

THE PRIME MINISTER

declares

the complete wording of Act No. 325/1999 Coll., on asylum and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations, (Asylum Act), as follows from modifications made by Act No. 2/2002 Coll., Act No. 217/2002 Coll., Act No. 320/2002 Coll., Act No. 519/2002 Coll., Act No. 222/2003 Coll., Act No. 501/2004 Coll., Act No. 539/2004 Coll., Act No. 57/2005 Coll., Act No. 350/2005 Coll., Act No. 444/2005 Coll., Act No. 112/2006 Coll., Act No. 136/2006 Coll. and Act No. 165/2006 Coll.

ASYLUM ACT

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

PART ONE INTERNATIONAL PROTECTION

CHAPTER I INTRODUCTORY PROVISIONS

Article 1

Subject Matter of the Regulation

The Act regulates

- a) conditions for entry and stay of an alien who demonstrates his/her intention to apply to the Czech Republic for international protection in the form of asylum or subsidiary protection status in the territory of the Czech Republic (hereinafter referred to as the “Territory”), and residence of an refugee or a beneficiary of subsidiary protection status on the Territory¹⁾,
- b) the procedure for granting international protection in the form of asylum or subsidiary protection status and the procedure for withdrawal of asylum or subsidiary protection status,
- c) rights and obligations of an applicant for international protection, an refugee and a beneficiary of subsidiary protection status within the Territory,
- d) competence of the Ministry of Interior (hereinafter referred to as the “Ministry”), Ministry of Education, Youth and Physical Training, and the Police of the Czech Republic (hereinafter referred to as the “Police”) in this field of the state administration,

¹⁾ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

- e) the state integration programme,
- f) asylum facilities.

Article 2

Definitions

(1) A safe country of origin shall mean the state whose national the alien is or, in the case of a stateless person, the state of his/her former habitual residence,

- a) in which the state powers respect human rights and are capable of ensuring compliance with human rights and legal regulations,
- b) which is not left by its nationals or stateless persons due to the reasons specified in Article 12,
- c) which has ratified and complies with international treaties on human rights and fundamental freedoms,
- d) which allows activities of legal persons that supervise compliance with human rights.

(2) A safe third country shall mean a state other than the state whose national the alien is or, in the case of a stateless person, the country of his/her former habitual residence, in which the alien stayed before entering the Territory and to which this alien may return and apply for refugee status in accordance with an international treaty^{1a)}, without being exposed to persecution, torture, inhuman or degrading treatment or punishment.

(3) The application for international protection shall mean an application filed by an alien who may be expected to seek asylum or subsidiary protection status in the Czech Republic.

(4) The applicant for international protection shall mean, for the purposes of this Act, an alien who has filed an application for international protection in the Czech Republic, or an alien who has filed an application for international protection in another Member State of the European Union if the Czech Republic is competent for examination thereof. He/she is in the position of the applicant for the period of the procedure on granting international protection and for the period of judicial procedure on action against a decision made by the Ministry in accordance with a special legal regulation^{1b)}, if this action has a suspensive effect.

(5) The refugee shall mean an alien who has been granted asylum in accordance with this Act, for the period of validity of the decision on granting the asylum.

(6) The beneficiary of subsidiary protection status shall mean an alien who does not qualify for granting asylum in accordance with this Act but who has been granted subsidiary protection status, for the period of validity of the decision on granting the subsidiary protection status.

(7) Prosecution shall mean, for the purposes of this Act, serious violation of human rights as well as any measures resulting in mental constraint or other similar treatment if carried out, supported or tolerated by state authorities, parties or organisations controlling the

^{1a)} Notice of the Ministry of Foreign Affairs No 208/1993 Coll., on making a Convention on legal status of refugees and protocol concerning the legal position of refugees.

^{1b)} Portion 1 of Chapter II of Part 3 of Act No. 150/2002 Coll., the Rules of Administrative Procedure.

state or a considerable part of its territory in the country whose national the alien is, or in the country of his/her former habitual residence in the case of a stateless person. Persecution shall also mean acts of private persons in accordance with the first sentence if it may be proven that the state, parties or organisations – including international organisations – controlling the state or a considerable part of its territory are unable to ensure protection against such acts in an appropriate manner.

(8) The permanent residence shall mean, for the purposes of this Act, the country in which the stateless person stayed before entering the Territory and developed relationships of a permanent nature to that country.

(9) The asylum facility shall mean, for the purposes of this Act, a reception centre, accommodation centre and integration asylum centre (Chapter XI).

(10) The unaccompanied minor shall mean a person below the age of 18, who arrives on the Territory unaccompanied by an adult responsible for him/her in accordance with legal regulations in force in the territory of the country whose national the person below the age of 18 is or, in the case that he/she is a stateless person, in the territory of his/her former habitual residence, namely for such a period of time in which he/she is not looked after by such a person; the unaccompanied minor shall also mean a person below the age of 18 who has been left unaccompanied after he/she has arrived on the Territory^{1c)}.

(11) The decision made by the Ministry in the matter of international protection shall mean, for the purposes of this Act, a decision to grant asylum or subsidiary protection status, decision not to grant international protection, decision to terminate procedure, decision to dismiss the application for international protection as manifestly unfounded, and decision to withdraw asylum or subsidiary protection status.

CHAPTER II

STATEMENT ON THE INTENTION TO APPLY FOR INTERNATIONAL PROTECTION, VISA AND TRANSPORTATION OF AN ALIEN TO AN ASYLUM FACILITY

Statement on Intention to Apply for International Protection

Article 3

(1) A statement on the intention to apply for international protection (hereinafter referred to as the “statement on international protection”) shall mean an expression of an alien’s will from which it is clear that the alien seeks protection against persecution or against a threat of serious harm.

(2) A statement on international protection may be made either in writing or orally in an official report.

Article 3a

^{1c)} Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of refugees.
Council Directive 2003/86/EC of 22 September 2003 on the right to maintain family unity.

An alien shall be entitled to make a statement on international protection

a) for the Police

1. at the border crossing²⁾, unless he/she is an alien transferred in accordance with an international treaty or a legal regulation of the European Communities^{2a)},

2. at a reception centre,

3. at a regional department of the Aliens and Border Police (hereinafter referred to as the “police department”) on condition that he/she has appeared voluntarily, or

4. in a facility for detention of aliens³⁾, with the exception of an alien detained for the purposes of his/her transfer or transit in accordance with an international treaty or a legal regulation of the European Community^{2a)}, and/or

b) for the Ministry if hospitalised in a healthcare facility or detained and/or imprisoned.

Article 3b

(1) The alien’s right to make a statement on international protection in a facility for detention of aliens³⁾ shall cease to exist seven days after he/she has been informed by the Police about the possibility to apply for international protection on the Territory and about the consequences connected with expiry of this deadline.

(2) The Police shall inform the alien in a language in which he/she can make himself/herself understood. The Police shall draw up a report of this act, which shall be signed by the alien and by the person who has drawn up the report. If the alien refuses to affix his/her signature or if he/she cannot write, this fact shall be recorded in the report.

Article 3c

(1) The alien who has made a statement on international protection is regarded, for the purposes of provision of healthcare (Article 88) and provision of accommodation, food and other necessary services [Article 42 par. 1 point a)], as an applicant for international protection

a) for the period when he/she is entitled to stay on the Territory on the basis of a visa for residence up to 90 days for the purpose of filing an application for international protection (hereinafter referred to as the “entry visa”),

b) for the period of 5 days from the moment of making the statement on international protection in the case that he/she has not been granted the entry visa,

c) from the moment of making the statement on international protection made during hospitalisation or detention and/or imprisonment until he/she is obliged to appear in a reception centre.

(2) The alien’s stay on the Territory may not be terminated on the basis of an authoritative decision for the period specified in paragraph 1.

Entry Visa

²⁾ Article 3 par. 2 of Act No. 326/1999 Coll., on stay of aliens in the territory of the Czech Republic and on amendment to certain acts.

^{2a)} Article 129 of Act No. 326/1999 Coll.

³⁾ Article 130 to 151 of Act No. 326/1999 Coll.

Article 3d

(1) The entry visa shall be granted to an alien who has made a statement on international protection at a border crossing, in a reception centre or at a police department and has proven his/her identity by means of a travel document or confirmed it by means of a declaration on word of honour.

(2) The entry visa shall be granted by the Police.

(3) The entry visa shall be valid for 30 days after it has been granted.

(4) The entry visa shall provide entitlement to stay for the period specified therein.

Article 3e

(1) The alien who has made a statement on international protection at the border crossing or at a police department shall be granted an entry visa by the Police authorising him/her to stay on the Territory for the period of time necessary to appear in a reception centre specified by the Ministry.

(2) The period of stay shall be deemed extended by the period of existence of an obstacle independent of the alien's will, which prevents him/her from appearing in the reception centre.

(3) The alien shall

- a) notify the Police or the Ministry of the obstacle without any unnecessary delay,
- b) appear in the reception centre within 24 hours after the obstacle has ceased to exist.

(4) After the alien appears in the reception centre, the Police shall extend the period of stay on the basis of the entry visa until the day specified by the Ministry for filing an application for international protection (Article 10).

Article 3f

The Police shall grant, to the alien who has made a statement on international protection in a reception centre, an entry visa authorising him/her to stay on the Territory until the day specified by the Ministry for filing an application for international protection (Article 10).

Article 3g

The entry visa may not be granted if the alien

- a) is, at the moment of making the statement on international protection, authorised to stay on the Territory on the basis of a residence permit in accordance with a special legal regulation⁴⁾, or
- b) has made the statement on international protection in the transit area of an international airport.

⁴⁾ Act No. 326/1999 Coll.

Transportation of an Alien to an Asylum Facility

Article 4

(1) The Police shall transport an alien who has made a statement on international protection at a border crossing or at a police department to the reception centre specified by the Ministry if this is required by the alien's state of health or if there is a justified doubt that he/she fails to appear in the reception centre within the specified period of time.

(2) Costs connected with transportation of the alien shall be borne by the Ministry.

Article 4a

(1) The alien who has made a statement on international protection shall appear in the reception centre specified by the Ministry within 24 hours after he/she has been released from hospital, detention or imprisonment; Article 4 par. 1 shall apply accordingly in this case.

(2) The period of time according to paragraph 1 shall be suspended for the period during which the duty cannot be fulfilled due to an obstacle independent of the alien's will.

(3) The alien shall

- a) notify the Police or the Ministry of the obstacle without any unnecessary delay,
- b) appear in the reception centre within 24 hours after the obstacle has ceased to exist.

Article 4b

The applicant for international protection, who was released from a facility for detention of aliens, shall be transported by the Ministry to the asylum facility specified by the Ministry.

Article 4c

(1) The alien who has made a statement on international protection shall submit to dactyloscopic fingerprints and the taking of a photograph (picture record) with the aim of finding out or verifying his/her identity. Fingerprints shall be taken by the Police; the photograph shall be ensured by the Ministry.

(2) The alien who has made a statement on international protection shall also submit to a body search as well as a search of his/her personal belongings in the case of a justified suspicion that he/she is hiding something that may be used as a basis to issue a decision, in particular a travel document or any other document or a thing endangering lives or health of people, or alcohol or another habit-forming substance. Article 45 shall apply accordingly to the body search and the search of the alien's belongings.

CHAPTER III PROCEDURE ON INTERNATIONAL PROTECTION

Article 5

cancelled

Article 6

cancelled

Article 7

cancelled

Article 8

The Ministry is competent

- a) to conduct the procedure on granting of international protection and the procedure on withdrawal of asylum or subsidiary protection status,
- b) to determine a Member State of the European Union competent to examine an application for international protection^{1d)} if the Czech Republic is not competent to do so.

Article 9

The Rules of Administrative Procedure shall apply to a procedure on granting international protection and on a procedure on withdrawal of asylum or subsidiary protection status, with the exception of the provision on delivering to the delivery address or electronic address specified by the participant⁵⁾, the provision on delivering of written documents to be delivered to one's own hands and delivered upon request in another manner^{5a)}, the provision on delivering to addressees residing abroad^{5b)}, also the provision on official board^{5c)}, on appointment of a guardian for persons whose residence is unknown and persons residing abroad if deliveries for them are not successful^{5d)}, and on appointment of a representative for delivering^{5e)}, and also the provision to enable inspections of files by persons other than participants and their representatives^{5f)}, on oral negotiations^{5g)}, on provision of an exact copy of the decision statement at the participant's request^{5h)}, on deadlines to make a decision⁵ⁱ⁾ and on the provision on the appellate procedure and remonstrance procedure^{5j)}.

^{1d)} Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

⁵⁾ Article 19 par. 3 of the Rules of Administrative Procedure

^{5a)} Article 19 par. 4, 5 and 8 of the Rules of Administrative Procedure

^{5b)} Article 22 of the Rules of Administrative Procedure

^{5c)} Article 26 of the Rules of Administrative Procedure

^{5d)} Article 32 par. 2 point d) of the Rules of Administrative Procedure

^{5e)} Article 33 par. 4 of the Rules of Administrative Procedure

^{5f)} Article 38 par. 2 of the Rules of Administrative Procedure

^{5g)} Article 49 of the Rules of Administrative Procedure

^{5h)} Article 69 par. 4 second sentence of the Rules of Administrative Procedure

⁵ⁱ⁾ Article 71 par. 1 and 3 of the Rules of Administrative Procedure

^{5j)} Article 81 to 93 and Article 152 of the Rules of Administrative Procedure

Article 10

Commencement of Procedure

(1) The procedure on granting of international protection shall be commenced by filing an application for international protection on the form shown in Annex No. 1.

(2) An alien who has made a statement on international protection shall be entitled to file an application for international protection.

(3) An alien who has already applied for international protection shall be entitled to file an application for international protection at least 2 years after the previous procedure has been terminated in a legally effective manner. If the alien has applied for a judicial review of an administrative decision, the date the judicial decision became legally effective shall be deemed the beginning of the two-year term. The two-year term shall not apply if the procedure on granting of international protection commenced by filing an application for international protection has been terminated in accordance with Article 25 point a) or h) and the Czech Republic is competent to examine his/her new application for international protection^{1d)}. Furthermore the two-year term shall not apply to an application for international protection filed by an alien in whose case it has been decided in the procedure on administrative expulsion conducted in accordance with a special legal regulation⁴⁾ that it is impossible for him/her to leave the Territory.

