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*Jan Bečka, Bohumil Doboš, Filip Gantner,
Jakub Landovský, Lenka Pítrová, Martin Riegl,
Scarlett Waitzmanová*

Chapter 1

Migration as a Political and Public Phenomenon: The Case of Czech Republic

1.1. Introduction: Scene-setter

(Jan Bečka, Jakub Landovský, Martin Riegl)

For the last two years, migration became one of the most discussed topics in many European countries. With the waves of refugees and migrants in general arriving to Europe from the war-torn countries of the Middle East and from African countries, the European political representatives as well as the general public have been largely caught off guard. By September 2016, for example, there were almost 120,000 first-time asylum seekers in the EU-28.¹ According to the UNHCR, there were 362,376 migrants and refugees arriving to Europe just by the Mediterranean route in 2016, not counting others.² The migration flows that Europe has been witnessing as a part of the current crisis are the biggest since the wars in the Balkans in the 1990s and perhaps the most significant since the end of Second World War.

Throughout Europe, the reactions to the migration crisis varied. Some countries, like Germany, have pursued a welcoming policy towards migrants, pledging to accept them in great numbers and integrate them into the society. On the other hand, the sheer numbers of migrants and refugees coming to Europe have also created a backlash, with certain segments of society but also politicians using the issue to call for more restrictive asylum and migration policies, for strengthening the EU border protection (in some cases going so far as to effectively suspend Schengen rules, albeit temporarily) and for building walls and fences. It is clear by now that the current European migration discourse is moving within a very wide spectrum of opinions, attitudes and approaches, shaped not only by national attitudes and concerns but also by economic, social, ethnic and in some cases religious factors. At the same time, the issue of migration is often coupled with security threats such as international terrorism, the situation in Syria and Iraq (from where many of the migrants/refugees

¹ The number of asylum seekers has reached its peak so far in October 2015 with almost 180,000 first-time asylum applicants. For more information, see “Asylum Quarterly Report”, *Eurostat*, http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report [accessed: 15.02.2017].

² “Refugees/Migrants Response – Mediterranean”, *UNHCR*, <http://data.unhcr.org/mediterranean/regional.php> [accessed: 15.02.2017].

actually originate)³ and, in some cases, even with the developments in Eastern Europe and the attempts of Russia to destabilize and weaken the European Union using various means. Migration has thus become a security issue while at the same time, the humanitarian aspect is always present. This dichotomy makes it often hard for the public but even the politicians to discuss the roots and causes of the migration crisis and the possible solutions objectively and without bringing in populist and sometimes even racist undertones.

The Czech Republic, which this chapter deals with, is in a particular position when it comes to the migration crisis. For the vast majority of migrants/refugees, it has served neither as the destination country nor even as the transit country as they bound for Germany, France or the United Kingdom. Indeed, for the entire year 2016, there were only 1,475 people applying for asylum in the Czech Republic (as compared to 1,525 in 2015 and 1,156 in 2014).⁴ Given such a low number, it can be asserted with a degree of confidence that most citizens of the Czech Republic have not encountered any newly arrived refugees/migrants even at the height of the migration crisis. Yet, at the same time, the Czech Republic is among those European countries that are most vocal in criticizing “liberal migration policies” and that call for tougher measures to be taken on the external borders while at the same time repeatedly rejecting quotas for resettling the migrants in the individual EU member states. On the domestic political scene, a number of political parties and groupings were established in the wake of the refugee crisis, using the anti-migration rhetoric (often coupled with a strong criticism of the EU) as a way to gain public support. Even some politicians from the mainstream political parties have picked up on the topic. One of the questions that this short case-study will be trying to answer is why is the debate about migration often so emotional in the Czech Republic, when, in fact, at the moment there is little reason for it. What are the main factors behind the prevalent Czech attitude towards migration, both on the political level and among the public?

The primary purpose of this chapter, however, is to provide the readers with an overview of the relevant asylum and migration policies of the Czech Republic, the steps Prague has taken both domestically and on the international scene (within the Central European region, in the Western Balkans and on the EU

³ Since 1 January 2016, these two countries alone have accounted for 31% of arrivals to Europe through the Mediterranean route, *ibidem*.

⁴ Out of the 1,475 applications in 2016, 1,213 were new applications and 262 repeated applications. See “Statistické zprávy o mezinárodní ochraně za jednotlivé měsíce v roce 2016 [Statistical Reports about International Protection for the Individual Months of 2016], *Ministry of Interior of the Czech Republic*, file://C:/Users/Po%C4%8D%C3%ADta%C4%8D%20Knov%C3%ADz/Desktop/CS_stat_prosinec_2016_1.pdf [accessed: 15.02.2017].

level), the impact the migration crisis has had so far on the Czech political scene (with the possible ramifications for the future) and of the general perception of refugees/migrants among the general public. In order to achieve this purpose, the text will be divided into sub-chapters, each dealing with a specific topic as outlined above. At the end, general conclusions will be drawn and comparisons offered to other European countries.

1.2. The Czech Asylum and Migration Policies within the EU Framework

(Filip Gantner, Jakub Landovský, Lenka Pítrová, Scarlett Waitzmanová)

In order to be able to analyse properly the migration discourse in the Czech Republic, the legal framework both on the national, but also on the EU level, must be at least be briefly discussed. This will provide the necessary basis for understanding and evaluating the Czech stance within the EU and also the moves Prague has made to deal with the migration crisis and their justification.

1.2.1. The EU Asylum Policy Framework

The basis for the common visa, asylum and migration policy of the EU member states is the primary law of the European Union, which delineates this area as a shared competence of the Union and the individual member states. In Title V of the Treaty on the Functioning of the European Union (henceforward “the Treaty”), the area of freedom, security and justice are addressed;⁵ in Chapter 2 (art. 77–80) the border controls, asylum and migration are discussed. The primary law thus makes a normative distinction between the asylum policy and the migration policy. While these two categories (migrants and refugees) are often mixed in political rhetoric, the policies governing them have different aims and objectives. H. Scheu states that the asylum law is based on international obligations in the area of human rights and, indeed, on the broadest definition of the term humanity itself.⁶ Article 78 of the Treaty makes an explicit reference to the Geneva Convention relating to the Status of Refugees

⁵ For the definition of the term freedom, security and justice, see: J. Syllová, L. Pítrová, H. Paldusová *et al.*, *Lisabonská smlouva. Komentář* [The Lisbon Treaty: Commentary], Prague 2010, pp. 348–350 (commentary on art. 67 par. 1 of the Treaty). For the Treaty itself, see “Consolidated Version of the Treaty on the Functioning of the European Union”, the European Union, http://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&format=PDF [accessed: 15.02.2017].

⁶ See H. Scheu [in:] L. Pítrová *et al.*, *Aktuální právní problémy migrace* [Current Legal Migration Problems], Prague 2016.

from 1951 as modified by the 1967 Protocol (henceforward the “Geneva Convention”)⁷ and to other relevant agreements. All the EU directives regulating asylum policy refer to the generally accepted human rights standards. On the other hand, the migration law is primarily concerned with other objectives, such as fulfilling the security and economic goals of a state, finding a solution to demographic problems and/or building special relations with specific partner countries.

The Union asylum law, which the Czech legal framework is based (as discussed below), thus seeks to fulfil international obligations and the high standard of human rights protection. This is true not only the secondary directives adopted during the first phase of the communitarisation of the asylum policy (as part of the Amsterdam novelisation of the primary law), but also for the new legislative framework, adopted after the Lisbon Treaty entered into force (new qualification directive,⁸ reception directive⁹ and the procedural directive.¹⁰ In addition to the Geneva Convention of 1951, the post-Lisbon legal documents also refer to the Charter of the Basic EU Rights (especially art. 18), the UN Convention on the Rights of a Child of 1989, and, related to the definition of a third country, to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.¹¹ From the point of view of actual practical competence, the asylum law mainly includes the institute of the unified asylum status, subsidiary protection, rules for the asylum proceedings and/or the Dublin system regulating the competence of the member states to deal with the applications for the international protection.¹²

⁷ The Convention defines refugee as a person displaced from his homeland and having justified concerns about being discriminated for racial, religious or ethnic reasons, for being a part of a certain segment of society or for having a certain political orientation. This person is then not able to accept, or refuses to accept (because of the above mentioned concerns), the protection of his homeland (see art. 1/A.2 of the Geneva Convention of 1951, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx> [accessed: 15.02.2017]). The refugee status is however temporary – the persons can either receive new citizenship, or the persecution in his/her home country stops and the persons again accepts protection from this country.

⁸ DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of protection, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF> [accessed: 15.02.2017].

⁹ DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 laying down standards for the reception of applicants for international protection [accessed: 15.02.2017].

¹⁰ DIRECTIVE 2013/32/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=CS> [accessed: 15.02.2017].

¹¹ See, for example, point 33 of the preamble and art. 39 par. 2 of the procedural directive.

¹² See art. 78 of the Treaty.

As a part of the EU migration policy, various normative acts were adopted regulating, among other things, the conditions for legal entry to the territory of the member states in relation to improving the educational segment of the workforce and competitiveness, the legal standing of the migrants and especially the measures against the illegal entry and stay on the territory of the member states.¹³

Although it is in the area of asylum policy where the human rights obligations and their fulfilment remains the main concern, these obligations also play their part in the area of migration policy. One of the important institutes in this regard, which also connects the two policy areas together, is the institute of family reunion, which is based primarily on art. 8 of the European Convention about the Protection of Human Rights and Basic Freedoms, and on the legal opinions of the European Court for Human Rights. The Council Directive 2003/86/ES regulating the right for the families to be reunited is then the basic document for granting this right to the migrants and asylees in the EU as well.

The entire area of asylum and migration policy and the arrangements of the border controls is governed by the Treaty (specifically art. 80), and by the principle of solidarity and justified division of responsibility between the member states. The interpretation of this principle eventually gave rise to certain controversial decisions such as the relocation mechanism (see below).

1.2.2. The Refugee Legal Framework in the Czech Republic

It has to be mentioned, as already described in the previous sub-chapter, that the EU asylum legal framework (within the EU Common European Asylum System/CEAS) is, if we consider the minimum standard, highly harmonized and/or addressed by directly applicable normative acts, both in the personal dimension (as to how a refugee is defined) and in the procedural dimension (how to process the asylum application). The Czech legal system represents a transposition and implementation of the EU asylum law.

The constitutional guarantee of the right to asylum in the Czech Republic is defined and provided mainly by art. 43 by the Charter of Fundamental Rights and Freedoms of the Czech Republic. This article guarantees the right to asylum only to those aliens who are persecuted for exercising their rights and freedoms. Based on this article, the asylum could be denied to anyone who acted in disagreement with the basic human rights and freedoms. This, however, does not change the basic assumption that the Czech Republic is obliged to follow the relevant international treaty and by the above mentioned legislative measures of the EU and to provide asylum in a wider spectrum of cases.

¹³ See art. 79 of the Treaty.

The basic legal provision which regulates the conditions and the procedure for granting an asylum in the Czech Republic is the Law no. 325/1999 Sb., on asylum, as amended further (henceforth the “Law on asylum”). This law enables the transposition of the EU legislation and is mostly concerned with the following:

- a) the conditions for entry and for residence for the citizens of third countries seeking international protection by the means of asylum or subsidiary protection in the Czech Republic;
- b) conditions for the stay of asylees or the persons enjoying the subsidiary protection on the territory of the Czech Republic;
- c) the rules of the procedure for granting and removing international protection by the means of asylum or subsidiary protection;
- d) the rights and duties of the applicant for international protection, asylee and the person enjoying the subsidiary protection;
- e) the rules of the integration programme;
- f) the definition of facilities used during the asylum procedure.

This legal measure is applied especially in the cases dealing with persons that have applied for international protection in the Czech Republic. The statistical data, however, shows that the number of asylum applications in the Czech Republic¹⁴ is minimal and if anything, the Czech Republic is considered more of a transit country. Most of the provisions of this law are thus not going to be applicable to the aliens that consider the Czech Republic only a transit country. In accordance with the European Union law, the applicant has the right to ask for international protection by the means of asylum or subsidiary protection in another EU member state. This would mean that the application would also be evaluated and considered by the other EU member state, with the state where the applicant has submitted his first application being the competent one. Thus, the Czech Republic could theoretically make the decision to accept the competence over the process of granting international protection, pursuant to the conditions specified in the Dublin III directive.

The applicant for the extension of international protection is defined as a person that came to the Czech Republic and has asked for the extension of international protection. Up to the moment that a legally binding decision is issued by the Ministry of Interior of the Czech Republic, this person remains an applicant (see some of the further remarks below). Furthermore, any alien that has sought the extension of international protection in another country is

¹⁴ See ff. 4 for more information.

also considered an applicant.¹⁵ The processes applied in these cases are governed by the Law on asylum.

The applicant possesses a broad spectrum of rights and duties. His fingerprints are taken, a digital photographic image is recorder in order to ascertain or verify his/her identity, his travel documents are taken into safekeeping and he/she normally also has to go through a medical check-up and through the search of personal belongings.¹⁶

The applicant is then relocated to the “residence facility”, where he/she would await the decision issued by the Ministry of Interior of the Czech Republic. If the identity of the applicant could not be verified (he/she does not have travel documents, or if the document submitted has been forged – especially the first possibility is quite commonplace), the applicant could be detained in the so-called “reception facility” for up to 120 days in order to perform the necessary identity check-up.¹⁷

The applicant is entitled to stay on the territory of the Czech Republic; at the same time, he/she is not entitled to receive a residency permit as defined by the Law no. 326/1999 Sb., concerning the residence of aliens on the territory of the Czech Republic, as further amended (henceforth the “Law on aliens”). The Ministry of Interior of the Czech Republic has the right to limit the freedom of movement of the applicant for international protection a clearly delineated part of the territory or even to the transit area of the airport.¹⁸

The applicant for the extension of international protection who is registered to stay in an asylum facility is to be provided¹⁹ accommodation, food, the basic necessities for personal hygiene, per diem financial remuneration and the basic medical services. Furthermore, the Ministry of Interior would provide psychological, social and other necessary services.

As stated above, in addition to the asylum law it is necessary to also mention the provision of the law on aliens. This law deals with the conditions regulating the entry of aliens on the territory of the Czech Republic and their traveling options. When considering the applicants for the extension of international protection, it has to be mentioned that this particular law does not apply to persons, who are applying for an asylum or subsidiary protection as

¹⁵ See par. 1 of the Law on asylum.

¹⁶ See par. 45. of the Law on asylum.

¹⁷ See par. 46a of the Law on asylum.

¹⁸ See par. 3d of the Law on asylum.

¹⁹ See par. 42 of the Law on asylum.

defined by the Law on asylum. The Law on aliens is applicable to refugees in the cases when the Czech Republic is not the state competent for processing the application for granting the international protection (i.e. a different country is competent). In these cases, in accordance with art. 28 of the law and with the directives of Dublin III regarding the detention of these individuals and their relocation into the other EU member state are coming into effect. The law on aliens would also be applied if the application for asylum or subsidiary protection is rejected.

In these cases, the law stipulates the specific conditions under which the aliens are detained (normally, they would be relocated into detention facilities) and relocated to the territory of other EU member states, or even to countries outside of the EU (usually the country of origin). In this regard, especially the Title XI of the law under question – i.e. The Special Arrangements Made for the Purpose of the Alien Travelling outside of the Territory and the Detention of the Alien (par. 123b–129a). The law also stipulates the conditions of the functioning of the detention facilities (par. 130–151).

