

INFORMATION FOR INVESTORS



Visas and Work Permits for Investors



Visas, work and residency permits for the purposes of employment and business for foreign investors in the Czech Republic

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Residence of foreigners on the territory of the Czech Republic

1. General information

The residence of foreigners in the Czech Republic is governed by Act. No 326/1999 Coll., on the Residence of Aliens on the Territory of the Czech Republic (hereinafter referred to as the "Aliens Act"). The current full wording of the Aliens Act is available on the website of the Ministry of the Interior of the Czech Republic (www.mvcr.cz). The Aliens Act distinguishes between citizens of the EU and their family members (the same regime is applied to citizens of the European Economic Area and their family members, i.e. citizens of Norway, Iceland, Lichtenstein and Switzerland and their family members) and other foreigners from third countries.

The residence of foreigners on the territory of the CR is further governed by EU/EC legal regulations. In the area of short-term visas, this primarily concerns Commission Regulation (EC) No. 539/2001 (as amended). This regulation sets forth both the list of third countries whose nationals must have a visa upon crossing external borders, and the list of third countries whose nationals are not subject to visa requirements.

As of 21 December 2007, all regulations pertaining to the Schengen Acquis also apply in the Czech Republic, as the CR became a part of the Schengen area on that date.

Every foreigner over the age of 15 must be a holder of his/her own travel document (passport) and must submit his/her own visa or residence permit application. Children under the age of 15 entered in the passport of a foreigner must also apply for a visa through a statutory representative if said children are travelling with the foreigner.

Specific conditions of residence in the CR apply to foreigners who have been issued a long-term or permanent residence permit by another EU member state.

Residence of foreigners from third countries who are not subject to visa requirements on the territory of the Czech Republic

A list of countries whose nationals may stay in the CR without a visa is available on the website of the Ministry of the Interior of the Czech Republic (<http://www.mvcr.cz/clanek/migrace-novy-clanek-890951.aspx?q=Y2hudW09OA%3d%3d>).

Foreigners who are not subject to visa requirements can stay in the CR or other Schengen states without a visa for a period of up to 90 days during any 180-day period. Upon the expiry of 90 days within such 180-day period it is necessary to leave the Czech Republic/Schengen area (the length of stay on the territory of individual Schengen states is counted within this period).

Citizens of countries with which the Czech Republic concluded a visa-waiver agreement prior to its accession to the Schengen area (e.g. citizens of Argentina or Israel) can reside in the Czech Republic for the period set forth in the relevant agreement.

If this concerns residence for the purpose of work performance (e.g. for the purpose of employment), the length of which does not exceed 90 days, foreigners are obligated to apply for a permit (e.g. for employment) and subsequently for a visa (e.g. for the purpose of employment). See Chapter 2.5 for more detailed information on the issuance of work permits.

If foreigners want to remain in the Czech Republic for a period longer than three months, they must apply for a visa for a stay longer than 90 day or for a long-term residence permit. See Chapter 2 for more detailed information.

Residence of foreigners from third countries who are subject to visa requirements on the territory of the Czech Republic

Citizens of countries whose nationals are subject to visa requirements need a visa to enter and stay in the Czech Republic.

Foreigners shall apply for either a short- or long-term visa according to their planned length of stay in the Czech Republic.

Short-term visa (single Schengen visa) – airport transit visa or visa for a stay of up to 90 days – entitles the holder to stay in the Czech Republic according to the type of visa for the period stated therein. On the visa for a stay of up to 90 days the total length of stay in the Schengen area (including the period of stay in the CR) may not exceed a period of 90 days during any 180-day period. Upon the expiry of 90 days within such 180-day period it is necessary to leave the Czech Republic/Schengen area. Visa's period of validity shall not be longer than five years. See Chapter 2.1 for more detailed information.

Long-term visa (national) – visa for a stay over 90 days – entitles the holder to stay in the Czech Republic for a period longer than three months, up to a maximum of one year. See Chapter 2.2 for more detailed information.

If the foreigner intends to reside in the Czech Republic for the purpose of employment for a period whose length does not exceed 90 days, he/she must apply for a work permit at the locally relevant labour office according to the place of employment before submitting his/her short-term visa application. In the case of a stay longer than 90 days this obligation applies only in special cases (see Chapter 2.5).



2. Residence of foreigners from third countries (non-members of the EU/EEA or Switzerland)

2.1 Short-term visas (single Schengen visas)

Single Schengen visas include the airport transit visa (Type A) and visa for a stay of up to 90 days (Type C).

Single Schengen visas are issued to foreigners who fulfil all conditions for entry and residence in all countries in the Schengen area and who plan to stay in the Schengen area for a period of 90 days during any 180-day period. Upon the expiry of 90 days within such 180-day period it is necessary to leave the Czech Republic/Schengen area. The conditions for issuing a short-term visa are set forth in Regulation (EC) No. 810/2009, the so-called Visa Code.

The Czech Republic may issue a single Schengen visa in the case that:

- a) the Czech Republic is the applicant's primary or sole destination
- b) it is the first Schengen country that the applicant will enter in the case that his/her destination cannot be unambiguously determined
- c) or if the main travel destination cannot be determined and the applicant travels to several countries in the Schengen area and the applicant's period of stay will be longest in the Czech Republic

The single Schengen visa can be issued upon fulfilment of the following conditions on the part of the applicant¹:

- 1) he/she has a valid travel document and has submitted the completed visa application form together with other required appurtenances (e.g. photographs in the stipulated format and supporting documents required for the application)
- 2) he/she shall allow his/her fingerprints to be taken if this obligation applies to him/her
- 3) he/she shall pay the visa fee
- 4) the travel document into which the visa is to be imprinted entitles him/hers to enter all countries in the Schengen area;
- 5) he/she is not listed as a person who should be denied entry (i.e. he/she does not have a record in the Schengen Information System)
- 6) he/she shall submit the prerequisites for issuance of the required type of visa; he/she shall also submit proof of travel health insurance which can cover the costs of treatment in connection with injury or sudden illness in the country, including costs connected with transfer of the ill or injured person to the country that issued his/her travel document or, as the case may be, to another country in which he/she is permitted to reside. The coverage amount of such insurance shall be at least EUR 30,000 and the insurance shall be valid for the period of stay on the territory of all Schengen countries; if the visa is to be issued for two entries or as a multiple-entry visa, the foreigner shall submit an affidavit declaring that he/she will have travel health insurance for each stay on the territory of Schengen countries
- 7) there is no evident danger that during his/her stay on the territory of another Schengen country he/she could pose a threat to the security of such country or disturb public order in that country or damage international relations between countries that are parties to the Schengen agreement

The application shall be assessed and a decision issued by a consulate of the relevant EU member state in whose jurisdiction the applicant is permitted to reside or by a consulate of the EU member state in whose jurisdiction the foreigner is legitimately detained and which rationalised the submission of the application.

¹ In exceptional cases, it is possible to issue a short-term visa even if the applicant does not fulfil all conditions for issuance of a single Schengen visa. This concerns a so-called visa with limited territorial validity. The holder of a visa with limited territorial validity which is not a single Schengen visa is authorised to stay only in the Schengen country/countries for which the visa was issued (e.g. for the Czech Republic or the Czech Republic and several other countries).

2.1.1 Airport transit visa

Airport visa – This allows the foreigner to stay in the transit area of an international airport in the Czech Republic or Schengen area for the period of waiting for his/her next flight connection, i.e. during a layover or transfer between two segments of an international flight. The area for foreigners who may stay in the transit area of an international airport in the Czech Republic on the basis of an airport visa is stipulated by Decree No. 446/2005 Coll., as amended. The airport visa is issued as one-way or round-trip.

The airport visa is designated as a **Type A visa**.

2.1.2 Short-term visa

A short-term visa is designated as a Type C visa and authorises a stay on the territory of the Schengen area for the period stated in the visa provided that the total duration of the stay does not exceed 90 days during any 180-day period. Upon the expiry of 90 days within such 180-day period it is necessary to leave the Czech Republic/Schengen area (the period of stay in the Czech Republic and on the territory of other Schengen countries is calculated concurrently).

The visa is issued as:

- 1) single-entry – allows a single entry and stay for a period of up to three months
- 2) for two entries – allows two entries and stay for a period of up to three months
- 3) multiple-entry – allows repeated entry and stay for a period of up to three months; the visa is valid for a maximum of five years

An applicant for a short-term visa must pay the visa fee in the amount of EUR 60 (EUR 35 for children aged 6-12 years) if the applicant is not exempt from payment of the fee or the amount thereof is not limited. The visa fee for submission of the application for a Schengen visa is further regulated on the basis of agreements on facilitating the visa regime concluded between the European Community and the relevant third countries. Pursuant to these agreements, nationals of Moldova, Serbia, Ukraine, Albania, Armenia, Bosnia and Herzegovina, Montenegro, Macedonia, Russia and Georgia shall pay the visa fee in the amount of EUR 35.

Procedure for issuing a short-term visa:

- the foreigner shall submit the application with all required appurtenances to an Embassy or Consulate of the Czech Republic in a third country (i.e. outside the territory of the Schengen area) on the prescribed printed “Application for Issuance of a Schengen Visa” form. The application form is available on the website of the Ministry of Foreign Affairs of the Czech Republic and at individual Embassies and Consulates
- the Embassy or Consulate of the Czech Republic shall assess the application and issue a decision on issuance or denial of the visa
- it is necessary to pick up the visa at the Embassy or Consulate of the Czech Republic at which the visa application was submitted
- the statutory period for processing the visa application is maximally 15 days, though applications are usually processed within a shorter period of time (usually within one business week). In exceptional cases, the period for processing the application may be extended to 30 or 60 days

None of the required documents submitted with the application may be more than 180 days old, with the exception of the travel document (passport), registry documents and the foreigner’s photograph if it corresponds to his/her true appearance. All foreign-language documents must be officially translated into the Czech language.

Notification of place of residence in the Czech Republic: within three working days of his/her arrival in the Czech Republic, a foreigner from a third country who has been issued a visa for a stay of up to 90 days is obligated to notify the relevant Foreigners’ Police department according to the place in the Czech Republic where the foreigner is staying; this obligation does not apply to, among others, foreigners under the age of 15 or to foreigners who fulfil this obligation through the accommodation provider.

