these programmes comes with distinct provisions and requirements for the applicants:

The first programme, designed for qualified employees<sup>20</sup> (named “**Qualified Employee**”, QE, “Kvalifikovaný zaměstnanec”), exclusively applies to TCNs hailing from Armenia, Belarus, Montenegro, the Philippines, Georgia, India, Kazakhstan, Moldova, Mongolia, North Macedonia, Serbia, or Ukraine. The associated residence authorisation is the Employee Card. It involves specific conditions for both employers and employees. Eligible employers must meet certain criteria, including the number of employees and a clean record (on illegal employment, debt-free, etc.). As for employees, they must enter into an employment contract with the domestic employer, with a specified weekly working time (full-time) for a minimum duration of one year. Throughout their employment, foreign workers must receive a salary or wage at least 1.2 times the guaranteed wage corresponding to the relevant job group as per the relevant government regulation<sup>21</sup>. The decision to include an employer in the programme remains valid for one year, during which they may apply for foreign employees. One key advantage of this Programme is that foreign workers are placed in it upon the employer's request, eliminating the need for the foreign employee to apply. Programme participants will request an Employee Card, and foreign workers whose employers meet the specified criteria will be provided with a mandatory deadline for submitting their applications at a Czech embassy or consulate abroad (in accordance with the Employee Card residence permit). The respective diplomatic mission informs the employer of the designated application submission date. The Ministry of the Interior decides on the foreign worker's application and, if the conditions are met, instructs the diplomatic mission to issue a long-term visa

for a stay exceeding 90 days for the purpose of collecting the Employee Card, and the employee must fulfil the criteria set by the Employee Card residence permit.

The second programme, **Highly Qualified Employee (HQE)**, is designed for foreign employees who establish an employment relationship with a domestic employer included in the programme. The associated residence authorisation is the Employee card, Blue Card and Intra-company transferred employee card. These employees will work in the Czech Republic in highly qualified positions as defined by CZ-ISCO<sup>22</sup>. The programme also covers foreign employees internally transferred or posted to the Czech Republic to work in managerial or specialist positions falling within the same CZ-ISCO categories. The internal transfer and posting entail a temporary transfer of an employee within a multinational group of companies to perform work for a business corporation or branch located in the Czech Republic. The transferred employee must have been employed by the sending entity abroad for a minimum of six months. Similarly to the QE, even this programme outlines specific conditions for employers who wish to participate, including requirements related to the number of employees and having a clean criminal record. The decision to include an employer in the programme remains valid for one year, during which the employer may submit applications for employees.

As for the employees, a few key conditions must be met. An employment relationship with a foreign employee must be established for a minimum period of one year, except for employees who are internally transferred. Throughout their employment, foreign workers must receive a salary or wage at least equal to the average wage for the respective CZ-ISCO subgroup, or they must receive a minimum wage set for Blue Card holders, depending on the nature of their work (excluding the transferred employees). For foreign workers employed in healthcare professions, specific requirements include a decision on the recognition of equivalent or valid documentation of foreign education, certification for practice within the Czech Republic, or a decision on the recognition of professional qualifications issued by the Ministry of Health. A notable advantage of this programme is that foreign workers do not apply for inclusion in the programme themselves; instead, they are included based on the application submitted by the employer. Participants in the programme are allowed to replace several mandatory documents typically required when applying for an Employee Card or a Blue Card with written confirmation from the employer. This written confirmation includes documents such as proof of accommodation, employment contracts, secondment letters, and other documents related to internal transfer. The application process is similar to the QE programme.

Third, “**the Key and Scientific Personnel Programme**” (**KASP**) is strategically designed to facilitate the arrival of highly qualified foreign employees. The associated residence authorisation is the Employee card, Blue Card and the Intra-company transferred employee card, and long-term visa for the purpose of entrepreneurship. The qualification is set by the same CZ-ISCO criteria<sup>23</sup> as HQE, but it excludes healthcare professionals. The programme also covers individuals holding statutory positions within organisations and foreign workers transferred internally or dispatched to the Czech Republic to undertake managerial or specialist roles. For these employees, a prerequisite is that they must have been employed by the sending entity abroad for a minimum of six months. The Key and Scientific Personnel Programme lays out an assortment of conditions, each tailored to different types of employers. Eligible employers are investors, research organisations, technological companies, newly established companies, and start-ups<sup>24</sup>.

With the eligibility criteria for employees and employers clarified, the KASP programme also outlines the employment conditions and expectations for foreign workers admitted under this

programme (similar to HQE). Firstly, the foreign employees will be employed on a full-time basis, working the standard number of hours as stipulated by Czech labour laws. Secondly, throughout the duration of the employment relationship, foreign workers must receive a wage or salary that meets certain criteria. This financial remuneration should be, at a minimum, equivalent to the average income for the relevant subgroup of the CZ-ISCO classification. Additionally, foreign workers must receive at least the minimum income level required for Blue Cards. From these two conditions are exempt foreign workers who are holding statutory positions or who are internally transferred or dispatched to the Czech Republic (they are not entering into a standard employment relationship).

Participation in the KASP Programme offers several significant advantages. Firstly, participants in the programme are exempt from the requirement to complete an adaptation and integration course. Second, the application for residence authorisation under this programme enjoys a streamlined process, with a commitment to handle the request within 30 days of submission. Third, employees applying for inclusion in the programme are granted the privilege of substituting several essential documents with a written confirmation issued by the employer as in the HQE programme with the inclusion of documents relevant to the intra-company transfer. Fourth, just like in the case of previous programmes, the applicants are included based on the application submitted by the employer and they are provided with a binding timeline for submitting their application.

Fourth, **The Digital Nomad Programme**, distinct from the previous three, is designed to accommodate applicants from specific countries, including Australia, Japan, Canada, the Republic of Korea, New Zealand, and the United Kingdom. The associated residence authorisation is a long-term visa for the purpose of entrepreneurship and a long-term visa for the purpose of other (not covered in this report). The key feature of this programme is its focus on individuals who work remotely for foreign companies or function as freelancers in the field of information technology (IT). First, an employee of a foreign company maintains their employment relationship with the foreign company and does not establish an employment relationship within the Czech Republic. To qualify for the programme, an employee must meet specific requirements. The company should have at least 50 employees and the employment contract should indicate that remote work using telecommunications tools is permitted. Second, a freelancer (Self-Employed – OSVČ) is a foreigner who either already possesses or intends to obtain a Czech trade license (živnostenské oprávnění) related to their business in the IT sector. Both types of applicants must hold a relevant qualification (a university or higher vocational degree in STEM or at least three years of experience in the IT sector). They must provide proof of sufficient income, equating to at least 1.5 times the average gross annual salary, as determined by the Ministry of Labour and Social Affairs. Participation in the Digital Nomad Programme offers distinct advantages, such as efficient processing, with a commitment to review applications and issue residence permits within 45 days of submission.

The governmental programmes we discussed earlier are intricately connected to specific residence authorisations, namely the Employee card, Blue Card, Intra-company transferred employee card, and long-term visa for the purpose of entrepreneurship (See Table 1 in Annex 1). They share the guarantees and conditions described in the introduction to this section (See Table 2 in Annex 1). There are several **distinctions between residence permits, often referred to as "cards," and long-term visas**. Residence permits do not necessitate the provision of proof of financial means for the stay in the Czech Republic, but they do require the acquisition of biometric data and the collection of a biometric card. In the case of residence permits, foreign nationals must fulfil several



requirements. Before marking the entry visa in their passport, they must provide proof of travel health insurance, which should cover the period from the date of entry into the Czech Republic until the commencement of their employment, when public health insurance becomes applicable. Other specificities were mentioned in the introduction to this chapter.

On the other hand, the visa for the purpose of entrepreneurship imposes different obligations, including financial proof. For long-term visa applications for the purpose of entrepreneurship, foreign nationals must demonstrate financial means equivalent to 50 times the subsistence minimum. Visa holders are not required to provide biometric data or collect a biometric card. Moreover, visa applicants must also meet health insurance requirements. Before marking the visa in their passport, they must provide proof of travel health insurance covering essential and urgent medical care for the first 90 days of their stay in the Czech Republic. Simultaneously, they should hold comprehensive health insurance for the remaining duration of their stay. Within three working days of their arrival in the Czech Republic, they must register with the Foreign Police. Below we present an overview of the types of residence authorisations and how they differ from each other.

For applicants seeking Employee Cards and Blue Cards, it is important to emphasise that the Czech government restricts the issuance of Employee Cards to specific job categories within agency employment. These specific job categories are outlined in government regulations<sup>25</sup>.

The specific requirements, conditions, and guarantees for each type of residence permit vary. First and foremost, **Employee Cards** are available for applicants who are citizens of non-EU countries (tied to programmes QE, HQE, KASP and governmental quota). These cards apply to all kinds of employment, regardless of the required qualifications or educational background. However, it is essential to note that individuals with temporary protection status or a visa due to the armed conflict in Ukraine are not eligible for Employee Cards. Likewise, foreigners acting as partners, members of statutory bodies, or other corporate organs for legal entities and holding employment permits for these positions are ineligible to apply for Employee Cards. Those granted work permits for seasonal employment are also excluded from applying.

Furthermore, if a foreign national requires a work permit, an essential step is obtaining a binding opinion from the Labour Office of the Czech Republic. The opinion is based on the labour market situation and determines whether the employment of a foreign national is desirable. The validity of the Employee Card is generally granted for up to two years and can be limited to the duration of the employment permit.

The application for an Employee Card can be submitted in two ways. Firstly, in the Czech Republic, the applicants must hold a long-term visa issued for any purpose (except for a long-term visa for tolerated stay, seasonal employment, or extraordinary work visa) and the fee for the application in the Czech Republic is 2,500 CZK. Secondly, if the application is submitted at a Czech embassy or consulate abroad, the fee is 5,000 CZK. The processing time for an Employee Card application is typically 60 days, although it may be extended to 90 days in complex cases.

Applicants need to provide various documents, including an employment contract, a document indicating the job vacancy number (if not mentioned in the application form), and a document similar to an extract from the Criminal Records Register issued by their home country.

Depending on the type of employment, additional documentation might be necessary. If the position is classified in the central registry of job vacancies (centrální evidence volných pracovních míst), they must also submit proof of professional qualifications necessary for the job, such as a diploma or certificate. When the applicant has free access to the labour market, it needs to be

demonstrated. If the position requires a work permit, this authorisation must be presented, issued by the Labour Office of the Czech Republic. When the employer is a recruitment agency, the applicant must also provide a copy of the employment contract, agreement on work activity, or a future agreement. This is valid for both the Employee Card and the Blue Card. If an individual or their employer is involved in the governmental programme, certain documents can be substituted with an employer's confirmation when the specified conditions are met. These substitutions may include proof of accommodation, an employment contract, a work agreement, and documents verifying the necessary qualifications for the job.

Additionally, there are responsibilities for notifying the Ministry of the Interior in the event of changes. There are different obligations concerning changing employment depending on whether the applicant has free access to the labour market. Those with free access can change their job without restrictions, but they must notify the Ministry of the Interior. However, those without free access must report their intention to change employment within 60 days of ending their previous job (incl. a change of position or workplace with the same employer). After the validity of the Employee Card expires, changing the employer is not permitted. Those employed by recruitment agencies are not permitted to change employers. In the event of change, the Ministry of the Interior has 30 days to administer the change.

A significant obligation is imposed on employers as well. They are responsible for reporting events related to foreign employees to the relevant Labour Office. This includes commencement of work, early termination of employment, and changes in job positions. Employers are also obliged to report the reason for early termination because if the employer terminates the employment contract for reasons on the side of the employer, or the employee terminates the employment (immediate termination) before the card's expiration, the employer must cover the cost of healthcare provided to the foreign national from the end of their employment to their departure from the country.

Benefits of holding an Employee Card include the ability to legally reside and work in the Czech Republic for the card's duration. Cardholders can leave the Czech Republic during the card's validity period and return, and they can also travel within the Schengen Area without requiring an additional visa.

However, it is vital to be aware of the conditions for immediate cancellation, which can occur for various reasons. This includes the employer becoming unreliable (failing to meet the employer's obligations), the foreign national engaging in illegal work, the holder of the Employee Card does not possess adequate qualifications for the work or the foreign national ceases to meet the conditions of their residence permit.

Also, cardholders are obliged to attend an adaptation and integration course within one year of collecting their residence permit.

The second type of residence permit is the **Blue Card** (tied to governmental programmes HQE, KASP). The Blue Card is available for those who hold a higher professional or university degree, which lasted for at least three years (high qualification). They should also intend to work in a position that requires this level of qualification.

In contrast to the Employee Card, the Blue Card is available to foreigners who have received long-term visas for seasonal employment or have been granted international protection (asylum or supplementary protection). Blue Cards can also be obtained by holders of Blue Cards issued by other European Union member states. However, certain individuals are not eligible to apply for the Blue Card: (1) applicants for long-term residence permits for scientific research; (2) residents of

another EU member state who are in the country based on a residence permit for employment or entrepreneurship; (3) foreign nationals residing in the Czech Republic under specific conditions outlined in international treaties (excluding those who already hold an intracompany transferred Employee Card); and (4) foreign nationals sent to the Czech Republic by an employer based in another EU state.

The Blue Card is issued for a period that is three months longer than the duration specified in the employment contract, with a maximum validity of three years. Applications can be submitted directly to the Ministry of the Interior if the applicant is an asylum seeker or a person enjoying international protection, a foreigner holding a Blue Card issued by another EU member state (if they apply within one month of entering CZ), or a foreigner who is in the country on a visa for a stay longer than 90 days or a long-term residence permit for a different purpose. The application fee when applying directly to the Ministry of the Interior is 2,500 CZK, while other applicants must submit their applications to a diplomatic mission abroad, with a consular fee of 5,000 CZK.

The processing time for both options is 90 days. As for the required documentation, applicants need first to provide an employment contract for work requiring high qualifications, with a minimum duration of one year and based on the legally established weekly working hours. The contract should also specify a gross monthly or annual salary equal to at least 1.5 times the average gross annual wage. A document certifying high qualifications (higher vocational or university education lasting at least three years) is required in justified cases, especially when there are doubts about whether the applicant possesses the required education or whether it corresponds to the nature of the employment. In such instances, the administrative authority may request proof that the foreign education has been recognised by the relevant Czech authority. In case of regulated professions, the applicant should provide a document confirming compliance with the requirements for practicing the regulated profession. Additionally, an equivalent to the excerpt from the criminal record registry, issued by the state of which the applicant is a national, is also necessary. In the case of employment through a recruitment agency, similar requirements apply for both the Employee Card and the Blue Card.

Holding a Blue Card comes with several significant advantages. Firstly, applicants can legally reside and work in the Czech Republic during the permit's validity. Secondly, with a valid residence permit, applicants have the flexibility to leave and re-enter the Czech Republic multiple times. Thirdly, Blue Card holders can travel within the Schengen Area without the need for an additional visa. Fourthly, the Blue Card holders can apply for a Blue Card in other European Union member states without the necessity of applying at a diplomatic mission and their family members can similarly apply for long-term residence for family reunification in this manner. Fifthly, after residing with a Blue Card for five years in any EU member state, they can apply for permanent residence. Finally, their family members can apply for long-term residence for family reunification through a shortened 90-day processing period at a diplomatic mission.

It is essential to adhere to certain conditions, such as taking the adaptation and integration course within one year of receiving the residence permit. If the foreigner wishes to change their employer, position, or employment within the same or a different employer, they must notify the Ministry of the Interior. In case they terminate their employment, they are required to notify the Ministry of the Interior within three working days.

Cancellation of the residence permit, in addition to the previously mentioned conditions, is specifically enforced on the following cases: (1) if the Blue Card holder remains unemployed for

a period exceeding three months and has held the Blue Card for less than two years; (2) if the Blue Card holder is unused for more than six months and has held the Blue Card for a minimum of two years (This condition does not apply when the employment relationship terminates due to reasons on the employer's part, or an agreement for the same reasons, or in case of immediate termination by the employee.); (3) if the Blue Card holder lacks secured accommodation within the country; (4) if the Blue Card holder applies for social benefits (livelihood allowance, housing supplement, or exceptional immediate aid); (5) if the Blue Card holder fails to report their employment termination or job position change to the Ministry within three working days (This exception applies when the fulfilment of this obligation is hindered by reasons beyond the Blue Card holder's control.); (6) if the employer of the Blue Card holder has unpaid debts; and (7) if the Blue Card holder does not have sufficient qualifications. While assessing the appropriateness of the revocation, the Ministry takes into account the impacts of this decision on the private and family life of the Blue Card holder.

The third form of residence authorisation that the Czech Republic offers concern two distinct types of residence permits for internally transferred employees: the "**Intra-Corporate Transferee Employee Card**" and the "**Intra-Corporate Transferee Employee Card of Another EU Member State**". The primary difference lies in the programmes to which these cards are tied. The former is associated with the QE, HQE, and KASP programmes. Also, applications for this permit cannot be submitted within the Czech Republic. On the other hand, the latter card, "Intra-Corporate Transferee Employee Card of Another EU Member State" is not tied to any specific programme, making it possible to apply for it directly at the Ministry of the Interior (within 90 days of entering the country) or at the foreign embassy. However, all other conditions, guarantees, and benefits associated with these cards remain the same.

To be eligible for an Intra-Corporate Transferee Employee Card, one must be transferred to a managerial, specialist, or employed trainee position. The maximum duration of the transfer is set at three years for managers and specialists and one year for employed trainees. A fixed application fee of 2,500 CZK applies, with a processing time of 90 days.

The required documents include a Letter of Assignment, proof of employment within a business corporation for at least six months prior to the intra-corporate transfer, and documents verifying the relationship between the entities involved in the transfer. Moreover, proof of the requisite professional qualifications for the designated position is mandatory, and the documentation for regulated professions (if applicable). For employed trainees, proof of higher education and an agreement on professional training is required.

There is also a possibility of document substitution in the case of participation in government-approved programmes, where some documents can be replaced with an employer's confirmation if programme conditions allow. These substitute documents may encompass proof of accommodation, the Letter of Assignment, evidence of prior employment within a business corporation, documents demonstrating the relationship between entities in the transfer, proof of required professional qualifications for the position, and proof of higher education if applicable.

Moreover, an equivalent extract from the Criminal Record Register issued by the country of citizenship is also necessary.

As for benefits, during the validity of the residence permit, individuals can legally reside and work in the Czech Republic. Possession of a valid residence permit allows multiple entries and exits from the Czech Republic, including travel within the Schengen Area without the need for a visa.

Furthermore, if the eligibility criteria are met, applicants can request an Intra-Corporate Transferee Employee Card from another EU Member State.

It is crucial to note that the issuance of these cards is subject to specific conditions and may be revoked under certain circumstances. This includes situations where any of the issuance conditions are no longer met, the cardholder does not have secured accommodation, the employment company has outstanding debts, the company has been fined for permitting illegal work after the card's issuance, or the company goes bankrupt. In such cases, the decision to revoke the card is contingent upon the proportionality of the consequences to the reason for its revocation, with consideration given to the impact on the cardholder's private and family life.

Fourth residence authorisation is the **long-term visa for the purpose of entrepreneurship**, which is associated with government programmes such as the KASP and Digital Nomad programmes, and the governmental quota. This visa is tailored for individuals looking to engage in business activities within the Czech Republic, run their own enterprises, work as self-employed professionals, or serve as statutory officials or members of the governing bodies of business entities. To apply for this visa, applicants must do so exclusively abroad at a diplomatic mission and pay a fee of 5,000 CZK. Upon obtaining this visa, the holder becomes eligible to apply for the “Residence permit for the purpose of entrepreneurship” as detailed in the second section of this chapter. This visa offers a validity period of one year and has a processing time of 60 days. To apply, candidates need to submit documents substantiating their entry into the relevant register, list, or record and provide documentation akin to a Certificate of Criminal Record issued by their home country. Possessing a valid visa permit grants the holder the freedom to repeatedly exit and re-enter the Czech Republic. Additionally, they can travel across the Schengen Area without the need for an additional visa. Throughout the visa's validity, the holder is legally authorised to reside in the Czech Republic and engage in business activities. The conditions for this visa largely correspond to those outlined for long-term visas in general, without specific provisions. Likewise, the terms for revocation or cancellation of this visa are as legally defined for analogous circumstances (as outlined in the introduction section).

## **Section 2: Residence authorisation outside the standard quota system**

This section explores various long-term residence permits and visas designed to accommodate specific purposes. These include the long-term residence permit for the purpose of seeking employment or starting a business, the long-term residence permit for entrepreneurship, the long-term visa for seasonal work, and the Extraordinary Work Visa, each of which is associated with a specific governmental programme (for the overview of the analysis see Table 3 in Annex 1).

It is essential to clarify that the long-term residence permit for employment seekers and the long-term residence permit for entrepreneurship does not fall under the category of migration policies. These permit types are exclusively available to foreign nationals who already reside in the Czech Republic.

Regarding the long-term residence permit for the purpose of seeking employment or entrepreneurship, it is applicable under specific conditions. A foreigner may apply for this permit if: (1) they hold a long-term residence permit for study and have successfully completed an accredited study programme at a higher education institution; and (2) they have a long-term residence permit for scientific research and have successfully concluded their research activities.

This permit enables its holders to stay in the Czech Republic for a period of nine months with the primary purpose of seeking employment. If suitable employment is secured during this period, they can subsequently apply for the relevant permit linked to the specific job offer.

The second type of long-term residence permit for entrepreneurship is tailored for individuals who already hold a long-term visa for entrepreneurship or a long-term residence permit for any purpose, and have resided in the Czech Republic for over five years. An exception to the five-year continuous residency requirement applies to holders of long-term residence permits for employment seekers or entrepreneurs who can apply at any time before the expiration of their existing permits. The validity of this permit is up to two years.

On the other hand, there is the Long-Term Visa for Seasonal Work and the Extraordinary Work Visa, both of which necessitate applications to be submitted exclusively abroad, rather than within the Czech Republic.

The Extraordinary Work Visa aligns with the government programme known as the "Extraordinary Work Visa for Nationals of Ukraine working in agriculture, food industry, or forestry." While the conditions of the permit follow the general long-term visa provisions without significant deviations, the specific criteria related to this programme are detailed by governmental regulations. It is essential to note that a quota is established for this type of residence, permitting a maximum of 125 applications monthly from Ukrainian nationals. The programme targets Ukrainian citizens and positions related to specific work categories in classes five through nine (middle or lower-skilled workers<sup>26</sup>), as per the current updated CZ-ISCO job classification. Employers falling within particular economic activity sectors as outlined in the Czech National Economy Classification (CZ-NACE) are eligible to participate in this programme. These sectors include plant and animal production, forestry and logging, the production of food products, and the production of beverages.

A noteworthy stipulation is that the applicant's employer for the Extraordinary Work Visa cannot be a recruitment agency; only direct employers can sponsor this visa. The Extraordinary Work Visa is closely tied to the specific job at hand, requiring documented information about the vacancy's reference number, which corresponds to job types outlined in the Government Regulation on Extraordinary Work Visas and is available in the central database of job vacancies. It is important to note that this requirement does not apply to foreigners who already have open access to the Czech Republic's job market.

Foreign nationals interested in this visa should submit their applications at the Consulate General of the Czech Republic in Lviv, with a processing period of 90 days and a maximum permit duration of one year.

The Long-Term Visa for Seasonal Work is a specialised category designed to accommodate activities tied to specific annual periods, as defined by the Ministry of Labour and Social Affairs<sup>27</sup>. Holders of the Long-Term Visa for Seasonal Work are permitted to stay in the Czech Republic for up to nine months. This specialized visa allows foreign nationals to engage in seasonal work activities defined by the regulations, thus accommodating the unique nature of these roles.

For all the aforementioned types of permits, the processing time is 60 days, except for the Extraordinary Work Visa, where it is extended to 90 days. The processing fee for all of them is set at 2,500 CZK. Applicants are required to submit a valid travel document, proof of accommodation arrangements, and a recent photograph.

It is important to note that the requirement for proof of financial means does not apply to the Extraordinary Work Visa and the Seasonal Work Visa. However, for the long-term residence permit for entrepreneurship, applicants must demonstrate financial resources amounting to 50 times the subsistence minimum. And in the case of applicants for the long-term residence permit for employment seekers, they must provide proof of either financial means or evidence that all expenses related to their stay will be covered by a state authority, legal entity, or hosting organisation. The financial means required are at the level of 15 times the subsistence minimum, in addition to twice the subsistence minimum for each complete month (excluding the first month) of the planned stay on the territory.