From the procedural point of view, there is a general normative act dealing with administrative procedures (Law no. 500/2004 Sb., about the administrative law and code), which can be applied in accordance with the principle of subsidiarity, both for the granting of international protection by the means of asylum or the subsidiary protection, and even with regards to the detention of aliens and their relocation according to the Law no. 326/1999 Sb., about the residence of aliens in the territory of the Czech Republic. Both of these laws, however, contain a number of deviations from the standardized legal and administrative procedure. If we look at the judicial protection with regards to illegal decision on the issue of international protection, we have to take into account the law no. 150/2002 Sb., about the judicial procedures in the area of administrative law, as modified by further legal provisions.

It could thus be concluded, based on the examples provided, that the Czech legal system and judicial system follows the trends of the asylum law developments leading, on the one hand, to a swifter and effective administrative process and judicial review of the administrative decisions taken on the other, with the objective to guarantee the basic rights and freedoms. This is also the current trend of the changes and modifications proposed in the asylum law on the European level.

In conclusion, while surveying the relevant Czech legislative measures, it is also possible mention the Law no. 221/2003 Sb., about the temporary protection

of aliens, as further amended. This law enabled the transposition of the Directive of the European Council no. 2001/55/ES, which aims at creating an equilibrium between the individual EU member states. This law should only be applied when temporary protection is decreed by the decision of the Council, which has the authority to declare such a temporary protection in cases of massive migration waves caused by military conflicts, civil wars, natural disasters etc. In addition, it is possible to mention Law no. 117/1995 Sb., about state social support, Law no 359/1999, about the legal and social protection of children and adolescents, Law no. 435/2004 Sb., about employment, Law no. 561/2004 Sb., about pre-school, elementary, middle and vocational schooling (the education law), Law no. 91/2012 Sb., about international private law, Law no. 104/2013 Sb., about international justice cooperation in criminal matters, or the Law no. 301/2000 Sb., about registers, names and surnames.

1.2.3. A Closer Look into the Rights and Duties of the Asylum Seekers and Seekers of International Protection

Any person, who was granted an asylum in the Czech Republic (after the relevant decision of the Ministry of Interior of the Czech Republic entered into force), is called an asylee by the legal documents applicable. Based on par. 12 of the Law on asylum, it was established during the proceedings that the alien was persecuted in his country of origin. For the purposes of uniting the families, it is possible to also granted the asylum to the family member(s) of the asylee.²⁰

Throughout the duration of the asylum, the asylee is entitled to permanent residence on the territory of the host country. The legal status of the asylee is governed by the asylum law and the law on aliens. Asylee thus has rights and duties similar to the citizens of the Czech Republic during the period under question, albeit with certain exceptions (the suffrage, ability to hold public office, service in the armed forces, etc.). The Ministry of Interior issues the necessary residence certificate to the asylee. By being granted an asylum, the person is also entitled to become a part of the State Integration Programme²¹, which is serving the primary purpose of integrating the asylees into the society. As a part of this programme, free Czech classes are offered as well as assistance with finding housing. Participation in this programme is voluntary.

The asylum seeker is entitled to hold employment in the Czech Republic. In order to be able to be employed, he/she needs a residence permit, which is

²⁰ Par. 2/4 of the Law on asylum states that the term persecution denotes a significant human rights violation and any measures that are intended to exert psychological pressure.

²¹ Par. 68–70 of the Law on asylum.

obtained as a part of the asylum seeker status (the employment is illegal, if the person under question does not hold a valid residence permit²²). The labour bureau can also assist the asylum seeker with finding adequate employment. In the area of employment, the asylum seekers have the same rights as the citizens of the Czech Republic.

The Ministry of Interior would turn down the appeal of an alien for international protection as evidently unjustified (§ 16 of the asylum law), if it finds out during the asylum evaluation procedure that:

- the applicant has only economic justification;
- the applicant comes from a country considered safe by the Czech Republic;
- the applicant, without proper reasons, provided erroneous information about his identity or citizenship;
- the applicant uses arguments which are evidently not trustworthy;
- the applicant has damaged or concealed his/her travel documents.

If the application for international protection is rejected, the alien is obliged by law to leave the territory of the Czech Republic. Starting from 2015, the Ministry of Interior provides 400 CZK per person to cover travel expenses to move to another state. If the unsuccessful asylum seeker decided voluntarily to return to the country of origin, his/her one way airplane ticket is purchased. The asylum evaluation procedure could also be stopped, if the alien does not provide adequate cooperation during the process (does not attend the required interviews, does not disclose information) or if he/she entered the territory of another country during the process or his/her location of temporary residence. As stated above, it is possible to sue the decision of the Ministry of Interior using the proper judicial mechanisms.

1.2.4. Conclusions: Reaction to the Migration Crisis and Its Reflection in the Legislation

Since 2015, a number of the above mentioned laws and legislative measures were novelised, in most cases, however, these changes of rather limited technical/procedural nature. The most notable exception to this rule is the Law no. 314/2015 Sb. (henceforth the “novelised version”), which amends the law on asylum, law on the residence of aliens and also the law no. 221/2003 Sb., about granting temporary protection to aliens. As a part of the second phase of the building of the joint European asylum system, this newly adopted law brought

²² For more information, see the Law no. 435/2004 Sb., on employment.

a complex amendment to all the three mentioned laws, mainly because of the need to ensure transposition of the procedural and reception EU directives.

The novelised version also reflected Dublin III in the areas of evaluation the competence of a given state to carry out the asylum proceedings. In addition, the novelised version also reflected the developments on the territory of the Czech Republic itself (e.g. making the proceedings to grant international protection more effective, amending the process of providing financial support and other benefits to those seeking international protection).

With regards to the migration crisis itself, the changes to the asylum law (approx. 200 changes in total) must also be taken into account, as these have an impact on all the stages of the asylum proceedings. New legal terms have been introduced (e.g. vulnerable person), a more precise definition of the already existent terms provided (e.g. seeker of international protection, safe country of origin, safe third country, persecution) and a more detailed or a completely new approach to the individual stages of the process and the institutions involved delineated (e.g. repeated applications or the wider spectrum of factors making the application invalid/unacceptable).

In a number of areas, the relevant legislative acts have been amended as to be stricter from the point of view of applicant, for example by granting the legal period for issuing the final decision on granting the international protection from the initial 90 days to six months; in especially complicated cases, this legal period could be further granted up to 18 months and the possibility to interrupt the proceedings to grant the international protection just for the time period when the situation in the country of origin remains unstable (it is not possible, however, to granted this interruption to a period longer than 21 months).

The novelised version includes also changes of the legal framework in favour of the applicants, such as the option given to the applicants to legally work already 6 months after submitting the application for granting the international protection, as opposed to the original 12 months (the directive itself provides the possibility to set the limiting clause at 9 months), or the presence of the authorized person representing the applicant during an interview with the administrative institution(s) involved.

One of the proposals which are seen as productive is the complex novelisation of the process of detention of the applicant for international protection during the asylum proceedings. The state institutions are obliged to give precedence to the so-called special measures (e.g. the obligation to report in person to the Ministry of Interior) to the actual physical detention of the applicant in the reception facility or in the detention facility for aliens. The novelised version also expands the justifications for detaining the applicant, including the

situations when the applicant does not provide the required cooperation and thus complicated the proceedings in the area of granting international protection, or in the cases when it is justified to assume that he/she represents a threat to national security and public order, and also when there is an imminent danger of the person to be relocated based on Dublin III escaping. Although this novel was not drafted as a direct or immediate reaction to the migration wave in 2015, the solutions proposed (within the framework of the unified EU law) definitely reflect the migration crisis.

At the moment, the Chamber of Deputies of the Parliament of the Czech Republic is ready to discuss a law proposed by the Government, which would amend the Law on the residence of aliens and other related laws. These changes are related primarily to migration coupled with employment and long-term residence for investments purposes. In addition, however, the Committee for European Affairs of the Chamber of Deputies has agreed on 15 January 2015 (no. 115) to request the government to strengthen the security aspects inherent within the migration process, also in relation to the terrorist attacks in Paris in January 2015. The government, in reaction to this request, has proposed certain modifications within the administrative code and procedures with regards to the residence of aliens. The objective is to prevent the abuse of the rules now in place, in particular the fact that certain foreign nationals remain in the Czech Republic even when they do not meet the criteria for doing so.

The other changes deal, for example, with the detention of aliens (the new factor here is the role of office of the state attorney in supervising the implementation of the relevant legal measures while detaining the alien in the detention facility). It is also worth the time to mention the proposals leading to a stronger protection of classified information, which are in certain cases used as the main basis for issuing decisions according to the Law on aliens. The suggested novelised version of the law also includes several incremental changes to the Law on asylum, including for example the possibility to attend the court hearing on the extension of international protection through a video-conference. In the same manner, it should be possible to ensure that an interpreter is present during the proceedings. The proposed novelised version went through the debate in the Chamber of Deputies of the Czech Republic during the 54. session on 11 January 2016 and it was given over to the Committee on Security for further debate.

So far as the legal framework on the level of the EU is concerned, the European Commission has made public a communication in September 2015, which contains the short-term and long-term measures to solve the migration

crisis.²³ The ways to make the common asylum system more effective form part of the suggested solutions, including both the short-term measures (the so-called *hot-spots*, see below) or the changes to the EU legislative framework in the more long-term perspective.

At the moment, the evaluation of the implementation and application of the Dublin III directives and related measures are taking place in all the countries that apply the Dublin system in practice. The outputs of these evaluations should serve as one of the main background documents for the revision of the Dublin III directive and for the preparation of a new directive (so-called Dublin IV).

The changes should impact a whole range of areas and legislative measures. The current proposals count with the implementation of the so-called corrective distribution mechanism (which would be applied automatically, if a country, based on the size of its territory and its wealth, would face a disproportionate number of asylum applications; in such a case, these applications would be forwarded to other EU countries). If certain do not temporarily participate in this reallocation mechanism, they would have to pay a solidarity fee of 250,000 EUR. The obligation for asylum seekers to remain in the EU member state where they have submitted their asylum application, would be introduced. It has to be mentioned, however, that this proposal faces very strong criticism for being too rashly produced and submitted, for not being complex enough to cover the issues under question and for not offering comprehensive solutions.

1.2.5. The Enhancement of the Procedure Leading to the Decision on Granting the Asylum and for the Judicial Review

As mentioned above, the EU legislative framework for the asylum law is highly harmonized and addressed by directly applicable normative acts, both with regards to the personal dimension (i.e., who is considered to be a refugee) and to the procedural dimension (the procedures to be taken after the application for an asylum is lodged). The Czech legal framework presents a transposition and implementation of the EU asylum law and the EU laws give the member states very little room for manoeuvre. The differences in the legal approach to the asylum law and to the asylum granting procedure cannot be the main reason for the decision to choose a certain country of destination or for its attractiveness. Even then, it is still possible and even necessary to discuss

²³ Communication to the European Parliament, the European Council and the Council, Managing the Refugee Crisis: Immediate Operational, Budgetary and Legal Measures under the European Agenda on Migration, COM (2015) 490 final (Sept. 9, 2015), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_on_managing_the_refugee_crisis_en.pdf [accessed: 15.02.2017].

possible improvements in the area of asylum law, which could lead to better crisis management procedures. From the procedural point of view it would seem reasonable to support such changes in the EU law which would lead to making the asylum procedure swifter and more effective. Such attempts can already be seen in the proposals to modify the EU law as submitted by the European Commission²⁴ and also from the trends which are present for a long time in the Czech legal system (as mentioned above). These changes concern mostly the rules and the maximum period for the judicial ruling on the decision concerning the international protection.

1.2.6. The Relocation of Refugees

The measures based on relocation mechanisms for the distribution of refugees are in general seen as very problematic by the Czech politicians, but also by the experts. This concerns both the temporary relocations mechanisms²⁵ and the proposal to establish a permanent relocation mechanism for crisis situations.²⁶ Although the Czech Republic has not openly refuted the agreement on these measures and has not filed a complaint to the EU Court of Justice,²⁷ the solidarity clause in this case is seen more in the area of financial and practical assistance in border protection and dealing with the refugee crisis.

1.2.7. The Issue of Detentions

The Geneva Convention of 1951 does not specifically deal with the detention of refugees. In art. 9, it simply states in case of war or other extraordinary circumstances, a country could undertake specific measures towards specific persons, which it deems necessary for the national security.

The Dublin III directive then mentions that a person should not be detained just before he/she ask for international protection. If this happens anyway, the

²⁴ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a Common Procedure for International Protection in the Union, COM (2016) 467, 13 July 2016, Explanatory Memorandum, 2, http://eur-lex.europa.eu/procedure/EN/2016_224 [accessed: 15.02.2017].

²⁵ Council Decision (EU) 2015/1601 of 22 September 2015 Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece, 2015 O.J. (L 248) 80, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1601&from=EN> [accessed: 15.02.2017].

²⁶ Proposal for a Regulation of the European Parliament and of the Council, Establishing a Crisis Relocation Mechanism and Amending Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third Country National or a Stateless Person, COM (2015) 450 final (Sept. 9, 2015), <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52015PC0450> [accessed: 15.02.2017].

²⁷ Unlike Slovakia, see C-643/15, Slovak Republic v. Council of the European Union (Eur. Ct. J., Dec. 2, 2015).

detention should be limited to the minimum time period necessary and should be subject to the principles of indispensability and proportionality. When it comes to the conditions of detention as specified by this directive, it is stated that the member states should also apply the contents of the reception directive.

The constraints and detention of the asylum seekers in the EU is considered to be problematic, as the measures associated with such an act in general infringe on the personal freedom as one of the fundamental human rights (see art. 6 of the European Convention of the Fundamental Rights 2012/C 326/02, where this right is guaranteed to everyone together with the personal security). The European Court of Justice has found, for example, in its decision in the case of *Séline Affum*²⁸ that the legislative acts of individual member states cannot decide that a citizen of third country (who has already crossed the borders of any EU member state illegally) and whose proceedings concerning his/her return as based on the so-called returns directive²⁹ be given a prison sentence just for crossing the borders illegally and for an illegal stay on the territory of the EU.

1.2.8. Additional Crisis Management Measure

The focal point of finding solutions to the migration crisis, however, could probably be located in other areas than in unifying the asylum procedure and the conditions required for granting the international protection. Some of these measures are already implemented on the European Union level, and the Czech Republic has supported those. Yet some others are in the competence of the individual member states. For the sake of providing at least some specific examples, the following could be listed: strengthening of the common border protection,³⁰ an effective returns policy,³¹ prevention of the negative factors influencing the refugees in the countries of origin and the related development aid.

²⁸ Judgment of the Court (Grand Chamber) of 7 June 2016, *Séline Affum v Préfet du Pas-de-Calais and Procureur général de la Cour d'appel de Douai*, C-47/15, ECLI:EU:C:2016:408, <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=c-47/15> [accessed: 15.02.2017].

²⁹ DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF> [accessed: 15.02.2017].

³⁰ Commission Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and Repealing Regulation (EC) No. 2007/2004, Regulation (EC) No. 863/2007 and Council Decision 2005/267/EC, COM (2015) 671 final (Dec. 15, 2015), http://eur-lex.europa.eu/resource.html?uri=cellar:3086c6c9-a3e7-11e5-b528-01aa75ed71a1.0023.02/DOC_1&format=PDF [accessed: 15.02.2017].