It is necessary to submit the following with the application:

- a) travel document (e.g. passport) issued within the previous ten years and valid for at least three months beyond the expected length of stay
- b) one photograph (4.5 x 3.5 cm) corresponding to the applicant's actual appearance; the applicant shall further allow his/her fingerprints to be taken
- c) document stating the purpose of travel – a sample list of supporting documents forms the content of Annex No. 2 of the Visa Code; in the case that the purpose of the stay is employment – a work permit issued by the Labour Office of the Czech Republic shall be submitted
- d) document verifying that accommodation is ensured for the period of stay in the Czech Republic or proof of sufficient funds for accommodation
- e) document on travel health insurance valid for the entire Schengen area and for the entire duration of the anticipated stay. Minimum insurance coverage amounts to EUR 30,000. If the foreigner applies for this visa as a multiple-entry visa, he/she is further obligated to attach to the application an affidavit declaring that he/she will have travel health insurance for each subsequent stay in the Schengen area²
- f) document proving coverage of costs connected with means of support during the expected period of stay and with travel from the territory of the Czech Republic to the country of origin or place of residence or transit to a third country in which the applicant's admission is guaranteed, or proof that the applicant is able to obtain such funding by legal means³
- g) information enabling assessment of the applicant's intention to leave the territory of member states prior to expiry of the validity of the visa for which he/she is applying
- h) upon request, other documents verifying the information stated in the visa application⁴

2.2 Long-term visas – visa for stays of more than 90 days

A long-term visa is issued to a foreigner who intends to stay in the Czech Republic for a purpose requiring a stay in the country longer than three months. A long-term visa is issued with validity for a period of six months and allows repeated entries and exits into and out of the Czech Republic.

A long-term visa can be issued for a single purpose (e.g. business, study, research, cohabitation of a family with a foreigner, health, or other purpose) **or for multiple purposes** (e.g. business + study). The foreigner must submit with the application a document verifying each purpose of his/her stay. In the case of a stay on the basis of one permitted purpose, however, concurrent fulfilment of another purpose or purposes of the stay is not ruled out if the foreigner fulfils the relevant statutory conditions for performance of the given activity (e.g. the holder of a visa for a purpose of conducting business can also study).

A long-term visa cannot be issued for the purpose of employment; a foreigner who wants to work in the Czech Republic shall apply for an employee card or blue card, which are types of long-term residence permits. Submission of an employee-card or blue-card application does not forestall the foreigner's residency on the basis of a long-term visa.

Decree No. 429/2010 Coll. contains a list of countries whose nationals are entitled to apply for issuance of a visa or issuance of a long-term or permanent residence permit even at an Embassy or Consulate of the Czech Republic other than that in the country of which he/she is a citizen, which issued the travel document of which the foreigner is the holder or in the country in which the foreigner has a long-term or permanent residence permit. In other cases, the applicant is obligated to submit the long-term visa application to the locally relevant Embassy or Consulate of the Czech Republic.

A long-term visa together with a travel document entitles the holder thereof to reside also in other countries that are parties to the Schengen agreement (and also to reside in Switzerland and Lichtenstein) for a period of up to three months.

² See Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visa (Visa Code).

³ See footnote no. 2

⁴ See footnote no. 2

2.2.1 Procedure for issuing a long-term visa

- the foreigner submits personally⁵ the application on the required “Long-term Visa Application” form with all required documents at the Consulate of the Czech Republic (the form is available at Consulates of the Czech Republic and on their websites, also websites of the Ministry of Foreign Affairs of the Czech Republic)
- the Czech Ministry of Interior decides on the application and upon gaining its approval the Consulate of the Czech Republic imprints the visa in the travel document
- it is necessary to pick up the visa at the same Embassy or Consulate of the Czech Republic at which the visa application was submitted
- the statutory period for processing a visa application is 90 days (or a maximum of 120 days in particularly complicated cases) from the date of its submission. However, applications are usually processed within a shorter period of time (usually within 2-3 months). In selected cases (e.g. for the purpose of study or scientific research), the period for processing the application is 60 days
- all foreign-language documents must be super-legalized by the Consulate of the Czech Republic or have an endorsement of legalization by an apostille if a valid bilateral interstate agreement does not stipulate otherwise. At the same time, such documents must be officially translated into the Czech language

The Embassy or Consulate is authorised to require the foreign national to agree in advance on the date of submitting the application for a long-term visa and is furthermore authorised to subject him/her to an interview (in the case of an application for a long-term visa for the purpose of conducting business, applicants must always appear for such interview)⁶.

In the case that the applicant’s application is rejected, the applicant will be informed of such rejection in writing together with the reasons that led to the rejection, and the foreigner is entitled to request, within 15 days of the date of delivery of the rejection notice, a new assessment of the reasons for the long-term stay. The application shall be submitted to the Ministry of the Interior of the Czech Republic or sent by post.

None of the required documents submitted with the application may be more than 180 days old, with the exception of the travel document (passport), registry documents and the foreigner’s photograph if it corresponds to his/her true appearance.

Upon request at any time during his/her stay in the Czech Republic, the foreigner must provide proof of assurance of funds for paying healthcare costs (e.g. by submitting a document on travel health insurance).

Notification of the place of residence in the Czech Republic

Within three business days of his/her arrival in the Czech Republic, a foreigner who has been issued a long-term visa is obligated to report his/her place of residence to the inspectorate of the relevant Foreigners’ Police department according to the place of residence in the Czech Republic. This obligation does not apply to foreigners under the age of 15 or to foreigners who fulfil this obligation through the accommodation provider.

Travel health insurance

Before the visa is imprinted in the travel document, it is necessary to submit a document on travel health insurance provided not only by an insurance company that is authorised to provide such insurance in the Czech Republic pursuant to the Insurance Act, but also by an insurance company which is entitled to provide such insurance in the other member states of the European Union and/or in a state which is bound by the Treaty on the European Economic Area (Iceland, Lichtenstein, Norway), or in a state where the foreign national is a citizen or where he/she has a permitted residence and which is valid for the entire period of the expected stay. The foreign national is obliged to submit an officially authenticated translation of the insurance policy and general insurance terms and conditions to Czech together with the proof of travel health insurance. Upon request, he/she shall also submit a proof of the payment of insurance premium for the whole term of required stay in the Territory.

With above mentioned document, the foreigner shall demonstrate assurance of payment of treatment costs in connection with injury or sudden illness. Such insurance must cover costs associated with necessary and urgent health care, including the costs associated with transportation and such insurance must not exclude providing an insurance payment in the case of accident caused by a wilful act, negligence or contributory negligence of the insured, even as a result of drinking alcohol, taking narcotics or psychotropic drugs by the insured. The amount of the insurance payment limit must be at least EUR 60,000.00 for the period of stay on the territory without the participation of the insured in payment of the above-mentioned costs.

⁵ The Embassy may in justified cases waive the obligation of submission the application in person.

⁶ An internet system for registering long-term visa applicants (“VISAPPOINT”) is operated at Embassies and Consulates of the Czech Republic in China, Mongolia, Kazakhstan, Uzbekistan, Thailand, Belarus, Ukraine, Georgia, Macedonia, Bosnia and Herzegovina, Turkey, Serbia, Albania, Moldova and Vietnam. Applications for a long-term visa cannot be submitted in the above-mentioned countries without prior registration in the VISAPPOINT system at www.visapoint.eu.

In the case the foreign national has already stayed in the Territory of the Czech Republic and asks for extending the term of residence for a long-term visa or issuing a long-term residence permit in the Czech Republic or extending the validity of such permit, submitting a proof of travel health insurance is required to the application which can only be taken out at an insurance company authorized to provide such insurance in the Territory of the Czech Republic and it must be taken out in the scope of complex healthcare⁷.

A foreign national is not required to submit a proof of travel health insurance if he/she is a participant in the public health insurance or if the payment of costs of healthcare is paid on the basis of an international treaty, or if the foreign national proves that healthcare is paid in a different manner (i.e. on the basis of a written undertaking of a legal entity if the foreign national's stay in the Territory of the Czech Republic is beneficial for the development of spiritual values, protection of human rights and/or other humanitarian values, protection of the environment, cultural monuments and traditions, the development of science, education, sport or on the basis of a written undertaking of a state authority and/or on the basis of an undertaking contained in an invitation authenticated by the Police).

2.2.2 Long-term visa for the purpose of conducting business (purpose of conducting business = person engaged in independent gainful activity and a statutory body or member of a statutory body of a commercial enterprise or cooperative)

It is necessary to submit with the application:

- a) travel document issued within the previous ten years and valid for at least three months beyond the expected length of stay
- b) two photographs (4.5 x 3.5 cm) corresponding to the applicant's actual appearance; this does not apply if a visual record of the foreigner will be obtained
- c) document verifying the purpose of the stay (document on registration in the relevant register, list or records, e.g. the Commercial Register or Business License Register)
- d) document verifying that accommodation is ensured for the period of the stay in the Czech Republic. This document must specify the period for which accommodation has been ensured ("from... to...")

The document verifying that accommodation is ensured for the period of stay in the Czech Republic can be:

 - document verifying that the applicant is the owner of the relevant house or apartment
 - document verifying that the applicant is authorised to use the relevant house or apartment
 - notarised confirmation from the person who is the owner or authorised user of the house or apartment that such person consents to accommodation of the foreigner
- e) funds for the stay in the country pursuant to Section 13(1)(a)(3) of Act No. 326/1999 Coll., on Residence of Aliens on the Territory of the Czech Republic, (in the case of an application for a visa for a period of six months, this amount is CZK 110,000). Funds for the stay can be documented in the manner set forth in Section 13(2) of Act No. 326/1999 Coll., on Residence of Aliens on the Territory of the Czech Republic

Upon request of the office, it is also necessary to submit:

- f) an extract from the Registry of Criminal Records or a similar document from the country of which the foreigner is a citizen, or an affidavit in the case that such country does not issue such a document
- g) an extract from the Registry of Criminal Records or a similar document from the countries in which the foreigner resided for an uninterrupted period of more than six months in the previous three years, or an affidavit in the case that such countries do not issue such a document
- h) where there are reasonable grounds, a medical report that the foreigner does not suffer from a serious illness (the list of such illnesses is stipulated by Decree of the Ministry of Health of the Czech Republic No. 274/2004 Coll.)