Additional documentation requirements vary depending on the purpose of the long-term residence permit or visa. Applicants seeking Long-Term Residence Permits for Employment Seekers must provide proof of successful completion of a high school study programme (for those with a study-related long-term residence permit) or proof of completion of research activities issued by the relevant research organization (for those with a research-related long-term residence permit). For Long-Term Residence Permits for Entrepreneurship, the applicants should provide documents that clearly establish their business intentions in the Czech Republic. They are required to provide evidence of their business' registration, either in the appropriate registry, list, or database. Additionally, proof of a clean financial record is often a prerequisite. This includes a statement of a foreign national's lack of debt. For corporate applicants, a document confirming the company's debt-free status may be requested, along with an excerpt from the Commercial Register. For the Extraordinary Work Visa, a document detailing the purpose is necessary. This should be the decision on the employment permit issued by the Czech Labour Office. For the Long-Term Visa for Seasonal Work, the following documents are required: (a) the employment permit or the reference number of the application for such a permit, and (b) the original and an authenticated copy of the employer's confirmation of the agreed salary or wage, especially if accommodation is provided by the employer.

It is essential to note that a criminal record check is not a mandatory requirement for all permit or visa types, with the exception being the Extraordinary Work Visa, which may necessitate such documentation.

Holders of long-term residence permits (for seeking employment and entrepreneurship) are required to have comprehensive health insurance. If applicants are a participant in public health insurance, they should provide their insurance card and a certificate from their health insurance company confirming that they have no outstanding debts. In the event of a positive decision on their residence application, these applicants must register with the Ministry of the Interior, where their biometric data will be collected, and they will receive a biometric card as proof of their residence permit. For those holding residence permits for employment-seeking purposes, there is no requirement for an integration-adaptation course. However, entrepreneurs may be obligated to complete one.

The benefits of long-term residence permits include the ability to repeatedly leave and re-enter the country with a valid residence permit. Holders can also travel within the Schengen Area without the need for an additional visa. During the processing of their residence application, they can stay in the Czech Republic legally, even if their current residence permit or visa has expired.

Long-term visas (both Extraordinary and seasonal) require health insurance covering necessary and urgent medical care for the first 90 days of their stay. They must also provide evidence of

comprehensive health insurance for the remaining duration of permitted stay. Upon arrival in the Czech Republic, they must register with the Foreign Police within three business days.

The benefits of the long-term visa include legally residing and working in the Czech Republic. With a valid long-term visa, they can repeatedly leave the Czech Republic and return, throughout the entire visa's validity period.

The law does not impose specific conditions for these four types of permits. Generally, the foreign national must fulfil the purpose of their stay, act truthfully, avoid committing any criminal offenses, comply with visa conditions, and not disrupt public health or public order, etc. The only exception is the Extraordinary Work Visa, where the time spent in the Czech Republic on this visa does not count towards the five-year continuous stay required for permanent residency. During the stay on the Extraordinary Work Visa, the holder cannot apply for any other residence permits. For the purpose of seasonal employment, the following additional conditions apply. Foreign nationals are obliged to report any change in their place of residence within the territory within 15 days from the date of the change to the police department corresponding to their new place of residence. This obligation applies to foreign nationals if the anticipated change in their place of residence will exceed 15 days. The stay within the territory of the Czech Republic based on a visa for seasonal employment does not count towards the required five years of continuous residence for the issuance of a permanent residence permit. During the period of stay on this visa, it is not possible to apply for a long-term or permanent residence permit after five years of continuous residence within the territory. It is important to note that if the validity of this visa is revoked due to the employer's breach of obligations, the employer is obligated to compensate the foreign national for any damages incurred. This compensation includes lost wages, salary, or remuneration that the foreign national would have been entitled to if the visa had not been revoked, as well as expenses related to the foreign national's arrival within the territory and departure to the state of their citizenship or, in the case of statelessness, to their last place of permanent residence, or to another state where they have legal residence, along with administrative fees associated with the acceptance of the application.

### **Family reunification policy**

The family reunification permit encompasses two distinct categories of family members: those who are relatives of TCNs and those who are relatives of EU citizens, including citizens of Iceland, Liechtenstein, Norway, and Switzerland. These two groups are subject to separate sets of regulations, each with its own unique requirements, rights, and conditions (see Table 4 in Annex 1).

For family members of TCNs, there are two ways for reuniting with their loved ones in the Czech Republic. They can opt for a more favourable type of authorisation, the "residence permit," which has stricter conditions but offers certain advantages. Alternatively, they may choose a "long-term visa for the purpose of family reunification," which is issued for a maximum duration of one year. It needs to be added that the Czech Republic also issues a residence permit for purpose of family reunification, this residence permit is, however, not a permit for entry into the Czech Republic. It is worth noting that the Czech Republic grants a residence permit for family purposes; however, this authorisation does not serve as an entry permit into the country. This particular permit is intended for individuals holding a long-term visa issued for family purposes or possessing a long-term residence permit issued for any other purpose (excluding residence for tolerated stays lasting less than three years). Acting as a form of control, the residence permit for family purposes can only be applied for in person at the Ministry of the Interior. In the case of applicants under 15 years



of age, the request must be submitted by a legal representative, typically one of the parents. In this section, we will not delve into this further, as it does not serve as an entry permit.

On the other hand, family members of EU citizens can be further classified into two categories: close family members and distant family members of EU citizens. Close family members primarily cover immediate family, while distant family members include relatives who may not be as closely related but have specific dependencies or relationships with the EU/Czech citizen. These categories differ slightly in terms of the conditions of stay, including the prerequisites for obtaining a temporary residence permit, the types of insurance required, and the specific documents issued to foreign nationals.

In the context of residence in the Czech Republic, close family members of EU citizens are defined in a rather narrow manner. They encompass individuals such as the spouse of an EU or Czech national, provided that the EU citizen holds permanent residence in the Czech Republic. Additionally, close family members include parents of EU citizens under the age of 21, who are genuinely cared for by the EU citizen, as well as descendants under 21, including those of an EU spouse. Moreover, this category extends to descendants or ancestors, including those of the EU citizen's spouse, who are financially dependent on the EU citizen for their basic needs and maintenance.

In contrast, distant family members are defined more broadly. This category includes relatives of EU or Czech nationals who may not be immediate family but are nonetheless connected through dependency or specific relationships. Distant family members encompass relatives who are dependent on the EU/CZ citizen in their country of origin, relatives who are members of the EU/CZ citizen's household in their home country, and relatives for whom compelling health reasons necessitate personal care by the EU citizen. Additionally, distant family members encompass foreigners with a duly documented permanent partner relationship with an EU/Czech citizen.

The Alien Act provides the opportunity to obtain a residence permit for the purpose of family reunification, but only for defined individuals. One of the categories is close family members defined as follows: (a) spouse of a foreigner (both must be over 20 years old), and b) a minor child or unprovided-for adult child or a child of the foreigner's spouse, including children who are entrusted to the care of/adopted by a foreigner or their spouse.

When applying as a close family member, the family member they intend to join must meet at least one of the following legally prescribed conditions. Firstly, these conditions include holding a valid Blue Card, an Intra-company Transferred Employee Card, or a similar card issued by another EU member state. Additionally, eligibility extends to those with a long-term residence permit for investment or a residence permit for scientific research, or individuals who have applied for a long-term residence permit for the purpose of seeking employment or initiating a business endeavour in the country. Secondly, the holder of the claim for reunification must have resided in the Czech Republic for at least 15 months. If the reunification holder is in the Czech Republic based on an Employee Card, their spouse can apply for family reunification after only six months of residence instead of the usual 15 months. Thirdly, for individuals staying in the Czech Republic on a long-term residence permit for scientific research or having applied for such a permit, there are no time restrictions for family reunification.

Additionally, there are other categories of foreigners and their family members who can apply for residence permits for the purpose of family reunification. One of them is isolated foreign nationals over 65 years old or those who cannot provide self-care due to health reasons. Also, a request for a

long-term residence permit for the purpose of family reunification can be submitted by a foreigner who, before entering the Czech Republic, resided in another European Union member state as a family member of a holder of a long-term residence permit for highly qualified employment (commonly referred to as the "Blue Card") or a holder of a residence permit for an intracompany transferred employee issued by another EU member state. Lastly, family reunification can apply to close family members of asylum-seekers: (a) spouse of an asylum seeker if the marriage was established before the asylum seeker's entry into the Czech Republic; (b) minor child or unprovided-for adult child of an asylum seeker or their spouse, including children entrusted to the care of/adopted by an asylum seeker; and (c) a parent of an under-age asylum seeker. If the asylum seeker does not have parents, another direct relative in the ascending line, or their guardian.

In cases where the conditions for the aforementioned categories are not met, a long-term visa for family reunification is available. This option is for those who do not meet the stricter conditions but still fall into specific categories, such as spouses or registered same-sex partners, parents, minor children, relatives dependent on care, or isolated foreign nationals over 65 years old or relatives unable to provide self-care due to health reasons. A visa for family reunification can also be granted to other family members; however, it always depends on the assessment of each individual case by the Ministry of the Interior.

Residence permits and visas for TCNs in the Czech Republic follow specific application procedures, typically requiring applicants to submit their applications in person at the Czech Republic's diplomatic mission or consulate. For a residence permit for the purpose of family reunification in the Czech Republic, applicants can also submit their requests directly to the Ministry of the Interior. This includes holders of a long-term visa issued for any purpose (excluding visas for tolerated stays lasting less than six months, seasonal employment, or Extraordinary Work Visas), as well as holders of long-term residence permits issued for different purposes. Additionally, individuals who have stayed in another EU member state as family members of a Blue Card EU holder or as family members of an Intra-Corporate Transfer Card holder issued by another EU member state can also apply in the Czech Republic.

Family members of TCNs can also participate in government labour market programmes and enjoy the benefits related to their arrival in the Czech Republic as workers in these programmes. However, these family members are eligible for inclusion in these programmes only if they are considered close family members according to Czech regulations and apply for family reunification together with the worker who is part of the respective programme (refer to Table 1). For the **HQE programme**, close family members can apply for a long-term visa for the purpose of family reunification in the case of an Employee Card holder. They can also apply for a residence permit for the purpose of family reunification if they are the close family members of a Blue Card holder or an intra-company transferred employee card holder. In the case of the **KASP programme**, close family members can apply for family reunification under all residence authorisations, and they can also apply for a residence permit for the purpose of family reunification if they are the closest family members of a Blue Card holder or an intra-company transferred employee card holder. Under the **Digital Nomad programme**, those who are considered close family members under all types of residence authorisations can apply for a long-term visa for the purpose of family reunification. Additionally, family members of foreign organisation employees who hold a residence authorisation for the purpose of "Other" (for more details, please refer to Table 1 in the Labour Migration Policy section) can apply for a long-term visa for other purposes.

Family members of EU nationals follow a distinct application procedure. Close EU family members can apply in the Czech Republic even if they were in the country without a residence permit, had an exit order, held a short-term or long-term visa, had visa-free status, or had a long-term residence permit. Distant EU family members can apply in the Czech Republic if they hold a long-term residence permit, a short-term visa for a family member of an EU citizen, or if they have visa-free status. However, they cannot apply if they have an exit order. It is also not possible to apply if they are in the Czech Republic on a short-term visa that is not for a family member of an EU citizen.

Those who decide to submit their application in the Czech Republic, must do so in person at the Ministry of the Interior. The application should be made no later than three months from their entry into the Czech Republic or the expiration of their previous residence permit. In the event that an individual becomes a close family member of an EU citizen while already present in the Czech Republic, the application must be submitted within three months from the date of acquiring this status. Throughout the application process, applicants (tied to EU citizens) are considered to be staying in the Czech Republic legally, even if their existing residence permit or visa expires.

All applicants need to bring a passport, filled up application form, two pictures, proof of accommodation, documents proving the family bond, and proof of paying the travel insurance (in case the residence authorisation is granted). Close family members of EU nationals do not need to provide any other additional documents.

There is, however, a modification in the way health insurance is demonstrated: visa applicants prove their health insurance after their permit has been granted. On the other hand, permit seekers, both family members of EU country nationals and TCNs, are required to provide proof of insurance with their applications. This insurance should include evidence of travel insurance covering the first 90 days of their stay and proof of comprehensive insurance for the remaining duration of their stay, typically obtained through one of the Czech health insurance agencies.

Close family members of EU nationals have the flexibility to provide proof of any insurance, while distant family members of EU nationals must possess comprehensive insurance from VZP (the general health insurance company of the Czech Republic). However, they may be exempt from travel insurance if they are covered by the public health insurance system (e.g., EHIC).

Distant family members of EU nationals, family members of TCNs seeking permits and visas also need to provide proof of means of subsistence for residence in the territory (financial). Applicants for long-term visas are required to demonstrate means of subsistence in the amount of 15 times the existence minimum (currently 3,130 CZK per month), and concurrently with that, double the existence minimum for each full month (except for the first month) of the intended stay in the territory.

Those seeking residence permits (distant family members of EU nationals or of TCN) need to present a document verifying their total monthly income. The total monthly income must meet the requirements of regularity and stability. For these reasons, income cannot be proven by a single account statement. Additionally, child allowances, unemployment benefits, requalification support, or material need benefits are not considered income in these cases. Applicants for permanent residence must provide evidence, such as confirmation from their employer specifying the average net monthly earnings for the previous calendar quarter, a tax income assessment issued by the tax administrator for the last tax period, and other similar documents. The total amount that the demonstrated total monthly income must meet should not be lower than the sum of (a) the sum of

the subsistence minimum of all individuals (family members) who are going to be unified, and (b) the highest amount of normative housing costs determined by law, or actual housing costs.

Regarding (a), the assessment first considers individuals who are not dependent children, followed by dependent children. In each of these categories, the order is determined by age, from oldest to youngest. For the person assessed first in the order, the subsistence minimum amount is 4,470 CZK per month. For the second and subsequent individuals in the order, the subsistence minimum amounts per month which is as prescribed<sup>28</sup>. Regarding (b), normative housing costs are prescribed by law<sup>29</sup>.

Additionally, family members of TCNs need to also provide two additional documents: parental consent if the foreigner is under 18 years old and a document equivalent to an extract from the Criminal Record Registry issued by the state of which the family member is a citizen. This document is not required from foreigners under the age of 15.

The processing fee amounts to 200 CZK for family members of EU nationals and 2,500 CZK for family members of TCNs for individuals aged 15 and older, and 1,000 CZK for those under 15 years old. It is important to mention that exceptions to this fee exist under specific international agreements<sup>30</sup>.

There are the differences in conditions for various groups seeking residence permits in the Czech Republic. For TCNs, a visa is issued specifically for the purpose of obtaining a residence permit, and this visa has a validity period of 60 days.

The starting date of the residence permit of close family members of EU citizens is determined from the date of their initial permit decision. For distant family members of EU citizens, the beginning of their residence permit's validity is based on the date of the decision being delivered.

The processing times for different residence permits and visas vary depending on the specific category. For family members of TCNs applying for a residence permit, the processing time is 270 days (except if the TCN is the holder of a Blue Card issued by another EU state, then it is 180 days). In the case of long-term visas for family reunification, the processing time is generally 90 days. However, in complex situations, it may extend to 120 days to ensure that all aspects are carefully considered. For family members of EU nationals seeking a residence permit, the processing time is 60 days. This relatively shorter period is designed to expedite the reunification process for EU citizens and their close family members.

The duration of permits varies depending on the category of applicants. For TCNs, the residence permit is granted for the same duration as the family member's residence permit they plan to live with in the Czech Republic, with a minimum duration of one year. If the family member holds a permanent residence permit in the Czech Republic, the residence permit for family reunification can be issued for two years. Long-term visas for TCNs typically have a maximum validity of one year. Family members of EU nationals may be granted a residence card with a maximum validity of either three or five years, depending on specific circumstances and regulations.

When obtaining a residence authorisation in the Czech Republic, individuals and their family members enjoy various rights and privileges. Those granted residence in the Czech Republic have the legal right to reside in the country for the duration specified in their residence authorisation. Holders of long-term visa and residence permits may travel visa-free within the Schengen Area, allowing for easy exploration of neighbouring countries. Close and distant family members of EU nationals and individuals holding a residence permit have full access to the Czech labour market,

enabling them to work in various sectors and pursue employment opportunities. Those obtaining a "Visa for the purpose of a family," are eligible to apply for permission to access the labour market. Close family members of EU citizens have the option to apply for permanent residence before completing the standard five-year requirement.

The initial responsibility is registration, and specific requirements vary depending on the type of residence authorisation. Long-term visa holders arriving in the Czech Republic are required to complete their registration with the Foreign Police within three working days of their arrival. TCNs with long-term residence permit are entering the Czech Republic with a D/VR visa. They must register with the Ministry of the Interior's office within 30 calendar days of their arrival. Those who enter the Czech Republic through other means, such as using a biometric passport without a visa, should complete their registration within three working days of arrival. These individuals have a further obligation to take the adaptation and integration course within one year of the date of collecting their residence permit. Family members of European Union citizens usually apply for their residence permits while in the Czech Republic. However, upon arrival, it is obligatory to register their presence within the country. This involves notifying the relevant Foreign Police department within 30 days of arrival.

Foreign nationals in the Czech Republic are subject to several obligations as outlined in the introduction. Changes in personal details, such as name, surname, marital status, passport data, and residence permit information, should be reported to the Ministry of the Interior. However, the timeframe for reporting changes differs for TCNs (within the standard three working days) and family members of EU nationals (within 15 working days). TCNs must also be prepared to provide identity verification upon request by the police and furnish proof of travel health insurance during residence checks.

Failure to comply with these obligations can result in penalties categorised as either fines (up to 10,000 CZK) or the cancellation of residence authorisation, resulting in deportation, depending on the severity of the breach.

Foreign citizens residing in the Czech Republic are subject to the cancellation of residence authorisation in various situations, with the specific circumstances often varying based on their immigration status. For TCNs, including visa and residence permit holders, cancellation occurs in case of actions such as being convicted of (intentional) crimes, failing to fulfil the purpose for which their visa was granted, or providing false information during the visa application process (these are general requirements as stated in the introduction).

Residence permit holders, including family members of EU nationals and TCNs, face the residence permit cancellation if they engage in purposeful marriages of convenience or pose threats to the security and public order of the Czech Republic. Furthermore, visa holders may be at risk of cancellation if they lack a valid travel document, have committed criminal offenses in other EU countries, or fail to meet specific conditions outlined in their visas.

Notably, residence permit holders who are family members of TCNs could face cancellation of the permit: (a) if they committed a crime; (b) in the case of a child, if there is no consent from parents or legal guardians for the stay in the territory; (c) if the holder of the residence permit for the purpose of family reunification does not have sufficient means (financial resources) for the stay in the territory; (d) there is no secured accommodation; (e) if the person with whom the holder of the residence permit for the purpose of family reunification is merged has requested the cancellation of the validity of their residence permit, or if their residence permit has been cancelled, or its

validity has expired; (f) if the validity of the Blue Card has been cancelled for the holder of the residence permit for the purpose of family reunification, or it has not been extended, or if another European Union member state has not granted their request for the issuance of the Blue Card, and the validity of the Blue Card issued in the territory has ended; and (g) conversely, family members of EU nationals may risk cancellation of their permit if they become an undue burden on the Czech social welfare system, cease residing with the EU citizen, or fail to meet other legally established conditions.

**Forgiveness**, as applicable to all types of cases, plays a crucial role. The cancellation of residence authorisation cannot be rendered if their implementation would unreasonably infringe upon the private or family life of the foreign national (forgiveness) and other clauses of forgiveness as described in the introduction to the analysis.

Additionally, the forgiveness clause is applicable in a multitude of cases: (a) a family member of an EU citizen genuinely cares for the child during the child's education in a basic, secondary, or higher vocational school, conservatory, or during the child's studies at a university; (b) the EU citizen passed away during their temporary stay in the country, and the family member of the EU citizen had resided in the country for at least one year prior to the EU citizen's death; and (c) the marriage to an EU citizen ended in divorce or with a decision of nullity (or the long-term partnership, which is not a marriage, was terminated). Concurrently, this latter case considers the following cases: (i) custody of the child of the EU citizen was entrusted to the family member, or the family member was granted access to the child by court order within the territory; (ii) the marriage lasted for at least three years before the divorce, and the family member's stay in the country was at least one year; and (iii) the reasons for the stay are justified (e.g., if the family member of the EU citizen was a victim of domestic violence). These conditions outline the circumstances under which deportation decisions may be forgone for family members of EU country nationals, taking into account the preservation of family life and the specific situations that may warrant such considerations. Additionally, the police have the authority to rescind deportation decisions for family members of EU citizens seeking temporary or permanent residence permits, provided there is no credible risk to state security, public order, or public health.

### **Policy on tourism**

In this section, we will explore the intricate details of the Czech tourism visa application process, encompassing the necessary prerequisites, exceptions, and potential outcomes (see Table 5 in Annex 1).

Under the Czech migration regime, individuals seeking to visit the country for tourism purposes can do so by obtaining a short-term Schengen visa, referred to as a Visa type C. This policy is rooted in European directives and the Schengen Codex, which serves as the overarching framework for visa regulations across the Schengen Area. While the core principles governing tourism visas are European in origin, individual member states, including the Czech Republic, possess the autonomy to introduce country-specific requirements, guarantees, and exceptions, often influenced by national legislation and bilateral agreements. Schengen regulations encompass TCNs, with certain exceptions prioritising family members of EU member state citizens. This section explains one type of short-term Schengen visa. The Czech Republic does not distinguish between Schengen visas for the purpose of tourism and other (with exceptions described in the section on tourism). Therefore, this section serves as an explanation of a prototype of the short-term Schengen visa,

with detailed definitions, clauses, etc., which will be explained only briefly in the section on Schengen policy).

Family members of EU citizens enjoy a range of rights, including visa-free stays or expedited visa issuance. Close family members of EU citizens are defined as follows. Firstly, a family member is a spouse or registered partner of an EU citizen. Secondly, it can be a parent of an EU citizen who is under 21 years of age and who is genuinely cared for. Third, a family member is a child of an EU citizen or of the spouse of an EU citizen who is under 21 years of age. Fourth, it can be a descendant or ancestor of an EU citizen or their spouse who is dependent on the EU citizen or their spouse for their basic needs or necessary care, or who was dependent on such support immediately before entering the territory of the Czech Republic. Fifth, a family member may also be another relative of an EU/Czech citizen<sup>31</sup> and who is financially supported by the EU/Czech citizen or requires their personal care due to serious health reasons, or is a member of the household of the EU/Czech citizen in their home country.

Under certain conditions, distant family members from non-EU countries traveling with EU citizens or joining them may also be eligible for expedited visa processing. These include siblings, cousins, aunts, uncles, and their long-term partner. While member states are not obliged to grant them automatic entry, they must consider their application.

Close family members of an EU citizen may stay in the territory of the Czech Republic for up to 90 days without a visa if they hold a residence card of a family member of an EU citizen or a permanent residence permit in another EU member state. It is also possible to stay in Czech territory without a visa, if the Schengen visa expired and a family member of an EU citizen stays in the Czech Republic with the EU citizen. This stay is allowed for an additional 90 days. The obligations of those staying in the Czech Republic for short-term and visa-free are specified in the section on Schengen policy.

To obtain a Schengen short-term (tourist) visa, applicants must submit their visa applications to a Czech embassy or consulate located abroad. It is crucial to initiate this process well in advance, preferably between six months and at least 15 calendar days before the intended visit. In exceptional circumstances, consulates or central authorities may consider applications submitted later than the 15-day period, although these exceptions are not explicitly detailed. In most cases, visa applications are processed within 15 days, but the processing period can be extended up to 60 days.

When family members of EU citizens apply for a tourist visa, they are entitled to an expedited procedure with their own list of required documents. Family members of EU citizens need to submit the following documents for a Schengen visa application: (1) completed "Schengen Visa Application" form; (2) valid travel document; (3) passport-sized photograph; (4) documents proving the existence of the EU citizen (copy of ID card or passport); (5) proof of their relationship with the EU citizen (marriage certificate, birth certificate, dependency certificate, documents showing serious health reasons, or proof of a long-term relationship); and (6) proof that they will accompany or follow the EU citizen to the Czech Republic. Additionally, the processing time for family members of EU citizens is 14 days from the date of application submission. However, this period may be extended to 45 days in justified cases. Their visa application process is free of charge.

If a tourist visa is to be issued to specific relatives<sup>32</sup>, these individuals must also provide additional documentations and biometric data. They should present an unofficial invitation (in the form of a

letter) from a family member or friends, or an official document certified by the Foreign Police Service, proof of accommodation, financial means, information allowing an assessment of the intention to return (usually a flight or train ticket reservation), and specific documents depending on their country of origin<sup>33</sup> (more in the section on Schengen policy).