³¹ Commission Recommendation Establishing a Common “Return Handbook” to be Used by Member States’ Competent Authorities When Carrying out Return Related Tasks, COM (2015) 6250 final (Oct. 1, 2015), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/commission_recommendation_

1.2.9. Current Legal Problems and the Possible Way Ahead

The current legal problems related to the procedural aspects of migration to the EU countries are caused by a number of factors. It is obvious that the approach of some of the EU member states is not adequate to the complexity and massiveness of the problem currently at hand, and also with regards to the future. It also needs to be taken into account that certain member states do not fulfil the obligations that stem from the Dublin system, which makes the entire system much less predictable and creates a feeling of uncertainty. The practical application of the legal framework and norms is further complicated by the commentaries and the implementation procedures of the Convention on the Legal Position of the Refugees and the European Convention on the Protection of Human Rights in the individual member states, which are far from being unified and consistent. The EU is further complicating the matters by continually supporting the standard asylum procedure, which puts a strain on the institutions carrying it out in terms of time consumption, financial resources and the sheer bureaucracy needed to carry out properly. This often lead to the extension of asylum or supplementary protection, which turn out to be a permanent status in nature. At the moment, one possibility from the legal point of view seems to be the activation of the temporary protection (EC Directive 2001/55/ES) for persons already located on the EU territory, coupled with a stronger emphasis placed on the cooperation with the third countries in the process of returning those migrants who did not qualify for the international protection on the EU territory.

1.3. Integration Policies and Programmes of the Czech Government – Key Documents and Responsible Institutions

(Filip Gantner, Jakub Landovský, Lenka Pítrová, Scarlett Waitzmanová)

As discussed above, the asylum and migration policy are a firm part of the overall EU legal framework. Their implementation, however, varies country by country, as does the general attitude towards migrants/refugees. The following

establishing_a_return_handbook_for_member_states_competent_authorities_to_deal_with_return_related_tasks_en.pdf [accessed: 15.02.2017].

chapter deals with the steps taken by the Czech government to ensure the inclusiveness of society and the various programmes that it has developed with regards to refugees.

1.3.1. The Basic Principles of the Czech Migration and Integration Policy

The Czech Republic is well aware of the fact that migration is a natural and permanent historical phenomenon, which creates new opportunities for both the migrant and the country of destination, but also for the country of origin. International trade, foreign investments, study abroad, international scholarships and exchange programmes, highly skilled foreign experts and workers – all these facets and aspects of migration. Any significant limitations or even a completely shut-down of migration would be a blow to the economy and to the competitiveness of the given country, but it would also have an impact on the freedom of movement of its own citizens. In the light of this, the Czech Republic’s migration policy has the long-term objective to make the migration a success story by regulating its flows and also by providing the necessary tools to integrate the migrants/refugees into the society.³²

In addition to the laws and legal measures described in the previous chapter, there are some key conceptual and strategic documents which should be mentioned here. The basic strategic framework for migration policy is provided by the document “Strategie migrační politiky ČR [Strategy of the Czech Migration Policy]”³³ from 2015. The primary goal of this strategy is to define a balanced a flexible migration policy for the Czech Republic, including the guiding principles, objectives and tools. The migration strategy should strengthen the positive aspects of migration while eliminating or weakening the negative aspects, impacts and risks. The strategy defines seven priorities – integration, illegal migration and returns policy, asylum procedure, the external dimension of migration policy, freedom of movement within the EU and Schengen cooperation, legal migration, and the international and European obligations of the Czech Republic in the area of migration. It could thus be said that it covers all the key aspects of migration and is a useful tool for formulating and implementing the migration policy.

³² See for example the document “Audit národní bezpečnosti [National Security Audit]”, drafted and released to the public in December 2016, especially pp. 62–74 (chapter on the security aspects of migration), <https://www.vlada.cz/assets/media-centrum/aktualne/Audit-narodni-bezpecnosti-20161201.pdf> [accessed: 15.02.2017].

³³ See “Strategie migrační politiky ČR”, *Ministry of Interior of the Czech Republic*, <http://www.mvcr.cz/clanek/strategie-migrační-politiky-cr.aspx> [accessed 15.02.2017].

From the point of view of integration of foreigners the Czech Republic has a novelised document called “Konceptce integrace cizinců [Foreigner Integration Concept]”.³⁴ This document was updated in 2016 under the new title “In Mutual Respect”. The institutions mainly responsible for the implementation of the concept are the Ministry of Interior, Ministry of Labour and Social Welfare, and the Ministry of Education. The concept reflects the current situation and the needs within the integration process for all the foreigners living on the territory of the Czech Republic. It also analyses the current state of affairs with regards to migration. The concept represents a reaction to the current developments and it brings a number of new measures and changes. The target group of the document, in addition to the foreigners from third countries and the EU who are in some sort of a difficult situation, are now also the asylees and asylum seekers. The goal of the document is to strengthen the public trust through new communication strategy, which makes it possible to share information concerning migration and integration with the public and to enrich the public discourse on the topic.

The integration policy in the Czech Republic thus focuses on creating a complex system of integrated care for foreigners. The priority is to strengthen the overall awareness of the foreigners concerning their rights and duties. Based on the documents mentioned above, classes are offered to migrants to assist them with the initial orientation and adaptation and also with learning the language. The integration measures are also implemented by the regional and local administration, especially through the expanding network of regional Centres for the Integration of Foreigners and through integration projects of individual communities. The concept also counts on the continued cooperation with NGOs and with supporting own activities of the foreigners.

In 2015, a new “Státní integrační program [State Integration Programme – SIP]”,³⁵ which focuses on assisting persons that have been granted the international protection with their integration into the society. The guiding principles included in the SIP provide a detailed description of the process of integration including the necessary financial resources and their oversight. SIP focuses on three basic areas of integration assistance: teaching the Czech language, entry into the labour market (including the necessary requalification

³⁴ See “Konceptce integrace cizinců”, http://www.mpsv.cz/files/clanky/25571/Priloha_c_2_Aktualizovana_Konceptce_integrace_cizincu_ve_vzajemnem_respektu_a_Postup_pri_realizaci_aktualizovane_Konceptce_integrace_cizincu_v_roce_2016.pdf [accessed: 15.02.2017].

³⁵ See “Statni integracni program”, <http://www.mvcr.cz/clanek/integrace.aspx?q=Y2hudW09Mg%3D%3D> [accessed: 15.02.2017].

overseen by the Ministry of labour) and assistance with finding housing (overseen by the Ministry of Interior) – the housing assistance could have two forms: 1) the renting of apartments owned by the local administration and giving the administration a one-time financial assistance; 2) the renting of privately owned apartments with the government paying part of the rent to the owner. SIP also assists people with physical disabilities and older people with financing their stay in social care facilities. SIP also includes legal and social counselling, the possibility to stay for a limited period of time in the integration asylum centres of the Ministry of Interior, provision of basic education to children,³⁶ etc. SIP was drafted and approved based on the request of the government following a decision made on 8 July 2015 to voluntarily accept 400 persons from outside of the EU within the period of two years (July 2015 – June 2017) and further 1,100 persons to be resettled from Italy and Greece. On 22 September 2015, the Justice and Home Affairs Council gave the Czech Republic the obligation to accept 1,591 additional migrants from Italy and Greece.³⁷

In its migration policy strategy, the Czech Republic has pledged to fulfil its obligation to ensure that its citizens will have a peaceful coexistence with the foreigners who are being integrated and that this integration will eliminate negative social impacts of migration. It also promised to provide security to the citizens and to ensure effective law enforcement in the area of illegal migration, returns policy and organized crime connected to human trafficking and smuggling. The Czech Republic also pledged to fulfil its obligations regarding granting asylums and that it will make its system more flexible and enhance activities with the purpose helping the refugees abroad in order to curb the migration flows. The Czech Republic will insist on maintaining the advantages stemming from the freedom of movement within the EU and in the Schengen Area and it will also focus on supporting legal migration, which brings benefits to both the country and its citizens.³⁸

In 2016, approximately 54 mil. CZK were allocated from the state budget to support the integration of migrants. In addition, the individual ministries are allocating additional resources to support integration. For example, the Ministry of Interior could be mentioned with the earmarked sum of approx. 40 mil. CZK, or the Ministry of Education with 13 mil. CZK.

The migration is a multidimensional phenomenon and this is clearly reflected in the number of state institutions involved in reacting to it and coop-

³⁶ Office of the Government of the Czech Republic.

³⁷ Office of the Government of the Czech Republic and Ministry of Interior.

³⁸ See “Strategie migrační politiky ČR”, *Ministry of Interior of the Czech Republic*, <http://www.mvcr.cz/clanek/strategie-migrační-politiky-cr.aspx> [accessed: 15.02.2017].

erating on intra-governmental basis. Already in December 2006, the Ministry of Interior has established under its auspices the Coordination Institution for the Management of State Border Protection and Migration (henceforth the “Coordination Institution”). The members of the Coordination Institution are the deputy ministers of foreign affairs, industry and trade, labour and social welfare, education, defence, local development, finance, justice and healthcare. The other members include the police president, the deputy minister for human rights, equal opportunities and legislation, the deputy prime minister for science, research and innovation, and the government secretary for European affairs.

As a follow-up to the adoption of the migration policy strategy and of the communication strategy on migration and based on the decision made by the Czech government on 12 October 2015, the Coordination Institution also meets on the level of ministers. The division of individual competencies and portfolios is described in “Zpráva o situaci v oblasti migrace a integrace cizinců na území ČR [Report on the Situation in the Area of Migration and Integration of Foreigners on the Territory of the Czech Republic]”.³⁹ The ministries are, to a certain extent, involved within the security framework of the migration policy, with the individual portfolios being as follows:

- Office of the Government of the Czech Republic – coordination of the public governance, human rights, European affairs;
- Ministry of Interior – coordination of the asylum and migration policy with border protection, coordination of integration policy, crisis management;
- Ministry of Foreign Affairs – development aid and humanitarian assistance, issuing of temporary Schengen visa, visa and consular agenda;
- Ministry of Defence – defence of the Czech Republic in coordination with armed forces of other countries;
- Ministry of Industry and Trade – commercial activities of foreigners;
- Ministry of Labour and Social Welfare – employment and social security of foreigners, integration on the labour market;
- Ministry of Education – education and integration of foreigners in the pre-school, elementary, middle, vocational and university education systems;
- Ministry of Finance – allocation of financial resources, duties and customs, persecution of illegal employment;
- Ministry of Justice – legislative measures in criminal law, extraditions and expulsions;

³⁹ This report is drafted annually based on the decision of the government no. 467/1993 and the decision issued by the Chamber of Deputies of the Parliament no. 225 (12 October 1993) and the subsequent decision of the Chamber of Deputies no. 716 (28 June 1995).

- Ministry of Transportation – civilian aviation;
- Ministry of Healthcare – protection of public health;
- Ministry for Regional Development – regional policies.

Within the security framework, obviously the intelligence services are also included, based on their competence as given by the relevant laws, and in line with priorities that are set yearly by the government.

1.3.2. The Humanitarian and Development Aid in the Migration Context

The Czech Republic is aware of the push and pull factors regarding migration. The push factors (security, economic, natural, etc.), are everything that influences a person in his home country and which bolsters his/her decision to leave. The Czech Republic is convinced that the EU must be very active in this regard, as well as the regional groupings (for example the Visegrad Group) and the individual states including the Czech Republic itself. Thus, the Czech Republic is very active in using the tools to prevent migration from the countries of origin by various specialized support programmes. For example, it is possible to mention the activities of the Czech Republic in negotiating the migration compacts with third countries, as presented by the European Commission in Cooperation with EEAS as a part of the new framework for partnership with third countries.⁴⁰ The Czech Republic actively contributes to the Trust Fund for Africa and the Trust Fund for the Middle East and Western Balkans (MADAD). At the same time, the Czech Republic also financially supports the World Food Programme (WFP) and the Office of the UN High Commissioner for Refugees (UNHCR).

The tools on the national level included the foreign development aid, humanitarian aid and specialized programmes such as the programme of the Ministry of Interior to assist the refugees in their countries/regions of origin and to prevent larger migration waves in 2016 or conceptual document of the Ministry of Interior aiming at assisting refugees and states under strong migrant pressure (for 2016, a total amount of 150 mil. CZK was allocated for these purposes).⁴¹ In reaction to the armed clashes in the city of Aleppo in Syria and in its vicinity at the end of 2015 and in the beginning of 2016, when another

⁴⁰ See “Migration Partnership Framework: A New Approach to Better Manage Migration”, *European Commission*, https://eeas.europa.eu/sites/eeas/files/factsheet_ec_format_migration_partnership_framework_update_2.pdf [accessed: 15.02.2017].

⁴¹ See “Program Ministerstva vnitra na asistenci uprchlíkům v regionech původu a prevenci velkých migračních pohybů v roce 2016”, *Ministry of Interior of the Czech Republic*, <http://www.mvcr.cz/clanek/>

migration wave was set into motion, the Czech Republic has approved and provided a one-time immediate financial gift to the Turkish government, specifically to the Office for the Management of Disasters and Emergencies (AFAD) of 15 mil. CZK. These resources were earmarked for the assistance to the Syrian refugees coming from the Aleppo area.⁴²

The need to expand the assistance provided to the EU countries and to the countries in the neighbourhood of the EU which became transit countries and had to face a lot of pressure due to the ongoing migration crisis became evident in the spring of 2016. Based on the outputs of the European Council which met in March 2016 (see Chapter IV), the Czech Republic has decided to establish a programme of the Ministry of Interior for the support of the EU member states and countries in the EU neighbourhood facing significant migration pressures. The goal of these programmes was to support those member states whose asylum and migration systems were put under extreme pressure.⁴³

On the other hand, pull factors include all the individual aspects that are attracting the migrant to the country of destination, such as the social benefits, affordable and efficient health care, the attitude of the society to migration, the willingness of the majority to tolerate illegal migration, the size of the community already settled in the destination country, loopholes in the administrative procedures on asylum etc. The size of the diaspora, together with the means to find employment or start a career, are an important pull factor for a number of illegal migrants.

1.4. The Perception of Migrants/Refugees in the Czech Republic and the Impact of the Migration Crisis on the Czech Political Scene

(Jan Bečka, Bohumil Doboš, Martin Riegl, Scarlett Waitzmanová)

So far, this article has been dealing primarily with the legal framework, especially with the approach to migration on the EU level and the mutual harmonization of the EU policies and legal acts with those of the Czech Republic. While the legal framework is extremely important from the point of view

financni-podpora-do-zahranici-migracni-krize.aspx?q=Y2hudW09Mg%3d%3d [accessed: 15.02.2017]; see e.g. <http://www.mvcr.cz/docDetail.aspx?docid=21992698> [accessed: 15.02.2017].

⁴² Ministry of Interior of the Czech Republic.

⁴³ Ministry of Interior of the Czech Republic, Ministry of Foreign Affairs of the Czech Republic and Office of the Government.

of providing the necessary level of legal protection and support for the refugees/migrants, it is only a part of the puzzle. As mentioned in the introduction, migration has been “securitized” and it is thus no longer “just” a legal question, but an important topic of the national political and societal discourse as well. In this sub-chapter, the public perception of migration/migrants/refugees will be analysed as well as the impact on the Czech politics.

1.4.1. The Perception of Migrants/Refugees among the General Public in the Czech Republic

As mentioned earlier, despite the fact that the Czech Republic is neither a destination for the refugees/migrants nor does it serve as a major transit country, the issue of migration is felt and discussed very intensively by at least some segments of the Czech society. Here, some statistic and public opinion polls are necessary to substantiate the claims made above.

