

Immigrants in the Czech Republic

Jiri Pehe

In the past the Czech Lands were one of the major sources of emigration in Europe. However, with the end of political repression and given its current political stability and relative economic prosperity, the Czech Republic is becoming increasingly a country of destination. It is estimated that foreigners may soon make up 1–2% of the country's population. Most immigrants reside in the country legally, but it is believed that the number of foreigners living illegally in the Czech Republic is in the tens of thousands. The country also provides assistance to several thousand refugees and asylum seekers. A gateway to the West, the Czech Republic has also had to cope with tens of thousands of foreigners trying to cross into Germany.

In the past four years the number of foreigners living in the Czech Republic has increased dramatically. Various sources estimate that foreigners may soon make up 1–2% of the Czech Republic's population. The real number of foreigners living in the country is unknown; because of the Czech Republic's relatively liberal laws on staying in the country, it is believed that tens of thousands of illegal immigrants live in the country in addition to foreigners who have officially registered. The country provides assistance to several thousand refugees and asylum seekers. In 1993 alone tens of thousands of foreigners used the Czech Republic as a point of transit in their attempt to cross into Germany; the German border police returned to the Czech Republic almost 20,000 of these illegal immigrants. The stay of foreigners in the country, as well as the processing of refugees and asylum seekers, is governed by several laws adopted since

1989 in an effort to bring the country's legislation into line with international agreements.

Legal Framework

The stay of foreigners in the Czech Republic is governed primarily by two laws adopted by the Czechoslovak parliament: the Law on the Stay of Foreigners (1992) and the Law on Refugees (adopted in 1990 and amended by the Czech parliament in 1993). The basic legal framework for the adoption of these laws was established in January 1991, when the Czechoslovak Federal Assembly passed an amendment to the Czechoslovak Constitution entitled the Bill of Fundamental Rights and Liberties. (After the disintegration of Czechoslovakia the bill became one of the pillars of the constitutional order of the Czech Republic.) The bill stated that all international agreements on human rights and basic freedoms ratified by Czechoslovakia, including

those on foreigners and refugees, were binding for all Czechoslovak citizens and took precedence over other domestic laws.¹ The bill also stated that foreigners could be expelled from the territory of Czechoslovakia only in cases in which Czechoslovak laws or international laws permitted such treatment.

The Law on the Stay of Foreigners states that a foreigner can enter the Czech Republic only with a valid travel document and an entry visa, unless the Czech Republic and the foreigner's home country have agreed to visa-free travel. The law distinguishes between short-term, long-term, and permanent stays. The short-term stay is usually granted to regular visitors such as tourists for a maximum of 180 days. Long-term residence status—usually granted for the purpose of employment, business activities, medical treatment, or studies—is typically granted for 180 days and can be repeatedly extended upon application if the reasons for the stay are still valid. Foreigners with long-term residence status, however, do not have the same rights as Czech citizens; for example, they have to pay for health care (Czech citizens are automatically insured) and cannot receive unemployment and welfare assistance from the state.

Finally, foreigners who meet certain conditions may obtain perma-

¹ See Jiri Pehe, "Bill of Fundamental Rights and Liberties Adopted," *Report on Eastern Europe*, no. 4, 25 January 1991.

nent residence status. The main reason for granting this status is the reunification of families, although in some exceptional cases it can be for humanitarian reasons or if the Czech authorities rule that according such status would serve "an important foreign-policy interest of the Czech Republic." Foreigners with permanent residence status basically have the same rights as Czech citizens; however, they cannot vote, reclaim property under the restitution process, or participate in voucher privatization. The law does not include any provision under which the Czech authorities must grant permanent resident status to foreigners with long-term residence permits who have lived in the Czech Republic for an extended period. Some legal experts and lawmakers have warned that the absence of such a provision could be seen as a violation of international covenants.²

The Law on Refugees states that foreigners who have been granted refugee status (given political asylum) are to be treated as foreigners with permanent residence status; that is, they can apply for Czech citizenship after five years in the country. Under the law, basically only those foreigners who face political, racial, or religious persecution in their home countries can be granted political asylum. Those escaping from war, such as Bosnians from the former Yugoslavia, can be granted so-called temporary refugee status. The law stipulates that the Ministry of Internal Affairs must rule on applications for refugee status within seven days if it finds them "clearly unsubstantiated," that is, if it is not possible to establish the identity of the foreigner or to determine his last place of residence or if his reasons for applying are clearly economic rather than political. A major flaw of the law is that it does not stipulate what should be done with foreigners whose requests for political asylum have been turned

down by the authorities.³ Presumably, they could be expelled from the country, but often they simply continue to live in the Czech Republic and are treated as foreigners with long-term residence status.

Another law that governs some of the questions related to immigration is the Law on Citizenship, which was adopted by the Czech parliament in December 1992. Under the law, foreigners who have been living permanently in the Czech Republic for five years, who have not been found guilty of committing a criminal offense during that period, and who are proficient in Czech are eligible for Czech citizenship.

