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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 Czechia 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 Czechia, 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'. Czechia 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 Czechia has some positive aspects and some significant gaps. Czechia 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, Czechia 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. Between 2019 and 2021, jurisprudence conferred by analogy the same rights that asylum-seekers had to applicants for the statelessness determination procedure, such as the right to stay on the territory and receive an identity document during the procedure, the right to accommodation in the reception centre for asylum seekers and the right to health insurance. The provision regulating the determination of statelessness was moved from the Asylum Act to the Immigration act by a legislative amendment in 2021, which resulted in more limited procedural safeguards for applicants. Even though the analogy with rights under the asylum procedure should be preserved according to current jurisprudence (see section RES.1.a), the new procedure is very unclear, and the rights granted to stateless applicants are weaker. Since July 2023, the amendment to the Immigration Act has been in force, which includes a new section related to stateless persons and their identification process. The national legislation now includes a definition of stateless persons and incorporates the right to be issued an identity card as an applicant. Despite these recent legal provisions on the identification process, they are still insufficient and certain rights, such as the right to housing, remain unassured.

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 Czechia 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?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	UN Treaties Database, 1954 Convention
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.	Yes. 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 Czechia 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 Czechia. 3. Article 24, paragraph 1(b) shall be applied to the extent provided by the national legislation of Czechia. 4. Pursuant to Article 28 of the Convention, travel documents shall be issued to stateless persons having permanent residence permits in the territory of Czechia 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."	UN Treaties Database, 1954 Convention <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.	Article 10, Constitution of the Czech Republic
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes.	UN Treaties Database, 1961 Convention
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	Yes.	Article 10, Constitution of the Czech Republic
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes. Declaration to article 22: Czechia declares in respect of Article 22, sub-paragraph b, that persons, who are nationals of Czechia 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 Czechia if the said habitual residence has been maintained up to the age of 35 years of the persons.	COE, Reservations and Declarations for Treaty No.166 – European Convention on Nationality, Czech Republic
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. 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."	COE, Reservations and Declarations for Treaty No.005 – Convention for the Protection of Human Rights and Fundamental Freedoms, Czech Republic

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.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	COE, Chart of signatures and ratifications
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.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	Yes. Transposed to national law. No reservations.	Official Journal of the EU, EUR-Lex
IOB.3.e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes. 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.”	UNTC, Convention on the Rights of the Child
IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	Yes. No relevant declarations and no reservations.	UNTC, ICCPR
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	Yes. No reservations.	UNTC, International Covenant on Economic, Social and Cultural Rights
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes. No reservations.	UNTC, CEDAW
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Yes. No reservations.	UNTC, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Yes. No reservations.	UNTC, CERD
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.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	No.	UNTC, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes.	UNCT, Convention on the Rights of Persons with Disabilities

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised '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>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): 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>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p>	<p>There is no standardised "stateless" category. The last population census in 2021 did not include the category "stateless" or "no citizenship", unlike the previous census in 2011.</p> <p>Latest available figures on the stateless population in Czechia: Population census from 2021: Category 'not identified': 29,137 people (also disaggregated by sex: 13,116 women and 16,021 men) The category 'no citizenship' that was included in the 2011 census, no longer appeared in 2021. Population census from 2011: 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 collect data on foreigners in Czechia. Data is disaggregated by nationality, sex, age and by residence. It is published annually.</p> <p>Numbers of the Directorate of Foreign police service, available on Czech Statistical Office website: Category: <i>Stateless + Not identified + Other</i>: - up to December 2022, there were 847 persons (excluding people who were granted asylum); 921 persons in total (including people granted asylum) - up to December 2021, there were 851 persons (excluding people who were granted asylum); 948 persons in total (including people granted asylum) - 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>Numbers of the Ministry of the Interior: 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 31 August 2023, there were 475 of stateless persons living in Czechia. From those, 88 stateless persons held a temporary residence permit and 387 stateless persons held a permanent residence permit. Data was disaggregated by sex, there were 156 stateless women and 319 stateless men.</p>	<p>Czech Statistical Office, Population census, 2021 (CZE, ENG)</p> <p>Czech Statistical Office, Population census, Population by sex, type of residence, citizenship, housing arrangements, ethnicity and religious belief, 2011 (CZE, ENG)</p> <p>Czech Statistical Office, Foreigners, category by residence, sex, and citizenship as at 31 December 2022) – data excluding people granted asylum / data including people granted asylum</p> <p>Czech Statistical Office, Foreigners, category by residence, sex, and citizenship as at 31 December 2021) – data excluding people granted asylum / data including people granted asylum</p> <p>Czech Statistical Office, Foreigners, category by residence, sex, and citizenship as at 31 December 2020 - data up to December 2020 (CZE, ENG)</p> <p>Czech Statistical Office, Foreigners in the Czech Republic (Annual Report) 2020, (data up to December 2019, CZE, ENG)</p> <p>Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence, August 2023 (CZE)</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>Statistics of Ministry of the Interior: <i>"Citizenship unknown or non-identified"</i> (XXX): 49 persons with temporary residence permit and 21 persons with permanent residence permit up to August 2023 <i>"Palestinians"</i>: 85 persons with temporary residence permit and 123 persons with permanent residence permit up to August 2023</p> <p>Numbers of the Czech Statistical Office (Annual census): Category: <i>Stateless + Not identified + Other</i>: up to 31.12.2022, there were 847 persons (excl. people granted asylum); 921 persons in total (incl. people granted asylum)</p>	<p>Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence, August 2023 (CZE)</p> <p>Czech Statistical Office, Foreigners, category by residence, sex, and citizenship as at 31 December 2022) – data excluding people granted asylum / data including people granted asylum</p>

