

## 21. 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.

### 21.1. NON EU COUNTRIES

Foreign nationals, so-called third-country nationals or non-EU nationals (other than from the EU, Switzerland, Norway, Iceland and Liechtenstein), may enter the Schengen area for short stay 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 per 180 days period. 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 work permit and a visa.

Generally, the type of visa/residence permit depends on the length of intended stay of a foreigner. If a foreign citizen intends to stay for no longer than 90 days per a 180 days period at the territory of Schengen/Czech Republic then s/he applies for short-term visa or arrives in visa-waiver regime, unless purpose of stay is employment. If a foreigner intends to stay in the territory of Schengen/Czech Republic longer than 90 days in a 180 days period, s/he needs to apply for long-term visa/residence permit (e.g. long-term visa for family reunion, long-term study visa, Employee or Blue or ICT Card for purposes of working).

The first visa application is usually submitted in person along with other required documents at the Czech consulate abroad (in specific cases in the Czech Republic at 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.

#### 21.1.1. Registration of a place of residence in the Czech Republic

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

#### 21.1.2. Short stay - uniform Schengen visas

A Schengen visa is time-limited. It allows stay for maximum of 90 days per 180 days period within its validity. It can be issued for several purposes usually tourism, business, work, transit or just to attend a conference.

Holder of the Schengen visa should be aware of the data given in the visa sticker. The visa sticker shows amount of days allowed to stay, the validity of visa and amount of entries allowed (single, double or multiple entries).

The application for short stay visa (so called Schengen visa) is to be submitted in person along with other required documents at the Czech or any other EU country consulate abroad. The general time-limit for processing the application for a short stay visa is 15 days from submission, but the period is often shorter.

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

21.1.3.1. Long stay visas (type D) – 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 could be issued for one purpose of residence (e.g. entrepreneurship, study, family reunion, health reasons or other purpose). The Czech 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 Card, Blue Card or and ICT 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 of submission at the Czech consulate abroad. A long stay visa applicant is obliged to undergo an interview if requested by the embassy. In the event of visa refusal, the foreign national may appeal within 15 days upon delivery of the information about the refusal of the long stay visa.

**21.1.3.2. 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 only then for the Employee Card.

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

An application for Employee Card is subjected to the initial 30-days labour market test and the application must fulfil certain criteria as e.g. the employment contract must guarantee minimum salary and at least 15-hours per week 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 and in some cases at Ministry of Interior. The decision making body (Ministry of Interior) has 60 days to decide about the application. In complicated cases the decision may be reached within 90 days.

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

- 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, s/he is a person supplying services, assembly or repair work, student, artist, academic personnel, sportsmen etc.),
- third-country national has been seconded to the Czech Republic to provide services by an employer residing in a different EU member country,
- third-country national currently studying daily studies at the Czech school or graduated at the Czech university, and the studied programme is accredited by Accreditation Commission of the Czech Republic,
- 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,
- third-country national with permanent residency in the Czech Republic,
- third-country national assigned internally between foreign and Czech related entities for a maximum period of 6 months to increase his/her qualification, and/or
- third country national holder of ICT card issued by another EU member state on a short work stay in the Czech Republic lasting no longer than 90 days within any 180 day period.

**21.1.3.3. Blue Card** is a dual residence permit (work and residence permit in one) for highly qualified employees. An application for a Blue Card is subject to the initial labour market test and the application must fulfil certain criteria, such as, e.g. the employment contract valid for at least one year 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 or in some cases at the Ministry of Interior and the decision-making body (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 for period exceeding three months the validity of the work contract but for 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 within the European Union and facilitates family reunification with no required minimum period of a previous stay in the Czech Republic.

#### **21.1.3.4 Intra-corporate Transferee Card so called ICT Card**

The ICT Card is intended for a non-EU national deployed by her/his foreign employer residing outside EU to work in one of the EU member states for more than 90 days on a position of a manager, specialist or trainee. The home

employer outside of the EU member state and host employer in the EU member state have to be capitally connected. The ICT card application is to be decided within 90 days of its submission at one of the Czech consulates abroad.

Maximum period of stay in the territory based on ICT card is three years for managers and specialists and one year for trainees. Similarly as a Blue Card, the ICT Card facilitate mobility of foreigners within EU, i.e. holders of Intra-corporate transferee permits issued by a first Member State then also enjoy the right to stay and work either short-term or long-term in another Member State within another entity of the same group of undertakings under enhanced rules.

## 21.2. EU MEMBER STATES

Persons enjoying the right of free movement within the EU are nationals of the EU member states, further Norway, Iceland, Liechtenstein and Switzerland and their family members.

The EU nationals may freely enter and stay in the Czech Republic for any purpose without a permit or visa up to 90 days. It suffices for them to stay in the Czech Republic only based on a travel document (passport) or identity card. The family members of EU citizens, who are third-country nationals, enjoy the right of free movement if proven that they fall under the definition of a family members stipulated in the EC Directive 38/2004 (see definition below) and they accompany or follow the EU national at the territory.

### 21.2.1. 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 to report his/her place of residence in the Czech Republic. This must be done within 30 working days of entering the Czech Republic at the relevant Foreigners' Police Office according to their place of residence. The same obligation applies to the family member of an EU citizen.

**21.2.2. Temporary residence** An EU citizen intending to stay in the Czech Republic for more than 3 months is allowed (not obliged) to file an application for Confirmation of a temporary residence.

Although a temporary residence permit is not an obligatory condition of a residence of an EU citizen in the Czech Republic, it is highly advisable to apply for temporary residence. Find below the demonstrative list of situations when the EU national has to prove his residence in the Czech Republic:

- 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,
- EU national living in Prague when in need to apply for a parking card,
- for procurement of the tourist/business visas from foreign embassies located in the Czech Republic, and/or
- enrolment of children to the local state school entities.

The application for a temporary residence confirmation is to be filed with the Ministry of Interior in the Czech Republic. Processing of the application may take up to 30 days after filing with the relevant branch of the Ministry of Interior in the territory of the Czech Republic.

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

These family members of the EU citizens are not EU citizens themselves are treated preferentially under the condition that they follow or accompany the EU citizen in the territory.

The family member of the EU citizen, who is a third country national and is accompanying EU family member to the Czech Republic, must apply for a temporary residence permit within 3 months of entering the Czech Republic along with the EU national.

The applications for a temporary residence permit for an EU citizen and a family member of an EU citizen are to be filed with the Ministry of Interior in the Czech Republic. The processing time of the application for a temporary residence permit of an EU national family member may take up to 60 days after filing with the relevant branch of the Ministry of Interior on the territory of the Czech Republic.