

23. Relocating to the Czech Republic

The conditions applying to a foreign nationals entry to the Czech Republic and their long-term stay in the country are set by Act No. 326/1999 Coll., on residence of foreign citizens in the Czech Republic, as amended. The Czech Republic became part of the Schengen area. Therefore checks were abolished at the internal land borders on 21 December 2007. By joining the Schengen area, the Czech Republic applies common rules concerning the movement of persons in the entire Schengen area, including the conditions for crossing external borders.

NON EU COUNTRIES

Foreign nationals, so-called third-country nationals (other than from the EU, Switzerland, Norway, Iceland and Liechtenstein) may enter the Schengen area with or without visa depending if there is a visa obligation which is stipulated in the EC Regulation 539/2001. Nationals of third countries on the visa list must obtain a uniform Schengen visa in order to enter for short stay - up to three months. However, if the purpose of short stay in the Czech republic is gainful activity, then even the national of the state with visa waiver must apply for a visa.

Depending on the intended length of his/her stay, the foreign citizen applies for either a short-stay (EU legislation) or long-stay visa/residence permit (national legislation). Generally, the visa application are lodged along with other required documents in person at the Czech consulate abroad (in some cases on the territory at the Ministry of the Interior).

Registration of place of residence in the Czech Republic

All foreigners who have been issued a visa/residence permit are obliged, within three working days after entering the Czech Republic, to report their place of residence in the Czech Republic to the relevant Foreigners' Police office according to their place of residence. This does not apply to the minors (under the age of 15) and those who fulfil this obligation at the premises of the accommodation provider. From May 2011 foreign national applying for residence permit abroad must provide for biometric data (facial image and fingerprints) within 3 business days upon the entry into the Czech republic territory.

Uniform Schengen visas

Short-stay visa allows for maximum stay of three months per half-year in the Schengen area. The validity of short-stay is set according to the expected number of trips to the Schengen area.

There are following types of short-stay visa:

- 1) Type A – airport transit visa
- 2) Type C – uniform Schengen visa (standard type)
- 3) Visa with limited territorial validity – exceptional Schengen visa allowing for stay only in certain Schengen states

Short stay visa may allow for single, double or multiple entries.

General time-limit for processing of the application for short-stay visa is 15 days from submission, but the period is often shorter.

Long-stay visas (national visa)

Long-stay visas –visas for stays longer than 90 days - allow the foreign nationals to stay in the Czech Republic for a maximum of 6 months. This type of visa allows the foreign citizen to travel repeatedly into and out of the Czech territory. Long-term visa is prerequisite for obtaining residence permit.

Long-stay visa can be issued for one purpose of residence (e.g. employment, entrepreneurial purposes, study, family unification, health reasons or other purpose) or for multiple simultaneously existing purposes (employment + entrepreneurial purposes, employment + study). Each purpose of residence indicated on the application form must be submitted with the required documents. Processing of the application for a residence visa for more than 90 days may take up to 90 days from the date it is filed for processing. In case of visa refusal the foreign national may appeal (request new assessment of reasons for non-granting the visa) within 15 days upon delivery of the information about the refusal of the long-stay visa. Long-stay visa applicant is obliged to pass an interview if requested by the embassy. Interview is obligatory when it is applied for long-stay for the purpose of conducting business.

Work permits

If the foreign citizen intends to stay in the Czech Republic for the purpose of employment, he/she must first apply for a work permit, which is issued by the local labour office depending on place of employment. In some cases, a legal representative of a company may also apply for a work permit. The process of handling the work permit application is governed by the Employment Act No. 435/2004 Coll., as amended, and has following condition:

- the employee/foreigner files a "Work Permit Application". In practise the employer usually files the application using the power of attorney provided by the employee.

A work permit is not required i.a. in these cases:

- the third-country national stays in the Czech Republic on a short-term work stay (but for no longer than 7 consecutive calendar days or for a total of 30 days in a calendar year and, at a same time, he/she is a person supplying services, assembly or repair work, etc.),
- the third-country national has been seconded to the Czech Republic to provide services by an employer residing in a different EU member country,
- the third-country national graduated at the Czech university,
- the third-country national has permanent residence in the Czech Republic, etc.

