

# Czech Republic: Socio-economic aspects of migration

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## 1. Introduction

Since the early 1990s, the Czech Republic, has transformed from a country, which was characterised by a very low immigration and a tendency to emigration, into the main immigration destination among the V4 countries. This change was related, among other things, to the successful political and economic transformation (Drbohlav – Valenta, 2014; Drbohlav et. al., 2010, pp. 23-30; Wallace, 2002). In the past thirty years, several periods and milestones can be identified, which not only influenced the patterns of the international migration, but also the formation of the Czech migration policy. One such milestone was the accession of the Czech Republic to the European Union, which brought comprehensive harmonisation processes of the Czech and European migration regulations. Another landmark could be identified in the global economic crisis of 2008 and the related economic slowdown. Last but not at least, the context of the Czech policy-making was influenced by the so-called migration crisis of 2015 (cf. Jungwirth, 2016, 2017) in spite of the fact that the Czech Republic should be in no way considered as one of the main destination countries for the refugees coming to Europe from the Middle East and North Africa.

The aim of the chapter is to summarise and discuss recent developments in migration trends on general level, the demographic and socio-economic situation and migration governance<sup>27</sup> in the period of 1989-2018. The structure is as follows: in the second part, the general socio-historical context and general characteristics of migration trends in the country are summarised. The third part deals with several periods of migration governance, which are divided by the years 1990, 1995, 2000, 2008, and 2015. Parts four to seven focus on recent developments in economic migration, emigration from the Czech Republic, irregular migration<sup>28</sup> and asylum seekers. Hereby,

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**27** By the term migration management, we mean management of and policies dealing with both immigration and integration (cf. Drbohlav et al., 2010, p. 69; Barša – Baršová, 2005, pp. 9-10).

**28** We refer primarily to the terminology used by International Organisation for Migration (IOM 2011). However, IOM terminology differs in the use of the term referring to the (people undergoing) the movement that takes place outside the regulatory norms of the sending, transit and receiving country from the term 'illegal migration/migrant', which is used in the Czech migration governance context. Hereby, IOM suggests using the term irregular or unauthorised migrant or migration, which may bear less negative connotations, which includes relation to organised crime and trafficking of people. We use the term illegal migration/migrant when we reference its use the documents related to Czech migration governance. Otherwise, we prefer either the term unauthorised or irregular migrant/migration; for the sake of simplicity, however, we understand the terms illegal/irregular/unauthorised migration/migrant interchangeably.

given by the character of the chapter, which aims to connect both socio-historical aspects and current trends in migration and migration governance, various kinds of literature and sources of data were used<sup>29</sup>.

## 2. Overall migration trends in the Czech Republic: 1989–2017

After the period of isolation by the Iron Curtain, which deprived the countries lying on its Eastern side from democratic institutions, market economy, freedom of speech and freedom of movement, the post-1989 developments meant not only from a migratory point of view a return to Europe (Wallace – Stola, 2001, pp. 3ff.). In contrast to the pre-1989 era, which was marked by emigration<sup>30</sup> and not very significant rates of immigration, which was strictly regulated by the state apparatus (Baršová – Barša, 2005, pp. 205-211; Drbohlav et al., 2010, pp. 26-30; Drbohlav – Hárs – Grabowska-Lusińska, 2009, p. 47; Wallace, 2002, pp. 603-604), migration has become one of the characteristics of the new societal dynamics. Since the early 1990s, Czechoslovakia and later the Czech Republic provided a space for transit migration from the East to the West (cf. Drbohlav et al., 2010, p. 31ff.; Wallace – Stola, 2001, pp. 25-27). The immigration flows as well as stock of foreigners have gradually increased in this period, with the largest increase in the figures of stock of foreigners as well as migrant being recorded in the early 1990s and after 2004. From the early 2000s on, the Czech Republic has been considered as the main immigration country in the V4 region, measured by the inflow of immigrants respectively by the share of foreign population residing in the territory of the state (Hárs, 2009, p. 19; Karácsonyi, 2014, pp. 213-221; cf. Drbohlav et al., 2010, pp. 38-48; Drbohlav – Valenta, 2014, pp. 48-52; Drbohlav, 2011, p. 406). The overall number of foreigners has climbed from 35,000 in 1989 over 78,000 in 1993 to 530,000 in 2017 (Czech Statistical Office, 2017).

