

**Act No. 326/1999 Coll.,**

**on the Residence of Aliens in the Territory of the Czech Republic**

(Unofficial version as of 28 April 2006)

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Comments:

- Act No. 326/1999 Coll. has been amended by Act No. 140/2001 Coll., Act No. 151/2002 Coll., Act No. 217/2002 Coll., Act No. 222/2003 Coll. Act No. 436/2004 Coll., Act No. 501/2004 Coll., Act No. 539/2004 Coll., Act No. 559/2004 Coll., Act No. 428 /2005 Coll., Act No. 444/2005 Coll., Act No.112/2006 Coll., Act No. 136/2006 Coll., Act No. 161/2006 Coll., and Act No. 165/2006 Coll.

- Changes that enter into effect as of the date of publication in the Collection of Acts and changes that enter into effect as of 26 June 2006, 1 September 2006, and 1 January 2007 are underlined within the text. (Note: As of 1 September 2006, some of the footnotes will be renumbered as indicated within the text.)

- Changes that enter into effect as of the date that border controls are removed at common borders with the Czech Republic (i.e., full participation in the Schengen cooperation is indicated in italics and bold within the text.

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Parliament has adopted the following Act of the Czech Republic:

(...)

**CHAPTER III**

**TEMPORARY STAY IN THE TERRITORY**

(...)

**Part 4**

**Temporary Stay in the Territory**

**on the Basis of a Long-Term Visa or Long-Term Residence Permit**

(...)

**Subpart 3**

**Temporary Stay in the Territory on the Basis of a Long-Term Residence Permit**

(...)

**Section 42e (as of 26 June 2006)**

**Long-Term Residence Permit for the Purpose of Receiving Protection in the Territory**

(1) A long-term residence permit for the purpose of receiving protection in the Territory<sup>9e</sup><sup>9f</sup>) will be granted by the Ministry at the request of an alien who is:

a. the probable victim of the criminal act of trafficking in human beings<sup>9f</sup><sup>9g</sup>)(as of 1 September 2006); or

b. a person for which illegal crossing of state border was arranged or enabled to, or <sup>9g</sup><sup>9h</sup>) whose testimony is significant for revealing the perpetrator or organized groups that are involved in organizing or enabling illegal crossing of state borders., under

the condition that he/she cooperates with the authorities responsible for penal proceedings in course of prosecution of perpetrator suspected of committing this criminal act and does not cooperate with the suspect(s).

(2) A long-term residence permit for the purpose of receiving protection in the Territory can also be granted by the Ministry at the request of an alien whose petition regarding an obstacle to departing from the Territory has been acknowledged pursuant to special legal regulation (provisions)<sup>2</sup>. (until 31 August 2006)

(3) The authorities responsible for penal proceedings must inform an alien that meets the criteria specified in Subsection (1) without delay, and in a language that he/she is capable of understanding (of comprehending), of his/her right to submit an application for a long-term residence permit for the purpose of receiving protection in the Territory and the conditions for this residence. An alien has a timeframe of 1 month as of the date he/she is informed as provided by the preceding sentence to decide whether he/she will cooperate with the authorities responsible for penal proceedings. Over the course of this timeframe, the alien cannot be expelled and his/her stay in the Territory cannot be terminated in any other manner.

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9e)9f) (as of 1 September 2006) Council Directive 2004/81/EC of 29 April 2004, on issuing a residence permit to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

9f)9g) (as of 1 September 2006) Section 232a of the Penal Code

9g)9h) (as of 1 September 2006) Section 171a of the Penal Code

(...)

## CHAPTER IV

### PERMANENT RESIDENCE IN THE TERRITORY

(...)

#### Permanent Residence Permit

##### Section 66

(1) Aliens who meet the following criteria are eligible to receive a permanent residence permit without the condition of a previous continuous stay in the Territory:

a) an alien who applies for this permit for humanitarian reasons, specifically:

1. if he/she is a spouse of a refugee and the marriage took place prior to the time the refugee entered the Territory;
2. is minor child of a refugee or a child that is dependent on the refugee for care if he/she does not apply for asylum; or
3. is a former citizen of the Czech Republic;

b) an alien who applies for this purpose for other reasons that are worthy of consideration;

c) at an alien's request if the residence of this alien is in the Czech Republic's interest; or

d) an alien who applies for this permit as the minor child or dependent adult child of an alien who resides in the Territory on the basis of a permanent residence permit, if the reason for the application is the reunification of these aliens.

(2) In addition, a permanent residence permit will be granted at the request of an alien whose previous permanent residence in the Territory was cancelled due to the reasons specified in Section 77 (1)(c) or (1)(d), under the condition that not more than 3 years have passed since the decision became legally enforceable.

(...)

##### Section 69

(1) An application for a permanent residence permit as provided for in Section 66 is submitted at an Embassy unless provided for otherwise below.

(2) An application for a permanent residence permit as provided for in Section 66 (1)(a) or (1)(b) can also be submitted to the Police, if the alien who is to receive the permanent residence permit:

a) resides in the Territory within the framework of temporary residence and

1. is the minor child or adult dependent child of an alien who resides in the Territory on the basis of a long-term residence permit and the reason for the permanent residence permit application is the reunification of these aliens; or

2. is the spouse or minor child of an alien who was granted asylum for the reasons provided for in special legal regulation (provisions)<sup>11</sup>;

b) resides in the Territory on the basis of a Visa for a stay longer than 90 days or a long-term residence permit; or

c) resides in the Territory on the basis of a long-term residence permit for the purpose of receiving protection in the Territory, if this alien's cooperation with the authorities responsible for penal proceedings contributed to proving that the criminal act of trafficking in people was committed or proving that the illegal crossing of state borders was organized or enabled .

(3) An alien submits the application for a permanent residence permit as provided for in Section 66 (1)(c) to the Ministry if the alien resides in the Territory on the basis of temporary residence; aliens requesting a permanent residence permit pursuant to Section 67 also submit their applications to the Ministry.

(4) Aliens requesting a permanent residence permit pursuant to Section 68 (1) submit their applications to the Alien Police; applications pursuant to Section 68 (4) can also be submitted at an Embassy.

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11) Section 12 of Act No. 325/1999 Coll., as amended by Act No. 2/2002 Coll.

(...)