⁷ In the case of an application for a long-term visa or extension of the period of stay in the country, travel health insurance – if it is required in the Czech Republic – can be acquired only from an insurer authorised to provide such insurance in the Czech Republic. See the website of the Czech National Bank or <http://www.businessinfo.cz/cz/clanek/komerčni-druhy-pojisteni/seznam-pojistoven-a-poboček-zahranicních/1001912/6244/>.

Family members of foreigners entering the Czech Republic for the purpose of conducting business also have the possibility to reside long term in the Czech Republic mainly on the basis of a visa for the purpose of cohabitation of a family, study or for medical reasons. All information concerning applications for various purposes are available to applicants on the website of the Ministry of Foreign Affairs of the Czech Republic and the Ministry of the Interior of the Czech Republic. In the case of research workers, it is possible to apply for either a short-term visa (2.1.2) or a long-term residence permit (2.3).

2.3 Long-term residence permit

The period of validity of a long-term residence permit amounts to two years at most⁸.

2.3.1. Long-term residence permit for the purpose of conducting business

It is necessary to submit the following with the application for a long-term residence permit for the purpose of conducting business:

- a) travel document
- b) two photographs (4.5 x 3.5 cm) corresponding to the applicant's actual appearance; this does not apply if a visual record of the foreigner will be obtained
- d) funds to cover the stay in the country – document demonstrating that the aggregate monthly income of the foreigner and persons assessed together with him/her residing in the country will not be lower than the sum of the amounts of the subsistence minimum⁹ of the foreigner and persons assessed together with him/her and the highest amount of normative costs of living stipulated by a special legal regulation¹⁰ for the purposes of contribution to living or the amount which the foreigner credibly sets forth as the amount of actual, reasonable costs of living of himself/herself and persons assessed together with him/her
- e) document verifying the purpose of residence; in the case of the purpose of conducting business, it is necessary to submit a document on registration in the relevant register, list or records
- f) document on assurance of accommodation for the period of residence in the Czech Republic. This document must specify the period for which accommodation has been ensured ("from... to...")

The document verifying that accommodation is ensured for the period of stay in the Czech Republic can be:

- document verifying that the applicant is the owner of the relevant house or apartment
 - document verifying that the applicant is authorised to use the relevant house or apartment
 - notarised confirmation from the person who is the owner or authorised user of the house or apartment that such person consents to accommodation of the foreigner
- g) confirmation from the tax authority regarding the status of tax liabilities
 - h) confirmation from the regional social security administration that the foreigner does not have any outstanding social security insurance obligations or outstanding contributions to the state employment policy
 - i) document on travel health insurance (comprehensive health insurance) issued by an insurer which is authorised, pursuant to the Act on Insurance Brokers, to provide such insurance in the Czech Republic¹¹. The insurance must be valid for the entire anticipated period of residence. With this document, the foreigner verifies assurance of payment of costs connected with comprehensive healthcare. This is understood as healthcare provided to the insured party in healthcare facilities that contract with the insurer for this purpose without direct payment of treatment costs by the insured party with the aim of maintaining his/her health condition from the period prior to concluding the insurance contract. Neither preventive or dispensary healthcare nor healthcare connected with the pregnancy of an insured mother and birth of her child can be excluded from this insurance. Upon request, the foreigner is further obligated to submit a document on payment of the insurance premium set forth in the document on travel health insurance
 - j) upon request, income-tax payment assessment – only in the case of residence for the purpose of conducting business

The foreigner shall submit the application for a long-term residence permit in person to the locally relevant regional office of the Ministry of the Interior of the Czech Republic ideally according to the registered place of residence. The application can be submitted at the earliest 90 days and at the latest 14 days prior to expiry of the long-term visa.

⁸ Or, as the case may be, the foreigner is authorised to reside in the country for the period set forth on the residence permit card, unless stipulated otherwise.

⁹ See Sections 2 and 3 of Act No. 110/2006 Coll., on the Living and Subsistence Minimum, as amended.

¹⁰ See Section 26(1) of Act No. 117/1995 Coll., on State Social Support, as amended.

¹¹ See footnote no. 7

The period for issuance the application for a long-term residence permit is a maximum of 60 days from the date on which the application is submitted.

A long-term residence permit can be extended repeatedly (the extension application is submitted to the Ministry of the Interior of the Czech Republic, which will subsequently issue a ruling on the application). Similar appurtenances as in the case of the initial application for a long-term residence permit must be submitted with the extension application.

A valid long-term residence permit together with a travel document authorises the holder thereof to reside on the territory of other countries that are parties to the Schengen agreement (as well as Switzerland and Lichtenstein) for a period of up to three months within each six-month period.

2.3.2. Residence-permit cards (long-term and permanent)

Within the time period stipulated by the ministry (following a call to do so from the Ministry of the Interior of the Czech Republic), though no later than 60 days from the date of obtaining biometric data (taking of finger prints and a visual record of the foreigner), the foreigner is obligated to appear at the Ministry of the Interior of the Czech Republic to receive his/her residence-permit card (effective from 7 May 2011; previously issued residence-permit cards remain valid for the period set forth on such cards).

In the event that the foreigner does not take delivery of the card within this period, the process will be suspended. If the foreigner submitted the application at an Embassy or Consulate of the Czech Republic and the application was approved, the foreigner is obligated to personally appear at the relevant regional office of the Ministry of the Interior of the Czech Republic within three business days following his/her entry into the country in order to provide biometric data.

2.4 Long-term residence permits in special cases, issued on the basis of the relevant EU regulations

Other than in the cases set forth in section 2.3, a long-term residence permit can be issued in specific cases set forth in EC regulations (e.g. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Council Regulation 2003/109/EC of 25 November 2003 concerning the legal status of third-country nationals who are long-term residents). In these cases, previous residence of a foreigner on the territory of the Czech Republic based on a visa for a stay over 90 days is not a condition for issuance of a long-term residence permit.

A valid long-term residence permit together with a travel document authorises the holder thereof to reside on the territory of other countries in the Schengen area (as well as Switzerland and Lichtenstein) for a period of up to three months.

2.4.1. Long-term residence permit for the purpose of cohabitation of a family on the territory of the Czech Republic

Those who may apply for a long-term residence permit for the purpose of cohabitation of a family in the Czech Republic are particularly foreigners who are the husband/wife of a foreigner with a residence permit (i.e. a holder of a long-term or permanent residence permit), a minor or adult dependent child of a foreigner with a residence permit, or a minor or adult dependent child of such foreigner's husband/wife.

A condition for issuing a long-term permanent residence permit for the purpose of cohabitation of a family in the Czech Republic is that the foreigner for whom such cohabitation is to be allowed must be a holder of a long-term or permanent residence permit and must have been living in the Czech Republic for at least 15 months; if this concerns the cohabitation of a married couple, each of them must be at least 20 years old (in cases where none of these conditions is fulfilled, the foreigner may apply for a long-term visa for the purpose of cohabitation of a family). This further applies if the foreigner is a holder of an employee card and has concurrently already resided in the country for a period longer than six months or if he/she is a holder of a blue card.

The foreigner shall submit the application for a long-term residence permit for the purpose of cohabitation of a family at an Embassy or Consulate of the Czech Republic. If the foreigner resides in the Czech Republic on the basis of a long-term visa or a long-term residence permit issued for another purpose, he/she can submit the application to a regional office of the Ministry of the Interior of the Czech Republic.

Decree No. 429/2010 Coll. contains a list of countries whose nationals are entitled to apply for issuance of a visa or issuance of a long-term or permanent residence permit at a different Embassy or Consulate of the Czech Republic than in the country of which the foreigner is a citizen or, as the case may be, which in the country which issued the travel document of which the foreigner is the holder, or in a country in which the foreigner is permitted to reside long term or permanently.

It is necessary to submit the following with the application:

- a) travel document
- b) two photograph (4.5 x 3.5 cm) corresponding to the applicant's actual appearance; this does not apply if a visual record of the foreigner will be obtained
- c) document verifying the family relationship
- d) consent of the parent or other legal representative to the child's residence in the Czech Republic if this does not concern cohabitation with such parent, legal representative or guardian
- e) document verifying that the aggregate monthly income of the family will not be lower than the sum of:
 - the amounts of the minimum living standard relating to the family members and the highest amount of normative living expenses stipulated for the purposes of contribution to living or the amount which the applicant credibly presents as the amount of actual reasonable costs expended for the family's living
- f) document verifying that accommodation is ensured for the period of residence in the Czech Republic

The document verifying that accommodation is ensured for the period of residence in the Czech Republic can be:

 - document verifying that the applicant is the owner of the relevant house or apartment
 - document verifying that the applicant is authorised to use the relevant house or apartment
 - notarised confirmation from the person who is the owner or authorised user of the house or apartment that such person consents to accommodation of the foreigner

Upon request of the office, it is also necessary to submit:

- a) an extract from the Registry of Criminal Records or a similar document from the country of which the foreigner is a citizen, or an affidavit in the case that such country does not issue such a document
- b) an extract from the Registry of Criminal Records or a similar document from the countries in which the foreigner resided for an uninterrupted period of more than six months in the previous three years, or an affidavit in the case that such countries do not issue such a document
- c) where there are reasonable grounds, a medical report that the foreigner does not suffer from a serious illness (the list of such illnesses is set forth by Decree of the Ministry of Health of the Czech Republic No. 274/2004 Coll.)

Travel health Insurance

Before the visa for a stay over 90 days, issued for the purpose of obtaining a long-term residence permit for the purpose of cohabitation of a family, is imprinted in the travel document, the foreigner is obligated to submit a document on travel health insurance.

If an application for a long-term residence permit for the purpose of cohabitation of a family which is submitted within the country, the foreigner shall submit a document on travel health insurance (comprehensive health insurance) issued by an insurer which is authorised, pursuant to the Insurance Act, to provide such insurance in the Czech Republic¹². The foreigner is further obligated to submit a document on payment of the insurance premium set forth in the document on travel health insurance.

The statutory period for processing the application of a long-term residence permit for the purpose of cohabitation of a family in the Czech Republic is 270 days from the date of submission.

A long-term residence permit for the purpose of cohabitation of a family in the Czech Republic is issued with a period of validity corresponding to the validity of the residence-permit card issued to the holder thereof though at least for one year; if such holder has been issued a permanent residence permit, the period of validity is two years.

The validity of a long-term residence permit for the purpose of cohabitation of a family in the Czech Republic can be repeatedly extended. With the extension application, it is necessary to submit similar documents as in the case of the application for a long-term residence permit.