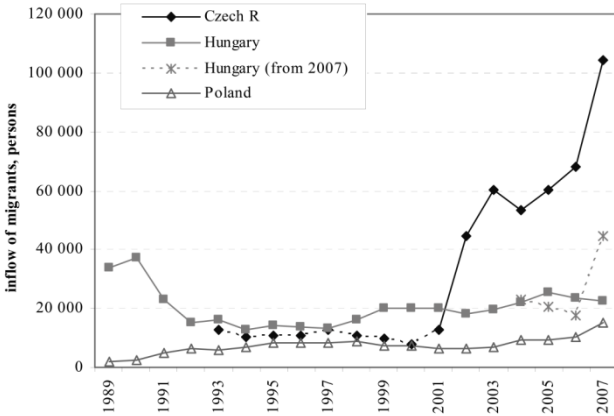
As seen from the statistics below and in the following sections, the composition of the nationalities residing in the Czech Republic and their residence status reflects the primarily economic motivation of immigration (cf. Wallace, 2002, pp. 606-607; Drbohlav – Valenta, 2014, pp. 49-61; Drbohlav, 2003, pp. 200ff.; Drbohlav et al., 2010, p. 131). Among other specificities of the international migration in the Czech Republic related to work migration, there are other socio-cultural and socio-economic factors to consider, such as a high number of international – especially Slovak and Russian – students attending Czech universities and the presence of a particularly economically active Vietnamese minority. Compared to the major share of economically motivated migrants, refugees and asylum seekers constitute a negligible part of the migrant population (Drbohlav – Valenta 2014, pp. 61-63).

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**29** The period between 1989-2011 is covered predominantly by existing research in the field of migration and migration management. One of the most useful resources are based on research conducted by Andrea Baršová and Pavel Barša (2005, 2006) and Dušan Drbohlav and his team at Geographic Migration Centre (e.g. Drbohlav et al., 2009, 2010, 1994, 1996; 2003; Drbohlav – Valenta, 2014). The post-2011 period is covered by primary and secondary sources published on non-academic platforms. However, it should be noted, that the available publications and data do not provide a full picture of the issues of managed and irregular economic migration, migration policies or emigration, which is due to a rather unsystematic data collection, low interests of both researchers and practitioners in the issues of migration and migration management in the Czech Republic, but also to the intrinsic nature of the particular phenomena (cf. Drbohlav, 2003; Drbohlav et al., 2010).

**30** It is estimated, that from 1948 to 1990, Czechoslovakia lost around 500,000 people due to international migration (Drbohlav, 1994, p. 90).

