

List of changes made by the amendment to the Act on the Residence of Foreign Nationals with effect as of 31.7.2019

(by Act No. 176/2019 Coll., amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Changes to Certain Acts, as amended, and other related Acts)

ADMINISTRATIVE FEES

There has been a change in the system for collecting administrative fees for applications filed **in the country**. The administrative fee is no longer collected separately, that is, in part for acceptance of an application for a residence permit and in part for issuance of a residence permit card but it is collected **in a single amount** at the time when **the application is accepted**. However, this only applies to **applications filed starting from 31.7.2019 !**

An administrative fee will still not be charged for acceptance of an application for temporary residence certificate (EU citizens), temporary residence permit and permanent residence permit for an EU citizen or his/her family member.

In a new development, a fee is charged for acceptance of an application for

1. making a change in a residence permit card (a card with biometrics);
2. a residence permit card as a replacement for a lost, stolen or damaged card.

There is no fee charged for issuance of a replacement residence permit card or a card, in which a change has been made.

Administrative fees are collected in the form of a **fee stamp**. Payment of an administrative fee in cash or with a payment card is not possible because the offices of the Ministry of the Interior are not equipped for this – there are no cash registers and no card payment terminals in the offices.

ISSUANCE OF A RESIDENCE PERMIT and SUBSEQUENT GRANTING OF THE LEGAL STATUS OF A RESIDENT		
Type of application	Fee	
	for accepting an application	for issuing a card
application for a long-term residence permit	2,500	0
- <i>application from a person younger than 15 years</i>	1,000	0
application for an employee card	2,500	0
application for a Blue Card	2,500	0
application for an intra-company employee transfer card	2,500	0
application for a permanent residence permit	2,500	0
- <i>application from a person younger than 15 years</i>	1,000	0
application for a long-term leave to remain	500	0
application for subsequent granting of the legal status of a long-term staying resident in the EU	500	0

RENEWAL OF A RESIDENCE PERMIT OR A CARD		
Type of application	Fee	
	for accepting an application	for issuing a card
application for renewal of a long-term residence permit	2,500	0
- <i>application from a person younger than 15 years</i>	1,000	0
application for renewal of an employee card	2,500	0
application for renewal of a Blue Card	2,500	0
application for an intra-company employee transfer card	2,500	0
application for renewal of a permanent residence permit card and a residence permit card of a recognised refugee	2,500	0

- application from a person younger than 15 years	1,000	0
application for renewal of a card of a person enjoying subsidiary protection	1,000	0
- application from a person younger than 15 years	500	0
application for renewal of a long-term leave to remain in the country	1,000	0

Issuance of a replacement residence permit card (RPC) and a card with a change made		
Type of application	Fee	
	for accepting an application	for issuing a card
application for an RPC as a replacement for a lost, stolen or damaged card (3 rd countries)	4,000	0
- application from a person younger than 15 years (3 rd countries)	2,500	0
application for an RCP as a replacement for a lost, stolen or damaged card (an EU citizen or his/her family member)	100	0
application for making a change in an RCP (3 rd countries)	1,000	0
- application from a person younger than 15 years (3 rd countries)	500	0

EMPLOYEE CARDS

NEW REQUIRED PIECE OF INFORMATION IN AN APPLICATION

If a job agency is the employer of a foreign national and intends to assign him/her to a user to perform a job, then such a foreign national is obliged to attach to his/her application for **issuance** or **renewal of an employee card** a document, which contains, besides his/her identification information, the type of work that he/she will perform as a temporarily assigned employee for the user, the place of performance of such a work, and the name and registered office of the user. This can be a separate statement from the employer, i.e. the job agency, (the template for the statement is available in the [Application Forms](#) section) or for example a written instruction for assignment as defined in Section 309(2) of the Labour Code.

REPLACEMENT OF A CONSENT TO THE CHANGE OF AN EMPLOYER, JOB POSITION OR ADDITIONAL EMPLOYER WITH A NOTICE

In the future, a foreign national will only notify the Ministry of the Interior of a change of his/her employer, his/her job position (particularly the place of performance of the work and the type of work), employment for an additional job at the same employer or at a different employer.

To give notice of a change, it is necessary to use **a form specially designed for this purpose**, which is available in the [Application forms](#) section on the website of the Ministry of the Interior of the Czech Republic. All the boxes in the form must be filled out and all the documents required by the law must be attached to it and must prove that the conditions defined by the Act on the Residence of Foreign Nationals for such a change have been met. **Otherwise, such a notice is regarded as if it were not given.** In some cases, this may result in termination of the validity of an employee card.

The validity of an employee card will still end if a foreign national, after the end of the employment, for which the employee card was issued to him/her, **fails** to give notice of a change of his/her employer within 60 days of the end of the employment, or if such a notice **is regarded** as a notice that **has not been given**.

