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## Country context (optional)

**Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).**

Statelessness in the Czech Republic is mainly linked with migration and there is no information available about the in situ stateless population. UNHCR estimates there to be 1,500 stateless people in the Czech Republic, based on a mapping study of statelessness carried out in 2018 and published in December 2020. The population census from 2011 included the categories 'no citizenship' (1,502 people) and 'not identified' (60,208 people). A new census carried out in 2021 included the category 'not identified' (29,137 people), but not the category 'no citizenship'. The Czech Republic gathers and makes available statistical data on asylum, immigration and, to some extent, statelessness, which is disaggregated by sex (and some also by age). The Ministry of Interior reports the number of stateless people with legal residence on a monthly basis. The Czech Statistical Office and Ministry of the Interior publish annual disaggregated data under the combined nationality categories 'stateless and not identified and other', 'citizenship unknown or non-identified', and 'Palestinians'. The Ministry of Interior also reports figures on the number of asylum seekers and people granted international protection disaggregated by nationality (see POP section for latest figures).

The legal and policy framework in the Czech Republic has some positive aspects and some significant gaps. The Czech Republic is party to most relevant international and regional instruments, including three of the four core statelessness conventions (although it retains reservations to the 1954 Convention). However, the Czech Republic does not have a dedicated statelessness determination procedure. Since 2019, the Ministry of Interior has issued decisions confirming statelessness under the 1954 Convention, but there is no clear procedure set in law for these decisions, although jurisprudence requires that the rules applying to the refugee determination procedure should apply. There are also gaps in the legal framework to protect stateless people from arbitrary immigration detention. There are positive safeguards in place to prevent childhood statelessness, but the safeguard for children born in the Czech Republic is only partial and depends on the actions or status of parents. Positively, there are no legal powers for the authorities to deprive someone of Czech nationality, no provisions for automatic loss, and safeguards are in place to prevent statelessness in cases of voluntary renunciation of nationality.

## International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Yes	<a href="#">UN Treaties Database, 1954 Convention</a>
IOB.1.b		If yes, when was ratification/accession?		19 July 2004	Idem
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	<b>Yes.</b> Declaration (effectively a reservation) has been made: 1. Pursuant to Article 27 of the Convention, identity papers shall be issued only to stateless persons having permanent residence permits in the territory of the Czech Republic in accordance with the country's national legislation. 2. Article 23 of the Convention shall be applied to the extent provided by the national legislation of the Czech Republic. 3. Article 24, paragraph 1(b) shall be applied to the extent provided by the national legislation of the Czech Republic. 4. Pursuant to Article 28 of the Convention, travel documents shall be issued to stateless persons having permanent residence permits in the territory of the Czech Republic in accordance with the country's national legislation. Such persons shall be issued "foreigners' passports" stating that their holders are stateless persons under the Convention of 28th September 1954."	<a href="#">UN Treaties Database, 1954 Convention</a>  <i>Communication no 108/2004, on the accession to the Convention relating to the status of stateless persons, Collection of International Treaties, 2004, "Sdělení č. 108/2004 Sb. M. s., o sjednání Úmluvy o právním postavení osob bez státní příslušnosti, SBÍRKA MEZINÁRODNÍCH SMLUV ročník 2004", částka 49, 3ed ne 15. 10. 2004 (CZE)</i>
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes.	<a href="#">Article 10, Constitution of the Czech Republic</a>
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	Yes.	<a href="#">UN Treaties Database, 1961 Convention</a>
IOB.2.b		If yes, when was ratification/accession?		19 December 2001	idem
IOB.2.c		Are there reservations in place? Please list them.	As above	No	idem
IOB.2.d		Does the Convention have direct effect?	As above	<b>Yes.</b>	<a href="#">Article 10, Constitution of the Czech Republic</a>
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	<b>Yes.</b> Declaration to article 22: The Czech Republic declares in respect of Article 22, sub-paragraph b, that persons, who are nationals of the Czech Republic and equally nationals of another State Party which does not require obligatory military service and have their habitual residence in the territory of that State Party, shall be considered as having satisfied their military obligations in relation to the Czech Republic if the said habitual residence has been maintained up to the age of 35 years of the persons.	<a href="#">COE, Reservations and Declarations for Treaty No.166 – European Convention on Nationality, Czech Republic</a>
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	<b>Yes.</b> Reservation has been made to articles 5 and 6 to the effect that those articles shall not hinder to impose disciplinary penitentiary measures in accordance with Article 17 of the Act No. 76/1959 of Collection of Laws, on Certain Service Conditions of Soldiers."	<a href="#">COE, Reservations and Declarations for Treaty No.005 – Convention for the Protection of Human Rights and Fundamental Freedoms, Czech Republic</a>
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	<b>No.</b>	<a href="#">COE, Chart of signatures and ratifications</a>
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)</a>	<b>Yes.</b> Transposed to national law. No reservations.	<a href="#">Official Journal of the EU, EUR-Lex</a>

IOB.3.e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child, 1989</a>	<b>Yes.</b> No reservations, but Declaration to article 7 (1): “In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent’s name or natural parents’ names to the child is not in contradiction with this provision.”	<a href="#">UNTC, Convention on the Rights of the Child</a>
IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights, 1966</a>	<b>Yes.</b> No relevant declarations and no reservations.	<a href="#">UNTC, ICCPR</a>
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights, 1966</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, International Covenant on Economic, Social and Cultural Rights</a>
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women, 1979</a> <a href="#">CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, CEDAW</a>
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</a>
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination, 1965</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, CERD</a>
IOB.3.k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990</a>	<b>No.</b>	<a href="#">UNTC, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families</a>
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities, 2006</a>	<b>Yes.</b>	<a href="#">UNTC, Convention on the Rights of Persons with Disabilities</a>

## Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p>	<p><b>Yes.</b></p> <p><b>Population census from 2021:</b> Category 'not identified': 29,137 people The category 'no citizenship' that was included in the last census, no longer appears.</p> <p><b>Population census from 2001:</b> Category 'no citizenship': 1,502 people Category 'not identified': 60,208 people (also disaggregated by sex)</p> <p>The Czech Statistical office and the Ministry of the Interior collection data on foreigners in the Czech Republic. Data is disaggregated by nationality, sex, age and by residence. It is published annually.</p> <p><b>Numbers of the Directorate of Foreign police service, available on Czech Statistical Office website:</b> Category: <i>Stateless + Not identified + Other</i>: - up to December 2020, there were 719 in total (excludes people who were granted asylum) - up to 31 December 2019, there were 843 persons (including people granted asylum)</p> <p><b>Numbers of the Ministry of the Interior:</b> Statistics on number of stateless persons having legal residence on the Czech territory (disaggregated by type of residence and by sex), published every month. Up to 30 September 2020, there were: - 93 stateless persons with temporary residence permit - 401 stateless persons with permanent residence permit</p>	<p>Czech Statistical Office, <a href="#">Population census, 2021 (CZE, ENG)</a></p> <p><a href="#">Czech Statistical Office, Population census, Population by sex, type of residence, citizenship, housing arrangements, ethnicity and religious belief, 2011 (CZE, ENG)</a></p> <p><a href="#">Czech Statistical Office, Foreigners, category by residence, sex, and citizenship as at 31 December 2020</a> - data up to December 2020 (CZE, ENG)</p> <p><a href="#">Czech Statistical Office, Foreigners in the Czech Republic (Annual Report) 2020, (data up to December 2019, CZE, ENG)</a></p> <p><a href="#">Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence, September 2020 (CZE)</a></p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p><b>Statistics of Ministry of the Interior:</b> <i>"Citizenship unknown or non-identified"</i> (XXX): 31 persons up to December 2020 <i>"Palestinians"</i>: 195 up to December 2020</p> <p><b>Numbers of the Czech Statistical Office (Annual census):</b> Category: <i>Stateless + Not identified + Other</i>: up to 31.12.2020, there were 719 <i>"Palestine"</i>: 176 up to 31.12.2019</p>	<p><a href="#">Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence, December 2020 (CZE)</a></p> <p><a href="#">Czech Statistical Office, Foreigners in the Czech Republic (Annual Report), 2020 - data up to 31.12. 2019(CZE, ENG)</a></p>
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR provides the qualified estimate of around 1500 stateless persons living in the Czech Republic.	<a href="#">UNHCR, Faces of Statelessness in the Czech Republic, December 2020</a>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	The first mapping study on statelessness was conducted by UNHCR in 2018 and published in December 2020.	<a href="#">UNHCR, Faces of Statelessness in the Czech Republic, December 2020</a>
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	<b>No.</b>	
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	<p>Figures are only for those that have legal residence. However, even these data are incomplete and scattered in various registries, which blurs the overall picture of the precise number of legally residing stateless persons.</p> <p>The UNHCR study also states that in some cases the statistical code lists were inadequately structured and did not indicate statelessness, plus errors were made in the completion of statistical forms and sometimes nationality codes were wrongly assigned to stateless persons.</p> <p>Persons without any legal status are estimated in an annual survey of the Ministry</p>	<p><a href="#">Quarterly Report on migration, Ministry of the Interior, Second trimester of 2021(CZE)</a></p> <p><a href="#">UNHCR, Faces of Statelessness in the Czech Republic, December 2020</a></p> <p><a href="#">Czech Statistical Office, Foreigners in the Czech Republic (Annual Report), 2020 - data up to 31.12. 2019 (CZE, ENG)</a></p>

				of the Interior and the Immigration Police also counts the number of known irregular migrants (which is however only a fragment of the whole number).	
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	<p>Ministry of the Interior provides annual and monthly statistical overview of asylum-seekers in the Czech Republic, also disaggregated by nationality. Persons with granted refugee status are counted separately. In 2020, there were 11 international protection applications initiated by stateless persons. 13 decisions for stateless persons were given that year.</p> <p>Up to December 2020:                  - 26 stateless persons were granted refugee status                  - 62 stateless persons were granted subsidiary protection status</p> <p>Census of refugees according to their country of origin but there also other groups (people that already came to the Czech Republic with a granted status):                  "Convention refugee status": 18 up to December 2020                  "Refugee - others": 2 persons up to December 2020</p> <p>The census of the Czech statistical office and of the Ministry of interior corresponds. However, due to lack of harmonisation of the data categories, and use of categories such as "unknown nationality", numbers may be inaccurate.</p>	<p><a href="#">Ministry of the Interior of the Czech Republic, International Protection in the Czech Republic, annual statistical overview, 2019</a> (also available in English)</p> <p><a href="#">Czech Statistical Office, Foreigners in the Czech Republic (Annual Report), 2019</a> - data up to 31.12.2019 (CZE, ENG)</p> <p><a href="#">Ministry of the Interior of the Czech Republic, International Protection in the Czech Republic, Annual Statistic Overview, Data up to 31.12.2020 (CZE, ENG)</a></p> <p>Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence, December 2020 (CZE)</p>
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	<p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: State parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p>	<p>The Refugee Facilities Administration that manages detention facilities has its internal census of foreigners disaggregated by nationality, sex, age and status (asylum seeker or not).</p> <p>Following a freedom of information request, it was disclosed that 1 stateless person was detained in the period between 1 January and 9 November 2021.</p> <p>Following a freedom of information request, the immigration police stated that they do not hold statistics disaggregated by nationality.</p>	<p>Refugee Facilities Administration of the Ministry of the Interior, "Správa uprchlických zařízení"</p> <p>Freedom of Information Request by OPU to Refugee Facility Administration and the Directorate of Foreign Police (request sent on 9/11/2021).</p>
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	<b>No.</b>	OPU

## Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">1954 Convention</a> : Articles 1(1) & 1(2).	<b>No.</b> There is no definition of stateless person in national law. The definition in the 1954 Convention has direct effect.  Mention of stateless persons is made in several national acts - Asylum Act, Immigration Act, Citizenship Act etc.	<a href="#">Asylum act</a> (available in English of the official website of Ministry of the Interior - the version applicable until August 2021)  <a href="#">New version of the Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>  <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	Currently there is no formal training on statelessness provided by the Government to competent authorities. Two trainings were organised by OPU in cooperation with ENS in October 2020. The first was aimed at social workers and practitioners working with migrants and the second for lawyers and attorneys. Participants included representatives both from state institutions and NGOs.	OPU
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	As above. In addition, there were two trainings organised in 2016 and 2017 by UNHCR in cooperation with the Czech Ombudsperson's Office on statelessness. These focused mainly on lawyers providing free legal aid to migrants in the Czech Republic. Currently there is no training for judges or lawyers on statelessness.	UNHCR Czech Ombudsperson's Office OPU
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b>  <b>1.</b> There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated stateless status ( <b>proceed to Question 4a</b> ).  <b>2.</b> There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights ( <b>proceed to Question 10a</b> ).  <b>3.</b> There is a dedicated stateless status but no formal procedure for determining this ( <b>proceed to Question 15a</b> ).	<a href="#">UNHCR, Handbook on Protection (2014)</a> : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	2.	