**Graph 1. Migration flows to the Czech Republic, Hungary and Poland, 1989–2007**



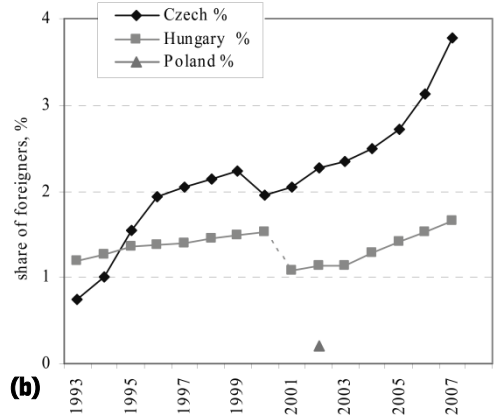
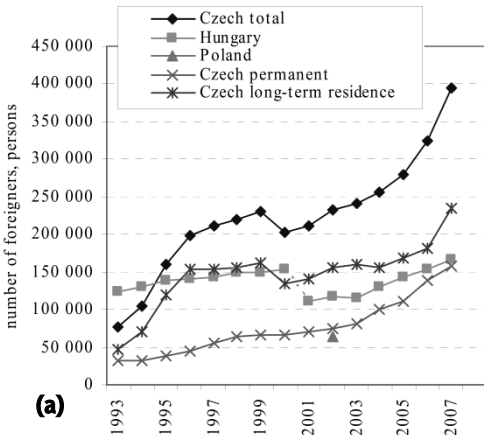
**Note:** Until 2000, Czech data covers nationals and foreigners changing permanent residence (in the case of foreigners those who got a permanent residence permit were included). From 2001 on, foreigners were counted as immigrants when entering on a permanent residence permit or after 1 year of residence (if not permanent residence permit holders). Hungary: Data include foreigners holding a long-term residence permit (valid for up to 1 year), foreigners who have been residing in the country for at least a year and who currently hold a long-term permit, data are presented by actual year

of entry (whatever the type when entering the country). For the reason of comparisons comparably data will be shown for Hungary: since mid- 2007 (half a year only!) in Hungary data based on population register includes also foreigners staying over 90 days. Poland: Number of permanent and "fixed-time" residence permits issued.

**Source** (data): Czech Republic: Czech Statistical Office, Hungary: Register of long-term residence permits, Ministry of the Interior and Central Statistical Office, Poland: Office for Repatriation and Aliens.

**Source** (graph & note): Hárs, 2009, p. 19.

**Graph 2. Stock of foreigners (a), Share of foreigners in total population (b).**



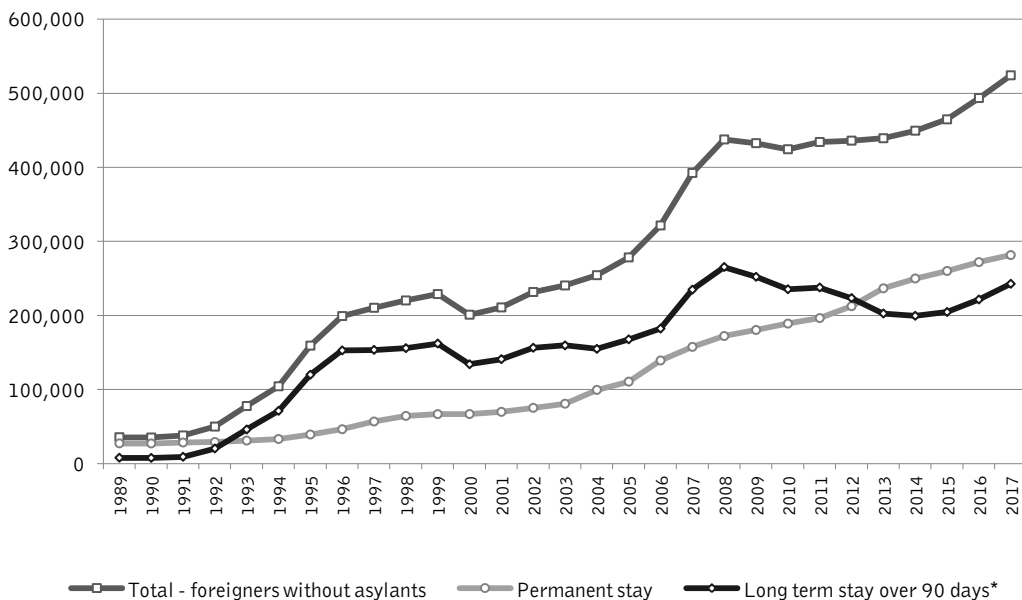
**Note:** Czech Republic: foreigners with permanent residence permits (until 2006: permanent residence gained after 10 years of residence, however shorter for family members; since 2006 after 5 years). Foreigners with long-term residence (prior to 2000 it means foreigners with permits for a stay longer than 180 days, since 2000 it generally means foreigners with visas for the period exceeding 90 days and with long-term residence permits - issued after 1 year). Hungary: Settlement permit: prior 2002 after 5 years, following 2002 after 3 years of stay (with residence and subsistence, shorter for family reason) and for up to 1 year (drop in Hungarian data between 2000 and 2001 due to data correction). Poland: census data of 2002 only.