According to an opinion poll/survey conducted by the Czech Institute of Sociology in early 2016, 61% of the respondents polled expressed the opinion that the Czech Republic should not be receiving any refugees, even from war-torn countries – even more staggering is the fact that among the rest of the respondents who would welcome the refugees under certain conditions, only 3% would allow them to settle in the Czech Republic on more than just temporary basis and to become a part of the society; there are actually significant differences in how the Czech society views the refugees from different parts of the world – 40% of those polled would accept refugees from Ukraine, while only 16% would accept those from the Middle East and Africa (with 78% against).⁴⁴

The numbers are obviously constant and not liable to major changes. In another poll conducted in December 2016, 64% of those polled were against any refugees/migrants being accepted by the Czech Republic, while 30% would accept them on temporary basis only.⁴⁵ In February 2017, in an opinion poll conducted on the threats felt by the population, 31% of those interviewed responded that they see migration as one of the major threats (coupled with terrorism).⁴⁶

⁴⁴ Sociologický ústav AVČR, “Postoj české společnosti k přijímání uprchlíků, únor 2016”, http://cvvm.soc.cas.cz/media/com_form2content/documents/c1/a7531/f3/pm160329.pdf [accessed: 15.02.2017].

⁴⁵ Sociologický ústav AVČR (Centrum pro výzkum veřejného mínění), “Postoj české společnosti k přijímání uprchlíků, prosinec 2016”, http://cvvm.soc.cas.cz/media/com_form2content/documents/c1/a7644/f3/pm170113.pdf [accessed: 15.02.2017].

⁴⁶ “Obavy Čechů jsou nejnižší za posledních 15 let, třetina se bojí uprchlíků”, *idnes.cz*, http://zpravy.idnes.cz/pruzkum-cvvm-cesi-obavy-migrace-uprchlici-fiv-/domaci.aspx?c=A170209_131505_domaci_san [accessed: 15.02.2017].

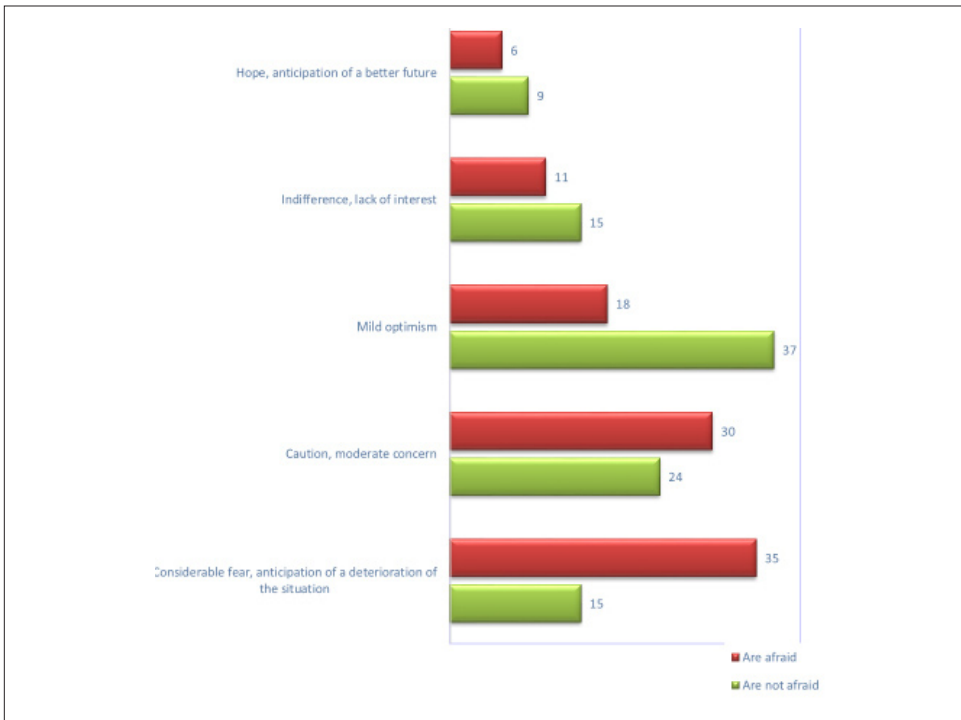
It has to be mentioned that when considering the perception of refugees in the Czech Republic, we are often dealing with the “fear of the unknown” and that very few people actually have a first hand experience with the refugees, especially those from predominantly Islamic countries of the Middle East and North Africa. To a certain degree, the refusal to accept the presence of the refugees “personally”, i.e. to live near to them and to take them as a part of the everyday space that an individual encounters, could be from the psychological and sociological perspective compared to a similar refusal to, for example, have a storage facility for used nuclear fuel close to one’s home or within the community where one lives in general. It could be also argued that this is the classic example of the NYMB (Not in My Backyard) syndrome, where the fear of the unknown and of the change (and the possible negatives the change would bring with it) overweighs the considerations based on the feelings of humanity and solidarity, which are often felt by the majority of society. This seems to be the case in many places in the Czech Republic, for example in the town of Kraliky, where the locals have been very strongly against opening a reception facility for migrants during the recent migration crisis, and also on the Czech-German border near the village of Moldava, where the sheer presence of migrants on the other (German) side of the border created a public outrage despite the fact that no incidents occurred. In both of these cases, the issues were strongly medialized and not only the local population but also politicians on both the local and the national level expressed their doubts about welcoming the migrants.⁴⁷

Where is this highly sceptical attitude towards the refugees/migrants coming from when, as was already mentioned several times in this case-study, very few people have a direct, first-hand negative (or, for that matter, positive) experience with people coming from the Middle East or Africa? It would be easy to simply brand the Czech as racists and xenophobes, but the data that are available do not justify such a simple conclusion.

In the following sub-chapter, attention will be paid mostly to how the issue of migration crisis has been picked up by the politicians both on extreme poles of the political spectrum, but also from the mainstream parties. This has been important in shaping the public opinion but also the political discourse on both the national and international level, as the refugees are often associated with terrorism and security risks and one of the prevalent factors in this debate is thus fear.

⁴⁷ T. Lokšová, “Nepřítomní uprchlíci: Mediální obraz dění v Kralíkách a na Moldavě” [The Refugees Who Are Not There: The Media Portrayal of the Events in Kraliky and in Moldava], http://migraceonline.cz/doc/Nepřítomni_uprchlíci.pdf [accessed: 15.02.2017].

Relation of Attitudes towards EU Membership with an Apprehension of Refugees



Source: “Proportion of Citizens Dissatisfied with the Czech Republic’s European Union Membership on the Increase”, *Stem.cz*, 22 February 2016, <https://en.stem.cz/proportion-of-citizens-dissatisfied-with-the-czech-republics-european-union-membership-on-the-increase/> [accessed: 15.02.2017].

1.4.2. Migration as a Topic of the General Political Discourse in the Czech Republic

In general, it could be argued that recent years have witnessed an unprecedented rise of populism on the European continent. Without getting into unnecessary details about other countries here⁴⁸ in this article, it is necessary to illustrate some specific aspects of the Czech populism and political discourse on migration.

⁴⁸ A broad array of media articles, essays and research papers exists on this topic that an interested reader could browse through. For some of the more recent ones, as well as those that testify to the continuing trend, see for example: M. Broning, “The Rise of Populism in Europe: Can the Centre Hold?”, *Foreign Affairs*, 3 June 2016, <https://www.foreignaffairs.com/articles/europe/2016-06-03/rise-populism-europe> [accessed: 14.01.2017]; Z. Rodionova, “Rise of Populism in Europe a Bigger Threat than the BREXIT, Says KPMG Boss”, *The Independent*, <http://www.independent.co.uk/news/business/news/brexit-populism-europe-threat-global-economy-kpmg-john-veihmeyer-a7503191.html> [accessed:

The Czech Republic is considered one of the most Eurosceptic countries in Europe and this tendency has been rather on the rise. According to a survey taken in April/May 2016, during the time when the migration crisis was in full swing, only 25% of those polled declared they are happy with the EU membership (3% very happy/very satisfied, 22% more or less happy/satisfied), while 36% were either dissatisfied or extremely unhappy.⁴⁹ Criticizing and bashing the European Union for both real and imagined mistakes and “infringements” on the freedom and rights of the national states and even individuals has thus become a sort of favourite national past-time activity (especially in certain segments of the society) and it would indeed be strange if the pattern was not followed by certain politicians vying for the public support.

As the graph on the previous page shows, there is a correlation in the minds of the public between the migration crisis and the (in)ability of the EU to more effectively stem the migration flows. Again, as argued above, it is then natural that even mainstream politicians will follow the trend and will use similar, if not the same arguments in order to please the public. One of the most outspoken mainstream politicians in the Czech Republic who regularly makes remarks concerning migrants and migration and who criticizes the EU is the President Miloš Zeman. As an example, we could use his “Christmas Address” to the nation, broadcasted on 26 December 2016. In his address, Zeman, among other things, stated: “To place Muslim migrants difficult to integrate on our territory would be to create the conditions for possible terrorist attacks, which I would want to warn very seriously against.”⁵⁰ Earlier, in October 2016, Zeman said that the economic refugees should be “deported into empty spots/wastelands in North Africa or Greece.”⁵¹ This statement provoked a reaction from the Minister of Foreign Affairs Lubomír Zaorálek, who said that Zeman’s words do not represent the official position of the Czech Republic. It can be argued that Zeman, even though in the past he was already known for controversial

14.01.2017]; M. Goodwin, *Right Response: Understanding and Countering Populist Extremism in Europe*, Chatham House Report, 1 September 2011, <https://www.chathamhouse.org/publications/papers/view/178301> [accessed: 14.01.2017]; J. Askhenas, G. Aisch, “European Populism in the Age of Donald Trump”, *The New York Times*, 5 December 2016, https://www.nytimes.com/interactive/2016/12/05/world/europe/populism-in-age-of-trump.html?_r=0 [accessed: 14.01.2017]; M. Dzurina, “The Resistible Rise of Populism in Europe”, *European View*, Vol. 15, No. 2, pp. 171–172; and many others.

⁴⁹ See “Nazory verejnosti na členstvi Česke republiky v Evropske unii – duben 2016”, *Czech Institute of Sociology*, http://cvvm.soc.cas.cz/media/com_form2content/documents/c1/a7554/f3/pm160502.pdf [accessed: 15.01.2017].

⁵⁰ “Zeman v projevu chválil růst a kritizoval dávky. Neopomněl migrační krizi“, *idnes.cz*, 26 December 2016, http://zpravy.idnes.cz/vanocni-projev-prezidenta-milose-zemana-2016-f2y-/domaci.aspx?c=A161226_103521_domaci_pku [accessed: 14.01.2017].

⁵¹ “Zeman chce uprchlíky deportovat do pustiny. Zaorálek: To není postoj ČR“, *idnes.cz*, 2 October 2016, http://zpravy.idnes.cz/milos-zeman-rozhovor-financial-times-uprchlici-f5u-/zahranicni.aspx?c=A161002_111538_zahranicni_pku [accessed: 14.01.2017].

statements about a number of issues, is trying to cater to the public opinion, especially with the presidential elections (in which he would likely stand for re-election) coming up in 2018. At the same time, given the president's relatively high and stable popularity (in March 2016, during the migration crisis, he had the approval rating of 63% of those polled⁵²), the question is whether migration is indeed a topic he needs to embark upon.

Overall, the coalition government which has been in power since January 2017, has been able to hold a relatively consistent line on the migration crisis. While certain politicians, such as the Minister of Interior Milan Chovanec⁵³ and the Deputy Prime Minister and Minister of Finance Andrej Babiš⁵⁴ have perhaps been more vocal on the topic than some others, the government has been able to communicate the same message on the various levels when meeting with the representatives of the other EU member states and of the partner countries (see Chapter IV for more details on these negotiations and on the stance of the Czech Republic and other V4 countries with regards to migration).

So far, the political statements and actions of the mainstream politicians and representatives of the political institutions were discussed. It has to be kept in mind, however, that the above mentioned rise of populism in Europe also gave rise to a number of more or less obscure political movements that have anti-migration policy and anti-Islamism as their main agenda. In this regard, the name Martin Konvicka, lecturer at the South Bohemian University and a co-founder of several of these platforms should definitely be mentioned. Konvicka profiles himself as the defender of "traditional values", "traditional Europe", etc. At certain points, especially during the height of the migration crisis, it seemed that his political initiatives and he personally had a reasonable chance to pass the threshold for being elected into the Parliament. Like with most of the populist movements based on one or two single topics, however, it now seems that the initial popular support has petered out as the migration crisis begun to we-

⁵² "Approval Ratings of Leading Political Personalities and Institution", *Stem*, 8 March 2016, <https://www.stem.cz/podil-lidi-duverujicich-vlade-poslanecke-snemovne-a-senatu-se-v-porovnani-se-situaci-pred-rokem-mirne-snzil/> [accessed: 14.01.2017].

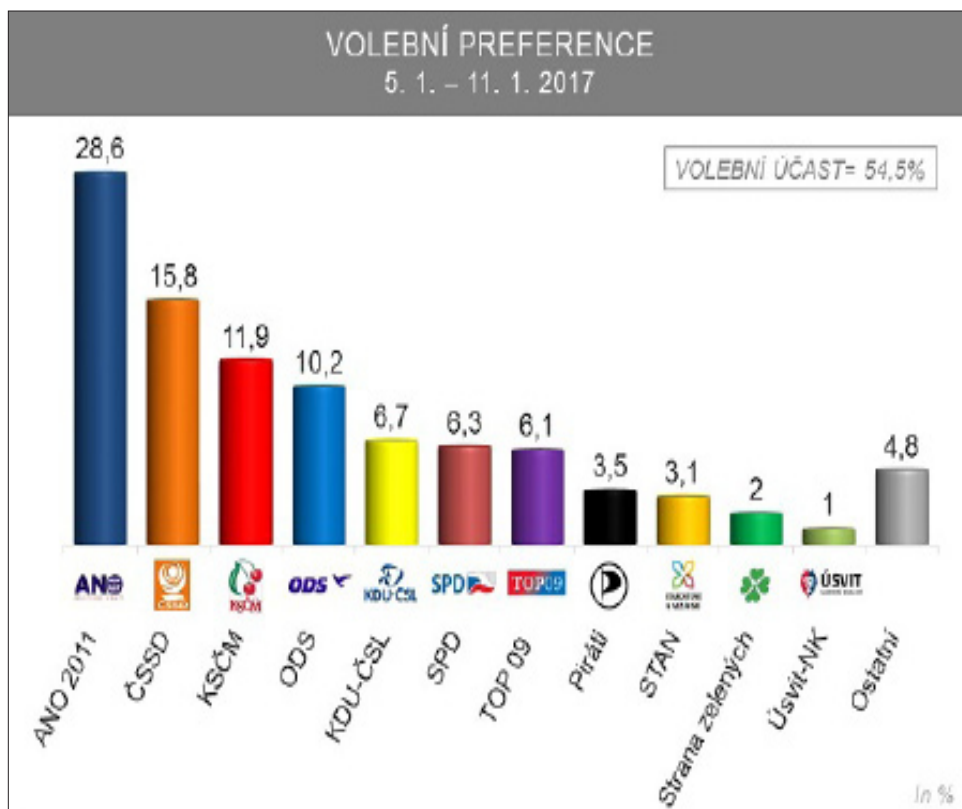
⁵³ Milan Chovanec commented for the media for example the case of the group of Iraqi asylum seekers that were accepted to the Czech Republic, but soon most of them travelled to Germany and later to Iraq. Chovanec was strongly critical to this particular project of asylum seekers and ordered it halted. See for example: http://www.tyden.cz/rubriky/domaci/chovanec-iracti-uprchlici-dodnes-se-pretahujeme-s-nemci_414652.html [accessed: 14.01.2017]; http://zpravy.idnes.cz/chovanec-zastavil-projekt-generace-21-dvy-/domaci.aspx?c=A160401_154722_domaci_san [accessed: 14.01.2017].