				"Palestine": 210 persons (excl. people granted asylum); 211 persons in total (incl. people granted asylum) up to 31.12.2022	
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 estimates that there were 1,577 stateless people in Czechia, as of mid-2023.	UNHCR, Faces of Statelessness in the Czech Republic , September 2023 UNHCR, Refugee Data Finder
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.	UNHCR, Faces of Statelessness in the Czech Republic , December 2020
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	No.	
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 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).</p>	Quarterly Report on migration, Ministry of the Interior, Second trimester of 2021(CZE) UNHCR, Faces of Statelessness in the Czech Republic , December 2020 Czech Statistical Office, Foreigners in the Czech Republic (Annual Report), 2022 - data up to 31.12. 2021 (CZE, ENG)
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).	<p>As above.</p> <p>EASO/EUAA, Practical guide on registration (2021): States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.</p>	<p>Ministry of the Interior provides annual and monthly statistical overview of asylum-seekers in Czechia, also disaggregated by nationality. Persons with granted refugee status are counted separately. In 2022, there were 12 international protection applications initiated by stateless persons. 11 decisions for stateless persons were given that year – 2 persons were granted subsidiary protection, 2 persons were issued with a negative decision and in 7 cases the proceeding was discontinued.</p> <p>Up to December 2022, there were:</p> <ul style="list-style-type: none"> - 21 stateless persons holding asylum status (9 women, 12 men) - 44 stateless persons holding subsidiary protection status (21 women, 23 men) <p>Census of refugees according to their country of origin but there also other groups (people that already came to Czechia with a granted status):</p> <p>"Convention refugee status": 13 persons (4 with temporary residence permit and 9 with permanent residence permit) up to August 2023</p> <p>"Refugee - others": 6 persons (3 with temporary residence permit and 3 with permanent residence permit) up to August 2023</p> <p>The census of the Czech statistical office and of the Ministry of interior corresponds.</p>	Ministry of the Interior of the Czech Republic, International Protection in the Czech Republic, annual statistical overview, 2022 (also available in English) Czech Statistical Office, Foreigners in the Czech Republic (Annual Report), 2019 - data up to 31.12.2019 (CZE, ENG) 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) Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence, August 2023 (CZE)

				However, due to lack of harmonisation of the data categories, and use of categories such as "unknown nationality", numbers may be inaccurate.	
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>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>CEDAW, Gen. Rec. 32 (2014): State parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>Equal Rights Trust, Guidelines (2012): 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>Council of the European Union, Conclusions on Statelessness (2015): 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, the Refugee Facilities Administration 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 Directorate of Foreign 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 (requests 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	No.	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.	1954 Convention : Articles 1(1) & 1(2).	<p>Yes. There is a definition of stateless person in national law following amendments to the Immigration Act, in force since July 2023, which defines a stateless person as a 'foreigner who is not considered by any State to be its national under its law.' The definition is part of the Immigration Act and reflects the Czech translation of the definition in the 1954 Convention. However, this Czech translation of the 1954 Convention does not fully reflect the English original, which includes in the definition the term "under operation of its law". The Czech translation only refers to the legal regulations of the respective state (law) but does not include the aspect of the practical application of these regulations (operation).</p> <p>The 1954 Convention has direct effect in Czech law.</p> <p>Mention of stateless persons is made in several national acts - Asylum Act, Immigration Act, Citizenship Act etc.</p>	<p>Section 49a of the Immigration Act, no. 326/1999 Coll. (in force since 1 July 2023).</p> <p>Asylum act (available in English of the official website of Ministry of the Interior) Czech Citizenship Act (available in English on the official website of Ministry of the Interior)</p>
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?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006) : 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.	<p>Currently there is no formal training on statelessness provided by the Government to competent authorities.</p> <p>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.</p>	OPU
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR, Good Practices Papers – Action 6 (2020): 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>UNHCR, Geneva Conclusions (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p>	<p>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 Czechia. Currently there is no training for judges or lawyers on statelessness.</p>	<p>UNHCR</p> <p>Czech Ombudsperson's Office</p> <p>OPU</p>
SDS.3.a	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a).</p> <p>2. There is no dedicated SDP leading to a dedicated statelessness 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</p>	<p>UNHCR, Handbook on Protection (2014): 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>UNHCR, Good Practices Papers – Action 6 (2020): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	2.	

		<p>procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (answer Question SDS.3.b. and proceed to Question 10a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (answer Question SDS.3.b. and proceed to Question 15a).</p>			
SDS.3.b	Temporary protection for people fleeing war	<p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine (through the EU Temporary Protection Directive or another mechanism)?</p> <p>Is temporary protection accessible to all stateless persons who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, please state so.</p> <p>Please describe any other barriers for stateless people or people at risk of statelessness in accessing the territory or receiving temporary protection, asylum, or other protection.</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>The Ministry of Interior advises people who do not hold a biometric passport to bring all other available documents proving their identity to enter Czechia. There are unofficial reports that women, children, and elderly persons without a passport should be able to enter the country but there are no guarantees.</p> <p>If the person does not hold a valid biometric passport, they can prove their identity with a national ID. If the person does not have a national ID either, they need to obtain a document proving their identity at the Ukrainian Embassy or at the Consular Office in order to get temporary protection in Czechia granted.</p> <p>Czechia offers temporary protection to stateless people from Ukraine, however not all of them are eligible to apply for temporary protection. Even though the group of persons to whom the temporary protection applies is broadened by the national legislation some may face barriers to accessing protection.</p> <p>Stateless persons eligible to apply for temporary protection in Czechia are beneficiaries of international protection or equivalent national protection in Ukraine, which includes statelessness status in Ukraine, and their family members, and those with a valid permanent residence permit in Ukraine who cannot return to their country of origin or former habitual residence.</p> <p>Stateless persons who had a temporary residence in Ukraine are excluded from temporary protection as well as stateless persons and those at risk of statelessness who cannot prove their links to Ukraine. If the person is not eligible to apply for temporary protection, they may apply for international protection or a "tolerance visa" but these residence types do not lead to the same rights as temporary protection.</p> <p>There were reports of discrimination against Romani people from Ukraine in accessing housing or obtaining temporary protection.</p> <p>In general, many refugees still encounter challenges related to temporary protection status. Some face obstacles in accessing temporary protection, while others may lose their protection status due to various circumstances. People fleeing Ukraine face difficulties in accessing temporary protection if they had previously applied for it in another EU Member State. The MoI refused to</p>	<p>Section 3 of Act on Certain Measures Related to Armed Conflict in Ukraine Caused by the Invasion of Russian Troops no. 65/2022 Coll. "Lex Ukraine" (CZE)</p> <p>OPU</p> <p>Information for Ukrainian citizens in the Czech Republic following the Russian aggression in Ukraine - FRS (web portal for foreigners in Czechia). Ministry of the Interior of the Czech Republic (CZE)</p> <p>European Network on Statelessness, Country Briefing, Czech Republic: Information for stateless people and those at risk of statelessness fleeing Ukraine, May 2022: https://www.statelessness.eu/statelessness-ukraine-crisis</p>

