

## **ON 21 DECEMBER 2007 THE CZECH REPUBLIC ENTERED THE SCHENGEN AREA**

### **■ AS A RESULT OF THIS:**

- There are no border checks at Czech borders any longer
- Border security at the external borders of the Schengen area was strengthened (for example at Slovak-Ukrainian or Polish-Ukrainian borders)
- At border crossings
  - Your papers will be checked,
  - It will be verified if you have sufficient funds to allow you to stay in the Czech Republic

- You will be asked to justify the reason of your stay
- Your possible registration as persona non grata in the Schengen Information System will be checked
- The Schengen Information System (a police database) registers
  - Migrants who are unwanted in the Schengen area
  - Persons or vehicles for monitoring purposes
  - Persons to be arrested and handed over based on the European Arrest Warrant or extradition agreement
- Visa procedures may take longer and may be granted to fewer applicants

## **YOU MAY FIND YOURSELF IN THE FOLLOWING SITUATIONS**

### **■ WORKING IN THE CZECH REPUBLIC WITHOUT AUTHORISATION**

- In order to be authorised to work in the Czech Republic you need a work visa and a work permit
- Unless you have the visa and the permit the Alien Police is authorised to impose upon you an expulsion order and a residence ban of up to 5 years

- If you have already been working in the country without authorisation and, at the same time, in exploitative working conditions (for example - you are not free to leave the job or you are not getting paid or your freedom of movement is restricted or your employer has been extorting you and/or has seized your documents) there is a way to legalise your residence under certain circumstances
- For further information please contact La Strada or organisations listed at the end of this brochure

## ■ **STAYING IN THE CZECH REPUBLIC HAVING TOURIST VISA AND INTENDING TO WORK**

- This type of visa does not allow you to work in the Czech Republic
- If you still work the Alien Police is authorised to impose an expulsion order and a residence ban of up to 5 years
- However, while you stay in the Czech Republic having a valid tourist visa you can arrange all formalities required to apply for a work permit and residence permit (for your information, in majority of cases migrants are only allowed to apply for work visa/residence permit **outside the territory of the Czech Republic at a Czech embassy** abroad!)
- For further information or help you can turn to organisations listed at the end of the brochure

## ■ WORKING IN THE CZECH REPUBLIC HAVING A WORK VISA AND WORK PERMIT

- Your work permit is attached to one particular employer and employment, but you can have more than one work permit
- If you wish to change employment for any reason:
  1. Find a new employer
  2. The employer shall notify a Labour Office in the district of which the work is to be carried out of available vacancies. You may get the job if there is no Czech national applying for that particular vacancy.
  3. Employee (you) shall
    - a) obtain required forms (i. application for a work permit and ii. a form stating employer's commitment to employ

a particular person) from a Labour Office in the district of which the work is to be carried out

- b) fill in the application form and ask your future employer to authorise his/her commitment to employ you on the form
- c) attach the following documents to the application
  - I. copy of the page from your passport carrying identity information (name, date of birth, etc.)
  - II. document certifying professional qualifications to perform the job for which you seek work permit (for example, in case of a nurse a diploma or a document certifying years of practice) in original and also its authorised translation into Czech

III. statement of your future employer's commitment to employ you (on a form available at Labour Office)

IV. fee stamp of CZK 500

- Work permit is issued for a maximum period of 2 years and can be renewed repeatedly (you shall apply for renewal no later than 30 days prior to its expiration)
- If you lose your job you are also automatically losing your work permit; you can find a new employer but you will have to again comply with all the above requirements (especially obtain a new work permit) and the two employments must follow one right after another

■ In certain circumstances you may be entitled to 60 days in which to obtain a new work permit. These special circumstances are as follows:

1. If you have worked in the Czech Republic for at least one year or if you have lived in the country continuously for at least 3 years (only the residence based on long-term visa or long-term residence permit qualifies to be counted towards this time)
2. If your employment was terminated due to redundancy, health problems or employer's failure to pay due wages (Sections 52 and 56 of the Labour Code)

3. All these facts have to be supported by written documentation; it is recommended to consult a lawyer working for an aid organisation (see the list at the end of the brochure) before taking any action (the service may be provided free of charge)

- Employer is obliged to notify Labour Office of your loss of employment within 10 days; Labour Office then notifies Alien Police
- If you lose your job and do not manage to find a new one you will reside in the Czech Republic in violation of the purpose for which your residence was authorised, therefore, the police have a right to enforce your expulsion.