**Source** (data): Czech Republic: Czech Statistical Office, Hungary: Register of long-term residence permits, Ministry of the Interior and Central Statistical Office, Poland: Office for Repatriation and Aliens.

**Source** (graph & note): Hárs, 2009, p. 19.

When looking at the latest statistics and developments, at the end of 2017, foreigners in the Czech Republic accounted roughly for 4.9% of the total population, with the majority of them staying permanently. Out of the total number of foreigners with residence permits, 53.7% foreigners (282,732) held permanent residence permits, while 46.3% had temporary residence permits<sup>31</sup>. The number of foreigners with permanent residence has been increasing steadily for more than a decade (Ministry of the Interior of the Czech Republic, 2018, pp. 68-69)<sup>32</sup>. The third-country nationals<sup>33</sup> represent a majority with 58.1% of all foreigners residing legally in the Czech Republic. However, the share of the EU nationals has been steadily increasing (from 32% in 2010 to 41.9% in 2017). Most of the EU nationals stay in the Czech Republic temporarily while two thirds of third-country nationals reside there permanently (Ministry of the Interior of the Czech Republic, 2018, p. 69).

**Graph 3. The number of foreigners in the Czech Republic (1993–2017)**



**Source:** Czech Statistical Office, Directorate of the Alien Police Service.

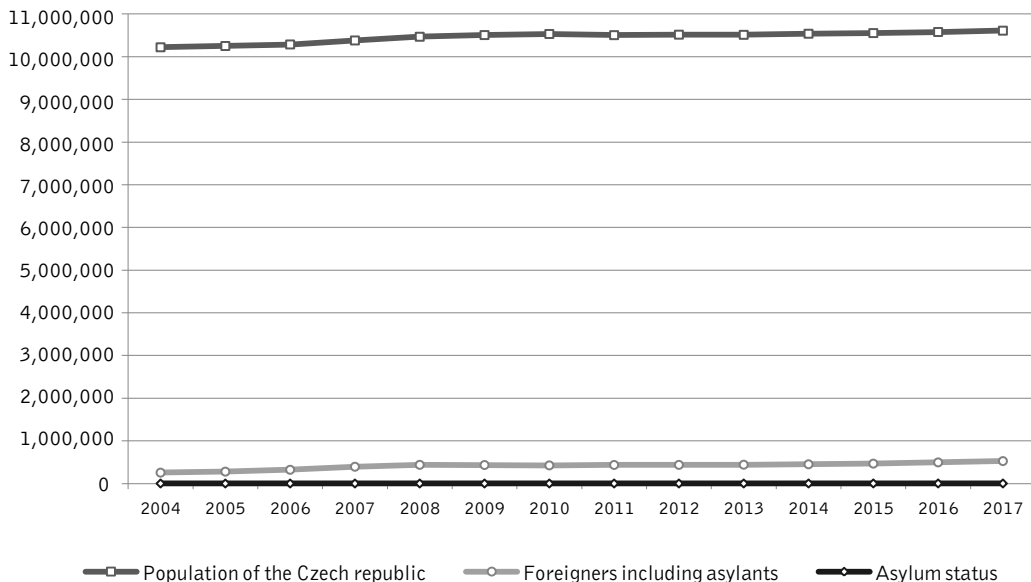
\* Long term stay over 90 days: since 1985 – 1999 long-term residence, 2000 – 2003 90-days-and-over visa, since 2004 temporary EU, long-term residence and 90-days-and-over visa (long-term visa) are included.