<p>SDS.10.a</p>	<p>Procedures in which statelessness can be identified and other routes to regularisation (Group 2)</p>	<p><b>If there is no dedicated SDP leading to a stateless status</b>, are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?</p>	<p><a href="#">ENS (2013)</a>: For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one. <a href="#">ECtHR, Hoti v. Croatia (2018)</a>: [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>Since 2021, amendments to the legislation moved statelessness determination to the Immigration Act (it was previously addressed in the Asylum Act). This move was likely a reaction to recent jurisprudence that conferred by analogy the same rights that asylum-seekers had to applicants for statelessness determination, such as the right to stay on the territory and receive an ID during the procedure, the right to accommodation in the reception centre for asylum seekers and the right to health insurance.</p> <p>The new procedure is very unclear: there are no provisions to regulate the status of stateless applicants, nor procedural safeguards, and the right to remain on the territory is not guaranteed. If the person is determined to be stateless, they are granted a tolerated stay visa, which is a very limited protection status.</p>	<p><a href="#">Section 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>OPU</p>
<p>SDS.10.b</p>		<p>Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?</p>	<p><a href="#">1954 Convention UNHCR, Handbook on Protection (2014)</a>: It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p>	<p>Yes, stateless refugees can obtain international protection. Stateless persons can also in principle obtain any other residence permit provided by the Immigration Act, but they face challenges in acquiring a residence permit because they lack the required travel/identity documents. They can either apply for a travel identification document from the Czech Authorities or they must hold another travel document.</p>	<p><a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p><a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p>
<p>SDS.11.a</p>	<p>Access to procedures (Group 2)</p>	<p>Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>The competent body is the Ministry of the Interior, the Department of Asylum and Migration policy.</p> <p>Throughout 2019-2021 there has been jurisprudence that conferred basic rights to SDP applicants, such as the right to stay on the territory and receive an ID during the procedure, the right to accommodation in a reception centre for asylum seekers and the right to health insurance. However, since August 2021, legal amendments have entered into force and this jurisprudence may no longer be applicable as it relied on an analogy with asylum-seekers under the Asylum Act.</p> <p>The new procedure is very unclear: there are no provisions to regulate the status of stateless applicants, nor procedural safeguards, and the right to remain on the territory is not guaranteed. In practice, it is not yet known how the new law will be implemented by the Ministry.</p> <p>The Immigration Act provides the deadline of 6 months, which can be prolonged for another 6 months if the case is complicated.</p> <p>Since January 2019, if the statelessness of the applicant has been determined by the Ministry, the applicant is delivered a certificate stating their statelessness under the Convention.</p> <p>The Immigration Act states that successful applicants will receive a tolerated stay visa for one year. However, an appeal against a negative decision won't have suspensive effect, meaning that if the court does not accord it, the applicant is no longer tolerated on the territory.</p>	<p>Section 165 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p><a href="#">Supreme Administrative Court (Nejvyšší správní soud) case no. 4 Azs 365/2018-74 from 12 March 2019</a></p> <p>Section 170d of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p>
<p>SDS.11.b</p>		<p>Are there obligations in law on authorities to consider a claim of statelessness?</p>	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Access to the procedure must be guaranteed.</p>	<p>Yes, authorities have an obligation to consider a claim of statelessness, as specified in the new Immigration Act.</p>	<p>Section 170d of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p>
<p>SDS.11.c</p>		<p>Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?</p>	<p><a href="#">1954 Convention UNHCR, Handbook on Protection (2014)</a>: For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Information on the</p>	<p>No, and it is not a clear procedure. The only mention in the law is that the application is to be made to the Ministry of the Interior and a deadline is provided.</p>	<p><a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p>

			procedure and counselling services must be available to potential applicants in a language they understand.		
SDS.11.d		Is there cooperation between agencies that may have contact with stateless people?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	UNHCR or Ombudsperson sometimes refer cases to OPU. No official cooperation.	OPU
SDS.12.a	Assessment (Group 2)	Who has the burden of proof when determining or identifying statelessness (in law and practice)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : SDPs must take into consideration the difficulties inherent in proving statelessness. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	Under the general rules of administrative procedure (section 52), the applicant must bring evidence to support their application. The principle set out in the Asylum Law and Asylum Act is that the burden of proof is in principle shared. From practice in the procedure to determine statelessness, more activity is required from the applicant than in the asylum procedure. Applicants must bring proof of their statelessness. The Ministry rarely contacts embassies or state authorities, but they often collect relevant legislation, nationality acts etc. from the applicant’s country of origin.	<a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>  General Rules of Administrative Procedure  OPU
SDS.12.b		What is the standard of proof to evidence statelessness?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are advised to adopt the same standard of proof as in refugee status determination (‘reasonable degree’). <a href="#">UNHCR, Good practices in nationality laws (2018)</a> : The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	It is not specified. In principle, it should be analogous to the standard of proof applied in decision-making on asylum applications (by analogy, also in accordance with the Supreme Administrative Court jurisprudence). However, this jurisprudence is no longer accepted by the Ministry.	<a href="#">Supreme Administrative Court (NSS), case no. 4 Azs 365/2018, 12 March 2019 (CZE)</a>
SDS.12.c		Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	<a href="#">ENS (2013)</a> : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	The Ministry has only decided on a few cases and there are not yet any clear guidelines.	OPU
SDS.13.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people generally?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. <a href="#">ENS (2013)</a> : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	It is not specified in the law. To our knowledge, most of the claims were OPU clients. Therefore, free legal aid has been provided.  For asylum seekers, free legal aid is guaranteed (by law).	OPU  <a href="#">Section 21 Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>
SDS.13.b		Is free interpreting available to stateless people?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to assistance with interpretation/translation [is] essential. <a href="#">ENS (2013)</a> : Assistance should be available for translation and interpretation.	The new legal amendment states that the Ministry should provide the applicant with an interpreter free of charge if necessary.	<a href="#">Section 170d (4) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a>

