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NATIONAL REPORT: CZECH REPUBLIC

Asylum seekers and beneficiaries of international protection in Czechia



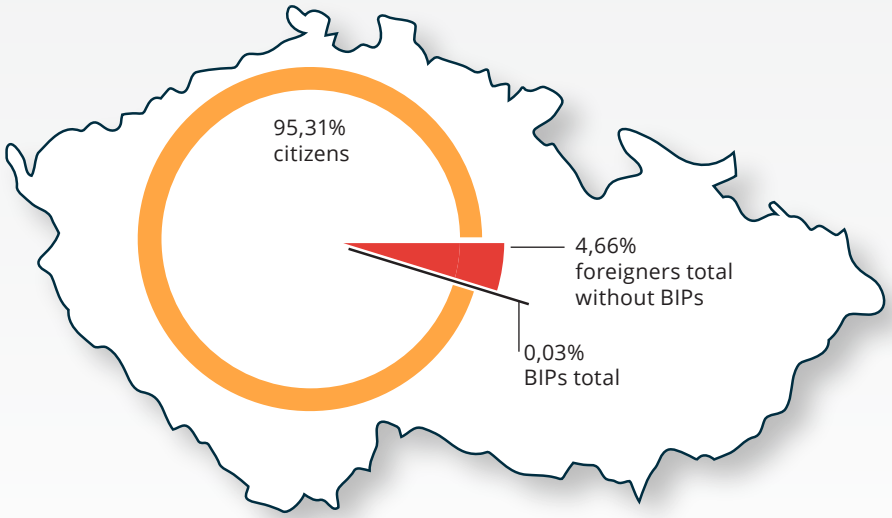
ČLOVĚK V TÍSNI
ČESKÁ REPUBLIKA

CZECHIA

INTERNATIONAL PROTECTION

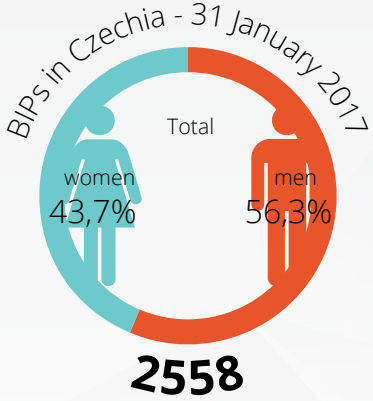
INTERNATIONAL PROTECTION

ČSÚ - 31 December 2016



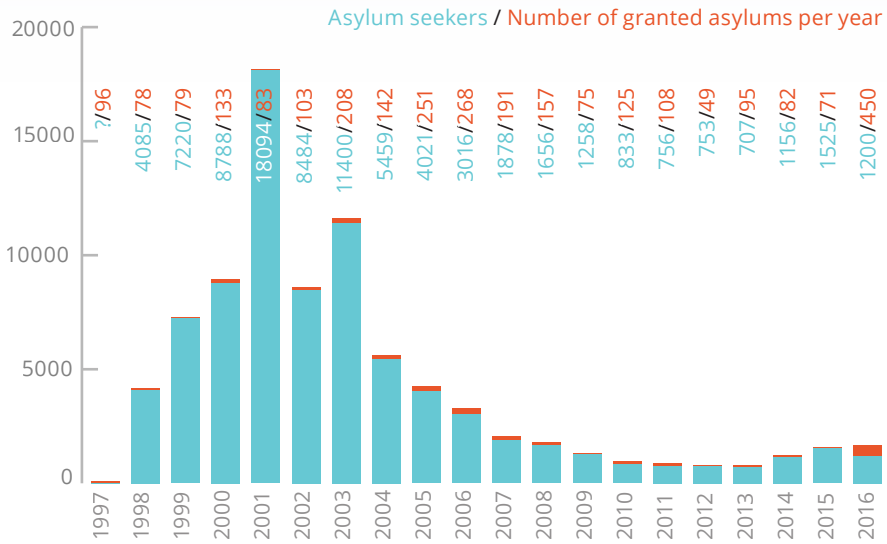
BIPs IN CZECHIA 31 JANUARY 2017

OAMP MV ČR

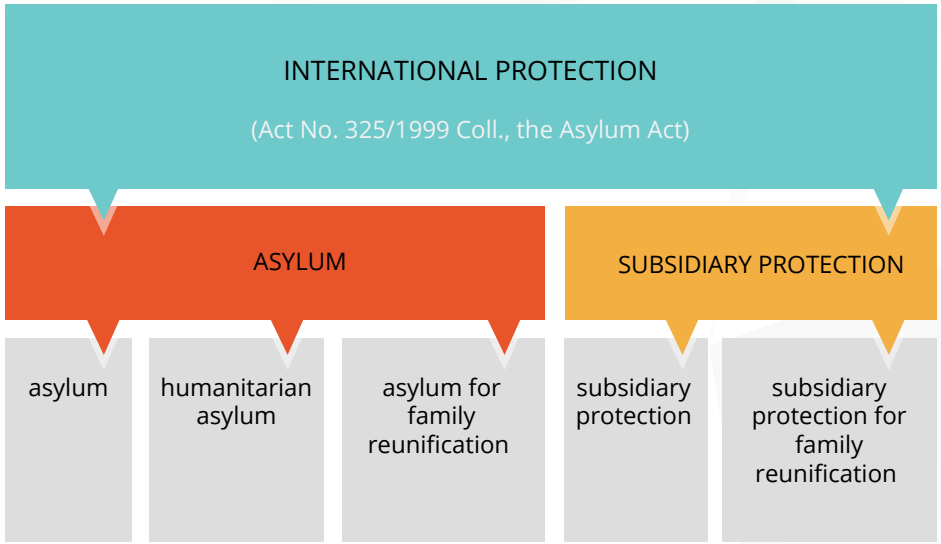


DEVELOPMENT OF NUMBER OF ASYLUM SEEKERS AND BIPS IN

ČSÚ, Eurostat, OAMP MV ČR



LEGAL FRAMEWORK OF INTERNATIONAL PROTECTION IN CZECHIA

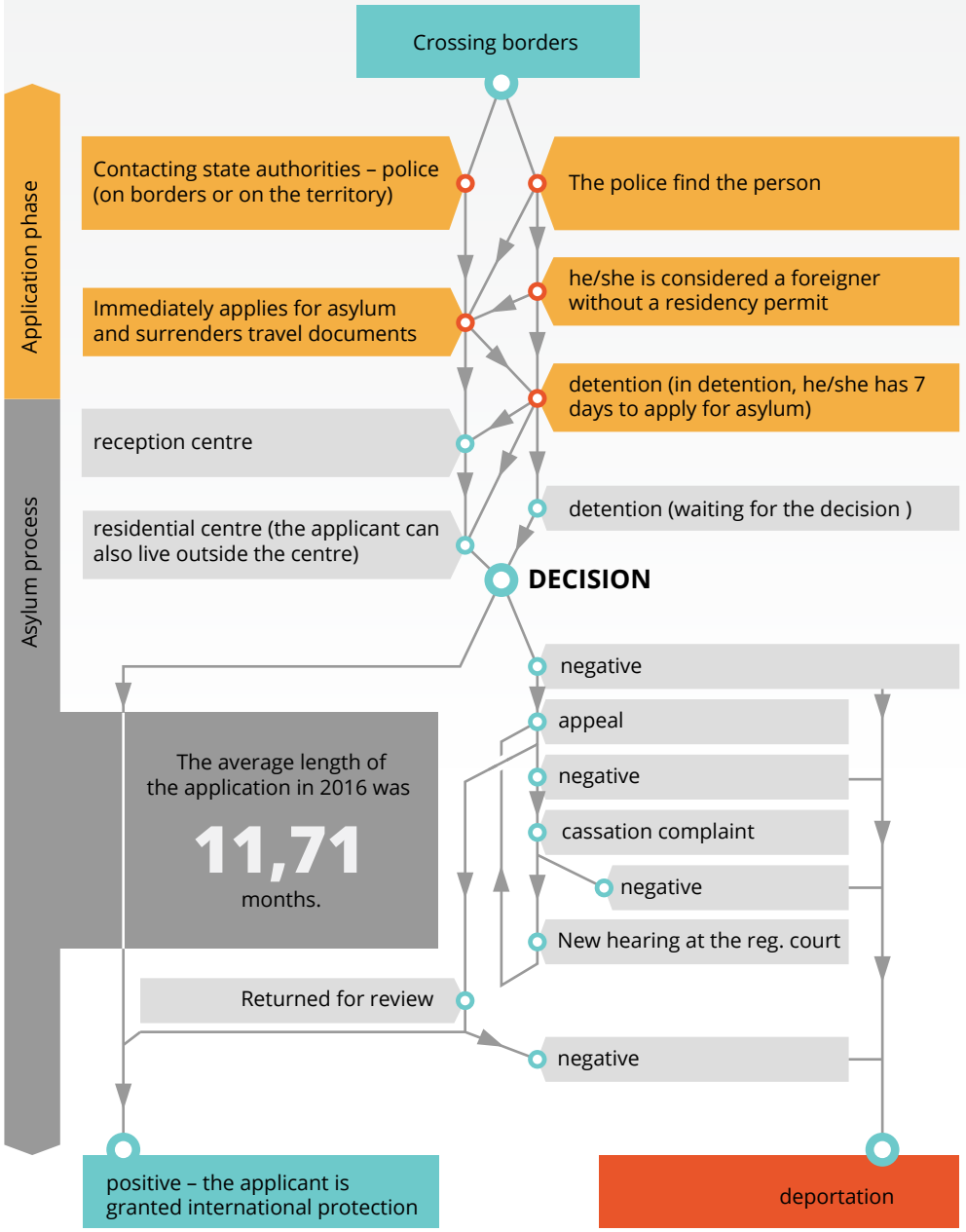


