

## 23. Relocating to the Czech Republic

The conditions applying to a foreign national's entry to the Czech Republic and its long stay in the country are set by Act No. 326/1999 Coll., on the residence of foreign citizens in the Czech Republic, as amended. By signing the Schengen Agreement in 2004, the Czech Republic applies common rules concerning the movement of persons in the entire Schengen area, including the conditions for crossing external borders since December 2007.

### 23.1. NON EU COUNTRIES

Foreign nationals, so-called third-country nationals (other than from the EU, Switzerland, Norway, Iceland and Liechtenstein), may enter the Schengen area with or without a visa depending on whether there is a visa obligation which is stipulated in EC Regulation 539/2001. Nationals of third countries on the visa list must obtain a uniform Schengen visa (described further below) in order to enter the Czech Republic for a short stay - up to 90 days. However, if the purpose of the short stay in the Czech Republic concerns working activities, then even the national of the state with a visa waiver regime must apply for a visa.

Depending on the intended length of stay, the foreign citizen applies for either a short-term visa stay up to 90 days or long-term visa/residence permit (a stay for more than 90 days) (e.g. long-term visa for family reunion, long-term study visa, employee card or blue card for purposes of working). Generally, the visa application is submitted in person along with other required documents at the Czech consulate abroad (in some cases on the premises of the Czech Ministry of the Interior).

**Important:** A foreign national enjoying the visa waiver regime is entitled to stay up to 90 days within any 180-day period.

#### 23.1.1. Registration of place of residence in the Czech Republic

All foreign nationals who have been issued a visa are obliged, within three working days after entering the Czech Republic, to report their place of residence in the Czech Republic to the relevant Foreigners' Police Office. This does not apply to those who fulfil this obligation at the premises of the accommodation provider. A foreign national applying for a residence permit abroad (for an Employee Card or Blue Card) must provide the biometric data (facial image and fingerprints) within 3 business days upon entry into the territory of the Czech Republic.

#### 23.1.2. Uniform Schengen visas

A Schengen visa is time-limited and is valid for a maximum of 90 days. It is a permit which is required to enter and remain in the Schengen area for a short period of time (up to 90 days within any 180 days period) especially for the purpose of tourism or on business or to attend a conference or to just transit the country.

A short stay visa may allow for single, double or multiple entries.

The general time-limit for processing the application for a short stay visa is 15 days from submission, but the period is often shorter.

#### 23.1.3. Long stay visas / residence permits

23.1.3.1. Long stay visas – visas for stays longer than 90 days - allow foreign nationals to stay in the Czech Republic for a maximum of 1 year. This type of visa allows foreign citizens to travel repeatedly into and out of the Czech territory. Generally, long-term visa is prerequisite for obtaining a residence permit.

A long stay visa can be issued for one purpose of residence (e.g. entrepreneurial purposes, study, family reunion, health reasons or other purpose). The long stay visa is not issued for working purposes – those foreign nationals who are coming to the Czech Republic to perform working activities have to apply either for an Employee or a Blue Card (described further below). Each purpose of stay indicated on the application form must be supported with the required documents. Processing of the application for a long stay visa may take up to 90 days from the date it is filed for processing. In the event of visa refusal, the foreign national may appeal (request a new assessment of reasons for non-granting the visa) within 15 days upon delivery of the information about the refusal of the long stay visa. A long stay visa applicant is obliged to undergo an interview if requested by the embassy.

23.1.3.2. An Employee Card is a residence permit applicable for those foreign nationals who intend to work in the Czech Republic for a period longer than 90 days. For locally hired foreign employees, it has a dual nature, i.e. it combines the residence and work permit in one. Seconded non-EU nationals will still be applying for a work permit first and then for the Employee Card.

### **A foreign employee hired locally (under the Czech employment contract)**

An application for Employee Card is subjected to the initial labour market test and the application must fulfil certain criteria as e.g. the employment contract must guarantee minimum salary and working hours entitlement. The application for the Employee Card is submitted at the Czech Embassy/Consulate abroad. The Ministry of Interior has 60 days to decide about the application. In complicated cases the decision may be reached within 90 days.

### **A foreign employee seconded to work in the Czech Republic (assigned by the foreign employer)**

The Czech entity in which a foreign employee intends to perform working activities together with the foreign employee must apply for the work permit first. Once the work permit is issued or, as soon as the registration number of the work permit application is generated, the application for the Employee Card could be submitted at the Czech Embassy/Consulate abroad. The Ministry of Interior has 60 days to decide about the application. In complicated cases the decision may be reached within 90 days.