For TCNs who are not related to EU citizens, the European stipulations for granting a tourism visa necessitate the submission of multiple documents. Without exemption, applicants are mandated to provide the following: an electronic application form, a valid passport, recent photographs, and proof of travel insurance with a minimum coverage of 30,000 EUR. The specific documents that vary on the country of origin and which serve as proof of the intention of the travel are required<sup>34</sup>. These documents are also specified for Vietnam (more in the Schengen policy section).

Certain variations exist regarding these requirements. Biometric data, including fingerprints, may be exempted for children under 12 and individuals unable to provide fingerprints, such as those with missing fingers. Additionally, biometric data collection is waived for specific diplomatic and service passport holders, including representatives of states (including royals), their spouses, and other members of official delegations.

The visa fee varies based on age and nationality. Adults are typically required to pay 80 EUR, while children aged six to twelve are subject to a fee of 40 EUR. Children under six years old are exempt from payment. Special exemptions also apply to children under 18 and specific diplomatic and service passport holders.

There are additional documents that supplement the visa application, such as a statement detailing the purpose of the travel, proof of accommodation, and evidence demonstrating sufficient funds to support the stay. These supplementary documents serve as evidence of the applicant's intent to depart the Schengen Area before the visa's expiration date. In the case of tourists, proof of accommodation may include an invitation from a Czech Republic resident with whom they plan to stay or a reservation confirmation from their chosen establishment, such as a hotel. Moreover, tourists may be required to provide documents outlining their travel itinerary, especially if they intend to participate in organised tours or other structured activities within the Czech Republic.

To establish sufficient funds for the intended journey, applicants must meet specific financial criteria. Bank account statements from the last three months, along with pay slips for the employed, tax returns for the self-employed, or pension-related documents for the retired, should demonstrate a minimum of half of existence minimum per adult applicant per day (currently, the existence minimum is 3,130 CZK, the daily amount is 1,565 CZK).

Certain nationalities enjoy exemptions from the standard Schengen visa requirements, enabling them to visit the Czech Republic for specified durations without the need for a visa. Notably, Bulgaria, Romania, and Cyprus, though not part of the Schengen agreement, are members of the European Union and do not require tourist visas. Additionally, the European Union periodically releases a list of countries whose citizens are exempt from tourist visa requirements, further facilitating travel to the Czech Republic and other Schengen destinations.<sup>35</sup>

The Czech Republic maintains its own list of exemptions based on bilateral agreements. These exemptions are applicable either solely within the Czech Republic for stays of 30 days<sup>36</sup> or three months<sup>37</sup>, or they extend to the entire Schengen Area for stays of three months within a six-month period<sup>38</sup>. Furthermore, exemptions are granted to holders of special (diplomatic, service) passports for specific countries<sup>39</sup>.



The short-term Schengen (tourist) visa allows the tourist to enter the Czech Republic and the Schengen Area for up to 90 days within a 180-day period and visa validity for a maximum of five years with multiple entries (if eligible). The validity can be exceeded for serious personal reasons when necessary (with a 30-EUR fee). The possibility of transit within the Schengen Area, provided the visa is not restricted to the Czech Republic only.

Failure to comply with visa conditions, such as overstaying the 90-day period or working without a permit (i.e., not fulfilling the conditions of the visa), can result in severe consequences, including an entry ban to the territory of the European Union/Czech Republic lasting from three to ten years and a deportation order. The Directorate of the Foreign Police, based on a valid administrative expulsion decision, designates the foreigner as an undesirable person and adds them to the registry of undesirable individuals. This registry is an integral part of the Czech Foreigner Information System (CIS).

Administrative deportation decisions can be revoked or waived under the following circumstances. Firstly, deportation decisions for EU citizens can be revoked if there's no substantial threat to national security, public order, or public health, as applies to family members of country nationals seeking residence permits (in any form). Secondly, deportation is prohibited if it unreasonably interferes with the foreign national's private or family life. The visa holder needs to demonstrate that there is a valid reason for not being able to leave the Czech Republic before the visa expires such as humanitarian reasons, serious personal reasons, or important professional reasons. In these cases, the visa holder can also apply for an extension of their visa and their period of stay at a specific office at the Ministry of the Interior. Thirdly, if the visa holder has applied for a long-term visa or a residence permit before their short-term visa expired, they may be allowed to stay until their application is processed, as long as they meet the other conditions of the visa. Other general provisions are stated in the introduction to the analysis.

### **Investment-based immigration policy**

In this section, we will look at the process of coming to the Czech Republic for the purpose of investment (see Table 6 in Annex 1). The Czech Republic issues only one type of authorisation for this purpose: a long-term residence permit. The TCNs who seek to obtain this permit must fulfil several conditions. They must be an entrepreneur, a significant representative of a corporation, or a shareholder of a corporation whose shareholding is at least 30 per cent. The conditions for entering the Czech Republic are essentially the same for these types of actors, but applicants must always submit documents on either their personal or corporate intent. Applicants must then come to the Czech Republic for a "significant investment."

The "significant investment" to be realised by applicants in the Czech Republic is further defined as follows. Firstly, the applicant or the relevant corporation represented by the applicant intends to make an investment in the Czech Republic that will create 20 new jobs. The new job must be created in connection with the implementation of a significant investment and must be taken for the duration of the investment by an employee who has a weekly employment contract and is an EU citizen or a member of their family. Secondly, the applicant or the relevant corporation must invest funds of at least 75 million CZK, while the funds may be replaced up to 60 per cent by investing other assets whose ownership and origin the foreigner proves, and whose value, as assessed by an expert, corresponds together with the funds of 75 million CZK. Thirdly, the intention to make the investment must be credible and the investment must benefit the state, region, or municipality. Finally, if the applicants have already resided in the territory of the Czech Republic,

they must be debt-free, i.e., they must not be in arrears with the Czech tax administration, customs administration, public health insurance, or social security. If the foreigners are applying for entry as a representative of a corporation or a shareholder of a corporation, they must submit evidence of this corporate debt-free status.

In order to obtain a long-term residence permit for the purpose of investment, applicants have to submit the following documents: an application for a long-term residence permit; a valid travel document; two identical photographs corresponding to their current appearance; proof of accommodation in the Czech Republic; a document equivalent to a Criminal Record Registry extract issued by the state of which they are citizens (however, this requirement does not apply to foreigners under the age of 15); a description of the business plan (presentation of the objectives, risk assessment, reasons for a significant investment, etc.); a document showing that they or the corporation they are representing can dispose of funds in the territory for the purpose of making a significant investment (not older than 30 days while submitting); evidence of their or the corporation's financial performance for the last two calendar or accounting years; an affidavit that they or the corporation they represent has not been the subject of a bankruptcy-like court decision; documents on the ownership and origin of the invested property and, if need be, an expert's report on the valuation of the property; and if the foreigners have already resided in the Czech Republic, proof of their debt-free status or the debt-free status of the corporation of which they are a significant representative or shareholder. If the foreigners are significant representatives of a business corporation, they also must provide proof that their activities in the Czech Republic will have a significant impact on the business of the corporation, and if they are shareholders of a business corporation, they must provide proof that their shareholding in the corporation is at least 30 per cent.

The applicants must pay a consular fee of 5,000 CZK, which can be paid in EUR, USD or the local currency. The embassy or consulate of the Czech Republic then forwards the application to the Ministry of the Interior of the Czech Republic, which has 30 days to process the application, in particularly complex cases, the deadline is extended to 60 days.

After entering the Czech Republic, TCNs who arrive without a visa, e.g., with a biometric passport, must register with the Ministry of the Interior's office within three days. If they arrived on the basis of a D/VR visa, they are obligated to register with the Ministry of the Interior's office within 30 days. When registering, they will arrange a date for the biometric scan, for which they must bring a valid travel document. The deadline for collecting the residence permit (biometric card) is 60 days after the biometric scan. The long-term residence permit for investment purposes is issued for the period of making a significant investment, but for a maximum of two years. The validity of this permit can be repeatedly extended for the period necessary to achieve the purpose of the stay, but always for a maximum of two years if the conditions are fulfilled.

During the period of stay in the Czech Republic, the TCNs are also obligated to report a change of name, personal status, and data in the travel document and residence permit within three working days of the change at the Ministry of the Interior. They must also report a change of address to the Ministry of the Interior within 30 working days.

Holders of a long-term residence permit (for investment purposes) can move within the Schengen Area for 90 days during any 180-day period. Entry into the labour market is allowed, but foreigners must have a work permit from the Labour Office of the Czech Republic.

The TCNs with long-term residence permits must then comply with other obligations set out in the law. If foreigners fail to comply with the stipulated conditions, there are fines of up to 50,000 CZK on legal or natural persons doing entrepreneurship. If foreign nationals commit even more serious crimes in the territory, the Ministry of the Interior cancels their long-term residence permit, and this leads to deportation. The permit can be cancelled if the holders of the permit have been convicted of a deliberate crime; if they fail to fulfil the purpose for which the residence permit was issued; if they have provided false information in the application for a residence permit or have submitted forged or altered documents in which the information relevant for the assessment of the application does not correspond to reality.

In addition, the Ministry of the Interior may revoke the validity of a stay in the following situations, but only if the consequences of these decisions are proportionate in terms of interference with the foreigner's private or family life. Revocation of the residence permit and subsequent deportation may occur if the foreign nationals are considered to be persons who could endanger the security of the state or disturb public order; do not have a valid travel document or have presented a forged version of it; are on the register of undesirable persons; their stay in the territory may endanger public health; or other circumstances.

### **Student mobility policy**

This section focuses on the subject of study migration in the Czech Republic (see Table 7 in Annex 1). The Czech Republic exclusively recognises TCNs who wish to enter the country for the purpose of expanding their qualifications through study. Stay authorisation for students encompasses four distinct categories of permits/authorisation. The first category is the long-term visa for study purposes, while the second category involves a residence permit for study purposes. These first two categories share similarities in the procedure for issuing residence authorisation but differ in terms of conditions and associated rights.

The TCNs eligible to apply for these types of authorisations are those who intend to pursue studies in the Czech Republic according to the definitions set forth in the Alien Act. According to this legislation, "study" encompasses the following: (1) language and specialised preparation for accredited study programmes at public universities, within the framework of the European Union programmes, or based on international agreements; (2) study programmes at secondary or higher vocational schools conducted under exchange programmes; (3) scholarship stays as part of scholarship programmes offered by the Ministry of Education, Youth, and Sports (MŠMT), the European Union, or as determined by the government of the Czech Republic, following international agreements executed by MŠMT; (4) internships in the Czech Republic during or within two years of completing studies at foreign universities. These internships must be organisationally facilitated or coordinated by a Czech university, the Academy of Sciences of the Czech Republic, or a legal entity accredited by MŠMT for this purpose, with an operational presence in the Czech Republic; (5) European Voluntary Service for applicants aged 18 to 30, or voluntary service designed to gain practical or professional experience, organised by a legal entity accredited by the Ministry with an operational presence in the Czech Republic; and (6) exchange of experience and study stays for individuals responsible for education and human resource development, conducted as part of EU programmes, initiatives, or international agreements.

If the study activities of TCNs do not align with any of the examples mentioned above (for instance, regular high school studies, unaccredited university programmes, language courses, etc.), they have

the option to enter the Czech Republic on the basis of a general long-term visa or residence permit for other purposes.

Within the Czech migration system, there are two specific types of programmes issued in cooperation with the Czech Ministry of Education for TCNs falling into these two categories: “the Fast Track” and “Student Regime”.

The Fast Track (or "Zrychlená procedura udělování pobytových oprávnění pro cizince – zahraniční studenty ze třetích zemí") is open to five types of TCNs. The first group refers to those holding scholarships based on Agreements on Cultural Cooperation and their implementing programmes (governmental category agreements) or ministry-level agreements. These cultural agreements concerning the MŠMT apply to 97 countries<sup>40</sup>. The implementing agreements relevant to education are for 32 countries<sup>41</sup>. Based on the nature of cooperation, students arriving under this regime are entitled to scholarships issued by the MŠMT under the "Stipendia Ministerstva školství, mládeže a tělovýchovy na podporu studia cizinců na veřejných vysokých školách v České republice" programme. The ministerial scholarship programme is currently open to 30 countries<sup>42</sup>.

The second group is composed of stipend recipients coming from "Prioritní země zahraniční rozvojové spolupráce" (Priority Countries for Foreign Development Cooperation) and "Krajané" (compatriots). Both groups are eligible for governmental scholarships based on the programme mentioned above. Firstly, scholarships for citizens of priority development countries are granted in accordance with the decision of the Czech government. As of 2023, the priority countries are Bosnia and Herzegovina, Ethiopia, Georgia, Cambodia, Moldova, and Zambia. Secondly, a "Krajan" is an individual from a compatriot community registered with the Ministry of Foreign Affairs who participates in a compatriot education programme or activities under the programme, based on a government resolution, or a foreign national nominated by the compatriot community to participate in these activities. For these individuals, the MŠMT offers 15 scholarships annually for study stays lasting two semesters at public higher education institutions in the Czech Republic (which can be divided into 30 semester stays).

The third group of foreigners who can apply under the "Fast Track" regime includes stipend recipients arriving in the Czech Republic based on multilateral international agreements. Specifically, those coming as part of one of the following two programmes: CEEPUS – Central European Exchange Programme for University Studies and International Visegrad Fund (IVF). The fourth group comprises individuals arriving under the ERASMUS+ International Credit Mobility programme. The fifth group encompasses stipend recipients of the Fulbright scholarship programme.

TCNs arriving in the Czech Republic within one of the aforementioned five groups (and applying for either a long-term visa or residence permit for the purpose of study) must meet all other conditions prescribed for third-country arrivals. The distinction is that students are included in this project based on a nomination by the host institution. Although this is referred to as the "Fast Track," the Ministry of the Interior has not defined a timeframe that would signify an expedited residence authorisation issuance process within this system. However, it can be assumed that the Ministry of the Interior will prioritise these applications since Czech universities have expressed interest in foreign nationals, and many of these students are scholarship recipients with funding secured (details below).

The second type, the Student Regime, is a governmental programme whose goals include ensuring flexible cooperation between selected educational institutions, providing high-quality information

to foreigners from universities, and expediting access to the diplomatic mission. Other objectives of this regime are primarily to streamline the application process, reduce instances of misuse for alternative application purposes, promote internalisation and competitiveness of universities, and enable the timely commencement of studies. Only specific countries are included in the Student Regime<sup>43</sup>, and for each country, quotas for the maximum number of applications are established. For Vietnam in 2023, the quotas were set at 40 applications (the average number of applications is 24 applications/year). Furthermore, this regime is only available to prospective students at 38 Czech institutions<sup>44</sup>. In the Student Regime, students cannot be included if they come within the “Fast Track” framework of international credit mobility, CEEPUS, IVF, Fulbright scholarships, or bilateral or multilateral international agreements.

Implementation documents define the nomination process by Czech institutions (similar to the “Fast Track”). However, information regarding changes in requirements or legal deadlines for incoming students is lacking here as well. It can be assumed that the Ministry of the Interior will prioritise these applications, as they involve students in a priority regime.

The third category pertains to a one-year visa-free stay for holders of a long-term residence permit for study purposes issued by another European Union member state. This type of residence is valid for up to one year and applies to TCNs who possess a valid long-term visa or residence permit for study purposes issued by another EU member state, excluding permits granted by Ireland and Denmark. Additionally, these TCNs arrive in the Czech Republic as part of an exchange programme involving mobility measures (such as ERASMUS) or agreements negotiated between higher education institutions. These individuals are not required to undergo any admission process; they simply need to register with the Foreign Police within three days of their arrival.

The fourth category is a long-term visa for the purpose of training ("Vízum k pobytu nad 90 dnů za účelem zácviku"). In this category, foreign employers have arranged to enhance the qualifications of individuals within the Czech Republic through specialised training. Throughout their stay in the Czech Republic (excluding the Schengen Area) They receive their salaries from their foreign employers. This programme falls on the border between labour market migration policy and study migration policy but is categorised under study.

Applicants for residence permits and visas have the option to personally submit their applications at the diplomatic missions or consulates of the Czech Republic. Additionally, TCNs seeking residence permits can also initiate the application process within the Czech Republic by applying at the Ministry of the Interior. The eligible individuals include holders of a long-term visa issued for any purpose (excluding visas for tolerated stays, seasonal employment, or Extraordinary Work Visas). This also extends to holders of long-term residence permits issued for purposes other than studying (excluding permits for tolerated stays lasting less than three years) and holders of residence permits issued for the purpose of study or long-term visas for study issued by other EU member states (excluding Ireland and Denmark).

Throughout the application procedure, individuals pursuing three distinct permit types (long-term visas for educational purposes, long-term visas for training purposes, and residence permits for educational purposes) are required to remit a fee and provide various supporting documents.

The fee for all three categories amounts to 2,500 CZK for adult TCNs, while individuals under 15 years old are subject to a reduced fee of 1,000 CZK. Certain exceptions to this fee apply under specific international agreements<sup>45</sup>. Alongside the fee, all applicants mentioned must also provide their passport, proof of accommodation, and a document equivalent to a Criminal Record Registry

extract issued by the state of which they are citizens; however, this requirement does not apply to foreigners under the age of 15. Additionally, they are required to present proof of financial coverage for their stay in the country. For visa applicants, this proof should demonstrate that they have funds amounting to at least 15 times the existence minimum, along with double the existence minimum for each full month (excluding the first month) of their intended stay in the country. Currently, the existence minimum stands at 3,130 CZK per month. Applicants for long-term residence for the purpose of study must demonstrate the means to sustain their stay within the territory or prove that their aggregate monthly income will not fall below the sum of the subsistence minimum (currently 4,860 CZK) and the highest amount of normative housing costs established for the purpose of housing benefit by a special legal regulation<sup>46</sup>. Additionally, applicants may provide evidence that all expenses related to their stay will be covered by a government authority, legal entity, or a domestic hosting organisation.

Lastly, all three permit types must furnish proof of insurance. This insurance should include evidence of travel insurance covering the initial 90 days of their stay and comprehensive insurance for the remaining duration of their visit, typically procured through one of the Czech health insurance agencies. Notably, this insurance requirement is waived for students entering the country via ERASMUS+ and Fulbright scholarship programmes.

The required guarantees for these documents vary based on the type of authorisation. For residence authorisation designed for study purposes (both visa and residence permit), one photo must be provided with the application. In the case of the long-term visa for training purposes, two photos are necessary. Moreover, the proof of the stay's purpose differs depending on the specific type. For residence permits intended for study purposes, applicants are required to provide an original confirmation of acceptance for their studies. However, this requirement does not apply to internships and volunteer programmes. Instead, for internships, the mandatory documents specified by law must be presented, while volunteer programme participants need to provide an agreement with the host organisation. Notably, Fulbright scholarship recipients are exempt from this requirement. In the case of long-term visas for training purposes, applicants must provide a letter from the Confederation of Industry and Transport of the Czech Republic, confirming that they have fulfilled the conditions for completing their training.

Applicants under 18 years of age, typically those arriving for training, need to present parental consent. Biometric data collection is mandatory for applicants arriving with a residence permit for study purposes, and this data is gathered during their registration upon arrival in the Czech Republic. In the event that a foreign national enters the Czech Republic with a D/VR visa, they are required to register at a Ministry of the Interior office within 30 calendar days of their arrival. For those who entered the Czech Republic by other means, such as visa-free entry with a biometric passport, registration must occur within three working days.

Other types of residence authorisations, including those for TCNs arriving under visa-free conditions, must register with the Foreign Police within three days of arrival in the Czech Republic.

The processing times for different residence permits and visas vary by category. Residence permits for the purpose of study, regardless of whether they are in the form of a residence permit or visa, have a processing time of 60 days. For foreign nationals arriving for training purposes, the processing period is set at 90 days.

Upon obtaining residence authorisation in the Czech Republic, students and trainees are granted several rights and privileges during their stay. Holders of residence authorisations have the legal

right to reside in the Czech Republic for the duration specified in their authorisation. All residence authorisation holders can travel visa-free within the Schengen Area. Foreign individuals granted a residence permit for study purposes and those arriving under visa-free conditions enjoy full access to the Czech labour market, allowing them to work in various sectors and pursue employment opportunities. Those arriving visa-free can apply for a residence permit for the purpose of study at any point during their stay. Individuals with a long-term residence permit for study purposes may submit an application for long-term residence after successfully completing their studies if they intend to stay in the country for the purpose of seeking employment or starting a business (see Labour migration policy).

The validity of permits depends on the category of applicants: (a) a long-term visa for the purpose of study is granted for a maximum of one year; (b) a residence permit for study purposes is typically valid for one year, but it can be extended to two years if the studies are accredited higher education programmes (In the case of voluntary service, the permit's duration aligns with the terms outlined in the voluntary service agreement.); (c) visa-free stays can last up to one year; and (d) long-term visas for the purpose of training have a duration of three to six months. If the training period is under three months, a Schengen short-term visa for training purposes is issued.

In addition to the registration requirement upon arrival, specific obligations apply to those coming for study purposes. The higher education institution that admitted them must notify the Ministry of the Interior regarding the commencement, interruption, or completion of their studies. Visa-free arrivals must also maintain a valid residence permit or a long-term visa issued by another European Union member state throughout their stay. If the validity of this permit or visa expires, their right to stay visa-free in the Czech Republic is also terminated.

There are also general requirements for those incoming on residence authorisations (long-term visa, residence permit) as outlined in the introduction.

Failure to comply with these obligations can result in penalties categorised as either fines or, in more severe cases, the cancellation of residence authorisation, resulting in deportation. Fines are usually imposed for minor infractions, with penalties of up to 10,000 CZK. On the other hand, deportation is a measure reserved for more serious violations of the terms of stay.

Immediate cancellation of residence authorisation may occur in specific situations: if the individual has been lawfully convicted of committing an intentional criminal offense, is not fulfilling the purpose for which the authorisation was granted, provided false information, or presented forged documents. Additionally, if they possess an invalid travel document, if another EU or Schengen state implementing a common procedure for expulsion has decided to deport the foreigner from its territory due to criminal activity, if they lack insurance, or if their presence poses a threat to public health.

However, for foreign nationals staying in the Czech Republic for the purpose of study, immediate deportation can only be authorised in cases where they endanger state security, severely disrupt public order, or pose a risk to public health by suffering from an illness listed in the preventive measures for infectious diseases. In cases related to protecting public health, such decisions cannot be made if the foreign national developed the illness after receiving the residence permit for the purpose of family reunification or study in the territory.

The primary consideration for granting forgiveness is the assessment of the proportionality of the impact of this decision on the foreign national's private and family life on other general provisions stated in the introduction to the analysis.

## **Schengen policy**

Czech migration law provides a straightforward transcription of the general requirements for Schengen visas (see Table 8 in Annex 1). In the case of short-term visas, there are no specific Czech legal provisions regarding Schengen visas. Instead, the law states that "Conditions for granting a short-term visa, reasons for its non-issuance, conditions for extending the duration of stay on a short-term visa, and reasons for its cancellation are determined by a directly applicable legal act of the European Union." The only exception to this is the short-term visa for seasonal employment, for which Czech law specifies certain particulars.

Aside from seasonal employment, the Czech migration regime distinguishes short-term visas for various purposes, including tourism (covered in the Policy on tourism), spa or health stays, business, conference participation, cultural activities, sports, family or friend visits, invitations, study, and other purposes. Among these, certain categories such as scientific research, employment, and training require specific documentation to accompany the visa application. Additionally, there are specific situations where entry without a visa is permissible. Therefore, there are three primary distinctions: (1) short-term visa-free stays, (2) short-term Schengen visas, and (3) short-term Schengen visas for the purpose of seasonal employment. Furthermore, the Czech Republic offers long-term residence permits for TCNs who are family members of EU citizens, as well as for certain conditions related to the family members of UK nationals (for those who lawfully resided in the Czech Republic as of December 31, 2020).

Therefore, the Czech Republic distinguishes between close family members of EU citizens, distant family members of EU citizens, and individuals unrelated to EU citizens. Detailed definitions of each category are described in the tourism section, including conditions for visa-free short-term stays, which are only eligible for close family members of EU citizens. The Policy on tourism section also discusses other exemptions from visa requirements, such as the EU's List of Exemptions, bilateral agreements, and more.

Regarding short-term visa-free stays, upon arrival in the Czech Republic, it is mandatory to register with the Foreign Police within three working days. Throughout the stay, TCNs must maintain adequate financial resources and health insurance. Visa-free stays are exclusively intended for non-profit purposes. Thus, foreigners are not permitted to engage in employment or business activities. If they intend to perform gainful activities on Czech territory for a period of less than 90 days, they should apply for a Schengen visa for employment.