A holder of a long-term residence permit for the purpose of cohabitation of a family has the right of free access to the labour market of the Czech Republic.

¹³ See footnote no. 7

2.4.2 Long-term residence permit for a resident of another EU member state

A citizen of a third country who has obtained the status of a long-term resident in another EU member state and who intends to reside temporarily in the Czech Republic for a period longer than three months is entitled to submit an application for a long-term residence permit for a resident of another EU member state.

The foreigner shall personally submit the application for a long-term residence permit for a resident of another EU member state with all stipulated appurtenances at an Embassy or Consulate of the Czech Republic abroad or to the relevant office of the Ministry of the Interior in the Czech Republic. When submitting the application in the Czech Republic, it is necessary to submit it within the period of validity of temporary-residence authorisation, no later than within three months of entering the country.

With the application for a long-term residence permit for a resident of another EU member state, it is necessary to submit the following:

- a) two photographs (4.5 x 3.5 cm) corresponding to the applicant's actual appearance; this does not apply if a visual record of the foreigner will be obtained
- b) document verifying the purpose of residence, if the purpose of the stay is employment, the applicant is obligated to submit an employment contract, agreement on work activity, agreement on performance of work or a contract on a future contract in which the parties undertake to conclude a basic employment relationship within the stipulated time period
- c) document verifying the legal status of the resident of another EU member state
- d) document on travel health insurance

Travel health insurance

In the case of an application for a long-term residence permit for a resident of another EU member state outside the Czech Republic, one shall submit a document on travel health insurance.

For residence for the purpose of employment, the following applies:

- if the foreigner is employed directly by a Czech entity (natural person or legal entity), he/she shall submit proof of health insurance only for the period from the date of entry into the country until the date of commencement of validity of the employment contract (date of entry into employment)
- if the foreigner has been sent to work in the Czech Republic and will not contribute to the Czech social security system, he/she shall submit proof of health insurance for the entire period of the expected stay in the Czech Republic

In the case that this concerns an application for a long-term residence permit for a resident of another EU member state which is submitted within the country, the foreigner shall submit a document on travel health insurance (comprehensive health insurance) issued by an insurer which is authorised, pursuant to the Act on Insurance Brokers, to provide such insurance in the Czech Republic¹³. The insurance must cover the entire period of the anticipated stay. With this document, the foreigner verifies assurance of payment of costs connected with comprehensive healthcare. This is understood as healthcare provided to the insured party in healthcare facilities contracting with the insurer for this purpose without direct payment of treatment costs by the insured party with the aim of maintaining his/her health condition from the period prior to concluding the insurance contract. Neither preventive or dispensary healthcare nor healthcare connected with the pregnancy of an insured mother and birth of her child can be excluded from this insurance.

- e) document on assurance of accommodation for the period of residence in the Czech Republic
The document verifying that accommodation is ensured for the period of stay in the Czech Republic can be:
 - document verifying that the applicant is the owner of the relevant house or apartment
 - document verifying that the applicant is authorised to use the relevant house or apartment
 - notarised confirmation from the person who is the owner or authorised user of the house or apartment that such person consents to accommodation of the foreigner
- f) document demonstrating that the aggregate monthly income of the foreigner and the persons assessed together with him/her residing in the country will not be lower than the sum of:
 - the amounts of the subsistence minimum of the foreigner and the persons assessed together with him/her, and
 - the highest amount of normative costs of living stipulated for the purposes of contribution to living or the amount which the foreigner credibly sets forth as the amount of actual, reasonable costs of living of himself/herself and the persons assessed together with him/her

¹³ See see footnote no. 12

Upon request of the office, it is also necessary to submit:

- a) an extract from the Registry of Criminal Records or a similar document from the country of which the foreigner is a citizen, or an affidavit in the case that such country does not issue such a document
- b) an extract from the Registry of Criminal Records or a similar document from the countries in which the foreigner resided for an uninterrupted period of more than six months in the previous three years, or an affidavit in the case that such countries do not issue such a document
- c) where there are reasonable grounds, a medical report that the foreigner does not suffer from a serious illness (the list of such illnesses is stipulated by Decree of the Ministry of Health of the Czech Republic No. 274/2004 Coll.)

A family member of a resident of another EU member state is allowed to submit an application for a long-term residence permit for a resident of another EU member state if he/she has a residence permit for the purpose of cohabitation of a family in the country that granted this status to the aforementioned resident, or if the status of such resident of another EU member state was recognised within such country.

With the application for a long-term residence permit for a family member of a resident of another EU member state, it is necessary to submit all of the above-described documents submitted with the application for a long-term residence permit for a resident of an EU member state; however, instead of the document verifying the purpose of residence and the document proving the legal status of the resident of an EU member state, the applicant shall submit a document verifying that the foreigner has a residence permit for the purpose of cohabitation of a family in another EU member state that granted this status to the resident.

The statutory period for processing the application for a long-term residence permit for a resident of another EU member state is up to 120 days from the date of its submission.

A long-term residence permit for a resident of another EU member state is issued with a period of validity necessary to achieve the purpose of the residence if such period is shorter than one year; in other cases, the period of validity is two years. The validity of the long-term residence permit issued to a family member of a resident of another EU member state corresponds to the period of validity of the long-term residence permit that was issued to such resident.

The validity of a long-term residence permit for a resident of another EU member state can be extended repeatedly. The extension application must be submitted with the required documents similarly as in the case of the initial application for this visa.

2.5 Green cards

Issuance of green cards was terminated on 24 June 2014¹⁴. A green card issued prior to that date shall remain valid for the period set forth on the card and shall be considered an employee card from the aforementioned date.

2.6 Dual documents: employee and blue cards

2.6.1 General information

Citizens of third countries can be taken into employment and employed only if they are holders of an employee card or blue card or if they have a valid work permit and valid permit for residing in the Czech Republic, unless the Employment Act stipulates otherwise.

Employee cards and blue cards are long-term residence permits for the purpose of employment. They are so-called dual documents (or integrated permits), **which means that they authorise their holders to reside in the Czech Republic and concurrently to perform work.**

¹⁴ After this date, only cards whose issuance was requested by foreigners prior to the mentioned date will be issued.

However, an **employee card** can be issued also within the **non-dual document** regime, which serves only as the residence permit of a foreigner who:

- a) is required pursuant to Act No. 435/2004 Coll., on Employment, to have a **work permit**, or
- b) has **free access to the labour market** pursuant to the Employment Act (i.e. is specified in Section 98 of the Employment Act)

A **blue card** is a long-term residence permit for the purpose of performing work requiring a **high degree of qualification** which is considered to be duly completed university education or higher vocational education, the duration of which was at least three years. An **employee card** can be issued for a **position with any skill requirements**.

Employee and blue cards are governed by Act No. 326/1999 Coll., on the Residence of Aliens on the Territory of the Czech Republic and on the Amendment of Certain Acts, as amended, and Act No. 435/2004 Coll., on Employment, as amended. More information is available at http://portal.mpsv.cz/sz/zahr_zam/modka and <http://www.mvcr.cz/sluzby-pro-verejnost-informace-pro-cizince.aspx>.

A foreigner who is a holder of an employee card or blue card issued by the Ministry of the Interior of the Czech Republic is entitled to reside in the Czech Republic and to work in a position for which the card was issued.

A blue card is issued with a period of validity that is three months longer than the period for which the respective employment contract was concluded, though not longer than for a period of two years. An employee card is issued for the period of the concluded employment relationship (or for the period of validity of the work permit), though for the maximum period of two years. The application for extension of an employee or a blue card's validity is submitted to the Ministry of the Interior. The foreigner is obligated to submit the stipulated requisites – see Article 2.7.2.

During the first two years of residence in the country, a change of employer or work assignment (position) of a blue-card holder is subject to the prior consent of the Ministry of the Interior. The Ministry shall indicate consent with the changes set forth in the blue-card holder's application, provided that the holder continues to fulfil the conditions for issuance of a blue card. Upon expiry of the two-year period of residence in the country, the blue-card holder is obligated to inform the Ministry of the Interior of such changes within three business days.

A change of the employee-card holder's employer or work assignment (position) or employment of an employee-card holder in an additional position or with an additional employer is subject to the prior consent of the Ministry of the Interior (a change of position is understood also as a change of workplace). At the employee-card holder's request, the Ministry of the Interior shall grant consent if the holder fulfils the conditions for issuance of such card. In the event of a change, a foreigner to whom a work permit was also issued must first obtain a new work permit. An employee-card holder who has the right of free access to the labour market and a foreigner to whom a new work permit has been issued for a new position shall notify only the Ministry of the Interior of such change.

A valid employee card or blue card authorises its holder to reside on the territory of other countries that are party to the Schengen Agreement (as well as in Switzerland and Lichtenstein) for a period of up to three months within each six-month period.

The validity of an employee card or blue card can be repeatedly extended upon the foreigner's request.

Blue cards are intended for foreigners, citizens of third countries (i.e. outside the EU).

2.6.2 Employer

In order for an a foreigner (for whom a work permit is not required and who does not have free access to the labour market) to be eligible to submit an application for a dual employee and blue card for a specific position, such position must be registered in the central register of vacant positions that may be filled by employee-card holders or the central register of vacant positions that can be filled by blue-card holders (hereinafter referred to as the "central registers"). A vacant position is registered in these central registers administered by the Ministry of Labour and Social Affairs if all of the following conditions are fulfilled:

- the employer reports the given vacant position to the Labour Office. The employer can also report vacant positions via the internet if it has been granted the right to do so by the Labour Office
- when reporting the vacant position, the employer additionally grants consent to publicise the position in the central register
- 30 days have elapsed since the date of reporting the vacant position without such position having been filled

For reporting vacant positions to the regional branch of the Labour Office, it shall apply (as in the case of positions for which work permits can be issued) that this may not involve offers of employment that are of a discriminatory nature or are in conflict with labour law or other legal regulations or are not consistent with good morals. Positions at an employer that has incurred a fine for breach of obligations ensuing from labour regulations or for breach of special legal regulations inspected by the State Labour Inspectorate or other labour inspectorate cannot be offered for a period of three months from the effective date of the relevant ruling on the imposition of such fine.