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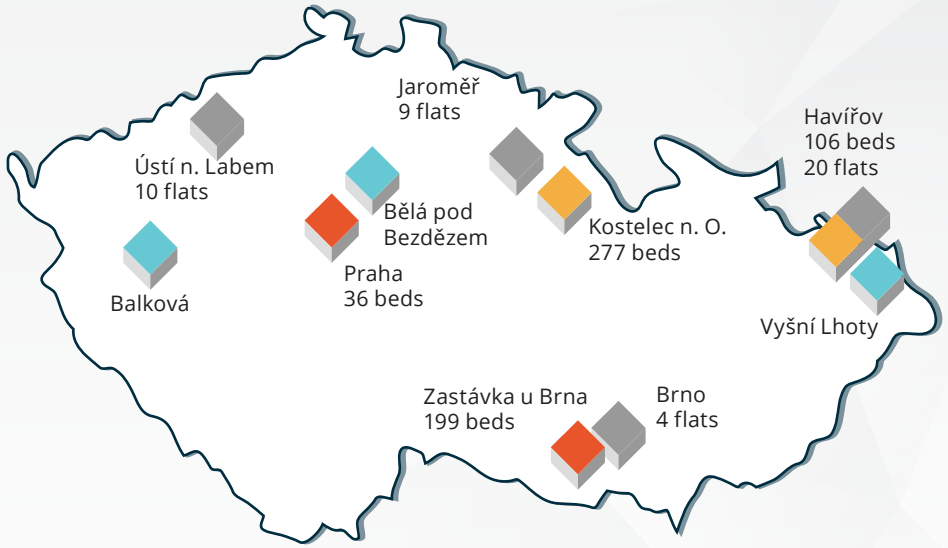
FROM APPLICATION TO ...

FROM APPLICATION TO ...
SETTLEMENT / "DUBLIN" / DEPORTATION / RE-MIGRATION



FACILITIES FOR ASYLUM SEEKERS, BIPs AND DETAINED FOREIGNERS IN CZECHIA IN 2017

SUZ MV ČR



Reception centre

For newly arrived asylum seekers. Basic entrance procedures are performed here: identification, initial procedures of the asylum process, medical check, etc. Closed.

Residential centre

After the applicant passes basic entry procedures, he/she is transferred to a residential centre and provided with accommodation, social and legal support, and food and clothing while waiting for a decision. Open.

Integration asylum centre