The Employee Card is valid according to the validity of the work contract/assignment letter of the working individual or for maximum of 2 years.

#### A work permit is not required i.e. in these cases:

- the third-country national stays in the Czech Republic on a short-term work stay (but for no longer than 7 consecutive calendar days or for a total of 30 days in a calendar year and, at the same time, he/she is a person supplying services, assembly or repair work, etc.),
- the third-country national has been seconded to the Czech Republic to provide services by an employer residing in a different EU member country,
- the third-country national graduated at the Czech university, and the studied programme is accredited by Accreditation Commission of the Czech Republic
- the family member of the third country national who holds Czech residence permit for the purpose of family unification and his/her spouse holds valid Czech residence permit
- the third-country national has permanent residence in the Czech Republic, and /or
- the third-country national assigned internally between foreign and Czech related entities for a maximum period of 6 months to increase his/her qualification, etc.

**23.1.3.3. Blue Card** is a dual residence permit (work and residence permits in one) for highly qualified employees. An application for a Blue Card is subjected to the initial labour market test and the application must fulfil certain criteria, such as, e.g. the employment contract must guarantee a gross monthly or yearly salary that is equivalent to at least 1.5 times the gross average monthly or annual salary in the Czech Republic. The application is to be submitted at a Czech Embassy abroad and the Ministry of Interior has 90 days to decide about the application.

An applicant might be interviewed during the decision-making process.

The Blue Card is valid according to the validity of the work contract of the working individual or for a maximum of 2 years.

The Blue Card as an EU instrument simplifies the process of obtaining a permanent residence permit / status of a long-term resident in the European Community and facilitates family reunification with no required minimum period of a previous stay in the Czech Republic.

## **23.2. EU MEMBER STATES**

Persons enjoying the right of free movement within of the EU (nationals of the EU member states, further Norway, Iceland, Liechtenstein and Switzerland) may freely enter and stay in the Czech Republic for any purpose without a permit or visa up to 30 days. It suffices for them to stay in the Czech Republic only on the basis of a travel document (passport) or identity card. Also, family members of EU citizens, who are third-country nationals, enjoy, under certain conditions, the right of free movement. They must prove that they are family members of an EU citizen as defined in the EC Directive 38/2004 (see definition below) and they accompany or follow the EU national to the territory.

### **23.2.1. Registration of place of residence in the Czech Republic**

An EU citizen who intends to stay on Czech territory for more than 30 days uninterruptedly is obliged, within 30 working days of entering the Czech Republic, to report his/her place of residence in the Czech Republic to the relevant Foreigners' Police Office according to their place of residence. The same obligation applies to the family members of an EU citizen if such a citizen already resides in the Czech Republic.

### 23.2.2. Temporary residence permit

- An EU citizen intending to stay in the Czech Republic for more than 3 months is entitled (not obliged) to file an application for confirmation of temporary residence. If the EU citizen possesses the confirmation, the family member of the EU citizen, who is a third country national, shall apply for a temporary residence permit as well (if the family member is a citizen of a non-EU country that is subject to a visa requirement, then a visa will be required, in order to enter Czech territory, before applying for and obtaining the obligatory temporary residence permit). The same procedure also applies to an application for a permanent residence permit.

Although a temporary residence permit is not a condition of residence of an EU citizen in the Czech Republic, there are certain circumstances that make it desirable for an EU citizen to hold one. These are mainly situations where the EU citizen residing in the Czech Republic needs to prove that he/she truly resides in the Czech Republic. These situations include e.g.:

- purchase of property under the Foreign Currency Act;
- registration of a car;
- the case in which a family member of an EU citizen is a citizen of a non-EU country and intends to apply for a residence permit,
- e.g. the EU national lives in Prague and needs to apply for a parking card
- for procurement of the tourist/business visas from foreign embassies located in the Czech Republic

**A family member of an EU citizen** includes a spouse/registered partner, a child under age 21 or dependants, or dependent direct relatives in the ascending line.

The application for a temporary residence permit can be filed with the Ministry of Interior in the Czech Republic. Processing of the application for a temporary residence permit may take up to 30 days after filing with the relevant branch of the Ministry of Interior on the territory of the Czech Republic. For family members of an EU citizen, the period of processing the application is up to 60 days from the date of submission of the application.