In the case of visa-free stays based on bilateral agreements, the applicants can be limited to the territory of the Czech Republic and therefore they are not allowed to travel to other European Union countries or the Schengen Area (more in the section on tourism).

In most cases, visa-free stays do not serve as a basis for applying for long-term visas or residence permits unless certain exceptions apply. Applications for such residence permits or long-term visas must be submitted at the diplomatic mission of the country that issued the travel document of the foreign national, the country where they have long-term or permanent residence, or the country of which they are a national. Nevertheless, a visa-free stay can be utilised as a means to apply for a temporary or permanent residence permit for family members of EU citizens. It is important to note that a transitional stay under the visa-free regime cannot be extended, and the foreigner must leave the Schengen Area after the 90-day period has elapsed.



In the case of other short-term Schengen visas, family members of EU citizens are also eligible for expedited visa processing with a specific list of required documents. The specifics, along with other conditions and benefits, can be found in the Policy on tourism section. In general, a third-country national applying for a short-term Schengen visa needs to provide the following documents: an electronic application form, a valid passport, recent passport-sized photographs, proof of sufficient funds, biometric data, and proof of travel insurance with a minimum coverage of 30,000 EUR (specifics in the Tourism section).

The key document that varies is the proof of the purpose of the visa. For different purposes, the applicant must provide several documents. For tourism (as stated in the section), the applicant needs to provide an invitation, a document from a travel agency, a tour reservation, a travel plan, etc. For spa or health stays, a confirmation from the spa or health facility, a medical report, and so on are required. For business purposes, the requirements encompass an invitation from the inviting entity, documents demonstrating the company's business activities, proof of existing business relations, etc. For conference participation, an invitation from the organising institution or company, a congress or trade fair ticket, and so on are needed. For cultural purposes, a document from the inviting institution, an organiser's confirmation, or an application are expected. For sports purposes, a document from the inviting sports institution or organiser should be provided. For visiting family or friends, the required documents are an unofficial invitation (letter) from a family member or friend, or an official document certified by the Foreign' Police. For family invitations, an official invitation certified by the Foreign' Police is needed. For study purposes, the applicant must provide an admission confirmation, an enrolment confirmation, a scholarship document, or proof of participation in an exchange programme, etc. For other purposes like scientific research, the requirement is a hosting agreement. For training purposes, a letter from the Confederation of Industry and Transport of the Czech Republic confirming that the applicant has fulfilled the training requirements should be submitted.

Additionally, applicants are required to pay a visa fee. The visa fee varies based on age and nationality. Typically, adults are required to pay 80 EUR, while children aged six to twelve are subject to a fee of 40 EUR. Children under six years old are exempt from payment. Special exemptions also apply to children under 18 and specific diplomatic and service passport holders.

Applying for a Schengen visa should be done at least six months before the intended travel and no later than 15 days before the trip. Typically, visa decisions are made within three to five days. The legal processing time is 15 days, but in certain cases, it may be extended to 45 days, especially if additional assessments are required.

The Schengen visa provides the holder the following privileges: (A) enter the Czech Republic and the Schengen Area for up to 90 days within a 180-day period; (B) possess a visa with a maximum validity of five years with multiple entries, if eligible; (C) extend the visa's validity for serious personal reasons (for a fee of 30 EUR); and (D) transit within the Schengen Area, provided that the visa is not restricted to the Czech Republic only.

Furthermore, the Czech Republic has issued a list of documentations with specific conditions beyond those defined by the Czech Republic for 66 countries<sup>47</sup> (defined by bilateral agreements). Specifically, **for Vietnam, all Schengen visa applications must satisfy several conditions.** Firstly, an applicant must have a proof of financial means, which are determined by original bank account statements (personal or corporate) for the last three months. The specific requirements vary based on the applicant's situation. If the applicant is employed, they should provide the last three

pay stubs, an employment contract, or a recent employer statement, including approved leave. If the applicant is a business owner or self-employed, they need to provide proof of business registration, proof of tax payment, or other documents showing business activities. If the applicant is retired, they should provide evidence of their pension. For other situations, applicants may need to show remittances, credit card statements, or regular income from property. Secondly, if the applicant is being sponsored and/or accommodated privately, they need to submit the following documents: (a) a sponsorship/accommodation letter from the host in the Schengen country using the form provided by the state; (b) the original invitation/guarantee letter; (c) copies of the sponsor/host's passport or ID; (d) a copy of the residence permit if the sponsor/host is a foreign national; and (e) bank account statements showing the host's financial means for the last three months unless the sponsor/host's financial means are evidenced otherwise. Thirdly, the applicant must provide a proof of accommodation, which could be hotel reservations, temporary housing rental agreements, hostel reservations, or private accommodation (invitation) from the host. Fourthly, the applicant must show documents demonstrating integration into the country of residence, such as household registration records (Hộ khẩu Gia đình). Fifthly, if the applicant is a minor, they need to provide their birth certificate and copies of their parents' identity cards. There are also specific requirements for minors travelling with one parent or without their parents, which may necessitate written consent from the other parent or guardian. Additionally, applicants must provide proof of transportation, such as return flight reservations or round-trip tickets. Finally, travel health insurance covering all Schengen states for the entire planned stay, with a minimum coverage of 30,000 EUR. This insurance should also cover repatriation due to health reasons, urgent medical care, emergency hospital treatment, or death during the stay.

The harmonized list for Vietnam further distinguishes specific documentation requirements based on the purpose of travel. For business trips, the requirements are invitations from companies or authorities for participation in meetings, conferences, or events related to business, trade, or employment, or any other documents proving business or work relations. This latter set of documents may include trade licenses, documents showing previous business dealings, company registration certificates, work permits, and employment confirmations with a stamp and signature from the applicant's superior.

For study or other types of professional training, applicants are required to provide an enrolment confirmation from an educational institution for practical or theoretical courses in basic or further education, as well as student cards or certificates for the courses to be attended.

For tourism or private visits, specifically for organised tours, a confirmation from the travel agency is needed. For private trips, alternative documentation of the planned itinerary may be requested. For instance, if the purpose of the trip is to visit relatives, evidence of family relationships may be required, including marriage certificates for married applicants.

For travel related to political, scientific, cultural, sporting, or religious events or for other reasons, the applicants must provide invitations, event tickets, applications, or programmes, ideally with the name of the hosting organisation and the duration of the stay, or any suitable documentation regarding the purpose of the trip.

For official delegations, the applicants must possess copies of official invitations, verbal notes from the relevant authorities confirming the applicant's membership in the official delegation traveling to the Schengen country for the above-mentioned events.

For health reasons, a medical certificate issued by a doctor (appointed by the consulate) or a medical facility confirming that specific medical care must be provided in the destination country, an official document from the receiving medical facility, and proof of prepayment for medical care. Additional correspondence between the sending doctor and the receiving medical facilities, if available.

For airport transit visa, the applicant must have a proof of a visa or other entry permit for the destination country, along with subsequent flight tickets.

Moreover, Schengen visas for the purpose of seasonal employment have similar general conditions and guarantees, which are similar to those of other Schengen visas. The applicant must also submit the following documents: (a) a work permit or the application number for this permit and the regional branch or branch for the capital city of the Czech Labor Office where the request for this permit was made; (b) proof of accommodation arrangements during the stay for this visa; and (c) confirmation from the employer regarding the agreed-upon wage, salary, or compensation. If accommodation is provided or arranged by the employer, the document should indicate the terms of the accommodation, including the room size and the number of residents, along with information on the cost, which should not be excessive compared to the agreed-upon wage, salary, or compensation, and the standard of accommodation.

There are also additional requirements for seasonal employment as foreign nationals are obligated to report any change of residence within 15 days from the day of the change to the appropriate police unit based on their new place of residence if the anticipated change of residence will exceed 15 days.

In cases when the visa is revoked due to the employer's violation of obligations, the employer is liable to compensate the foreign national for any damages incurred, including lost wages, salary, or compensation the foreign national would have been entitled to if the visa had not been revoked, the costs associated with the foreign national's arrival in the country, and the costs related to the foreign national's departure to their home country or another country where they have permission to reside, along with the administrative fee for processing the application (more in the Labour Market policy section).

Additionally, for foreign nationals who have been granted a short-term seasonal employment visa at least once within the preceding five years, the embassy or consulate will prioritise their applications over those of foreign nationals applying for the same purpose for the first time. This exception does not apply if the validity of any of the previous visas was revoked due to the employer's failure to fulfil obligations.

Benefits of this type of visa include the ability to work in an assigned position and re-enter the Czech Republic repeatedly for this purpose. The Schengen visa also permits movement within the EU according to the 90/180 Rule, which means the visa holder can stay within the Schengen Area for up to 90 days in a 180-day period.

The case of long-term stay for family members of EU citizens, encompassing both close and distant relatives, has been discussed in the Family Reunification section. While we will provide a summary here, it will not be featured in Table 8 in the Annex. Long-term stay for family members involves two types of residence authorisations: Residence card ("pobytová karta") and residence permit authorisation card ("průkaz o povolení k pobytu"). Residence card is issued for the anticipated stay of a European Union citizen on the territory, for a maximum duration of up to five years. It is intended for close family members of EU citizens and Czech citizens who have exercised their

right to free movement. This includes citizens who have settled in another EU member state, where they formed a relationship with a third-country national who has then become their family member. The family members may return together to the Czech Republic. Regarding residence permit authorisation card, it is issued for a maximum period of three years. It is intended for close family members of citizens of Iceland, Liechtenstein, Norway, and Switzerland, as well as Czech citizens who have not exercised their right to free movement, and distant family members.

To apply for a residence permit for the family members of an EU citizen, the application must be submitted in person at the Ministry of the Interior in the Czech Republic. The application must be submitted within three months of entering the territory of the Czech Republic or upon the expiration of a previous residence permit. If they become a close family member of an EU citizen while in the Czech Republic, they must apply within three months from the date of becoming one. During the application process, these foreigners are considered legally residing in the Czech Republic, even if the validity of their current residence permit or visa has expired.

There are documents required: a travel document, an original document confirming the status as a family member of an EU citizen (e.g., marriage certificate, birth certificate, a decision from the relevant authority regarding custody or guardianship, or adoption), proof of accommodation, proof of the EU citizen's residence in the territory (not required if they have a certificate of registration or a permanent residence permit), and two photographs.

There are differences in required documents for close and distant family members. In the case of comprehensive health insurance, for distant family members, the comprehensive health insurance needs to cover the entire duration of their stay; otherwise, the validity of their residence permit will be shortened). Distant family members also need to provide proof of the means of subsistence in the territory.

The fee for the application is 200 CZK, and the processing time is up to 60 days. Biometric data will be collected after the application has been processed. The last step is to collect the residence permit (biometric card) within 60 days of biometric data collection.

During the validity of the residence permit or residence card, the applicants must reside with the EU citizen. Throughout the validity of the stay, they are also subject to the general obligations for foreigners established by law as explained in the introductory section.

As for **benefits**, family members of an EU citizen residing in the Czech Republic are allowed to work in the country without any special permits (they have free access to the labour market). They can work even while waiting for a decision on the application; they only need a visa label in the passport.

With a valid residence permit or residence card, family members can leave the Czech Republic and re-enter repeatedly during the entire validity period. They can also travel within the Schengen Area without needing a visa.

If the application is approved, officials from the Ministry of the Interior will also assign to the foreigner their national identification number (“rodné číslo”). This does not apply to foreigners who already obtained a national identification number.

The obligations most commonly addressed by foreigners in the Czech Republic: As the family members of EU citizens, their primary obligation is to report their presence on Czech territory to the Foreign Police Department within 30 days from the day of entry, if they plan to stay for more than 30 days. This obligation does not apply if their presence is reported by their accommodation

provider (e.g., a hotel or hostel) or if they are under 15 years of age. If the EU citizen does not reside in the Czech Republic, the family member must report their stay within three business days of entry. Any changes to their name, marital status, personal information in their travel document (including its replacement), information in their residence permit, or certificate of registration should be reported within 15 business days of the change.

A change of address should be reported within 30 business days of the change if they intend to stay at the new address for more than 180 days. To end their stay in the Czech Republic, they must return their residence permit at least three days before their intended departure.

In the event of loss, damage, or theft of their residence permit, it must be reported to the police within three business days of the incident. In case of loss or theft of their travel document, they should report it to the police without delay.

General conditions, including penalties such as imprisonment, and the concept of forgiveness, remain the same as in the other general cases. It needs to be added that in the case of a family member of an EU citizen applying for a temporary or permanent residence permit, the police will not issue an administrative deportation decision unless there is a reasonable risk that their presence in the territory may endanger the state's security, seriously disrupt public order, or threaten public health.

## **Discussion of research results**

To comprehend the operational dynamics of migration policies in the Czech Republic, a detailed examination of each policy type is imperative. Starting with **labour market policies**, their dynamics are significantly influenced by nationality, qualification, and trustworthiness. Skilled professionals are particularly emphasised in these policies, striking a balance between security and control. The primary determinants in labour market policies include the careful consideration of nationality, the qualifications of individuals, and the trustworthiness of both employers and employees. Nationalities are carefully categorised, leading to exceptions or providing possibilities for visas and participation in governmental programmes. Notably, Czech labour migration policies place a strong emphasis on higher-skilled professionals with one exception: the Extraordinary Work Visa. But on the other hand, holders of this type of residence permit are separated from the standard labour market or the regular labour migration regime.

Trustworthiness is a critical factor in these policies, serving as a prerequisite for participation in governmental programmes and conditions of stay for TCNs. These conditions demonstrate the emphasis on security and control which can be traced through the migration regime. The status of a migrant can be easily jeopardised, especially if they become a burden to the Czech system. A tangible example is the cancellation of Blue Card authorisation in cases of unemployment or when applying for social benefits. Importantly, these conditions of cancellation apply universally to all residence permits, extending beyond the scope of labour market policies.

The common association with a guarantor, usually the employer, is a prominent feature. If the migrant meets the trustworthiness criteria, they may receive priority treatment. In cases where there is no designated guarantor, as seen in visas for entrepreneurship, there is heightened control over the transition into other residence authorisations. For example, a visa for entrepreneurship serves as a prerequisite for obtaining a residence permit for entrepreneurial purposes, complete with its specific set of conditions.

Regarding the convergence of labour market policies and Vietnam, the Czech Republic seeks to manage the influx, especially in areas with established quotas. The admission of labour migrants from Vietnam is predominantly reserved for highly skilled professionals. To secure an Employee Card, applicants must engage in the KASP programme, subject to an annual limit of 200 applications. Notably, entrepreneurs encounter a quota of zero for Vietnamese nationals.

Regarding **family reunification policies**, the Czech regulatory framework introduces substantial distinctions between family members of TCNs and those of EU citizens. The emphasis is placed on creating favourable conditions for EU family members, with a keen focus on proximity in relationships. In instances where family members of TCNs are linked to a governmental programme (meaning the worker is connected to a guarantor), they may experience better conditions. Additionally, proximity in family relationships and dependency on care play crucial roles in shaping family reunification policies. The Czech regulatory system takes into account whether a TCN has resided in the Czech Republic for a certain period before being eligible to bring their family members. Moreover, those with higher qualifications enjoy better conditions—a reflection of the interconnected priorities established in labour market policies. What is unique is that forgiveness in family reunification policies considers the life circumstances of applicants, but only those connected to EU citizens. This consideration becomes a form of forgiveness in decisions regarding the termination of stay and deportation. Varied aspects, such as the termination of marriage due to domestic violence or the assignment of childcare responsibilities, are factors acknowledged in this context. Unlike some other policy areas, family reunification policies for Vietnamese do not prescribe any specific conditions.

Shifting our focus to **tourism policies**, the Czech Republic issues short-term Schengen visas for individuals seeking to visit the country. The nature of tourism policies reflects the broader Schengen framework (complementary to the section on Schengen policy). In this realm, considerations heavily revolve around familial connections to EU citizens and nationality. Firstly, similar to family reunification policies, the influence of familial connections to EU citizens persists in tourism policies. Individuals related to EU family members may benefit from specific exemptions or expedited processing, aligning with the overarching principles set by EU regulations. Secondly, nationality plays a pivotal role in determining entry requirements, with bilateral agreements and EU-specific provisions shaping the process. The existence of bilateral agreements and EU-related considerations can result in exceptions for certain nationalities, allowing for visa-free entry or streamlined application processes. In essence, tourism policies in the Czech Republic echo the broader principles seen in family reunification and labour market policies, prioritising certain categories and recognising the influence of familial ties and nationality.

For Vietnamese nationals, the tourism policies extend beyond familial connections and nationality to encompass a harmonised list. This list precisely outlines the guarantees that citizens of Vietnam must provide when applying for short-term Schengen visas. The detailed nature of this list meticulously regulates all documents and their requisites. Consequently, it can be asserted that citizens of Vietnam face a more demanding process in acquiring short-term Schengen visas compared to other nationalities.

Concerning **investment migration policies**, the Czech Republic has established a framework that defines investors based on both their position type and the substantial amount of their investments in the country. While often referred to as "golden visas," the scope of benefits is restricted. Investors in the Czech Republic are categorised based on both the nature of their position and the magnitude of their investments, with a strong emphasis on the contributions their investments bring to the

Czech Republic. The regulatory framework reflects the government's commitment to attracting investments that bring value to the country's economic landscape. The benefits associated with investor visas are constrained as these holders do not have access to the labour market. This limitation stems from the requirement that access to the Czech labour market is subject to approval from the Czech Labour Office. The term "golden visas" typically implies certain privileges, but in this context, the benefits are carefully tailored to align with the contribution of the investment to the Czech Republic. Notably, there are no specific provisions within the investment policies that cater exclusively to migrants from Vietnam.

About **student mobility policies**, the structure bears similarities to labour mobility. The significant factors include nationality and the presence of a sponsor, similar to the labour market. In the case of students, the sponsor takes the form of an overseeing entity, often the educational institution, which monitors the activities of third-country nationals (TCNs) within the academic setting. The schools themselves must also meet specific qualifications, ensuring accredited study programmes, among other criteria. Preference is given to mobility programmes where applicants are nominated by their educational institutions, reinforcing the importance of oversight. Additionally, applicants whose living expenses are covered by scholarships and grant programmes are also given priority. This approach aligns with the Czech Republic's emphasis on ensuring that students do not become a burden on the Czech system. It is worth noting that there is limited flexibility and permeability for students transitioning to the labour market. Upon successful completion of their studies, students are granted a special visa to enter the Czech labour market. However, this visa is valid for only nine months. If students secure employment during this period, they can explore various migration policies related to the labour market.

For Vietnamese students, a quota of 40 applications per year has been established under the governmental Student Regime. This quota is relatively higher than the average, indicating that students from Vietnam who meet the conditions of the Student Regime have a greater chance of coming to the Czech Republic compared to those from other countries.

Turning our attention to **Schengen** mobility policies, it is essential to note that the conditions for short-term Schengen visas are similar to those for tourism. However, there is an exception for seasonal employment, which aligns structurally with labour market policies. In the context of long-term stays for family members of EU citizens, there is a distinct prioritisation and set of conditions and guarantees for EU family members. The permission process, which is not accessible to other TCNs, revolves around the key mechanisms of kinship (family relationships) and nationality. There are no specific provisions for migrants from Vietnam.

When examining how Czech migration policies assess behaviour, we can approach it from the perspective of different themes. It is important to note that close family members of EU nationals will be included in the discussion below only partially, as they are subject to a different regime. These individuals need to demonstrate familial ties but generally have the least stringent guarantees, enjoy more benefits, and have broader provisions for forgiveness.

Regarding **guarantees**, the Czech migration regime primarily varies in terms of proving the purpose of stay. Stricter conditions are observed in labour market and family reunification policies. In the labour market policies, depending on the type of stay, applicants must provide additional documents, including proof of employment details such as salary levels, duration of employment, qualifications, and proof of business registration if applicable. Some of these requirements can be substituted for members of governmental programmes, excluding digital nomads, as these

programmes are tied to the employer's credibility, making admission conditions stricter than those without a programme (employer as a guarantor). For family reunification, proof of the family relationship is required, but the conditions for this stay also depend on the foreign national's status, qualifications, type, and length of stay in the Czech Republic, the type of family relationship, (etc.). It is worth noting that even for relatives of EU citizens, proof of the family relationship is required. In the case of residence for investment purposes, the applicant must demonstrate that the investment will be sufficiently substantial.

Another type of guarantee where significant differences emerge is the demonstration of financial means for the stay. For standard long-term residence authorisations, applicants must show financial means at the level of 15 times the subsistence minimum, with an additional twice the subsistence minimum for each complete month (excluding the first month) of the planned stay in the territory. However, these conditions become more stringent for certain categories, particularly in the case of investment/entrepreneurship or residence permits for family reunification. In the case of stay for the purpose of entrepreneurship/investment, foreign nationals must demonstrate financial means equivalent to 50 times the existence minimum. In the case of residence permit for the purpose of family reunification, the demonstrated total monthly income must meet the sum of the subsistence minimum for all individuals (family members) to be unified, in addition to the highest amount of normative housing costs determined by law or actual housing costs.

Conversely, for stays where a foreign national has assured income (mainly labour market), it is not necessary to provide proof of income, but rather to demonstrate that income is secured (e.g., in the case of labour market or study permits). In these exceptions, it is always necessary to prove the existence of a third party that will cover the associated costs of living in the Czech Republic. For short-term stays, the financial requirement is set at a minimum of half the subsistence minimum per adult applicant per day.

Regarding **benefits**, typically, travel within the Schengen Area is allowed, especially for residence permit holders. However, for certain stays (such as short-term stays or other types of visas), this is restricted by the 180/90 Schengen Rule. Conversely, travel across the Schengen Area is not possible for short-term stays specified in bilateral agreements or certain types of labour market stays targeting less qualified labour (extraordinary visa or seasonal work).

There is a significant difference in access to the labour market. While some individuals may have unrestricted access (close and distant family members of EU nationals, residence permit holders etc.), others may only have designated positions (labour market migration). Some need permission from the Labour Office to access the job market (visa for the purpose of family, investment, etc.), and some are not allowed to engage in work (e.g., tourism, Schengen short-term visa if not specified, and other types of visas).

Lastly, there are other additional benefits such as a streamlined application process for certain applicants (KASP programme participants, Blue Card, etc.), a streamlined path to obtaining citizenship (particularly for family reunification), and more.

Concerning **penalties**, the conditions are generally applicable with minor differences. The most varied conditions for penalties regard various types of stays in the labour market and family reunification. In the labour market, the specific conditions for specific types of residence authorisations of the employee, including termination of work, engaging in illegal work, failure to report changes, or other specific conditions for Blue Card holders such as debts, applying for social benefits, and the duration of unemployment, etc. Specific conditions for residence authorisations



for the purpose of family reunification vary based on the type of residence authorisation. These conditions include absence of secured accommodation for residence permit holders (TCN) or becoming an unreasonable burden on the Czech welfare state (for family members of EU nationals).

There are minimal distinctions in terms of penalties and forgiveness criteria. The primary forgiveness criterion is the "unreasonable infringement upon the private or family life of the foreign national," without further specifications. Thus, forgiveness is a general principle applied universally, with the key formula being to "consider" individual circumstances. Generally, greater discretion is exercised for members of the immediate family of an EU citizen. This is especially prevalent in family reunification cases where forgiveness may extend to various legally defined circumstances, such as the existence of a dependent and other factors.

In conclusion, the Czech Republic places a significant emphasis on regulating the entry of TCNs by specifying stringent conditions for entry and aligning them with appropriate residence authorisation. The distinction between visas, which are more restrictive and easily revocable, and residence permits, often tied to substantial benefits, underscores the careful consideration given to different categories of migrants.

Nationality remains a crucial factor in the issuance of residence authorisations, coupled with ties to a guarantor in the Czech Republic. Throughout many policies, residence authorisation is intricately linked to a guarantor (employer, university, EU national) in the Czech Republic who indirectly vouches for the fulfilment of stay conditions. The credibility of these guarantors is essential, and their trustworthiness is further detailed in government programmes, expediting entry, and prioritising the arrival of TCNs. Governmental programmes, tied to specific institutions guaranteeing the fulfilment of a purpose (work/study), further exemplify the oversight exerted over foreigners, especially in study and certain governmental programmes.

There is a notable difference in the regulation between EU and Czech nationals, with Czech policies being more stringent but offering exceptions for family members of EU country nationals. This distinction is also visible with controlled permeability in residence permits, having free access to the labour market, more expedited processes, preferential treatment, etc. Additionally, the importance of a previously obtained status, which is also a distinguishing characteristic, is tied to privileges granted to family members of EU nationals, such as having already granted free access to the labour market.