Those who have been granted international protection and do not have their own housing can stay for a limited period of time in IAS (Integrační azylové středisko). They are also provided with social and legal support to get oriented within the labour market, schooling, health care, welfare system, etc. Open.

Facility for detention of foreigners

These centres are used to detain those have received an administrative decision of expulsion from the country. However, there can also be people who have applied for international protection waiting for a decision.

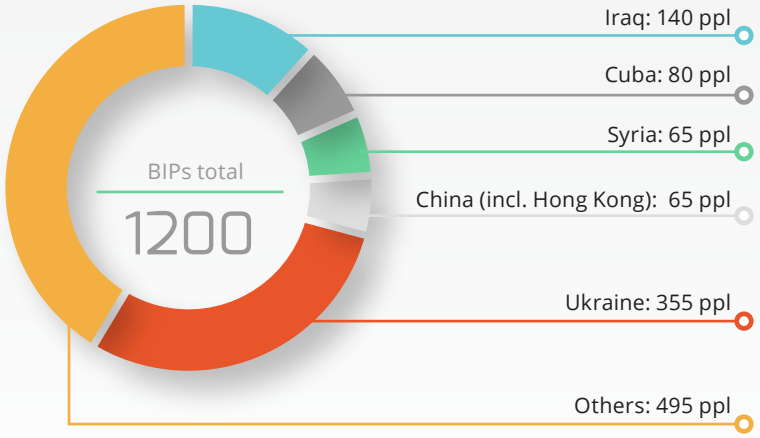
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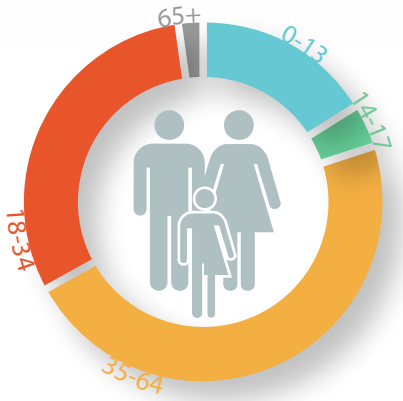
WHO WERE ASYLUM SEEKERS?