				accept applications for temporary protection submitted in Czechia and even began to revoke the temporary protection status of refugees who had been granted temporary protection in another Member State.	
SDS.10.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	If there is no dedicated SDP leading to a statelessness status , 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>ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p>ECtHR, Hoti v. Croatia (2018): [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 jurisprudential developments 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 amendment to the Immigration Act has been in effect since July 2023. This amendment introduced a section on stateless persons and the determination of their statelessness. Even though the law now includes some provisions that regulate the procedure to determine statelessness, the procedure still falls short of international standards and some rights are not guaranteed.</p> <p>According to the current legislation, applicants for statelessness determination have the right to remain on territory while their application is pending (this does not apply from second and other application) and to be issued with ID. The law now sets out the requirements for such an application, including that the applicant should include name, sex, date of birth, state where they were born, state which citizenship they lost, and address of stay in Czechia for the purpose of delivery of letters. There is not fixed form for the application and no requirement for the applicant to be lawfully resident in the territory. Legislation also requires applicants to provide evidence that no State considers them to be its national and that they cannot acquire a nationality. The authorities usually consider this in relation to the State of last residence and/or based on the evidence submitted in relation to the State in which the applicant has the highest probability of having nationality. The law now defines the documents on the basis of which it is concluded whether the applicant is stateless person or not. However, the list is illustrative, and the explanatory memorandum of the law refers to the UNHCR Handbook and mentions that the applicant may provide other evidence to prove statelessness, such as testimonies or interviews.</p>	<p>Section 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p>OPU</p> <p>Section 49a of the Immigration Act, no. 326/1999 Coll. (in force since 1 July 2023).</p> <p>Municipal Court Prague of 26. January 2022, Nr. 10 A 98/2021-45 Supreme Administrative Court of 11 July 2023, Nr. 3 Azs 42/2022</p>

				<p>Unfortunately, according to the law, the applicants still do not have the right to accommodation in the reception centre for asylum seekers or access to health insurance.</p> <p>Nevertheless, according to previous jurisprudence, rights similar to those of asylum seekers should be upheld. The Supreme Administrative Court even referred to the new legislation when it issued a decision considering the state of the law prior to the July 2023 amendment. However, it is not known how the Ministry will take into account the earlier case law. There is a possibility that, in cases filed under the new legislation effective from July 2023, the Ministry may not fully consider established case law. As a result, it may be necessary for the courts to reiterate that applicants still have the full range of rights granted to asylum seekers.</p> <p>The positive change is that the law explicitly refers to the Asylum Act with regard to the right of access to the file.</p> <p>The legislation now clearly states that applicants will be issued with an identity document. The identity document will be standardised in a government decree, which is in the process of being adopted, as of January 2024.</p> <p>The type of residence that is provided to persons who are recognised as stateless did not change. If the person is determined to be stateless, they are granted a tolerated stay visa, which is a very limited protection status.</p>	<p>Section 49a of the Immigration Act, no. 326/1999 Coll. (in force since 1 July 2023).</p> <p>Section 49a of the Immigration Act, no. 326/1999 Coll. (in force since 1 July 2023).</p>
SDS.10.b		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>1954 Convention UNHCR, Handbook on Protection (2014): 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>In case statelessness and asylum procedures overlap, the Ministry shall discontinue the statelessness determination procedure if the applicant has also filed an application for international protection. Also, if the applicant is granted any type of residence permit or already has another type of residence permit and it is confirmed that they are stateless through the Ministry's assessment, they shall only issue a certificate of their statelessness.</p>	<p>Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Section 170d paragraph 3 and 4 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p>
SDS.11.a	Access to procedures (Group 2)	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>UNHCR, Handbook on Protection (2014): 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.</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): 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. The 2021 legislative amendment was an attempt of the MOI to avoid the implementation of the jurisprudence. However, shortly after the entry into force of the amendment, a national case reiterated the necessity of preserving the analogy with the asylum procedure, regardless of whether statelessness determination is formally regulated under the Asylum Act or the Immigration Act.</p> <p>The procedure remained unclear: there were no provisions in law to regulate the status of stateless applicants, nor procedural</p>	<p>Section 165 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Supreme Administrative Court (Nejvyšší správní soud) case no. 4 Azs 365/2018-74 from 12 March 2019</p> <p>Municipal Court Prague of 26. January 2022, Nr. 10 A 98/2021-45</p>

				<p>safeguards, and the right to remain on the territory is not guaranteed.</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 newly amended Immigration Act now sets out the requirements for the application: the applicant should include name, sex, date of birth, state where they were born, state which citizenship they lost, address of stay in Czechia for the purpose of delivery of letters. There is not fixed form for the application and no requirement for the applicant to be legally resident in the territory. Legislation also requires applicants to provide evidence that any state considers them to be its citizens.</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. The legislation only states that the court shall decide on the appeal against the negative decision on the determination of statelessness with priority.</p>	<p>Section 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Section 172 paragraph 11 of the Immigration Act, no. 326/199 Coll.</p> <p>Section 170d paragraph 3 and 4 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p>
SDS.11.b	Are there obligations in law on authorities to consider a claim of statelessness?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Access to the procedure must be guaranteed.</p> <p>EASO/EUAA, Practical guide on registration (2021): Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person's statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p>	Yes, authorities have an obligation to consider a claim of statelessness, as specified in the Immigration Act.	Section 49a and 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)	
SDS.11.c	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>1954 Convention</p> <p>UNHCR, Handbook on Protection (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	Since July 2023, the law describes the procedure in more detail and includes some safeguards. However, it still does not fulfil all standards according to international norms. (See section SDS.10.a for more detail)	Section 49a and 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)	
SDS.11.d	Is there cooperation between agencies that may have contact with stateless people?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	<p>UNHCR or Ombudsperson sometimes refer cases to OPU. No official cooperation.</p> <p>The July 2023 amendment includes UNHCR rights similar to those in the asylum procedure. These are rights such as the right to information on the number of procedures and the right to contact the individual applicants.</p>	<p>OPU</p> <p>Section 49c of the Immigration Act, no. 326/1999 Coll.</p>	