**31** A previous long-term stay of five year is the basic prerequisite for obtaining permanent residence permit.

**32** In 2013, the share of foreigners with permanent residence exceeded the number of foreigners with temporary residence; the increase is mainly related to the fact that foreigners have started to fulfil to a greater extent the condition of five years of residence for moving into the category of permanent residence.

**33** From the point of view of conditions and entry, the Czech Act on the Residence of Foreigners divides foreigners into two categories. The first category includes citizens of the EU Member States, citizens of the states bound by the Treaty of the European Economic Area (EEA) and citizens of Switzerland. Citizens of third countries form the second category. While the citizens of the EU, EEA and Switzerland have the right to free movement and residence guaranteed by the Treaty on the Functioning on the European Union, third-country nationals are obliged to have a visa for entry and short stay (within three months) and visa for stays of over 90 days, or a residence permit. This does not apply to foreigners with whom the visa requirement does not apply under the common EU visa policy.

**Graph 4. The share of foreigners as the total population of the Czech Republic (2004–2017)**



\*\* Foreigners with valid asylum status were included in the category of foreigners with residence of 12+ months till 2007.

From an immigration point of view, the Czech Republic was quoted to become the case of David and the Goliath (Drbohlav, 2004, 2011), which may be true if compared to other V4 countries (cf. Karácsonyi, 2014, pp. 213-216). However, the relative numbers of the non-nationals in the resident population, when compared with the “old” immigration countries (cf. Fassman and Reeger, 2009; Barša – Baršová, 2005) have been rather low<sup>34</sup>. By January 1st 2017, 4.9% of non-nationals were residing in the Czech Republic (of these 2.0% were citizens of EU countries, 2.9% were non-EU member nationals)<sup>35</sup>.

Overall, the Czech Republic can be characterised by a relative ethnic homogeneity, which can be dated back to the post-WWII developments (cf. Drbohlav et al., 2010, pp. 23-30; Baršová – Barša, 2005, pp. 205-211). This homogeneity can be observed on the statistics of the top 10 nationalities residing in the country. In the years 2003-2013, altogether about half of the foreigners residing in the country were Slovaks (17-27%) and Ukrainians (26-31%). The foreigners residing longer than 90 days were significantly represented also by Vietnamese (12-14%), Russians (5-8%), Poles (4-7%), Germans (2-4%), Bulgarians, Moldovans, Mongolians, Americans and Chinese (each with between 1-2% of the total) (ČSÚ; cf. Drbohlav – Valenta, 2014, pp. 48-51)<sup>36</sup>.

<sup>34</sup> In 2013, out of the total population of the EU, 12.7% was comprised by the V4 inhabitants; however, at the same time, only 3.4% of the foreign citizens staying in the EU lived in the V4 countries (Karácsonyi, 2014, pp. 213-216).

<sup>35</sup> In 2017, the percentage of the resident non-nationals in Austria rose to 15.2%, in Germany 11.2%, in France 6.9%, in Italy 8.3%, in Sweden 8.4%, in the United Kingdom 9.2%, and in the Netherlands 5.4%. The EU-28 average of resident non-nationals was 4.2%. Source: Eurostat; [https://www.czso.cz/csu/cizinci/1-ciz\\_zahranici](https://www.czso.cz/csu/cizinci/1-ciz_zahranici)

<sup>36</sup> Český statistický úřad: Cizinci: Počet cizinců. [https://www.czso.cz/csu/cizinci/4-ciz\\_pocet\\_cizincu#cr](https://www.czso.cz/csu/cizinci/4-ciz_pocet_cizincu#cr) (October 28, 2018).