A notice of a change needs to be given at least **30 days** before the date, as of which the change is to take place. Only a foreign national who is **a holder of an employee card** can give notice of the change. A

notice of a change of an employer cannot be given, if **6 months have not yet passed** from the reception of the first employee card (save for a few exceptions). A notice of a change also cannot be given if **a job agency** were to be **the new employer**.

A foreign national can start to work in his/her new job **no sooner than as of the date**, which he/she stated in the notice as the **date, as of which the change is to take place**, and only after a notification from the Ministry of the Interior is delivered to him/her or his/her future employer, stating that the conditions defined in the Act on the Residence of Foreign Nationals for giving notice of the change have been met.

If **the conditions** of the Act on the Residence of Foreign nationals for giving notice of the change **have not been met**, the Ministry of the Interior will inform both the foreign national and his/her future employer of this fact. **It is not possible to file an appeal** against such an information statement but it is possible to deliver the notice to the Ministry of the Interior again and if the conditions defined by the law have been met at that point, the Ministry will notify the foreign national and his/her future employer of this fact and the foreign national will be able to start working in the position stated in the notice.

If a foreign national delivers multiple notices to the Ministry of the Interior within 60 days of the end of the employment, for which his/her employee card was issued, only the last notice will be taken into account. Similarly, if a notice of a change of employer is given during a procedure for renewal of the employee card, it will be deemed that the renewal was applied for in order to maintain employment in the job position, of which notice was given most recently.

Foreign nationals who have free access to the labour market (Section 98 of the Employment Act) or still need a decision on employment permit to work in the territory of the Czech Republic (seconded employees) will give notice of such changes to the Ministry of the Interior in the same way as up until now, that is, within 3 working days of the moment when the change occurred.

LONG-TERM RESIDENCE FOR THE PURPOSE OF STUDIES

NARROWED-DOWN DEFINITION OF STUDIES

In a new development, studies at high schools, tertiary vocational schools or conservatoires that are not taking place under exchange programmes will no longer be considered to be studies for the purposes of obtaining a long-term visa or a long-term residence permit for the purpose of studies. In the future, it will not be possible to issue or renew a long-term visa or a long-term residence permit for the purpose of studies to the students of these schools. If they meet other conditions, students from this group will be issued with a long-term visa and, if applicable, subsequently with a long-term residence permit for a purpose, which is described as "MISCELLANEOUS" in practice (labelled with the numerical code "99"). At the same time, full-time students at high schools and tertiary vocational schools will still have free access to the labour market pursuant to Section 98(j) of the Employment Act.

EXPANDING THE OPTIONS TO FILE AN APPLICATION FOR LONG-TERM RESIDENCE FOR THE PURPOSE OF STUDIES IN THE COUNTRY

The following persons will be eligible to file an application for a long-term residence permit for the purpose of studies in the country with the Ministry of the Interior:

- a holder of a long-term visa (except for a long-term visa for the purpose of leave to remain, a seasonal work visa, a special work visa);
- a holder of a long-term residence permit issued for a different purpose;
- a holder of a residence permit issued by a different EU Member State **for the purpose of studies** during his/her authorised visa-free stay in the country.

VISA-FREE STAY

Foreign nationals who have been issued by a different EU Member State (except for the United Kingdom, Ireland and Denmark) with a residence permit as **students** who come to the EU to study under an EU programme, a multilateral programme comprising mobility measures or an agreement between higher education institutions can stay in the territory of the Czech Republic **for a period of up to 1 year without a visa**, provided that the purpose of their stay is to study at a local university and their residence permit is still valid. These students have the note “student” stated in their residence permit cards in the national language of the issuing state as well as the name of the exchange programme or the designation of the agreement between higher education institutions.

OPTION TO PROVIDE EVIDENCE ON INCOME INSTEAD OF FUNDS FOR A STAY

Students will retain the option to attach a document on the availability of funds for their residence in the country (Section 13 of the Act on the Residence of Foreign Nationals) to their application. However, in a new development, they will be able to submit a document proving their monthly income instead of the aforementioned document. This means that if a student has an income from a job, a business or some other gainful activity, he/she can provide evidence of his/her monthly income instead of submitting a document on the availability of funds for his/her residence in the country. The minimum monthly income, which must be proved in such a case, equals to the sum of the student's subsistence minimum (CZK 3,410) and the amount of the officially determined highest average cost of housing (CZK 8,233) or the actual cost of housing incurred. Therefore, it is recommended to students that they provide evidence of their cost of housing in this case.

LONG-TERM RESIDENCE FOR THE PURPOSE OF SCIENTIFIC RESEARCH

VISA-FREE RESIDENCE

A foreign national who was issued by another EU Member State (except for the United Kingdom, Ireland and Denmark) with a residence permit as a **researcher** and who is staying in the territory of the Czech Republic for the purpose of research carried out at one of the research organisations that are on the list of research organisations created according to a special regulation can stay in the territory of the Czech Republic **for a period of up to 1 year without a visa**, provided that the permit is still valid. Researchers have the note “researcher” stated in their residence permit cards in the national language of the issuing country.