⁵⁴ Babiš is very strongly against receiving migrants, especially through the permanent relocation mechanism, and stated on several occasions that he is ready to risk even sanctions. See for example: <https://www.novinky.cz/domaci/410309-babis-s-prijimanim-jakychkoliv-uprchliku-nesouhlasim.html> [accessed: 14.01.2017]; <https://www.novinky.cz/domaci/410926-babis-chci-kvoty-na-uprchliky-odmitnout-i-za-ce-nu-sankci.html> [accessed: 14.01.2017]; <http://www.blesk.cz/clanek/zpravy-politika/410709/babis-kvoty-respektovat-nebudu-at-se-kvuli-uprchlikum-sejde-snemovna.html> [accessed: 14.01.2017].

aken. In elections to the Senate in October 2016, Konvicka only received 8% of the vote in his electoral district, finishing next to last.⁵⁵ According to the latest opinion polls, his political party is nowhere near meeting the 5% threshold needed to enter the Chamber of Deputies of the Parliament.

Figure 1.2

Public Preferences by Political Party, January 2017



Source: “Public Opinion Poll – Party Preferences“, *SANEP*, 18 January 2017, <http://www.sanep.cz/pruzkumy/volebni-preference-leden-2017-publikovano-18-1-2017/> [accessed: 15.02.2017].

The other example of a nationalist/populist movement that has lately focused largely on migration and anti-Islamism is the Úsvit [Dawn] party of Tomio Okamura, which has managed to enter the Parliament in the last elections. Okamura has always used populist topics (direct democracy, reform

⁵⁵ For the full information on the election results, see e.g. <http://www.parlamentnilisty.cz/politika/politici-volicum/Vysledky-voleb-do-Senatu-TABOR-obvod-13-457314> [accessed: 14.01.2017].

of the social welfare system in favour of the “normal people”, struggle against “corrupt politicians”.) In 2015 and 2016, however, his main agenda started to become the migration crisis. Okamura repeatedly stated⁵⁶ that there are no refugees, just migrants seeking economic benefits and better life in Europe. He also stated that they represent a danger to the European way of life, to national security and to public health. Yet, once more, in the latest election polls his party is well below the necessary threshold.

What conclusions could be drawn concerning the Czech electorate and the populist (mis)use of the migration crisis? It would seem that the migration crisis is not such a large topic after all, especially given the fact that there are almost no refugees in the Czech Republic at the moment and thus they are not threatening anyone or taking anyone’s job away (referring to the migrants coming from the Middle East and Africa). Some of the mainstream parties (or at least their politicians) have also made a number of populist statements regarding the migrants, but their parties **do not depend on these topics** – after all, improvements to the tax, healthcare and social welfare system, which only the established parties could realistically offer, are much more important for the electorate than a fight against threat, which is at the moment present only in the media. Should the situation change in the future and the Czech Republic become a destination country with all the possible positive and negative impacts associated with this change, then the migration issue might play a bigger role in shaping the results of the elections. At the moment, however, especially when the migration crisis seems to recede, its lasting to mid-term impact on the Czech political scene can be seen as rather limited.

1.5. The Czech Republic and the Reactions to the Migration Crisis on the International Scene

(Bohumil Doboš, Jakub Landovský, Martin Riegl, Scarlett Waitzmanová)

As discussed above, the Czech discourse on migration has been often shaped by fear of the refugees and by the opposition to the attempts of the European Union and some countries, notably Germany, to force the other EU countries to become more active and to show more solidarity. Does this, however, mean

⁵⁶ See for example: <http://www.parlamentnilisty.cz/politika/politici-volicum/Okamura-Nepouzivejte-termi-uprchlici-jsou-to-ilegalni-tedy-nezakonni-imigranti-421558> [accessed: 14.01.2017]; <http://www.parlamentnilisty.cz/arena/monitor/Okamurova-mraziva-vypoved-o-navsteve-uprchliku-Hrozi-vam-nasili-okradeni-nebo-nakaza-39704> [accessed: 14.01.2017],

that Prague has been entirely passive and intransigent in the meetings on the EU level, or has it attempted to pursue an agenda of its own? And if so, how successful has been it so far?

The following chapter deals how the Czech Republic attempted to use its presidency in the Visegrad Group (V4) in 2016 to shape the refugee agenda on the European level, and also what practical steps it suggested the EU should take. While it was often criticized for not showing solidarity with the countries worst hit by the crisis, it will be seen that it has actually done quite a lot in their support. On the other hand, it has not been willing to agree with such steps on the European level which it sees as either erroneous or infringing on the freedoms of the individual states.

1.5.1. The Visegrad Group (V4), the Czech Presidency and Its Activities on the EU Level

The Czech Presidency of the Visegrad Group (from now V4) came at a time (1 July 2015 – 30 June 2016) of immensely turbulent developments in the area of international affairs and foreign policy. The period under question thus presented many challenges not only for the Czech Republic, but for all the member states of the European Union and also for the countries in the Western Balkans. The issue of migration inevitably became a major factor of influence of the Czech V4 Presidency, reflecting both the need to resolve the crisis on the international level and the need to assuage the fears of the domestic population in the V4 countries. The activities planned initially to be carried out within the framework of the Visegrad cooperation gradually lost priority because of the pressing need to find *ad hoc* solutions to the ongoing situation. In particular, it was necessary to allocate adequate resources for resolving the so-called migration crisis. One of the important aspects of the Czech Presidency was thus the coordination of the individual positions of the V4 countries prior to the meetings of the European Council (from now on the Council) as well as the meetings of other EU institutions (Foreign Affairs Council – FAC, General Affairs Council – GAC, Justice and Home Affairs Council – JHA, etc.). This coordination, carried out on regular basis especially before the meetings on the European level, helped to formulate and present a coherent and well-argued position of the V4 countries regarding the migration-relevant agendas of the EU. It should be noted that on the issue of illegal migration and of the perception of the intrinsic significance of the migration agenda there was a general agreement between the top-level political institutions in the Czech Republic from the outset of the crisis.

Within the framework of its V4 Presidency, the Czech Republic has organized four summits of the V4 prime ministers to deal with the issue of migration. The same agenda was also dealt with by two joint meetings of foreign ministers of the V4 countries, Luxembourg and Germany. All the meetings of V4 foreign ministers tackled this problem as well.⁵⁷

Already by 4 September 2015, an extraordinary summit of the V4 was organized to deal solely with the issue migration. During the summit, a joint statement of the Prime Ministers of the Visegrad Group regarding migration was adopted. Among other things, the V4 countries declared their full solidarity with Hungary, which was at the time dealing with an unprecedented migration pressure, to cope with the challenge. It was also stated that the other V4 countries are ready to provide even more aid to Hungary as an expression of their solidarity.

Subsequently, on 11 September 2015, a meeting of foreign ministers of the V4 countries, Luxembourg and Germany took place in Prague, with the main topic being once migration. The ministers have agreed on the need of a joint Union position and of solidarity between the individual EU member states while stressing the need for finding solutions to the root causes of migration. They have expressed their support for the Council proposal to compile a list of safe countries of origin and also the proposal to establish a trust fund to help the African countries. They have also agreed that it was necessary to assist the transit countries with the reception and registration of migrants. On the other hand, there was a continued disagreement concerning the proposed redistribution mechanism and the very fact that a permanent mechanism should be implemented to redistribute the migrants among the EU member states. The main output of the working lunch was a joint V4 communiqué which focused on the migration route through the Western Balkans, stabilization of the countries in the European neighbourhood, fight against human smugglers and traffickers, development and humanitarian aid, international cooperation between the UN, the African Union and the League of Arab states and on the further organization of conferences focusing on migration.⁵⁸

The issues related with migration were also discussed at an extraordinary meeting of the V4 defence ministers, which took place on 17 December 2015 in Prague. On the top of the agenda were the refugee crisis, the security situ-

⁵⁷ For more details, see the document „Informace o průběhu předsednictví České republiky ve Visegrádské skupině v letech 2015–2016, PRO INFORMACI ČLENŮ VLÁDY, MZV ČR, čj.:107504/2016-OSE [Information regarding the Activities during the Czech Presidency of the Visegrad Group in 2015–2016, FOR INFORMATION TO THE MEMBERS OF THE GOVERNMENT]”, no. 107504/2016-OSE].

⁵⁸ See “Joint Communiqué of the Visegrad Group Ministers of Foreign Affairs, Prague, 11 September 2015”, *Ministry of Foreign Affairs of the Czech Republic*, available at: http://www.mzv.cz/file/1605886/Joint_Statement_MFA_11092015_final.pdf [accessed: 17.01.2017].

ation in the Central European region and (in this case not so much related to migration) the possible joint assistance and support to the Baltic countries within the framework of the NATO reassurance measures. The participants have agreed, while discussing the migration crisis and the fight against terrorism, that the basic precondition for mitigating the migration crisis in Europe is instituting and enforcing an effective protection of the external borders of the Schengen Area and strict adherence to the existing regulations. The representative of Hungary has greatly appreciated the aid extended by the other V4 countries towards protecting the Hungarian borders. The V4 representatives have also agreed that the stability of the Western Balkans is crucial for the security of Central Europe and they have declared that if the migration flow intensifies further in the upcoming spring months, the V4 countries must enhance and strengthen their cooperation with FYROM and other Western Balkans countries and, if needed, offer their security capacities, including the military assets (personnel, financial resources, materiel and technical support). It was also agreed that the V4 countries would share information about their bilateral negotiations with France and the United States related to strengthening the military contribution to the fight against terrorism in North Africa, Sahel and the Middle East.

The second extraordinary summit of the V4 dealing with migration and also with the UK reform agenda, organized at the same time to commemorate the 25th anniversary of the establishment of the Visegrad Group, took place in Prague on 15 February 2016. The FYROM President Georgi Ivanov and the Bulgarian Prime Minister Bojko Borisov were also invited to attend. The main topic of the summit was once more finding the solution to the migration crisis, cooperation between the V4 and the countries of the Western Balkans, provision of aid to the countries worst hit by the migration contingency (and the above mentioned 25th anniversary of the Visegrad Group). Two declarations were adopted at the summit: the Prague Declaration commemorating the 25th anniversary of the V4;⁵⁹ and the Joint Statement on Migration, which, among other things, has confirmed the effort on part of the V4 to reach a common European solution for the migration crisis, especially the need to significantly curb the migration flow, swiftly improve the protection of the EU external borders and implement the *Joint EU-Turkey Action Plan* (from now on the *EU-Turkey Plan*). Furthermore, the declaration also contained the pledge to continue assisting the countries of the Western Balkans, which have been worst hit by the migration crisis. In this regard, the role of Greece was singled out, as

⁵⁹ "An Extraordinary Summit of the Prime Ministers of the Visegrad Group Countries, Prague, 15 February 2016: Prague Declaration (Joint Statement on the 25th V4 Anniversary)", *Ministry of Foreign Affairs of the Czech Republic*, available at: https://www.vlada.cz/assets/media-centrum/aktualne/160215_V4_25-let_EN_final.pdf [accessed: 17.01.2016].

well as the determination of the V4 to help the Greeks to carry out a more efficient registration of the refugees and to more efficiently cope with the various migration pressures. The declaration also mentioned the possibility of implementing a backup/alternative plan (“Plan B”). This plan would be designed to prevent mutually uncoordinated closures of the internal borders within the EU and of the borders in the Balkans in case the provisions of the agreement between the EU and Turkey would not be implemented in a satisfactory fashion. During the meetings, the V4 again emphasised its negative stance toward a permanent relocation mechanism; at the same time, the V4 declared its full support to the measures taken on the EU level with the purpose to more efficiently protect the external borders, including a more intensive cooperation with the third countries.⁶⁰

As the Czech Presidency in the Visegrad Group was coming to an end, a summit of the prime ministers of the V4 countries was held in Prague on 8 June 2016. On this occasion, the prime ministers have issued a joint declaration. In this declaration, they pointed out the need of a deeper mutual understanding in Europe, of an active and constructive dialogue, and of finding a compromise solution to the problems that divide the European countries and societies. The joint declaration dealt primarily with the issue of migration, defence, BREXIT referendum, continued assistance to Ukraine, the medium term financial framework and the solution of the situation on the markets with agricultural commodities. When it came to migration, the V4 countries stressed that it was necessary to strive for joint and coherent solution on the European level and to focus on the root causes of the migration crisis. An important issue to be taken into account was the protection of the external EU borders, fully functioning *hotspots* (for more on *hotspots*, see the further chapters), an efficient returns policy and, last but not least, an effective reform of the Dublin Regulation.⁶¹

The cooperation of the V4 countries has also been smooth and efficient with regards to the coordination of the joint positions before the meetings of the Council or the Council of Europe (from now CE). The issue of migration was discussed at the extraordinary meeting of the Council, which took place already on 23 April 2015. The aim of this meeting was to find an efficient common response of the EU and its member states to the ongoing migration crisis on the EU’s southern borders on the backdrop of the tragic events in the Mediterranean. The outcome of the meeting was the adoption of the

⁶⁰ “Joint Statement of V4 Prime Ministers on Migration, Prague, 15 February 2016”, *The Visegrad Group*, available at: <http://www.visegradgroup.eu/calendar/2016/joint-statement-on> [accessed: 17.01.2017].

⁶¹ “Summit of the Prime Minister of the Visegrad Group Countries, Prague, 8 June 2016”, *Office of the Government of the Czech Republic*, available at: https://www.vlada.cz/assets/media-centrum/aktualne/Summit-of-the-Prime-Ministers-of-the-Visegrad-Group-Countries-Prague-8th-June-2016_2.pdf [accessed: 17.01.2017].

joint statement about specific measures to be taken in four areas – saving human lives, combating the criminal aspects of migration, prevention of illegal migration and the strengthening of solidarity and responsibility within the EU. The Council made a decision on these issues and called on the High Representative of the European Union for Foreign Affairs and Security Policy Frederica Mogherini to prepare a plan for an EU military mission with the objective to identify, seize and destroy vessels used for human trafficking in the Mediterranean Sea. A decision was also made to strengthen the general presence on the seas, mainly to prevent the regular drowning of the migrants in the Mediterranean Sea, and also to allocate more financial resources to the rescue operations carried out by FRONTEX (operations Triton and Poseidon).⁶² The member states have declared their resolve to undertake more drastic steps against the human trafficking networks and to punish the related illegal activities, as well as the resolve to cooperate in a more intensive fashion with the EUROPOL, FRONTEX, EASO and EUROJUST agencies. The Czech Republic in particular has offered to provide CZK 10 million for the FRONTEX rescue operations, 60 experts to cooperate in the joint endeavours as well as technical equipment (CASA aircraft with military crew for search and rescue operations on the seas, ATVs, night vision equipment, etc.).⁶³

On 25–26 June 2015, a regular meeting of the Council took place, with the main emphasis on a thorough discussion of both the proposal of the European Commission (from now on EC) to establish a relocation and resettlement mechanism for the refugees and on the issue of the returns policy and cooperation with the third countries. Before the Council meeting started, the prime ministers of the V4 countries met with the EC President Donald Tusk. After this meeting, the V4 prime ministers met for the traditional coordination to prepare a joint position for the upcoming talks.