(4) The Ministry may make an exception with regard to the term specified in paragraph 3 in cases requiring special consideration.

(5) The Ministry shall invite the alien in writing without any unnecessary delay to file an application for international protection; the invitation shall specify the place and deadline for filing of the application. In the invitation, the Ministry shall advise the alien in writing in his/her mother tongue or in a tongue in which he/she is able to make himself/herself understood on the rights and obligations of an applicant for international protection and on the right to turn with a request for help to a natural or legal person engaged in provision of legal assistance or in protection of refugees and to the Office of the United Nations High Commissioner for Refugees (hereinafter referred to as the “Office of the High Commissioner”) at any time. If the advice cannot be included in the invitation, the Ministry shall advise the applicant for international protection in an appropriate period of time, within the maximum period of 15 days after the statement on international protection has been made.

Article 10a

Inadmissibility of an Application for International Protection

The application for international protection shall be inadmissible

a) if filed by a citizen of the European Union^{5k)}, who does not comply with the conditions provided for by law of the European Community^{5l)}, or

^{5k)} Art. 17 of the Treaty establishing the European Community.

^{5l)} Protocol on granting asylum to nationals of the Member States of the European Union.

- b) if another Member State of the European Union is competent to examine the application for international protection^{1d)}.

Article 10b

Transportation of an Applicant for International Protection to the Member State of the European Union Competent to Examine the Application for International Protection

If the procedure on granting of international protection has been terminated due to inadmissibility of the application for international protection in accordance with Article 10a point b), the Ministry shall ensure transportation of the applicant for international protection to the Member State of the European Union competent to examine the application for international protection^{1d)}.

Article 10c

Transportation of an Applicant for International protection if the Czech Republic is Competent to Examine the Application for International Protection

If the Czech Republic is competent to examine the application for international protection^{1d)}, the Ministry shall ensure transportation of the applicant for international protection from a border crossing to a reception centre or to an accommodation centre determined by the Ministry.

Article 11

Procedure on removal of asylum or subsidiary protection status shall be initiated by the Ministry.

Reasons for granting of asylum

Article 12

An alien shall be granted asylum if it is found out during the procedure on granting of international protection that the alien

- a) is persecuted for asserting political rights and freedoms, or
- b) has a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or for holding certain political opinion in the country whose national he/she is or, in the case of a stateless person, in the country of his/her former habitual residence.

Article 13

Asylum for the Purpose of the Reunion of a Family

(1) A family member of the refugee who has been granted asylum in accordance with Article 12 or Article 14 shall be granted asylum for the purpose of the reunion of a family in a case requiring special consideration although no reason for granting asylum in accordance with Article 12 has been found out in his/her case.

(2) For the purposes of the reunion of a family in accordance with paragraph 1, a family member shall mean

- a) the refugee's spouse,
- b) the refugee's unmarried child below the age of 18,
- c) a parent of an refugee below the age of 18, or
- d) an adult responsible for an unaccompanied minor in accordance with Article 2 par. 10.

(3) Existence of the marriage before the refugee was granted asylum shall be a condition for granting of asylum to the refugee's spouse.

(4) In the case of a polygamous marriage, if the refugee already has a spouse living together with him/her in the territory of the Czech Republic, asylum may not be granted for the purpose of the reunion of a family to another person who is the refugee's spouse in accordance with legal regulations of another state.

Article 14

Humanitarian Asylum

If no reason for granting asylum in accordance with Article 12 is found out in the course of the procedure on granting international protection, asylum may be granted for humanitarian reasons in a case requiring special consideration.

Reasons for Granting of Subsidiary Protection Status

Article 14a

(1) Subsidiary protection status shall be granted to an alien who does not meet the reasons for granting of asylum if it has been found out in the course of the procedure on granting of international protection that a well-founded fear exists in his/her case that if the alien is returned to the country whose national he/she is or, if he/she is a stateless person, to the country of his/her former habitual residence, he/she will face a real risk of serious harm in accordance with paragraph 2, and that he/she is unable to, or owing to such fear, unwilling to avail himself or herself of the protection of the country whose national he/she is or of his/her former habitual residence.

(2) Serious harm shall mean, in accordance with this Act

- a) imposition of capital punishment or enforcement of capital punishment,
- b) torture or inhuman or degrading treatment or punishment of the applicant for international protection,
- c) serious threat to life or human dignity by reason of indiscriminate violence in situations of international or internal armed conflict, or
- d) if the alien's leaving the country would be contrary to international obligations of the Czech Republic.

Article 14b

Subsidiary Protection Status for the Purpose of the Reunion of a Family

(1) A family member of a beneficiary of subsidiary protection status shall be granted subsidiary protection status for the purpose of the reunion of a family in a case requiring special consideration although no reason for granting thereof has been found out in the course of the procedure on granting of international protection in his/her case.

(2) For the purposes of the reunion of a family in accordance with paragraph 1, a family member shall mean

- a) a spouse of the beneficiary of subsidiary protection status,
- b) an unmarried child, who is below 18 years of age, of the beneficiary of subsidiary protection status
- c) a parent of the beneficiary of subsidiary protection status, who is below 18 years of age, or
- d) an adult responsible for an unaccompanied minor in accordance with Article 2 par. 10.

(3) Existence of the marriage before subsidiary protection status was granted to the alien shall be a condition for granting of subsidiary protection status to the spouse of the beneficiary of subsidiary protection status.

(4) In the case of a polygamous marriage, if the beneficiary of subsidiary protection status already has a spouse living together with him/her in the territory of the Czech Republic, subsidiary protection status may not be granted for the purpose of the reunion of a family to another person who is a spouse of the beneficiary of subsidiary protection status in accordance with legal regulations of another state.

Reasons Excluding Granting of International Protection

Article 15

(1) Asylum cannot be granted even though the reasons specified in Article 12 or Article 13 are found out, but there is well-founded suspicion that the alien who has filed an application for international protection

- a) has committed a crime against peace, a war crime or a crime against humanity pursuant to international documents containing provisions on such crimes,
- b) has committed a serious non-political crime outside the Territory before filing the application for international protection, or
- c) is guilty of acts contrary to principles and purposes of the United Nations Organisation.

(2) Paragraph 1 shall also apply accordingly to an alien instigating another person to commit the crimes listed or to act as mentioned in paragraph 1, or participating in commission thereof.

(3) Furthermore, asylum cannot be granted if

- a) the alien enjoys protection or support from United Nations Organisation bodies or professional organisations other than the Office of the United Nations High Commissioner for Refugees; moreover, if protection or support is not granted due to any reason to persons on whose status the final decision has not been made in accordance with the relevant resolutions made by the United General Assembly of the United Nations, the provisions of this Act shall apply to him/her,

b) the alien is recognised by relevant authorities of the country in which he/she has settled in as the place of his/her residence to be a person who has been granted rights and obligations equivalent to the nationality of such a country; this shall not apply in the case of the country in which he/she faces a risk of persecution in accordance with Article 12.

Article 15a

(1) Subsidiary protection status in accordance with Article 14a or 14b cannot be granted, even though the reasons specified in Article 14a are found out, if there is well-founded suspicion that the alien who has filed an application for international protection

- a) has committed a crime against peace, a war crime or a crime against humanity pursuant to international documents containing provisions on such crimes,
- b) has committed an extremely serious crime,
- c) is guilty of acts contrary to principles and purposes of the United Nations Organisation, or
- d) constitutes a danger to the national security.

(2) Paragraph 1 shall also apply accordingly to an alien instigating another person to commit the crimes listed or to act as mentioned in paragraph 1, or participating in commission thereof.

(3) Furthermore, subsidiary protection status cannot be granted to an alien who has committed one or more crimes different from the crimes specified in paragraph 1 outside the Territory, if he/she has left the country whose national he/she is or, in the case of a stateless person, the country of his/her former habitual residence only with the aim of avoiding criminal prosecution for such crimes, on condition that these are crimes that could be punished by imprisonment in the Czech Republic.

Article 16

(1) An application for international protection shall be dismissed as manifestly unfounded if the applicant

- a) only specifies economic reasons,
- b) specifies incorrect data on his/her identity or nationality or refuses to give such data without having a serious reason,
- c) applies for granting of international protection only to avoid a situation of general distress,
- d) specifies, in his/her application for international protection filed repeatedly, facts that are identical or similar to those specified in the previous applications or specifies new facts that were or had to be known to him/her at the moment of filing the previous application for international protection.,
- e) has come from a country which the Czech Republic considers to be a safe third country or a safe country of origin, unless it is proven that this country cannot be considered as such in his/her case,
- f) has more than 1 nationality and has not availed himself/herself of protection in one of the countries whose national he/she is, unless he/she may prove that he/she could not avail himself/herself of such protection due to reasons specified in Article 12 or Article 14a,
- g) has not specified any fact evidencing that he/she could be exposed to persecution due to reasons mentioned in Article 12 or in Article 14a,

- h) specifies facts that are clearly unreliable,
- i) can find effective protection in another part of the country whose national he/she is or, if he/she is a stateless person, in another part of the country of his/her former habitual residence if the fear of persecution clearly relates only to a part of the country with regard to the personal situation of the applicant for international protection, or
- j) he/she has destroyed, damaged or concealed his/her travel document or another important instrument with the aim of making the finding out of the actual state of affairs more difficult or has submitted a false travel document or another important instrument with the same aim.

(2) An application for international protection shall also be dismissed as manifestly unfounded if it is apparent from the applicant's procedure that he/she has filed it with the aim of avoiding the threat of expulsion, extradition or transference of criminal procedure to a foreign country although he/she could apply for international protection before, and unless the applicant may prove the contrary.

(3) The decision on dismissal of the application due to its being manifestly unfounded may be issued at the latest within 30 days from the day the procedure on granting international protection is commenced.

(4) An unaccompanied minor's application may not be dismissed as manifestly unfounded.

Reasons for Withdrawal of Asylum or Subsidiary Protection Status and Termination Thereof

Article 17

- (1) Asylum granted in accordance with Article 12 shall be withdrawn if
- a) the refugee had specified incorrect data or concealed facts important to finding information for the decision to be made before asylum was granted,
 - b) the refugee voluntarily re-availed himself/herself of protection of the country whose national he/she is or a country of his/her former habitual residence,
 - c) the refugee has voluntarily regained nationality of the country he/she left owing to well-founded fear of persecution,
 - d) the refugee has acquired a new nationality and therefore can avail himself/herself of the protection of the country of his/her new nationality,
 - e) the refugee voluntarily stays in the country he/she has left due to reasons specified in Article 12,
 - f) the refugee may avail himself/herself of the protection of the country whose national he/she is as the reasons for granting the asylum have ceased to exist,
 - g) the refugee is a stateless person and may return to the country of his/her former habitual residence as the reasons for granting the asylum have ceased to exist,
 - h) the refugee should have been or has been excluded from the possibility of granting asylum due to reasons in accordance with Article 15,
 - i) well-founded reasons exist for why the refugee should be considered to constitute a danger to the national security, or
 - j) the refugee has been effectively sentenced for an extremely serious crime and therefore constitutes a danger to the national security.

(2) In considering reasons in paragraph 1 points f) and g) it should be taken into account whether the change in circumstances is of such a significant and non-temporary nature that the reasons for which the refugee was granted asylum can no longer be regarded as well-founded.

(3) If the reason for which asylum was granted for the purpose of the reunion of a family ceases to exist and if no other reason requiring special consideration is found out for its continuation, asylum for the purpose of the reunion of a family shall be withdrawn.

(4) If the reason for which humanitarian asylum was granted ceases to exist and if no other reason requiring special consideration is found out for its continuation, humanitarian asylum shall be withdrawn.

(5) If the refugee who was granted asylum for the purpose of the reunion of a family should have or has been excluded from the possibility of being granted asylum due to reasons specified in Article 15, or if he/she has been effectively sentenced for an extremely serious crime and therefore constitutes a danger to the national security, asylum shall be withdrawn.

Article 17a

(1) Subsidiary protection status granted in accordance with Article 14a shall be withdrawn if

- a) circumstances due to which subsidiary protection status was granted have ceased to exist or changed so much that subsidiary protection status is no longer necessary,
- b) the beneficiary of subsidiary protection status should have been or has been excluded from the possibility of being granted subsidiary protection status due to the reasons specified in Article 15a, or
- c) misrepresentation or omission of certain facts including use of false or altered documents was decisive for granting of subsidiary protection status.

(2) In considering the reasons specified in paragraph 1, the Ministry shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm.

(3) If the reason for which subsidiary protection status was granted for the purpose of the reunion of a family ceases to exist and if no other reason requiring special consideration is found out for its continuation, subsidiary protection status for the purpose of the reunion of a family shall be withdrawn.

(4) If a beneficiary of subsidiary protection status for the purpose of the reunion of a family should have been or has been excluded from the possibility of being granted subsidiary protection status due to reasons specified in Article 15a, the subsidiary protection status shall be withdrawn.

Article 18

International protection shall be terminated

- a) when the refugee or the beneficiary of subsidiary protection status dies or is declared dead,
- b) when the refugee is granted nationality of the Czech Republic⁶⁾,
- c) due to a written statement made by the refugee or a beneficiary of subsidiary protection status that he/she has waived asylum or subsidiary protection status, or
- d) after the period of the right to stay on the Territory granted to the beneficiary of subsidiary protection status expires (Article 53a).

Common Provisions on Procedure

Article 19

(1) The Ministry shall be entitled to find out any and all data required for issuance of the decision on international protection.

(2) The Ministry shall inform the participant in the procedure on its duty to ensure personal data protection.

Article 20

Participant in Procedure

- (1) The participant in the procedure in accordance with this Act shall be
- a) an applicant for international protection,
 - b) an refugee with whom a procedure on withdrawal of asylum has been initiated, or
 - c) a beneficiary of subsidiary protection status with whom a procedure on withdrawal of subsidiary protection status has been initiated.

(2) The participant in the procedure shall have the right to be represented on the basis of a power of attorney for the whole period of the procedure; the signature of the party affixed to the power of attorney shall be officially authenticated. A power of attorney may not be granted to receive a decision made by the Ministry in the matter of international protection.

Article 21

(1) The participant in the procedure shall be entitled to ask for assistance from a legal or natural person engaged in provision of legal assistance to refugees. If this person provides the participant in the procedure with legal assistance free of charge, the Ministry may contribute to payment of costs connected with provision of such assistance on the basis of a contract entered into in writing.