Residence authorisation is easily revocable, with a focus on controlling their entry. There is underdeveloped policy framework for the circumstances of individuals already in the Czech Republic and their behaviour, and the framing is primarily on security (threat) and deservingness (not being a burden to the Czech system). Forgiveness clauses are being specified only in some cases for family reunification (family members of EU nationals) and specific job cancellation scenarios in the labour market (costs are tied to the employer).

In the context of Vietnam, the policies exhibit very low accessibility. Access to governmental programmes is further restricted through quotas, presenting an even more regulated landscape. Labour market opportunities are very limited, and stringent conditions are outlined for Schengen visas. While studies offer more favourable conditions under the governmental Student Regime, there is limited permeability and restricted access to the labour market, solely granted to those achieving a residence permit for the purpose of study.

## **Conclusion**

To answer the question “How does migration or mobility regime in your country consider aspiring re-migrants’ behaviour in its policies?”, the emphasis is primarily on stringent entry requirement, closely linked to employment, considerations of deservingness, and a focus on security. The policies stress the importance of not becoming a burden on the system, with particular attention given to exclusions from social benefits and other factors like criminal offenses. The labour market is highly regulated, not only based on the records and qualifications of prospective migrants, but also on the requirements imposed on companies in the Czech Republic. While better conditions are afforded to those with higher qualifications, the overall framework remains stringent. There is a low emphasis on considerations of individual life situations in the law within the policies (general forgiveness). The requirements for Vietnamese nationals are either unspecified or, where specified, even more stringent. An exception to this general trend is observed in the inclusion of Vietnamese nationals into the Student Regime under the student mobility policy.

## Notes

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1. No. 274/2021 amended the Law No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic, and on the Amendment of Certain Acts, as subsequently amended.
2. No. 274/2021 amended the Law No. 325/1999 Coll., on Asylum, as subsequently amended.
3. No. 186/2013 Coll., on Citizenship of the Czech Republic, and on the Amendment of Certain Acts, as subsequently amended.
4. No. 326/1999 Coll.
5. No. 191/2016 Coll., on the Protection of State Borders of the Czech Republic, and on the Amendment of Related Acts
6. No. 221/2003 Coll., on Temporary Protection of Foreign Nationals
7. Čvrtnelní zpráva o migraci MV
8. Agreement between the Government of the Czech Republic and the Government of the Socialist Republic of Vietnam on the abolition of the visa requirement for holders of diplomatic passports of the Czech Republic and for holders of diplomatic passports of the Socialist Republic of Vietnam from 2000. <https://www.zakonyprolidi.cz/ms/2000-28/zneni-20000214>
9. Agreement between the Government of the Czech Republic and the Government of the Socialist Republic of Vietnam on Economic Cooperation: <https://www.zakonyprolidi.cz/ms/2006-66>
10. Agreements between the Government of the Czech Republic and the Government of the Socialist Republic of Vietnam on the extradition and transfer of citizens of both states: <https://www.zakonyprolidi.cz/ms/2008-26>
11. Protocol between the Government of the Czech Republic and the Government of the Socialist Republic of Vietnam for the Implementation of the Agreement between the Government of the Czech Republic and the Government of the Socialist Republic of Vietnam on the Extradition and Transfer of Citizens of Both States. See <https://www.zakonyprolidi.cz/ms/2008-27>
12. Agreement between the Ministry of Education, Youth, and Sports of the Czech Republic and the Ministry of Education and Training of the Socialist Republic of Vietnam on Cooperation in the Field of Education for the Years 2008-2011: <https://www.zakonyprolidi.cz/ms/2008-30/zneni-20080321>
13. Agreement between the Government of the Czech Republic and the Government of the Socialist Republic of Vietnam on Cooperation in the Fields of Culture, Education, Science, Youth, and Sports: <https://www.zakonyprolidi.cz/ms/2017-55>
14. <https://www.zakonyprolidi.cz/ms/2022-41>
15. Zákon č. 326/1999 Sb. <https://www.zakonyprolidi.cz/cs/1999-326?text=z%C3%A1kon+o+pobytu+cizinc%C5%AF>
16. č. 274/2021 Sb. <https://www.zakonyprolidi.cz/cs/2021-274#cast4>
17. Full site of embassies and quotas can be found here: <https://www.zakonyprolidi.cz/cs/2023-213>
18. Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Bahamas, Barbados, Bosnia and Herzegovina, Brazil, Brunei, Canada, Costa Rica, Chile, Croatia, Cyprus, Guatemala, Honduras, Hong Kong, Israel, Japan, South Korea, Macao, Malaysia, Mauritius, Mexico, Monaco, Nicaragua, New Zealand, Panama, Paraguay, El Salvador, San Marino, North Macedonia, Seychelles, Singapore, Serbia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Taiwan, Uruguay, United Kingdom, United States of America, and Venezuela
19.
  1. If the holder of a residence authorisation is the legal representative of a child born in the territory and does not submit a request for the child's residence permit within 60 days from the date of birth (except when the child leaves the territory during this period).
  2. If, during a residence check, the police discover that the holder of a residence authorisation lacks a valid passport, or has presented a forged or altered passport or residence permit, and within the specified period, fails to provide evidence that they have applied for a new document. This also applies if they have not applied for a foreign passport or travel identity card if entitled to do so.
  3. If the holder of a residence authorisation fails to present the necessary travel health insurance document during a residence check, as determined by the police within the specified period.
  4. If the Ministry of the Interior has information that the Czech Republic would bear the costs associated with the holder's stay.
  5. If facts are discovered indicating that the holder of a residence authorisation does not possess a valid travel document, or has presented a forged or altered travel document, visa, or residence permit.
  6. If the holder's travel document has been declared invalid or stolen by the state that issued it.
  7. If the holder is registered in the list of undesirable persons.

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8. If another EU or contractual state, implementing a common procedure for expulsion, decides to deport the holder due to a conviction for a prison sentence longer than one year or reasonable suspicion of committing a serious criminal offense, or for violating regulations governing the entry and stay of foreigners in the territory.
  9. If the holder fails to appear for an interview or does not submit, within the specified period, the document to verify the information in their residence permit application upon the request of the ministry or embassy. If, despite the interview or evaluation of submitted documents, these details cannot be verified.
  10. If the holder is listed in the information system of Schengen Area states, making it impossible for them to enter the territory of these states.
  11. If the holder is considered a person who could endanger the security of the state or disrupt public order in another member state.
  12. If there is a reasonable danger that the holder's continued stay may endanger the security of the state, severely disrupt public order, or threaten international relations of the Czech Republic.
  13. If there is a reasonable danger that during the holder's stay in the territory of another contractual state, they may endanger its security, seriously disrupt public order, or threaten international relations between contractual states.
  14. If facts are discovered suggesting that after the expiration of the holder's residence permit, they will not leave the territory or intend to misuse the residence authorisation for a purpose other than stated in the application.
  15. If the holder's stay in the territory is not in the interest of the Czech Republic, or other significant obstacles to their stay in the territory are identified.
  16. If the holder has not paid a fine or the costs of proceedings arising in connection with proceedings under the Alien Act.
  17. If the holder does not meet one of the conditions for granting this residence authorisation.
  18. If the holder's presence in the territory could endanger public health by suffering from a disease specified in the requirements for measures to prevent the introduction of infectious diseases.
  20. CZ-ISCO (Czech Classification of Occupations) is classified into the following main categories: 4 Officials, 5 Service and Sales Workers, 6 Skilled Agricultural, Forestry, and Fishery Workers, 7 Craft and Related Trades Workers, and 8 Plant and Machine Operators and Assemblers.
  21. Defined in Nařízení vlády č. 567/2006 Sb. Nařízení vlády o minimální mzdě, o nejnižších úrovních zaručené mzdy, o vymezení ztíženého pracovního prostředí a o výši příplatku ke mzdě za práci ve ztíženém pracovním prostředí
  22. classified under CZ-ISCO into the following main categories: 1 Legislators, Senior Officials, and Managers; 2 Professionals; 3 Technicians and Associate Professionals.
  23. classified under CZ-ISCO into the following main categories: 1 Legislators, Senior Officials, and Managers; 2 Professionals; 3 Technicians and Associate Professionals.
  24. The conditions are as follows. For investors to qualify for this programme, they must have been operating in the Czech Republic for a minimum of one year. In addition, they must employ at least 50 individuals in the Czech Republic and 250 individuals worldwide at the time of their application. Regarding research organizations, they must be listed in the Registry of Research Organizations to participate in this programme. Technological companies can partake in the programme if they enter into a cooperation agreement for scientific and research activities with a research organization listed in the Registry of Research Organizations. As regards Newly Established Companies: they can be eligible for the programme if they commit to employing at least 20 personnel within two years from their registration in the Commercial Register. This requirement is slightly reduced to ten employees for companies specializing in IT and software development. These companies must also submit an application for an investment incentive or provide evidence of a space provisioning contract. Finally, concerning start-ups, they can gain eligibility if they furnish a compelling business plan or other supporting documents that highlight their unique, innovative technological solution. Such a solution should demonstrate potential for growth, economic benefits, and a well-defined business model. Alternatively, start-ups can qualify if they are part of an incubation or acceleration programme or have financial ties to a technological investor.
  25. (CZ-ISCO)
    - 524 Other Sales Workers
    - 721 Foundry Workers, Welders, and Related Workers
    - 722 Blacksmiths, Toolmakers, and Related Workers
    - 723 Mechanics and Non-Electrical Machinery Repairers
    - 741 Assemblers, Electric Equipment Mechanics, and Repairers
    - 751 Food and Related Products Producers and Processors
    - 753 Clothing, Leather, and Fur Product Producers and Related Workers
    - 812 Operators of Metal and Material Processing and Surface Treatment Equipment
    - 814 Operators of Rubber, Plastic, and Paper Product Manufacturing and Processing Machinery

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- 815 Operators of Textile, Leather, and Fur Product Manufacturing and Processing Machinery  
816 Operators of Food and Related Product Manufacturing Machinery  
818 Other Operators of Stationary Machinery and Equipment  
821 Assembly Workers of Products and Equipment  
833 Drivers of Trucks, Buses, and Trams  
834 Mobile Equipment Operators
26. 5 - Service and Sales Workers  
6 - Skilled Agricultural, Forestry, and Fishery Workers  
7 - Craft and Related Trades Workers  
8 - Machine Operators and Assemblers  
9 - Unskilled and Semi-skilled Workers
27. These activities include the following elements: (a) plant and animal production, hunting, and related activities; (b) forestry and logging; (c) construction of buildings; (d) civil engineering construction; (e) specialized construction activities; (f) accommodation; (g) food service activities; (h) architectural and engineering activities; technical testing and analysis; and (i) sports, entertainment, and recreational activities.
28. The amount are as follows: 4,040 CZK for individuals over 15 years old who are not dependent children; 3,490 CZK for dependent children aged 15 to 26; 3,050 CZK for dependent children aged 6 to 15; and 2,480 CZK for dependent children under 6 years old. To determine the amount, the decisive factor is the age the person reaches in the calendar month for which their amount is calculated.
29. The highest amount of normative housing costs is as follows, effective from January 1, 2023: 18,129 CZK for one or two individuals in the family; 20,812 CZK for three individuals in the family; and 24,995 CZK for four or more individuals in the family.
30. Fee modification on a long-term visa, based on bilateral agreements :a) Without fee: Albania, Japan, South Africa, Turkey ;  
b) Increased fee: Democratic Republic of Congo (17,000 CZK), Uzbekistan (5,000 CZK)
31. This refers to person who has permanent residence in the Czech Republic.
32. Relatives of an EU/Czech citizen who have permanent residence in the Czech Republic and are financially supported by the EU/Czech citizen or require their personal care due to serious health reasons, or are members of the household of the EU/Czech citizen in their home country.
33.  
[https://www.mzv.cz/jnp/cz/informace\\_pro\\_cizince/prehled\\_nalezitosti/harmonizovany\\_seznam\\_podpurnych\\_dokladu.html](https://www.mzv.cz/jnp/cz/informace_pro_cizince/prehled_nalezitosti/harmonizovany_seznam_podpurnych_dokladu.html)
34.  
[https://www.mzv.cz/jnp/cz/informace\\_pro\\_cizince/prehled\\_nalezitosti/harmonizovany\\_seznam\\_podpurnych\\_dokladu.html](https://www.mzv.cz/jnp/cz/informace_pro_cizince/prehled_nalezitosti/harmonizovany_seznam_podpurnych_dokladu.html)
35. Regulation (EU) 2018/1806. Currently it concerns the following countries: Albania, Andorra, Antigua And Barbuda, Argentina, Australia, Bahamas, Barbados, Bosnia And Herzegovina, Brazil, Brunei, Canada, Chile, Colombia, Costa Rica, Dominica, East Timor, Georgia, Grenada, Guatemala, Honduras, Israel, Japan, Kiribati, Malaysia, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Montenegro, New Zealand, Nicaragua, North Macedonia, Palau, Panama, Paraguay, Peru, Saint Kitts And Nevis, Saint Lucia, Saint Vincent And The Grenadines, Salvador, Samoa, San Marino, Serbia, Seychelles, Singapore, Solomon Islands, South Korea, Taiwan, Tonga, Trinidad And Tobago, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, United States Of America, Uruguay, Vanuatu, Vatican, and Venezuela.
36. Singapore
37. Argentina, Chile, Israel, South Korea, Costa Rica, Malaysia, and Uruguay
38. Guatemala, Honduras, Mexico, Nicaragua, Panama, and Paraguay
39. Armenia, Azerbaijan, Belarus, Bolivia, Cape Verde, China (Pr), Ecuador, Egypt, India, Indonesia, Jordan, Kazakhstan, Kuwait, Laos, Mongolia, Morocco, Pakistan, Philippines, Russia, South Africa, Thailand, Tunisia, Turkey, Vietnam and Yemen
40. Albania, Algeria, Argentina, Armenia, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Montenegro, China, Denmark, Egypt, Ecuador, Estonia, Ethiopia, the Philippines, Finland, France, Georgia, Guinea-Bissau, Guinea, Guyana, Chile, Croatia, India, Indonesia, Iraq, Iran, Iceland, Italy, Israel, Japan, Yemen, Jordan, Cambodia, Cameroon, Canada, Cape Verde, Kenya, Colombia, Congo, Republic of Korea, DPRK, Costa Rica, Kuwait, Cyprus, Laos, Lebanon, Libya, Lithuania, Latvia, Luxembourg, Hungary, North Macedonia, Maldives, Mali, Malta, Morocco, Mexico, Moldova, Mongolia, Mozambique, Germany, Niger, Nigeria, Nicaragua, Netherlands, Norway, Pakistan, Panama, Peru, Poland, Portugal, Austria, Romania, Russia,

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- Greece, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, Somalia, the United Kingdom, Serbia, Sri Lanka, Sudan, Syria, Spain, Tanzania, Togo, and Tunisia.
41. Albania, Argentina, Brazil, Bulgaria, China, Egypt, Estonia, Finland, France, Georgia, Ireland, Italy, Israel, Korean Republic, Cyprus, Lithuania, Hungary, Macedonia, Malta, Mongolia, Germany, Norway, Poland, Austria, Romania, Russia, Greece, Slovakia, Spain, Switzerland, Ukraine, and the USA.
  42. Austria, Bulgaria, Egypt, Estonia, France, Georgia, Germany, Greece, India, Italy, Japan, Republic of Korea, Latvia, Republic of North Macedonia, Malta, Mexico, Mongolia, Peru, Portugal, Slovakia, Spain, Switzerland, Taiwan, Ukraine, Albania, China, Hungary, Lithuania, Poland, and Romania.
  43. 54 states: Algeria, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, China, Egypt, Ethiopia, Philippines, Georgia, Iraq, Iran, Kazakhstan, Kyrgyzstan, Kenya, Colombia, Costa Rica, Panama, Venezuela, Dominica, Grenada, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Trinidad and Tobago, Morocco, Mauritania, Mongolia, Nigeria, Benin, Chad, Cameroon, Equatorial Guinea, Democratic Republic of the Congo, Niger, Republic of the Congo, Gabon, Central African Republic, Pakistan, Afghanistan, Peru, Ecuador, Russia, Serbia, Tunisia, Turkey, Ukraine, Uzbekistan, Tajikistan, Turkmenistan, Vietnam, Zambia, Zimbabwe, and Malawi.
  44. Akademie múzických umění v Praze, Akademie výtvarných umění v Praze, Anglo-americká vysoká škola, z.ú., Archip, s.r.o., ART & DESIGN INSTITUT, s.r.o., Česká zemědělská univerzita v Praze, České vysoké učení technické v Praze, Janáčkova akademie múzických umění v Brně, Jihočeská univerzita v Českých Budějovicích, Masarykova univerzita, Mendelova univerzita v Brně, Metropolitní univerzita Praha, o.p.s., Moravská vysoká škola Olomouc, o. p. s., Newton University a.s., Ostravská univerzita, Slezská univerzita v Opavě, ŠKODA AUTO Vysoká škola o.p.s., Technická univerzita v Liberci, Unicorn vysoká škola s.r.o., Univerzita Jana Evangelisty Purkyně v Ústí nad Labem, Univerzita Hradec Králové, Univerzita Karlova, Univerzita Palackého v Olomouci, Univerzita Pardubice, Univerzita Tomáše Bati ve Zlíně, Vysoká škola báňská - Technická univerzita Ostrava, Vysoká škola CEVRO Institut, z. ú., Vysoká škola ekonomická v Praze, Vysoká škola finanční a správní, a.s., Vysoká škola chemicko-technologická v Praze, Vysoká škola kreativní komunikace, s. r. o., Vysoká škola logistiky, o.p.s., Vysoká škola obchodní v Praze, o.p.s., Vysoká škola PRIGO, z.ú., Vysoká škola technická a ekonomická v Českých Budějovicích, Vysoká škola uměleckoprůmyslová v Praze, Vysoké učení technické v Brně, Západočeská univerzita v Plzni.
  45. Regarding fee modification on a long-term visa based on bilateral agreements, Albania, Japan, South Africa, and Turkey have no fees to pay, whereas Democratic Republic of Congo (17,000 CZK) and Uzbekistan (5,000 CZK) need to pay an increased fee.
  46. The highest amount of normative housing costs is as follows, effective from January 1, 2023: 18,129 CZK for one or two individuals in the family; 20,812 CZK for three individuals in the family; and 24,995 CZK for four or more individuals in the family.
  47. Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Chile, China, Egypt, Ecuador, Ethiopia, Philippines, Ghana, Georgia, Hong Kong, Chile, India, Indonesia, Iraq, Iran, Ireland, Israel, South Africa, South Korea, Jordan, Cameroon, Canada, Cape Verde, Kazakhstan, Kenya, Kosovo, Costa Rica, Cuba, Macao, Morocco, Moldova, Mozambique, Nepal, Nigeria, Nicaragua, Pakistan, Palestine, Russia, Saudi Arabia, Senegal, Singapore, United Arab Emirates, Sri Lanka, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, USA, Uzbekistan, United Kingdom, Vietnam, and Zambia.

## References

### Scientific literature:

- Alamgir, A. K. (2017). From the field to the factory floor: Vietnamese government's defence of migrant workers' Interests in state-socialist Czechoslovakia. *Journal of Vietnamese Studies*, 12(1), 10-41. <https://doi.org/10.1525/jvs.2017.12.1.10>
- Brouček, S. (2003). *Aktuální problémy adaptace vietnamského etnika v ČR*. Etnologický ústav AV. ČR. The Ministry of the Interior of the Czech Republic. [https://www.cizinci.cz/documents/551336/568661/adaptace\\_vietnam.pdf/8c0c3f8d-4bc7-106a-0cfc-9431c0d05ed0](https://www.cizinci.cz/documents/551336/568661/adaptace_vietnam.pdf/8c0c3f8d-4bc7-106a-0cfc-9431c0d05ed0)
- Bureš, O., & Stojanov, R. (2022). Securitization of immigration in the Czech Republic and its impact on the Czech migration policy: Experts' perceptions. *Problems of Post-Communism*, 70(6), 679-689. <https://doi.org/10.1080/10758216.2022.2085580>
- Burianová, S., & Votradovcová, H. (2018). Czech Republic: Socio-economic aspects of migration. In J. Kucharczyk & G. Mesežnikov (Eds.), *Phantom Menace: The politics and policies of migration in central Europe* (pp. 82-104). Bratislava: Institute for Public Affairs, Heinrich-Boll-Stiftung.
- Celiapercar. (2020, June 29). *Czechia, destination of the Vietnamese diaspora in Europe*. Crónicas del Corazón de Europa. <https://cronicascorazoneuropa.com/2020/06/29/czechia-destination-of-the-vietnamese-diaspora-in-europe>
- ČSÚ. (2023). *Data on the number of foreigners*. Czech Statistical Office. [https://www.czso.cz/csu/cizinci/4-ciz\\_pocet\\_cizincu#cr](https://www.czso.cz/csu/cizinci/4-ciz_pocet_cizincu#cr)
- Drbohlav, D. (2006). Immigration and the Czech Republic (with a special focus on the foreign labour force). *International Migration Review*, 37(1), 194-224. <https://doi.org/10.1111/j.1747-7379.2003.tb00134.x>
- Drbohlav D. & Janská E. (2008), Migration Policy in the Czech Republic after 1990. In Nadan Vidošević (Eds.), *USELJENIČKA POLITIKA U FUNKCIJI RAZVOJA HRVATSKOGA GOSPODARSTVA* (pp. 35-47). Zagreb: Hrvatska Gospodarska Komora
- Kocourek, J. (2006). Kořeny vietnamské migrace do ČR před rokem 1989. *ČERNÍK, Jan et al. S vietnamskými dětmi na českých školách*, 94-102.
- Krebs, M. & Pechová, E. (2008). *Vietnamese workers in Czech factories: Research report*. La Strada Czech Republic. [https://www.strada.cz/wp-content/uploads/2021/11/vietnamese\\_workers\\_in\\_czech\\_factories.pdf](https://www.strada.cz/wp-content/uploads/2021/11/vietnamese_workers_in_czech_factories.pdf)
- Martínková, Š. (2008). Sociabilita vietnamského etnika v Praze. *Cizinecké komunity z antropologické perspektivy: vybrané případy významných imigračních skupin v České republice.*, 1(7) 167-210.

Martínková, Š. (2010). *Vietnamská komunita v Praze*. (1<sup>st</sup> Ed.) Praha: Muzeum hlavního města Prahy.

Müllerová, P. (1998). Vietnamese diaspora in the Czech Republic. *Archív orientální*, 66(2), 121-126.