WHO WERE ASYLUM SEEKERS IN CZECHIA IN 2016

Eurostat



- 0 -13 years: 16.3 %
- 14 - 17 years: 3.8 %
- 35 - 64 years: 30.8 %
- 18 - 34 years: 47.1 %
- 65+ years: 2.1 %



WHAT IS THE DIFFERENCE BETWEEN REFUGEE STATUS AND SUBSIDIARY PROTECTION?

ASYLUM

is granted to a foreigner persecuted for exercising political rights and freedoms, or a legitimate fear of being persecuted because of race, gender, religion, nationality, belonging to a social group or for holding political opinions in the state of which he/she is a citizen.

Asylum can also be granted to relatives of an asylee (asylum for family reunification) or for humanitarian reasons.

Asylum is granted for an indefinite period. Asylees have access to the labour market, health care system, welfare system, schooling, etc. under the same conditions as citizens.

SUBSIDIARY PROTECTION (SP)

is granted to a foreign who does not meet the criteria for asylum, however there exists a legitimate concern that if the applicant is returned to the country of origin, he/she would face a genuine risk of serious harm (death penalty, torture, inhuman or degrading treatment or punishment, serious threat to life or human dignity), and he/she is unable or unwilling, due to such risk, to accept the protection of the country of origin.

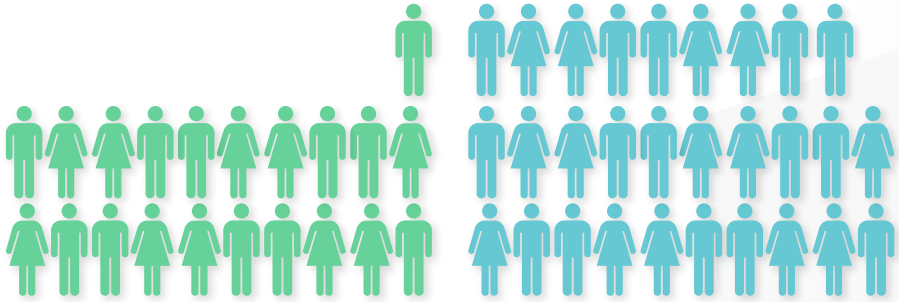
SP is granted for a limited period (1-2 years) and must be renewed – the reasons for protection are always re-examined. Beneficiaries of SP have access to the labour market, health care system, welfare system, schooling, etc. under the same conditions as citizens.

NUMBER OF BIPS ACCORDING TO A TYPE OF INTERNATIONAL PROTECTION IN 2017

OAMP MV ČR till 31 January 2017

1059 people

1499 people



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INTEGRATION

INTEGRATION OF BIPs IN 2016 AND 2017

MV ČR, ČKCH

Title of a programme	State Integration Programme (SIP)
Reponsible authorities	Ministry of Interior, asylum and migration policy department
Implementors	general provider of services (Czech Catholic Charity in 2016, the Refugee Facility Administration in 2017) and subcontractors
Conceptual documents	Resolution of the Government of the Czech Republic on 20 November 2015, No. 954 of the State Integration Programme for Persons granted International Protection in 2016 and the following: Annex to Resolution No. 954 "Principles for the provision of funds from budget chapter 314"
Budget	200 mil CZK (7,7 EUR) in total, max 173,5 mil CZK for the general provider of services, max 15 mil CZK on education (Czech language courses and courses on basics of culture and democracy), max 10 mil CZK for support of rental housing, max 1,5 mil. CK for support of social assistance facilities.
Spending	13 996 501 CZK (in year 2016)

Most refugees arrive in Czechia with limited finances, no knowledge of the language and an uncertain future. Help with adaptation is therefore utterly vital in their first few years here, if they are to integrate as fast as possible, find accommodation and suitable work, become independent and start to live "normal" lives once again. Czechia is aware of this, and therefore takes a proactive approach to the integration of international protection holders.

There are two levels of assistance to refugees. On the systemic level, assistance involves the shaping of legislation that defines the rights and duties of international protection holders, and obliges the relevant ministries and authorities to aid the integration of refugees. On the community level, assistance involves concrete activity by local associations, non-profit organisations, churches, communities, schools and so on. It is the sophistication of the systemic level that puts Czechia among the countries for which the active integration of refugees remains a firm priority, even (or especially) at a time when the mood in society is largely anti-refugee and anti-foreigner.