<p>SDS.12.a</p>	<p>Assessment (Group 2)</p>	<p>Who has the burden of proof when determining or identifying statelessness (in law and practice)?</p>	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR, Geneva Conclusions (2010): 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. EctHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>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. In the procedure to determine statelessness described in the law, applicants are required to provide evidence that no State considers them to be its national. This can be a passport (even if it has expired); birth or marriage certificates; a document confirming that they are not nationals of the state where they were born or where they have been staying or the state that issued any of their documents; and documents confirming that they have tried to obtain the nationality of the state where they were born or where they have been staying or the state that issued them the documents. In addition, applicants may submit any evidence (e.g., medical reports, vaccination certificates, applicant testimony) that would prove their statelessness. The applicant does not have to submit all the documents listed in the law, but only those that, taken together, prove their statelessness. Therefore, applicants shall bring proof of their statelessness and cooperate with the Ministry. The Explanatory Memorandum states that the burden of proof is shared, however, unlike the international protection procedure, greater cooperation from the applicant is expected. The evidence used in the procedure for determining statelessness can be divided into two main categories: 1) evidence relating to the individual case of the applicant and their personal history, and 2) information on the country of origin or on the legislation on acquisition and loss of nationality in the country in relation to which the question of nationality is being examined. However, unlike in the case of international protection, a stateless person must cooperate with the State of potential nationality in order to obtain evidence of the existence or absence of nationality and make demonstrable and credible efforts to acquire it. The Explanatory Memorandum states that granting a tolerated stay permit on the basis of statelessness, like international protection, is a subsidiary status and thus an exception to the general rule of international law that a State's primary responsibility is to protect its own nationals. The justification for activating this subsidiarity must therefore be demonstrated.</p> <p>The Ministry rarely contacts embassies or state authorities, but they often collect relevant legislation, nationality acts etc. from the applicant's country of origin. Country of origin information also often includes translations and summaries from international organisations and/or international NGOs such as Human Rights Watch or Amnesty International. However, the Ministry of Interior, in cooperation with Czech embassies in the country of origin, may seek individually relevant information, focusing on specific details that may directly affect the applicant's case, such as local political conditions, security issues, or policies targeted at ethnic or social groups.</p> <p>The requirement that persons should prove their statelessness in the procedure, in particular with a document from the embassy stating that they do not consider them as their nationals, has proved to be difficult and, in some cases, impossible in practice, since it is not in the person's capacity to obtain such a document.</p> <p>According to the jurisprudence under the previous legislation, the burden of proof in statelessness determination should be shared as it is in the asylum procedure. The court has ruled that the MOI</p>	<p>Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>General Rules of Administrative Procedure</p> <p>OPU</p> <p>Section 49a paragraph 2 of the Immigration Act, no. 326/1999 Coll.</p> <p>Municipal Court Prague of 28 July 2022, Nr. 10 A 53/2021-37</p> <p>Explanatory Memorandum of 8 February 2023 to the Bill amending the Immigration Act</p>
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				should conduct steps towards verification of applicants' claims as the MOI is doing so in the asylum procedure.	
SDS.12.b		What is the standard of proof to evidence statelessness, in law and in practice?	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>UNHCR, Good practices in nationality laws (2018): 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.</p> <p>ECtHR, Hoti v. Croatia (2018): 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.</p>	<p>Under the current legislation, it is the applicants who are most often required to provide evidence of their statelessness.</p> <p>The Immigration Act does not list what specific evidence and documents will be used as sources for the decision on statelessness determination (unlike the Asylum Act regarding the asylum procedure). It only lists the documents to be submitted by the applicant.</p> <p>However, in principle, the standard of proof in statelessness determination should be analogous to the standard of proof applied in decision-making on asylum applications, as confirmed by case law of previous legislation in several instances. The courts have (confirmed the necessity of similarity to the asylum procedure, and therefore the Ministry should bear the responsibility to find evidence to prove or disprove statelessness. This case law has yet to be confirmed for the legislation under the July 2023 amendment.</p>	<p>Section 49a paragraph 2 of the Immigration Act, no. 326/1999 Coll.</p> <p>Supreme Administrative Court (NSS), case no. 4 Azs 365/2018, 12 March 2019 (CZE)</p> <p>Municipal Court Prague of 28 July 2022, Nr. 10 A 53/2021-37</p> <p>Explanatory Memorandum of 8 February 2023 to the Bill amending the Immigration Act</p>
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, accurate and reliable country of origin information relating to statelessness, etc.)?	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p>Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p>	<p>The Ministry has only decided on a few cases and there are not yet any clear guidelines.</p> <p>Country of origin information often includes relevant legislation, nationality acts, translations, and summaries from international organisations and/or international NGOs such as Human Rights Watch or Amnesty International.</p> <p>The MOI usually have a broad focus and cover various issues. Additionally, the COI by the MOI is not publicly available and can only be accessed if it is contained in a file of an individual case.</p>	OPU
SDS.13.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people generally?	<p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p>ENS (2013): 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.</p>	<p>Free State legal aid is not specified in the law. To our knowledge, most of the claims were OPU clients. Therefore, free legal assistance has been provided.</p> <p>For asylum seekers, free legal aid is guaranteed (by law).</p>	OPU
SDS.13.b		Is free interpreting available to stateless people?	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	Yes, according to the Immigration Act, the Ministry should provide the applicant with an interpreter free of charge if necessary.	Section 170e (4) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)
