INFORMATION CONCERNING THE HANDLING OF FOREIGN NATIONALS’ RESIDENCE-RELATED MATTERS IN THE TERRITORY OF THE CZECH REPUBLIC FROM 18 MAY 2020 – 16 JULY 2020

In connection with the COVID-19 pandemic, the Government of the Czech Republic (hereinafter referred to as the “CR”) declared a state of emergency on 12 March 2020, which will probably come to an end on 17 May 2020.

The procedure for handling foreign nationals’ residence-related matters by the relevant state authorities after the end of the state of emergency in the Czech Republic which will subsequently apply temporarily for a period of 60 days (i.e. until 16 July 2020) appears below:

I. FOREIGN NATIONALS STAYING IN THE TERRITORY OF THE CR AFTER THE END OF THE STATE OF EMERGENCY

A) Foreign nationals whose hitherto valid residence authorisation for the territory of the CR expired during the state of emergency will be able to leave the territory within 60 days of the end of the state of emergency (i.e. until 16 July 2020) without risking prosecution for unauthorised stay in the territory. Neither the Police nor the Ministry of the Interior will issue exit orders to foreign nationals during this period.

But be aware that this does not mean an authorised stay in the sense of the Foreign Nationals’ Act. In reality, a foreign national in this situation is staying in the territory without residence authorisation, but simply will not be prosecuted for this offence.

Upon leaving the territory, the police at the border will enter a special stamp in such foreign national’s travel document confirming that their stay in the territory was tolerated. The stamp certifies toleration of the foreign national’s stay by the Czech authorities, to ensure that he/she is not penalised for travelling without valid authorisation by the relevant authorities of the countries through which he/she will be travelling to reach his/her country of origin.

This measure is for a fixed period until 16 July 2020 and applies only to persons who had valid residence authorisation in the CR on the date on which the state of emergency was declared (12 March 2020)!

B) Foreign nationals who were staying in the CR without valid authorisation before the state of emergency was declared are advised to leave the territory of the CR as soon as possible.

C) It also applies for foreign nationals whose residence authorisation expires after the end of the state of emergency (i.e. 17 May 2020) that they will be able to leave the territory within 60 days of the end of the state of emergency (i.e. until 16 July 2020) without risking prosecution for unauthorised stay in the territory. Neither the Police nor the Ministry of the Interior will issue exit orders to foreign nationals during this period.

However, the above does not apply for foreign nationals who have been set a deadline for leaving the territory in administrative proceedings against them; this type of deadline is not affected by this measure. Foreign nationals must visit relevant MOI office to pick up departure order.
D) A foreign national whose residence authorisation expires during the state of emergency or during the 60 days after its end and who intends to remain in the territory of the CR must apply by the legally required deadline for extension of his/her residence authorisation (in the case of a long-stay visa, he/she must apply for long-term residence). For more detailed information, see item III. Applying for Residence inside the Territory.

II. ENTRY TO THE TERRITORY OF THE CR FOR FOREIGN NATIONALS AFTER THE END OF THE STATE OF EMERGENCY

The activities of diplomatic missions will be gradually resumed after the end of the state of emergency, depending on the epidemiological situation and local conditions. For the latest information, follow websites of the Ministry of Foreign Affairs and of the individual diplomatic missions. Gradually, pursuant to government decisions made in reaction to developments in the epidemiological situation, the potential conditions for entry into the CR by foreign nationals will also be relaxed.

Even after the end of the state of emergency, with certain exceptions, all foreign nationals entering the territory of the CR will be required to present a medical certificate of a negative RT-PCR test for the presence of SARS-CoV-2, accompanied by a certificate from the relevant laboratory. The only exceptions to this are the family members of Czech citizens or EU citizens resident in the CR who in such case are required to go into 14-day quarantine starting upon entry.

For a period of 14 days following entry, all persons (with a few exceptions) will have restricted free movement and will be required to remain at their place of residence.