(2) The provision of paragraph 1 shall not affect the right of the participant in the procedure to legal assistance provided on the basis of another legal regulation; payment of costs connected with provision of such legal assistance shall be borne by the participant in the procedure.

(3) The participant in the procedure shall be entitled to have a contact with a legal or natural person providing him or her with legal assistance.

⁶⁾ Act No. 40/1993 Coll., on gaining and losing nationality of the Czech Republic, as amended by later regulations

Article 22

(1) The participant in the procedure shall be entitled to act in the procedure in his/her mother tongue or in a language in which he/she is able to make himself/herself understood. For this purpose, the Ministry shall provide the participant in the procedure with an interpreter free of charge for the whole period of the procedure.

(2) The participant in the procedure shall have the right to call in an interpreter of his/her choice at his/her own costs.

Article 23

Interview

(1) An authorised employee of the Ministry shall conduct an interview with the applicant for international protection in order to find out data so that a decision may be made. He/she shall draw up a report on the interview performed. The interview shall not be conducted if the procedure on granting international protection may be terminated due to inadmissibility of the application for international protection.

(2) The applicant for international protection shall appear for the interview at a place and time determined by the Ministry. If he/she fails to appear for the interview in accordance with the first sentence, the fact shall be recorded.

(3) Due to reasons requiring special consideration or at the applicant's express request the Ministry shall ensure that the interview is conducted by a person of the same sex, and that, if it is within its powers, the interpreter is also of the same sex.

Article 23a

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

Article 23b

Instead of submission of a written document the Ministry may admit a statement on word of honour made by the applicant for international protection. In the declaration on word of honour, the applicant for international protection shall give complete and true information.

Article 24

Delivery of Written Documents to Applicants for International Protection

(1) Written documents shall be delivered to the applicant personally at the place of his/her registered residence (Article 77) or to the delivery address under the conditions in accordance with paragraph 2.

(2) The delivery address shall mean, for the purposes of the Act, the address of the asylum facility agreed by the applicant for international protection and the Ministry. The written record of the agreement shall include the first name, surname and date of birth of the applicant for international protection, and the date from which he/she should be delivered written documents to the delivery address and, if necessary, the date until which he/she should be delivered written documents to the delivery address, and the address of the asylum facility.

The Ministry shall deliver to the applicant for international protection to the delivery address only if the applicant for international protection states that it will be valid at least for the period of 15 days; written documents shall be delivered to the address of the registered residence in other cases. The delivery address may not be agreed before one year elapses from the date of commencement of the procedure for granting of international protection. The applicant for international protection and the Ministry shall agree on a change in the delivery address; the second sentence shall apply accordingly.

(3) If the applicant for international protection is not reached at the place of delivery, the deliverer shall deposit the written document in the local premises of the post licence holder, at the municipal office or at the reception or accommodation centre where the applicant for international protection is registered to reside, and shall notify the applicant for international protection thereof in an appropriate manner. Should the addressee fail to collect the written document within the period of 3 days after it is deposited, the last day of this period shall be the day of delivery.

(4) If the applicant for international protection was unable to collect the written document due to his temporary absence or due to another serious reason for which he/she is not to blame, he/she may claim an obstacle in delivery within 15 days after the days it has ceased to exist. The applicant for international protection shall receive the written document within the same period of time. The obstacle may be claimed within 1 year from the day the written document has been deposited.

(5) The Ministry shall issue a decision on whether the written document has been delivered, against which no remonstrance may be filed.

(6) The written document to be delivered to an applicant for international protection, whose residence is unknown, shall be deposited, for the period of 10 days, in the reception or accommodation centre where the applicant for international protection is registered to reside, or, if registered to reside outside an asylum facility, in the asylum facility specified by the Ministry, which is the nearest to the place of his/her registered residence. The information on depositing the written document shall be put out on an official board in the reception or accommodation centre. The day of delivery shall be the last day of this period of time.

Article 24a

Delivery of Decision

(1) An exact copy of the written deed of decision shall be delivered to the participant in the procedure at the place and time determined in the written invitation to receive the decision. The signature of an authorised person on the exact copy of the decision may be replaced with the clause “vlastní rukou” (signed in person) or with abbreviation thereof, i.e. “v.r.” and the clause “Za správnost vyhotovení” (Person responsible for correctness of the copy”) with a specification of the name(s), surname and signature of the person responsible for preparation of the written deed of decision.

(2) Should the applicant for international protection fail to appear to receive the decision on the day specified in the invitation in spite of having been delivered the invitation, the day specified in the invitation for receipt of the decision shall be deemed to be the day of delivery of the decision to the applicant for international protection.

Article 24b
Official Board

The Ministry shall establish an official board in asylum facilities.

Article 25

Termination of Procedure

The procedure shall be terminated, if

- a) the applicant for international protection has withdrawn his/her application for international protection,
- b) the reason for the procedure initiated by the Ministry has ceased to exist,
- c) the participant in the procedure died during the procedure,
- d) the applicant for international protection fails to appear for an interview without any serious reason (Article 23 par. 2) or fails to provide information required so that a decision may be made and no decision can be made on the basis of the facts found out so far,
- e) the applicant for international protection has failed to remove imperfections in the application filed within the period of time specified by the Ministry and therefore the procedure cannot continue due to this reason,
- f) the period for which the procedure was suspended expired in vain (Article 26), except for a procedure suspended due to health reasons, and the case cannot be decided on the basis of the material in the file,
- g) the applicant for international protection has become a national of the Czech Republic in the course of the procedure,
- h) the applicant for international protection entered or made an attempt to enter a territory of another state illegally during the procedure, or
- i) the application for international protection is inadmissible.

Article 26

Suspension of the Procedure

The procedure may be suspended if

- a) the participant in the procedure has been requested to remove imperfections in the application filed within a specified period of time, nevertheless for the maximum period of 14 days, or
- b) the participant to the procedure cannot take part in the procedure due to health or other serious reasons of a long-term nature for a necessary period of time, not longer than 90 days, however.

Article 27

Decision

A decision on the matter shall be issued by the Ministry within 90 days from the date of commencement of the procedure. If a decision cannot be made within this period due to the nature of the matter, the Ministry may extend the period appropriately. It shall notify the

participant in the procedure of the extension of the period in writing without any unnecessary delay.

Article 28

(1) International protection shall be granted in the form of asylum or subsidiary protection status; if the Ministry finds out while making its decision that the reasons for granting asylum have been fulfilled in accordance with Article 12, 13 or 14, it shall grant asylum preferentially.

(2) If the Ministry fails to find out reasons for granting either form of international protection, it shall justify its decision in relation to both forms of international protection.

(3) If withdrawal of asylum is decided on, the Ministry shall specify in its decision whether or not the alien will be granted subsidiary protection status.

Remonstrance

Article 29

cancelled

Article 30

cancelled

Article 31

cancelled

Effectiveness of Decisions in the Matter of International Protection

Article 31a

A decision made by the Ministry in the matter of international protection shall come into effect on the day of its delivery.

CHAPTER IV REVIEW OF A DECISION IN THE MATTER OF INTERNATIONAL PROTECTION BY THE COURT

Article 32

(1) An action against the decision made by the Ministry in the matter of international protection^{1b)} may be filed within 15 days after the decision has been delivered.

(2) Within 7 days after the decision has been delivered, an action may be filed against the decision on application for international protection

- a) by which the application has been dismissed as manifestly unfounded,
- b) which was delivered while the applicant for international protection resided in a reception centre in the transit area of an international airport,
- c) which was submitted in a detention centre for aliens³⁾, or
- d) by which the procedure for granting international protection was terminated due to inadmissibility of the application for international protection.

(3) Filing an action in accordance with paragraphs 1 and 2 has a suspensive effect, except for in the case of an action against termination of the procedure in accordance with Article 25 and an action against a decision in accordance with Article 16 par. 1 point e) and f).

(4) The regional court in whose area the applicant for international protection (the plaintiff) is registered to reside on the day of filing the action shall have local jurisdiction in the procedure concerning the action.

(5) Filing a complaint based on cassation against the decision made by the regional court on the action against the decision made by the Ministry in accordance with paragraphs 1 and 2 shall have a suspensive effect.

Article 33

The court shall terminate the procedure if

- a) the applicant for international protection (the plaintiff) died during the procedure,
- b) the place of residence of the applicant for international protection (the plaintiff) cannot be found out,
- c) the applicant for international protection (the plaintiff) entered a territory of another state illegally during the procedure,
- d) the applicant for international protection (the plaintiff) has become a national of the Czech Republic in the course of the procedure, or
- e) the applicant for international protection (the plaintiff) does not stay in the place of his/her registered residence and has not notified the court of the change therein.

Article 33a

cancelled

Article 33b

cancelled

CHAPTER V COSTS AND INTERPRETER'S FEE

Article 34

(1) The Ministry shall bear costs of the administrative procedure in the case of international protection.

(2) The Ministry shall bear costs which occur in connection with provision of services and an expenses allowance (Article 42) to applicants for international protection.

Article 35

The fee for the activity of an interpreter and payment of costs related to this activity shall be set out by an agreement between the Ministry and the interpreter. The amount of the fee and the payment of the costs shall not exceed the amount set out according to special legal regulations⁸⁾.

CHAPTER VI OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Article 36

The Ministry shall inform the Office of the United Nations High Commissioner for Refugees (hereinafter the Office of the High Commissioner) upon request on the number of procedures commenced in accordance with this Act.

Article 37

(1) The Ministry or other state authorities or public administration bodies shall allow an authorised representative of the Office of the High Commissioner, upon request and without any delay

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

(2) The file may be inspected on condition of prior consent given by the participant in the procedure; this shall not apply in the case of a well-founded assumption that the participant is no longer present on the Territory. Similar consent shall also be required with the presence of an authorised representative of the Office of the High Commissioner at oral negotiations.

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

Article 38

The participant in the procedure in accordance with this Act shall be entitled to be in contact with the Office of the High Commissioner and with other organisations engaged in the protection of refugees' rights for the whole period of the procedure.

⁸⁾ Act No. 36/1967 Coll., on experts and interpreters.

Decree No. 37/1967 Coll., on implementation of the Act on experts and interpreters, as amended by later regulations.

Article 39

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

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

Article 40

When obtaining information about persons who made a statement on international protection (Article 3), the Office of the High Commissioner shall follow the provisions in this Chapter within a reasonable extent.

CHAPTER VII RIGHTS AND OBLIGATIONS

Part I

Rights and obligations of an applicant for international protection

Article 41

(1) Upon submission of the application for international protection, the alien shall deliver his/her travel document to the Ministry; this shall not apply when he/she resides on the Territory on the basis of a residence permit. The travel document shall be delivered for the period of the procedure. An alien to whom the obligation to deliver the travel document does not apply shall show his/her travel document upon filing the application for international protection.

(2) The Ministry shall deliver, without any unnecessary delay, the travel document of an alien staying in the reception centre in the transit area of an international airport to the Police in order to terminate the alien's stay unless

- a) he/she files an action^{1b)} against a decision on not granting international protection or if the action does not have a suspensive effect,
- b) he/she has filed a cassation complaint^{8a)}.

(3) If a decision has been made on granting international protection, the Ministry shall deliver the travel document to the Police for the purpose of its deposition for the period of its validity.

Article 42

(1) The applicant for international protection registered to reside in an asylum facility shall be provided with

- a) accommodation, food, basic hygienic articles and
- b) expenses allowance under the conditions laid down in Article 42a.

(2) In addition to the services specified in paragraph 1 point a), the Ministry may ensure psychological, health, social and other necessary services and things with regard to

individual needs of the applicant for international protection and to support conflict-free common life in asylum facilities.

(3) The services specified in paragraph 1 point a) and paragraph 2 shall be provided in the reception centre free of charge.

(4) The applicant for international protection registered to reside in an accommodation centre or in an integration asylum centre shall participate in payment for costs of food and accommodation. Only financial means of the applicant for international protection that exceed the amount of the subsistence minimum⁹⁾ of the applicant and persons examined together with him/her may be used for payment of the costs of accommodation and food; persons examined together with him/her shall mean, for the purposes of this Act, persons specified in Article 4 par. 1 points a) to c) of the Act on subsistence minimum under the conditions specified in Article 4 par. 2 and 3 of the Act on subsistence minimum.

(5) With regard to the possibilities of the asylum facility to provide food, the applicant for international protection may be given, instead of food, a financial contribution in the amount corresponding to the subsistence minimum⁹⁾ of the applicant and persons examined together with him/her (paragraph 4). For the period of provision of the financial contribution there is no right to receive an expenses allowance.

(6) In a case requiring special consideration, the services in accordance with paragraph 1 or 2 may also be provided outside the asylum facility on the basis of a contract entered into with the Ministry and the service provider.

(7) In its decree, the Ministry shall determine financial payment for provided food and accommodation in the amount of average necessary costs.

Article 42a

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

(2) The expenses allowance shall be paid in the payment term specified in an implementing legal regulation. If the applicant for international protection fails to appear to receive payment of the expenses allowance without a serious reason, the right to receive the expenses allowance for the payment term concerned shall cease to exist.

(3) If an applicant for international protection, who is above 18 years of age, is accommodated in a reception or accommodation centre, carries out activities in favour of the other applicants for granting of international protection which make adaptation to the environment in the asylum facility easier and contribute to due operation of the asylum facility and improvement of common life at the same time, he/she may receive an increased expenses allowance. These activities may be carried out on the basis of assignment from the head of the asylum facility in a scope not exceeding 12 hours a month. The total amount of expenses allowance after such increase may be twice the amount of the expenses allowance specified by the implementing legal regulation.

⁹⁾ Article 2 and 3 of Act No. 110/2006 Coll., on subsistence and existence minimum.

(4) In its decree, the Ministry shall determine the amount of expenses allowance for a calendar day depending on the age of the applicant for an expenses allowance for reception and accommodation centres.

Article 43

(1) The applicant for international protection registered to reside outside an accommodation centre shall cover the cost of living on the Territory from his/her own funds with the exception of health care (Article 88).