## **SOME SPECIAL SITUATIONS**

### **■ YOU HAVE APPLIED FOR INTERNATIONAL PROTECTION (EARLIER CALLED “ASYLUM”) IN THE CZECH REPUBLIC AND YOU INTEND TO WORK**

- As an applicant for international protection you are not allowed to take up employed work during the first 12 months following the submission of your application
- In case you have not been granted international protection even after 12 months of making an application for international protection you are free to find an employer and apply for work permit (see the procedure above)
  - Employer shall only notify Labour Office of the vacancy

■ **YOU WERE GRANTED INTERNATIONAL PROTECTION (ASYLUM) AND YOU INTEND TO WORK**

- You do not need a work permit in order to be employed
- Employer shall notify a competent Labour Office of the decision to employ you no later than on the day when you start to work

■ **YOU ARE STAYING IN THE CZECH REPUBLIC HAVING A TOLERANCE VISA UNDER THE ALIEN ACT AND YOU INTEND TO WORK**

- You must have a work permit (see the procedure above)
- Employer only notifies Labour Office of the vacancy; there is no need to wait whether any Czech nationals apply

- If you lose your job it does not automatically mean that your residence in the Czech Republic will be unauthorised; employer only notifies Labour Office of the termination of your employment

■ **YOU ARE STAYING IN THE CZECH REPUBLIC HAVING A LONG-TERM RESIDENCE PERMIT FOR THE PURPOSE OF PROTECTION (A SPECIAL TYPE OF RESIDENCE PERMIT FOR SPECIFIC CATEGORIES OF MIGRANTS) AND YOU INTEND TO WORK**

- You do not need a work permit in order to be employed
- Employer shall notify a competent Labour Office of the decision to employ you no later than on the day when you start to work

### ■ **GREEN CARDS (IN USE SINCE 1 JANUARY 2009)**

- Available in addition to the existing standard types of visas and residence permits
- Green Card replaces both, a residence and a work permit
- Green Card is attached to one particular job
- Types of Green Cards: A (for persons with university education and highly desired skills), B (for persons having a certificate of professional qualification) and C (for unskilled labour)
- Green Cards are only available to nationals of the following countries: Australia, Montenegro, Croatia, Japan, Canada, South Korea, New Zealand, Bosnia and Herzegovina, Macedonia, United States of America, Serbia and Ukraine.

- For more information, available vacancies for Green Card holders and forms to download see:

[http://portal.mpsv.cz/sz/zahr\\_zam/zelka](http://portal.mpsv.cz/sz/zahr_zam/zelka) (also in English, Russian, French and Spanish)

## VISAS

### ■ TOURIST VISA (FOR UP TO 90 DAYS OF STAY)

- Based on application the visa is issued by a Czech Embassy abroad for a fee within 30 days
- The visa is valid for a time indicated therein but not exceeding 90 days
- The visa may be extended under exceptional circumstances (for example, if you get ill while in the Czech Republic)
- The visa cannot be extended if the reason of such extension is to change visa status (for example, from a tourist visa to a work visa)

### ■ UNIFIED SCHENGEN VISA

- Based on a particular type of the visa issued (A, B or C) it allows for a stay of up to 3 months in any Schengen country; it is issued by a Schengen country
- Required conditions
  - having one or multiple travel documents permitting its holder to cross borders
  - having a valid visa if required
  - eventually, being able to submit documents proving the purpose and conditions of stay and having available sufficient funds to cover subsistence all through the stay, during return to home country or transit to a third country where the migrant's acceptance is guaranteed, or being able to secure such funds through lawful means

- not registered as persona non grata
- not posing any danger to public order, national safety or international relations of any of the Schengen countries

#### ■ **THIRD COUNTRY NATIONALS HAVING BEEN PERMITTED RESIDENCE IN THE CZECH REPUBLIC BEFORE ITS ENTRANCE IN THE SCHENGEN AREA**

- The residence permit applies to the territory of the Czech Republic
- You are free to stay in other Schengen countries for up to 3 months
- You are only allowed to work there if you meet that particular country's conditions applicable to granting of work visa/residence permit and work permit.