For preventive reasons, and with respect to the aforementioned quarantine measure, foreign nationals will not be permitted to enter the Ministry’s offices for a period of 14 days following their arrival in the territory of the CR. The quarantine measure is deemed to be a reason beyond the control of the foreign national preventing him/her from notifying the Ministry of place of residence in the territory within 3 days of arrival (Section 93(1) of the Foreign Nationals’ Act) or from reporting in person to Ministry of the Interior offices within the same deadline to facilitate the processing of the biometric data required for issuance of a long-term residence permit (including employee cards), or to collect a permanent residence decision (Section 44(1), Section 74(1) of the Foreign Nationals’ Act). In such case, the foreign national will not be penalised for failure to meet the legal deadlines.

Selected situations relating to foreign nationals entering the territory after the end of the state of emergency:

1. Foreign nationals who have applied for residence authorisation at a diplomatic mission abroad and whose applications have been approved will be called upon by the relevant diplomatic mission to report in person to have a long-stay or short-stay visa, or a long-stay visa for the purpose of collecting a residence permit affixed in their passport as soon as the diplomatic mission resumes its activities.

2. Foreign nationals who were issued a long-stay visa for the purpose of collecting a residence permit before declaration of the state of emergency may enter the territory of the CR as of 11 May 2020 under condition that their visa is still valid. If this six-month visa has expired, it
will be necessary to request the relevant diplomatic mission to issue a new visa as soon as it resumes its activities.

3. Foreign nationals who already have authorised residence in the CR and whose residence permit has been lost, damaged or stolen during their stay abroad will be able to contact the diplomatic mission once it has resumed its activities with an application for a long-stay visa for the purpose of collecting a replacement residence permit.

4. Foreign nationals who are abroad and do not hold a valid certificate of the enduring validity of their hitherto long-stay visa or long-term residence permit (including employee cards), i.e. a so-called bridging sticker or visa, will be able to contact the diplomatic mission once it has resumed its activities with an application for a long-stay visa for the purpose of collecting their residence authorisation. The condition for issuance of this visa is that the proceedings for issuance or extension of the validity of a long-term residence permit or a long-stay visa are still underway and that the application was submitted in accordance with the conditions stipulated by the Foreign Nationals’ Act.

5. Foreign nationals who have submitted an application for a temporary or permanent residence permit as family members of an EU citizen (Section 87b and 87h of the Foreign Nationals’ Act) must apply for a short-stay (Schengen) visa for entry the territory of the CR. The proviso for entitlement to residence pursuant to Section 87y of the Foreign Nationals’ Act is living in a common household with an EU citizen in the territory of the CR; by leaving the territory of the CR the family member of a citizen of the CR loses this entitlement. This does not apply if the foreign national is authorised to enter the territory of the CR without a visa (Section 18 of the Foreign Nationals’ Act).

III. APPLYING FOR RESIDENCE INSIDE THE TERRITORY

Until further notice, even after the end of the state of emergency, remote access (by post or data container) will be communication method preferred at Ministry of the Interior offices. The reason for this approach is exclusively to ensure the safety of both clients and staff in accordance with the requirements of the extraordinary measures in place pursuant to the Public Health Protection Act.

1. Access to Ministry of the Interior offices by appointment only

Once the state of emergency is over, access to Ministry of the Interior offices will, with exceptions (situations of urgent need), be permitted only to foreign nationals who have made a prior appointment for a specific operation or who have been summoned to report in person to the office.

Appointments may be made either on-line or by telephone for all operations except those listed below.

Operations for which it will not be possible to make an appointment even after the end of the state of emergency and which foreign nationals will have to perform exclusively by remote access (send by post or data container), subsequently to which he/she will be summoned to report in person to the office:
• Submission of an application for extension of validity of a permanent residence permit.
• Reporting the loss or theft of a permit.
• Notification of change of place of residence in the territory, change of marital status, new travel document and other changes.
• Submission of applications for change in a permit or for issuance of a replacement permit in place of a lost, stolen or damaged permit.