SDS.13.c		<p>Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal, audits in decision-making, etc.)?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>The opportunity to claim statelessness in an interview is not specified by law, but it has been the practice of the Ministry in the claims it has dealt with so far.</p> <p>Decisions (refusals and grants) are given in writing with reasons.</p> <p>The decision of the Ministry shall take legal effect on the day of delivery to the party to the proceedings and no administrative appeal may be lodged against it. Only an appeal to the court will be acceptable.</p> <p>However, an appeal against a negative decision won't have suspensive effect, meaning that if the court does not accord it, the applicant is no longer tolerated on the territory.</p> <p>General rules of Administrative Procedure apply.</p>	<p>OPU</p> <p>Section 170d of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p>
SDS.14.a	Protection (Group 2)	<p>Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>The decision that confers the person statelessness status is only declaratory. Upon receiving the decision, the person is informed about the possibility to regularise their residence status.</p> <p>The new Immigration Act provides that a person recognised as stateless will be granted a tolerated stay visa for one year.</p> <p>The visa is renewable after one year for a long-term stay for the purpose of tolerated stay on the territory (2 years renewable). After 5 years in total, the person can apply for permanent residence.</p>	<p><a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. (CZ) "Immigration Act"</a></p> <p>Section 33(3) of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Section 43 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Section 68.2b) of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p>
SDS.14.b		<p>Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access:</p> <ul style="list-style-type: none"> <li>- right to reside</li> <li>- travel document</li> <li>- work</li> <li>- healthcare</li> <li>- social security</li> <li>- education</li> <li>- housing</li> <li>- family reunification</li> <li>- right to vote.</li> </ul> <p><b>[Section complete, proceed to DET]</b></p>	<p><a href="#">1954 Convention UNHCR, Handbook on Protection (2014)</a>: The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised stateless status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p><i>With the tolerated stay visa</i>: a person can apply to be part of <b>public health insurance</b> after at least one year stay on the Visa, when it is renewed in the form of a long-term tolerated stay (but even then, public health insurance is not automatic, it is based on discretion of the Ministry of Interior). It has been conferred in a few cases where a request has been made upon reception of the tolerance stay visa already. However, it has not been prolonged after one year.</p> <p>A special request has to be made to obtain a <b>work permit</b> (it is also not automatic and is subject to criteria set out in the Employment Act).</p> <p>Along with the visa application, the person will get "<b>an identity document for travelling</b>" which is not a passport but is accepted as an identity travel document by the Czech Immigration Police and some other countries. However, travelling abroad is further complicated for the stateless holders of Tolerated Stay Visa, even if the identity document for travelling would be accepted by the country they travel to, because the Visa expires once the person leaves the territory of the Czech Republic (which effectively means the stateless person could not come back once leaving the country). For permanent residents, the Czech Republic will issue a foreigner's passport, which is a regular travel document.</p> <p>For other convention rights: <b>right to education</b> is granted (it is not linked to specific residence status).  <b>Right to family reunification</b> is not granted for holders of tolerated stay visa. It is possible for holders of long-term residence (which can be obtained after 1 year of tolerated stay visa).  <b>Right to vote</b> is reserved only to Czech citizens.</p>	<p>Section 48, 50(3), 113 and 114 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Section 97 of Czech Employment Act no. 435/2004 (regarding work permit)</p>

				Legally residing foreigners can under some conditions access social services and social benefits in order to secure <b>housing</b> .	
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Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p><a href="#">ICCPR</a>: Article 9  <a href="#">ECHR</a>: Article 5  <a href="#">EU Return Directive</a>: Article 15  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient.  <a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">HRC, Report of the Special Rapporteur (2012)</a>: The obligation to always consider alternatives before resorting to detention should be established by law.  <a href="#">International Detention Coalition (2015)</a>: Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>Detention can be decided by the Immigration Police for the purpose of expulsion, or by the Ministry of the Interior (if the person is an asylum-seeker) and there is a risk of non-respect of alternative measures. This risk is justified mainly by violation of provisions of Czech law in the past (violation of immigration law - irregular status, illegal entry, previous non-respect of expulsion decision, previous non-respect of alternative measures, violation of other Czech laws - criminal record, threat to security or public order) etc.</p> <p>There is a need to assess whether alternatives to detention would be effective in each individual case, but the authorities do not have to exhaust those alternatives prior to detention. In practice, the police justify the ineffectiveness of alternative measures by the risk of non-respect of the removal decision (with regard to the violation of Czech immigration laws in the past, the level of integration, official address where the person is registered, etc.)</p> <p>For asylum-seekers detained for transfer under the Dublin procedure, the detention condition is a risk of absconding. The risk of absconding is justified mainly if the person has previously stayed irregularly on the territory, has not accepted in the past the transfer decision or has tried to abscond, has expressed the intention not to leave the country or if this intention is obvious from their behaviour. Risk of absconding is also justifiable when the country responsible for the applicant is not a neighbour State and the asylum seeker cannot legally travel to that State or has not given any address of stay on the Czech territory.</p> <p>Authorities have to consider all alternatives to detention in each individual case prior to rendering a decision to detain. Alternatives vary for persons detained for removal (or Dublin transfer) and for detained asylum-seekers.</p> <p><b>For people subject to removal or transfer (according to §123b of Immigration Act):</b></p> <ul style="list-style-type: none"> <li>- selection of the address where the person is required to stay (for check-ups)</li> <li>- bail</li> <li>- regular reporting at the Immigration Police station</li> </ul> <p>As of 31 July 2019, with an Immigration Act Amendment, a new alternative measure has been introduced: <i>designation of residence by the police and obligation to be present there for check-ups</i></p> <p><b>Alternatives for asylum seekers according to §47 of Asylum Act:</b></p> <ul style="list-style-type: none"> <li>- obligation to stay in residential centre for asylum-seekers</li> </ul> <p><i>regular reporting at the Ministry of the Interior office (Asylum Department)</i></p> <p>In practice, alternatives are used only in minimum of cases.</p>	<p><a href="#">Articles 124 - 129 of Act No. 326/1999 Coll. of the Immigration Act</a> (CZE)</p> <p>Article 46a of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021)</a> (CZE)</p> <p>§124 and §124b, §129 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act"</a> (CZE)</p> <p>§46a of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021)</a> (CZE)</p> <p>OPU casework</p> <p>§129 (4) of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act"</a> (CZE)</p> <p>Articles 123b-129 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act"</a> (CZE)</p> <p>Articles 46a and 47 of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021)</a> (CZE)</p> <p>Czech Ombudsperson Office</p> <p>Other sources and publications: Reporting to <a href="#">CAT - Info from Civil Society Organizations (OPU), January 2021</a></p>

DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<a href="#">ICCPR</a> : Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). <a href="#">ECtHR, Auad v. Bulgaria (2011)</a> : In cases detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. <a href="#">EU Return Directive</a> : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	<b>No.</b> The only obligation is the existence of a reasonable prospect for removal - the authority has to justify that the removal is in practice possible (this can also be satisfied if there are more possible countries of removal, but at least one of them is reasonably expected to be the one where removal will be successful). In practice, the authorities identify the state where the person will be returned in the decision on detention (although this country can change based on new information that comes up during the proceeding, when the person may still be detained).	§126 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a> : purposes of detention  Jurisprudence of Supreme Administrative Court, <a href="#">NSS, case no. 1 As 12/2009 – 61 from 15 April 2009</a>  OPU casework
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<a href="#">EU Return Directive</a> : When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately. <a href="#">UN Working Group on Arbitrary Detention (2018)</a> : When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary. <a href="#">ECtHR, Auad v. Bulgaria (2011)</a> <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a> .	Yes, the police are obliged to examine whether the reasons for detention still exist for the duration of detention. This also includes the obligation to assess prospect of removal (from the EU Returns Directive).  Detention must be terminated without undue delay after the reason for detention has ceased to exist.  However, the police usually assess this when they decide to prolong detention and issue a new decision.	Section 126 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>  Section 127 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<a href="#">ECtHR, Auad v. Bulgaria (2011)</a> <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a> : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. <a href="#">UNHCR, Handbook on Protection (2014)</a> : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. <a href="#">ICJ, Migration and International Human Rights Law (2014)</a> : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	Statelessness can be relevant in an individual case, as an obstacle to removal. Detention is only justifiable where there is a reasonable prospect of removal. Statelessness or impossibility to return a person constitutes an obstacle to removal. Therefore, it can be a relevant argument (in court). The primary focus is nevertheless on the possibility of return, not on statelessness. In practice, it often takes a long time before the impossibility to remove the person because of statelessness is established, while the person is in detention.  It is possible to apply for determination of statelessness from detention. The application is made in writing to the Ministry of the Interior with the help of the lawyer present in the detention centre. However, we do not have any practice yet about the legal consequences of this claim (if the procedure is initiated in detention, if it can constitute a reason for release etc.)	§126 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a> : purposes of detention  Returns directive, Article 15.4. <i>When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in paragraph 1 no longer exist, detention ceases to be justified and the person concerned shall be released immediately.</i>  Jurisprudence of Supreme Administrative Court, <a href="#">NSS, case no. 1 As 12/2009 – 61 from 15 April 2009</a>  OPU
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a> : Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	There is a definition of vulnerability in the Asylum Act. There is no mention of statelessness. Statelessness is not considered to be a vulnerability factor - neither in the context of immigration detention, nor for the purpose of detention of asylum-seekers. No special treatment for stateless persons is provided for in law.  According to Asylum Act: a vulnerable person means especially an unaccompanied minor, a parent or family with a minor child or a parent or family with a minor child with a medical disability, a person over 65 years of age, a person with a medical disability or a serious illness, a pregnant woman, a victim of human trafficking or a person that has suffered torture or rape or been subjected to serious forms of mental, physical or sexual violence,	OPU  Section 2, i) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. <a href="#">EU Return Directive</a> : Article 16(3) <a href="#">EU Return Handbook (2017)</a> : Attention should be paid to the specific situation of stateless persons. <a href="#">Council of the European Union, Guidelines to promote and protect the</a>	Vulnerability is assessed only in the context of detention of asylum seekers by the Ministry of the Interior. In the context of immigration detention, which is decided by the Immigration Police, the law does not provide for any relevance of individual vulnerability for the decision-making on detention and in practice no vulnerability assessment is carried out. Statelessness is not considered to be a vulnerability factor - neither in the context of immigration detention, nor for the purpose of detention of asylum-seekers. No special	Section 124 et seq. of the <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>  Section 46a of the <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>

			<p><a href="#">enjoyment of all human rights by LGBTI persons (2013)</a>: European entities should assess the situation of LGBTI persons in detention.</p> <p><a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a>: There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	<p>treatment for stateless persons is provided for in law.</p>	
DET.2.d		<p>Are stateless people detained in practice?</p>		<p><b>Yes.</b> In practice, no assessment of statelessness is done by authorities prior to rendering a detention decision. Therefore, statelessness often comes out later when the person is detained. However, even a recognised stateless person can be detained because they can be (in theory) removed according to law.</p>	<p>§121 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>OPU</p>
DET.3.a	Procedural safeguards	<p>Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?</p>	<p><a href="#">ICCPR</a>: Article 9(4)  <a href="#">ECHR</a>: Article 5(4)  <a href="#">EU Return Directive</a>: Articles 12, 13 and 15(5)  <a href="#">HRC, Report of the Working Group on Arbitrary Detention (2010)</a>: A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.  <a href="#">UNHCR, Detention Guidelines (2012)</a>: To guard against arbitrariness, maximum periods of detention should be set in national law.  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.  <a href="#">UNGA, Body of Principles (1988)</a>: Anyone who is arrested shall be informed at the time of the reason for his arrest.  <a href="#">Equal Rights Trust, Guidelines (2012)</a>: Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.  <a href="#">ECtHR, Kim v. Russia (2014)</a>: The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>The maximum <b>time limit</b> is 180 days. This period can be further prolonged if the person or the country of origin do not cooperate but cannot exceed in total 545 days. For families with children, foreigners under 18 years of age and unaccompanied minors it is 90 days. For asylum seekers, it is 120 days.</p> <p>The police must render a decision to detain in 48 hours after arrest. In this decision it must set out <b>the legal basis for detention with reasoning</b>, the initial duration of detention with regard to the steps necessary to conduct the removal. If the person applied for asylum in detention, the ministry has a possibility to render a decision to detain (maximum after 5 days from asylum application). The Ministry must set out the initial duration of detention.</p> <p>There is a possibility to <b>appeal</b> to the court against the detention decision immediately (deadline of 30 days). After the first review is finished, it is possible to appeal 30 days after the publication of the previous negative decision of the court. Often in practice the person has a chance to challenge the detention decision only once (the court often sends the final version of the negative decision in 30 days (which is the maximum deadline) and an appeal can be done only after that. However, every subsequent decision on prolongation of detention can also be challenged before a court. <b>The review of detention occurs only if the detainee requests one.</b> Apart from the appeal to the court against the detention decision, there is also a possibility to request release by the authority that decided to detain (the Immigration Police or the Ministry of the Interior), every month. The request for release is admissible 30 days after the final (negative) decision of the court. If unlawful detention is found by the court, there is a possibility to ask for damages.</p> <p><b>Free legal aid</b> is provided regularly (weekly) in every detention facility. The detained person is notified upon arrival about the schedule of the legal service. They can opt for representation by an NGO working with migrants or the court can appoint an attorney in law that is free of charge for the detainee.</p>	<p>Article 125 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Article 46a(5) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>Article 124, 124b, 125 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Article 46a(4), (5), (6), (7) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>§172 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>§172 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>§ 129a of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>§46a (7) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>Act no. 82/1998 coll., on State Liability caused by exercise of public authority by decision or by wrong administrative action  <a href="#">"Zákon o odpovědnosti za škodu způsobenou při výkonu veřejné moci rozhodnutím nebo nesprávným úředním postupem"</a>, (CZE)</p> <p>AMIF Project - OPU</p>
DET.3.b		<p>Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?</p>	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to</p>	<p>The police must notify the person about the possibility to request release after 1 month or to appeal immediately to the court against the detention decision. In every detention facility, detainees are provided with information about free legal counselling (contact, schedule). No guidance on the possibility to apply for determination of</p>	<p>Article 124(7) of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p>

			protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	stateless is provided in practice, neither in immigration detention facilities nor in the detention facility for asylum seekers (Reception Centre).	Article 46a (6), (7) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>  OPU
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<a href="#">Equal Rights Trust, Guidelines (2012)</a> : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. <a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	Not known. These steps are undertaken by the Immigration Police within the implementation of the return decision (forced return), it communicates with the respective countries of origin and asks them to issue travel documents to the person, so that they can be returned. However, there is no publicly available information on specific rules that govern this activity of the police.	OPU
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	<a href="#">1954 Convention</a> : Article 27 <a href="#">UNHCR, Handbook on Protection (2014)</a> : Being undocumented cannot be used as a general justification for detention. <a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	No.	OPU
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<a href="#">CJEU, Kadzoev, C-357/09 PPU (2009)</a> : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	In principle no legal status is granted on release, the person is given a one-month departure order visa, in practice for 30 days even if the person does not hold any travel document. However, this is not a long-term solution and after 30 days the person is in limbo again. The law does not currently provide any legal possibility of obtaining a status or identification document if the person cannot be returned.	Practice of the Immigration Police - no legal provision.  OPU
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	The Czech Republic mostly implements EU Readmission Agreements where stateless persons are considered (for ex. Readmission Agreement with Serbia or Ukraine). As for the bilateral agreements, statelessness is generally considered – a procedure to determine nationality or statelessness is considered in some bilateral agreements (e.g. the agreement with Kosovo), in most of them, there are paragraphs for readmission of third country nationals including stateless persons (Poland – 65/2013, Romania-148/1994, Moldavia 117/2004, etc.). The only bilateral agreement that does not mention stateless persons at all is the one with Vietnam (26/2008).	<a href="#">Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorisation, no. 12/2013</a> -safeguards for persons born on the territory of ex-Yugoslavia, interviews to determine nationality etc.
DET.5.b		Are you aware of cases of cases of stateless people being returned under such agreements?		No.	

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<a href="#">1954 Convention</a> : Article 32 <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. <a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a> : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. <a href="#">ENS (2013)</a> : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	Generally, it is possible to apply for naturalisation only <b>after five years of permanent residence</b> (which can be gained after five years of stay based on visas and long-term stay). If a stateless person holds a permanent residence permit, a special provision states that the requirement of five years of permanent residence can be lifted (at the discretion of the Ministry).	<a href="#">Section 14 Act on Citizenship (ENG)</a>  Section 15 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.1.b		Are there requirements relating to ‘good character’ or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a> : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Yes. Czech nationality cannot be obtained if the individual has a previous criminal record.	Section 13 and 14 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children.	<a href="#">1954 Convention</a> : Article 32 <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. <a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a> : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.	<b>Yes.</b> In addition to the facilitation in residence requirements, there is also a possibility to exempt a stateless person from the condition that an applicant for naturalisation must not be a burden on the social security system. Both of these exemptions also apply to refugees.  Other conditions for naturalisation apply to stateless people, including: - knowledge of Czech language (exemptions for people under 15 and over 65, mentally disabled, or if they have studied in Czech for at least 3 years) - citizenship test (Czech constitution, history, geography, with the same exceptions as above) - proof of revenue for the last 3 years - no criminal record  Regarding the fees, the application itself is free. <b>In case of a positive answer a fee must be paid:</b> 2000 CZK for adults and 500 CZK for minors and refugees. Upon discretion of the Ministry, the fee can be reduced to 500 CZK in exceptional cases and to 100 CZK for minors and refugees. There is no mention of stateless persons, but they can fall into the category of exceptional cases.	<a href="#">Section 5, Act on Citizenship of the Czech Republic no. 183/2013 (available in ENG)</a>  Act no. 634/2004 on administrative fees, <a href="#">“Zákon č. 634/2004 Sb., o správních poplatcích, ve znění pozdějších předpisů”, (CZE)</a>
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? <b>[If yes, continue to PRS2b. If no, proceed to PRS2i]</b>	<a href="#">1961 Convention</a> : Article 1 <a href="#">ECN</a> : Article 2 <a href="#">CRC</a> : Article 7 <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. <a href="#">HRC, CCPR General comment No. 17 (1989)</a> : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. <a href="#">European Parliament resolution (2018)</a> : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	<b>Yes.</b>	<a href="#">Section 5, Act on Citizenship of the Czech Republic no. 183/2013 (available in ENG)</a>
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic	It is automatic: acquisition upon birth if both parents are stateless. If they are not, it is non-automatic and an application has to be made, which is decided by the Ministry of Interior	Section 5 and 29 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)

			acquisition upon birth or upon application. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.		
PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	Not to our knowledge. Most of our clients (parents) do not have information about specific procedures for stateless children.		OPU
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The test is not an inquiry into whether a child's parents are stateless. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	Both parents must be stateless in order to automatically acquire Czech nationality. Other children born stateless on the territory have to lodge an application for nationality and in this proceeding, there is no requirement that the parents have to be stateless too.		Section 5 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.2.e	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	<b>Yes.</b> In case both parents are stateless, the acquisition is automatic. Otherwise, stateless children have to apply for a Certificate of Czech Citizenship (CCC) - in this case they have to prove that the child has not become stateless only because the parent who holds a nationality failed, without serious reasons, to take necessary steps before the authorities of their country of nationality that would ensure that the child obtains the nationality of that country upon birth.		Section 5 and 29, Subpart 4, Section 41 and following of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.2.f	Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. <a href="#">CRC</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child, Concluding observations on the Netherlands (2015)</a> : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. <a href="#">ECN</a> : Article 6(2)(b)	<b>No.</b> Acquisition at birth (automatic) or on application which can be lodged immediately after birth.		Section 5 and 29 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.2.g	Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">Committee on the Rights of the Child, Concluding observations on Czech Republic (2011)</a> : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Demanding that the child or their parents reside lawfully on the	At least one of the parents must have legal residence, which is at least temporary residence on the Czech territory of more than 90 days, at the time of the child's birth. This requirement is always there - both for the automatic acquisition of nationality if both parents are stateless, and for the grant of nationality by application if both parents are not stateless.		Section 5 and 29 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)

			territory is prohibited by the 1961 Convention.		
PRS.2.h		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	No limit. A person can apply to the competent authority (by place of birth) any time.	
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	<b>Yes.</b> Section 29 of the Citizenship Act provides that: <i>The citizenship of the Czech Republic pursuant to Article (1) above shall not be granted to a child who became homeless as a result of the fact, that their parent failed, without any serious reason, to contact the respective authorities in the country they are a citizen of and take steps necessary for the child to be granted citizenship of that country. Should the parent have received, in the period when such steps could have been taken, international protection in the Czech Republic in the form of asylum or supplementary protection, such fact shall be perceived as a serious reason pursuant to the first sentence above.</i>  Holding the status of refugee in the Czech Republic (asylum or subsidiary protection) is considered as a serious reason in practice by the Ministry.	<b>Section 29.4</b> of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">1961 Convention</a> : Article 2 <a href="#">ECN</a> : Article 6(1)(b)	<b>Yes.</b> Foundlings acquire Czech nationality on the day they are found, if they are under three. Foundlings over three years-old, whose identity cannot be established because of their young age or disability, acquire Czech nationality upon application lodged by a guardian. Section 10 of the Citizenship Act provides that a child under three found on the territory, whose identity is not known, acquires Czech nationality the day they are found if in a period of 6 months the authority has not found out that the child has acquired the nationality of another state. If there is a doubt about the day of the finding, the Ministry of Interior decides upon a date of acquisition of nationality, in a procedure initiated by a legal guardian or by the authority.	Section 10 and 30 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No. For foundlings aged three and over, the acquisition of nationality is not automatic, but the application can be lodged by their guardian - there is no age limit, which is an example of good practice.	Section 10 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	<b>No.</b>	
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">1961 Convention</a> : Article 5 <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	<b>No.</b> In order to lose Czech nationality, the parents must prove the child has or will acquire another nationality. There are safeguards under Section 40.7 and 9 (see Withdrawal of Nationality).	Section 40 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">ECN</a> : Article 6(4)(d) <a href="#">Committee on the Rights of the Child, Concluding Observations on Switzerland (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	<b>Yes.</b> Nationality is acquired upon adoption if at least one parent is a Czech national. Acquisition of nationality occurs only after the adoption has been accepted by a national authority, or when an adoption decided by a foreign authority has been accepted according to private international law by Czech authorities. No limits or risks of statelessness found.	Section 8 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)  Section 45 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)