#### ■ **WORK VISA (VISA ALLOWING THE STAY OF MORE THAN 90 DAYS IN ORDER TO WORK IN THE CZECH REPUBLIC)**

- The visa is issued by a Czech Embassy abroad based on a decision of the Alien Police in the Czech Republic
- There is a form which should be used to apply for the visa
- The following shall be attached to the application
  - work permit; you can apply for the visa at the same time when you apply for work permit, in that case you shall refer to the reference number of your application for a work permit submitted to a Labour Office in your visa application
  - travel document
  - document proving that you will be provided accommodation while in the Czech Republic

- criminal record (you can apply for criminal record through your embassy)
- photographs
- The police may request other formalities
- fee stamp of CZK 1000
- The decision on application shall be delivered within 120 days. There is no right to be granted the visa.
- The visa is issued for a maximum period of one year
- The visa may be extended based on an application submitted to the police in the territory of the Czech Republic (After a year, however, you no longer apply for visa extension, but for a long-term residence permit for the purpose of employment)

- Application for visa extension shall always be submitted no later than 14 days prior to the expiration of visa
- You have an obligation to notify the Alien Police of the place of your residence within 3 days following your arrival in the Czech Republic
- You have an obligation to notify the Alien Police of the change of the place of your residence within 30 days following the change

**!!! IN CASE YOU ARE EMPLOYED WITHOUT NECESSARY AUTHORISATION BOTH YOU AND YOUR EMPLOYER ARE IN BREACH OF LAW FOR WHICH YOU CAN BE FINED (THE FINE IS UP TO CZK 10,000 FOR EMPLOYEE AND UP TO CZK 5,000,000 FOR EMPLOYER) !!!**

## ■ EXPULSION ORDER

- Should you violate any provisions of the Alien Act the Alien Police is authorised to enforce expulsion order against you and issue a residence ban preventing you from residing in the Czech Republic
- You can appeal against expulsion order within 5 days from its delivery
- If the appeal is rejected you can file an action against such rejection in court within 10 days from its delivery

## FOR YOUR SAFETY

- Never leave your personal documents (passport, work permit, residence permit, etc.) with another person or, if you have to do so, make a copy and keep it at a safe place
- We recommended that you handle things such as visa extension or formalities related to residence and work permits by yourself
- Always require a labour contract from your employer
- Labour contract shall always be concluded in writing. In case you have already worked without a contract please remember that you are entitled to remuneration.
- Make sure your employer pays your health and social security insurance. It is his obligation under law.

- If you intend to change employment, leave the Czech Republic and return back, make sure you have all necessary information and devise an alternative plan in case anything fails
- Get informed about the applicable labour legislation; information in English, Russian, Ukrainian and other languages is available at [www.portal.mpsv.cz/sz](http://www.portal.mpsv.cz/sz)

## **OTHER RELEVANT INFORMATION**

- If you have problems in dealing with your employer (he retains your passport, does not pay you an agreed wage, forces you to work overtime, you work in unsatisfactory or life-threatening conditions, your movement is monitored) you can file a complaint at a local Labour Inspection (the list of Labour Inspections is available at **[www.suip.cz](http://www.suip.cz)**)
- If you want to file criminal charges against your employer for the above actions you can do so at a local police station; insist on filing criminal charges (for example for restriction of liberty, deprivation of liberty, extortion, oppression, abduction to another country, trafficking in human beings) and request a filing

certificate; if you have a reason to believe that your life or health may be in danger as a result of filing charges request that your identity is kept confidential

- An action against employer for invalid termination of employment can be filed within 2 months
- Unpaid wages can only be recovered based on a court decision; costs of legal representation may be divided among multiple petitioners; only lawyers registered in the Bar are authorised to provide legal representation in the Czech Republic
- Under Czech law job agencies are not allowed to charge you for having arranged your job placement nor to deduct any fees for such arrangement from your wage; if it is happening notify a Labour Office

- In case you lose your passport or it is stolen from you, you have an obligation to report it to the police as soon as possible. The police will issue a certificate of its loss or theft. Based on this certificate your embassy will issue a replacement travel document.

## **ARE YOU EXPLOITED AT WORK?**

- Your employment was terminated without valid reason
- Your employer threatens you
- Your documents or wages have been withheld
- You work in undignified and inhuman conditions
- Your freedom of movement is restricted
- You do not have your documents or their validity has expired
- You have nowhere to go
- You want to return home
- You need assistance in communication with the police/Labour Office
- You are in a difficult situation and you do not know what to do about it
- The above facts have caused that you are now staying in the Czech Republic without authorisation

## **IF AT LEAST 3 OF THE ABOVE SITUATIONS APPLY TO YOU, YOU ARE ADVISED TO CONTACT:**

### ■ **La Strada, an aid organisation in Prague**

- It provides legal counselling and social, medical and psychological assistance to trafficked persons and those exploited at workplace. Services are free and anonymous.
- **It can be reached at 00 420/222 71 71 71**  
(Tuesdays and Thursdays between 10 a.m. and 4 p.m., Wednesdays between 12 a.m. and 6 p.m. while Russian speaking consultants are available on Wednesdays between 4 p.m. and 6 p.m.)

