

CZECH REPUBLIC

The Czech Republic is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First Optional Protocol. The current refugee law came into effect in 2000 and was amended during 2001 to align Czech laws more closely with European Union (EU) standards.¹

In 2000, 8,787 people applied for asylum; at the end of the year, there were 4,625 applications awaiting resolution.² 18,090 asylum applications were filed in 2001.³ In the first quarter of 2002, 2,729 applications were filed.⁴ Upon announcing their intention to apply for asylum to passport officials at the border, all asylum seekers, regardless of documentation, are issued tickets to a designated reception center in the interior.⁵ Asylum seekers must report promptly to the centers, where they may lodge their formal asylum applications.⁶ The Ministry of Interior's Department for Refugees is responsible for issuing first-instance decisions on asylum claims, and should reach a decision within 90 days of an application receipt.⁷ Two commissions decided appeals in 2001; but the 2001 amendment to the refugee law creates a new appeal body for second-instance

¹ U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2001 at 214 *available at* <http://preview.refuges.org/world/worldmain.htm> (Immigration and Refugee Services of America 2001) [hereinafter USCR WORLD REFUGEE SURVEY 2001].

² *Id.*, at 214.

³ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, NUMBER OF ASYLUM APPLICATIONS SUBMITTED IN 30 INDUSTRIALIZED COUNTRIES, 1992-2001, (May 31, 2002), *available at* http://www.unhcr.ch/cgi-bin/texis/vtx/home/+NwwBmem_Xx8wwwwwwqwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqEvXafDm1BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf (last accessed Aug. 29, 2002) [hereinafter *Asylum Applications Lodged in 1992-2001*].

⁴ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, ASYLUM TRENDS IN 28 INDUSTRIAL COUNTRIES: JANUARY TO MARCH 2001—JANUARY TO MARCH 2002, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+2wwBmelFXx8wwwwwwwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqF+8afDm15BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf> (June 13, 2002) (last accessed Aug. 29, 2002) [hereinafter *Asylum Trends in 28 Industrialized Countries*].

⁵ USCR WORLD REFUGEE SURVEY 2001, *supra* note **Error! Bookmark not defined.**, at 214.

⁶ *Id.*

⁷ *Id.*

applications, provisionally the High Court in Prague, pending a new law on the administrative judiciary system that enters into force in January 2003.⁸

The 2000 legislation created an accelerated procedure for “manifestly unfounded” applications—the grounds for which the 2001 legislation expanded—which allows unsuccessful applicants only seven days to appeal.⁹ The Department for Refugees may also refuse status to applicants who arrive in the Czech Republic from so-called “safe countries of origin” or “safe third countries” to which they can be returned.¹⁰

New arrivals must report to the reception center at Vyshni Lhoty, for a “quarantine period”—about 21 days— during which they undergo a medical exam, have their first asylum interview and are not allowed to leave the reception center.¹¹ The reception center is run by the Department for Refugee Facilities Administration of the Ministry of the Interior and can hold 500 people.¹² The center tries to accommodate families separately from other asylum seekers but this is not always possible. The applicants for asylum do not have the ability to cook but the center provides food. The Ministry provides elementary social assistance and NGOs also provide social assistance for adults and organize activities for children. Basic medical care is provided at the center.

Following the quarantine period, most asylum applicants are permitted to move to one of the country’s four refugee residential centers (or refugee camps), where they live for the duration of the asylum procedure.¹³ An asylum seekers whose identity cannot be proved, or who the Aliens and Border Police suspect will attempt to avoid expulsion their applications are rejected may be detained in the reception center beyond the initial quarantine period.¹⁴

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Pavel Tychtl, *Conflict Between European Integration and International Human Rights Obligations in the Shaping of Asylum Policies in Central and Eastern Europe, Country Study: The Czech Republic*, at 8-9 (unpublished manuscript on file with Debevoise & Plimpton).

¹² *Id.*

¹³ Pavel Tychtl, *Conflict Between European Integration and International Human Rights Obligations in the Shaping of Asylum Policies in Central and Eastern Europe, Country Study: The Czech Republic*, at 8-9 (unpublished manuscript on file with Debevoise & Plimpton).

¹⁴ DANISH REFUGEE COUNCIL, LEGAL AND SOCIAL CONDITIONS FOR ASYLUM SEEKERS AND REFUGEES IN CENTRAL AND EASTERN EUROPEAN COUNTRIES, *Czech Republic*,

Applicants may live outside the refugee centers if they can prove that they have accommodation. Asylum seekers in the refugee camps enjoy more freedom of movement than in the reception center and may leave the camp temporarily after obtaining an authorization. The Danish Refugee Council reports that the “conditions are satisfactory” in these camps. If possible, the camps will try to accommodate the families separately. Food is provided by the camps which attempt to take into account cultural and religious dietary requirements. The ability for applicants to cook is currently under discussion. NGOs also provide Czech language tuition in the camps. Basic medical care is provided at the center.

Asylum seekers may stay in the camps until the Minister of the Interior or the Commission renders its decision. Whether the decision is positive or negative, and whether or not they appeal the decision, they have to leave the camp once it is rendered.

In both the reception center and the refugee camps, the asylum seekers receive financial assistance (free board and lodging, pocket money), and both provide basic medical care. The asylum seekers accommodated outside the camps, however, automatically lose their entitlements to financial and medical assistance.¹⁵

Is there independent review of the detention decision? No information.

Are there limits on the period of detention? Yes; thirty days after the expulsion order.

Asylum seekers without residence permits may be detained pursuant to an expulsion order for a maximum of thirty days. If removal is not possible within thirty days, the applicant must be released, though she may risk re-arrest.¹⁶

Is there periodic review of detention? No information.

Is there access to government-funded legal aid? No.

NGO and UNHCR access to the reception centers is limited.¹⁷ NGOs provide free legal assistance to challenge the legality and circumstances of detention.¹⁸

available at <http://www.english.drc.dk/publications/> (Apr. 1999) [hereinafter DRC E. EUR. REPORT 1999].

¹⁵ DRC E. EUR. REPORT 1999, *supra* note **Error! Bookmark not defined.**4, *Czech Republic* at 18-21

¹⁶ DRC E. EUR. REPORT 1999, *supra* note **Error! Bookmark not defined.**4, *Czech Republic*.

¹⁷ DRC E. EUR. REPORT 1999, *supra* note **Error! Bookmark not defined.**4, *Czech Republic*.

Alternatives to detention: Yes.

As noted above, following the quarantine period, most asylum applicants are permitted to move to a refugee residential center or may live outside the refugee centers if they can prove that they have accommodation.

Vulnerable groups: All unaccompanied minors are accommodated in the same refugee camp.¹⁹

Upon the commencement of the asylum procedure and for its duration, the Aliens and Border Police appoint a guardian to represent unaccompanied minors under 18 years old. The procedure for unaccompanied minors is the same as the one for adults although their age and situation may discretionarily be taken into consideration. Financial assistance provided to unaccompanied minors is the same as that for other asylum seekers.

¹⁸ EUROPEAN COUNCIL ON REFUGEES AND EXILES, STUDY ON THE AVAILABILITY OF FREE AND LOW-COST LEGAL ASSISTANCE FOR ASYLUM SEEKERS IN EUROPEAN STATES at 69, available at <http://www.ecre.org/research/legalassistance/index.shtml> (November 2001) [hereinafter ECRE EUR. STUDY 2001].

¹⁹ DRC E. EUR. REPORT 1999, *supra* note **Error! Bookmark not defined.**4, *Czech Republic* at 13, 22.