MV. (2022). *Zpráva o situaci v oblasti migrace a integrace cizinců na území České republiky 2021*. The Ministry of the Interior of the Czech Republic. <https://www.mvcr.cz/migrace/soubor/zprava-o-situaci-v-oblasti-migrace-a-integrace-cizincu-na-uzemi-ceske-republiky-v-roce-2021.aspx>

Pechová, E. (2008). *Potkali se u Kolína: Reportáž o vietnamských dělnících v Čechách*. Migrace Online CZ. <https://migraceonline.cz/cz/e-knihovna/potkali-se-u-kolina-reportaz-o-vietnamskych-delnicich-v-cechach>

Stojanov, R., Klvaňová, R., Seidlová, A., & Bureš, O. (2022). Contemporary Czech migration policy: ‘Labour, not people’? *Population, Space and Place*, 28(4). <https://doi.org/10.1002/psp.2533>

Stojarová, V. (2019). Migration policies of the Czech and Slovak Republics since 1989—Restrictive, liberal, integrative, or circular? *Transylvanian Review of Administrative Sciences*, 15(56), 97-114. <http://dx.doi.org/10.24193/tras.56E.6>

Vláda. (2002). *Vietnamská národnostní menšina*. National Minorities, Vláda České Republiky. <https://www.vlada.cz/cz/ppov/rnm/mensiny/vietnamska-mensina-108870/>

Vlček, T. (2008). *Bilaterální vztahy České republiky a Vietnamské socialistické republiky*. E-Polis.CZ. <https://www.e-polis.cz/clanek/bilateralni-vztahy-ceske-republiky-a-vietnamske-socialisticke-republiky.html>

#### Overview Websites:

FRS. (2023). *Official web portal for foreigners, who are living, or wish to live in the Czech Republic*. Ministry of the Interior of the Czech Republic. <https://frs.gov.cz/>

MVCR. (2023). *Immigration: Basic information*. Ministry of the Interior of the Interior of the Czech Republic, Department for Asylum and Migration Policy. <https://www.mvcr.cz/clanek/sluzby-pro-verejnost-informace-pro-cizince-informace-pro-cizince.aspx>

MZV. (2023). Ministry of Foreign Affairs of the Czech Republic. <https://www.mzv.cz/jnp/en/index.html>

#### Laws:

Act No. 117/1995 Coll. (1995). *Act on state social support*. *Zákon pro lidi*. <https://www.zakonyprolidi.cz/cs/1995-117>



Act No. 326/1999 Coll. (1999). *Act on the residence of foreigners in the territory of the Czech Republic and on the amendment of certain laws.* *Zákony pro lidi.* <https://www.zakonyprolidi.cz/cs/1999-326> (the Alian Act)

Act No. 262/2006 Coll. (2006). *Labour Code Act.* *Zákony pro lidi.* <https://www.zakonyprolidi.cz/cs/2006-262>

Act No. 110/2006 Coll. (2006). *Law on living and subsistence minimum.* *Zákony pro lidi.* <https://www.zakonyprolidi.cz/cs/2006-110>

Act No. 435/2004 Coll. (2004). *Act on Employment.* *Zákony pro lidi.* <https://www.zakonyprolidi.cz/cs/2004-435> (the Employment Act)

#### EU:

Regulation (EC) No. 810/2009. (2009). *The procedures and conditions for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-day period.* The European Parliament and of the Council, Official Journal of the European Union. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:243:0001:0058:en:PDF>

#### Decrees and Regulations:

Communication No. 206/2010 Coll. (2010). *Notice of the Czech Statistical Office on the introduction of the classification of employment (CZ-ISCO).* *Zákony pro lidi.* <https://www.zakonyprolidi.cz/cs/2010-206>

Government Regulation No. 64/2009 Coll. (2009). *Government regulation on the determination of the type of work that the labour agency cannot mediate in the form of temporary assignment to perform work for the user.* *Zákony pro lidi.* <https://www.zakonyprolidi.cz/cs/2009-64>

Government Regulation No. 213/2023 Coll. (2023). *On the maximum number of applications for a visa for a stay of more than 90 days for the purpose of doing business, applications for a long-term residence permit for the purpose of investment and applications for an employee card that can be submitted to embassy, as amended.* *Zákony pro lidi.* <https://www.zakonyprolidi.cz/cs/2023-213>

#### Programmes:

International and European Law Department 51300. (2019). *The Key and Scientific Personnel Programme.* Ministry of Industry and Trade. [https://www.mpo.cz/assets/cz/zahranicni-obchod/ekonomicka-migrace/2021/12/PROGRAM\\_KLICOVY\\_A\\_VEDECKY\\_PERSONAL\\_rev\\_2.pdf](https://www.mpo.cz/assets/cz/zahranicni-obchod/ekonomicka-migrace/2021/12/PROGRAM_KLICOVY_A_VEDECKY_PERSONAL_rev_2.pdf)

International and European Law Department 51300. (2019). *Qualified Worker Programme.* Ministry of Industry and Trade. <https://www.mpo.cz/assets/cz/zahranicni->

obchod/ekonomicka-migrace/2022/11/PROGRAM-KVALIFIKOVANY-ZAMESTNANEC\_akt\_01\_11\_2022.pdf

International and European Law Department 51300. (2021). *Highly Qualified Worker Programme*. Ministry of Industry and Trade. [https://www.mpo.cz/assets/cz/zahranicni-obchod/ekonomicka-migrace/2021/12/PROGRAM\\_VYSOCE\\_KVALIFIKOVANY\\_ZAMESTNANEC\\_rev\\_2.pdf](https://www.mpo.cz/assets/cz/zahranicni-obchod/ekonomicka-migrace/2021/12/PROGRAM_VYSOCE_KVALIFIKOVANY_ZAMESTNANEC_rev_2.pdf)

International and European Law Department 51300. (2023). *Digital Nomad Programme*. Ministry of Industry and Trade. <https://www.mpo.cz/assets/cz/zahranicni-obchod/ekonomicka-migrace/2023/8/Program-digitalni-nomad---text-programu.pdf>

Other:

MŠMT. (2013). *Fast Track Programme*. Ministry of Education, Youth, and Sports. <https://www.msmt.cz/file/52871/>

MŠMT. (2017). *Student Regime Programme*. Ministry of Education, Youth, and Sports. [http://www.msmt.cz/file/43772\\_1\\_1/](http://www.msmt.cz/file/43772_1_1/)  
(see also, <http://www.msmt.cz/vzdelavani/vysoke-skolstvi/rezim-student>)

MŠMT. (2023). *List of international treaties affecting responsibilities of the Ministry of Education and Culture*. Ministry of Education, Youth, and Sports. <https://www.msmt.cz/file/59200/>

# ANNEXES

## Annex 1 – Mobility policies in the Czech Republic

Table 1 – The intersection of residence authorisation, governmental programmes and quota in Czech labour market migration policies

Type of permit → Type of governmental programme↓	Workers					Family members applying together with residence authorisation applicants		
	Employee Card (with or without working permit) + set governmental quota	Blue Card	Intra-company transferred employee card	Long-term visa for the purpose of entrepreneurship + set governmental quota	Extraordinary work visa + set governmental quota	Long-term visa for the purpose of family	Residence permit for the purpose of family reunification	Long-term visa for other purposes
Qualified employee	YES (set governmental quota)							
Highly qualified employee	YES (set governmental quota)	YES	YES			Closest family members of a holder of an employee card	Closest family members of a holder of Blue Card or intra-company transferred employee card	
Key and Scientific Personnel	YES (set governmental quota)	YES	YES	YES (more reduced governmental quota)		Closest family members	Closest family members of a holder of Blue Card or intra-company transferred employee card	
Digital nomad				Only freelancers with Czech authorisation (OSVČ)		Closest family members		Closest family members of a foreign organisation employee (holder of residence authorisation for the purpose of "Other")
Extraordinary work visa for nationals of Ukraine working in agriculture, food industry or forestry					YES (set governmental quota)			

Not included in governmental programmes					
Intra-company transferred employee of a different EU state	Long-term residence permit for the purpose of entrepreneurship	Long-term residence permit for the purpose of seeking employment or starting a business	Short-term Schengen visa for the purpose of seasonal work	Long-term visa for the purpose of seasonal work	Working Holiday (long-term visa)

Table 2 - Description of the Czech Republic's quota and programmes labour migration policy (excl. extraordinary work visa)

<i>Themes</i>	<i>Actors</i>	<i>Characteristics</i>	<i>Temporality</i>
<b>Dimensions</b>			
<p><b>Guarantee(s)</b></p> <p>1. Fulfilling European Codex (f.e. not have an entry ban to the Czech Republic or the Schengen area, not pose a threat to public order, security or international relations) and other entry conditions (Alien Act § 9)</p> <p>2. Pay processing fee (family members of TCNs – 2 500 CZK or 5 000 CZK; on long-term visa as described)</p> <p>3. Fulfilling the conditions for visa residence permit OR fulfilling the condition of visa issuance OR visa-free entry (visa-free entry specified in Alien Act § 18):</p> <p>a) For long-term visa for the purpose of entrepreneurship (Alien Act § 31)</p> <p>b) Employee Card Alien Act § 42g, § 42h, Alien Act § 46)</p> <p>c) Blue Card (Alien Act § 42i, § 42j)</p> <p>d) Intra-company transferred employee card (Alien Act § 42k, § 42l)</p> <p>e) Intra-company transferred employee card of a member of other EU state</p>	<p>1. Applicants of employee card:</p> <p>a) Included in Qualified employee</p> <p>b) Included in Highly qualified employee or</p> <p>c) Included in Key and scientific personnel</p> <p>d) Not included in governmental programme</p> <p>2. Applicants of a Blue card:</p> <p>a) Included in Highly qualified employee or</p> <p>b) Included in Key and scientific personnel</p> <p>c) Not included in governmental programme</p> <p>3. Applicants of intra-company transferred employee card:</p> <p>a) Included in Highly qualified employee or</p> <p>b) Included in Key and scientific personnel</p> <p>c) Not included in governmental programme</p>	<p><b>1. Nationality:</b></p> <p>a) Difference in quota (as defined by governmental regulation specific to programs and types of permits (Government Regulation 213/2023 Coll.)</p> <p>b) Eligibility to Qualified employee programme (Armenia, Belarus, Montenegro, the Philippines, Georgia, India, Kazakhstan, Moldova, Mongolia, North Macedonia, Serbia, or Ukraine)</p> <p>c) Eligibility for Digital nomad (Australia, Japan, Canada, the Republic of Korea, New Zealand, and the United Kingdom)</p> <p><b>2. Trustworthiness of an employer of the Czech Republic:</b></p> <p>a) Condition of obtained status for employee (defined in Alien Act § 178f)</p> <p>b) Eligibility to be included in the programme Qualified employee, Highly Qualified employee</p> <p><b>3. Type of the employer in the Czech Republic (with additional conditions on the employer):</b></p> <p>a) inclusion in KASP programme – investors, research organizations, technological companies, newly established</p>	<p><b>1. Processing Time:</b></p> <p>a) For Employee card – 60 days (max 90) (Alien Act § 169t)</p> <p>b) Blue card, Card of intra-company transferred employee, visa for the purpose of entrepreneurship – 90 days (Alien Act § 169t)</p> <p>c) Streamlined process for workers included in the programme (digital nomad 45 days, KASP 30 days) (Alien Act § 169t)</p> <p>d) Streamlined process for family members of Blue card holders included in the governmental programme – 90 days (Alien Act § 42a)</p> <p><b>2. Duration of permit</b></p> <p>a) Employee card (Alien Act § 44): Max 2 years</p> <p>b) Blue card (Alien Act § 44): Max 3 years, but 3 months longer than the contract on which the Blue card is issued</p> <p>c) Intra-company transferred employee card (Alien Act § 44): max 3 years for manager, specialist, 1 year for intern</p> <p>d) Visa for entrepreneurship (Alien Act § 30): max. 1 year.</p> <p>e) D/VR visa validity is 60 days (Alien Act § 30)</p> <p><b>3. Validity of documentations/ guarantees:</b></p> <p>Documents submitted as part of a long-term residence permit application</p>

<p>(Alien Act § 42m, § 42l)</p> <p>4. Differences in proofs of substinence between long-term visa for the purpose of entrepreneurship and other (Alien Act § 13)</p>	<p>d) Transferred employee of a different EU state</p> <p>4. Applicants for long-term visa for the purpose of entrepreneurship:</p> <p>a) Included in Key and scientific personnel</p> <p>b) Included in Digital Nomad</p> <p>c) Not included in governmental programme</p>	<p>companies and start-ups</p> <p>b) recruitment agencies (stricter regulations, Alien Act § 46, § 42g, § 42k)</p> <p>c) IT sector (for Digital Nomad), incl. requirements on size etc.)</p> <p>d) Self-employed (Digital nomad)</p> <p>e) Entrepreneurship</p> <p>f) Other - job is listed in central registry of job vacancies (Alien Act Employee Card § 42g, Blue Card § 42i), work permit (Employee Card Alien Act § 42g )</p> <p><b>4. Length, type of contract and salary:</b></p> <p>a) Eligibility for Qualified employee (1.2 times guarantee wage etc.), Highly qualified employee, KASP, Digital nomad etc.</p> <p>b) Incl. type of position – manager, specialist, intern</p> <p><b>5. Type and level of applicants education/qualification:</b></p> <p>a) Eligibility for programme Digital nomad</p> <p>b) Eligibility for Employee card (Alien Act § 42g), Blue card (Alien Act § 42i), Intra-company transferred employee card (Alien Act § 42k)</p> <p><b>6. Type of contracted work by CZ-ISCO:</b></p> <p>a) Eligibility for the programmes (QE, HQE, KASP)</p> <p>b) Healthcare professional excluded from KASP programme (can apply HQE)</p> <p>c) Type of residence permit (for employees</p>	<p>must not be older than 180 days, with the exception of the travel document and the photograph of the foreign national, provided it accurately represents their current appearance (Alien Act § 55).</p> <p><b>4. Length of contract in CZ:</b></p> <p><b>Governmental programmes:</b> max 1 year (for the company foreigner is employed by, excl. Digital nomad)</p> <p><b>5. Length of employment within foreign company for intra-company transferred employee:</b> 6 months (Alien Act § 42k)</p> <p><b>6. Conditions of stay/obligation:</b></p> <p>a) Holders of a residence permit:</p> <p>i. Holders of a residence permit arriving on D/VR visa must register at a Ministry of the Interior office <b>within 30 calendar days of their arrival</b> (Alien Act § 44).</p> <p>ii. The residence permit card (biometric card) must be collected by the foreign national <b>within 60 days of their biometric data being recorded</b> (Alien Act § 44).</p> <p>b) Other types of residence authorizations (long-term visa, visa-free) visa-free conditions, must register with the Foreign Police <b>within 3 days of arrival in the Czech Republic</b> (Alien Act § 93).</p> <p>c) <b>Foreign nationals with long-term visa or residence permit</b> must:</p>
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		<p>arriving on recruitment agencies on Employee card (Alien Act § 42g), Blue card (Alien Act § 42i)</p> <p><b>7. Programme participants:</b></p> <p>a) Confirmation from employer instead of providing visa documents (substitute proof of secured accommodation, employment contract and documents relevant to the intra-company transfer)</p> <p>b) KASP excluded from need to fulfil adaptation and integration courses, streamline process (30 days)</p> <p>c) Streamlined process (digital nomad 45 days, KASP, 30 days)</p> <p>d) Family members can be included in the programme with issuing residence authorization for the purpose of family reunification if they are close family members and apply at the same time as the worker</p> <p><b>8. Fee modification:</b></p> <p><b>A.</b> on long-term visa, based on bilateral agreements:</p> <p>a) Without fee: Albania, Japan, South Africa, Turkey, Taiwan</p> <p>b) Increased fee: Democratic Republic of Kongo (17 000 CZK), Uzbekistan (5 000 CZK)</p> <p><b>B.</b> whether applied from CZ or abroad in specific types: 5 000 CZK when applied abroad for employee card, Blue card, long-term visa for the purpose of</p>	<p>i. report a change of address within <b>30 working days from the date of change</b> (Alien Act § 98).</p> <p>ii. If their intention is to terminate their stay, they must surrender their residence document at least <b>3 days before departure</b> (Alien Act § 103).</p> <p><b>7. Holders of a residence permit</b> (TCNs), in cases of lost, damaged, destroyed, or stolen residence documents, the incident must be reported <b>within 3 working days to the Ministry of the Interior</b>, and lost or stolen travel documents should be reported to the police without delay (Alien Act § 103).</p> <p><b>8. Notifying the Ministry of the Interior in the event of changing the employer:</b></p> <p>a) <b>Employee card holder</b> (Alien Act § 42g): There are different obligations concerning changing employment depending on whether the applicant has free access to the labour market. Those with free access can change their job without restrictions, but they must notify the Ministry of the Interior. However, those without free access must report their intention to change employment</p>
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		<p>entrepreneurship, otherwise 2 500 CZK</p> <p>9. <b>Previously obtained status:</b></p> <p>a) Free access to the labour market, or not – restrictions on possibility of changing employer</p> <p>b) cannot apply for:</p> <p>i) Employee card: Holders of long-term visas for seasonal employment or those who have been granted international protection cannot apply in the Czech Republic (Alien Act § 42g)</p> <p>ii) Blue card (Alien Act § 42i): Applicants for long-term residence permits for scientific research, Residents of another EU member state who are in the country based on a residence permit for employment or business, Foreign nationals residing in the Czech Republic under specific conditions outlined in international treaties (excluding those who already hold an intracompany transferred employee card)</p> <p>10. <b>Type of termination of work contract with Czech employer</b> (Alien Act § 107):</p> <p>a) early termination by employer or the employee terminates the employment (immediate termination) before the card's expiration, the employer must cover the cost of healthcare provided to the foreign national</p>	<p>within 60 days of ending their previous job (incl. a change of position or workplace with the same employer). After the validity of the Employee Card expires, changing the employer is not permitted. Those employed by recruitment agencies are not permitted to change employers. In the event of change the Ministry of the Interior has 30 days to consider this possibility.</p> <p>b) <b>Blue card holders</b> (Alien Act § 42i): If a foreigner wishes to change their employer, position, or employment within the same or a different employer, they must notify the Ministry of the Interior. In case they terminate their employment, they are required to notify the Ministry of the Interior within three working days</p> <p>9. <b>Cancellation due to Unemployment for Blue card holders</b> (Alien Act § 46f):</p> <p>a) if the Blue Card holder remains unemployed for a period exceeding 3 months and has held the Blue Card for less than 2 years.</p> <p>b) Also, if the Blue Card holder is unemployed for more than 6 months and has held the Blue Card for a minimum of 2 years. This condition does not apply when the employment relationship terminates due to reasons on the employer's part, or an</p>
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		<p>from the end of their employment to their departure from the country.</p> <p>11. <b>Deservingness:</b> Cancellation of the Blue Card, in addition to the previously mentioned conditions, is specifically enforced (Alien Act § 46f):</p> <p>a) if the Blue Card holder remains unemployed for a period exceeding 3 months and has held the Blue Card for less than 2 years.</p> <p>b) Also, if the Blue Card holder is unemployed for more than 6 months and has held the Blue Card for a minimum of 2 years. This condition does not apply when the employment relationship terminates due to reasons on the employer's part, or an agreement for the same reasons or in case of immediate termination by employee.</p> <p>c) If the Blue Card holder applies for social benefits (livelihood allowance, housing supplement, or exceptional immediate aid).</p>	<p>agreement for the same reasons or in case of immediate termination by employee</p>
<p><b>Benefits</b></p> <p>a. Temporary Residence: Granting temporary residence in CZ for the duration of the residence authorization (long term residence permit: § 42, Employee Card Alien Act § 42g, Blue Card Alien Act § 42i, intracompany transferred</p>	<p><b>Penalty/ties</b></p> <p>1. General clauses (Alien Act § 37, § 44, § 103, § 119 and clauses specified in other specific conditions):</p> <p>a) Registration</p> <p>b) Notify offices when changes to personal data occur (or loss/theft etc. of residence document)</p> <p>c) Cooperate with foreign police</p>	<p><b>Forgiveness</b></p> <p>General clauses (Alien Act § 119a):</p> <p>1. Deportation may be prohibited if it <b>unreasonably interferes with the foreign national's private or family life.</b></p> <p>2. Deportation decisions cannot be executed for foreign nationals who have applied for or obtained a long-term <b>residence permit for protection purposes.</b> Any ongoing deportation proceedings are halted upon the issuance of a long-term</p>	<p><b>Referrals</b></p> <p><b>Schengen Family reunification</b></p>



<p>employee card § 42k, EU intracompany transferred employee card § 42m; long-term visa: Alien Act § 30)</p> <p>b. Visa-Free Travel across Schengen (Employee card, Blue Card, EU/Card of Intracompany transferred employee, long-term visa for entrepreneurship)</p> <p>c. Blue Card holders:</p> <p>i. can apply for a Blue Card in other European Union member states without the necessity of applying at a diplomatic mission (Alien Act § 42j)</p> <p>ii. After residing with a Blue Card for five years in any EU member state, they can apply for permanent residence (Alien Act § 68).</p> <p>iii. Their family members can apply for long-term residence for family reunification through a shortened 90-day processing period at a diplomatic mission (Alien Act § 42b)</p> <p>d. Granting access to employment (Employment Act § 89, § 98)</p>	<p>d) Endanger public health</p> <p>e) Committing criminal offense</p> <p>2. Other specific conditions based on type of residence authorization on the side of the employee (termination of work, illegal work, failure to report changes, for the Blue card holder, debts, applying for social benefits, length of unemployment, etc.) – long-term viza Alien Act § 62, Employee card Alien Act § 63, § 46e, Blue card Alien Act § 46f, Intracompany transferred Employee card Alien Act § 46g, Long-term residence permits in general Alien Act § 45, § 46)</p> <p>3. Not fulfilling the conditions of the side of the Czech employer (unreliability and ceasing to meet other conditions) (Alien Act § 107)</p> <p><b>The penalties:</b></p> <p>1. Fine (for misdemeanour) for up to 10 000 CZK (Alien Act § 156)</p> <p>2. The cancellation of residence authorization, resulting in a deportation order, paired with being designated as an undesirable person in CIS</p>	<p>residence permit for protection purposes.</p> <p><b>3. In the case of an EU family member</b> who has applied for a temporary or permanent residence permit, the police will revoke an administrative deportation decision unless there is a reasonable risk that their presence on the territory may endanger the state's security, severely disrupt public order, or threaten public health.</p> <p><b>4. Deportation decisions</b> are not issued for the transfer of foreign nationals according to <b>international agreements</b> concluded with other EU member states before January 13, 2009.</p> <p>5. Type of termination of the contract with Czech employer (if the reason for cancellation is not fulfilling the conditions of working on the assigned position)</p>	
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	and an entry ban to the Schengen Area for up to ten years (Alien Act § 37, § 46e, § 46f, § 46g, § 119)		
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Table 3 Description of the Czech Republic’s labour migration policy outside of the general quota system (with the inclusion of extraordinary work visa and associated quota)

<i>Themes</i> <i>Dimensions</i> (indicators)	<i>Actors</i>	<i>Characteristics</i>	<i>Temporality</i>
<p><b>Guarantee(s)</b></p> <p>1. Fulfilling the conditions for visa residence permit OR fulfilling the condition of visa issuance (long-term residence permits: Alien Act § 42, long-term residence permit for the purpose of entrepreneurship: Alien Act § 46, long-term visa in general: Alien Act § 55, § 56, extraordinary work visa: Government Regulation No. 291/2019 Coll., Alien Act § 31a, Long-term visa for the purpose of seasonal work: Alien Act § 32)</p> <p>2. Fulfilling European Codex (f.e. not have an entry ban to the Czech Republic or the Schengen area, not pose a threat to public order, security or international relations) and entry other conditions (Alien Act § 9)</p> <p>3. Pay processing fee (family members of TCNs – 2 500 CZK)</p>	<p>1. Foreign nationals who already reside in the Czech Republic and successfully completed their studies OR who stayed for the purpose of entrepreneurship (visa)</p> <p>2. Ukraine nationals eligible for extraordinary visa</p> <p>3. Foreign nationals intending to travel to the Czech Republic for the purpose of seasonal work</p>	<p>1. <b>Nationality in case of the extraordinary work-visa (quota) – Ukraine</b> (Government Regulation No. 291/2019 Coll.)</p> <p>2. <b>Type of contracted work by CZ-ISCO:</b> Extraordinary work visa (Government Regulation No. 291/2019 Coll.): Service and Sales Workers, Skilled Agricultural, Forestry, and Fishery Workers, Craft and Related Trades Workers, Machine Operators and Assemblers, Unskilled and Semi-skilled Workers</p> <p>3. <b>Work sector:</b></p> <p>a) <b>Extraordinary work-visa</b> (Government Regulation No. 291/2019 Coll.): plant and animal production, forestry and logging, the production of food products, or the production of beverages.</p> <p>b) <b>Long-term visa for seasonal work</b> (Decree of the Ministry of Labor and Social Affairs No. 322/2017 Coll. of 25/09/2017): (a) Plant and animal production, hunting, and related activities (b) Forestry and logging (c) Construction of buildings (d) Civil engineering construction (e) Specialized construction activities (f) Accommodation (g) Food service activities (h) Architectural and engineering activities; technical testing and analysis (i) Sports, entertainment, and recreational activities</p> <p>4. <b>Fee modification</b> on long-term visa, based on bilateral agreements:</p>	<p>1. <b>Processing Time</b> (Alien Act § 169t):</p> <p>a) Extraordinary work visa – 90 days</p> <p>b) All 3 other types – 60 days</p> <p>2. <b>Duration of permit</b></p> <p>a) Residence permit for the purpose of seeking employment: and long-term visa for the purpose of seasonal work: max 9 months (Alien Act § 44)</p> <p>b) Extraordinary work visa: max 1 year (Alien Act § 31a)</p> <p>c) Residence permit for entrepreneurship: max 2 years (Alien Act § 44)</p> <p>3. <b>Validity of documentations/ guarantees:</b> Documents submitted as part of a long-term residence permit application must not be older than 180 days, with the exception of the travel document and the photograph of the foreign national, provided it accurately represents their current appearance (Alien Act § 55).</p> <p>4. <b>Conditions of stay/obligation:</b></p>