If a client makes an appointment to perform a different operation than he/she actually intends to perform, he/she will be treated as if he/she has made no appointment and the submission will not be accepted. The client will be advised on the option of send the submission by post or to make a new appointment for the appropriate operation. With regard to the above and in the interests of maintaining equal access of clients to state authorities, the Ministry cannot accept incorrectly made appointments.

**Operations for which a prior appointment must be made:**

- Issuance of a bridging sticker for the purpose of leaving the territory, for international transport workers, critical infrastructure workers or for the needs of other state authorities. The purpose must be substantiated.
- Issuance of a departure order, if deadline for leaving the Czech Republic was determined to the foreign national
- Submission of an application for a long-stay visa, a long-term or a permanent residence permit for a child born within the territory *(Section 88 of the Foreign Nationals’ Act)*.
- If the foreign national has been previously summoned to present his/her original travel document or the original of a registry document.
- If foreign national wants to take-over the document delivered by public note on MOI office.

2. **Widened options for submitting an application for residence authorisation**

Applications for residence authorisation which are normally required to be delivered to the Ministry of the Interior in person will be accepted for the duration of the aforementioned restrictive measures also by post, electronically from the data container of the applicant or his/her representative or electronically with the guaranteed signature of either the applicant or his/her representative.

The Ministry of the Interior hereby requests all clients to submit their applications, notifications or other submissions otherwise than in person, thereby protecting their own and others’ health.

- **Applications for long-term residence**
  
  Applications for long-term residence (including employee cards and blue cards) sent by post or data container will be accepted by the Ministry of the Interior as if they were made in person. The foreign national will not be required to report in person to the Ministry of the Interior office within 5 days.

- **Applications for long-term or permanent residence for a child born within the territory (Section 88 of the Foreign Nationals’ Act).**
For applications for long-term or permanent residence for a child born within the territory sent by post, or to the Ministry of the Interior data container will be accepted and assessed as if they were submitted in person. The legal representatives of the applicant will be sent a confirmation of submission of the application for health insurance purposes.

- **Applications for permanent residence**
  Applications for permanent residence may be submitted by post or to the MOI data container. Foreign national will be informed to submit original of travel document, to prove his/her identity and eventually to submit original of registry document.

- **Applications for temporary residence for a family member of a citizen of the European Union**
  Applications for temporary residence of a family member of a citizen of the European Union sent by post or to data container will be accepted by the Ministry of the Interior as if they have were submitted in person. The foreign national will not be required to report in person to the Ministry of the Interior office within 5 days. Foreign national will be informed to submit original of travel document, to prove his/her identity and eventually to submit original of registry document.

3. Deadlines for submission of applications, notification of changes and other matters

The declared state of emergency is deemed to be an obstacle beyond the control of the foreign national preventing him/her from submission of his/her application by the legally stipulated deadline (Section 47(3) and Section 60(4) of the Foreign Nationals’ Act). If the application for the granting or extension of residence authorisation is submitted after the legally stipulated deadline, in most cases the state of emergency will be accepted as relevant grounds for such late submission and the application will be accepted and processed in the standard manner.

If the applicant fails to meet a deadline for submission that falls after the end of the state of emergency, the applicant will be required to specify the grounds for late submission of his/her application and to substantiate the grounds on demand. Such grounds will be assessed on an individual basis. **The absence of a sufficiently early appointment date or the fact that the foreign national has an appointment for submitting his/her application that falls after expiry of the deadline for submission of the application will not be deemed to be a reason beyond the control of the foreign national.** All foreign nationals have the opportunity to send their application to the Ministry of the Interior by post, therefore allowing them to meet the deadline for submission of the application.

The state of emergency and the subsequent restricted operation of MI offices will also be taken into account during assessment of satisfaction of foreign nationals’ notification obligations (for instance notification of change of place of residence in the territory, change of marital status, new travel document) and other obligations (permanent residence permit extension).