At the end of 2017, over half the foreigners (54.9%) staying in the Czech Republic were nationals of one of these three countries: Ukraine, Slovakia and Vietnam (Ministry of the Interior of the Czech Republic, 2018, p. 69)<sup>37</sup>. With the total number of 117,480, Ukrainian nationals represented in 2017 the largest immigrant group in the Czech Republic. In the recent years, there was a qualitative change in the migration of Ukrainians to the Czech Republic, as Ukrainian nationals have increased their interest in permanent residence, which was mostly associated with the worsening of political situation in Ukraine and the war in Donbass. At present, the majority of the Ukrainian nationals in the Czech Republic are holders of permanent residence permit (Statistika & My, 2018; cf. Drbohlav – Jaroszewicz, 2016). The nationals of Russia and Vietnam are also major holders of permanent residence, in contrast to Slovaks and Germans, most of whom reside in the Czech Republic temporarily.

**Table 1. Top 5 Immigrant Groups in the Czech Republic: 2014–2017**

Year	Type of Residence	Ukraine	Slovakia	Vietnam	Russia	Germany	Foreigners total
2014	<b>Total</b>	104,388	96,222	56,666	34,684	19,687	451,923
	<b>Share</b>	23.1 %	21.3 %	12.5 %	7.7 %	4.4 %	100 %
	<b>Permanent</b>	74,031	38,972	45,582	18,770	4,524	251,342
	<b>Temporary</b>	30,357	57,250	11,084	15,914	15,163	200,581
2015	<b>Total</b>	106,019	101,589	56,958	39,972	20,464	467,562
	<b>Share</b>	22.7 %	21.7 %	12.2 %	7.5 %	4.4 %	100 %
	<b>Permanent</b>	77,603	41,739	47,019	19,703	4,465	261,553
	<b>Temporary</b>	28,416	59,850	9,939	15,269	15,999	206,009
2016	<b>Total</b>	110,245	107,251	58,080	35,987	21,216	496,413
	<b>Share</b>	22.0 %	21.6 %	11.7 %	7.3 %	4.3 %	100 %
	<b>Permanent</b>	81,209	44,799	48,571	20,763	4,460	273,399
	<b>Temporary</b>	29,036	62,452	9,509	15,224	16,756	223,014
2017	<b>Total</b>	117,480	111,804	59,808	36,840	21,261	526,811
	<b>Share</b>	22.3 %	21.2 %	11.4 %	7.0 %	4.0 %	100 %
	<b>Permanent</b>	83,488	47,519	50,249	21,319	4,459	282,732
	<b>Temporary</b>	33,992	64,285	9,559	15,521	16,802	244,079

**Source:** Ministry of the Interior of the Czech Republic

### 3. Development of the Czech migration policies: 1989–2018

The current management of international migration in the Czech Republic is subject to several legal regulations: the *Foreigners Act*, the *Refugee Act*, the *Employment Act*, the *Temporary Protection Act*, the *Border Protection Act* and their later amendments (cf. Ministry of the Interior 2017)<sup>38</sup>. However, for understanding of the context of migration policies, it is important to understand its development. In the following paragraphs, we will build on existing extensive coverage of the developments of migration policies in the first two decades (1989-2008/11), which are usually divided into several phases. These phases are defined by the degree of liberality or degree of restraint of the migration policies (Baršová – Barša, 2005, 2006; cf. Drbohlav, 2009a; 2010) respectively and by the aim in integration

<sup>37</sup> We can observe a stable yet slow increase in the total numbers of nationals of Ukraine, Slovakia, Vietnam, Russia and Germany.

<sup>38</sup> Acts no. 326/1999 Coll., no. 325/1999 Coll., no. 435/2004 Coll., no. 221/2003 Coll. and no. 191/2016 Coll.

or in 'circulation' of foreigners (Kušniráková – Čižinský, 2011). The third decade (2008/11-2018) is covered on the basis of non-academic reflection of the developments in the sphere of policy-making.