<p>4. Granting access to employment (Employment Act § 89, for the purpose of seasonal work Employment Act § 96)</p>		<p>a) Without fee: Albania, Japan, South Africa, Turkey, Taiwan</p> <p>b) Increased fee: Democratic Republic of Kongo (17 000 CZK), Uzbekistan (5 000 CZK)</p> <p>5. <b>Previously obtained status:</b></p> <p>a) Free access to the labour market is the exception on the requirement on job from central registry of vacancies in case of Extraordinary work visas</p> <p>b) Status that will qualify applicant to be eligible for:</p> <p>i. <b>visa for the purpose of entrepreneurship:</b> long-term visa for entrepreneurship or a long-term residence permit for any purpose and have resided in the Czech Republic for over five years (Alien Act § 42)</p> <p>ii. <b>long-term residence permit</b> for the purpose of seeking employment: a long-term residence permit for study or research and have successfully completed their activities (Alien Act § 42)</p>	<p>a) Holders of a residence permit: The residence permit card (biometric card) must be collected by the foreign national <b>within 60 days of their biometric data being recorded</b> (Alien Act § 44).</p> <p>b) Long-term visa: Must register with the Foreign Police <b>within 3 days of arrival in the Czech Republic</b> (Alien Act § 93).</p> <p>c) Foreign nationals must with long-term visa or residence permit must:</p> <p>i) report a change of address <b>within 30 working days from the date of change</b> (Alien Act § 98).</p> <p>ii) If their intention is to terminate their stay, they must surrender their residence document at least <b>3 days before departure</b> (Alien Act § 103).</p> <p>5. Holders of a residence permit (TCNs), in cases of lost, damaged, destroyed, or stolen residence documents, the incident must be reported <b>within 3 working days</b></p>
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			to the Ministry of the Interior, and lost or stolen travel documents should be reported to the police without delay (Alien Act § 103).
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<b>Themes</b>			
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<b>Benefits</b>	<b>Penalty/ties</b>	<b>Forgiveness</b>	<b>Referrals</b>
<p>a. Granting temporary residence in CZ for the duration of the residence authorization (long-term visa: Alien Act § 30, long-term residence permit: Alien Act § 42).</p> <p>b. Visa-Free Travel across Schengen (only long-term residence permit)</p>	<p>General clauses (Alien Act § 103, § 119, § 37, § 37a, § 46):</p> <p>a) Registration</p> <p>b) Notify offices when changes to personal data occur (or loss/theft etc. of residence document)</p> <p>c) Cooperate with foreign police</p> <p>d) Endanger public health</p> <p>e) Committing criminal offense</p> <p><b>The penalties:</b> Fine (for misdemeanour) for up to 10 000 CZK (Alien Act § 156)</p> <p>The cancellation of residence authorization, resulting in a deportation order, paired with being designated as an undesirable person in CIS and an entry ban to the Schengen Area for up to ten years (Alien Act § 119)</p>	<p>General clauses (Alien Act § 119a):</p> <ol style="list-style-type: none"> <li>1. Cancellation of residence permit or deportation may be prohibited if it <b>unreasonably interferes with the foreign national's private or family life.</b></li> <li>2. Deportation decisions cannot be executed for foreign nationals who have applied for or obtained a long-term <b>residence permit for protection purposes.</b> Any ongoing deportation proceedings are halted upon the issuance of a long-term residence permit for protection purposes.</li> <li>3. In the case of <b>an EU family member</b> who has applied for a temporary or permanent residence permit, the police will revoke an administrative deportation decision unless there is a reasonable risk that their presence on the territory may endanger the state's security, severely disrupt public order, or threaten public health.</li> <li>4. Deportation decisions are not issued for the transfer of foreign nationals according to <b>international agreements</b> concluded with other EU member states before January 13, 2009.</li> </ol>	X

Table 4 - Description of the Czech Republic's family reunification policy

Themes <i>Dimensions</i> (indicators)	Actors	Characteristics	Temporality
<p><b>Guarantee(s)</b> Fulfilling the conditions for visa residence permit (Alien Act § 42a, § 42b, for family members of EU residence § 87b) OR fulfilling the condition of visa issuance (Alien Act § 30, § 31) or visa-free stay (Alien Act § 87y)</p> <p>Fulfilling European Codex (f.e. not have an entry ban to the Czech Republic or the Schengen area, not pose a threat to public order, security or international relations) and entry conditions (Alien Act § 9)</p> <p>Pay processing fee (family members of EU – 200 CZK, family members of TCNs – 2 500 CZK, for individuals under 15- 1 000 CZK)</p>	<p>TCNs fulfilling stricter regulations (residence permit standard track)</p> <p>TCNs fulfilling loose regulations (long-term visa)</p> <p>Third country close family members of EU nationals (exceptions: loose conditions)</p> <p>Third country distant family members of EU nationals (exceptions: strict conditions)</p> <p>Children of various ages have different requirements. Firstly, biometric data collection, including fingerprints, may be exempted for children under 12 (and individuals unable to provide fingerprints), children under 15 are exempt from providing criminal record, children under 18 need to provide agreement of parents with the travel, etc.</p>	<p>1. <b>Family relationships:</b></p> <p>a. Close family member of an EU or Czech national, which include (Alien Act § 15a, § 15b):</p> <p>b) A spouse</p> <p>c) A parent of an EU/CR citizen under the age of 21</p> <p>d) A descendant under 21 years of age</p> <p>e) A descendant or ancestor, including the descendants/ancestors of the EU/CR citizen's spouse, if they are financially dependent on the EU/CR citizen for their basic needs and maintenance</p> <p>b. A distant family member of an EU or Czech national, which includes (Alien Act § 15a, § 15b):</p> <p>a) A relative of an EU/CR national who is dependent on that EU/CR citizen in their country of origin.</p> <p>b) A relative who is a member of the EU/CR national's household in their country of origin.</p> <p>c) A relative for whom serious health reasons urgently require personal care by that EU citizen.</p> <p>d) A foreigner with a duly documented permanent partner relationship with an EU/Czech citizen.</p> <p>c. Family member of a third-country national (Alien Act § 42a):</p>	<p>1. <b>Submission Timing:</b> <b>For EU nationals:</b> The application should be made no later than 3 months from their entry into the Czech Republic or the expiration of their previous residence permit. In the event that an individual becomes a close family member of an EU citizen while already present in the Czech Republic, the application must be submitted within 3 months from the date of acquiring this status (Alien Act § 18, § 87b).</p> <p>2. <b>Processing Time</b> (Alien Act § 169t):</p> <p>a. For residence permit: 270 days for family members of TCNs (for reuniting with a holder of an EU Blue card it is 180 days)</p> <p>b. For visa: 90 days</p> <p>c. For residence permit of family members of EU nationals: 60 days</p> <p>3. <b>Duration of permit</b></p> <p>a. TCNs, <b>residence permit:</b> In the event of a positive decision, a <b>visa is issued</b> for the</p>

		<p>a) Spouse (incl. registered partners)</p> <p>b) Minor child (dependent, incl. adoption, guardianship etc.)</p> <p>c) parent (direct ancestor) of an underage asylum seeker</p> <p>d. Type of spouse:</p> <p>a) Marriage (close relative EU)</p> <p>b) Registered partner (distant relative EU)</p> <p><b>2. Care dependence:</b></p> <p>a. Family members as defined EU close relative:</p> <p>a) A descendant or ancestor, including the descendants/ ancestors of the EU/CR citizen's spouse, if they are financially dependent on the EU/CR citizen for their basic needs and maintenance (EU, close relative)</p> <p>b. Family members as defined EU distant relative:</p> <p>a) A relative of an EU/CR national who is dependent on that EU/CR citizen in their country of origin</p> <p>b) A relative for whom serious health reasons urgently require personal care by that EU citizen.</p> <p>c. Family members for residence permit:</p> <p>a) Unprovided for adult child</p> <p>b) isolated foreign nationals over 65 years old or those who cannot provide self-care due to health reasons</p> <p>c) parent (direct ancestor) of an underage asylum seeker</p> <p><b>3. Age</b></p>	<p>purpose of obtaining a residence permit, and the visa's validity period is 60 days (Alien Act § 30). This visa enables individuals to enter the country with the specific intention of commencing the residence permit application. The residence permit is issued for the same duration as the validity of the residence permit of the family member with whom they plan to live in the Czech Republic, but for a minimum of 1 year. If their family member holds a permanent residence permit in the Czech Republic, a residence permit for the purpose of family reunification may be issued for 2 years (Alien Act § 44).</p> <p>b. Long-term visa validity of TCNs for max. 1 year (Alien Act § 30).</p> <p>c. For family members of EU nationals, the maximum validity of the residence card is either 3 or 5 years (Alien Act § 87b).</p> <p><b>4. Validity of documentations/ guarantees:</b></p> <p>a. Getting married before entering CZ (Alien Act § 42a)</p> <p>b. Documents submitted as part of a long-term residence</p>
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		<p>Special provisions for children under 12 (biometric data), under 18 (dependent CZ), over 20 (marriage), under 21 (dependent EU), over 65 (family members CZ)</p> <p><b>4. Nationality:</b></p> <p>a. Family members to reunite with from EU member state</p> <p>b. Family members of TCNs</p> <p>c. Fee modification on long-term visa, based on bilateral agreements:</p> <p>a) Without fee: Albania, Japan, South Africa, Turkey</p> <p>b) Increased fee: Democratic Republic of Kongo (17 000 CZK), Uzbekistan (5 000 CZK)</p> <p><b>5. Previously obtained status</b> A request for a long-term residence permit for the purpose of family reunification can also be submitted by a foreigner who, before entering the Czech Republic, resided in another European Union member state as a family member of a holder of (Alien Act § 42a):</p> <p>a) "Blue card"</p> <p>b) a residence permit for an intracompany transferred employee which was issued by another EU member state.</p> <p><b>6. Deservingness and need</b></p> <p>a) <b>Cancellation of residence permit</b> (Alien Act § 87f): family members of EU nationals may risk cancellation of their permit if they become an undue burden on the Czech social welfare system, cease residing with the EU citizen, or fail to meet</p>	<p>permit application must not be older than 180 days, with the exception of the travel document, birth certificate, marriage certificate, and the photograph of the foreign national, provided it accurately represents their current appearance (Alien Act § 55).</p> <p><b>5. Length of stay of the family member in the Czech Republic (reunification holder): To obtain residence permit in the CZ</b> (Alien Act § 42a):</p> <p>a) The reunification holder must have resided in the Czech Republic for at least 15 months. If the reunification holder is in the Czech Republic based on an employee card, their spouse can apply for family reunification after only 6 months of residence instead of the usual 15 months</p> <p>b) long-term residence permit for scientific research or having applied for such a permit, there are no time restrictions for family reunification.</p> <p><b>6. Conditions of stay/obligations:</b></p> <p>(a) All foreign nationals must</p> <p>(i) report a change of address within <b>30 working days from the date of change</b> (Alien Act § 98).</p> <p>(ii) If their intention is to terminate their stay, they must surrender their residence document at least</p>
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		<p>other legally established conditions.</p> <p><b>b) forgiveness clauses</b> (Alien Act § 87f):</p> <p>i. The EU citizen passed away during their temporary stay in the country, and the family member of the EU citizen had resided in the country for at least 1 year prior to the EU citizen's death.</p> <p>ii. The marriage to an EU citizen ended in divorce or with a decision of nullity (or the long-term partnership, which is not a marriage, was terminated), and concurrently- Custody of the child OR Temporalities of the marriage and stay OR justified stay (f.e. domestic violence)</p> <p><b>7. Differences in treatment based on the status of TCN with whom the family reunites:</b></p> <p>a) <b>member of a governmental programme:</b></p> <p>i) <b>HQE programme:</b> close family members can apply for a long-term visa for the purpose of family reunification in the case of an employee card holder. They can also apply for a residence permit for the purpose of family reunification if they are the close family members of a blue card holder or an intra-company transferred employee card holder.</p>	<p><b>3 days before departure</b> (Alien Act § 103).</p> <p><b>(b) Long-term visa holders</b> arriving in the Czech Republic are required to complete their registration with the <b>Foreign Police within 3 working days of their arrival</b> (Alien Act § 93).</p> <p><b>(c) TCNs (residence permit):</b></p> <p>i) must register with the <b>Ministry of the Interior's office within 30 calendar days</b> of their arrival. If they entered the Czech Republic on another permit (passport without a visa), should complete their registration within <b>3 working days of arrival</b> (Alien Act § 93).</p> <p>ii) These individuals also have further obligation to take the <b>adaptation and integration course within one year</b> of the date of collecting their residence permit.</p> <p><b>(d)</b> Family members of European Union citizens notify the <b>relevant Foreign' Police department within 30 days of arrival</b> (Alien Act § 93).</p> <p><b>(e)</b>TCNs <b>within 3 working days and family members of EU nationals within 15 working days</b> must report changes in personal details, such as name,</p>
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		<p>ii) <b>KASP programme:</b> close family members can apply for family reunification under all residence authorizations, and they can also apply for a residence permit for the purpose of family reunification if they are the closest family members of a blue card holder or an intra-company transferred employee card holder.</p> <p>iii) <b>Digital Nomad programme:</b> family members who are considered close family members under all types of residence authorizations can apply for a long-term visa for the purpose of family reunification. Additionally, family members of foreign organization employees who hold a residence authorization for the purpose of "Other" can apply for a long-term visa for other purposes</p> <p>b) <b>Type of residence authorization:</b> i. an Employee Card, their spouse can apply for family reunification after only 6 months of residence instead of the usual 15 months</p>	<p>surname, marital status, passport data, and residence permit information, should be reported to the Ministry of the Interior (Alien Act § 103)</p> <p>(f) <b>Holders of a residence permit (TCNs, family members of EU citizens)</b>, in cases of lost, damaged, destroyed, or stolen residence documents, the incident must be reported <b>within 3 working days to the Ministry of the Interior</b>, and lost or stolen travel documents should be reported to the police without delay (Alien Act § 103).</p> <p>7. <b>Forgiveness temporalities</b> (Alien Act § 87f):</p> <p>a. The EU citizen passed away during their temporary stay in the country, and the family member of the EU citizen had resided in the country for at least 1 year prior to the EU citizen's death.</p> <p>b. The marriage to an EU citizen ended in divorce or with a decision of nullity concurrent with: The marriage lasted for at least 3 years before the divorce, and the family member's stay in the country was at least 1 year.</p>
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		<ul style="list-style-type: none"> <li>ii. long-term residence permit for scientific research or having applied for such a permit, there are no time restrictions for family reunification.</li> <li>iii. For a residence permit for the purpose of family reunification in the Czech Republic, applicants can also submit their requests directly to the Ministry of the Interior. This includes holders of a long-term visa issued for any purpose (excluding visas for tolerated stays lasting less than six months, seasonal employment, or extraordinary work visas)</li> <li>iv. Blue card family members can apply for long-term residence for family reunification through a shortened 90-day processing period at a diplomatic mission.</li> </ul>	
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**Themes**

<b>Benefits</b>	<b>Penalty/ties</b>	<b>Forgiveness</b>	<b>Referrals</b>
b. Temporary Residence: Granting temporary residence in CZ for the duration of the residence authorization (long-term visa: Alien Act § 30, long-term residence permit: Alien Act § 42, EU	General clauses (Alien Act § 103, § 87f, § 119, § 37, § 46) : <ul style="list-style-type: none"> <li>1. Registration</li> <li>2. Notify offices when changes to personal data occur (or loss/theft etc. of residence document)</li> </ul>	General clauses (Alien Act § 119a): <ul style="list-style-type: none"> <li>1. Cancellation of residence permit or deportation may be prohibited if it unreasonably interferes with the foreign national's private or family life.</li> <li>2. Deportation decisions cannot be executed for foreign nationals who have applied for or obtained a long-term residence permit for protection purposes. Any ongoing</li> </ul>	Labour market policy Investment-based migration policy Schengen (Family members of EU citizens)

<p>residence permit: § 87a)</p> <p>c. Visa-Free Travel across Schengen</p> <p>d. Access to labour market:</p> <p>a) Full access to labour market: Close and distant family members of EU nationals (Employment Act § 3); and holders of residence permits have full access to labour market (Employment Act § 98)</p> <p>b) Permission for Labour Market Access: Eligible for permission to grant access to labour market (Visa for the purpose of a family) (Employment Act § 89)</p> <p>e. Pathway to Permanent Residence: Close family members of EU citizens have the option to apply for permanent residence before completing the standard 5-year requirement (Alien Act § 87h)</p>	<p>3. Cooperate with foreign police</p> <p>4. Endanger public health</p> <p>5. Committing criminal offense</p> <p>6. Other specific conditions based on type of residence authorization(f.e. lack of valid travel document for visa holders, do not have secured accommodation for holders of residence permit – third country (Alien Act § 46a), become an unreasonable burden on the Czech welfare state -family member of EU national etc.) (Alien Act § 87d, § 87f)</p> <p><b>The penalties:</b></p> <p>1. Fine (for misdemeanour) for up to 10 000 CZK (Alien Act § 156)</p> <p>2. The cancellation of residence authorization, resulting in deportation or direct deportation order. It is paired with being designated as an undesirable person in CIS and an entry ban to the Schengen Area for up to ten years (Alien Act § 119)</p>	<p>deportation proceedings are halted upon the issuance of a long-term residence permit for protection purposes.</p> <p>3. Deportation decisions are not issued for the transfer of foreign nationals according to international agreements concluded with other EU member states before January 13, 2009.</p> <p>4. And other general clauses (Alien Act § 119a)</p> <p>5. Annulment if (Alien Act § 122):</p> <p>a) half of the time during which the foreign national was not allowed entry into the territory has passed making the revocation justifiable based on the initial deportation grounds.</p> <p>b) if a foreign national entrusted to substitute care reaches the age of 18 and demonstrates efforts towards integration within the country, such a request is also permissible.</p> <p>6. Family members of EU citizens (Alien Act § 119a, § 87f):</p> <p>a) Seeking temporary or permanent residence permit, provided there is no credible risk to state security, public order, or public health.</p> <p>b) A family member of an EU citizen genuinely cares for the child during the child's education in a basic, secondary, or higher vocational school, conservatory, or during the child's studies at a university.</p> <p>c) The EU citizen passed away during their temporary stay in the country, and the family member of the EU citizen had resided in the country for at least 1 year prior to the EU citizen's death.</p> <p>d) The marriage to an EU citizen ended in divorce or with a decision of nullity (or the long-term partnership, which is not a marriage, was</p>	
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		<p>terminated), and concurrently:</p> <ul style="list-style-type: none"> <li>i. Custody of the child of the EU citizen was entrusted to the family member, or the family member was granted access to the child by court order within the territory.</li> <li>ii. The marriage lasted for at least 3 years before the divorce, and the family member's stay in the country was at least 1 year.</li> <li>iii. The reasons for the stay are justified (e.g., if the family member of the EU citizen was a victim of domestic violence).</li> </ul> <p>e) upon the request of an EU citizen or their family member, the police can issue new decisions to cancel deportation orders when significant changes in the circumstances that led to the original decision have occurred or when a foreign national entrusted to substitute care reaches the age of 18 and displays intentions of integration within the country</p>	
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Table 5- Description of the Czech Republic’s policy on tourism

Themes (indicators)	Actors	Characteristics	Temporality
<p><b>Guarantee(s)</b> Fulfilling visa issuing conditions (Alien Act § 20, Regulation (EC) No 810/2009 Of The European Parliament And Of The Council) or conditions for visa-free stays (Alien Act § 18, § 91)</p> <p>Fulfilling European Codex (f.e. not have an entry ban to the Czech Republic or the Schengen area, not pose a threat to public order, security or international relations) and other entry conditions (Alien Act § 9)</p> <p>Paid fee for processing the application is 80 EUR</p>	<p>Not exempt: <b>Third-country nationals</b> are not included in the actors enjoying some form of exemption.</p> <p>Exemptions: <b>Family members of EU citizens</b> can enjoy visa-free stays or expedited visa issuance. Also, under certain conditions they can stay in the territory of the Czech Republic for up to 90 days without a visa under certain conditions. They have their own list of required documents for a Schengen visa application (Regulation (EC) No 810/2009 Of The European Parliament And Of The Council, Alien Act § 18).</p> <p>The processing time for family members of EU citizens is 14 days from the date of application submission, with a possible extension to 45 days in justified cases (Alien Act § 169t). Their visa application process is free of charge.</p> <p><b>Children of various ages</b> have different requirements. Firstly, biometric data collection, including fingerprints, may be exempted for children under 12 (and individuals unable to provide fingerprints). Children aged 6 to 12 are subject to a fee of 40 EUR. Children under six years old are exempt from payment.</p> <p>For <b>specific Diplomatic and Service Passport</b></p>	<ol style="list-style-type: none"> <li>1. <b>Family relationships</b> A family member of an EU citizen is defined as (Alien Act § 15a,15b):             <ol style="list-style-type: none"> <li>a. Spouse or Registered Partner</li> <li>b. Parent of an EU Citizen.</li> <li>c. A child of an EU Citizen.</li> <li>d. Descendant or Ancestor of an EU Citizen who is dependent on the EU citizen or their spouse for their basic needs or necessary care.</li> <li>e. Other Relatives Supported by EU Citizen (financially, personal care, members of household).</li> </ol> </li> <li>2. <b>Age</b> Special provisions for children under 6, between 6 and 12, under 12, under 21.</li> <li>3. <b>Diplomatic status</b> Special, Service and Diplomatic passport holders from specific countries enjoy exemption from some requirements. Visa exemptions are for special passports from selected countries (Armenia, Azerbaijan, Belarus, Bolivia, Cape Verde, China (Pr), Ecuador, Egypt, India, Indonesia, Jordan, Kazakhstan, Kuwait, Laos, Mongolia, Morocco, Pakistan, Philippines, Russia, South Africa, Thailand, Tunisia, Turkey, <u>Vietnam</u>, Yemen). (Alien Act § 40)</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>Processing Time</b> (Alien Act § 169t, § 20): In most cases, visa applications are processed within 15 days. The processing period can be extended up to 60 days in some cases. Family members of EU citizens may enjoy expedited processing, with a standard processing time of 14 days from the date of application submission, extendable to 45 days in justified cases.</li> <li>2. <b>Tourist Visa Validity</b> (Alien Act § 20, Regulation (EC) No 810/2009 Of The European Parliament And Of The Council): Tourist visas can be issued for up to 5 years. However, it enables the tourist to enter the Czech Republic and the Schengen area for up to 90 days within a 180-day period. The visa validity can be extended for serious personal reasons upon payment of 30 EUR.</li> <li>3. <b>Entry Ban Duration:</b> Failure to comply with visa conditions, such as overstaying the 90-day period or working without a permit, can result in an entry ban to the territory of the European Union/Czech Republic lasting from 3 to 10 years (based on seriousness of the</li> </ol>

	<p><b>Holders</b> can enjoy visa-free entry, based on bilateral agreement with the Czech Republic. Wider groups of specific diplomatic and service passport holders are exempt from the requirement of biometric data collection (generally covered in Alien Act § 40).</p> <p><b>Nationals of non-Schengen states Bulgaria, Romania, and Cyprus</b> (EU Member States) do not require tourist visas.</p> <p><b>Nationals from Countries on the EU's List of Exemptions</b> which is released by the European Union periodically. Citizens of countries on the list are exempt from tourist visa requirements, facilitating travel to the Czech Republic and other Schengen destinations (Council Regulation (Ec) No 539/2001).</p> <p>Nationals from countries mentioned on the <b>Czech Republic's list of exemptions based on bilateral agreements</b> are given specific conditions to stay within the territory of the Czech Republic or in the Schengen Area (depending on the wording in the agreement).</p>	<p><b>4. Nationality</b></p> <p>a. Exemption for non-Schengen EU member states (Cyprus, Bulgaria, Romania).</p> <p>b. Exemption based on nationality based on bilateral agreements (Argentina, Chile, Israel, South Korea, Costa Rica Malaysia, Uruguay, Singapore, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay)</p> <p>c. the EU list of exemptions: (Albania, Andorra, Antigua And Barbuda, Argentina, Australia, Bahamas, Barbados, Bosnia And Herzegovina, Brazil, Brunei, Canada, Chile, Colombia, Costa Rica, Dominica, East Timor, Georgia, Grenada, Guatemala, Honduras, Israel, Japan, Kiribati, Malaysia, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Montenegro, New Zealand, Nicaragua, North Macedonia, Palau, Panama, Paraguay, Peru, Saint Kitts And Nevis, Saint Lucia, Saint Vincent And The Grenadines, Salvador, Samoa, San Marino, Serbia, Seychelles, Singapore, Solomon Islands, South Korea, Taiwan, Tonga, Trinidad And Tobago, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, United States Of America, Uruguay, Vanuatu, Vatican, Venezuela) (Council Regulation (Ec) No 539/2001)</p>	<p>offense). (Alien Act § 119)</p> <p><b>4. Appeal and Review Timing</b> (Alien Act § 180e):</p> <p>If a visa application is rejected or a visa is invalidated, individuals have the option to contest the decision.</p> <p>The Ministry of Foreign Affairs will provide a response within 60 days to requests for a review of the decision.</p>
<b>Themes</b>			