The Ministry shall not include in the central register or exclude from the register a vacant position at an employer if

- a) a statutory penalty has been imposed on the employer within the past 12 months due to facilitation of performance of illegal labour, or
- b) the vacant positions can be filled otherwise with respect to the required qualifications or lack of available workforce
The employer is obligated to notify the relevant regional branch of the Labour Office in writing:
 - no later than the date of the foreigner's entry into work, that the vacant position has been filled
 - within 45 calendar days, that the foreigner to whom an employee card or blue card has been issued has not entered into work (the period is calculated from the date when the application was approved)
 - within ten calendar days, that
 - o the foreigner to whom an employee card or blue card has been issued terminated his/her employment prior to the expiry of the period for which such employee card or blue card was issued and, in the case that employment was terminated by dismissal due to any of the reasons set forth in Section 52(a) through (e) of the Labour Code or by agreement due to such reasons or immediate termination pursuant to Section 56 of the Labour Code, also the reason for termination of employment¹⁵
 - o during the period of duration of employment, a fact arises on the basis of which the foreigner gains free access to the labour market of the Czech Republic (e.g. he/she has been granted permanent residence)

2.6.3. Employee (foreigner)

A foreigner who intends to apply for a position for which a dual employee card or blue card can be issued must complete the following steps:

a) find an appropriate position

Positions for which an employee card or blue card can be issued are registered in the central registers. Those positions for which the employer has given consent to publicise are shown on the website of the Ministry of Labour and Social Affairs (http://portal.mpsv.cz/sz/zahr_zam/zelka/vm).

Important information is provided about each vacant position. Here you will also find the application form.

The process undertaken by an applicant for a non-dual employee card to whom a work permit has been issued is described in chapter 2.5 (though it was more appropriate to file the application for dual documents). An applicant for a non-dual employee card who has the right of free access to the labour market can accept any job with any employer in the Czech Republic.

b) conclude an employment contract

In order for it to be possible to issue an employee card, it is necessary to conclude an employment contract, agreement on work activity or a contract on a future contract in which the parties undertake to conclude within the agreed time period an employment contract or agreement on work activity containing provisions from which it ensues that, regardless of the scope of work, the monthly wage, salary or remuneration of the foreigner will not be lower than the basic minimum monthly wage; the weekly work period in every basic employment relationship must amount to at least 15 hours¹⁶.

In order for it to be possible to issue a blue card, it is necessary to conclude an employment contract for a period of at least one year with the statutory weekly work period. Such contract shall further contain the agreed gross monthly or weekly salary corresponding to at least 1.5 times the average gross monthly or yearly salary reported by the Ministry of Labour and Social Affairs of the Czech Republic.

c) submit an employee-card or blue-card application

¹⁵ Act No. 262/2006 Coll., the Labour Code, as amended.

¹⁶ Conclusion of a contract is not required only in the case of foreigners who fulfil tasks ensuing from the subject of activity of a legal entity as a partner, statutory representative or member of a statutory or other body of a commercial company or member of a cooperative or member of statutory or other body of a cooperative for such cooperative.

A foreigner is authorised to submit an application for issuance of an employee card if he/she intends to reside in the country for a period longer than three months for the purpose of employment.

A foreigner is authorised to submit an application for issuance of a blue card if he/she intends to reside in the country for a period longer than three months for the purpose of employment in a position requiring a high level of qualifications that can be filled by a foreigner (other than an EU citizen) pursuant to Act No. 435/2004 Coll., on Employment, as amended, if this does not involve:

- an application for issuance of a long-term residence permit for the purpose of scientific research
- a family member of an EU citizen if such EU citizen resides in the country
- a resident of another EU member state who resides in the country on the basis of a long-term residence permit for the purpose of employment or conducting business
- a foreigner who resides in the country in accordance with an international treaty on facilitation of the entry and temporary residence of certain categories of natural persons in connection with trade and investments, by which the Czech Republic is bound, or
- a foreigner who is an employee of an employer from another EU member state and has been dispatched to the Czech Republic to perform work in connection with international provision of services¹⁷

An employee card or a blue card application shall be submitted to the locally relevant Embassy or Consulate of the Czech Republic. Decree No. 429/2010 Coll. contains a list of countries whose nationals are entitled to apply for issuance of a visa or issuance of a long-term or permanent residence permit even at an Embassy or Consulate of the Czech Republic other than that in the country of which he/she is a citizen or which issued the travel document of which the foreigner is the holder or in the country in which the foreigner has a long-term or permanent residence permit. The Embassy or Consulate of the Czech Republic is authorised to conduct an interview with the employee card or blue-card applicant.

The application for issuance of an employee or a blue card can be submitted to the Ministry of the Interior within the Czech Republic by a foreigner who resides in the Czech Republic:

- on the basis of a long-term visa or long-term residence permit, or
- as a holder of a blue card issued by another EU member state and submits the blue-card application within the time period of up to one month from the date of entry into the Czech Republic

Within the Czech Republic, a foreigner is authorised to submit to the Ministry of the Interior an application for issuance of an employee card during the course of his/her stay in the country on the basis of a long-term visa or long-term residence permit issued for a purpose other than employment.

The employee card or blue-card application form is available on the website of the Ministry of Labour and Social Affairs of the Czech Republic at http://portal.mpsv.cz/sz/zahr_zam/modka/form. It is possible to complete the form on the internet or to print it and complete it by hand and submit it to an Embassy or Consulate of the Czech Republic or to the Ministry of the Interior of the Czech Republic.

The number and description of the vacant position into which the foreigner wants to enter must be stated in the application. This number is listed in the central register administered by the Ministry of Labour and Social Affairs of the Czech Republic.

It is necessary to submit the following with the application:

- valid travel document
- two photographs corresponding to the foreigner's actual appearance; this does not apply if a visual record of the foreigner will be obtained
- document on assurance of accommodation for the period of residence in the Czech Republic
- employment contract for performance of work requiring high-level qualifications concluded for a period of at least one year with the weekly working period stipulated by law and containing the agreed gross monthly or yearly salary corresponding to at least 1.5 times the average gross monthly or yearly salary according to information provided by the Ministry of Labour and Social Affairs of the Czech Republic
- documents verifying the foreigner's professional competence; in the case of a blue card, his/her high level of qualifications
- if this concerns the performance of a regulated occupation, a document on fulfilment of the conditions for performance of such occupation

¹⁷ See Section 319(1) of Act No. 262/2006 Coll., the Labour Code, as amended.

A foreigner applying for a non-dual employee card must also submit a work permit or, at least, the reference number of the application for issuance of a work permit and the regional branch of the Labour Office of the Czech Republic where the application was submitted or a document verifying his/her right of free access to the labour market.

Upon request from the relevant authority, it is necessary to submit the following:

- a) an extract from the Registry of Criminal Records or a similar document from the country of which the foreigner is a citizen, or an affidavit in the case that such country does not issue such a document
- b) an extract from the Registry of Criminal Records or a similar document from the countries in which the foreigner has resided for an uninterrupted period of more than six months in the previous three years, or an affidavit in the case that such countries do not issue such a document
- c) where there are reasonable grounds, a medical report that the foreigner does not suffer from a "serious" illness (a list of such illnesses is set forth in Decree of the Ministry of Health of the Czech Republic No. 274/2004 Coll.)

At the request of the Ministry of the Interior, the blue-card or employee-card applicant must submit a document demonstrating that the foreigner's education attained abroad is recognised by the relevant body of the Czech Republic. In the case of regulated permits, such document must always be accepted¹⁸.

When submitting the application, the foreigner shall pay to the Embassy or Consulate of the Czech Republic a fee in the amount of CZK 1,000 or the equivalent amount in foreign currency.

The time period for processing the employee-card application is maximally 60 days from the date of submission of the application or 90 days in particularly complicated cases. In the case of a blue-card application, this period is 90 days.

In the case of issuance of a long-term visa for the purpose of receiving an employee card or blue card, the foreigner shall, within three business days after arriving in the Czech Republic, personally appear at an office of the Ministry of the Interior for the purpose of providing biometric data necessary for preparing the employee card or blue card. The Ministry of Interior shall issue to the foreigner confirmation of fulfilment of the conditions for issuance of an employee card or blue card. At the prompting of the Ministry of the Interior, the foreigner shall subsequently take delivery of the biometric permit

d) entry into the Czech Republic

A foreigner can begin working as of the date of issuance of confirmation of fulfilment of the conditions for issuance of an employee card or blue card by the Ministry of the Interior. A foreigner to whom a work permit is issued in addition to a non-dual employee card can enter into employment upon arrival in the Czech Republic if he/she has a valid permit and long-term visa for the purpose of receiving an employee card.

Travel health insurance

Prior to imprinting the long-term visa for the purpose of receiving a blue card, the foreigner is obligated to submit a document on travel health insurance. For more information see page 8-9.

Obligation of foreigners entering the territory of the Czech Republic

Within three business days, the foreigner is obligated to personally pick up his/her blue card at the pre-determined office of the Department of Asylum and Migration Policy of the Ministry of the Interior. The foreigner must report his/her residence to the locally relevant Foreigners' Police Inspectorate according to his/her place of residence in the Czech Republic within three days from the date of entry into the country.

¹⁸ See Article 2.7.2. – documents on recognition of qualifications

2.7. Work permits

Pursuant to Act No. 435/2004 Coll., on Employment, as amended (hereinafter referred to as the “Employment Act”) the relevant regional branch of the Labour Office can issue a work permit to a foreigner under the condition that this involves a registered vacant position and such position¹⁹ cannot be filled otherwise due to the required qualifications or lack of available.

Employment of foreigners with a work permit can be realised on the basis of:

- a) an employment contract concluded with a Czech legal entity or natural person
- b) a contract concluded between a Czech legal entity or natural person and a foreign employer which, within such contract, dispatches its employees (who are not EU citizens or family members thereof) to perform work in the Czech Republic

Pursuant to the Employment Act, employment is considered to be fulfilment of tasks ensuing from the subject of activity of a legal entity ensured by a partner, statutory representative or member of a statutory or other body of the company for the commercial company or member of a cooperative or member of a statutory or other body for a cooperative.