The State Integration Programme (SIP) is the main instrument for the integration of people to whom international protection has been granted (asylum holders and those with additional protection). It was launched in 1994, and since then has gradually developed, although the key areas of support remain the same: to teach the people in question Czech and help them to find accommodation and employment; to apply, where necessary, for welfare benefits; and to navigate everyday situations. This includes such things as how to register with a doctor, how to enrol children in school, assistance with the official recognition of educational qualifications, and assistance with requalification courses. All these services are provided free of charge.

People with international protection participate in the programme on a voluntary basis, and it lasts a maximum of 12 months. During this time, the person or family is assigned a social worker, and together they draw up an individual plan to help him or her "find his feet". The state is aware of the difficult situation in which refugees find themselves, and the SIP allows them financial aid for the cost of rental accommodation and basic household furnishings such as fridges, tables and beds.

Besides the SIP, which is meant to provide help above all in the first years of settling in, there are general legislative measures that aid integration. These measures give people with international protection the same status as citizens in all regards except for the ability to vote, to hold certain public offices or to serve in the armed forces. In everyday life this is reflected above all in such things as access to medical care and the labour market, where no limits or conditions are imposed. To access welfare benefits, people with international protection must meet the same criteria as citizens. This means, however, that only a few of them qualify for an old age pension, since most have not worked in the country for the necessary number of years.

In 2016 support was provided to 319 people under the SIP. Of these, 125 were helped by social workers to find accommodation, 30 gained new employment and 73 people attended language courses.

Non-profit organisations play an irreplaceable role in helping people with international protection to get to know the people around them. One of the main projects in 2017 is the activities arranged by the Evangelical Church of Czech Brethren's Diaconia organisation. Their DOMA project (Diaconia Opens Opportunities to Asylum Holders – the Czech acronym means "home") is active in six regions of the country, and aims to involve at least 120 asylum holders (30 families). Diaconia organises structured and informal meetings with asylum holders, leisure and sporting activities, picnics, cinema visits and so on.

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CHILDREN TRAPPED BY THE LAW – THE DETENTION OF MINORS IN CZECHIA

During the "migration crisis", Czech society became broadly aware of the country's facilities for the detention of foreigners. The front pages of newspapers were full of items concerning both the security issues connected with the centres and conditions in the centres, as well as the way in which migrants, including children and young people, found themselves there. The circumstances under which foreigners were released from detention also became a major topic of interest. As a rule, police arrested foreigners in trains travelling from Budapest to Berlin, and put them (including children) in detention facilities throughout Czechia for several weeks. Some applied for international protection in Czechia. However, many of them were given exit orders (deportation) and were released with an order that they leave Czech territory within seven days and return to the first EU country they entered, usually Hungary. However, they all headed towards Germany. Most foreigners lost all their savings in the centres, since they were required to pay for accommodation and food, and as a result they did not have enough money for their journey. These people were helped mostly by volunteers, such as those from the Hlavák initiative in Prague.

Under Czech law, foreigners may be placed in detention centres if they have been arrested by the Police of the Czech Republic, do not have a residence permit and there is a serious risk that they will resist deportation and try to flee Czechia. Under the law on foreigners' residence, foreigners who have requested asylum in Czechia should not be kept in detention centres. In the case of families with children, or of unaccompanied foreign minors, the period of detention must not exceed 90 days (compared to the standard period of 180 days). Still, in keeping with the best interests of the child they should essentially not be detained at all. This principle was not adhered to during the migration crisis, however, and Czechia repeatedly detained whole families, including small children.

In 2014-2016 the situation of children in detention centres for foreigners was repeatedly investigated by the office of the Public Protector of Rights. Czech ombudswoman Anna Šabatová made her fiercest criticism of the situation in the detention centres in 2015, when an investigation took place into the conditions at the Bělá-Jezová centre, with a special focus on the situation of the children who had found themselves there together with their parents. At that time the situation was truly critical, because the centres were full beyond their capacity. At present, however, the number of foreigners in the centres is considerably lower than it has been in past years.