<b>Benefits</b>	<b>Penalty/ties</b>	<b>Forgiveness</b>	<b>Referrals</b>
<p>Right to stay in the territory of the Czech Republic or other Schengen states for up to 90 days (or 90 days in 180 days period) in Schengen area (Alien Act § 20, Regulation (EC) No 810/2009 Of The European Parliament And Of The Council)</p>	<p>General clauses (Alien Act obligations: § 103, § 119, § 19): Not complying with visa conditions or visa free stay (disrupting public order, lack of passport etc.)</p> <p><b>The penalties:</b> Fine (for misdemeanour) for up to 10 000 CZK (Alien Act § 156)</p> <p>The cancellation of residence authorization, resulting in deportation or direct deportation order. It is paired with being designated as an undesirable person in CIS and an entry ban to the Schengen Area for up to ten years (Alien Act § 119)</p>	<p>General clauses (Alien Act § 119a):</p> <ol style="list-style-type: none"> <li>1. Deportation decisions for <b>EU citizens</b> can be revoked if there's no substantial threat to national security, public order, or public health, as applies to family members seeking residence permits.</li> <li>2. Cancellation of residence permit or deportation may be prohibited if it <b>unreasonably interferes with the foreign national's private or family life.</b></li> <li>3. Visa holders may <b>apply for an extension of their visa</b> and their period of stay under certain circumstances which does not lead to deportation.</li> <li>4. Deportation decisions may be cancelled for foreign nationals who have been granted long-term residence permits for protection purposes and have <b>cooperated with law enforcement</b> or if <b>their safety or health would be endangered</b> after deportation.</li> <li>5. Deportation decisions are not issued for the transfer of foreign nationals according to <b>international agreements</b> concluded with other EU member states before January 13, 2009.</li> </ol>	<p>Schengen short-term visa (Schengen)</p>



Table 6. Description of the Czech Republic's policy on investment migration

<i>Themes</i> <i>Dimensions</i> (indicators)	<i>Actors</i>	<i>Characteristics</i>	<i>Temporality</i>
<p><b>Guarantee(s) guarantee(s) (conditions of entry/stay)</b></p> <p>Fulfilling the conditions for the long-term residence permit (Alien Act § 42o, Alie Act § 42p)</p> <p>Fulfilling European Codex (f.e. not have an entry ban to the Czech Republic or the Schengen area, not pose a threat to public order, security or international relations) and other entry conditions (Alien Act § 9) Pay processing fee 5 000 CZK</p>	<p>TCNs applying for a long-term residence permit as an entrepreneur</p> <p>TCNs applying for a long-term residence permit as a significant representative of a corporation</p> <p>TCNs applying for a long-term residence permit as a shareholder of a corporation (with minimum shareholding 30 %)</p> <p>TCNs incoming with D/VR visa</p> <p>TCNs incoming without visa, e.g. with biometric passport</p>	<p><b>1. Type of applicant</b> (Alien Act § 42o)</p> <p>a) entrepreneur</p> <p>b) significant representative of a corporation</p> <p>c) shareholder of a corporation (min. 30 %)</p> <p><b>2. Scope of investment</b> (Alien Act § 42p, Government Regulation No. 223/2017 Coll.)</p> <p>a) creation of 20 new jobs taken by EU citizens of their family members</p> <p>b) invest funds – at least 75 million CZK</p> <p>c) credible investment that benefits the state, region or municipality</p> <p>d) the entrepreneur or represented corporation has to be debt-free</p> <p><b>3. Nationality:</b> Citizens of certain countries can apply for a long-term residence permit at any Czech embassy or consulate</p>	<p><b>1. Processing Time</b> (Alien Act § 169t): The application processing for long-term residence permit for the purpose of investment: 30 days (in complex cases up to 60 days)</p> <p><b>2. Duration of permit</b></p> <p>a) Long-term residence permit validity is for the period of making a significant investment but max. 2 years (Alien Act § 44)</p> <p>b) D/VR visa validity is 6 months but after entering CZ it is 60 days (Alien Act § 30)</p> <p><b>3. Validity of documentations/ guarantees:</b> Documents submitted as part of a long-term residence permit application must not be older than 180 days, with the exception of the travel document and the photograph of the foreign national, provided it accurately represents their current appearance (Alien Act § 55).</p> <p><b>4. Conditions of stay/obligations</b></p>

			<p>(g) Applicants for residence permit:</p> <ul style="list-style-type: none"> <li>i) Foreign nationals arriving on D/VR visa must register at a Ministry of the Interior office <b>within 30 calendar days of their arrival</b> (Alien Act § 44).</li> <li>ii) Foreign nationals arriving without a visa must register within <b>3 working days at the Ministry of Interior</b> (Alien Act § 93).</li> </ul> <p>(h) The residence permit card (biometric card) must be collected by the foreign national <b>within 60 days of their biometric data being recorded</b> (Alien Act § 44).</p> <p>(i) Foreign nationals with a long-term residence permit must:</p> <ul style="list-style-type: none"> <li>(i) report a change of address <b>within 30 working days from the date of change</b> (Alien Act § 93).</li> <li>(ii) report a change of name, personal status, data in the travel document and residence permit <b>within 3 working days of the change</b> (Alien Act § 98).</li> </ul>
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			(j) Holders of a long-term residence permit (TCNs), in cases of lost, damaged, destroyed, or stolen residence documents, the incident must be reported <b>within 3 working days to the Ministry of the Interior</b> , and lost or stolen travel documents should be reported to the police without delay (Alien Act § 103).
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**Themes**

Benefits	Penalty/ties	Forgiveness	Referrals
<p>a. Long-term Residence permit in CZ for the duration of the residence authorization and the possibility of its extension (Alien Act § 42, § 42n).</p> <p>b. Visa-Free Travel across Schengen for 90 days during any 180-day period</p> <p>c. Allowed access to labour market with the condition of a work permit from Czech Labour Office (Employment Act § 89)</p>	<p>General clauses (Alien Act obligations: § 103, § 46):</p> <ol style="list-style-type: none"> <li>1. Registration</li> <li>2. Notify offices when changes to personal data occur (or loss/theft etc. of residence document)</li> <li>3. Cooperate with foreign police</li> <li>4. Endanger public health</li> <li>5. Committing criminal offense</li> <li>6. Other specific conditions based on type of residence authorization (etc.)</li> </ol> <p><b>The penalties:</b> Fine (for misdemeanour) for up to 50 000 CZK (Alien Act § 156)</p> <p>The cancellation of residence authorization, resulting in an order, paired with being designated as an undesirable person in CIS and an entry ban to the Schengen Area for up to ten years (Alien Act § 119)</p>	<p>General clauses (Alien Act § 119):</p> <ol style="list-style-type: none"> <li>1. Cancellation of a residence permit or deportation is not issued if foreign nationals applied for <b>international protection and come from a state where they are threatened with persecution or serious harm.</b></li> <li>2. Deportation may be prohibited if it <b>unreasonably interferes with the foreign national's private or family life.</b></li> <li>3. Deportation decisions cannot be executed for foreign nationals who have applied for or obtained a long-term <b>residence permit for protection purposes.</b></li> <li>4. Deportation is not issued if the foreigners have <b>contributed to the detection or conviction of the perpetrator of criminal activity.</b></li> </ol>	X

		5. Deportation decisions are not issued for the transfer of foreign nationals according to <b>international agreements</b> concluded with other EU member states before January 13, 2009.	
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Table 7. Description of Czech Republic's student mobility policy

<i>Themes</i> <i>Dimensions</i> (indicators)	<i>Actors</i>	<i>Characteristics</i>	<i>Temporality</i>
<p><b>guarantee(s)</b> <b>(conditions of entry/stay)</b></p> <p>Fulfilling the conditions for visa residence permit (Alien Act § 42d) OR fulfilling the condition of visa issuance (Alien Act § 30, § 31, visa for the purpose of training also Government Resolution No. 962 of November 24, 2014) OR visa-free entry (Alien Act § 18)</p> <p>Fulfilling European Codex (f.e. not have an entry ban to the Czech Republic or the Schengen area, not pose a threat to public order, security or international relations) and other entry conditions (Alien Act § 9)</p> <p>Pay processing fee (family members of TCNs – 2 500 CZK, for individuals under 15- 1 000 CZK)</p>	<p>TCNs applying for long-term visa for the purpose of study</p> <p>TCNs applying for long-term visa for the purpose of training</p> <p>TCNs applying for residence permit for the purpose of study</p> <p>Third country holders of a long-term residence permit for study purposes issued by another European Union member state incoming based on an exchange programme</p> <p>TCNs incoming for the purpose of study that are eligible for “Fast track” programme</p> <p>TCNs incoming for the purpose of study that are eligible for “Student regime”</p>	<ol style="list-style-type: none"> <li><b>1. Purpose of permit:</b> <ol style="list-style-type: none"> <li>a) Study (long-term visa Alien Act § 30, residence permit Alien Act § 42d, visa-free entry Alien Act § 18)</li> <li>b) Training (long-term visa) (Government Resolution No. 962 of November 24, 2014)</li> </ol> </li> <li><b>2. Type of educational program/scholarship</b> <ol style="list-style-type: none"> <li>a) CEEPUS, IVF,</li> <li>b) ERASMUS +</li> <li>c) FULLBRIGHT</li> <li>d) Ministerial scholarship</li> <li>e) Other exchange program between EU countries (visa-free)</li> </ol> </li> <li><b>3. Previously obtained status:</b> <ol style="list-style-type: none"> <li>a) Compatriot</li> <li>b) Residence authorization for study purposes in different EU country (excl. Denmark, Ireland)</li> <li>c) Being included in Fast track programme (not eligible for Student regime)</li> </ol> </li> <li><b>4. Age</b> Special provisions for children under 12 (biometric data), under 18 (dependent CZ), over 20 (marriage), under 21 (dependent EU), over 65 (family members CZ)</li> <li><b>5. Nationality:</b></li> </ol>	<ol style="list-style-type: none"> <li><b>5. Processing Time</b> (Alien Act § 169t):             <ol style="list-style-type: none"> <li>a. For residence authorization for the purpose of study (long-term visa, residence permit): 60 days</li> <li>b. For long-visa for the purpose of training: 90 days</li> </ol> </li> <li><b>6. Duration of permit</b> <ol style="list-style-type: none"> <li>a) 3-6 months (long-term training visa, (Government Resolution No. 962 of November 24, 2014)</li> <li>b) Up to 1 year (long-term visa, visa-free, (Alien Act § 30)</li> <li>c) 1 to 2 years (residence permit)</li> <li>d) D/VR visa validity is 60 days (Alien Act § 30)</li> </ol> </li> <li><b>7. Validity of documentations/ guarantees:</b> Documents submitted as part of a long-term residence permit application must not be older than 180 days, with the exception of the travel document and the photograph of the foreign national, provided it</li> </ol>

		<p>a. Nationals of countries with established bilateral and multilateral agreements (for fast-track, student regime)</p> <p>b. Priority Countries for Foreign Development Cooperation (for Fast track)</p> <p>c. Countries included in “Student regime”</p> <p>6. <b>Fee modification</b> on long-term visa, based on bilateral agreements:</p> <p>a) Without fee: Albania, Japan, South Africa, Turkey, Taiwan</p> <p>b) Increased fee: Democratic Republic of Kongo (17 000 CZK), Uzbekistan (5 000 CZK)</p> <p>7. <b>Type of institution:</b> to be included in student regime the student needs to be accepted to specified list of 38 Czech institutions</p> <p>8. <b>Type of activity:</b></p> <p>a) Fulfilling requirements on the definition of studying (Alien Act § 64)</p> <p>b) European voluntary service (Alien Act § 64)</p> <p>c) Training by the Czech employer (being paid by an employer in the foreign country) (Government Resolution No. 962 of November 24, 2014)</p>	<p>accurately represents their current appearance (Alien Act § 55).</p> <p><b>8. Conditions of stay/obligations:</b></p> <p><b>(a)</b> Holders of a residence permit:</p> <p>i) Holders of a residence permit arriving on D/VR visa must register at a Ministry of the Interior office <b>within 30 calendar days of their arrival</b> (Alien Act § 44).</p> <p>ii) The residence permit card (biometric card) must be collected by the foreign national <b>within 60 days of their biometric data being recorded</b> (Alien Act § 44).</p> <p><b>(b)</b> Other types of residence authorizations (long-term visa, visa-free) must register with the Foreign Police <b>within 3 days of arrival in the Czech Republic</b> (Alien Act § 93).</p> <p><b>(c)</b> Foreign nationals with a long-term visa or residence permit must:</p> <p>i) report a change of address within <b>30 working days from the date of change</b> (Alien Act § 98).</p> <p>ii) If their intention is to terminate their stay, they must surrender their residence document at least <b>3 days before departure</b> (Alien Act § 103).</p>
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			(d) Holders of a residence permit (TCNs), in cases of lost, damaged, destroyed, or stolen residence documents, the incident must be reported <b>within 3 working days to the Ministry of the Interior</b> , and lost or stolen travel documents should be reported to the police without delay (Alien Act § 103).
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**Themes**

<b>Benefits</b>	<b>Penalty/ties</b>	<b>Forgiveness</b>	<b>Referrals</b>
<p>a. Temporary Residence: Granting temporary residence in CZ for the duration of the residence authorization (long-term visa: Alien Act § 30, long term residence permit: § 42, § 42d)</p> <p>b. Visa-Free Travel across Schengen zone</p> <p>c. Full access to labour market for visa-free TCNs and holders of a residence permit (Employment Act § 89, § 98)</p> <p>d. Those arriving visa-free can apply for a residence permit for the purpose of study at any point during their stay.</p> <p>e. Long-term residence</p>	<p>General clauses: (long-term visa Alien Act § 37, long-term residence permit Alien Act § 46; § 103, § 119):</p> <ol style="list-style-type: none"> <li>1. Registration</li> <li>2. Notify offices when changes to personal data occur (or loss/theft etc. of residence document)</li> <li>3. Cooperate with foreign police</li> <li>4. Endanger public health</li> <li>5. Committing criminal offense</li> <li>6. Other specific conditions based on type of residence authorization (etc.)</li> </ol> <p><b>The penalties:</b> Fine (for misdemeanour) for up to 10 000 CZK (Alien Act § 156)</p> <p>The cancellation of residence authorization, resulting in a deportation order, paired with being designated as an</p>	<p>General clauses (Alien Act § 119a):</p> <ol style="list-style-type: none"> <li>1. Cancellation of residence permit or deportation may be prohibited if it <b>unreasonably interferes with the foreign national's private or family life</b>.</li> <li>2. Deportation decisions cannot be executed for foreign nationals who have applied for or obtained a long-term <b>residence permit for protection purposes</b>. Any ongoing deportation proceedings are halted upon the issuance of a long-term residence permit for protection purposes.</li> <li>3. In the case of <b>an EU family member</b> who has applied for a temporary or permanent residence permit, the police will revoke an administrative deportation decision unless there is a reasonable risk that their presence on the territory may endanger the state's security, severely disrupt public order, or threaten public health.</li> <li>4. Deportation decisions are not issued for the transfer of foreign nationals according to <b>international agreements</b> concluded with other EU member states before January 13, 2009.</li> </ol>	<p>Schengen</p>

<p>permit for study purposes may submit an application for long-term residence after successfully completing their studies if they intend to stay in the country for the purpose of seeking employment or starting a business (Alien Act § 42)</p>	<p>undesirable person in CIS and an entry ban to the Schengen Area for up to ten years (Alien Act § 119)</p>		
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Table 8. Description of the Czech Republic's Schengen policy

<i>Themes</i> <i>Dimensions</i> (indicators)	<i>Actors</i>	<i>Characteristics</i>	<i>Temporality</i>
<p><b>guarantee(s) of entry/stay</b></p> <p>Fulfilling visa issuing conditions (Alien Act § 20, Regulation (EC) No 810/2009 Of The European Parliament And Of The Council) or conditions for visa-free stays (Alien Act § 18, § 91)</p> <p>Fulfilling European Codex (f.e. not have an entry ban to the Czech Republic or the Schengen area, not pose a threat to public order, security or international relations) and other entry conditions (Alien Act § 9)</p> <p>Pay fee for processing the application is 80 EUR.</p>	<p>Not exempt: <b>Third-country nationals</b> are not included in the actors enjoying some form of exemption.</p> <p>Exemption: <b>Family members of EU citizens</b> can enjoy visa-free stays or expedited visa issuance. Also, under certain conditions they can stay on the territory of the Czech Republic for up to 90 days without a visa under certain conditions. They have their own list of required documents for a Schengen visa application (Regulation (EC) No 810/2009 Of The European Parliament And Of The Council, Alien Act § 18). The processing time for family members of EU citizens is 14 days from the date of application submission, with a possible extension to 45 days in justified cases (Alien Act § 169t). Their visa application process is free of charge.</p> <p><b>Children of various ages</b> have different requirements. Firstly, biometric data collection, including fingerprints, may be exempted for children under 12 (and individuals unable to provide fingerprints). Children aged 6 to 12 are subject to a fee of 40 EUR. Children under six years old are exempt from payment.</p>	<p>5. <b>Family relationships</b>(Alien Act § 15a,15b):</p> <ol style="list-style-type: none"> <li>A family members of EU citizens is defined as:</li> <li>Spouse or Registered Partner</li> <li>Parent of an EU Citizen.</li> <li>A child of an EU Citizen.</li> <li>Descendant or Ancestor of an EU Citizen who is dependent on the EU citizen or their spouse for their basic needs or necessary care.</li> <li>Other Relatives Supported by EU Citizen (financially, personal care, members of household).</li> </ol> <p>1. <b>Age</b> Special provisions for children under 6, between 6 and 12, under 12, under 21.</p> <p>2. <b>Diplomatic status</b> Special, Service and Diplomatic passport holders from specific countries enjoy exemption from some requirements. Visa exemptions are for special passports from selected countries (Armenia, Azerbaijan, Belarus, Bolivia, Cape Verde, China (Pr), Ecuador, Egypt, India,</p>	<p>1. <b>Processing Time</b> (Alien Act § 169t, § 20): In most cases, visa applications are processed within 15 days. The processing period can be extended up to 60 days in some cases. Family members of EU citizens may enjoy expedited processing, with a standard processing time of 14 days from the date of application submission, extendable to 45 days in justified cases.</p> <p>2. <b>Residence permit Validity:</b> <b>Schengen visa</b> can be issued for up to 5 years (but guarantees entrance for up to 90 days) (Alien Act § 20, Regulation (EC) No 810/2009 Of The European Parliament And Of The Council). The visa validity can be extended for serious personal reasons upon payment of 30 EUR.</p> <p>3. <b>Entry Ban Duration:</b> Failure to comply with visa conditions, such as overstaying the 90-day period or working without a permit, can result in an entry ban to the territory of the European Union/Czech Republic lasting from 3 to 10 years (based on seriousness of the offense). (Alien Act § 119)</p> <p>4. <b>Appeal and Review Timing</b> (Alien Act § 180e):</p> <ol style="list-style-type: none"> <li>If a visa application is rejected or a visa is</li> </ol>

	<p>For <b>specific Diplomatic and Service Passport Holders</b> can enjoy visa-free entry, based on bilateral agreement with the Czech Republic. Wider group of specific diplomatic and service passport holders are exempt from the requirement of biometric data collection (generally covered in Alien Act § 40).</p> <p><b>Nationals of non-Schengen states Bulgaria, Romania, and Cyprus</b> (EU Member States) do not require tourist visas.</p> <p><b>Nationals from Countries on the EU's List of Exemptions</b> which is released by the European Union periodically. Citizens of countries on the list are exempt from tourist visa requirements, facilitating travel to the Czech Republic and other Schengen destinations (Council Regulation (Ec) No 539/2001).</p> <p>Nationals from countries mentioned on the <b>Czech Republic's list of exemptions based on bilateral agreements</b> are given specific conditions to stay within the territory of the Czech Republic or in the Schengen Area (depending on the wording in the agreement).</p>	<p>Indonesia, Jordan, Kazakhstan, Kuwait, Laos, Mongolia, Morocco, Pakistan, Philippines, Russia, South Africa, Thailand, Tunisia, Turkey, <u>Vietnam</u>, Yemen). (Alien Act § 40)</p> <p><b>3. Nationality</b></p> <p>d. Exemption for non-Schengen EU member states (Cyprus, Bulgaria, Romania).</p> <p>e. Exemption based on nationality based on bilateral agreements (Argentina, Chile, Israel, South Korea, Costa Rica Malaysia, Uruguay, Singapore, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay)</p> <p>f. Exemption based on the list of exemption EU (Albania, Andorra, Antigua And Barbuda, Argentina, Australia, Bahamas, Barbados, Bosnia And Herzegovina, Brazil, Brunei, Canada, Chile, Colombia, Costa Rica, Dominica, East Timor, Georgia, Grenada, Guatemala, Honduras, Israel, Japan, Kiribati, Malaysia, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Montenegro, New Zealand, Nicaragua, North Macedonia, Palau, Panama, Paraguay, Peru, Saint Kitts And Nevis, Saint Lucia, Saint Vincent And The Grenadines, Salvador, Samoa, San Marino, Serbia, Seychelles, Singapore, Solomon</p>	<p>invalidated, individuals have the option to contest the decision.</p> <p>b) The Ministry of Foreign Affairs will provide a response within 60 days to requests for a review of the decision.</p> <p><b>5. Requirements: and benefits of seasonal employment:</b></p> <p>c) as foreign nationals are obligated to report any change of residence within 15 days from the day of the change to the appropriate police unit based on their new place of residence if the anticipated change of residence will exceed 15 days (Alien Act § 98).</p> <p>d) a short-term seasonal employment visa at least once within the preceding 5 years, the embassy or consulate will prioritize their applications over those of foreign nationals applying for the same purpose for the first time (Alien Act § 21)</p>
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<i>Themes</i>			

<p><b>Benefits</b>  Right to stay in the territory of the Czech Republic or other Schengen states for up to 90 days (or 90 days in 180 days period) in Schengen area (Alien Act § 20, Regulation (EC) No 810/2009 Of The European Parliament And Of The Council)  Labour market: Work on designed position in Schengen visa for the purpose of (seasonal) employment (Alien Act § 21)  A short-term seasonal employment visa at least once within the preceding 5 years, the embassy or consulate will prioritize their applications over those of foreign nationals applying for the same purpose for the first time. ( Alien Act § 21)</p>	<p><b>Penalty/ties</b>  General clauses (Alien Act obligations: § 103, § 119, § 19): Not complying with visa conditions or visa free stay (disrupting public order, lack of passport etc.)</p> <p><b>The penalties:</b>  Fine (for misdemeanour) for up to 10 000 CZK (Alien Act § 156)</p> <p>The cancellation of residence authorization, resulting in deportation or direct deportation order. It is paired with being designated as an undesirable person in CIS and an entry ban to the Schengen Area for up to ten years (Alien Act § 119)</p>	<p><b>Forgiveness</b>  General clauses (Alien Act obligations: § 119a):</p> <ol style="list-style-type: none"> <li>1. Deportation decisions for <b>EU citizens</b> can be revoked if there's no substantial threat to national security, public order, or public health, as applies to family members seeking residence permits.</li> <li>2. Cancellation of residence permit or deportation may be prohibited if it <b>unreasonably interferes with the foreign national's private or family life.</b></li> <li>3. Visa holders may <b>apply for an extension of their visa</b> and their period of stay under certain circumstances which does not lead to deportation.</li> <li>4. Deportation decisions may be cancelled for foreign nationals who have been granted long-term residence permits for protection purposes and have <b>cooperated with law enforcement</b> or if <b>their safety or health would be endangered</b> after deportation.</li> <li>5. Deportation decisions are not issued for the transfer of foreign nationals according to <b>international agreements</b> concluded with other EU member states before January 13, 2009.</li> </ol>	<p><b>Referrals</b>  Tourism (Schengen short-term visa)  Family Reunification (long-term authorisation)</p>
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**Annex 2 – Guide used for policy content analysis**

Table 9 – Table guide

dimensions themes (indicators)	actors	characteristics	temporality
guarantee(s) (conditions of entry/stay)			
benefits (rights/privileges of entry/stay)	Who is exempted? Who is not?	What are the characteristics of the concerned actors?	What temporality/ties are reinforced or produced in the process?
penalty/ties (penalising clause/article for IFs)	concerned persons (citizens, non- citizens...)	age gender filiation nationality civil status legal status social class ethnicity language	Visa duration time requirement
forgiveness (forgiving clause/article)			
referrals (connecting with other mobility policies)			