A foreigner who wants to be employed in the Czech Republic shall apply for issuance of a work permit only in the following cases:

- a) if he/she is **dispatched by his/her foreign employer** based in the EU/ECA or Switzerland **to the Czech Republic for the purpose of performing work** (in order to fulfil tasks ensuing from a contract concluded between such employer and a Czech legal entity or natural person)²⁰, or
- b) if he/she is a **seasonal employee** performing work dependent on the alteration of the seasons of the year and is employed for a period not exceeding six month in a calendar year²¹, or
- c) if he/she is a **partner, member or statutory representative of a commercial company or cooperative** and fulfils tasks ensuing from the subject of activity of such legal entity²², or
- d) if he/she is a holder of a long-term residence permit for the purpose of conducting business²³, or
- e) he/she works as an **intern** within an employment relationship with an employer²⁴ in the Czech Republic, or
- f) if he/she is up to the age of 26 years old and is occasionally employed on a time-limited basis in connection with an exchange programme between schools or in connection with youth programmes in which the Czech Republic participates²⁵, or
- g) a declared international treaty whose ratification has been approved by Parliament and by which the Czech Republic is already bound thus stipulates²⁶, or
- h) he/she has been issued a visa for the purpose of forbearance of residence or has been issued a long-term residence permit for the same purpose in accordance with Act No. 326/1999 Coll., on Residence of Aliens on the Territory of the Czech Republic and on the Amendment of Certain Acts, as amended²⁷, or
- i) he/she is an applicant for issuance of international protection or has been issued a visa for a stay of more than 90 for the purpose of forbearance of residence in accordance with Act No. 325/1999 Coll., on Asylum, as amended, though not earlier than upon expiry of 12 months from the date of submission of an asylum application²⁸

A foreigner who wants to undertake employment in the Czech Republic in connection with his/her residence on the basis of a short-term visa or visa for a stay over 90 days (for a purpose other than employment) shall apply for a work permit.

In the cases set forth under letters a) and e) through i), this concerns positions in the case of which the regional branch of the Labour Office does not examine the labour market and does not seek applicants or interested parties for the purpose of filling registered vacant positions.

¹⁹ Section 86 of the Employment Act

²⁰ Section 95 of the Employment Act

²¹ Section 96 of the Employment Act

²² Section 89, paragraph 2) of the Employment Act

²³ Section 89, paragraph 4) of the Employment Act

²⁴ Section 97, paragraph a) of the Employment Act

²⁵ Section 97, paragraph b) of the Employment Act

²⁶ Section 97, paragraph c) of the Employment Act

²⁷ Section 97, paragraph d) of the Employment Act

²⁸ Section 97, paragraph e) of the Employment Act

2.7.1. Employer

- a) **employer with its registered office in the Czech Republic** – the foreigner concludes an employment contract with a Czech legal entity or natural person

An employer with its registered office in the Czech Republic is obligated to report to the locally relevant regional branch of the Labour Office available jobs (newly created or vacant positions) for which it is considering hiring employees from third countries. The regional branch of the Labour Office shall preferentially offer vacant positions to job applicants and parties interested in employment. If, with respect to the required qualifications or due to the lack of available workers, these positions cannot be filled otherwise, these jobs can be offered to foreigners.

Offers of employment may not have a discriminatory character, be in conflict with labour law or other legal regulations or be inconsistent with good morals. Furthermore, a vacant position cannot be offered at an employer against which a fine has been imposed due to breach of obligations ensuing from the labour regulations or due to breach of obligations ensuing from special legal regulations inspected by the State Labour Inspectorate or district labour inspectorate within a period of three months from the effective date of the relevant ruling on imposition of a fine.

The employer is obligated to inform, in writing, the relevant regional branch of the Labour Office

- no later than on the date of the foreigner's entry into work upon filling a vacant position
 - no later than within ten calendar days, that the foreigner has been issued a work permit
 - has not started work
 - terminated his/her employment prior to expiration of the period for which the work permit was issued and, in the case that employment was terminated due to dismissal for any of the reasons set forth in Section 52 (a) to (e) of the Labour Code, or by agreement due to such reasons or immediate termination in accordance with Section 56 of the Labour Code, also the reason for termination of employment²⁹
 - during the period of duration of employment a fact arises on the basis of which the foreigner gains free access to the labour market of the Czech Republic (e.g. he/she is granted permanent residence)
- b) **employer with its registered office outside the Czech Republic = foreign employer** – the foreigner is employed by a foreign firm which will send such foreigner to perform work in the Czech Republic based on a contract concluded with a natural person or legal entity with its registered office in the Czech Republic

Prior to concluding a contract with a foreign employer, the Czech natural person or legal entity is obligated to inform the relevant regional branch of the Labour Office particularly of the number and profession of the dispatched employees and the time period of their secondment. This information is submitted on the form "Information of a legal entity or natural person in the Czech Republic regarding the negotiation of a contract" (http://portal.mpsv.cz/sz/zahr_zam/tiskopisy).

The legal entity or natural person in the Czech Republic shall submit the following to the relevant regional branch of the Labour Office:

- a) "Information of a legal entity or natural person in the Czech Republic regarding the negotiation of a contract" form, part of which comprises copies of:
- a document on the authorisation of the legal entity or natural person to conduct business in the Czech Republic
 - a document on the foreign entity's authorisation to conduct business in the country where it has its registered office

²⁹ Act No. 262/2006 Coll., the Labour Code, as amended.

- b) work-permit application for the foreigner (with an administrative fee of CZK 500 when submitting the application), part of which comprises:
- a photocopy of the page in the travel document containing the foreigner's identification data. This will be returned to the submitting party upon verification of the data
 - a document on professional competence for the sector in which the foreigner will work in the Czech Republic
 - employment contract of the dispatched employee concluded with the foreign employer
 - contract concluded between the foreign employer and the Czech legal entity or natural person (this can be used for all dispatched employees)

Documents shall be submitted in originals or notarised copies. All foreign-language documents must be officially translated into the Czech language.

The Czech legal entity or natural person to which the foreigner is dispatched to perform work is obligated to ensure that the foreigner has a valid work permit and residence permit for the entire period of his/her assignment by the foreign employer.

If, based on concluded contracts, employees of foreign investors are transferred internally to "manager" or "specialist" positions, the project "Fast Track: Expedited procedure of internal transfer and localised of foreign investors' employees" administered by the Ministry of Industry and Trade can be used during the realisation of such transfer. The company to which the foreigner is dispatched on the basis of internal transfer has the obligation

- prior to concluding the contract, to discuss with the relevant regional Labour Office the number and professions of the employees and the time period of the assignment
- to inform the regional branch of the Labour Office that it has submitted an application for inclusion in the project to the Ministry of Industry and Trade
- upon conclusion of a contract with the dispatching foreign employer, to submit a work-permit application for the foreigner
- to append to the work-permit application, among other things, the "Employer's Declaration on Dispatch of a Foreigner to the Czech Republic" (the standardised form can be obtained on the website of the Ministry of Labour and Social Affairs at http://portal.mpsv.cz/sz/zahr_zam/tiskopisy)

Validated documents verifying professional competency for performance of the required work are not required from participants. Based on fulfilment of the conditions for participation, the Ministry of Industry and Trade shall decide whether the foreigner's work-permit application and residency permit application should be processed in an abbreviated time period.

Based on the written instructions of the general director of the Labour Office of the Czech Republic, the regional branch of the Labour Office shall issue a decision on the work-permit within a period of 12 days.

More information about the project is available on the website of the Investment and Business Development Agency CzechInvest at <http://www.czechinvest.org/vizova-problematika>.

The procedure for issuing a ruling on the foreigner's application in the matter of residency for the purpose of employment is similar as in the case of a foreigner who will be employed within an employment relationship with a domestic legal entity or natural person.

If the content of a contract is employee leasing, the regional branch of the Labour Office shall not issue a work permit due to the reason that employment agencies cannot temporarily assign foreigners to work for the user in the Czech Republic.

2.7.2. Employee (foreigner)

In the cases set forth above, where the law requires a valid work permit, the foreigner shall submit the application to the locally relevant regional branch of the Labour Office according to the place of employment. The application can be submitted in person or by the employer which is to employ the applicant or to which the applicant is to be dispatched by his/her foreign employer to perform work (in such case, it is necessary to have an officially notarised written power of attorney). Each foreigner shall submit a separate application.

Exceptions, when a work permit is not required, are set forth in the Employment act.³⁰

It is necessary to submit the following with the application:

- a) valid passport or photocopy of the page in the travel document containing the foreigner's basic identification data which will be returned to the submitting party upon verification of the data, or shredded in the case of a photocopy
- b) employer's declaration that it will employ the foreigner or a declaration of the commercial company or cooperative that it has entrusted the foreigner with the fulfilment of tasks ensuing from the subject of activity of such commercial company or cooperative; this does not pertain to foreigners dispatched to the Czech Republic by a foreign employer who do not enter into an employment relationship with Czech legal entity
- c) documents on professional competence for the job that the foreigner will perform and, as the case may be, documents on additional knowledge and experience that the employer requires in relation to filling the available position
- d) administrative fee (usually a stamp) in the amount of CZK 500
- e) other related documents
- f) written power of attorney in the case that the application is submitted by a representative on the foreigner's behalf

The above-mentioned documents must be submitted either in the originals or officially notarised copies. All foreign-language documents must be officially translated into the Czech language.

Documents on professional qualifications obtained abroad which are attached to the work-permit application must be validated. More information on validation of documents is available at <http://www.msmt.cz/search.php?action=results&query=nostrifikace>.

For assessment of professional qualifications, regional branches of the Labour Office of the Czech Republic require

- a) **in the case of regulated permits**, submission of validation of documentation on education (the database of regulated permits is publicly available on the website at <http://www.msmt.cz/mezinarodni-vztahy/databaze-regulovanych-povolani>)
- b) **in the case of unregulated permits**, submission of validation only in legitimate cases

The assessment bodies for acceptance of documents are:

- a) education departments of regional authorities – in the case of documents on attainment of secondary and higher vocational education
- b) public universities or the Ministry of Education, Youth and Sport – in the case of documents on attainment of university education

More information on acceptance is available at <http://www.msmt.cz/search.php?action=results&query=nostrifikace>.