After the split of Czechoslovakia in January 1993 the Czech Republic honored all international commitments made by Czechoslovakia, including those on the treatment of refugees and foreigners. Czechoslovakia itself had been a signatory to all major international agreements dealing with such issues. The Czech Republic has also signed a number of agreements with its neighbors and other countries on the readmission of illegal immigrants (see below).

Numbers

In 1993 alone some 80 million foreigners visited the Czech Republic. Though the exact figures are not known, a substantial number of these visitors, as well as those in previous years, reportedly remained in the Czech Republic beyond the time allowed by their visas. According to some media accounts, a large number of young Americans in particular (as many as 30,000, according to some reports) live in the Czech Republic without proper residence and work permits. Many other nationals, too, have been reported as living in the Czech Republic without having registered. The Czech authorities have challenged such reports, however, claiming that the numbers are greatly exaggerated.

The number of foreigners residing officially in the Czech Republic at the end of 1993 was close to 80,000, including those with long-term and permanent residence permits. According to reports in the media, the number of foreigners living in the country doubled during the first six months of 1993 alone.⁴ It is not clear how much of this dramatic increase resulted from the splitting up of Czechoslovakia at the beginning of 1993 and the fact that Slovaks living in the Czech Republic who did not immediately opt for Czech citizenship were considered foreigners for statistical purposes. (Recent official data suggest that most Slovaks residing in the Czech Republic have opted for Czech citizenship and are therefore not treated as foreigners for statistical purposes.) According to the Czech police, some 46,000 foreigners with long-term residence permits and about 31,000 with permanent residence permits lived in the Czech Republic at the end of 1993.⁵ Most of them were Poles, Vietnamese, and Ukrainians. The number of Americans, Germans, Greeks, and Austrians officially residing in the country has also been increasing.

Some 1,200 foreigners had refugee status at the end of 1993; this figure includes the total number of people who had been granted political asylum since 1990. In 1993 several thousand foreigners stayed for various periods in the five refugee camps run by the Czech authorities, and some 1,700 of them applied for political asylum. (From August 1990 to December 1993 a total of 5,400 foreigners applied for political asylum.) Currently, the applications of 800 people seeking political asylum in the Czech Republic are being processed. Many asylum seekers whose applications are not immediately rejected as unsubstantiated may spend as long as six months to one-and-a-half years in camps while waiting for

² *Lidove noviny*, 24 March 1994.

³ *Ibid.*, 2 April 1994.

⁴ CTK, 12 October 1993.

⁵ *Lidove noviny*, 24 March 1994.

their applications to be processed. With the exception of Bosnians (a total of about 2,500 live in the Czech Republic, of whom 1,500 are staying in fifteen humanitarian centers operated by the Ministry of Internal Affairs), who are usually granted temporary refugee status upon arrival, only 30% of asylum seekers are accepted.⁶

Slovaks

Under the citizenship law, Slovaks were given preferential treatment. Slovak citizens who had been living in the Czech Republic during the two years immediately preceding the split of Czechoslovakia were eligible for Czech citizenship if they had not been found guilty of committing a criminal offense during the past five years. Moreover, Slovaks who met these requirements did not have to apply to become Czech citizens; they simply had to inform the relevant state institution that they had decided to opt for Czech citizenship. On the basis of agreements signed by the Czech and Slovak governments prior to the breakup of the federation, Slovaks were also given preferential treatment in obtaining permits to work in the Czech Republic. Unlike other foreigners, Slovaks did not (and still do not) have to apply for a work permit when applying for a residence permit; they simply received their work permit as soon as their employer had notified the authorities.⁷

According to some estimates, more than 600,000 Slovaks settled in the Czech Republic between 1950 and 1991, and most of them acquired Czech citizenship prior to 1 January 1993. Under the Czech citizenship law, eligible Slovaks had until the end of 1993 to opt for Czech citizenship, and in the first six months of

that year 159,000 chose to do so.⁸ Since January 1994 Slovaks applying for Czech citizenship have been treated like other foreigners. It is not clear how many Slovaks have decided to keep their Slovak citizenship and continue to live in the Czech Republic as foreigners, but the number is probably small. Some reports also suggest that several thousand Slovaks moved to the Czech Republic in 1993 in order to take advantage of liberal residence and employment arrangements offered to them on the basis of Czech-Slovak agreements reached in 1992. If Slovaks were included in the total number of people of foreign origin (those born outside the Czech Lands) residing in the Czech Republic, the total would amount to close to 7% of the Czech Republic's population.

The Czech Republic has become a major transit country for foreigners trying to reach Germany.