SDS.13.c		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>UNHCR, Handbook on Protection (2014): 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 legislation now indicates that the Ministry can conduct an interview with the applicant. The applicant shall be notified at least 5 days prior the interview. However, even before the July 2023 amendment, it has been the practice of the Ministry in the claims it has dealt with so far.</p> <p>The Immigration Act provides the deadline of six months, which can be prolonged for another six months if the case is complicated.</p> <p>Decisions (refusals and grants) are given in writing with reasons.</p>	<p>Section 170e of the Immigration Act, no. 326/1999 Coll.</p> <p>OPU</p> <p>Section 170f of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Section 170g para. 5 of Immigration Act, no. 326/1999 Coll.</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. The legislation only states that the court shall decide on the appeal against the negative decision on the determination of statelessness with priority. The court competent to hear appeals against the negative decision is the regional court in the vicinity of the foreigner's registered place of residence.</p> <p>General rules of Administrative Procedure apply.</p> <p>In case of the overlapping of several procedures, if the applicant has also filed an application for international protection, the Ministry of Interior will suspend the statelessness determination procedure and resume it once the international protection process is concluded. Also, if the applicant is granted any type of residence permit or already has another type of residence permit and it is confirmed that they are stateless, they shall not be granted a tolerated stay permit on the basis of their statelessness. However, in such cases, the Mol conducts an assessment to determine whether the person is indeed stateless. If statelessness is confirmed, the Ministry issues a certificate acknowledging the person's statelessness. Such a certificate by itself does not confer any legal status, as it is assumed that the legal status the applicant already has is stronger and better than the tolerated stay permit.</p> <p>Applicants for statelessness status can obtain a work permit once the initial 6 months from filing the application have passed (same as asylum seekers).</p> <p>With the recent amendment, the procedure now guarantees that applicants have the right to remain on territory (does not apply from the second application onwards). This is not considered as a legal residence permit/stay. In practice, this means, for example, that the time spent in the procedure does not count towards the 5-year stay requirement for permanent residence. Applicants also have the right to be issued an identity document. The identity document will be standardised in a government decree, which is in the process of being adopted, as of January 2024</p> <p>Unfortunately, according to the law, the applicants still do not have the right to accommodation in the reception centre for asylum seekers or access to health insurance.</p> <p>Stateless persons awaiting recognition of their status are often denied access to education (unlike asylum seekers).</p> <p>Nevertheless, according to previous jurisprudence, rights similar to those of asylum seekers should be upheld; however, it is not known how the Ministry will take into account the earlier case law. There is a possibility that, in cases filed under the new legislation effective from July 2023, the Ministry may not fully consider established case law. As a result, it may be necessary for the</p>	<p>Section 172 para. 11 of Immigration Act, no 326/1999 Coll.</p> <p>Section 172 para. 7 of Immigration Act, no. 326/1999 Coll.</p> <p>Section 170d paragraph 3 and 4 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p>
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				<p>courts to reiterate that applicants still have the full range of rights associated with asylum seekers.</p> <p>The positive change is that the law explicitly refers to the Asylum Act with regard to the right of access to the file.</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>UNHCR, Handbook on Protection (2014): 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>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 1954 Convention.</p> <p>The decision that recognises the person as stateless ensures that they will be granted a tolerated stay visa for one year. People granted with a tolerated stay visa are protected from expulsion. No cases of attempted removal of persons with a tolerated stay visa have been reported.</p> <p>The visa is renewable after one year, when the person can obtain 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>The tolerated visa is issued in the form of a sticker affixed to a passport or to a Travel Identity Card issued to persons who do not have a valid passport.</p>	<p>Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. (CZ) “Immigration Act”</p> <p>Section 33(3) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p>Section 43 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p>Section 68.2b) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</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"> - right to reside - travel document - work - healthcare - social security - education - housing - family reunification - right to vote. <p>[Section complete, proceed to DET]</p>	<p>1954 Convention</p> <p>UNHCR, Handbook on Protection (2014): 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 statelessness 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>: according to the legislation, if the person is granted a tolerated visa, they can participate in the public health insurance programme, if they cannot pay the insurance on their own on the grounds of the special circumstances. However, in practice, they can face barriers to accessing public health insurance.</p> <p>A special request has to be made to obtain a work permit (it is also not automatic and is subject to criteria set out in the Employment Act). Like applicants for the procedure to determine statelessness, people granted a tolerated stay visa ,must apply to the Labor Office to obtain a work permit and the application fee is 500 CZK. Work permits issued to asylum-seekers and stateless persons are usually issued for a short period of time and are often subject to renewal. If a work permit has been issued while the statelessness determination application is pending, and the work permit is still valid after statelessness is recognised, there is no need to obtain a new work permit.</p> <p>Along with the visa application, the person will get “an identity document for travelling” which is not a passport but is accepted as an identity travel document by the Czech Immigration Police and some other countries. As of July 2023, persons who were issued with the Tolerated Stay Visa are eligible to travel abroad. Before the July 2023 amendment, the stateless holders of Tolerated Stay Visa were not allowed to leave Czechia, as the Visa expired once the person left the territory of Czechia. Persons holding Tolerated Stay Visa still cannot travel abroad but there is an exception for stateless persons. For permanent residents, Czechia will issue a foreigner’s passport, which is a regular travel document.</p> <p>For other convention rights: right to education is granted (it is not linked to specific residence status)..</p>	<p>Section 48, 50(3), 113 and 114 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p>Section 97 of Czech Employment Act no. 435/2004 (regarding work permit)</p> <p>Explanatory Memorandum of 8 February 2023 to the Bill amending the Immigration Act</p> <p>Section 62 paragraph 4 of the Immigration Act, no. 326/1999 Coll.</p> <p>Section 113 of Immigration Act, no. 326/1999 Coll.</p>