A document on recognition of foreign education is not required in the following cases:

- a) new work permits issued to foreigners for positions of management or controlling workers categorised in the first class pursuant to the National Employment Classification CZ-ISCO
- b) new work permits issued to foreigners categorised in the "Fast Track" and "Welcome Package for Investors" migration programmes
- c) in the case that a work permit is extended

Public documents issued abroad must be either super-legalised or furnished with an apostille if the Convention Abolishing the Requirement for Legalisation for Foreign Public Documents thus stipulates (see legalisation of documents issued or legalised by bodies of foreign states on the website at <http://portal.justice.cz/Justice2/MS/ms.aspx?j=33&o=23&k=5096&d=9064>)

A sample of the work-permit application for foreigners and a sample of the form for the employer's declaration are available on the website at http://portal.mpsv.cz/sz/zahr_zam/tiskopisy

In the case of a dispatched worker, it is necessary to attach the following to the foreigner's application:

- a) copy of the contract
- b) copy of the document authorising the commercial entity to perform the activity that is the subject of the contract
- c) employment contract concluded with the foreign employer

³⁰ Section 98 of the Employment Act

If this concerns a larger number of applications relating to one contract, it is necessary to submit only one copy of the contract and one copy of the document on the subject of economic activity.

If lending of personnel is the subject of the agreement, the Labour Office shall issue the employment permit only under the condition that the foreign employer was issued a permit to mediate the employment of foreigners in the Czech Republic and, at the same time, if this concerns a registered vacant position that, with regard to the required qualification or lack of available personnel, cannot be filled otherwise and the employer informed the Labour Office in advance of its intention to employ a foreigner. **In this case, the Labour Office shall take into account the situation on the labour market when issuing the employment permit.**

The statutory period for processing the work-permit application is 30 days. In exceptional cases, this can be extended to 60 days (applications are usually processed within one to two weeks).

The issued work permit is valid only for performance of work for a specific employer (legal entity or natural person), and for the stated type and place of work. If any of these facts change, the foreigner must apply for a new work permit at the relevant regional branch of the Labour Office. **The decision on a foreigner's employment permit is issued by the Labour Office under the condition that this concerns a registered available position. Such permit is issued for a period not exceeding one year.** The foreigner may apply for an extension of the work permit (even repeatedly) no earlier than three months and no later than 30 days prior to expiry of the issued work permit's validity. When submitting an application for extension of a work permit, it is necessary to submit with the application only the employer's declaration that it will continue to employ the foreigner (or declaration of the commercial company or cooperative or the contract on the basis of which the dispatch of the foreigner continues) and a photocopy of the travel-document page containing basic identification data. The administrative fee in this case is CZK 250.

Regardless of the situation on the labour market, an employment permit may be issued to a foreigner

- who will be employed for a time-limited period for the purpose of improving his/her skills and qualifications within the selected employment (assignment); however, this shall be for a period not exceeding one year. This period can be extended, at the longest, for the period necessary to gain professional qualification pursuant to the regulations in force in the Czech Republic
- up to the age of 26 and is employed occasionally and on a time-limited basis within a student-exchange or other youth programme in which the Czech Republic participates
- in whose case this is stipulated by a declared international agreement that has been ratified by the Parliament of the Czech Republic and which is binding on the Czech Republic
- who was issued a visa for the purpose of asylum pursuant to the Residence Act or was issued a long-term residence permit for the same reason
- who has applied for international protection or who has been issued a visa for the purpose of asylum pursuant to the Act on Asylum, though no earlier than after 12 months from the date of submitting the asylum application
- who will perform work in the Czech Republic on the basis of his/her election or appointment to a function; in this case the employer declares in writing that this concerns a position filled by election or appointment (Sections 97 and 147 of Act No. 435/2004 Coll., on Employment, as amended)

2. 8. Free access of foreigners to the labor market

An employee card is not required in the case of a foreigner:

- a) with a permanent residence permit
- b) who is a relative of a member of a diplomatic mission or consulate, or is a relative of an employee of an international governmental organisation headquartered in the Czech Republic if reciprocity is guaranteed by an international agreement whose ratification has been approved by Parliament and which is already binding on the Czech Republic
- c) who has been granted asylum or supplemental protection in the Czech Republic
- d) whose stay in the Czech Republic does not exceed seven consecutive calendar days or a total of 30 days in a calendar and if, at the same, this concerns a performing artist; education worker; academic worker at a university; scientific, research or development worker participating in a scientific conference; student up to the age of 26; athlete, or a person who ensures deliveries of goods or service in the Czech Republic or delivers such goods or services, or a person who performs assembly work on the basis of a commercial agreement or performs warrantee and repair work
- e) in whose case this is stipulated by a declared international agreement that has been ratified by the Parliament of the Czech Republic and which is binding on the Czech Republic

- f) who is a member of an emergency-services unit and provides aid on the basis of an international agreement on disaster-relief assistance and in the case of humanitarian aid
- g) who is employed in international transport, if he/she is sent by a foreign employer to work in the Czech Republic
- h) who is accredited in the area of news media
- i) is in the military or is a civilian employee of defence forces of a state sending him/her pursuant to a special act (Act No. 310/1999 Coll., on Stationing of Foreign Troops in the Czech Republic)
- j) performs work within the framework of preparation for a future occupation
- k) is sent to the Czech Republic in connection with services provided by an employer headquartered in another EU member state
- l) who resides in the Czech Republic on the basis of a long-term residence permit for the purpose of cohabitation of a family if this concerns cohabitation of family with a foreigner pursuant to a) or c) or with a foreigner who is residing in the Czech Republic on the basis of a valid long-term residence permit
- m) who resides in the Czech Republic on the basis of a long-term residence permit for a resident of another EU member state;
- n) who performs in the Czech Republic methodical educational or scientific activities such as a teacher or academic worker at a university or science, research or development worker in a public research institute or other research organisation pursuant to a special regulation (Act No. 341/2005 Coll., on Public Research Institutions)
- o) who has attained secondary or higher professional education or higher professional education at a conservatory pursuant to the Education Act or university education pursuant to the Education Act (Act No. 561/2004 Coll., on preschool, basic, secondary, tertiary professional and other education, as amended; Act No. 111/1998 Coll., on institutes of higher learning and on the amendment and supplementation of other acts, as amended)
- p) who is residing in the Czech Republic on the basis of a long-term residence permit for the purpose of protection in the country pursuant to the Act on the Residence of Aliens on the Territory of the Czech Republic, or
- q) who is an official of a church or religious society registered in the Czech Republic

In the case of a foreigner's employment pursuant to items a) through e) and items j) through q), the employer or natural person or legal entity to which the foreigner was dispatched by his/her employer on the basis of a work-performance agreement is obligated to inform the relevant regional branch of the Labour Office of this fact in writing, at the latest on the date of such foreigner's entry into work.

If a foreigner having the right of free access to the labour market wants to reside in the Czech Republic for a period longer than 90 days for the purpose of employment, he/she shall submit an application for a non-dual employee card.

Increase of skills and qualifications

Based on a concluded contract, a citizen of a third country can be dispatched by his/her foreign employer to a domestic natural person or legal entity even exclusively for the purpose of increasing his/her skills and qualifications. With respect to the purpose of the foreigner's stay in the Czech Republic, such increase of skills and qualifications is not considered to be employment²⁸. The foreigner does not need a work permit, employee card or blue card in order to perform work during the period intended for increasing his/her skills and qualifications. The total period of the foreigner's stay in the Czech Republic may not exceed six months. The foreigner shall submit an application for a long-term visa for the purpose of "other". The conditions under which a foreigner can be dispatched to a Czech legal entity for the purpose of increasing his/her skills and qualifications will be stipulated by a resolution of the government. Fulfilment of such conditions shall be assessed by the Confederation of Industry of the Czech Republic.

The Czech legal entity or natural person is obligated to inform the relevant regional branch of the Labour Office about the dispatching of the foreigner.

2.8.1. Family members of an employee and a blue-card holder

A long-term residence permit for the purpose of cohabitation of a family with a foreigner can be issued if the foreigner with whom cohabitation of a family will thus be facilitated is a holder of an employee card and resides in the territory for at least 6 months.

A long-term residence permit for the purpose of cohabitation of a family with a foreigner can be issued if the foreigner with whom cohabitation of a family will thus be facilitated is a holder of a blue-card.

A foreigner's family members who are authorised to submit this application are particularly the husband/wife of the blue-card/employee card holder and minor or adult dependent children of the blue-card/employee card holder or of the blue-card/employee card holder's husband/wife.

A holder of a long-term residence permit for the purpose of cohabitation of a family has the right of free access to the labour market of the Czech Republic.

3. Residence of citizens of EU member states, Switzerland, Norway, Iceland and Lichtenstein and their family members on the territory of the Czech Republic

3.1 General information

The right of free movement of people relates to citizens of individual European Union member states within the framework of the EU. EU citizens can thus enter and reside in the Czech Republic without special restrictions and on the basis of only a valid travel document, which is understood to also be an identity card. If an EU citizen does not have a travel document or is unable to obtain one, upon entering the country the police will allow him/her to prove his/her identity and EU citizenship by presenting another type of document. Regardless of the purpose and length of stay, EU citizens do not need a visa. It is necessary only to fulfil the notification obligation.

The same regime for entry and residence that applies to EU citizens also applies to citizens of Norway, Iceland, Lichtenstein and Switzerland. The regime for citizens of all these countries is described in the next chapter, even though sometimes only the term “EU citizen” is used.

EU member states: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

The restriction of the free movement of people imposed on eight countries that acceded to the European Union on 1 May 2004 (including the Czech Republic) was terminated on 30 April 2011. With the termination of this so-called transition period, the labour market of all European Union member states and the EEA was opened to Czech citizens on 1 May 2011³¹.

Temporary residence of EU citizens on the territory of the Czech Republic

Citizens of the EU can reside and work in the Czech Republic without any permit, on the basis of only a travel document or identity card.

Notification of place of residence in the Czech Republic

If an EU citizen intends to reside in the Czech Republic for a period longer than 30 days, he/she is obligated to notify, within 30 days of his/her entry into the country, the locally relevant inspectorate of the Foreigners' Police according to the place of residence; the same obligation relates to a family member of an EU citizen if such citizen is already residing in the Czech Republic (otherwise, the mandatory notification period is within three business days as in the case of other foreigners from third countries). The obligation to notify the inspectorate of the Foreigners' Police of the place of residence does not relate to cases in which this obligation is fulfilled by the accommodation provider.