Green Cards

Green cards make it easier to attract qualified staff from abroad to the Czech Republic and are used as dual permit – residence and work permit. Potential employees can apply at the Czech consulates (in selected cases, applications may be submitted to the Ministry of the Interior in the Czech Republic).

There are three types available:

- Type A - for university graduates and key personnel
- Type B - for those with at least high school diploma
- Type C - issued to "others"

Citizens of following countries can apply for green card:

Australia, Bosnia and Herzegovina, Canada, Croatia, Japan, Montenegro, New Zealand, Republic of Macedonia, Serbia, South Korea, Ukraine, United States of America

Blue Cards

On 1 January 2011 the Amendment to the Act on Residence of Foreign Nationals on the Territory of the Czech Republic (Act No. 326/1999 Coll., as amended) came into force, bringing forth many changes. Blue card was one of them – new dual permit - residence and work permit for highly qualified employees,

- intended for a long-term stay associated with the performance of high-skilled work by foreign nationals (except citizens of the European Union),
- an application for blue card is submitted at the Czech consulate abroad (in selected cases, applications may be submitted to the Ministry of the Interior in the Czech Republic), together with an employment contract concluded for a period of at least one year and exceeding certain monthly salary, together with the documents demonstrating the applicant's qualifications,
- the income criteria – the employment contract must contain a gross monthly or yearly salary that is equivalent to at least 1.5 times the gross average monthly or annual salary in the Czech Republic,
- validity: three months beyond the period for which the employment contract is valid (maximum period of two years; an extension is possible),
- simplifies the process of obtaining a permanent residence permit / status of a long-term resident in the European Community,
- facilitates family reunification with no required minimum period of a previous stay in the Czech Republic.

EU MEMBER STATES

Persons enjoying right of free movement within of the EU (nationals of the EU member states, further Norway, Iceland, Liechtenstein and Switzerland) may freely enter and stay in the Czech Republic for any purpose without a permit or visa up to 3 months. It suffices for them to stay here only on the basis of a travel document (passport) or identity card. Also family members of the EU citizens, who are third-country

nationals, enjoy under certain condition the right of free movement. They must prove that they are family members of the EU citizen defined in the EC Directive 38/2004 (see definition bellow) and they accompany or follow the EU national in the territory.

Registration of place of residence in the Czech Republic

An EU citizen who intends to stay on Czech territory for more than 30 days is obliged, within 30 working days of entering the Czech Republic, to report his/her place of residence in the Czech Republic to the relevant Foreigners' Police office according to their place of residence. The same obligation applies to the family members of an EU citizen if such citizen already resides in the Czech Republic. This does not apply to foreigners/EU citizens under the age of 15 and to those who fulfil this obligation at the premises of the accommodation provider.

Temporary residence permit

- An EU citizen intending to stay in the Czech Republic temporarily for more than 3 months is entitled (not obliged) to file an application for confirmation of temporary residence. If the EU citizen possesses the confirmation, the family member of the EU citizen, who is third country national, may as well apply for a temporary residence permit (if the family member is a citizen of a non-EU country that is subject to a visa requirement, then a visa will be required, in order to enter Czech territory, before applying for and obtaining obligatory temporary residence permit). The same procedure also applies to an application for a permanent residence permit.

Although a temporary residence permit is not a condition of residence of an EU citizen in the Czech Republic, there are certain circumstances that make it desirable for an EU citizen to hold one. These are mainly situations where the EU citizen residing in the Czech Republic needs to prove that he/she truly resides in the Czech Republic. These situations include e.g.:

- purchase of property under the Foreign Currency Act;
- registration of a car;
- the case in which a family member of an EU citizen is a citizen of a non-EU country and intends to apply for a residence permit.

A family member of an EU citizen includes a spouse/registered partner, a child under age 21 or dependants, or dependent direct relatives in the ascending line. Other categories of persons could be also entitled if acknowledged by the authorities.

The application for a temporary residence permit can be filed with the Ministry of Interior in the Czech Republic. Processing of the application for a temporary residence permit may take up to 30 days after filing on the Czech territory.