During the long discussions on the final conclusions of the meeting, the V4 countries were able to include the reference to the voluntary nature as the basic principle of the proposed relocation and resettlement mechanism. The temporary and extraordinary nature of the relocation scheme was also emphasised and it was established that a consensus is needed when a decision would be made concerning the redistribution and resettlement among the member states. The Council agreed with the proposed relocation of the 40,000 refugees from Italy and Greece and with the resettlement of 20,000 persons from third

⁶² “Special Meeting of the European Council, 23 April 2015 – Statement”, *European Council*, available at: <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/> [accessed: 17.01.2017].

⁶³ See “Zpráva z jednání Evropské rady 23. dubna 2015 [Summary of the European Council Meeting on 23 April 2015]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

countries, but only if the principle of voluntariness and consensus was maintained. Thus, the initial proposal of the Council to set mandatory quotas for the redistribution of migrants was rejected and the right of each individual EU member state to decide on the nature and scope of its involvement in the solidarity-based activities in the area of migration was upheld. The preparation of the conference on migration in La Valletta was also supported by the Council. The Council agreed on the establishment of reception facilities in the member states worst hit by the migration crisis, the so-called *hotspots*.⁶⁴ During the talks, the Czech Republic was arguing for geographically balanced measures in the migration area, more effective returns policy, balance between the principle of solidarity and responsibility of the member states; at the same time, it opposed the implementation of a mandatory mechanism of migrant distribution.⁶⁵

The next extraordinary and informal meeting of the European Council dedicated to the migration and refugee crisis took place on 23 September 2015 in Brussels. Before the meeting, the V4 countries issued a joint statement on the current migration situation, using some of the long-term V4 policy objectives and priorities. Among other things, this document states: „...that an effective management of the root causes of migration flows must be the steppingstone of EU approach to the current situation”, and further that „the key elements of the EU common approach for the coming months should include especially: ensure effective control and protection of the EU external borders in all aspects; swift adoption of a common EU list of safe countries of origin; more effective return policy accompanied by operational readmission agreements with key countries; swift implementation of functional hotspots; strengthening the fight against organized crime and trafficking; more active engagement in solving the situation in Libya, Syria and the Middle East; more effective and targeted assistance (including through conditionality) to countries of origin and of transit with the aim of combating root causes of migration.” The declaration included an appeal to the EC to present a detailed and realistic plan of implementation of similar measures as those described. The V4 countries have also confirmed their readiness to participate in the common effort to manage the migration crisis and to contribute their share in implementing the specific plan.⁶⁶

⁶⁴ “European Council Conclusions, 25–26 June 2015”, *European Council*, available at: http://www.consilium.europa.eu/press-releases-pdf/2015/6/40802199900_en.pdf [accessed: 17.01.2017].

⁶⁵ See “Zpráva z jednání Evropské rady 25–26 června 2015 [Summary of the European Council Meeting on 25–26 June 2015]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

⁶⁶ “Joint Statement of the Visegrad Group Countries on the Current Migration Situation, Brussels, 23 September 2015”, *Office of the Government of the Czech Republic*, available at: <https://www.vlada.cz/en/media-centrum/aktualne/-joint-statement-of-the-visegrad-group-countries-on-the-current-migration-situation--135036/> [accessed: 17.01.2017].

On the top of the agenda of the Council meeting was the protection of external borders (the discussion focused primarily on the creation of Union Coast and Border Guard), relations with Turkey and the need to further deepen the mutual cooperation, increasing the financial support provided to the UNHCR, WFP and the third countries in the impacted region in order to improve the conditions of the refugees stationed outside of the EU area, and intensification of the aid provided to Lebanon, Jordan and Turkey and the countries of the Western Balkans to deal with refugee influx. The prime ministers have issued a declaration⁶⁷ which includes the basic constituent elements of the V4 position regarding the long-term solutions to the issue of migration. The need to uphold the existing rules and regulations, including the Dublin Regulation and the Schengen *acquis*, was emphasised in the document. In addition, the priority areas of activities needed to react to the migration crisis were outlined here. The declaration also contained a specific time table for the launching of the *hotspots*, which were supposed to be in operation by the end of November 2015 at latest.

As seen from Prague, the discussion at the summit was dealing with priorities that the Czech Republic has been in any case supporting in the long run. In accordance with the priorities established in the mandate approved for this meeting, the Czech Prime Minister Sobotka stressed the need to find the solutions of the root causes of illegal migration and the protection of the EU external borders. He also expressed his full support for the adoption of a joint declaration, which outlines specific measures to be taken in this direction. The Czech Republic has also pledged to further enhance its participation in the measures undertaken to tackle the migration crisis and it has supported the efforts to improve the living conditions of the refugees in Syria and the neighbouring countries and announced its intention to increase its financial contribution to the budget of the World Food Programme.⁶⁸

The Council has welcomed the *EU-Turkey Plan*, the implementation of which should have led, among other things, to the facilitation of the visa liberalization between the EU and Turkey and to the fulfilment of the readmission treaty. In the conclusions, the Council has appealed for a proper implementation of the returns directives by the member states and for strengthening of the role of the FRONTEX agency in returns policy. The HR Federica Mogherini

⁶⁷ “Informal Meeting of EU Heads of State or Government on Migration, 23 September 2015 – Statement”, *European Council*, available at: <http://www.consilium.europa.eu/cs/press/press-releases/2015/09/23-statement-informal-meeting/> [accessed: 17.01.2017].

⁶⁸ See “Zpráva z neformálního jednání hlav států a vlád členských zemí EU dne 23. září 2015 [Summary of the Informal Meeting of the Heads of State and Government of the EU Member States on 23 September 2015]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

was tasked with preparing incentives for the third countries to become more active in cooperating in the area of returns (i.e., negotiating and implementing the readmission agreements).⁶⁹

The Czech Republic has been able, with the support of other V4 countries, to influence the conclusions by including the principles of better interconnectedness between the establishment and the functioning of *hotspots* with the already approved relocation measures so that the conclusions would not presuppose or exclude any potential future options in the area of relocation (for example the permanent relocation mechanism).⁷⁰

On 12 November 2015, an extraordinary meeting of the heads of state and governments of the EU member states took place in La Valletta, Malta. The meeting was called to tackle the issue of migration and refugee crisis. It was an informal meeting, which meant that there was no formal written directive adopted as its immediate outcome. The Czech delegation was led by the Prime Minister Bohuslav Sobotka who, at the behest of the Polish government, represented also Poland.

Before the meeting, the by now traditional coordination of the V4 took place. The prime ministers of the Czech Republic, Hungary and Slovakia have adopted a declaration which outlined priorities for solving the root causes of the migration crisis. In this declaration, they have also pledged to increase the joint contribution of the V4 to the EU trust fund for Africa by 400,000 EUR. They have also declared that each of the countries will provide 75 additional experts to the FONTEX and EASO agencies to strengthen the protection of the external borders.⁷¹

The sole topic of the summit in La Valletta was migration. The primary issue under question was the strengthening of cooperation with third countries in order to curb the migration flow, the establishment of *hotspots* in Italy and Greece, the furnishing of adequate capacities to the FRONTEX and EASO agencies and the strengthening of the protection of the external borders. The discussion was primarily centred on the cooperation with Turkey in the area of dealing with the migration crisis. The president and the vice-president of the EC have informed the members of the Council about the developments in the negotiations regarding the implementation of the Action Plan between the EU and Turkey. The representatives of the member states and governments

⁶⁹ “European Council Conclusions, 15 October 2015”, *European Council*, available at: <http://www.consilium.europa.eu/en/meetings/european-council/2015/10/15-euco-conclusions/> [accessed: 17.01.2017].

⁷⁰ See “Zpráva z jednání Evropské rady 15. října 2015 [Summary of the European Council Meeting on 15 October 2015]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

⁷¹ “Joint Statement of the Visegrad Group Countries, La Valletta, 12 November 2015”, *Ministry of Foreign Affairs of the Czech Republic*, available at: http://www.mzv.cz/file/1695173/Deklarace_V4_EN.pdf [accessed: 17.01.2017].

of the EU countries have agreed on the need to organize a summit as soon as possible. The pledge to provide Turkey financial assistance up to EUR 3 billion to improve the living conditions of the refugees staying on the Turkish soil was also declared.⁷²

On 17 and 18 December 2015, a regular session of the Council took place in Brussels. This was the last meeting to take place in 2015. The meeting was dealing primarily with the issues of migration, the United Kingdom, fight against terrorism, the economic and monetary union, the internal market, energy union and climate change policy and external relations. Before the beginning of the Council, the usual coordination meeting of the V4 took place, which led to the adoption of the joint statement of the prime ministers of the V4 countries on migration, the United Kingdom and energy policy.⁷³

The Council has declared that for the sake of maintaining the integrity of the Schengen Area, it is necessary to restore control over its external borders. In this regard, the Council has asked for a swift solution of the deficiencies related to the functioning of the existing *hotspots*, i.e. to ensure the registration of all migrants entering the EU is taking place. This would include providing sufficient capacities and resources for the proper functioning of *hotspots*, providing a clear and precise time table for launching additional *hotspots* and ensuring that the FRONTEX and EASO agencies have all the tools they need. It was also emphasised that it is necessary to carry out the controls on the external borders in a systematic fashion. In the area of cooperation with the third countries, the Council has stressed the importance of the implementation of the outputs from the conference on the migration routes through the Eastern Mediterranean and Western Balkans (25 October 2015), the La Valletta Migration summit (11–12 November 2015) and the EU-Turkey Summit (29 November 2015).

From the viewpoint of the Czech Republic, this could be seen as a successful Council meeting. The Czech delegation supported the approval of the final version of the conclusions, which were worded in line with the mandate given to the Czech prime minister. The Czech Republic welcomed the fact that the European Council has focused on the protection of the external borders, which has been a long-term priority of the Czech Republic. In accordance with its declared stance, the Czech Republic has urged the European Council to facilitate a swifter launching of the *hotspots* in order to register all the migrants at

⁷² See “Zpráva z neformálního jednání hlav států a vlád členských zemí EU 12. listopadu 2015 [Summary of the Informal Meeting of Heads of State and Government of EU on 12 November 2015]”, Úřad vlády ČR [Office of the Government of the Czech Republic].

⁷³ “V4 Joint Declaration Regarding European Council Issues”, *The Visegrad Group*, available at: <http://www.visegradgroup.eu/calendar/2015/joint-statement-of-the-151221-1> [accessed: 17.01.2017].

their entry points into the EU. The majority of the member states including the Czech Republic have also expressed their support to the Council initiative to establish the European Coastal and Border Guard. The Czech Republic, together with the other V4 countries, has been able to stress in the final version of the Council conclusions⁷⁴ the continued need to preserve the Schengen Area, to strengthen the protection of the external border and to extend aid to the non-member states situated along the Western Balkans migration route.⁷⁵

In 2016, the first regular meeting of the Council took place on 18–19 February in Brussels and dealt with topics such as the United Kingdom, migration, external relation and the European Semester. The V4 countries met before the Council session; the discussion about providing personnel and technical aid to FYROM in order to bolster the protection of its borders was also attended by the prime minister of Croatia and Slovenia. At the beginning of the Council session, the heads of state and the presidents of the Union institutions have adopted a joint statement condemning the terrorist attacks in Ankara (16 February 2016) and expressing the solidarity of Europe with Turkey. The Council has declared that the main goal in the area of migration is the abrupt curbing of the migration flow, protection of the external borders, putting limits to illegal migration in general and the preservation of integrity of the Schengen Area. The Council has also welcomed the decision of NATO to launch an operation in the Aegean Sea and it has declared its intention to closely cooperate with the Alliance, especially through the FRONTEX Agency. The priority, according to the Council, was the implementation of the *EU-Turkey Plan*. The Council has also appreciated that an agreement was reached on the financial facility designed to help the refugees in Turkey and on the preparation of the voluntary mechanism for the resettlement of migrants/refugees from Greece. Regarding the Western Balkans migration route, it was declared by the Council that it is necessary to prevent the uncontrolled passage of migrants and to avoid uncoordinated measures taken by the individual states. The Council has called for a total adherence to the Schengen Border Codex and for a full functioning of the *hotspots*, so that all the incoming migrants could be properly identified and registered. It also asked for speeding up the preparation of the proposal to establish the European Coast and Border Guard.

The Czech Republic supported the presented wording of the conclusions on migration, since it was in line with the long-term priorities of both the Czech Republic and the V4. It has also welcomed the emphasis that was placed on cur-

⁷⁴ “European Council Conclusions, 17–18 December 2015”, *European Council*, available at: <http://www.consilium.europa.eu/en/press/press-releases/2015/12/18-euco-conclusions/> [accessed: 17.01.2017].

⁷⁵ See “Zpráva z jednání Evropské rady 17. a 18. prosince 2015 [Summary of the European Council Meeting on 17–18 December 2015]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

bing the migration flows, protection of the external borders, attaining the full functioning of the *hotspots* and the implementation of the *EU-Turkey Plan*.⁷⁶

On 7 March 2016, as a follow-up to the Council session in February, an extraordinary meeting of the heads of state of the EU member states was organized in Brussels. The meeting was also attended by the Turkish Prime Minister Davutoğlu. This extraordinary summit focused primarily on the cooperation between EU and Turkey during the migration crisis and on the current situation with regards to the Western Balkans migration route. The new proposals of Ankara regarding the joint efforts to deal with the migration crisis were presented at the summit, which were accepted as the basic premises for further endeavours on this topic in the future. The main outcome of this meeting was the statement issued by the heads of state and the prime ministers of the EU countries.⁷⁷

The Czech Republic has considered the cooperation with Turkey to be one of the key elements and tools to resolve the migration crisis, and thus it had appreciated the outcomes of the summit. It had also declared that it is ready to work towards their implementation. The crucial part of the cooperation with Turkey, as seen from Prague, is the returns policy. The Czech Republic supports the visa liberalization given that all the conditions included in the currently effective liberalization plan are met. Together with the other V4 countries, the Czech Republic has been able to promote the inclusion of a guarantee that the cooperation with Turkey would not lead to an increase in the already approved quotas for the individual member states for relocation and resettlement. It was also successful in including the pledge to assist the countries located along the Western Balkans migration route, which is in line with the long-term Czech position.⁷⁸

The issue of cooperation with Turkey has also been the focus of the regular Council session on 17–18 March 2016. The conclusions regarding migration were ultimately approved and, with the Turkish Prime Minister Davutoğlu being present, also the joint statement of the EU and Turkey. In this statement, the EU and Turkey have agreed on various aspects of their cooperation with the aim to curb the irregular migration flow from Turkey to the European mainland. Turkey has pledged that by 20 March 2016, it will start accepting all the migrants that will be returned from the Greek islands.⁷⁹

⁷⁶ See “Zpráva z jednání Evropské rady 18. a 19. února 2016 [Summary of the European Council Meeting on 18–19 February 2016]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

⁷⁷ “Statements of the EU Heads of State and Government, 7 March 2016”, *European Council*, available at: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/07-eu-turkey-meeting-statement/> [accessed: 17.01.2017].

⁷⁸ See “Informace ze setkání hlav států a vlád členských zemí EU a Turecka dne 7. března 2016 [Information from the Meeting of Heads of State and Government of the EU and Turkey on 7 March 2016]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

⁷⁹ “EU-Turkey Statement, 18 March 2016”, *European Council*, available at: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/> [accessed: 17.01.2017].