An EU citizen who intends to reside in the Czech Republic temporarily for a period longer than three months is allowed (but is in no way obligated) to submit an application for issuance of “Confirmation of temporary residence in the Czech Republic”. The EU citizen can submit this application to the locally relevant inspectorate of the Foreigners' Police according to the place of his/her residence. The period for processing the application is 30 days (in particularly complicated cases, this may be a maximum of 60 days) from the date of submission. The validity of the “Confirmation of temporary residence in the Czech Republic” is not limited.

³¹ The entry of foreign nationals into Lichtenstein is restricted and depends on the period of duration of the employment-related stay. Citizens of the EU/EEA must apply for a residence permit, not for a work permit. Citizens of the EU/EEA can be engaged in gainful activity in Lichtenstein; nevertheless, Lichtenstein does not have freedom of residence of persons, i.e. Lichtenstein restrictively practices granting of residence permits in connection with gainful activity.

In the situations described below, an EU citizen must demonstrate that he/she is to reside temporarily in the Czech Republic and therefore it is practical for him/her to request “Confirmation of temporary residence in the Czech Republic”:

- registration of an automobile in the Czech Republic
- an EU citizen’s family member who is a national of a non-EU state: if the EU citizen is a holder of “Confirmation of temporary residence in the Czech Republic”, his/her family member – even if a citizen of a third country – can apply for a temporary residence permit. If such family member is a citizen of a state to which visa requirements apply and is not a holder of a residence permit issued by another EU member state, he/she needs a visa to enter the Czech Republic prior to obtaining a temporary residence permit. The EU citizen’s family member may submit the visa application at a border crossing

Obligations of a Czech entity for which an EU citizen will perform work:

- a Czech entity to which citizens of the EU/EEA and Switzerland, and their family members, are sent by a foreign employer is obligated, no later than on the day such persons start work, to notify the relevant labour office of this fact, in writing, according to the place of work performance. Upon termination of the labour relationship with an EU citizen, the employer is obligated to notify the relevant labour office of this fact no later than within 10 calendar days of termination of employment or completion of the assignment
- the employer is further obligated to keep records of citizens of the EU/EEA and Switzerland and their family members, in the same manner as with all foreigners that the employer employs or who are sent by a foreign employer to perform work

3.2 Confirmation of temporary residence on the territory of the Czech Republic

3.2.1. Confirmation of temporary residence on the territory of the Czech Republic

It is necessary to submit the following with the application:

- a) travel document, which can be an identification card
- b) one photograph (4.5 x 3.5 cm) corresponding to the applicant’s actual appearance
- c) document on assurance of accommodation in the Czech Republic:
 - an original or notarised copy of an agreement on accommodation, lease contract, sub-lease contract or an agreement with similar content
 - an original or notarised copy of an extract from the property register, if the applicant is a property owner
 - confirmation by the natural person or legal entity that will provide the foreigner’s accommodation, including confirmation issued by an accommodation provider
- d) document verifying the purpose of the stay if this involves employment, business or other gainful activity or study
 - employment: employment contract, confirmation from the employer or other document that verifies the foreigner’s employment in the Czech Republic
 - business: notarised copy of a business license (i.e. trade license, license deed) or reference number of an application for such license
 - performance of duties as a member of a legal entity’s statutory body
 - notarised copy of the articles of association or notarial record on establishment or change of a company or cooperative
 - if a legal entity is already entered in the Commercial Register and the foreigner has additionally undertaken participation therein, it is necessary to document this with a notarised copy of an extract from the Commercial Register of the Czech Republic on the existence of such legal entity. If the foreigner is not listed in the extract from the Commercial Register of the Czech Republic, then a document on the foreigner’s participation in the legal entity, i.e. articles of association pertaining to the establishment or change of the legal entity or notarial record on a meeting of the cooperative, is also required
- e) document on health insurance; this does not apply if the purpose of the stay is employment, business or other gainful activity

3.2.2 Confirmation of temporary residence for the purpose of cohabitation of a family

An EU citizen's family member who is a citizen of the European Union and intends to temporarily reside in the Czech Republic for a period longer than three months together with the EU citizen is obligated to **submit the following with the application for issuance of the "Confirmation of temporary residence in the Czech Republic"**:

- a) travel document, which can be an identity card
- b) 1 photograph (4.5 x 3.5 cm) corresponding to the applicant's true appearance
- c) document verifying that accommodation is ensured in the Czech Republic. Such document can be:
 - an original or notarised copy of an agreement on accommodation, lease contract, sub-lease contract or similar agreement
 - an original or notarised copy of an extract from the property register, if the applicant is a property owner
 - confirmation by a natural person or legal entity that will ensure the foreigner's accommodation, including confirmation issued by the provider of accommodation
- d) document on health insurance
- e) document verifying that he/she is an EU citizen's family member and, if this concerns a dependent family member who is an immediate relative in the ascending or descending line or such relative of the spouse of an EU citizen, a document confirming that he/she is a dependent person is also required

3.3 EU citizen's family member who is not a citizen of the EU

A family member of an EU citizen is understood to be that EU citizen's husband/wife, partner or parent (if the EU citizen is under 21 years of age) who is supported by and lives in a shared household with such EU citizen; child under 21 years of age or such child of the EU citizen's husband/wife/partner; dependent immediate relative in the ascending or descending line, or such relative of the husband/wife of the EU citizen.

The same status as a family member of an EU citizen is also granted to a foreigner who in good faith substantiates that he/she is a relative of such EU citizen if, in the state of which he/she is a citizen or was permitted to reside long term or permanently, lived with the EU citizen in a shared household, is dependent on the EU citizen or for health reasons cannot care for himself/herself without the personal care of the EU citizen or has with the EU citizen a permanent similar family relationship and lives with such EU citizen in a shared household.

If an EU citizen's family member is to reside in the country with such EU citizen, the family member is obligated to request from the Ministry of the Interior a temporary residence permit. The family member is obligated to submit the application within three months from the date of entry into the country. He/she is further obligated to inform the Foreigners' Police Inspectorate of his/her place of residence in the Czech Republic within 30 days from the date of his/her entry into the country if the expected duration of his/her stay will be longer than 30 days. The obligation to notify the Foreigners' Police Inspectorate of the place of residence does not relate to foreigners for whom this obligation has been fulfilled by the accommodation provider.

The Ministry of the Interior will issue to the family member a temporary residence permit in the form of a **residence card** for a family member of an EU citizen.

A European Union citizen's family member who is not a citizen of the European Union is **authorised to reside on the territory until the ruling on his/her application comes into legal force; during such period his/her stay on the territory shall be considered as temporary residency.** A citizen of a third country to whom a **temporary residence permit for a family member of a European Union citizen has been issued or who has applied for such permit** (which he/she can demonstrate with a stamp in his/her travel document or confirmation of the submission of an application for such permit) has the **right of free access to the labour market of the Czech Republic.**

3.3.1. Residence on the territory of the Czech Republic without a visa

A family member of an EU citizen may reside in the Czech Republic without a visa for a maximum period of three months if he/she fulfils one of the following conditions:

- a) if this concerns a citizen of a country whose nationals are not subject to visa requirements
- b) another EU member state has issued him/her:
 - a residence permit as a family member of an EU citizen
 - the status of a long-term resident residing in the European Community
 - a long-term or permanent residence permit
- c) he/she entered the Czech Republic as holder of a visa for a stay of up to 90 days or holder of a transit visa; this visa loses its validity on the condition that he/she resides in the Czech Republic with the EU citizen

A family member of an EU citizen (including a family member of a Czech citizen) who has been granted a Czech residence permit for a family member of an EU citizen or a permanent residence permit can then reside in another EU member state, **Norway, Iceland, Lichtenstein or Switzerland** for a maximum of three months without a visa.

3.3.2 Residence based on a short-term visa

In cases when a family member of an EU citizen is a citizen of a state whose nationals are subject to visa requirements, or is not a holder of a residence permit for a family member of an EU citizen or a long-term or permanent residence permit issued by another EU member state, he/she can enter the Czech Republic only with a valid visa.

A family member of an EU citizen is obligated to submit with the application for a visa for a stay of up to 90 days only his/her travel document, a document verifying that he/she is a family member of the EU citizen and a photograph.

A family member of an EU citizen can submit the application for a short-term visa at an Embassy or Consulate of the Czech Republic abroad or, in certain cases, at a border crossing.

In the case of submitting the application at an Embassy or Consulate of the Czech Republic, the period for processing the application is maximally 15 days.

3.3.3 Temporary residence permit

An EU citizen's family member who is not an EU citizen and who intends to reside temporarily in the Czech Republic for a period longer than three months together with the EU citizen is obligated to apply for a temporary residence permit. He/she is obligated to submit the application within three months of the date of entry into the Czech Republic.

It is necessary to submit the following with the application:

- a) travel document
- b) two photographs (4.5 x 3.5 cm) corresponding to the applicant's actual appearance
- c) document confirming that he/she is an EU citizen's family member:
 - marriage certificate (in the case of a spouse), copy of a birth certificate (in the case of a minor child or a dependent adult child) or copy of another document proving the family relationship or cohabitation in a shared household – in the case that this concerns a dependent family member who is an immediate relative of an EU citizen in the ascending or descending line or such relative of the husband/wife of an EU citizen, a document confirming that he/she is a dependent person must also be submitted
- d) document on assurance of accommodation for the period of residence in the Czech Republic³²
- e) document on health insurance

³² See footnote no. 19.

The application for a temporary residence permit shall be submitted to the office of the Ministry of the Interior of the Czech Republic ideally according to the foreigner's place of residence in the Czech Republic. The period for processing the application is up to 60 days from the date of submission of the application.

A temporary residence permit is issued in the form of a residence card for a family member of an EU citizen with validity corresponding to the expected period of residence of the EU citizen; however, this period shall be a maximum of five years. The validity of this permit can be repeatedly extended.



This brochure serves only as informational material on the issues relating to issuance of visas and residence permits for the purpose of residence and employment of foreigners (including citizens of the EU, Switzerland, Norway, Iceland and Lichtenstein) in the Czech Republic.

More detailed information, including possible amendments, is available at:

- www.mvcr.cz, Ministry of the Interior
- www.mpsv.cz, Ministry of Labour and Social Affairs
- www.policie.cz, Foreigners' Police, Service Directorate
- www.mzv.cz, Ministry of Foreign Affairs
- <http://portal.mpsv.cz/upcr>, Labour Office of the Czech Republic
- <http://portal.mpsv.cz/sz>, Employment
- www.czechinvest.org, CzechInvest – Investment and Business Development Agency

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