PRS.5.a	<i>Ius sanguinis</i>	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">1961 Convention</a> : Article 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	<b>Yes</b> . At least one of the parents must be a Czech national.	Section 8 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">ECtHR, Genovese v. Malta (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4	Not to our knowledge.	<a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior) Czech Ombudsperson's Office
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<a href="#">CRC</a> : Article 7 <a href="#">ICCPR</a> : Article 24(2) <a href="#">CoE, Recommendation CM/Rec(2009)13 (2009)</a> : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7 <a href="#">UN Sustainable Development Goal 16.9</a>	<b>Yes</b> . The registration of children is done by the facility where the child was born. In case of home birth, parents must register their child at the birth registry according to the place of birth. The documentation to be presented for registration varies according to the situation: - if the child is born to a married couple, one of the parents must present their ID or passport - if the father is known, the mother presents her birth certificate - if a child is born to an unmarried couple, both parents must present their birth certificates The obligation to present documentation can be waived for reasons deserving special concern, mainly in the case of applicants for international protection, refugees granted asylum or subsidiary protection. In this case a solemn declaration is sufficient.	<a href="#">Act on Birth registry (zákon o matrikách) no. 301/2000 Sb.</a> (CZE)  § 15 of Act on Birth registry  §16 of Act on Birth Registry  § 16.6 Act on Birth Registry
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a> : Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.	<b>Yes</b> . All children, regardless of their nationality, will get a Czech birth certificate, issued by the birth registry. The birth certificate is issued within 30 days from the birth notification.	Act on Birth registry
PRS.6.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<a href="#">CRC</a> : Articles 3 & 7	The child's nationality is not recorded in the birth registry nor the birth certificate. If the child acquires Czech nationality by birth, only a birth certificate is needed. If a Czech child is born outside of the Czech Republic, they must be registered in a special birth registry to get a Czech birth certificate. If a child that does not acquire Czech nationality is born, parents have an obligation to apply for a visa for them within a deadline of 60 days. Parents' nationality is mentioned on the birth certificate.	Act on Birth Registry  <a href="#">Ministry of the Interior, Acquisition of Czech citizenship (CZE)</a>  <a href="#">Ministry of the Interior, Children born on the Czech territory (CZE)</a>
PRS.6.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	<a href="#">CRC</a> : Articles 3 & 7 <a href="#">1961 Convention</a> : Articles 1 & 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. <a href="#">HRC, CCPR General comment No. 17 (1989)</a> : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.	The child's nationality will be determined when they apply for a Czech passport or for an ID, or visa. In case of a doubt, parents have to apply for a Certificate of Czech Citizenship (CCC), at the birth registry according to the place of birth.	<a href="#">Ministry of the Interior, Acquisition of Czech citizenship (CZE)</a>  <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)

			<a href="#">HRC, D.Z. v. Netherlands (2021)</a>		
PRS.6.e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' migration or residence status, sexual orientation or gender identity, or other reasons (please specify)?	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p> <p><a href="#">Global Compact for Safe, Orderly and Regular Migration</a>: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p><a href="#">Global Compact on Refugees</a>: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p><a href="#">European Parliament Resolution (2018)</a>: Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p>	Not to our knowledge. No cases known where children would be prevented from registering.	OPU.
PRS.6.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> and <a href="#">Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC</a>: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p><a href="#">CoE, ECRI General Policy Recommendation No. 16(2016)</a>: States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	Not known. There is no clear firewall to prevent the sharing of information with immigration authorities, and it is not known whether this happens in practice.	OPU
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p><a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a>: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p>	The child's nationality will be determined when they apply for a Czech passport or for an ID, or visa. In case of a doubt, parents have to apply for a Certificate of Czech Citizenship (CCC), at the birth registry according to the place of birth.	<p><a href="#">Ministry of the Interior, Acquisition of Czech citizenship (CZE)</a></p> <p><a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)</p>
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Not known.	
PRS.7.a	<i>Reducing in situ statelessness</i>	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7	Not known.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be	<p><a href="#">1961 Convention</a>: Article 9</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Action 4</p> <p><a href="#">HRC, Recommendations of the Forum on Minority Issues (2019)</a>: States should take legislative, administrative</p>	In the Czech Republic, statelessness is linked mainly with migration (not with specific ethnicities). Little attention is paid to this issue. No study has been conducted so far about the Romani population. UNHCR recommended in its mapping study that the	OPU, Ombudsperson Office
					<a href="#">UNHCR, Faces of Statelessness in the Czech Republic</a> , December 2020

		stateless/at risk of statelessness? Please provide details and source of information.	and policy measures aimed at eliminating statelessness affecting minorities.	Government conduct a study on risk of statelessness among in situ/ethnic minority populations.	
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<a href="#">1961 Convention</a> <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Actions 1 & 8 <a href="#">UNHCR, Good Practices Paper - Action 1 (2015)</a> : States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	No.	
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<a href="#">1961 Convention</a> : Article 8 & 9 <a href="#">ECN</a> : Article 7(3) <a href="#">UDHR</a> : Article 15(2) <a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary</a> : Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 <a href="#">HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a> : para. 23 <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a> : the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). <a href="#">ILEC Guidelines (2015)</a> : Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.	No. There are no provisions on deprivation of nationality in Czech Law, only voluntary renunciation (see below).	Section 40 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<a href="#">1961 Convention</a> : Article 8(4) <a href="#">ECN</a> : Articles 10 to 13 <a href="#">Principles on Deprivation of Nationality</a> : Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. <a href="#">ILEC Guidelines (2015)</a> : The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.	For voluntary renunciation, the competent authority is the Czech Embassy in the country of the place of residence of the applicant or of the country of the nationality the person has applied for or the regional office in respect of the last place of permanent residency of the declarant on the territory of the Czech Republic. Should the declarant never have had a permanent residency on the territory of the Czech Republic, the competent authority shall be the Office of the Municipality Prague 1. To record the voluntary renunciation, there is the information system of the central register of persons who had acquired or lost the nationality of the Czech Republic. The Central Register is maintained by the Ministry of the Interior.	Section 40.3 of <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)  Section 50 of the <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		Not applicable.	
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from	<a href="#">1961 Convention</a> : Article 7 <a href="#">ECN</a> : Articles 7 and 8	<b>Yes. There is a safeguard against statelessness</b> arising in the process of a declarant acquiring another nationality. Czech law also accepts dual nationality, which is a further safeguard preventing statelessness.	Section 40.7, <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)