In the approved conclusions, the Council has confirmed its standing strategy to deal with migration crisis, with the priority being the recovery of control over the external borders. The Council has called for providing more assistance to Greece in the area of humanitarian aid, the full functioning of *hotspots* and implementing the returns to Turkey. The Council conclusions also declared that the jointly accepted Declaration of the EU and Turkey does not presuppose any new obligations for the member states in the area of relocations and resettlement. At the same time, the EU has declared that it expects Turkey to meet the highest standards in the area of democracy, the rule of law and the adherence to the basic civic rights and freedoms such as the free expression. The European has also called for enhancing the existing cooperation with the countries of the Western Balkans and it tasked the European Investment Bank (EIB) to prepare an incentive package in support of the sustainable growth in the countries of the region of Western Balkans and in the southern EU neighbourhood in general. In addition to this, the Council has also asked for the continued support of Jordan and Lebanon to improve the situation of refugees in both countries. Furthermore, it has declared its readiness to support the national unity government in Libya.⁸⁰

In general, the Czech Republic has welcomed the agreements with Turkey concerning the cooperation in the area of migration and it has supported the ratification of this treaty in line with the mandate given to the prime minister based on the official Czech policy. At the same time, the Czech Republic has achieved, together with the other V4 countries, to influence in a significant way the final wording of the *EU-Turkey Joint Declaration* and of the conclusions of the Council. The Czech Republic has been able to include an article into the text of the agreement, which stipulates that the agreed framework will be terminated in case that the available resources for relocation and resettlement would be all spent. The Czech Republic was also able to include a guarantee into the Council conclusions that the agreement with Turkey would not lead to any new pledges on part of the member states for relocation and resettlement. The Czech Republic has welcomed, however, that the agreement enables the speeding of the process visa liberalization only if and when the condition that Turkey fulfils all the points of the visa liberalization plan is met. The Czech Republic has thus scored a victory in including the emphasis on the protection of the basic rights and freedoms into the EC conclusions; at the same time, it managed to push through an addendum to the conclusions with regards to the cooperation with the countries of the Western Balkans.⁸¹

⁸⁰ “European Council Conclusions, 17–18 March 2016”, *European Council*, available at: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-european-council-conclusions/> [accessed: 17.01.2017].

⁸¹ See “Zpráva z jednání Evropské rady 17. a 18. března 2016 [Summary of the European Council Meeting on 17–18 March 2016]”, *Úřad vlády ČR* [Office of the Government of the Czech Republic].

The last regular session of the Council during the Czech Presidency of the V4 took place on 28 and 29 June 2016 in Brussels. This session focused on the issue of migration, economic problems, external relations and, above all, the results of the referendum about the future membership of the UK in the EU.

The accepted conclusions stated that, as a follow-up to the agreement between the EU and Turkey and to the agreement to fully implement the Schengen Border Codex, the migration flow coming through the Western Balkans route has been stopped. The Council stated that more efforts are needed to develop a sustainable solution to the current situation and it also called for the continued implementation of the agreement, permanent assistance to the countries of the Western Balkans and watchfulness regarding the possible emergence of new migration routes. The Council members have agreed on the need to develop an effective partnership framework of cooperation with the individual countries of origin and transit, which should be based on efficient incentives and adequate conditionality.⁸²

The Czech Republic supported the conclusions of the EC. Regarding the migration issue, it has welcomed the focus on the external aspects of migration, as these have been in line with the long-term position of the Czech Republic to resolve the root causes of the migration crisis. The Czech Republic has supported the implementation of the agreement with Turkey, which has, in combination with the closure of the Western Balkans migration route, led to the migration situation in Europe becoming much more pacified. At the same time, the Czech Republic supported the enhancement of the dialogue with the countries of origin and transit countries and it has appreciated that the Council has confirmed that this cooperation would be based on conditionality.⁸³

The strongest emphasis of the Czech V4 Presidency was placed on the internal cohesion of the Visegrad Group. Despite the fact that in this particular time period a number of dynamic developments in the area of international relations have taken place, the V4 countries have mostly been able to agree on all the key issues. The cooperation between the V4 countries can thus be seen as constructive and consensual. The strongly articulated position of the V4 has contributed to the “V4 brand” being perceived as relevant on the European level. In certain areas, unfortunately, this increased relevance and perception had also negative impacts for the image of the V4 as its position has often been criticized for being too defensive and for not exhibiting enough solidarity with the other countries.

⁸² European Council Conclusion, 28 June 2016”, European Council, available at: <http://www.consilium.europa.eu/en/press/press-releases/2016/06/28-euco-conclusions/> [accessed: 17.01.2017].

⁸³ See “Zpráva z jednání Evropské rady 28. a 29. června 2016 [Summary of the European Council Meeting on 28–29 June 2016]”, Úřad vlády ČR [Office of the Government of the Czech Republic].

The documents related to the migration agenda, which have been adopted by the V4 countries during the Czech Presidency, have a reflected quite a broad consensus on these issues. The emphasis was placed primarily on the preservation of the voluntary nature of the EU solidarity measures. In line with this principle, the proposed mandatory redistribution mechanism was rejected. Emphasis was also placed on the protection of the external borders of the EU.

1.5.2. The Alternative V4 Plan (“Plan B”)

On 15 February 2016, an extraordinary summit of the V4 countries took place in Prague, with the president of FYROM and prime minister of Bulgaria also attending. The main issue discussed was the cooperation of the participating countries in the context of the migration crisis. At the same time, the summit served as a coordination meeting for the preparation of the joint position V4 position before the upcoming Council session which was intended to focus on the protection of the external border of the Schengen Area.

The V4 countries have presented an alternative plan for providing security of the external Schengen borders in case the cooperation with Greece and Turkey (very much promoted by Germany) have failed. All the V4 countries emphasized that they would prefer a common European solution.⁸⁴ In case when it would not be possible to enhance the external Schengen border, the idea was to establish a “reserve border management system” in Europe. This system would operate on the general line Bulgaria – FYROM. This plan was presented to the media by the Czech Prime Minister Bohuslav Sobotka during a press conference in the Czech Parliament. He stated that the crucial turning point is the agreement in Syria and he also emphasised the need for the common European Coast and Border Guard and the fulfilment of the agreements on part of Turkey. The Prime Minister declared: “Without resolving the war in Syria at least half of the push factors behind the present strong wave of migration will not be resolved.” He added: “We need to strengthen the protection of the external Schengen borders and establish common European coast and border guard... And if none of this works out, we need to create a back-up system on the line Bulgaria-FYROM, prepare certain technical measures there so that we would be able to regulate the migration, if it will not be regulated

⁸⁴ For more information, see “Visegrád položil na stůl plán B pro migrační krizi. Nevěří, že je Řecko schopné uhlídat vlastní hranice [Visegrad Presented Plan B for the Migration Crisis: It Does Not Believe Greece Is Able to Protect Its Borders]”, *Hospodářské noviny*, <http://archiv.ihned.cz/c1-65165110-visegrad-polozil-na-stul-plan-b-pro-uprchlickou-krizi-neveri-ze-je-recko-schopne-uhlidat-vlastni-hranice> [accessed: 17.01.2017].

in Turkey or in Greece.”⁸⁵ The representatives of the other Czech political parties have largely welcomed the prime minister’s proposal. For example, Ondřej Benešík, the head of the Parliament European Committee and an MP for the People’s Party, stated for the Czech Press Agency (ČTK): “It seems like a logical solution.” According to Benešík, the gist of the problem is in other words to remove Greece from Schengen. The first deputy chairman of the TOP 09 Party Marek Ženíšek said that bolstering the northern borders of Greece would to a more effective control, while the deputy chairman of the Communist Party Jiří Dolejš added that from purely technical point of view such a solution is feasible, but the diplomatic aspects of it would be more complicated. The chairman of the opposition ODS Party Petr Fiala expressed his opinion that the prime minister should stop “coming up with impromptu solutions” and present a specific plan. He said: “So far, we have witnessed how the members of the government compete with each other in coming up with various ideas, but these are often contradictory.”⁸⁶

The Czech Prime Minister Sobotka further stated that in the upcoming negotiations and talks in Brussels, the Czech Republic will still push for taking specific and practical steps to help manage the migration crisis and that Prague is ready to help others. In an interview given to the Czech Radio, he mentioned: “This is nothing against Greece. We will not propose expelling Greece from Schengen.” Greece, however, must start to carry out its duties with regards to guarding the external Schengen borders.⁸⁷ So far as aid to Greece and Italy was concerned, Sobotka saw the main problem with the fact that these countries are often not able to specify what the Czech Republic could actually do for them. Especially the Athens are often criticized by the Czech, but also other European politicians, because of their inability to manage the influx of refugees. If the “back-up border system” was set up, the EU would not have to rely on Greece in case that Germany and/or Austria would close their borders.⁸⁸

If Germany and/or Austria were to close its borders, the Czech prime minister would see it as a sign that the Western Balkans was thrown overboard. This could, according to his opinion, easily bring back to life old grievances

⁸⁵ For more information, see “Sobotkův plán B: Záložní hraniční systém v Evropě [Sobotka’s Plan: The Back-up Border System in Europe]”, *Euroskop.cz*, <https://www.euroskop.cz/9002/26838/clanek/sobotkuv-plan-b-zalozni-hranicni-system-v-evrope/> [accessed: 17.01.2017].

⁸⁶ For more information, see *ibidem*.

⁸⁷ For more information, see “Musí být záložní řešení, kdyby Německo zavřelo hranice, hájí Sobotka plán B [There Must Be a Back-up Solution If Germany Closes the Borders; Sobotka Defends Plan B]”, *iDNES.cz*, http://zpravy.idnes.cz/summit-v4-praha-2016-0z4-/domaci.aspx?c=A160215_064504_domaci_hro [accessed: 17.01.2017].

⁸⁸ For more information, see “Sobotkův plán B...”

and enmities, which have led to the wars and conflicts in the Balkans in the past. Sobotka also stated that it has been proven that the quotas are no longer working. With regards to this, he also said: “It is reasonable to reach a deal with Turkey, but it cannot be the only solution, we must have a back-up plan.” He has discussed this proposed back-up plan in a phone call with the Austrian Chancellor Werner Faymann. As the spokesperson of the Czech Office of the Government Martin Ayer later summed up: “Both heads of government have agreed on the pressing need to regulate the migration flow, to include the Western Balkans into the process of finding the solution to the migration crisis and on the need of the joint European coordinated response.” The State Secretary for European Affairs Tomas Prouza added: “We all want the agreement between the EU and Turkey to be functional. It is well manageable to stop the flow of refugees in Turkey; it gets much more difficult anywhere further on the European soil.”⁸⁹

The V4 countries have communicated in an intensive manner with Croatia, Greece, Serbia and Slovenia prior to the summit on migration. Prime Minister Sobotka repeatedly argued that: “Visegrad region priority remains the implementation of the EU-Turkey Action Plan, which so far has not brought satisfactory results.” The goal of the V4 summit, according to Sobotka, was to assure the Western Balkans states of the Central European solidarity with them: “The countries must not remain alone in this time of crisis and the entire European Union must help them.” The main topic of the summit was focused on finding a way to help the Western Balkans countries with protection of their borders.

The forthcoming V4 summit was not seen as good news in Germany. According to the German magazine *Der Spiegel*, the V4 countries and their intention to protect the Schengen borders and to close the Balkans refugee route have stood up against the plan of the German Chancellor Angela Merkel, which was counting on including Turkey in the solution to the migration crisis. The Slovak Prime Minister Robert Fico has stated that Germany has complained about the V4 summit to the Slovak ministry of foreign affairs. The Czech State Secretary for European Affairs Tomáš Prouza was approached by the German Ambassador to the Czech Republic who was inquiring about the main goals and the agenda of the meeting.⁹⁰

The FYROM President Giorgi Ivanov has just prior to the summit met with the Czech President Miloš Zeman, who is outspoken on the issue of insufficient integration of the Muslim refugees into the society and who warns that these refugees represent a security risk to Europe. While meeting with Ivanov, Zeman

⁸⁹ For more information, see “Musí být záložní řešení...”

⁹⁰ *Ibidem*.

stated: “I am glad that the Czech Republic is taking part in providing assistance to your country.” The FYROM president reacted by saying: “Friendship is best known by how we help each other in times of hardship and distress”. At the beginning of February 2016, the Czech Republic has sent 27 police officers to FYROM to help guard the borders. President Ivanov has mentioned during the meeting with the Czech Prime Minister Sobotka that the assistance provided to FYROM by the EC is virtually non-existent. The Bulgarian Prime Minister Bojko Borisov has met the German Chancellor Merkel before the V4 summit and assured her that Bulgaria and FYROM do not wish the Balkans to become a buffer zone dividing the EU and the migrant wave. The office of the Bulgarian prime minister stated in this regard: “The Prime Minister has informed the Chancellor about the position that Bulgaria will present at the upcoming meeting in Prague and has underlined the solidarity of Bulgaria with Greece and the Bulgarian disagreement with the building of fence between FYROM and Greece.” The Greek Minister of Foreign Affairs Nikos Kotzias was also supposed to attend the V4 summit, but he has apologized and cancelled his participation at the last minute.⁹¹ On the same day as the summit, a meeting of the V4 ministers of interior also took place. At the meeting, the ministers have agreed to jointly send their experts to FYROM within two weeks. This mission had the main objective of ascertaining the real needs and the required scope of cooperation in the area of border protection and migration control on the Western Balkans migration route. It was agreed that Serbia and Slovenia will be also be invited to take part in the mission.⁹²

1.5.3. The Regional Outreach – CEDC, the Salzburg Forum and Their Significance

Throughout 2016, during the presidency of Austria, the cooperation between Central European Defence Cooperation (CEDC – Austria, Croatia, Czech Republic, Hungary, Poland as an observer, Slovakia, Slovenia) countries was intensified in a significant way, especially in the area of managing the migration crisis and assisting the countries situated on the Western Balkans migration route. On 7–8 November 2015, an important meeting of the defence ministers of the CEDC countries took place in Vienna. Also invited were the representatives of Montenegro, FYROM and Serbia; the second day of this event was spent visiting Sarajevo which was supposed to symbolize the support of CEDC to Bosnia-Herzegovina in its efforts to integrate into the Euro-Atlantic

⁹¹ *Ibidem.*

⁹² For more information, see “Sobotkův plán B...”

structures. In 2017, the presidency of the CEDC is taken by the Czech Republic and it is expected that it will continue in the same direction that Austria has initiated.

Another regional platform, where migration was discussed, was the Salzburg Forum. The member states at the moment are Austria, Bulgaria, the Czech Republic, Croatia, Hungary, Poland, Romania, Slovakia and Slovenia. The Salzburg Declaration has identified the key areas of cooperation for the ministers of interior of the countries of Central and Eastern Europe, namely police cooperation, border controls, illegal migration, harmonization of asylum standards and procedures and regular exchange of information and positions on these issues.

In the second half of 2016, the Czech Republic was presiding over the forum. It thus had the opportunity to shape the content of the individual meetings to a large degree. On 3–4 November 2016 a ministerial conference took place in Prague with the participation of the representatives from the Western Balkans countries. The participating countries then adopted a joint declaration.⁹³

The agenda of the conference focused on security issues (primarily on the cross-border security cooperation, the migration issue and information sharing in the fight against terrorism). The significance of the closing of the Western Balkans migration route was emphasised; the protection of the external borders, implementation of the *EU-Turkey Plan* and providing aid to the countries of the Western Balkans have remained among the priorities. A discussion also transpired on the concept of flexible solidarity where differences still exist between the Salzburg Forum states, the European Commission and Malta. The ministers have expressed their support for improvements in information exchange, information sharing and interoperability of the individual systems. The Czech Republic took the floor concerning the issue of fight against extremism and it has mentioned the problems associated with the Russian online activities and the results of the ongoing Audit of National Security. The Malta EU Presidency used this opportunity to present its priorities – revision of the common European asylum system, legal migration and the blue card directive, preparation of compacts and framework treaties with third countries, the ETIAS, fight against illegal migration, visa policy, fight against terrorism, enhancing of information exchange, new action plan against drug smuggling for the years 2017–2020.