(2) The applicant for international protection registered to reside outside an accommodation centre may be provided, upon request and with regard to proven property and financial conditions of his/her own or his/her family, with a financial contribution in the amount up to

- a) 1.6 times the amount of the subsistence minimum of the applicant for asylum laid down by a special legal regulation⁹⁾, if examined without any persons jointly with him/her (Article 42 par. 4),
- b) 1.5 times the amount of the subsistence minimum of the applicant for asylum and persons examined together with him/her (Article 42 par. 4), if 2 to 3 persons are examined jointly,
- c) 1.4 times the amount of the subsistence minimum of the applicant for asylum and persons examined together with him/her (Article 42 par. 4), if 4 persons are examined jointly,
- d) 1.3 times the amount of the subsistence minimum of the applicant for asylum and persons examined together with him/her (Article 42 par. 4), if 5 or more persons are examined jointly;

no financial contribution shall be provided if the alien remains on the Territory on the basis of a residence permit granted in accordance with special legal regulation⁴⁾. A financial contribution can be provided during the period of the procedure for granting international protection not exceeding 3 months.

(3) The authority competent to decide on provision of a financial contribution in accordance with paragraph 2 is the Ministry.

(4) The applicant for a financial contribution under paragraph 2 shall give his/her financial and property conditions or financial and property conditions of his/her family by way of declaration on word of honour and shall substantiate them with all documents available.

(5) A financial contribution cannot be provided if

- a) a natural or legal person is held responsible for payment of costs connected with residence^{9a)},
- b) the applicant for a financial contribution has given incorrect data about his/her financial or material situation or the financial or material situation of his family,
- c) the applicant for a financial contribution has not provided facts decisive for the granting of the financial contribution or on a change in such facts, and/or
- d) the applicant for financial contribution has filed the application for international protection repeatedly.

^{9a)} Article 15 and 180 of Act No. 326/1999 Coll.

(6) The financial contribution shall be paid out by the Ministry in the specified asylum facility.

Article 44

The applicant for international protection shall be entitled to be provided with shared accommodation in the asylum facility, in which he/she is registered to reside, together with his/her spouse, a direct relative or with another close person if these are applicants for international protection and agree to that. Close persons shall be considered to be persons declaring that they have a personal relationship with each other.

Obligations of an Applicant for International Protection

Article 45

(1) An applicant for international protection shall report financial funds available to him/her and hand over anything that endangers the life or health of people, or alcohol and other habit-forming substances.

(2) In the case of justified suspicion that the applicant for international protection has failed to report financial funds available to him/her, or has failed to hand over a thing that endangers life or health of people, or alcohol and other habit-forming substances or is hiding something that may be used as information needed to issue a decision, in particular a travel document or another document, he/she shall be obliged to submit to a body search as well as a search of his/her personal belongings.

(3) The search shall be carried out by the Police upon a request of the Ministry after the alien arrives at the reception centre or at any time during his/her stay in an asylum facility if reasons referred to in paragraph 2 are found out. The Police shall make a record on the search.

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

(5) The Police shall take away, for the period of the procedure on granting of international procedure, anything discovered during the body search or search of personal belongings which may serve as evidence in the procedure on granting international protection or in determination of the Member State of the European Union competent to examine the application for international protection^{1d)}, and shall deliver it to the Ministry.

Article 46

- (1) An applicant for international protection may not leave the reception centre until
- a) identification acts under Article 47 are completed,
 - b) a medical examination is completed in order to find out whether or not the application for international protection suffers from an illness endangering his/her life or the lives/health of other people,
 - c) a visa is issued for him/her to stay on the Territory for a period of up to 90 days for the purposes of the procedure for granting international protection (hereinafter referred to as the “visa for the purposes of the procedure for granting international protection” and a certificate of the applicant for international protection is issued (Article 57),

d) a quarantine or another measure taken in connection with the protection of human health is completed if it can take place in the reception centre.

(2) An applicant for international protection may not leave the reception centre in the transit area of an international airport even if the acts listed in paragraph 1 are completed.

(3) An alien in whose case the procedure on granting international protection has been terminated due to inadmissibility of his/her application for international protection in accordance with Article 10a point b) may not leave a reception or accommodation centre until he/she is transported to the Member State of the European Union competent to examine the application for international protection unless he/she leaves in order to travel out of the Territory.

(4) The case of leaving for the purposes of provision of urgent healthcare or a medical examination that cannot be performed in the reception centre and is aimed at finding out whether or not the applicant for international protection suffers from an illness endangering his/her life or the lives or health of other people shall not be considered a case of leaving the reception centre in accordance with paragraph 1.

(5) The case of leaving for the purpose of presence of the applicant for international protection or an alien in an ordered hearing before a public authority body, provision of urgent healthcare or medical examination is aimed at finding out whether or not the applicant for international protection suffers from an illness endangering his/her life or the lives or health of other people in the case that it cannot be performed in the reception centre shall not be considered a case of leaving the reception centre in accordance with paragraph 2 or 3. In the cases of leaving the asylum facility in accordance with the first sentence, the Police shall provide the applicant for international protection or the alien with accompaniment upon a request of the Ministry.

(6) The Ministry shall perform acts according to paragraph 1 points a), b) and c) without any unnecessary delay.

(7) The provisions of paragraphs 1 and 2 shall not apply to an alien who stays on the Territory on the basis of a residence permit granted in accordance with a special legal regulation⁴⁾.

Article 47

(1) An applicant for international protection shall submit to dactyloscopic fingerprints and picture taking aimed at finding out or verifying his/her identity. Fingerprints shall be taken by the Police; picture taking shall be ensured by the Ministry.

(2) An applicant for international protection shall submit to a medical examination if it is necessary for protection of public health^{9b)}.

Article 48

^{9b)} Act No. 258/2000 Coll., on protection of public health and on modification of certain related laws, as amended by later regulations.

- An applicant for international protection shall
- a) comply with the rules for accommodation in asylum facilities,
 - b) comply with hygienic regulations in accommodation premises of the asylum facility and participate in maintenance of the hygienic standard in the premises of the asylum facility set out by the rules for accommodation,
 - c) fulfil, in the asylum facility, orders and instructions given by the Police and the Ministry while tasks in accordance with this act are ensured, and
 - d) protect property of the asylum facility as well as of the other residents.

Article 49

- An applicant for international protection shall
- a) prove his/her identity or other facts recorded in the certificate of an applicant for international protection (Article 57) to relevant authorities with this certificate,
 - b) protect the certificate of an applicant for international protection against damage, destruction, loss, theft or misuse; in the case that such circumstances have occurred, he/she shall notify the Police thereof without any delay,
 - c) return the certificate of an applicant for international protection if invalid (Article 58),
 - d) return the certificate of an applicant for international protection to the Ministry after the procedure is terminated.

Article 49a

During the procedure, an applicant for international protection shall provide the Ministry with necessary cooperation and shall give true and complete information necessary to find out the data so that a decision may be issued.

Part 2 *Rights and Obligations of Refugees*

Article 50

Rights related to permanent residence of an refugee shall not be affected by this Act in any manner.

Article 50a

(1) Upon a request submitted by an refugee no later than within 3 days after the decision on granting international protection becomes legally effective, the Ministry shall provide the refugee, who was – as an applicant for international protection – provided with an expenses allowance, with a single financial contribution in the amount of subsistence minimum⁹⁾ of a person and persons examined together with him/her (Article 42 par. 4).

(2) The Ministry shall advise the refugee in writing in his/her mother tongue or in a tongue in which he/she is able to make himself/herself understood on his/her rights and obligations, not later than within 3 days after the decision on granting asylum has come into effect.

Obligations of the Refugee

Article 51

The refugee shall notify the Ministry of facts relevant for the continuing validity of the asylum status, such as naturalisation as a Czech citizen.

Article 52

The refugee shall

- a) protect his/her certificate on refugee's residence permit and travel document against damage, destruction, loss, theft or misuse; in the case that such circumstances have occurred, he/she shall notify the Police thereof without any delay,
- b) prove his/her identity by means of the certificate on refugee's residence permit or other facts recorded in the certificate by operation of law to relevant bodies,
- c) apply to the Police for the issue of a new certificate on refugee's residence permit if the current certificate has ceased to be valid,
- d) apply to the Police for extension of validity of the certificate of refugee's residence permit before this certificate ceases to be valid,
- e) return the certificate of refugee's residence permit and the travel document to the Police if asylum has been withdrawn or terminated. In the case of termination of asylum due to a reason referred to in Article 18 point a), this obligation shall apply to the person to whom the refugee has handed over the certificate or who has found the certificate,
- f) return an invalid document issued in accordance with this Act to the Police,
- g) notify the Police of his/her stay outside the territory exceeding 365 days.

Article 53

The refugee shall submit to identification acts in accordance with Article 47 if legal reasons for withdrawal of asylum have occurred.

Part 3

Rights and obligations of persons enjoying subsidiary protection

Article 53a

(1) The Ministry shall grant a residence permit for the Territory to a beneficiary of subsidiary protection status for the period in which he/she faces serious harm in accordance with Article 14a, nevertheless at least for 1 year, and shall provide such a person with a certificate of residential permit, whose essential elements are set out in Article 60a. If the reasons for which subsidiary protection status has been granted continue or if the reasons specified in Article 17a do not occur, the Ministry shall extend this period upon a request submitted by the beneficiary of subsidiary protection status at least 30 days before expiry of the period for which subsidiary protection has been granted, even repeatedly always by at least 1 year; at the same time the period of validity of the certificate of residence permit of the beneficiary of subsidiary protection status shall be extended. If the Ministry fails to decide on the application within the period of validity of the residence permit for the Territory, the residence permit granted for the territory shall be extended until the day the decision on the application made by the Ministry becomes legally effective. If the filing of the application in

the specified term has been prevented by reasons independent of the alien's will, he/she shall have the right to file the application within 3 days after these reasons have ceased to exist.

(2) The Ministry shall advise the beneficiary of subsidiary protection status in writing in his/her mother tongue or in a tongue in which he/she is able to make himself/herself understood on his/her rights and obligations, not later than within 3 days after the decision on granting subsidiary protection status has become effective.

Article 53b

The beneficiary of subsidiary protection status shall

- a) notify the Ministry of facts relevant for continuing validity of subsidiary protection status,
- b) protect the certificate on the residence permit of the beneficiary of subsidiary protection status and his/her travel document against damage, destruction, loss, theft or misuse; in the case that such circumstances have occurred, he/she shall notify the Police thereof without any delay,
- c) prove his/her identity by means of the certificate on residence permit of a beneficiary of subsidiary protection status or other facts recorded in the certificate by operation of law to relevant bodies,
- d) return the certificate of residence permit of a beneficiary of subsidiary protection status and his/her travel document to the Police if subsidiary protection status has been withdrawn or terminated. In the case of termination of subsidiary protection status due to a reason referred to in Article 18 point a), this obligation shall apply to the person to whom the beneficiary of subsidiary protection status has handed over the certificate or who has found the certificate,
- e) return the invalid certificate issued in accordance with this Act to the Police,
- f) notify the Police of his/her stay outside the Territory exceeding 365 days,
- g) submit to identification acts in accordance with Article 47 if legal reasons for withdrawal of subsidiary protection status have occurred.

Article 53c

For the purposes of provision of healthcare, the beneficiary of subsidiary protection status shall be considered a person with permanent residence on the Territory.

Part 4

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

Article 54

(1) The alien shall leave the Territory

- a) without any unnecessary delay if he/she has failed to file an application for international protection in accordance with Article 10 although required by the Ministry to do so,
- b) within a period of time specified in the order to depart in accordance with a special legal regulation^{9c)}.

^{9c)} Article 50 of Act No. 326/1999 Coll., as amended by Act No. 222/2003 Coll.

(2) The alien does not have to comply with his/her duty to depart if he/she is entitled to reside in the territory in accordance with a special legal regulation⁴⁾.

Article 54a

Voluntary Repatriation

(1) If this is in the public interest, the Ministry may bear costs connected to voluntary repatriation

- a) of an applicant for international protection on the basis of his/her written application, or
- b) of an alien on the basis of his/her written application filed in the course of the period for filing an action against the decision made by the Ministry in accordance with Article 32 par. 1 or 2, within 7 days after the decision on an action against the decision made by the Ministry in accordance with a special legal regulation^{1b)} becomes legally effective, in the course of the period for filing a cassation complaint, in the course of the procedure for a cassation complaint^{8a)} or within 24 hours after the decision on a cassation complaint becomes legally effective to the country of origin or another state.

(2) The alien who has filed an application for voluntary repatriation shall be regarded, for the purposes of provision of healthcare (Article 88), accommodation, food and other necessary services as an applicant for international protection, namely until the moment of leaving or until the moment the Ministry informs him/her that it shall not pay costs connected with voluntary repatriation.

Obligations of other persons

Article 55

Legal or natural persons that have invited an applicant for international protection to stay on the Territory in accordance with a procedure set out in a special legal regulation⁴⁾ shall pay the costs connected with his/her residence if he/she is registered to reside out of the accommodation centre, except for the costs referred to in Article 88.

Article 56

Any person who finds a certificate of an applicant for granting international protection, a certificate of refugee's residential permit, or a certificate of residence permit of a beneficiary of subsidiary protection status shall deliver the same to the Ministry or to any Police department without any delay.

Article 56a

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

(2) An airline company which has transported an alien to the territory of the Czech Republic in accordance with paragraph 1 shall transport that alien out of the territory of the Czech Republic if the alien is placed at the reception centre in the transit area of an

international airport at the moment the decision on not granting international protection, on dismissing the application for international protection as manifestly unfounded, or on terminating the procedure for granting international protection becomes legally effective.

Article 56b

The medical facility in which the alien is hospitalised shall enable the Ministry to perform necessary acts in connection with the procedure on granting international protection, as long as fulfilment of this obligation is not prevented by another legal regulation. The Ministry shall reimburse the medical facility for any property loss caused as a result of fulfilment of the obligation in accordance with the previous sentence. The right to receive compensation for damage shall be enforced within the maximum period of 30 days after the loss has been caused, otherwise it shall expire. If no agreement is reached, the compensation and its amount shall be decided on by the court.

CHAPTER VIII

CERTIFICATE OF THE APPLICANT FOR INTERNATIONAL PROTECTION, CERTIFICATE OF REFUGEE'S RESIDENTIAL PERMIT, CERTIFICATE OF RESIDENCE PERMIT OF A BENEFICIARY OF SUBSIDIARY PROTECTION STATUS, TRAVEL DOCUMENTS

Part I

Certificate of the Applicant for International Protection

Article 57

(1) The Ministry shall issue, for the applicant for international protection, a certificate of the applicant for international protection within the maximum period of 3 days after a statement on international protection.