### ■ **OR ONE OF THE FOLLOWING ORGANISATIONS:**

- **Organizace pro pomoc uprchlíkům, Praha**  
provides counselling to migrants focusing especially on issues relating to asylum procedure – **00 420/284 683 714,**  
**www.opu.cz**
- **Sdružení pro integraci a migraci (Poradna pro uprchlíky), Praha**  
provides counselling to migrants who are facing difficult life situations including assistance with asylum procedure –  
**00 420/224 224 379, 00 420/605 253 994,**  
**www.uprchlici.cz**

- **Poradna pro integraci, Praha**

provides counselling to migrants who are holders of long-term visa, long-term or permanent residence permit, to asylum seekers and asylum holders – **00 420/224 216 758, [www.p-p-i.cz](http://www.p-p-i.cz)**

- **Centrum pro integraci cizinců, Praha**

provides counselling to migrants who are holders of long-term or permanent residence permit, asylum seekers and asylum holders – **00 420/ 222 713 332, [www.cicpraha.org](http://www.cicpraha.org)**

- **Mezinárodní organizace pro migraci, Praha**

provides support to migrants especially focusing on assisting with their return to home countries – **00 420/233 370 160, [www.iom.cz](http://www.iom.cz)**

- **KMC - Poradna pro integraci, Ústí nad Labem**  
**00 420/475 216 536, [www.p-p-i.cz](http://www.p-p-i.cz)**

- **Sdružení Česká katolická charita, různá místa ČR**  
provides assistance to trafficked persons and migrants in need – **00 420/737 234 078 (non-stop), [www.charita.cz](http://www.charita.cz)**

- **Sdružení občanů zabývajících se emigranty, Olomouc**  
**00 420/585 242 535, [www.soze.cz](http://www.soze.cz)**

- **Sdružení občanů zabývajících se emigranty (SOZE), Brno**  
provides assistance to asylum holders and other migrants – **00 420/545 213 643, [www.soze.cz](http://www.soze.cz)**

- **Centrum SOS Archa – Diakonie ČCE, Plzeň**  
provides assistance to migrants in need –  
**00 420/377 223 221, archa.plzen@diakoniecce.cz**
- **Diakonie ČCE - Středisko sociální pomoci v Mostě (Diakonie ČCE – SSP, Most)** – provides assistance to migrants in need – **00 420/417 638 954, op.most@diakoniecce.cz**
- **Diakonie ČCE - Občanská poradna, Rokycany**  
provides assistance to migrants in need –  
**00 420/775 720 492, 00 420/373 728 536, op.rokycany@diakoniecce.cz**

***SERVICES OF ABOVE ORGANISATIONS ARE FREE!***

## **OTHER IMPORTANT CONTACTS**

- **[http://portal.mpsv.cz/sz/zahr\\_zam](http://portal.mpsv.cz/sz/zahr_zam)** - Information relating to employment of migrants and various types of useful forms are available at this website or at **Labour Offices** – **00 420/221 921 111** (Central Labour Office of Prague) or at toll-free number **844 844 803**
- **[www.praceprocizince.cz](http://www.praceprocizince.cz)** – Main Internet gateway offering information for migrants seeking jobs in the Czech Republic
- **[www.domavcr.cz](http://www.domavcr.cz)** – Information relating to rights and obligations of migrants staying in the Czech Republic, requirements to be met in order to obtain residence and work permit or to access education and training, and other useful information

- **Alien Police** – information helpline –  
**00 420/974 841 356, 00 420/974 841 357,**  
**<http://www.policie.cz/sluzba-cizinecke-policie.aspx>**

**!!! IT IS IMPORTANT TO KEEP ALL WRITTEN DOCUMENTS RELATING TO YOUR EMPLOYMENT IN THE CZECH REPUBLIC (WORK PERMIT, LABOUR CONTRACT, PAYSLEIPS, ETC.) SHOULD ANY PROBLEMS WITH EMPLOYER ARISE !!!**