The Czech Republic and Slovakia maintain a relatively liberal border regime. Czechs and Slovaks can cross their common border at any point as long as they have identification papers. People from third countries can cross only at official border crossings and must have valid travel documents. The establishment of these crossings was prompted by Czech insistence on introducing the so-called standard border, which would make it easier to control the flow of people between the two countries. The issue was a point of contention between the Czech and Slovak governments in 1993, as the Slovaks insisted on keeping the border as open as possible. The Czech point of view prevailed in the end, and the standard border was introduced. On 13 May 1994 the Czech and Slovak ministers of internal af-

fairs signed an agreement on greater cooperation in controlling the common border.⁹

The Czech Republic as a Transit Point

Given its geographical location—in particular, its long border with Germany—the Czech Republic has become a major transit country for foreigners trying to reach Germany. In 1993 alone German border guards detained some 19,000 people trying to cross illegally into Germany from the Czech Republic; the number of those who did manage to cross the border illegally is unknown. At the same time, Czech police detained about 24,000 illegal immigrants (not all of whom necessarily planned to cross ultimately into Germany), bringing the total number of illegal immigrants either returned by the Germans or detained on Czech territory by the Czech police to 43,000. In comparison, in 1992 and 1991 the numbers for the whole of Czechoslovakia were 31,500 and 19,500, respectively.

On 1 July 1993 Germany put into effect stricter laws designed to reduce the number of asylum seekers in Germany. No applicants seeking asylum would be accepted if they had transited from a "safe" country, which included all countries bordering Germany. The new law has apparently worked; while 224,000 people applied for asylum in Germany during the first six months of 1993, only 98,000 applied in the second half of the year. The new legislation has also reduced the number of people trying to cross illegally into Germany from the Czech Republic.

The Czech Republic and Germany have been negotiating a bilateral readmission treaty, which would allow the German authorities to return to the Czech Republic those immigrants already on German soil who have crossed from the Czech Republic. One sticking point has been the length of time during which the

⁶ *The Prague Post*, April 13–19, 1994; and CTK, 29 December 1993.

⁷ See Jiri Pehe, "Slovaks in the Czech Republic: A New Minority," *RFE/RL Research Report*, no. 23, 4 June 1993.

⁸ CTK, 12 October 1993.

⁹ *Ibid.*, 13 May 1994.

German authorities would still be able to return such illegal immigrants to the Czech Republic. While Germany has demanded that the period be either 180 or 365 days, the Czech Republic originally insisted on ninety days. Moreover, the Czechs demanded that the ninety-day period (or any other period agreed on as a compromise solution) start as soon as the illegal immigrant crossed the Czech-German border; the Germans, however, insisted on starting the period from the moment the illegal immigrant was discovered by the German authorities. A compromise solution, currently under consideration by both sides, would incorporate the German proposal to start the period of 180 days when the illegal immigrant was discovered; but this would apply only if the immigrant were discovered within twelve months of crossing the border.

The Czech Republic has apparently tried to delay concluding a readmission treaty with Germany until it has signed readmission treaties with all its neighbors and other countries that are major sources of illegal immigration; otherwise, it would not be able to deport illegal immigrants expelled from Germany. The last such treaty was signed with Romania on 25 January 1994. More than 4,000 illegal immigrants from Romania were detained in 1993 alone.¹⁰ Most of the

¹⁰ *Rude pravo*, 26 January 1994.

other illegal immigrants came from Bulgaria, the former Yugoslavia, and former Soviet republics such as Armenia. The Czech Republic has also signed readmission agreements with Poland (August 1993), Austria (November 1992), and Slovakia (November 1992). The agreement with Slovakia was part of a larger package of treaties between the two countries that were signed prior to the split of Czechoslovakia. Negotiations with Hungary have not been successful so far, which means that illegal immigrants from Romania—the biggest source of illegal immigrants in the Czech Republic—can currently be deported only by plane.

The Czech Republic has taken further measures to stem the flow of refugees. At the beginning of 1994 the Czech government abolished visa-free travel with several countries that had been major sources of illegal immigrants, such as the former Yugoslavia, Armenia, Tajikistan, and Azerbaijan.

Social Problems

Relations between Czechs and immigrants have been remarkably good. Some racially motivated attacks perpetrated by Czech skinheads have taken place, but the overall number of attacks on foreigners has been low. Between 1990 and 1993 a total of 102 racially motivated attacks took place in the Czech Lands, but most of them were

directed toward Czech Romanies rather than foreigners.

One area of concern, however, is the growing number of crimes committed by foreigners. Most of these offenses are not major crimes but ones committed mainly by people who, while staying illegally in the Czech Republic, have run out of money. However, experts have warned that rising crime by foreigners, and especially the growing influence of organized crime, could eventually provoke hostility toward foreigners in general. Whereas in 1990 foreigners were reported to have committed 1,930 crimes in the Czech Republic, in 1993 this figure exceeded 4,500.¹¹

Given the Czech Republic's relative stability and prosperity and fairly good prospects for the future, the number of foreigners living in the country—both legally and illegally—is likely to continue to rise. In some West European countries immigrants make up as much as 10% of the population. While it may take many years before the percentage of foreigners in the Czech Republic reaches a similar level, the country may soon face some of the social problems that large-scale immigration has caused in Western countries.

¹¹ CTK, 3 February 1994.