(2) The Ministry shall issue, for the applicant for international protection, a certificate of the applicant for international protection within the maximum period of 3 days after the applicant for international protection arrives in an asylum facility if the application for international protection was filed during the period of arrest, imprisonment, or in a facility for detention of aliens³⁾.

(3) The certificate of the applicant for international protection is a document evidencing its holder's identity. The holder of the certificate of the applicant for international protection shall not be obliged to prove the facts recorded therein in any other manner, unless this is provided for in a special legal regulation.

(4) The data on the identity of the applicant for international protection, on his/her nationality and on the visa issued (Article 72 and 85b) shall be recorded in the certificate of the applicant for international protection.

(5) The validity period of the certificate of the applicant for international protection shall be determined identically to the validity period of the visa for the purposes of the procedure for granting international protection. The validity period of the certificate of the

applicant for international protection may be extended repeatedly. The applicant for international protection shall be present in person for the purposes of extending the validity period, making changes in or completing the data recorded in the certificate of the applicant for international protection; The Ministry may permit an exception due to a reason requiring special consideration.

(6) A sample certificate of the applicant for international protection is shown in Annex No. 2.

Article 58

Invalidity of the Certificate of the Applicant for International Protection

(1) The certificate of an applicant for international protection shall be invalid if

- a) the validity period stated on the certificate has expired,
- b) a loss or a theft of the certificate has been reported,
- c) its holder has died or has been declared dead, or
- d) a decision made by the Ministry in the matter of international protection or a decision of a court on action against a decision made by the Ministry in accordance with a special legal regulation^{1a)} has become legally effective.

(2) An authority competent to issue the certificate of an applicant for international protection shall decide on its invalidity if

- a) its holder's appearance has changed substantially,
- b) the certificate is damaged so that the records contained therein are illegible or its integrity has been seriously damaged, or
- c) it contains incorrect information or unauthorised changes.

(3) If the certificate holder is present and fully recognises the reasons for invalidity of the certificate of the applicant for international protection, the state of affairs according to paragraph 2 shall be deemed to have been proven and the authority competent to issue the certificate shall issue an order on the spot^{9d)}. The justification of the order shall be replaced with a certificate holder's statement signed in person that he/she agrees to the decision on certificate invalidity. By signing the statement, the order shall become a legally effective and enforceable decision. The certificate holder shall be informed about this fact in advance.

Part 2

Certificate of Refugee's Residence Permit

Article 59

(1) The certificate of the refugee's residence permit is a public document by which the refugee proves his/her first name and surname, date and place of birth, marital status, nationality, birth reg. number, information on granting asylum and the place of registered residence on the Territory.

^{9d)} Article 150 of the Rules of Administration Procedure.

(2) Upon a request of the refugee the Ministry shall record, in the certificate of the refugee's residence permit, data of his/her children below the age of 18 including their first name, surname, date of birth and address of residence on the Territory.

(3) The certificate of the refugee's residence permit shall be valid for 5 years. The certificate validity period may be extended twice by five years in each case.

(4) The certificate of the refugee's residence permit shall be issued, records shall be made therein and the validity thereof shall be extended by the Ministry.

Article 60

Invalidity of the Certificate of the Refugee's Residence Permit

(1) The certificate of the refugee's residence permit shall be invalid if

- a) a reason specified in Article 58 paragraph 1 has occurred,
- b) a decision on withdrawal of asylum has become effective, or
- c) the asylum has ceased to exist on the basis of a reason specified in Article 18 point b) or c).

(2) The authority competent to issue the certificate of the refugee's residence permit shall decide on invalidity thereof if

- a) its holder's appearance has changed substantially,
- b) the certificate is damaged so that the records contained therein are illegible or its integrity has been seriously damaged, or
- c) it contains incorrect information or unauthorised changes.

(3) If the certificate holder is present and fully recognises the reasons for invalidity of the certificate of the refugee's residence permit, the state of affairs according to paragraph 2 shall be deemed to have been proven and the authority competent to issue the certificate shall issue an order on the spot^{9d)}. The justification of the order shall be replaced with a certificate holder's statement signed in person that he/she agrees with the decision on the certificate invalidity. By signing the statement, the order shall become a legally effective and enforceable decision. The certificate holder shall be informed about this fact in advance.

Part 3

Certificate of Residence Permit of a Beneficiary of subsidiary protection status

Article 60a

(1) The certificate of residence permit of a beneficiary of subsidiary protection status is a public document by which the beneficiary of subsidiary protection status proves his/her first name and surname, date and place of birth, marital status, nationality, birth reg. number, information on granting subsidiary protection status and the place of registered residence on the Territory.

(2) Upon a request of the beneficiary of subsidiary protection status the Ministry shall record, in the certificate of residence permit of a beneficiary of subsidiary protection status, data of his/her children below the age of 18 including their first name, surname, date of birth and address of residence on the Territory.

(3) The certificate of residence permit of a beneficiary of subsidiary protection status shall be issued, records shall be made therein and the validity thereof shall be extended by the Ministry.

Article 60b

Invalidity of the Certificate of Residence Permit of a Beneficiary of subsidiary protection status

(1) The certificate of residence permit of a beneficiary of subsidiary protection status shall be invalid if

- a) a reason specified in Article 58 paragraph 1 has occurred,
- b) a decision on withdrawal of subsidiary protection status has become effective, or
- c) subsidiary protection status has ceased to exist on the basis of a reason specified in Article 18 point c) or d).

(2) An authority competent to issue the certificate of residence permit of a beneficiary of subsidiary protection status shall decide on its invalidity if

- a) its holder's appearance has changed substantially,
- b) the certificate is damaged so that the records contained therein are illegible or its integrity has been seriously damaged, or
- c) it contains incorrect information or unauthorised changes.

(3) If the certificate holder is present and fully recognises the reasons for invalidity of the certificate of residence permit of a beneficiary of subsidiary protection status, the state of affairs according to paragraph 2 shall be deemed to have been proven and the authority competent to issue the certificate shall issue an order on the spot^{9d)}. The justification of the order shall be replaced with a certificate holder's statement signed in person that he/she agrees with the decision on certificate invalidity. By signing the statement, the order shall become a legally effective and enforceable decision. The certificate holder shall be informed about this fact in advance.

Part 4

Travel Documents

Travel Document

Article 61

(1) The Police shall issue a travel document, which is a public document, for the refugee at his/her request. The travel document shall be issued in the Czech language and two foreign languages in accordance with international usual practice as a rule.

(2) The travel document, which is fitted with a data carrier with biometric data such as data on facial appearance and data on fingerprints, shall be issued with the validity period of 5 years; or in the case of an refugee aged from 5 to 15, with the validity period of 5 years. The travel document shall be issued within the period of 30 days after the day the application was filed. In the case of an refugee, who is being issued a travel document with a data carrier with biometric data, the correctness of the personal data specified in the travel document being

issued, the functioning of the data carrier with the biometric data and correctness of the biometric data processed in it shall be verified at his/her request. The functioning of the data carrier and the correctness of the biometric data processed in it shall be verified by means of a technical instrument enabling comparison of the refugee's biometric data currently shown with the biometric data processed in the data carrier of the travel document. If the data carrier with biometric data is found not to be functioning, or if any incorrect personal data processed in the travel document are found, the refugee shall be entitled to be issued a new travel document.

(3) An refugee, in whose case it is impossible to take fingerprints due to anatomical or physiological changes or due to an injury to the fingers, shall be issued a travel document with a data carrier in which, of all biometric data, only the data on facial appearance are processed. In this case, the information on the impossibility to take fingerprints shall also be processed in the data carrier. The travel document shall be issued within 30 days after the date the application has been filed and the period of validity specified in paragraph 2 shall apply to it.

(4) If an refugee applies for a travel document to be issued in a period shorter than 30 days, he/she shall be issued a travel document without a data carrier with biometric data and without machine-readable data, which does not contain any digital processing of the refugee's photograph or signature, within a period of 15 days. This document shall be issued with a validity period of 6 months.

(5) An refugee below 5 years of age shall be issued a travel document without a data carrier with biometric data and without machine-readable data, which does not contain any digital processing of the refugee's photograph or signature, in the period of time in accordance with paragraph 4; this document shall be issued with a validity period of 1 year.

(6) The refugee's travel document issued in accordance with paragraph 2 or 3 shall contain a machine readable zone. The data are recorded in the machine readable zone in the following order: document type, code of the issuing country, alien's surname and first names, travel document number, nationality, date of birth, sex, validity period of the travel document, birth reg. number, and a control figure expressing selected data in the machine readable zone.

Article 61a

(1) Biometric data may be used exclusively to verify authenticity of a travel document and to verify the refugee's identity by means of the personal data recorded in the travel document, or to compare biometric data (Article 61 par. 2) processed in the data carrier by means of a technical instrument enabling comparison of the refugee's biometric data currently shown with biometric data processed in the data carrier of the travel document.

(2) The holder of a travel document containing a data carrier with biometric data shall be entitled to require any authority competent to issue this travel document, or a diplomatic mission or a consular office (hereinafter referred to as the "Diplomatic Mission"), except for a consular office headed by a honorary consular official, for verification of the data in the travel document. If the data carrier with biometric data is found not to be functioning, or if any incorrect personal data processed in the travel document are found, the refugee shall be entitled to be issued a new travel document; in this case the issuing of a new travel document shall be subject to an administrative fee only if the non-functioning of the data carrier with biometric data has been caused due to circumstances about which the refugee has clearly known may cause damage to or non-functioning of the data carrier with biometric data.

(3) In a decree, the Ministry shall specify technical conditions and the procedure for collection of biometric data, including a procedure for collection of biometric data in the case of persons with unusual anatomical or physiological preconditions for a facial picture or for taking of fingerprints on the right and left hand.

Article 61b

(1) The data processed in a data carrier with biometric data (Article 61 par. 2) may not be processed in any manner other than that specified by law.

(2) The territorial validity of a travel document according to Article 61 shall include all countries in the world, except for the country whose national the alien is, or in the case of a stateless person, with the exception of his/her former habitual residence. The validity of the travel document cannot be extended.

Article 62

(1) A travel document shall be issued and its validity period shall be extended by the police department according to the refugee's registered place of residence.

(2) The police department shall notify the Ministry without any delay of the issuing of a travel document and on a change in its validity period.

(3) The first issuing of a travel document shall not be subject to any administrative fee. If the travel document is issued again, a special legal regulation¹⁰⁾ shall be followed.

Article 63

(1) In the application for issuing of a travel document the alien shall specify his/her name, surname, other names, sex, day, month and year of birth, place and state of birth, and registered address on the Territory.

(2) The refugee shall attach 2 photographs to an application filed in accordance with Article 61 par. 4 and 5.

Article 64

Invalidity of a Travel Document

(1) A travel document shall be invalid if

- a) a reason specified in Article 58 paragraph 1 has occurred,
- b) a decision on withdrawal of asylum has become effective, or
- c) asylum has ceased to exist on the basis of a reason specified in Article 18 point b) or c).

(2) The authority competent to issue a travel document decides on its validity if

- a) its holder's appearance has changed substantially,

¹⁰⁾ Act No. 368/1992 Coll., on administrative fees, as amended by later regulations.

- b) the certificate is damaged so that the records contained therein are illegible or its integrity has been seriously damaged, or
- c) it contains incorrect information or unauthorised changes.

Article 64a

Travel Document Issued to a Beneficiary of subsidiary protection status

A beneficiary of subsidiary protection status shall be issued an alien's passport in accordance with a special legal regulation⁴⁾ if he/she resides on the Territory without a valid document and cannot obtain it in the country whose national he/she is or, in the case of a stateless person, in the country of his/her former habitual residence.

Article 65

Travel Identity Document

(1) The travel identity document shall be issued upon a request of an refugee or a beneficiary of subsidiary protection status, who has lost a travel document abroad, by the Diplomatic Mission or a consulate so that the refugee or the beneficiary of subsidiary protection status may return to the Czech Republic.

(2) The validity of the travel identity document according to paragraph 1 shall be 30 days; in justified cases it may be extended by the Diplomatic Mission by another 30 days.

(3) A travel identity document shall be invalid due to a reason specified in Article 58 par. 1.

(4) In the application for issuing of a travel identity document, the refugee or the beneficiary of subsidiary protection status shall state his/her name and surname, the day, month and year of birth, and the place of residence on the Territory and shall attach 2 photographs to the application.

(5) The travel identity document shall be withdrawn at the border control.

(6) The person who has issued the travel identity document shall notify the Ministry of the issuing of the travel identity document and any change made in the validity period without any delay.

Article 65a

(1) The travel identity document shall be issued in the Czech language and two foreign languages in accordance with international usual practice as a rule.

(2) The Diplomatic Mission shall record, at the alien's request, his/her child below the age of 15 in the travel identity document.

Part 5

Retention of a Document Issued Under This Act

Article 66

(1) During an inspection¹¹⁾, the Police shall retain a document issued in accordance with this Act, which is invalid or on whose invalidity it should be decided.

(2) The Police shall notify the Ministry of retention of the document according to paragraph 1.

(3) Upon retention of a document according to paragraph 1, the Police shall issue, without any delay, a certificate with a specification of the reason for retention.

Article 67

The Police shall deliver, without any delay, the document retained to the authority that has issued the document.

CHAPTER IX STATE INTEGRATION PROGRAMME

Article 68

The state integration programme is a programme aimed at assisting refugees and persons enjoying subsidiary protection during their integration into the society. The state integration programme also includes the creation of preconditions for mastering the Czech language and, in the case of refugees, also provision of housing.

Article 69

The state integration programme in the field of provision of housing shall be implemented in the form of a single offer of housing to the refugee from the state funds. The amount of funds shall be determined by the government on the basis of percentage quotas.

Article 70

(1) The state integration programme in the field of mastering the Czech language shall be implemented by the Ministry of Education, Youth and Sports in the form of free language courses.

(2) The Ministry of Education, Youth and Sports shall offer a Czech language course to an refugee or to a beneficiary of subsidiary protection status within the maximum period of 30 days from the day the decision on granting asylum or subsidiary protection status has become legally effective.

CHAPTER X RECORD-KEEPING, RESIDENCE AND REPORTING THEREOF

¹¹⁾ Article 167 point d) of Act No. 326/1999 Coll.