From the point of view of the ombudswoman, but also of committees at the UN and the European Court of Human Rights in Strasbourg, the detention of children is something that should not be happening at all, since it has a considerable emotional, possibly traumatizing, effect on them. The ombudswoman described the situation in Czech detention facilities in October 2015 as unacceptable, arguing that the prison regime could have a destructive effect on a child's psyche. "The children are terrified by the omnipresent uniformed security officials and policemen. Every evening the foreigners are dragged out of bed by police, sometimes in helmets and hoods, in order to be counted. If the children are asleep, the parents have to wake them and make them stand up." (iDnes, 2015/10/13). The feeling of prison was also evoked by the high barbed-wire fence that surrounded the facility, and by the bars in the windows, which were only removed from Bělá-Jezová following the ombudswoman's appeal. The centres also originally lacked areas adapted to the needs of children. The court in Strasbourg also pointed to the length of stay – if families were detained for only a few days, a short stay was not necessarily traumatic for children, but if the stay lasted for months, it was quite a different thing.

In May 2017 the Czech Constitutional Court handed down a landmark ruling in the case of a Kosovan family with two children who had been detained in the Bělá-Jezová facility for fifty days. The Constitutional Court stated that the detention had violated their rights. The decision was meant to be a signal for the future, so that children would, as far as possible, not be put in detention centres at all. During the same period, on 2017/05/19, Czechia took over the six-month chairmanship of the Committee of Ministers of the Council of Europe, one of the main priorities of which was to be the protection of vulnerable groups with an emphasis on refugee children and minorities. As part of this chairmanship, the Czech Justice Ministry held an international conference in Prague on 25 and 26 September 2017 entitled "Immigration Detention of Children: Coming to a Close?", attended by leading representatives of the Council of Europe, the UNHCR, ministries and the ombudsman offices of a number of European countries, as well as by academics and representatives of the non-profit sector. Conference participants agreed unanimously that the detention of children, regardless of their age or the length of stay in a centre, could have a fatal effect on their psyches and should not happen at all. In Czechia, however, there is nothing to suggest that the state intends to abandon the practice of detaining families and children. Instead of other options being explored, what is happening is that one centre – Bělá-Jezová – is being adapted for families with children (a children's playground has been built, and a paediatrician service introduced). In defence of this approach, the Interior Ministry says that it must detain the parents, since they are foreigners without permission to stay, and that it is in the best interests of the child to be detained together with the parents, rather than to not be detained and be without their parents. Czechia will thus in future have to decide whether it is really necessary to detain the parents.

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ATTITUDES TO MIGRATION

ATTITUDES TO MIGRATION IN CZECHIA ACCORDING TO THE STANDARD EUROBAROMETER

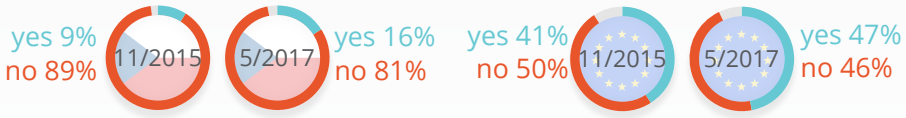
Eurobarometer 84 (11/2015), Eurobarometer 87 (05/2017)

The Migrant and BIP population in V4 countries is rather low in comparison to old EU member states, with a maximum share of less than 5 % of the total population. Despite this fact, according to the Standardised Eurobarometer Survey conducted twice a year, societies of V4 countries are consistently among those opposing a common migration policy at the EU level and people are mostly against all kinds of immigration.

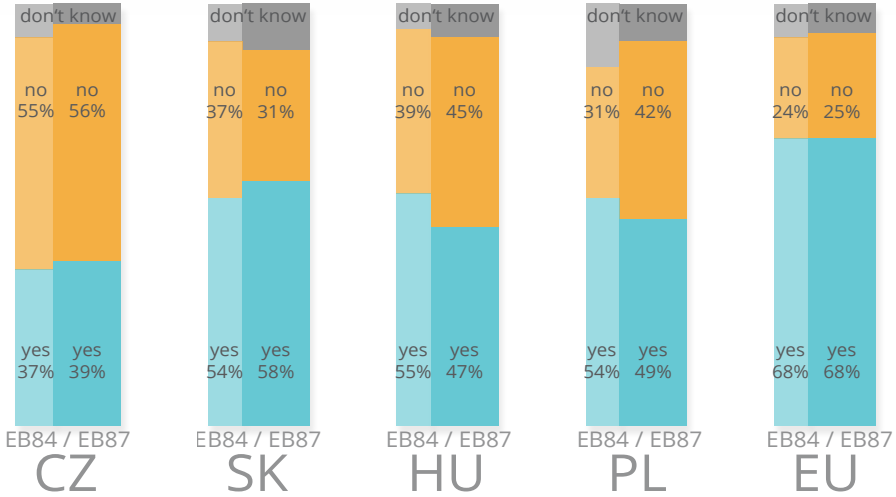
On one side over 80 % of the V4 population support the free movement of EU citizens who can live, work, study or do business anywhere in the EU. On the other hand, immigration from other EU countries evokes rather negative feelings for 40 % of the V4 population (most sceptical are Czechs, most open are Poles).