4. Incomplete application submissions and the deadline for rectification

If a submitted application (except applications for issuance or extension of a long-stay visa) is incomplete (i.e. not all required issues were substantiated or documentation did not meet the necessary requirements), the Ministry of the Interior demands that the applicant rectifies the situation within a set deadline. The deadlines being set at present and following the end of the state of emergency in most cases will be longer than before the state of emergency was declared, due to the
public’s limited access to state authorities. If a foreign national is unable to rectify the situation by
the deadline set, he/she may apply in writing before the deadline expires for it to be extended or for
suspension of proceedings. In his/her application, the foreign national should specify the reason why
he/she needs the deadline extended or proceedings suspended.

IV. EMPLOYING FOREIGN NATIONALS

1. Expiry of employee cards

Under the government’s crisis measure specified in Art. IV(3) of Government Resolution No. 495 of 30
April 2020, the period following the termination of contractual employment, after which employee
cards normally expire, is suspended and will cease to elapse for the duration of the state of emergency.
This period will begin again to elapse as normal after the end of the state of emergency. If the
contractual employment of an employee card holder terminated during the state of emergency or
during the 60 days preceding the declaration of the state of emergency, not only did his/her employee
card not expire for the duration of the state of emergency, but also the foreign national will have a
further 60 days after the end of the state of emergency to change his/her employer.

2. Crisis notification of change of employer or position during a crisis

Under the government’s crisis measure specified in Art. IV(3) of Government Resolution No. 267 of 19
March 2020, for the duration of the state of emergency employee card and blue card holders will be
permitted to begin working under simplified conditions for employers who are implementing crisis
measures or are assisting in their implementation.

After the end of the state of emergency, it will no longer be possible to submit crisis notification of
change of employer or position. In other words, the last possible crisis notification may be delivered
to the Ministry on the last day of the duration of the state of emergency (at latest by 17 May 2020).

3. Opportunity to submit a notification of change of employer sooner than 6 months after collecting
an employment card

After the end of the state of emergency, it will no longer be possible to proceed according to the crisis
measure specified in Art. III of Government Resolution No. 267 of 19 March 2020 and foreign nationals
will no longer be permitted to change employer before the legally required 6-month period from
receiving their first employee card.

4. Confirmation of satisfaction of conditions

Even after the end of the state of emergency, a confirmation of satisfaction of conditions of issuance
will be sent by post or by data container at the request of a foreign national who satisfies the
conditions for issuance of an employee card, blue card, or intra-corporate transferee card who needs
to commence employment. If the employer wishes to apply for the aforementioned confirmation,
he/she will have to present power of attorney empowering the employer to act on behalf of the
foreign national.
Together with the confirmation of satisfaction of conditions, the foreign national will also be sent a written decision on issuance of the employee card, blue card or intra-corporate transferee card, which may be used instead of a biometric permit until that permit has been issued. Confirmation of commencing employment will no longer be required from the foreign national in such cases.

V. OTHER MATTERS

1. Notification of change of place of residence in the territory

Foreign nationals may notify the Ministry of the Interior of a change of place of residence in the territory in writing. If the foreign national holds residence authorisation, he/she must request a new permit at the same time. The foreign national may use the forms accessible on the Ministry of the Interior website to do so. The Ministry of the Interior will subsequently contact the foreign national and make an appointment to visit the office.

2. Loss, theft and damage to residence permits

Foreign nationals may report the loss or theft of a residence permit or a certificate of temporary residence and at the same time may request the issuance of a new document. The same applies if a residence permit is damaged. The foreign national may use the forms accessible on the Ministry of the Interior website to do so. The Ministry of the Interior will subsequently contact the foreign national and make an appointment to visit the office.

3. Extension of permanent residence permits

Foreign nationals may apply for extension of a residence permit in writing. The foreign national may use the forms accessible on the Ministry of the Interior website to do so. The Ministry of the Interior will subsequently contact the foreign national and make an appointment to visit the office.