The first phase of Czech, or Czech and Slovak migration policies is associated with the first half of the 1990s<sup>39</sup>. Barša and Baršová (2005, pp. 221-222) characterise this period by liberal or even a libertarian "laissez faire" spirit of the post-revolutionary era, which was marked by a vital change in the political and socio-economic conditions in the country, by little experience with policy-making in general and migration management in particular. This period was marked by a non-systematic, hasty adoption and realisation of new migration policies, which would correspond to the new political direction of the country<sup>40</sup>. Hereby, the policy-makers had to deal with the inherited centrally-directed "socialist" migration management structures (Kušniráková – Čižinský, 2011, pp. 504-505; cf. Drbohlav et al., 2010, pp. 71-72, 74, 135-136; Drbohlav et. al., 2009a, p. 48; Čaněk – Čižinský, 2011, p. 332). In general, the state had adopted a passive yet "tolerant" approach to foreigners (Baršová – Barša, 2005, p. 222). The "tolerance" was seen also in the fact that the new Aliens Act of 1992<sup>41</sup>, which replaced the 1965 norm, imposed virtually no obstacles to legal residence of foreigners. The regulation enabled them to apply for a long-term stay permit directly on the territory of the state. Illegal work was not seen as a problem during this period. However, for foreigners there was no legal possibility of permanent residence or naturalisation, except for marriage a Czech citizen, in case the foreign national did not have any previous family ties in the country (Drbohlav et. al., 2010, p. 72; Drbohlav et al., 2009a, p. 46).

The second developmental period of the Czech migration policies covers the second half of the 1990s. This period is characterised by rising restrictiveness of immigration regulations and immigration practice, but also by increased refinement and further institutionalisation of the migration policies and practice with regard to entry, residence and conditions, citizenship acquisition and integration procedures. The trend towards restriction is related to the internal conditions such as the rising number of foreigners who were working irregularly in the Czech Republic, rise in the unemployment rate and overall downturn of economic conditions since 1997–1998, but also to rising illegal migration and claims for international protection (cf. Drbohlav et. al., 2010, pp. 65-68, 43-46; Drbohlav, 2003, pp. 198, 201ff.). On the other hand, the need to meet the requirements for the planned membership of the European Union and to harmonise the national law with the EU regulations was seen as a factor driving these developments. The adoption of two key legal regulations, which came into force on 1st January 2000: the *Foreigners Act* and the *Refugee Act* is considered a culmination of the trends characteristic of this period. The former introduced a restrictive mode for visa application and residence of foreigners, thus ending the liberal practice of the previous era<sup>42</sup>. The *Refugee Act* was seen as in many

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**39** Drbohlav et al. (2010, pp. 71-74; 2009, pp. 45-48) compared to Kušniráková and Čižinský (2011) and Baršová and Barša (2005) put the periodisation of the 1990s slightly differently. Drbohlav et. al. (2010) see the 1990s' milestones in 1990, 1992 and 1998/1999). Hereby, already in the period 1992-1998, they observe restrictions in the migration policies, e.g. the Act no. 190/1994 Coll.

**40** Already in 1990, the basic norms for refugee protection shared by democratic states – the 1951 Convention and 1967 Protocol – were adopted. These norms were supplemented by the National Refugee Act no. 498/1990 Coll. and by programmes aimed at integration of refugees and compatriots from Ukraine, Belarus and Kazakhstan. Since 1994, a state integration programme focusing on refugees called "State Assistance Programme for Integration" has been in effect. The Employment Act no. 1/1991 Coll. and the Trade License Act, which was adopted in the same year, provided the basis for legal economic migration.

**41** No. 123/1992 Coll.

**42** The Foreigners Act. (no. 326/1999 Coll.) introduced two residence modes: temporary (short- or long-term) and permanent stay. Those who were concerned (e.g. citizens of Ukraine, Russia, Belarus, who have been subject to visa requirements since 2000) had to apply for visa, residence permits or their extension at Czech embassies or consulates in the country of their origin. However, after ten years of long-term residence, immigrants had an opportunity to apply for a permanent status, which theoretically meant a path to Czech citizenship. The Act has been subject of numerous amendments - already in 2001, a minor liberalising amendment (no. 140/2001 Coll.) was passed aimed at solving certain shortcomings of the 1999 version of the Act.