V4 populations are also the ones who believe the least in the positive contribution of immigrants for their countries. Paradoxically, on other side of the opinion spectre, countries with the highest rates of immigration – 86 % of Swedish, 80 % of Irish, 76 % of British or 72 % of Luxemburg nationals think immigrants contribute positively to their countries. Even in Germany, in a country with the highest number of asylum seekers and BIPs, 52% of the population believe migrants enrich the country.

DO YOU THINK MIGRANTS CONTRIBUTE A LOT TO YOUR COUNTRY?

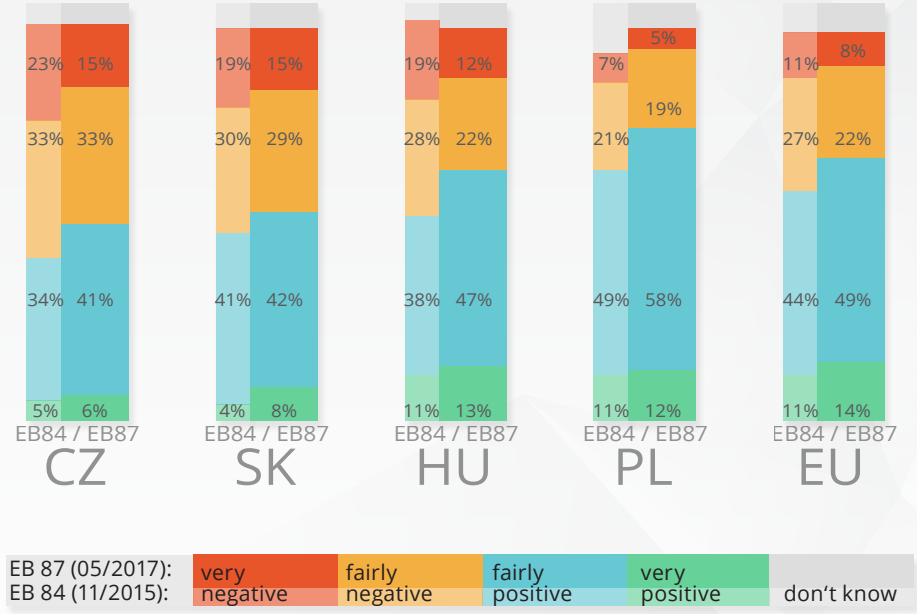


DO YOU AGREE WITH A COMMON EUROPEAN POLICY ON MIGRATION ?

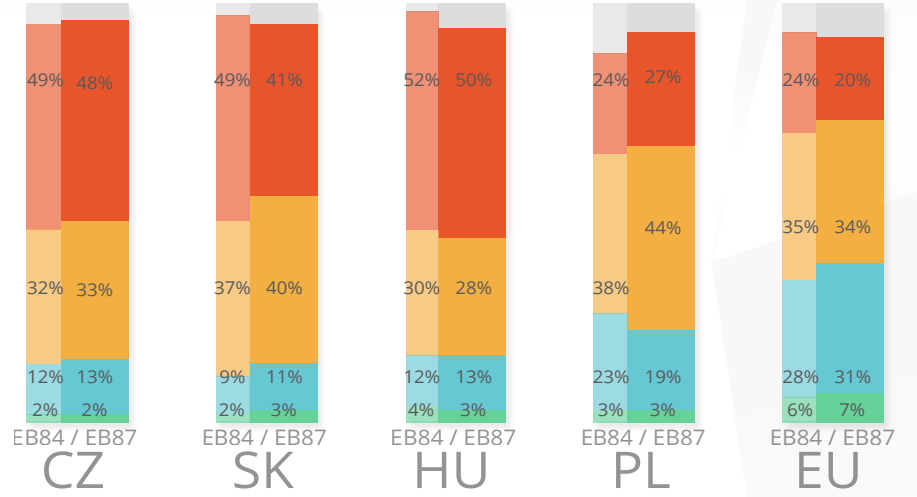


WHAT FEELINGS DO THE IMMIGRATION OF PEOPLE FROM OTHER EU COUNTRIES EVOKE FOR YOU?

Eurobarometer 84 (11/2015), Eurobarometer 87 (05/2017)



WHAT FEELINGS DO THE IMMIGRATION OF PEOPLE FROM OUTSIDE THE EU EVOKE FOR YOU?