⁹³ “Salzburg Forum Ministerial Conference, Prague (Czech Republic), 3–4 November 2016”, *European Council*, available at: <http://data.consilium.europa.eu/doc/document/ST-14274-2016-INIT/en/pdf> [accessed: 17.01.2017].

1.5.4. The Practical Assistance Provided by the Czech Ministry of Defence (MoD) and the Czech Army to Deal with the Migration Crisis (as of 31 December 2016)

With regards to the deteriorating situation on the Western Balkans route, and in the light of the lack of coordinated effort and control over the situation, the Czech Republic has decided to contribute to a swift and effective solution of the migration crisis by providing support on bilateral basis. In particular, the Czech Ministry of Defence (MoD) has reacted by extending aid to Hungary and Slovenia.

Hungary, prior to the construction of the border fence, was one of the main entry points into the EU for the refugees. The Czech Government has approved on 5 October 2015 the deployment of up to 25 military personnel to Hungary with the task of aiding the Hungarian authorities to guard and protect the external boundaries of the EU and the Schengen Area against the migration wave. The deployment of the Czech military personnel was carried out on the basis of a bilateral agreement between the Czech Republic and Hungary and as a response to an invitation from Hungary. The Czech assistance had the form of the joint exercise BALATON 2015, which took place over a period of two months from 15 October to 15 December 2015. Overall, 21 Czech military personnel from the 153rd engineering battalion (based in Olomouc), from the 151st engineering battalion (based in Bechyně) and from the Logistics Agency participated in the exercise. Czech military personnel, primarily drivers and machine operators, were deployed to the Hódmezővásárhely base in the vicinity of Kaposvár about 40 kilometres from the border line. They carried out tasks in support of the Hungarian Armed Forces in the area of logistics support.

The next joint exercise codenamed BLED 2015/2016 took place in Slovenia. At the request of the Slovenian side, 27 Czech troops were deployed in the mid-November 2015 to assist their Slovenian colleagues with dealing with migration crisis by providing basic medical aid and logistic support. The Czech engineers, together with the Slovenian soldiers, also exercised putting up barriers. The military medicine task force was providing aid and expert counsel on the border crossing in Šentilj near Maribor.⁹⁴ As part of the BLED exercise in 2015 and 2016, a total of 36 members of the Military Medical Agency (Agentura vojenského zdravotnictví) and 18 members of the 15th engineering regiment took part. The primary goal of this activity was to exercise and improve the capability and capacity of the Czech Army to bolster the protection of the state borders, both internal and external as related to the Schengen

⁹⁴ For more information, see: “2015 – rok klíčových změn pro obranu ČR [2017 – The Year of Key Changes for the Czech Defence]”, *army.cz*, http://www.mocr.army.cz/informacni-servis/zpravodajstvi/2015_rok-klucovych-zmen-pro-obranu-cr-118730/ [accessed: 17.01.2017].

Area. The provision of medical care was not the initial priority of this exercise but, also due to fact that the service members taking part were deployed to the border, it became a part of their everyday work.

The Czech Minister of Defence Martin Stropnický commented on both of these bilateral exercises: “The deployment of our military personnel to Hungary and Slovenia in the fall of this year [2015] was our rapid and specific assistance to deal with the migration influx. We are ready to continue this cooperation if needed.” He also said: “For the Czech soldiers, the assistance provided was an invaluable experience. We are ready to provide further required assistance to Hungarians, Slovenians and other allies at any time to deal with the migration crisis and the border protection. This assistance could be both in term of providing materiel and of deploying our soldiers.”⁹⁵

Based on the interest expressed by Bulgaria, FYROM and Greece, the Ministry of Defence of the Czech Republic has prepared and presented an offer of possible bilateral cooperation in the context of the migration crisis, which would have a similar form like that extended to Hungary and Slovenia. The Czech side has offered three specific options for joint bilateral exercises in the fall of 2016 – 1) deployment of medical team to Greece and/or FYROM (up to 12 military personnel); deployment of an engineering unit to FYROM and /or Bulgaria (to build a border fence or to provide logistic support); 3) the deployment of a reconnaissance company to FYROM and/or Bulgaria (to monitor the state borders). None of the target countries have so far (by the end of 2016) made use of any of these options offered. As a result, no joint exercises have taken place.

1.5.5. The Contribution of the Ministry of Interior of the Czech Republic and the Czech Police in Dealing with Migration Crisis

The Czech Republic has voluntarily joined the joint European resettlement programme, taking on the pledge to resettle 400 refugees from the third countries between July 2015 and June 2017. By mid-November 2016, 20 Syrian refugees from Jordan were resettled (in 2015) as well as 32 Iraqi refugees from Lebanon (January–March 2016). The Czech Republic also continues with the implementation of the humanitarian reception programme focused on the internally displaced refugees in Iraq (Kurdistan); in the first three months

⁹⁵ For more information, see: “Návrat zdravotníků ukončil účast na cvičení BLED ve Slovinsku [The Return of the Medics Marks the End of the BLED Exercise in Slovenia]”, *army.cz*, <http://www.mocr.army.cz/informacni-servis/zpravodajstvi/navrat-zdravotniku-ukoncil-ucast-na-cviceni-bled-ve-slovinsku-120051/> [accessed: 17.01.2017].

of 2016, the first group of 57 persons was resettled as part of this programme. The Czech Republic has also put into motion the process of resettling 88 Syrian refugees from Turkey. At the moment, the screening of the personal profiles and security screening are taking place.

The relocations are a much more difficult task to handle. On 5 February 2016, the Czech Republic made an offer to accept the first 20 migrants/refugees from Greece and 10 from Italy. Ultimately, by 25 April 2016, only 4 persons from Greece were chosen to be relocated (3 persons have in the end not arrived to attend the transfer procedure). On 13 May 2016, the Czech Republic has declared to Greece and Italy its readiness to accept 10 more migrants/refugees from each of these countries. By 15 November 2016, Italy has not reacted to this offer. Thus, in the end, the Czech Republic accepted 8 Syrian refugees from Greece.

The Czech Ministry of Interior significantly contributes with its experts and police officers to the work of the EASO and FRONTEX agencies. In 2015 and 2016 alone, 57 experts were chosen to work for the EASO. A total of 45 of these experts were sent to Greece and Italy. This makes the Czech Republic one of the most active EU countries in this regard. By the end of 2016, there were 7 Czech experts working in the *hotspots* (4 in Greece and 3 in Italy). In the beginning of 2017, five more experts should be deployed. There are additional 33 experts nominated for the purposes of the EASO *Asylum Intervention Pool* – these experts would be available for operations of EASO in the EU member states that are facing a significant pressure resulting from the migration wave.

For the purposes of supporting the FRONTEX agency, a special Czech task force was assembled – European Border Guard Team (EBGT). This team consists of 95 persons. The members of the police force are deployed in joint operations on regular basis; in 2015 alone, 43 police officers were deployed in this manner. In 2016, this number has increased to 157 police officers. The highest number of these was allocated for the mission in Greece (92) and Italy (24). In addition to these missions, Czech police officers participated in other operations in Bulgaria, France, Germany, Hungary, Poland and Spain.

The Czech Ministry of Interior has contributed to the various missions and operations also within the bilateral cooperation framework. It has been involved in Hungary, in two distinct phases. In the time period from 29 October to 15 December 2015, 50 police officers were deployed to perform joint patrols on all the external land borders (the green border line, border fence). The second phase of the deployment was carried out from 5 September to 30 October, again with 50 police officers being deployed. With regards to Slovenia, from 9 November to 15 December 2015 a total of 20 Czech police

officers were present, assisting in carrying out joint patrols on the external borders (the green border, controls on the train stations, escorting the trains to the Austrian borders.

1.6. Conclusion

(Jan Bečka, Jakub Landovský, Martin Riegl)

What can be said in conclusion to this chapter on the migration crisis perception and impacts as illustrated on the case of Czech Republic? The issue is indeed a complex one and it is difficult to draw authoritative conclusions from the information which had to be limited to the length of one chapter. Yet, it is possible to offer certain insights and suggestions.

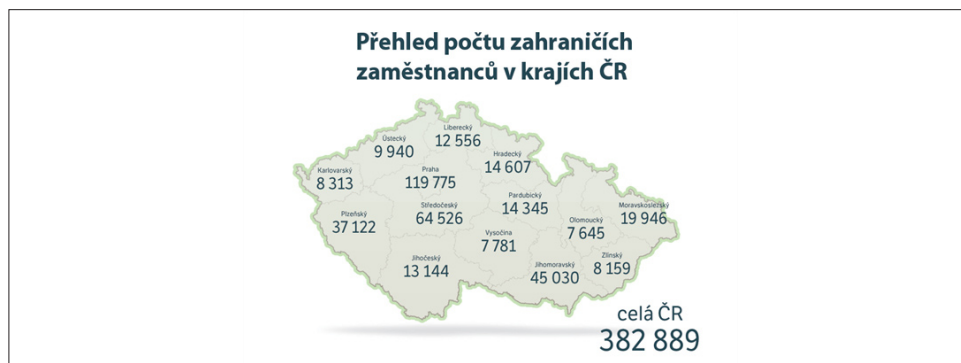
The Czech Republic is often seen as one of the strongest opponents of immigration from the Middle East and North Africa to Europe, an opponent of multiculturalism and, lately, also of the EU which to many people comes to represent these phenomena. Prague was also criticized, on a number of occasions, for not demonstrating enough solidarity with the other member states hit by the crisis and for “not repaying its debt” to the European community. Is it really the case, though?

The research contained in the pages above shows so far as legal framework and integration and migration policy are concerned, the Czech Republic differs in no significant way from other European countries. Indeed, the legislative framework is to a large degree based on the EU primary law and the EU directives are often reflected in it. It is also obvious that the Czech government is taking migration seriously, and also in the light of the migration crisis, has taken new administrative, legal and practical steps to accommodate the refugees/migrants and to ease their integration into the Czech society. Indeed, the government is aware of the fact the labour market, the growing economy and the demography make it all necessary to bring in workers (and citizens) from abroad. The data clearly testifies to this trend – in 2016, over 382,000 foreigners worked in the Czech Republic, an increase by 123,000 over the last two years.⁹⁶ Many of the organizations of employers are asking the government to bring in even more to satisfy the demand.

⁹⁶ “Cizinci plní český pracovní trh. Za dva roky přibylo 120 000 gastarbeiterů [Foreigners Are Filling the Czech Labour Market. In Two Years, There Is an Increase by 120,000 Guest Workers]”, *idnes.cz*, http://ekonomika.idnes.cz/pocty-cizincu-v-cr-037-/ekonomika.aspx?c=A170214_110107_ekonomika_fih [accessed: 16.02.2017].

Figure 1.3

Number of Foreign Employees per Region



Source: “Cizinci plní český pracovní trh. Za dva roky přibylo 120 000 gastarbeiterů [Foreigners Are Filling the Czech Labour Market. In Two Years, There Is an Increase by 120,000 Guest Workers]”, *iDNES.cz*, http://ekonomika.idnes.cz/pocty-cizincu-v-cr-037-/ekonomika.aspx?c=A170214_110107_ekonomika_fih [accessed: 16.02.2017].

On the international scene, the Czech Republic, together with the other V4, formed a certain bloc or platform within the EU, rejecting the mandatory quotas for resettling and redistribution of refugees, asking for a more effective system of border control and refugee registration (including the *hotspots* both in the EU but also outside of its territory) and more action to resolve the roots and causes rather than the impacts of the refugee crisis. Yet, it cannot be said that in many ways, the country was not active in assisting its partners, both in the EU and third countries, mainly in the Western Balkans. Chapter IV has discussed in detail the various contributions – financial, experts, military personnel, materiel – that were extended to other countries and to the EU itself over the last two years. At the same time, the government is trying to better target its humanitarian and development aid on the national level, also with the view to improve the situation in the countries/regions of origin of the migrants coming to Europe.

Perhaps the most controversial part then remains the overall discourse concerning migration on the domestic political scene and among the general public. As discussed above in Chapter III, there are several factors coming into play. On the part of the society, it is definitely the security aspect which should be mentioned here. Especially due to the extensive (but not always accurate) media coverage of the developments in the Middle East (Syria, Iraq, in some cases Yemen) but perhaps much more importantly of the terrorist attacks – both only planned and actually executed – in Western Europe, the

migration problem has been “securitized” and the migrants coming to Europe from the countries such as Iraq or Syria are often viewed with suspicion, if not with open enmity. This feeling is further bolstered by the news in the mainstream media about the crimes that the migrants have committed in Western Europe and their links to terrorist organizations. Again it has to be kept in mind that out of the tens of thousands of refugees, those guilty of crimes or supporters of terrorism and organizations like Islamic State form a definite minority, their image has grown to a disproportionate size in the public discourse. In addition, the Czech Muslim community is still comparatively extremely small, especially given the fact that the Czech Republic is not a desired country of destination.⁹⁷ As mentioned earlier in the text, working with fear and anxiety is the easiest (although only temporarily successful) tactic for gaining public support and seems to have been working quite well so far in the Czech Republic.

This then leads to the final conclusion or suggestion. It has been discussed in Chapter III how migration, coupled with terrorism and with (so far mostly verbal) attacks on Islam and Muslims have become an important part of the discourse on the political level and how certain individuals, or even parties, are trying to use this to gain advantage in the upcoming elections. While this is definitely worrying, it has to be kept in mind that: a) this phenomenon is not unique to the Czech Republic – in fact, it is possible to witness the surge of populist political parties in a number of countries including France, Germany, the UK, Netherlands or even Finland and Sweden. While the opinion polls in the Czech Republic do not seem to give much chance to the populist parties of becoming a decisive or even important factor after the upcoming elections, in other countries they are coming much closer; b) the migration wave has apparently already reached its peak (at least for the time being) and has been receding. It could be expected that the interest of the public, and consequently the public support for the populists, will recede as well; c) as for the Czech political scene in general (as discussed above), some of the mainstream politicians have picked up on the issue of migration as well, but this could be seen as a reaction to the developments and the attempt to “steal back” votes from the populists. Once this becomes useless, it is likely that the migration issue will be accredited much less importance in the mainstream political discourse.

⁹⁷ On the “danger” that the Czech Muslim community currently poses and on the way this is presented in the media, see e.g. “Čeští muslimové respektují zákony, radikálům se brání sami, ujišťuje BIS. Terror u nás prý nehrozí”, *idnes.cz*, 9 January 2017, <https://zpravy.aktualne.cz/domaci/cesti-muslimove-nechteji-vyvolavat-strety-nebo-provokovat-zn/r-8e89bdaed67b11e694810025900fea04/?redirected=1487237890> [accessed: 14.01.2017]; “Anatomie českých muslimů. Fascinující a mimořádně pestrý svět”, *lidovky.cz*, 11 February 2017, http://www.lidovky.cz/anatomie-ceskych-muslimu-fascinujici-a-mimoradne-pestry-svet-pub-zpravy-domov.aspx?c=A170211_115705_In_domov_ele [accessed: 15.02.2017].