Article 71

Record-keeping

(1) The Ministry shall keep

- a) records on aliens who have made a statement on international protection,
- b) records on the places of residence of applicants for international protection, the places of residence of persons enjoying subsidiary protection and the places of residence of refugees,
- c) records on applicants for international protection that have filed a cassation complaint^{8a)}, persons enjoying subsidiary protection and refugees,
- d) records on aliens born on the Territory to applicants for international protection, persons enjoying subsidiary protection and refugees,
- e) records on photographs in accordance with Article 4c and 47,
- f) records on applicants for financial contribution,
- g) records on aliens in whose case the procedure on granting international protection has been terminated due to inadmissibility of the application for international protection.

(2) While fulfilling tasks under this Act and special legal regulations¹²⁾, the Police and the Intelligence Services of the Czech Republic may use information contained in records kept in accordance with paragraph 1 including personal data.

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

(4) Personal data processed in records in accordance with paragraph 1 points a) to d) and g) shall be administered in the scope specified in the application for international protection.

(5) The Police shall administer records of visas issued in accordance with this Act, records of places of residence of applicants for granting of international protection, places of residence of aliens who have filed a cassation complaint, places of residence of persons enjoying subsidiary protection and places of residence of refugees, and also records of fingerprints taken in the case of applicants for international protection. The Intelligence Services of the Czech Republic may use data administered in such records, including personal data, while fulfilling tasks in accordance with this Act and special legal regulations¹²⁾. The Police shall also administer records of refugees who have been issued a travel document according to Article 61, i.e. in the scope of the data in the application for issuing this travel document, including data on a picture of the face and dactyloscopic fingerprints of the refugee.

¹²⁾ Act No. 153/1994 Coll., on intelligence services, as amended by Act No. 118/1995 Coll.
Act No. 154/1994 Coll., on Security Information Service, as amended by Act No. 160/1995 Coll.
Act No. 67/1992 Coll., on Military Defence Intelligence Service, as amended by later regulations.

(6) The Ministry shall operate an information system on refugees who have applied for issuing of a new travel document of an refugee in accordance with Article 61 par. 2 and 3. This information system shall contain data in the scope of an application for issuing of a travel document for an refugee, including biometric data.

(7) The Police shall destroy the data kept in records in a written form in accordance with paragraph 5 after the five-year period expires from termination of the alien's stay on the Territory. The Police shall keep the data stored on a technical information carrier for a period of 20 years after termination of the alien's stay on the Territory.

(8) The Police shall destroy data kept on records of refugees who have been issued a travel document in accordance with Article 61 after the fifteen-year period from termination of the validity of the travel document expires, except for dactyloscopic fingerprints, which the Police destroy after expiry of the sixty-day period from the day the manufactured travel document is delivered to the Ministry. The data administered by the Ministry according to paragraph 6 shall be kept for the period of 60 days from the day the manufactured travel document is delivered to the Ministry.

Article 71a

Provision of Personal Data to Other Countries

The Ministry shall not be bound by the obligation to apply to the Office for Protection of Personal Data for a permit to provide third countries with personal data of applicants for international protection, persons enjoying subsidiary protection or refugees^{12a)}.

Article 72

Residence on the Basis of a Visa for the Purpose of the Procedure on Granting International Protection

(1) The Police shall issue a visa for the applicant for international protection for the purposes of the procedure on granting international protection; this shall not apply if the alien stays on the Territory on the basis of a residence permit granted in accordance with a special legal regulation⁴⁾ and/or is placed in a facility for detention of aliens³⁾ or if he/she has filed an application for international protection in a reception centre in the transit area of an international airport. The Police shall grant the visa within 3 days after the reason according to the previous sentence has ceased to exist.

(2) The visa referred to in paragraph 1 shall provide the alien with a residence permit for the maximum period of 90 days unless otherwise provided for by this Act; the Police shall extend the period of stay at the alien's request by the maximum period of 90 days. The alien shall file an application for extension of the period of stay within the period of validity of the visa. The validity of a visa for the purposes of the procedure on granting international protection shall cease to exist at the moment the decision in the matter of international protection becomes legally effective.

^{12a)} Article 27 of Act No. 101/2000 Coll., on personal data protection and on modification of certain laws.

(3) If the alien stays outside an asylum facility, the period of the stay shall be extended in accordance with paragraph 2 by the locally relevant police department, which shall notify the Ministry thereof without any delay.

(4) If the alien is not registered to stay, the relevant local police department according to the address of the asylum facility, in which the alien was last registered, shall be competent to grant the visa according to paragraph 1 and to extend the period of stay according to paragraph 2.

Article 73

Stay in a Reception Centre of the Transit Area of an International Airport

(1) The Police shall place, into a reception centre of the transit area of an international airport, an alien who has made a statement on international protection in these premises.

(2) The Ministry shall transport an alien to another asylum facility on the Territory if

- a) it fails to issue a decision within 5 days from the commencement of the procedure on granting of international protection, or
- b) the court fails to make a decision within 45 days after an action has been filed against the decision made by the Ministry.

(3) An alien, who is placed in a reception centre in accordance with paragraph 1 in the period in which the decision by which

- a) international protection is not granted,
- b) the application for international protection is dismissed as manifestly unfounded, or
- c) the procedure on granting international protection is terminated,

comes into effect, may not leave the centre until the moment of leaving the Territory.

Article 74

cancelled

Article 75

cancelled

Article 76

Residence of an Refugee

The refugee shall have permanent residence on the Territory for the period for which the decision on granting asylum is valid.

Registration of Place of Residence

Article 77

(1) The place of registered residence of an applicant for international protection is the asylum facility in which he/she has been placed by the Ministry.

(2) The applicant for international protection shall apply for a change in the registered stay in a written application filed at the relevant local police department according to his/her new place of residence. The application shall be accompanied by a written certificate confirming the consent of the owner of the premises designated with the indication number or the registration number or the street number of the building, which serves for the purposes of housing or accommodation, or the owner of a defined part thereof, with information reporting a change in the place of residence; if the owner is a legal person, the certificate shall contain its name, registered office and identification number, and the certificate shall also include its stamp and the name(s), surname and signature affixed by the authorised person (authorised body). The Police shall refer the application with their opinion to the Ministry within 15 days.

(3) The Ministry shall not give its consent to the change in the registered place of residence if it finds out a fact justifying doubts that the applicant for international protection may be reached at the new place of registered residence or if it finds out that the documents submitted contain false facts.

(4) The applicant for international protection shall notify the relevant local police department according to the new place of residence of a change in the place of registered residence.

(5) When a change in the place of residence is reported, the applicant for international protection shall

- a) provide the following data by filling in the registration form: surname, first name, day, month and year of birth, nationality, permanent residence abroad, registration number of the certificate of the applicant for international protection, and expected period of accommodation,
- b) submit a certificate in accordance with paragraph 2. The certificate shall contain an officially authenticated signature affixed by the owner. The condition of official authentication shall not apply if the owner signs the certificate in the presence of a Police department employee and shows his/her identity card at the same time,
- c) submit the certificate of an applicant for international protection,
- d) submit the consent with the change in registered residence granted by the Ministry.

(6) The new place of residence shall become the place of registered residence of the applicant for international protection on the day of registration. The applicant for international protection shall submit the certificate of an applicant for international protection to the Ministry for inspection within three working days after registration.

(7) The police department shall decide on cancellation of the information on the place of registered residence if the relevant entry has been made on the basis of altered, invalid or forged documents, false or incorrect information provided, or on the basis of the owner's request.

(8) The Directorate of the Aliens and Border Police shall decide on an appeal against the decision on cancellation of the information on the place of registered residence.

(9) After the decision made in accordance with paragraph 7 becomes effective, the asylum facility in which the applicant for international protection had his/her last place of registered residence shall be considered the place of registered residence.

Article 78

(1) The refugee shall register his/her residence at the police department within 3 working days after

- a) the day of delivery of the decision on asylum, or
- b) a change in the place of residence.

(2) The obligation laid down in paragraph 1 shall also apply to a beneficiary of subsidiary protection status reporting his/her residence to a police department.

(3) The police department shall notify the Ministry of a change in the place of residence of an refugee or a beneficiary of subsidiary protection status.

(4) When a place of residence or a change therein is reported by an refugee or a beneficiary of subsidiary protection status, the procedure shall be governed by a special legal regulation⁴⁾.

Article 78a

The police department shall notify the Ministry of a change in the place of residence within 3 working days.

Article 78b

Stay on the Basis of a Visa for the Period Exceeding 90 Days for the Purpose of Toleration of Stay on the Territory

(1) A visa for a stay above 90 days for the purposes of toleration of stay on the Territory (hereinafter referred to as the “visa for the purposes of toleration of stay”) shall be granted by the Police upon request to an alien who submits a certificate of filing a cassation complaint against a decision made by a court on action against a decision made by the Ministry in the matter of international protection. The visa for the purposes of toleration of stay cannot be granted if the alien repeatedly submits a cassation complaint against a decision made by a regional court although a legally effective decision on the cassation complaint has already been made or if the alien resides in the territory in accordance with a special legal regulation⁴⁾.

(2) The time validity of a visa for the purposes of toleration of stay shall be determined by the Police for the necessary period, for not longer than 1 year, however. At the alien’s request, if the proceedings on the cassation complaint are not terminated, the validity period of the visa for the purposes of toleration of stay may be extended, even repeatedly.

(3) The validity of the visa for the purposes of toleration of stay shall be terminated on the day the decision on the cassation complaint made by the court becomes legally effective or on the day the alien leaves the territory. The Police shall indicate termination of validity of

the visa for the purposes of toleration of stay granted to the alien and shall issue an exit order for the alien with the maximum validity period of 1 month. The alien shall appear at the Police for the purposes of indicating termination of the validity of the visa for the purposes of toleration of stay without any unnecessary delay, i.e. within the maximum period of 15 days after the decision on the cassation complaint becomes legally effective.

(4) Together with his/her application for a visa for the purposes of tolerating stay or for extension of its validity, the alien shall submit

- a) a travel document of which he/she is a holder (if any),
- b) a document certifying the existence of a reason to issue this visa,
- c) 3 photographs; no photograph is to be submitted in the case of an application for extension of visa validity unless the alien's appearance has changed essentially.

(5) The Police shall notify the Ministry of a visa granted for the purposes of toleration of stay, extension of the period of its validity, or on indication of termination of its validity and issuing of an exit order without any delay.

(6) The Police shall cancel validity of the visa for the purposes of toleration of stay at the alien's request.

(7) The legal position of an alien residing on the Territory on the basis of a visa for the purposes of toleration of stay shall be governed by a special regulation⁴⁾ unless otherwise provided for by this Act.

Article 78c

If an alien who has been granted a visa in accordance with Article 78b is unable to find accommodation, accommodation shall be provided by the Ministry.

Article 78d

(1) An alien who has been granted a visa for the purposes of toleration of stay shall pay the costs connected with his/her stay on the Territory from his/her own resources.

(2) An alien who has been granted a visa for the purposes of toleration of stay may be provided, at his/her request with regard to documented property and financial conditions of his/her own or his/her family, a financial contribution up to the amount of

- a) 1.6 times the amount of the subsistence minimum of the applicant for asylum laid down by a special legal regulation⁹⁾, if examined without any persons jointly with him/her (Article 42 par. 4),
- b) 1.5 times the amount of the subsistence minimum of the applicant for asylum and persons examined together with him/her (Article 42 par. 4), if 2 to 3 persons are examined jointly,
- c) 1.4 times the amount of the subsistence minimum of the applicant for asylum and persons examined together with him/her (Article 42 par. 4), if 4 persons are examined jointly
- d) 1.3 times the amount of the subsistence minimum of the applicant for asylum and persons examined together with him/her (Article 42 par. 4), if 5 or more persons are examined jointly.

(3) The applicant for a financial contribution shall give his/her personal and property conditions or personal and property conditions of his/her family by way of declaration on word of honour and shall substantiate them with all documents available.

(4) A financial contribution cannot be provided if

- a) a natural or legal person is held responsible for payment of costs^{9a)},
- b) the applicant for a financial contribution has given incorrect data about his/her financial or material situation or the financial or material situation of his family, or
- c) the applicant for a financial contribution has not provided facts decisive for the granting of the financial contribution or a change in such facts.

(5) The Ministry shall be competent to initiate a procedure on granting a financial contribution. The financial contribution shall be paid out by the Ministry in the specified asylum facility.

CHAPTER XI ASYLUM FACILITIES

Article 79

(1) Asylum facilities serve to provide collective accommodation of applicants for international protection and refugees under conditions guaranteeing that human dignity will be respected.

(2) A reception centre shall serve to provide accommodation to an alien until acts specified in Article 46 are completed or for the period stipulated by this Act.

(3) An accommodation centre shall serve to provide accommodation to an applicant for international protection until a decision on his/her application on granting international protection becomes legally effective.

(4) An integration asylum centre shall serve to provide temporary accommodation to refugees.

(5) The Ministry may exceptionally permit provision of food and accommodation in an asylum facility to persons other than those specified in paragraphs 1 to 3, in particular

- a) to a minor family member, in whose case the procedure on granting international protection has been terminated, if his/her statutory representative is an applicant for international protection; not for longer, however, than until the procedure on granting international protection is terminated,
- b) to a statutory representative in whose case the procedure on granting international protection has been terminated, if a minor family member is an applicant for international protection; not for longer, however, than until the procedure on granting international protection is terminated,
- c) to a national of the Czech Republic who is a statutory representative of an applicant for international protection, or
- d) to a national of the Czech Republic whose statutory representative is an applicant for international protection.

(6) The Ministry shall create conditions for safe accommodation in asylum facilities and for development of support of co-existence of applicants for international protection or refugees with the population.

Article 80

(1) Asylum facilities are established by the Ministry.

(2) Reception centres are operated by the Ministry.

(3) Accommodation centres and integration asylum centres are operated by the Ministry or a legal person in the scope of authorisation granted by the Ministry and for payment.

(4) Applicants for international protection shall have access to primary, secondary and higher specialised education under the same conditions as citizens of the Czech Republic^{12c)}. The state shall ensure, through the Ministry of Education, Youth and Sports, conditions for successful integration of applicants for international protection, for whom school attendance is compulsory under the legislation of the Czech Republic, into education at primary schools.