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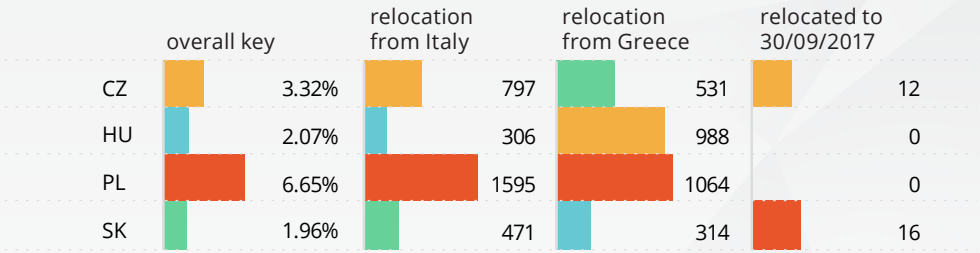
CZECHIA

QUOTAS

STORY OF QUOTAS IN CZECHIA

On 13 May 2015 the European Commission approved a strategic document - the European Agenda on Migration. This was a political answer to the critical situation on Europe's southern border, and above all in the Mediterranean area. The agenda contained a ten-point plan for immediate action, of which the most fundamental steps were to introduce a quota system for the transfer of people from the most overburdened countries, Italy and Greece, to other EU member states. The idea of the quotas was to appeal to mutual solidarity between individual EU member states and the need to share responsibility. In all, some 160 000 people were to be redistributed in keeping with the quota formula, over a period of two years.

At the end of May 2015 the quota formula for the redistribution of 40 000 people was published. These were people with a clear claim to international protection, who at that time were waiting in Italy and Greece. The quota formula reflected the capacity of each member state to receive and integrate refugees, and was established on the basis of the size of the population (40%), overall GDP (40 %), the real number of asylum applications per million of the population submitted in the state in question from 2010 to 2014 (10 %) and the unemployment rate (10 %). On the basis of this formula, Czechia had the obligation to accept 3.32 % of the refugees, 797 from Italy and 531 from Greece. A further 525 people (2.63 % of a total planned number of 20 000 people) resettled directly from countries outside the EU were to be accepted voluntarily. The Czech Republic's overall quota for redistribution and resettlement was 1853 people. On the same day that the formula and numbers were published, all the leading Czech politicians rejected the quotas. The prime minister at the time, Bohuslav Sobotka, said that: "Compulsory quotas and redistribution of refugees regardless of their will is not, in the long term, a sustainable solution to the current migration crisis." (e15, 27. 5. 2017). At the same time, the Czech political elites stressed several times that at the European Union level they would push for quotas to be rejected, which the prime minister repeated two weeks later at a meeting of the prime ministers of the V4 countries with French president Francois Hollande in Bratislava. At the talks, the politicians stressed among other things that solidarity had to be expressed in a voluntary manner, and that the EU should concern itself primarily with the reasons why people migrated, and should set up camps outside the EU. Finally, the discussion turned away from the subject of solidarity towards criticism of the states facing the greatest influx. These were criticised for not adhering to their Schengen area obligations and



failing to ensure sufficient registration procedures for the foreigners on their territory. This, the prime ministers said, could complicate the situation in other EU countries.

Czechia maintained its position of refusal for the whole two years of the obligation. The negotiations with the EU were framed as a "fight" or a "battle" over quotas, in which the EU was dictating from on high what Czechia had to do. At the start of September 2015, the Commission published the second quota package, which concerned the redistribution of 120 000 people from Greece, Italy and Hungary. In the European Parliament, 498 MEPs voted for the package, with 158 against. Only three of the Czech members of the European Parliament voted for it, the rest voting against, together with MEPs from Slovakia and Romania. Explaining why he had voted for the quotas, Czech MEP Luděk Niedermayer from the conservative party TOP09 pointed to the emotive way in which Czech politicians had approached the crisis: "In Czechia at least, the word quota appears to be highly toxic. This affects the behaviour even of those who otherwise understand the need to solve the issue together" (Facebook, 11. 9. 2015).

During the two-year quota implementation period Czechia accepted a mere 12 people. As a result of the failure to meet their obligations, on 14 June 2017 the EU started sanctions proceedings against the Czech Republic, Hungary and Poland, giving the states four weeks to reply to the accusations from the EU. At the end of July 2017, EU Commissioner for Home Affairs Dimitris Avramopoulos said the Czech Republic faced a lawsuit that could end in a high fine or a repeated penalty until it started to fulfil its obligation. The quota programme officially ended in September 2017, and at the European Commission summit in October the European Council president Donald Tusk said quotas had no future. On 7 December 2017, the EU Commission sued Czechia, Hungary and Poland in the European Court of Justice for not complying with the 2015 decision to relocate refugees, based on a quota, from Greece and Italy

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