				<p>Right to family reunification 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).</p> <p>Right to vote is reserved only to Czech citizens.</p> <p>Foreigners, including stateless people, with a right to reside can under some conditions access social services and social benefits in order to secure housing.</p>	

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.</p> <p>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>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): 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. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): 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>For people subject to removal or transfer (according to §123b of Immigration Act):</p> <ul style="list-style-type: none"> - selection of the address where the person is required to stay (for check-ups) - bail - regular reporting at the Immigration Police station <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>Alternatives for asylum seekers according to §47 of Asylum Act:</p> <ul style="list-style-type: none"> - obligation to stay in residential centre for asylum-seekers regular reporting at the Ministry of the Interior office (Asylum Department) <p>In practice, alternatives are used only in minimum of cases.</p>	<p>Articles 124 - 129 of Act No. 326/1999 Coll. of the Immigration Act (CZE)</p> <p>Article 46a of Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>§124 and §124b, §129 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>§46a of Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>OPU casework</p> <p>§129 (4) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Articles 123b-129 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Articles 46a and 47 of Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>Czech Ombudsperson Office</p> <p>Other sources and publications:</p>

					Reporting to CAT - Info from Civil Society Organizations (OPU), January 2021
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.	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p>ECtHR, Auad v. Bulgaria (2011): In cases of 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.</p> <p>EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>No. 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).</p>	<p>§126 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE) : purposes of detention</p> <p>Jurisprudence of Supreme Administrative Court, NSS, case no. 1 As 12/2009 – 61 from 15 April 2009</p> <p>OPU casework</p>
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	<p>EU Return Directive: 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.</p> <p>UN Working Group on Arbitrary Detention (2018): 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.</p> <p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009)</p>	<p>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).</p> <p>Detention must be terminated without undue delay after the reason for detention has ceased to exist. The detention must be ended without undue delay if there is no reason to detain anymore, the court annulled the decision of detention, the person was granted asylum or subsidiary protection, or the person was granted a long-term residence permit with the purpose of protection on the territory. No special application for release from detention is needed.</p> <p>However, in practice, the police usually assess this only when they decide to prolong detention and issue a new decision.</p>	<p>Section 126 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Section 127 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p>
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.	<p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p>Equal Rights Trust, Guidelines (2012): 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>ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never</p>	<p>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.</p> <p>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.)</p>	<p>§126 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE) : purposes of detention</p> <p>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></p> <p>Jurisprudence of Supreme Administrative Court, NSS, case no. 1 As 12/2009 – 61 from 15 April 2009</p> <p>OPU</p>

			be justified when there is no active or realistic progress towards transfer to another State.		
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.	PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : 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 Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Return Directive : Article 16(3) EU Return Handbook (2017) : Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013) : European entities should assess the situation of LGBTI persons in detention. PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : 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.	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 treatment for stateless persons is provided for in law.	Section 124 et seq. of the Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE) Section 46a of the Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)
DET.2.d		Are stateless people detained in practice?	As above.	Yes. 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.	§121 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE) OPU
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	ICCPR : Article 9(4) ECHR : Article 5(4) EU Return Directive : Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021) : States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.	The maximum time limit 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. The police must always examine if the reasons for detention are lasting. The detention must be ended without undue delay if there is no reason to detain anymore, the court annulled the decision of detention, the person was granted asylum or subsidiary protection, or the person was granted a long-term residence permit with the purpose of protection on the territory. No special application for release from detention is needed. The police must render a decision to detain in 48 hours after arrest. In this decision it must set out the legal basis for detention with reasoning , 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	Article 125 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE) Article 126 and article 127 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE) Article 46a(5) of Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)

		<p>UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p>UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest.</p> <p>Equal Rights Trust, Guidelines (2012): 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.</p> <p>International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p> <p>ECtHR, Kim v. Russia (2014): 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>application). The Ministry must set out the initial duration of detention.</p> <p>There is a possibility to appeal 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.</p> <p>The review of detention occurs only if the detainee requests one. 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>Free legal aid is provided regularly (weekly) in every detention facility. OPU provides legal assistance in detention based on the AMIF project. However, these official ministerial legal aid programmes were shut down in 2022 and until March 2024 for NGOs. OPU or any other NGO did not have access to the detention facilities and was not able to provide legal assistance to detainees widely. Between November 2022 and March 2024, a private commercial law firm was chosen by the MoI to ensure and provide free legal assistance and consultations to detainees, although this firm does not have any experience in providing aid and assistance to vulnerable groups and does not have any expertise in the area of foreigners' and asylum law. Since March 2024, NGOs have regained access to detention facilities on the basis of the State legal aid programme. According to information provided by some courts, the number of filed lawsuits has decreased during the time this law firm is providing legal assistance. The authorities informed OPU that access to the facilities will only be granted if a specific client requests OPU's presence, or if OPU is representing a client with a power of attorney. Furthermore, advice will only be provided in the visiting room, not in the room for legal advice. Such a barrier to entry into detention centres leads to the inability to effectively communicate with detainees and consult with them in a room equipped with the necessary tools.</p>	<p>Article 124, 124b, 125 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Article 46a(4), (5), (6), (7) of Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>§172 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>§172 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>§ 129a of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>§46a (7) of Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>Act no. 82/1998 coll., on State Liability caused by exercise of public authority by decision or by wrong administrative action "Zákon o odpovědnosti za škodu způsobenou při výkonu veřejné moci rozhodnutím nebo nesprávným úředním postupem". (CZE)</p> <p>OPU</p> <p>Article "The Mirrored Labyrinth of Asylum Law" by Martin Kopa, a judge of the Regional Court in Brno</p>
DET.3.b	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>Equal Rights Trust, Guidelines (2012): 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 protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</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 stateless is provided in practice, neither in immigration detention facilities nor in the detention facility for asylum seekers (Reception Centre).</p>	<p>Article 124(7) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p> <p>Article 46a (6), (7) of Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>OPU</p>
DET.3.c	Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p>	<p>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</p>	<p>OPU</p>

			ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	returned. However, there is no publicly available information on specific rules that govern this activity of the police.	
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021) : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust, Guidelines (2012) : 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?	CJEU, Kadzoev, C-357/09 PPU (2009) : 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. Equal Rights Trust, Guidelines (2012) : 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?	UNHCR, Handbook on Protection (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness. UNCRC, MKAH v Switzerland, no 95/2019 (2021) : The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).	Czechia 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). The legal framework requires consideration of the child's right to nationality and their fundamental rights before returning to the country of origin, taking into account the principle of the best interests of the child. However, in practice, the best interests of the child is not always taken into account, especially when the removal of the child is considered in the context of the whole family or in the case of unaccompanied minors who are close to the age of majority.	Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorisation, no. 12/2013- safeguards for persons born on the territory of ex-Yugoslavia, interviews to determine nationality etc.

DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		No.	
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PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : 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. European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	Yes.	Section 5, Act on Citizenship of the Czech Republic no. 183/2013 (available in ENG)
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. ENS, No Child Should Be Stateless (2015) : 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.	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 Czech Citizenship Act (available in English on the official website of Ministry of the Interior)
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?	UNHCR, Guidelines on Statelessness No. 4 (2012) : 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?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (2015) : 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 Czech Citizenship Act (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.	UNHCR, Guidelines on Statelessness No. 4 (2012) : 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	Yes. 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 Czech Citizenship Act (available in English on the official website of Ministry of the Interior)

			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.		
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.	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): 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. CRC: Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. ECN: Article 6(2)(b)</p>	No. Acquisition at birth (automatic) or on application which can be lodged immediately after birth.	Section 5 and 29 of Czech Citizenship Act (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.	<p>Committee on the Rights of the Child, Concluding observations on Czech Republic (2011): 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. ENS, No Child Should Be Stateless (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	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 Czech Citizenship Act (available in English on the official website of Ministry of the Interior)
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): 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. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015): 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.</p>	No limit. A person can apply to the competent authority (by place of birth) any time. There is a fee for making the application. If it is filed by a minor the fee is CZK 500 but can be reduced to CZK 100. If the application is filed by an adult the fee is CZK 2,000 but can be reduced to CZK 500.	Attachment, Section I, Art. 8, Item 13 and 14, and seg. discretion under art. 8 of Act no. 634/2004 on administrative fees
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): 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.</p>	Yes. 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>	Section 29.4 of Czech Citizenship Act (available in English on the official website of Ministry of the Interior)

				Holding the status of refugee in Czechia (asylum or subsidiary protection) is considered as a serious reason in practice by the Ministry. However, children born to parents who changed their residence status (e.g., subsidiary protection to permanent residence) can face barriers to acquiring nationality.	
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	1961 Convention : Article 2 ECN : Article 6(1)(b)	Yes. 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 Czech Citizenship Act (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?	UNHCR, Guidelines on Statelessness No. 4 (2012) : 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 Czech Citizenship Act (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?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No.	
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?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (2015) : 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.	No. 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 Czech Citizenship Act (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.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes. 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 Czech Citizenship Act (available in English on the official website of Ministry of the Interior) Section 45 of Czech Citizenship Act (available in English on the official website of Ministry of the Interior)
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : 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.	Yes. At least one of the parents must be a Czech national.	Section 8 of Czech Citizenship Act (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	ECTHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination.	Not to our knowledge.	Czech Citizenship Act (available in English on the official website of Ministry of the Interior) Czech Ombudsperson’s Office

		descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<p>CEDAW, Gen. Rec. 32 (2014): 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.</p> <p>UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2023: Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4</p>		
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	<p>CRC: Article 7</p> <p>ICCPR: Article 24(2)</p> <p>CoE, Recommendation CM/Rec(2009)13 (2009): 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.</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	<p>Yes. 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:</p> <ul style="list-style-type: none"> - 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 <p>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.</p> <p>There are no discriminatory provisions in registering children, however, in the case of same-sex couples only one parent can be listed on the birth certificate.</p>	<p>Act on Birth registry (zákon o matrikách) no. 301/2000 Sb. (CZE)</p> <p>§ 15 of Act on Birth registry</p> <p>§16 of Act on Birth Registry</p> <p>§ 16.6 Act on Birth Registry</p> <p>§ 14 Act on Birth Registry</p>
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): 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.</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: 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.</p>	<p>Yes. 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.</p>	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.)	<p>CRC: Articles 3 & 7</p>	<p>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 Czechia, 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.</p>	<p>Act on Birth Registry</p> <p>Ministry of the Interior, Acquisition of Czech citizenship (CZE)</p> <p>Ministry of the Interior, Children born on the Czech territory (CZE)</p>

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, competent authority, and whether the child's best interests are taken into consideration.	<p>CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012): 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. HRC, CCPR General comment No. 17 (1989): 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. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021)</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. In case the parents have to apply for a CCC, the best interest of the child is not always taken into consideration as the child's right to acquire a nationality is conditioned by the residence status of the parents.	<p>Ministry of the Interior, Acquisition of Czech citizenship (CZE)</p> <p>Czech Citizenship Act (available in English on the official website of Ministry of the Interior)</p>
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: 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. Global Compact for Safe, Orderly and Regular Migration: 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. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed. Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>	<p>Not to our knowledge. No cases known where children would be prevented from registering, however, in the case of same-sex couples only one parent can be listed on the birth certificate.</p> <p>All children born as a result of a surrogacy agreement are registered as well. Only the surrogate mother is listed as a parent on the birth certificate</p>	<p>OPU.</p> <p>§ 14 Act on Birth Registry</p>

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?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC : 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. CoE, ECRI General Policy Recommendation No. 16(2016) : 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.	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.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution A/HRC/RES/20/4 (2012) : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. General Comment No 7 (2005) CRC : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.	Yes. All children must be registered within 3 days of birth or within 3 days the mother of child could first do so. The birth certificates are issued to all children within 30 days. Not registering a birth is an offence and punishable by a fine of up to 10000 CZK. 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.	Art. 79a Act on Birth registry (zákon o matrikách) no. 301/2000 Sb. (CZE) Ministry of the Interior, Acquisition of Czech citizenship (CZE) Czech Citizenship Act (available in English on the official website of Ministry of the Interior)
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	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : 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 stateless/at risk of statelessness? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	In Czechia, 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 Government conduct a study on risk of statelessness among in situ/ethnic minority populations.	OPU, Ombudsperson Office UNHCR, Faces of Statelessness in the Czech Republic , December 2020
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.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to	No.	