Article 81

- (1) An alien accommodated in a reception or accommodation centre shall be entitled
- a) to provision of basic hygienic standards free of charge,
 - b) to provision of food, free of charge, corresponding to the principles of a healthy diet and the state of health of the alien, three times a day, and in the case of children below the age of 15, five times a day,
 - c) to receive a bed and a locker for his/her personal belongings,
 - d) to receive visitors,
 - e) to receive parcels and money,
 - f) to receive and send, at his/her own costs, written communications,
 - g) to have a continuous eight-hour period for sleep,
 - h) to leave the accommodation centre under the conditions set out in Article 82.

(2) The operator of a reception or accommodation centre shall take into account specific needs of the applicant for international protection in the case of an unaccompanied minor, person aged below 18, a pregnant woman, a handicapped person, a person who was tortured, raped, or exposed to any other serious forms of mental, physical or sexual violence, and also another person in the cases requiring special consideration. An unaccompanied minor shall be placed in a school facility for performance of special educational treatment or in the care of a person designated in the judicial decision after the acts in accordance with Article 46 par. 1 are completed.

Article 81a

(1) A person accommodated in a reception or accommodation centre is not allowed to bring, make, store or consume alcohol and other habit-forming substances in this centre and is

^{12c)} Act No. 561/2004 Coll., on pre-school, elementary, secondary, higher technical or other education (Education Act).

not allowed to make and store things in this centre which might be used to jeopardise safety of people or property or that might disturb order or injure health due to their nature.

(2) The Ministry may take away things referred to in paragraph 1 and deposit them in official custody. The thing shall be returned to the person after the decision in the manner of international protection shall become legally effective or when the person leaves for the address of the place of registered residence, except for things that expire quickly or for alcohol or other foods that have not been taken away in intact packaging. The Ministry shall apply the same procedure in the case of things taken away from persons during a body search and delivered to the Ministry to be deposited in official custody.

Article 82

(1) The applicant for international protection registered to reside in an accommodation centre may leave this centre for the maximum period of 10 days in a calendar month.

(2) The applicant for international protection shall notify the Ministry in writing of his/her leaving this centre for a period longer than 24 hours. In this notification, the applicant for international protection shall state the address of his/her stay and the period of his/her stay out of the accommodation centre. The applicant for international protection shall notify the Ministry of his/her leaving an accommodation centre for a period exceeding three days at least 24 hours before he/she leaves the accommodation centre.

(3) The Ministry may allow the leaving of the accommodation centre for more days in a calendar month above the period set out in paragraph 1 if this does not prevent due performance of the asylum operation.

(4) In the case of a failure to observe the notified or approved period of leaving the accommodation centre, the accommodation centre may provide the applicant for international protection with an alternative form of accommodation in connection with the possibilities of this centre for the necessary period of time.

Article 83

(1) The Ministry shall issue accommodation rules for asylum facilities which shall regulate details of organisational and technical aspects of the stay of an alien in an asylum facility.

(2) The accommodation rules shall specify, in particular:

- a) a time schedule for payment of expenses allowance,
- b) a time schedule for provision of food,
- c) a time schedule for provision of health care, and
- d) visiting rules.

(3) In the case that an alien is unable to understand the language in which the accommodation rules have been issued, the operator shall ensure that the alien is informed about their contents in an alternative manner.

(4) The accommodation rules shall also be published in a language which the majority of the accommodated persons are able to understand, and shall be displayed at an open public place.

(5) The Ministry or the operator of the asylum facility shall be entitled to verify compliance with the accommodation rules. A representative of the Ministry or the operator of the asylum facility may only enter the rooms used for accommodation if the person accommodated there has been informed about it; if he/she has not been informed about it, such an entry is only possible in cases of imminent danger to life, health or property.

Article 84

Contribution for the Municipality

The Ministry shall provide the municipality with a contribution for compensation of costs incurred in connection with the asylum facility in its territory. The government shall decide on the amount of the contribution for the municipality for a calendar year.

CHAPTER XII

COMMON, DELEGATING AND TEMPORARY PROVISIONS

Article 85

Unless otherwise provided by this Act, a special legal regulation⁴⁾ shall be followed if an alien terminates his/her stay and leaves.

Article 85a

(1) Making a statement on international protection shall terminate the validity of a visa or a permit for long-term residence granted in accordance with a special legal regulation⁴⁾.

(2) The legal status of an alien arising from his/her placement in a facility for detention of foreigners³⁾ shall not be affected by making a statement on international protection or by filing an application for international protection (Article 10).

(3) The alien who has made a statement on international protection or has filed an application for international protection shall submit to placement in a facility for detention of aliens under the conditions laid down by a special legal regulation⁴⁾.

Article 85b

(1) The validity of the visa granted in accordance with this Act may be restricted only to a part of the Territory in the interest of protection of the national security, maintenance of public order, protection of health or in the interest of fulfilment of an international treaty.

(2) In the case of restriction of a visa according to paragraph 1, an appropriate relation between the reason for such restriction and its consequences shall be maintained. While considering the appropriate relation, the Police shall especially take into account impacts of

such restriction on the alien's private and family life. The validity of a visa may be restricted from the territorial viewpoint for the maximum period of 3 months from the commencement of the procedure on granting international protection.

Article 86

(1) The Ministry shall, without any unnecessary delay, inform the Police and the Intelligence Services of the Czech Republic about aliens who have been granted or withdrawn any of the forms of international protection in a legally effective manner.

(2) The Ministry shall notify the Ministry of Education, Youth and Sports of persons who have been granted any form of international protection within three days after the decision becomes legally effective.

(3) The Ministry shall issue statistical surveys on the number of participants in the procedures under this Act, on the number of refugees and the number of persons enjoying subsidiary protection.

Article 87

(1) The Police, the Intelligence Services of the Czech Republic or the Ministry of Foreign Affairs shall provide the Ministry or a court, upon their request, with information or an opinion necessary to find out data so that a decision in a procedure under this Act may be made. The Police or the Intelligence Services of the Czech Republic shall refuse provision of information or an opinion if this would mean a risk for fulfilment of their tasks. If the information or the opinion contains a fact that should be kept secret in the interest of the Czech Republic, such information or such an opinion shall not become part of the relevant file.

(2) The organisational branch of the state established by the Ministry (Article 92c) and the Intelligence Services of the Czech Republic shall provide each other through the Ministry with information belonging to the sphere of their competencies in accordance with this Act or with special legal regulations¹²⁾. The Intelligence Services shall refuse to provide information if this would mean a risk to fulfilment of their tasks.

(3) The Police shall notify the Ministry without any delay of any facts relevant for the commencement of a procedure to withdraw the asylum status and of any facts preventing the alien from appearing in a reception centre within the specified period of time.

(4) The Police shall provide an alien without any delay with an address of a reception centre at his/her request.

(5) The Police shall inform the Ministry without any unnecessary delay of the name, surname, date of birth, sex, and nationality of an alien who made a statement on international protection and about the date and place of making the statement on international protection.

(6) The Police shall verify, upon a request of the Ministry, the data specified in the application according to Article 77 par. 2.

(7) The Police shall ensure acts according to Article 10b and 10c upon a request of the Ministry.

(8) The Ministry shall deliver to the Police the travel document of an alien which its holder has failed to receive after the procedure on granting international protection is terminated. The Police shall return an invalid travel document as a document found on the Territory to the country which has issued it. A similar procedure shall also apply in the case of a travel document whose holder is not present on the Territory.

Article 87a

(1) In the course of the period for filing an action in accordance with Article 32 par. 1 or 2, which has a suspensive effect, the alien shall be regarded as an applicant for international protection for the purposes of provision of health care and services in accordance with Article 42, except for receipt of an expenses allowance. A financial contribution (Article 43) cannot be provided.

(2) An alien who files an action after the period of time in accordance with Article 32 par. 1 or 2 expires shall not be entitled to be provided care and services in accordance with paragraph 1. A financial contribution (Article 43) cannot be provided either.

Article 88

Health care

(1) An applicant for international protection and his/her child born on the Territory and an alien who has been granted a visa for the purposes of toleration of stay and his/her child born on the Territory shall be provided with free health care on the Territory within the scope of care paid from the health insurance specified by a special legal regulation^{12a)} and also health care in connection with an imposed quarantine or any other measure taken in connection with protection of public health; this shall not apply if health care is provided in accordance with another legal regulation^{12b)}.

(2) Costs connected with provision of health care in accordance with paragraph 1 shall be borne by the state; the costs incurred by the healthcare facility shall be paid from the public health insurance.

(3) An applicant for international protection and his/her child born on the Territory or an alien who has been granted a visa for the purposes of toleration of stay and his/her child born on the Territory and a child who has been given birth to by an refugee or by a beneficiary of subsidiary protection status and who resides on the Territory shall be, for the purposes of public health insurance, regarded as an alien with permitted permanent residence until a decision is made on granting international protection or another kind of stay on the Territory in accordance with a special legal regulation⁴⁾.

Article 88a

^{12a)} Act No. 48/1997 Coll., on public health insurance and on modification and amendment of some related laws, as amended by later regulations.

^{12b)} Act No. 326/1999 Coll., on residence of aliens in the territory of the Czech Republic, as amended by later regulations
Act No. 169/1999 Coll., on serving of a term of imprisonment, as amended by later regulations.

An applicant for international protection, an refugee or a beneficiary of subsidiary protection status shall notify the Ministry of the child's birth within 15 days after the birth.

Article 88b

While searching for family members of the child who has filed a petition to initiate a procedure on granting international protection and who is present in the territory of the Czech Republic unaccompanied by a person above the age of 18 and responsible for the child in accordance with legal regulations in force in the territory of the country whose national the child is, or in the case of a stateless child in the country of his/her former habitual residence, the procedure shall be applied so that the life and freedom of the child or his/her family is not endangered in particular in the country whose nationals they are or, in the case of stateless persons, in the country of their former habitual residence.

Article 89

(1) If an unaccompanied minor is an applicant for international protection, a court shall appoint his/her guardian for protection of his/her rights and interests protected by law in connection with his/her stay on the Territory in accordance with a special legal regulation¹³⁾. With respect to the protection of the unaccompanied minor, the court shall appoint a guardian on the basis of an initiative of the Ministry without any delay by way of a preliminary measure. No special regulation^{13a)} shall apply to the procedure for appointment of the guardian.

(2) The duties of the guardian shall be carried out by a relative of the unaccompanied minor who is staying on the Territory; if there is no such person or if such person cannot be appointed to act as a guardian, the duties of the guardian shall be carried out by another suitable natural or legal person and/or the municipal office in the municipality with extended competencies according to the place in which the unaccompanied minor is registered to reside. Competencies set out for a regional office or the municipal office in a municipality with extended competencies according to this Act shall be performance of delegated powers.

Article 89a

The Ministry shall provide minors who have applied for granting of international protection with school aids within the scope of compulsory school attendance.

Article 90

The Czech Republic may grant asylum to an alien without the previous procedure if he/she has been recognised as a refugee in accordance with an international treaty by a decision made by the Office of the High Commissioner on condition that the principle of fair burden sharing between the contractual states to the Convention on the Status of Refugees is adhered to.

Article 91

¹³⁾ Act No. 94/1963 Coll., on Family, as amended by later regulations.

^{13a)} Act No. 97/1963 Coll., on international private and procedural law, as amended by later regulations.

cancelled

Article 91a

While travel documents are being issued to a refugee, who was granted refugee status in accordance with an international treaty^{1a)} in another country and in whose case the responsibility in accordance with the international treaty has been transferred to the Czech Republic, the procedure in accordance with Chapter VIII part 4 shall apply.

Article 92

Legal capacity

An alien shall be considered to have legal capacity in accordance with this Act from the date he/she reaches the age of 18. If he/she cannot act independently, a guardian shall be appointed for him/her.

Article 92a

If a guardian requires that his/her appointment to act as a guardian should be cancelled, the administrative authority shall appoint another guardian without any delay.

Article 92b

(1) The rules of administrative procedure shall not apply to the procedure for granting an input visa, a visa for the purposes of granting international protection or a visa for the purposes of toleration of stay or to the procedure on termination of the validity of a visa for the purposes of toleration of stay.

(2) After the procedure is terminated, the Police shall indicate the visa in accordance with paragraph 1 in a travel document and/or border pass document, or shall inform the applicant that his/her application has been dismissed.

Article 92c

An organisational branch established by the Ministry may be authorised to perform tasks in accordance with Article 4b, 10b, 10c, Article 34 par. 2, Article 42 par. 1 to 6, Article 42a par. 1 to 3, Article 43 par. 6, Article 45 par. 3, Article 46 par. 6, Article 48 point c), Article 50a, 54a, Article 73 par. 2, Article 77 par. 1, Article 78c, Article 78d par. 5, Article 79 par. 5 and 6, Article 80 par. 2 and 3, Article 81a par. 2, Article 82 par. 4, Article 83 par. 1 and 5, and Article 88 and 89a.

Administrative Delicts

Article 93

Infractions

(1) The alien shall have committed an infraction if he/she

- a) fails to appear in a reception centre after a statement on international protection in the specified period of time,
- b) fails to fulfil his/her obligation to leave the country (Article 54),
- c) fails his/her obligation to stay in the reception centre in the transit area of an international airport in accordance with Article 73 par. 3,
- d) fails to hand over or to submit his/her travel document while filing an application for international protection,
- e) stays in an asylum facility unlawfully,
- f) leaves the territory in which he/she is obliged to stay in accordance with restricted territorial validity of the visa,
- g) refuses to submit to a body search or a search of his/her personal belongings in accordance with Article 4c, or
- h) refuses to submit to the taking of dactyloscopic fingerprints or a photograph (picture record) in accordance with Article 4c.