The same right to a visa-free residence for up to one year is also held by **a family member of a researcher** who was issued by another EU Member State (except for the United Kingdom, Ireland and Denmark) with a residence permit, provided that the family member is staying in the country together with the researcher and that the family member's residence permit is still valid.

OPTIONS TO FILE AN APPLICATION FOR LONG-TERM RESIDENCE FOR THE PURPOSE OF SCIENTIFIC RESEARCH IN THE COUNTRY

The following persons in the country will be eligible to file an application with the Ministry of the Interior for a long-term residence permit for the purpose of scientific research in the country:

- a holder of a long-term visa (except for a long-term visa for the purpose of leave to remain, a long-term visa for seasonal employment, a special work visa);
- a holder of a long-term residence permit issued for a different purpose;
- a holder of a residence permit issued by a different EU Member State for the purpose of scientific research during his/her authorised visa-free stay in the country, **provided that he/she intends to stay in the country for a period longer than 1 year.**

A family member of a researcher will be able to file an application for long-term residence for the purpose of living together with his/her family in the country (for the purpose of living together with the researcher) with the Ministry of the Interior in the country only if the family member is staying in the country with a long-term visa (except for a long-term visa for the purpose of leave to remain with a period of validity shorter than 6 months, a long-term visa for seasonal employment, or a special work visa) or a long-term residence permit issued for a different purpose.

LONG-TERM RESIDENCE FOR THE PURPOSE OF SEEKING A JOB OR STARTING A BUSINESS

A long-term residence permit for the purpose of seeking a job or starting a business is intended for those foreign nationals who are residing in the country with a long-term residence permit for the purpose of studies and have already successfully completed their studies or for those foreign nationals who are residing in the country with a long-term residence permit for the purpose of scientific research and have finished their research activities in the country.

- The application is filed with the Ministry of the Interior in the country at a time when the existing long-term residence permit for the purpose of studies or for the purpose of scientific research is still valid.
- The applicant is obliged to attach the following to the application: a passport, a photograph, a document on the availability of funds for his/her residence in the country (Section 13 of the Act on the Residence of Foreign nationals) or a document proving an income (see above), a document on the availability of accommodation in the country, a document proving successful completion of studies in the country or a document issued by a research organisation confirming completion of the applicant's research, and a document on travel medical insurance.
- The maximum period of validity for which a residence permit is issued is 9 months.
- The residence permit cannot be renewed.
- A holder of this permit can apply for a long-term residence permit for the purpose of business sooner than after residing in the country for 5 years.

SPECIAL WORK VISA

In a regulation, the government can determine that special work visas will be issued for the purpose of employment in the event of shortage of labour forces in a certain industry. These visas will only be issued, if the government decides so, and their terms will be defined by the government in such a regulation. The visa will be issued for a maximum period of 1 year; the period of validity will be set according to the period of validity of the decision to permit employment. This visa cannot be renewed and it is not possible to apply for another residence permit while staying in the country with this visa.

INFORMATION ON THE REGISTERED PLACE OF RESIDENCE

The residence permit cards issued to holders of **long-term residence permits** will no longer state the **information on the holder's registered place of residence in the country**. Among other things, this means that when a foreign national reports a change of his/her registered place of residence, the foreign national will not be issued with a new long-term residence permit card. The current place of residence in the country will possibly be entered into his/her travel document, or a written certificate will be issued.

TEMPORARY RESIDENCE CERTIFICATE FOR AN EU CITIZEN

A temporary residence certificate will be issued for a period of 10 years. The temporary residence certificates, which were issued to EU citizens before 1 January 2010, will expire on 31 December 2019. The temporary residence certificates, which were issued to EU citizens after 1 January 2010, will expire when 10 years pass from when such certificates were issued.

PERMANENT RESIDENCE PERMITS

In a new development, a foreign national who is a family member of an EU citizen and who was granted subsidiary protection or asylum in the country will also be eligible to file an application for a permanent

residence permit for reasons specified in Section 87h(1) of the Act on the Residence of Foreign Nationals. However, before such a family member accepts the decision to issue a permanent residence permit (i.e. before he/she receives his/her residence permit card), he/she will need to waive his/her subsidiary protection or asylum.

LEGAL REMEDIES AGAINST CERTAIN DECISIONS

It will not be possible to file an appeal against a decision of the Ministry of the Interior cancelling or failing to renew a foreign national's residence permit or denying issuance of such a residence permit on the grounds that the foreign national intentionally committed a criminal offence or does not meet the condition of a clean criminal record or possibly represents a threat to the public order or national security (the specific reasons are stated in Section 168(3) of the Act on the Residence of Foreign Nationals). The decision will **enter into force when a notice of the decision is given** (by delivering the decision to the foreign national or, if the foreign national is represented by a representative, to his/her representative). A foreign national can only seek to have such a decision overturned by filing a lawsuit according to the Code of Administrative Justice (Act No. 150/2002 Coll.).