			resolve statelessness because they require the person concerned to take certain steps to acquire nationality.		
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.).	<p>1961 Convention: Article 8 & 9 ECN: Article 7(3) UDHR: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: 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 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): 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). ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	No. There are no provisions on deprivation of nationality in Czech Law, only voluntary renunciation (see below).	Section 40 of Czech Citizenship Act (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)?	<p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 Principles on Deprivation of Nationality: 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. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their 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.</p>	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 Czechia. Should the declarant never have had a permanent residency on the territory of Czechia, 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 Czechia. The Central Register is maintained by the Ministry of the Interior.	Section 40.3 of Czech Citizenship Act (available in English on the official website of Ministry of the Interior) Section 50 of the Czech Citizenship Act (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 resulting in statelessness?	<p>1961 Convention: Article 7 ECN: Articles 7 and 8</p>	Yes. There is a safeguard against statelessness 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, Czech Citizenship Act (available in English on the official website of Ministry of the Interior) Section 40.9, Czech Citizenship Act (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.	<p>Principles on Deprivation of Nationality 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.</p> <p>UNHCR Guidelines on Statelessness No.5 (2020): 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.</p>	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.	<p>ICCPR: Article 26</p> <p>1961 Convention: Article 9</p> <p>ECN: Article 5</p> <p>Principles on Deprivation of Nationality: 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.</p>	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.	<p>1961 Convention: Article 6</p> <p>CRC: Articles 2(2), 7 and 8</p> <p>CEDAW: Article 9(1)</p> <p>Principles on Deprivation of Nationality: 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).</p>	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>Supreme Administrative Court decision no. 4 Azs 365/2018 regarding legal status of applicants</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>Supreme Administrative Court decision no. 9 Azs 361/2017 from 19 April 2018 regarding expulsion of stateless persons</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>Detention of an applicant for statelessness status was an unlawful act</p> <p>The court officially states that applicants for statelessness status cannot be detained because they are lawfully staying on the territory.</p> <p>Stateless persons to be allowed in accommodation centres for asylum seekers</p> <p>- “Not admitting applicants for status of a stateless person to an asylum seekers’ accommodation centre is an unlawful action” - “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”</p> <p>Supreme Administrative Court judgment regarding detention and reasonable prospects for removal. 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>Damages claim</p>	<p>Supreme Administrative Court (Nejvyšší správní soud) case no. 4 Azs 365/2018-74 from 12 March 2019</p> <p>Supreme Administrative Court decision no. 9 Azs 361/2017 from 19 April 2018</p> <p>Unlawful Action claim, Municipal Court in Prague, decision no. 14 A 8/2020 from 14 September 2020</p> <p>Unlawful Action claim, Municipal Court in Prague, no. 5 A 168/2019 from 26 October 2020 (link not yet available)</p>

				<p>Damages won in first instance for immaterial harm (delays in procedure) and for detention of a stateless person</p> <p>Access to healthcare The court ruled that not accepting the applicant for statelessness determination to the public health insurance system was unlawful action against his rights. They 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.</p> <p>The analogy with the asylum procedure Shortly after the 2021 amendment which moved the statelessness determination from the Asylum Act to the Immigration Act came into force, the court ruled there is the necessity of preserving the analogy with the asylum procedure, regardless of whether the statelessness procedure is formally regulated under the Asylum Act or the Immigration Act.</p> <p>Burden of proof The burden of proof in the statelessness procedure should be shared as it is in the asylum procedure. The court has ruled that the MOI should conduct steps towards verification of applicants' claims as the MOI is doing so in the asylum procedure.</p> <p>International obligations of CZ & Burden of proof II Even though the determination of statelessness was moved from the Asylum Act to the Immigration Act the rights under the asylum procedure should be still preserved – therefore the burden of proof should be divided between the applicant and MOI as it is in the asylum procedure.</p> <p>The court ruled, similar to the judgment above, the MOI should use its apparatus to determine whether the applicant is stateless or not. The court suggested the MOI should get information on the nationality of the applicant on its own. The judgment is linked to UNHCR guidance as well.</p> <p>The right to ID & the right to remain on the territory The court ruled that even though the applicant has any kind of ID (in this case an ID of a non-Latvian citizen) the MOI must issue the ID of the stateless applicant that is also serving as proof of residence status of the stateless applicant. According to the court, there should be an analogy between the asylum seekers' and the stateless applicants' rights to obtain an ID and to remain on the territory.</p> <p>In another case, the court found that, despite the Ministry of Interior's refusal to issue identity documents to persons applying to be recognised stateless, applicants have the right to be issued with an ID. The court referred to UNHCR Guidelines and to its previous ruling, according to which the analogy with the asylum procedure should be preserved regardless of whether</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> <p>Municipal Court in Prague, (case no. 14 A 131/2020) (not published yet)</p> <p>Decision of Municipal Court Prague, 26 January 2022, Nr. 10 A 98/2021-45</p> <p>Decision of Municipal court in Prague, 28 July 2022, n. 10 A 53/2021-37</p> <p>Decision of Municipal court in Prague, 23 August 2022, n. 57 A 119/2021-38</p> <p>Decision of the Supreme Administrative Court, 27 September 2022, n. 2 Azs 40/2022-35</p> <p>Decision of the Municipal Court in Prague of 24 April 2023, No 14 A 18/2023-35</p>
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RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	<p>OPU</p> <p>UNHCR (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>OPU, Organizace pro pomoc uprchlíkům, Organization for aid to refugees Link: www.opu.cz Address: Podebradska 5, 190 00 Prague 9 Tel: +420 730 158 781</p> <p>UNHCR Czech Republic Link: https://www.unhcr.org/cz/ Address: Václavské nám. 51, 110 00 Praha 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>UNHCR: Faces of statelessness in the Czech Republic. UNHCR, Prague 2020. ISBN 978-953-95763-7-8.</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>UNHCR, Faces of Statelessness in the Czech Republic, December 2020</p>

				HOFMANNOVÁ, H. Právní postavení osob bez státní příslušnosti v České republice. [Legal Status of Stateless Persons in the Czech Republic] In Jurisprudence 21(5), 2012, s. 13–23.	
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