(2) An applicant for international protection shall have committed an infraction if he/she

- a) fails to hand over or submit his/her travel document that he/she only obtained in the course of the procedure on granting international protection without any delay,
- b) refuses to submit to a body search or a search of his/her personal belongings in accordance with Article 45 par. 2,
- c) breaches an obligation in accordance with Article 46 par. 1 or 2,
- d) refuses to submit to the taking of dactyloscopic fingerprints or a photograph (picture record), or a medical examination,
- e) wilfully damages, destroys or otherwise misuses the certificate of an applicant for international protection or fails to report damage, destruction, loss or theft of the certificate of an applicant for international protection to the Police without any delay,
- f) fails to deliver, without any delay, an invalid certificate of an applicant for international protection to the Police or to the Ministry,
- g) fails to apply for extension of his/her stay for the purposes of the procedure on granting international protection in accordance with Article 72 par. 2 or applies for extension of his/her stay only after the visa's validity expires,
- h) leaves the accommodation centre, in which he/she is registered to reside, for a period longer than 10 days in a calendar month or fails to return after expiry of the period for which he/she has left the accommodation centre with the approval of the Ministry,
- i) fails to inform the Ministry duly of his/her leaving the accommodation centre, in which he/she is registered to reside, for a period longer than 24 hours,
- j) stays in an asylum facility unlawfully,
- k) leaves the territory in which he/she is obliged to stay in accordance with a restriction of the territorial validity of the visa,
- l) conceals property and financial conditions,
- m) fails to appear in person for extension of the validity, for modification or completion of the data recorded in the certificate of the applicant for international protection although he/she has not been granted an exception by the Ministry with regard to the obligation of personal participation,
- n) leaves a reception or accommodation centre after he/she is delivered a decision on termination of the procedure due to inadmissibility of his/her application,
- o) fails to comply, in the asylum facility, with an order or instruction issued by the Police or by the Ministry (Article 48), or
- p) wilfully causes damage to the property of the asylum facility or of the other accommodated persons.

(3) An refugee shall have committed an infraction if he/she

a) wilfully damages, destroys or otherwise misuses the certificate of residence permit of the refugee or a travel document or fails to report damage, destruction, loss or theft of the certificate of residence permit to the Police without any delay,

b) fails to apply to the Police for issuing of a new certificate of residence permit for an refugee if the current one has lost its validity or fails to apply to the Police for extension of the validity period of the certificate of residence permit for an refugee before its validity expires,

c) fails to return the certificate of residence permit for an refugee or a travel document to the Police without any delay in the case of withdrawal or termination of asylum,

d) fails to return the invalid certificate of residence permit for an refugee or a travel document to the Police without any delay,

e) fails to notify the Police of a stay outside the Territory for a period longer than 365 days,

f) fails to submit to performance of identification acts (Article 53), or

g) stays in an asylum facility unlawfully.

(4) A beneficiary of subsidiary protection status shall have committed an infraction if he/she

a) wilfully damages, destroys or otherwise misuses the certificate of residential permit of a beneficiary of subsidiary protection status or a travel document or fails to report damage, destruction, loss or theft of the certificate of residential permit of a beneficiary of subsidiary protection status or a travel document to the Police without any delay,

b) fails to return the certificate of residence permit for a beneficiary of subsidiary protection status or a travel document to the Police without any delay in the case of withdrawal or termination of subsidiary protection status,

c) fails to return the invalid certificate of residence permit for a beneficiary of subsidiary protection status or a travel document to the Police without any delay,

d) fails to notify the Police of his/her stay outside the Territory longer than 365 days, or

e) fails to submit to performance of identification acts (Article 53b).

(5) A natural person shall have committed an infraction if he/she

a) fails to deliver a certificate of an applicant for international protection, certificate of residence permit for a beneficiary of subsidiary protection status, a certificate of residence permit for an refugee or a travel document found or otherwise obtained to the Ministry or to the Police without any delay,

b) breaches a prohibition laid down for persons accommodated in a reception or accommodation centre (Article 81a par. 1), or

c) unlawfully processes data processed in a data carrier with biometric data.

(6) A penalty in the amount of up to CZK 2,000 may be imposed for an infraction according to paragraphs 1 to 4 and paragraph 5 point b), a penalty in the amount of up to CZK 1,000 may be imposed for an infraction according to paragraph 5 point a), and a penalty in the amount of up to CZK 1,000,000 may be imposed for an infraction according to paragraph 5 point c).

Administrative delict of a legal person

(1) A healthcare facility shall commit an administrative delict if it does not allow performance of necessary acts in connection with the procedure on granting international protection (Article 56b).

(2) A legal person or a natural person engaged in business activities shall commit an administrative delict if it/he/she unlawfully processes data processed in a data carrier with biometric data.

(3) A penalty in the amount of up to CZK 10,000 shall be imposed for an administrative delict according to paragraph 1. A penalty in the amount up to CZK 10,000,000 shall be imposed for an administrative delict according to paragraph 2.

Article 93b

Common provisions

(1) A legal person shall not be liable for an administrative delict if it can prove that it has made every effort that could be required in order to prevent the legal obligation from being breached.

(2) When the amount of the penalty for a legal person is determined, the gravity of the administrative delict shall be taken into account, in particular the manner in which it has been committed and its consequences, and the circumstances under which it has been committed.

(3) Liability of a legal person for an administrative delict shall cease to exist if the administrative body fails to commence the relevant procedure within 1 year after it has learnt about the delict, but within the maximum period of 3 years from the day it was committed.

(4) Administrative delicts in accordance with this Act shall be dealt with in the first instance by the Ministry, except for a delict according to Article 93 par. 4 point c) and administrative delict according to Article 93a par. 2, which are dealt with in the first instance by the Office for Personal Data Protection.

(5) The provisions of this Act on liability and sanctions against a legal person shall apply to liability for acts conducted during business activities carried out by a natural person^{13a)} or in direct connection with it.

(6) Penalties shall be collected and enforced by the relevant local customs office^{13b)}. The income from penalties shall be an income for the state budget.

(7) While penalties imposed are being collected or imposed, a procedure in accordance with a special legal regulation¹⁴⁾ shall apply.

Article 94

Temporary Provisions

^{13a)} Article 2 par. 2 of the Commercial Code.

^{13b)} Article 5 par. 4 point. m) of Act No. 185/2004 Coll., on Customs Administration of the Czech Republic.

¹⁴⁾ Act No. 337/1992 Coll., on administration of taxes and fees, as amended by later regulations.

(1) An application for refugee status filed by the applicant before this Act comes into effect shall be considered to be a petition to commence a procedure on granting asylum and shall be examined in accordance with this Act.

(2) An alien who has been granted refugee status in accordance with the previous regulation shall be considered an refugee in accordance with this Act from the date this Act comes into effect.

PART THREE FINAL PROVISIONS

Article 96

Act No. 498/1990 Coll., on refugees as amended by Act No. No. 317/1993 Coll., and Art. III of Act No. 150/1996 Coll. is being cancelled.

Article 97

This Act shall come into effect on 1 January 2000.

Klaus
Havel
Zeman

SAMPLE APPLICATION FOR INTERNATIONAL PROTECTION

stamp of the reception centre

Photo
(3.5 x 4.5)

file No.

Application

1. a) name:
b) surname:
c) former surnames (all):
2. Date and place (state) of birth:
3. Sex:
4. Nationality:
a) on the day of birth:
b) current (specify all):
c) if you have none, give reasons:
5. Nation/ethnic group of which you are a member:
6. a) father's name:
b) father's surname:
c) father's date and place of birth:
7. a) mother's name:
b) mother's surname:
c) mother's date and place of birth:
8. In which languages can you make yourself understood?
9. Marital status:
10. Number of people to whom you have a duty to maintain and support:
11. a) children below the age of 18, on whose behalf you are applying for granting of international protection (name and surname, date and place of birth, nationality, citizenship and family relationship):
b) specify name and surname, date and place of birth, and family relationship of other family members who are applying for international protection in the territory of the Czech Republic together with you:

c) other family members residing outside the territory of the Czech Republic [place of their residence and other data as in the case of point a)]:

d) relatives or friends residing in the territory of the Czech Republic on whose assistance you will rely for the period of the procedure for granting international protection:

12. Specify places (country, municipality, street) and the period of residence where you resided in the last 10 years before coming to the Czech Republic:

13. Specify documents available to you currently:

a) travel passport and visa (type, number, validity until):

b) other identity certificates (type, number, validity until):

14. Religion:

15. Are you yourself or any other family member a member of a political party or another organisation?

16. When and where did you do military service?

17. The highest education completed:

Certificates of education:

18. Occupation

a) professional qualifications for occupation:

b) positions held so far (longer than one year) and the period of duration:

19. a) do you have any financial funds (amount and currency) at the moment:

b) do you have any movable and immovable property (what and where):

c) are you entitled to receive any pension or another social benefit (what kind, where):

d) do you receive material assistance (what kind, from whom):

20. When and why did you leave your country?

Specify when and where you resided after you left your country and until you arrived in the Czech Republic:

21. Did you reside in another Member State of the European Union after you left your country?

If so, specify the Member States of the European Union in which you resided (state, municipality, street), the period and purpose of your stay, the permit on the basis of which you stayed in the territory of that country (type, validity period).

22. Did you leave the territory of the Member States of the European Union?

If so, when did you leave the territory of the Member States of the European Union, to which country did you travel, and when did you return to the territory of Member States of the European Union? Describe the course of the trip.

23. What are your reasons for your application for international protection?

24. Have any relatives to whom you have obligations who have remained in your country?
25. When, where and how did you enter the territory of the Czech Republic?
26. When, where and how did you enter the territory of the Member States of the European Union?
27. a) Through the territory of which countries did you travel to the Czech Republic?
b) How long did you stay in the territories of these countries?
28. Specify whether the Czech Republic is the country of your destination or only a transit country; describe your ideas of a solution to your situation:
29. Have you ever been to the Czech Republic, when and what was the reason?
30. Did you make any contacts with a diplomatic mission of your country during your stay abroad (where, when, what was the reason and with what result)?
31. Have you ever applied for granting of asylum or granting of international protection; if so, state where, when, what was the result?
32. Have you ever been subject to criminal prosecution (when, where, due to what reason, and with what result)?
33. What are you afraid of in the case of your return to your country?
34. What is your state of health?
35. Specify, on a separate sheet, which is an integral part of the application for international protection, further details of the reasons why you are applying for international protection in the Czech Republic and other important circumstances which may prove your reasons for filing the application for international protection.


I hereby confirm that I have been informed about my rights and obligations during my period of stay in the territory of the Czech Republic including the right to require assistance from the Office of the United Nations High Commissioner for Refugees and to contact other organisations engaged in protection of refugees' interests.

In on

.....
signature of the applicant
for granting of international
protection

.....
interpreter's signature

.....
signature of an authorised
employee of the Ministry

<p>Platnost průkazu</p> <p>Od Do razítko</p> <p>Od Do razítko</p> <p>Od Do razítko</p> <p>Od Do razítko</p> <p>Od Do razítko</p> <p>Od Do razítko</p>	<p>Platnost průkazu</p> <p>Od Do razítko</p> <p>Od Do razítko</p> <p>Od Do razítko</p> <p>Od Do razítko</p> <p>Poznámky:</p> <p>.....</p>	<p>ČESKÁ REPUBLIKA</p>  <p>PRŮKAZ ŽADATELE O UDĚLENÍ MEZINÁRODNÍ OCHRANY</p> <p>OV číslo</p> <p>Č. průkazu</p>																																												
<div style="text-align: center; margin-bottom: 20px;"> <p>foto 3,5 x 4,5 cm</p> </div> <p>Úřední razítko</p> <p>..... podpis držitele průkazu</p> <p>Příjmení:</p> <p>Jméno:</p> <p>Datum narození:</p> <p>Stát:</p>	<p>Dílč do 15 let:</p> <p>Jméno datum nar.</p> <p>Vydal:</p> <p>Dne:</p> <p>Úřední razítko podpis</p>	<p>Záznamy o pobytu:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Razítko:</th> <th style="width: 10%;">Podpis:</th> <th style="width: 10%;">Telefon:</th> <th style="width: 10%;">Místo udělení pobytu:</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Razítko:	Podpis:	Telefon:	Místo udělení pobytu:																																								
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Act No. 2/2002 Coll., modifying Act No. 325/1999 Coll., on asylum and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Asylum Act), and some other Acts, came into effect on the first day of the month following the day of its promulgation (1 February 2002).

Act No. 217/2002 Coll., modifying Act No. 326/1999 Coll., on residence of aliens on the territory of the Czech Republic and on modification of other Acts, as amended by Act No. 140/2001 Coll., Act No. 329/1999 Coll., on travel documents and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Act on travel documents), and Act No. 325/1999 Coll., on asylum and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Asylum Act), as amended by Act No. 2/2002 Coll., came into effect on 1 January 2003.

Act No. 320/2002 Coll., on modification and cancellation of certain Acts in connection with termination of activities of district offices, came into effect on 1 January 2003.

Act No. 519/2002 Coll., modifying Act No. 325/1999 Coll., on asylum and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Asylum Act), as amended by later regulations, came into effect on 1 January 2003.

Act No. 222/2003 Coll., modifying Act No. 326/1999 Coll., on residence of aliens on the territory of the Czech Republic and on modification of other Acts, as amended by later regulations, Act No. 359/1999 Coll., on social and legal protection of children, as amended by later regulations, Act No. 325/1999 Coll., on asylum and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Asylum Act), as amended by later regulations, and Act No. 48/1997 Coll., on public health insurance and on modification of some related Acts, as amended by later regulations, came into effect on 1 January 2004.

Act No. 501/2004 Coll., modifying some Acts in connection with adoption of the Rules of Administrative Procedure, came into effect on 1 January 2006.

Act No. 539/2004 Coll., modifying Act No. 141/1961 Coll., on criminal judicial prosecution (Rules of Criminal Procedure), as amended by later regulations, and some other Acts, came into effect on the first day of the month following the day of its promulgation (1 November 2004).

Act No. 57/2005 Coll., modifying Act No. 325/1999 Coll., on asylum and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Asylum Act), as amended by later regulations, and Act No. 359/1999 Coll., on social and legal protection of children, as amended by later regulations, came into effect on 4 February 2005.

Act No. 350/2005 Coll., modifying Act No. 325/1999 Coll., on asylum and modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Asylum Act), as amended by later regulations, and some other Acts, came into effect on the 30th day after the day of its promulgation (13 October 2005).

Act No. 444/2005 Coll., modifying Act No. 531/1990 Coll., on territorial financial authorities, as amended by later regulations, and some other Acts, came into effect on 1 January 2006.

Act No. 112/2006 Coll., modifying certain Acts in connection with adoption of the Act on subsistence and existence minimum and the Act on assistance in material need, shall come into effect on 1 January 2007.

Act No. 136/2006 Coll., modifying some Acts in the field of travel documents, came into effect on 1 September 2006.

Act No. 165/2006 Coll., modifying Act No. 325/1999 Coll., on asylum and on modification of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended by later regulations (Asylum Act), as amended by later regulations, and some other Acts, came into effect on 1 September 2006.

Prime Minister