		resulting in statelessness?			Section 40.9, <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards. <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a> : Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.	No.	
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<a href="#">ICCPR</a> : Article 26 <a href="#">1961 Convention</a> : Article 9 <a href="#">ECN</a> : Article 5 <a href="#">Principles on Deprivation of Nationality</a> : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.	No.	
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<a href="#">CRC</a> : Articles 2(2), 7 and 8 <a href="#">CEDAW</a> : Article 9(1) <a href="#">Principles on Deprivation of Nationality</a> : States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).	Not applicable.	

## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p><b>Supreme Administrative Court decision no. 4 Azs 365/2018 regarding legal status of applicants</b></p> <p>Case regarding status of stateless determination applicants. They should be granted legal status during the procedure. The Ministry cannot choose some provisions of the Asylum Act to apply (such as time limits for decision-making) and not others. The applicant should get a certificate of application that grants them a right to stay on the territory in the same way as for asylum seekers (with access to healthcare and other services). Non-action of the state (in this case the refusal to give any legal status to the applicant - certificate of application) is contrary to their right to private and family life.</p> <p><b>Supreme Administrative Court decision no. 9 Azs 361/2017 from 19 April 2018 regarding expulsion of stateless persons</b></p> <p>Before rendering a removal decision (administrative expulsion) of a stateless person, the state must verify its compliance with the 1954 Convention, in particular with Article 31. The provision in the Czech Act on the Residence of Foreigners in its Section 121 (regulating expulsion of stateless persons when the receiving country agrees) does not apply in this case because of dissimilarity of this provision with the relevant provisions of the Convention, which has priority over the provisions of national law.</p> <p><b>Detention of an applicant for statelessness status was an unlawful act</b></p> <p>The court officially states that applicants for statelessness status cannot be detained because they are lawfully staying on the territory.</p> <p><b>Stateless persons to be allowed in accommodation centres for asylum seekers</b></p> <ul style="list-style-type: none"> <li>- “Not admitting applicants for status of a stateless person to an asylum seekers’ accommodation centre is an unlawful action”</li> <li>- “The (Ministry) is hereby prohibited to continue the breach of applicants’ right to housing in accommodation centre, and the (Ministry) is also ordered to enable the applicants’ to use housing in the accommodation centre until the entry in force of their decision on application for a status of a stateless person”</li> </ul> <p><b>Supreme Administrative Court judgment regarding detention and reasonable prospects for removal.</b> Statelessness might be an obstacle for removal. Authorities must consider if the person can be removed before rendering a detention decision, taking into account their possible statelessness. However, the authority does not have to determine for sure to which state the person can be removed.</p> <p><b>Damages claim</b></p> <p>Damages won in first instance for immaterial harm (delays in procedure) and for detention of a stateless person</p> <p><b>Access to healthcare</b></p> <p>The court ruled that not accepting the applicant for statelessness determination to the public health insurance system was unlawful action against his rights. They</p>	<p><a href="#">Supreme Administrative Court (Nejvyšší správní soud) case no. 4 Azs 365/2018-74 from 12 March 2019</a></p> <p><a href="#">Supreme Administrative Court decision no. 9 Azs 361/2017 from 19 April 2018</a></p> <p><a href="#">Unlawful Action claim, Municipal Court in Prague, decision no. 14 A 8/2020 from 14 September 2020</a></p> <p>Unlawful Action claim, Municipal Court in Prague, no. 5 A 168/2019 from 26 October 2020 (link not yet available)</p> <p>Supreme Administrative Court, case no. 1 Azs 283/2017 from 22 November 2017</p> <p>Prague 7 District Court, No. 12 C 2/2019 (not published yet)</p>

				should be insured in the same way as asylum-seekers. "It is decided that the action of the accused party (Public Health Insurance of the Czech Republic) consisting in not allowing him into the system of public health care, was unlawful". The Public Health Insurance appealed to the High Administrative court, refusing to accept this decision. The case is still pending at Supreme Administrative Court.	Municipal Court in Prague, (case no. 14 A 131/2020) (not published yet)
RES.2.a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants must have access to legal counsel.	<p><b>OPU</b></p> <p><b>UNHCR</b> (does not directly provide legal counselling but their lawyers are aware of the issue)</p> <p>Otherwise, there are no specialised organisations providing advice to stateless people in particular.</p>	<p><b>OPU, Organizace pro pomoc uprchlíkům, Organization for aid to refugees</b> Link: <a href="http://www.opu.cz">www.opu.cz</a> Address: Kovarska 4, 190 00 Prague 9 Tel: +420 730 158 781</p> <p><b>UNHCR Czech Republic</b> Link: <a href="https://www.unhcr.org/cz/">https://www.unhcr.org/cz/</a> Address: Železná 24, 110 00 Pra 1 Tel: +420 776 437 775</p>
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		<p><b>UNHCR: Faces of statelessness in the Czech Republic. UNHCR, Prague 2020. ISBN 978-953-95763-7-8.</b></p> <p>JANKŮ, L. Právní ochrana osob bez státní příslušnosti v České republice: 15 let po ratifikaci Úmluvy o právním postavení osob bez státní příslušnosti stále popelkou? [Legal Protection of Stateless Persons in the Czech Republic: 15 Years after the Ratification of the Convention on the Protection of Stateless Persons Still Ignored?] In JÍLEK, D. – POŘÍZEK, P. <i>Ročenka uprchlického a cizineckého práva 2018</i>. Brno: Kancelář veřejného ochránce práv, 2020. pp. 181-226. ISBN 978-80-7631-037-7.</p> <p>JANKŮ, L.: Postavení a ochrana osob bez státního občanství v České republice. [Legal Situation of Stateless Persons in the Czech Republic and Protection of their Rights] In JÍLEK, D. - POŘÍZEK, P. <i>Pobyt cizinců: vybrané právní problémy II</i>. Brno: Kancelář veřejného ochránce práv, 2015. pp. 256-290. ISBN 978-80-7478-916-8.</p> <p>HOFMANNOVÁ, H. Právní postavení osob bez státní příslušnosti v České republice. [Legal Status of Stateless Persons in the Czech Republic] In <i>Jurisprudence</i> 21(5), 2012, s. 13–23.</p>	<a href="#">UNHCR, Faces of Statelessness in the Czech Republic</a> , December 2020