respects as favourable for the asylum seekers, but was followed by further restrictive measures<sup>43</sup> (Drbohlav, 2004; Čaněk – Čižinský, 2011, pp. 333-334; Baršová – Barša, 2005, pp. 223-224; Drbohlav et. al., 2010, pp. 73-76; Drbohlav et. al., 2009, p. 48-49). A further development was observed also in integration policies. In 1999, partly as a response to the growing number of foreign citizens residing in the Czech Republic the first complex document was released focusing on foreigners' integration. The goal of the document entitled *Principles of the Concept of Immigrant Integration in the Territory of the Czech Republic* was the creation of conditions for the development of good relations between communities. In 2000, the principles-specifying document called *Concept of Immigrant Integration in the Territory of the Czech Republic* was released. Despite some of their flaws<sup>44</sup>, these two strategic documents, as well as the following analyses of the status of foreigners, contributed - at least on a paper – to a shift of the Czech integration policies towards to a "culturally tolerant civil integration" (Barša – Baršová, 2005, pp. 233-236; cf. Drbohlav et. al., 2010, pp. 76-77; Drbohlav et al., 2009, p. 50).

The third phase of the development of Czech migration policies can be framed by the adoption of the *Refugee and Foreigners Acts*<sup>45</sup> and by the global economic crisis. Particularly the first part of this period was characterised by continued aims to consolidate new directions and policies, to specify, institutionalise and strengthen rules of entry and residence in the territory of the state, and on the other hand to create a more conceptual and active approach to Czech migration policy (Drbohlav et. al., 2010, pp. 74-78; Kušniráková – Čižinský, 2011, p. 498). This can be demonstrated on the adoption of the *Principles of the government's policies on international migration* in 2003<sup>46</sup> and a related *Action Plan for Combating Illegal Migration* of February 2004, aimed at minimising illegal migration and illegal economic activities of foreigners. The development towards a more conceptualised and active stance to migration policy was, however, considered as limited due to the primacy of law over politics, or the harmonisation with the EU law (Baršová – Barša, 2005, pp. 224-225; cf. Čaněk – Čižinský 2011, pp. 340-341)<sup>47</sup>. Along with the harmonisation processes, a number of both restrictive

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**43** Among others, the act no. 325/1999 Coll. allowed the asylum seekers to stay outside asylum facilities, to apply for financial support up to the subsistence level, or to enter the Czech labour market without the need to apply for a work permit. The act incorporated also the Dublin Treaty provisions regarding the distinction of asylum seekers and introduced the definition of the status of unjustified asylum application. However, the act was soon followed by a restrictive amendment (no. 2/2002 Coll.) which aimed to limit the sharply growing numbers of the 'unjustified' asylum applications: the statistics reached 8,788 in 2000 and 18,094 in 2001.

**44** This document, which was further updated in 2008, 2009, 2011-2014 and 2016, addressed in a more detailed way the division of competencies and implementation of programmes aimed at advocacy among both the Czech citizens and foreigners. However, the implementation of the programme saw a number of obstacles including limited funding and missing organisational basis.

**45** The 1999/2000-2008 period is divided by Kušniráková and Čižinský (2011) and Drbohlav et. al. (2010, pp. 74-85; 2009, pp. 48-54) into two parts defined by the years 2000, 2004/2006 and 2008, and 1999, 2003 and 2008. As there are to be found overlaps in the developments characterising the 1999-2008 time-span, we will consider it as one extended period.

**46** The Principles were considered as too general; they were not seen as able to fulfil the role of strategy on which to base immigration policies. According to Baršová and Barša, the *Principles* document does not 'even indicate the answer to the basic question of how many and what type of migrants the state is supposed to accept'. The missing vision of the Czech migration policy and overall passive approach to policy-making combined with bureaucratic migration management and related political way of communicating the issue of migration have left their mark. This was also intertwined with the aforementioned processes of harmonisation with EU law, which was prioritised by the relevant part of the state administration (Baršová – Barša, 2005, pp. 225-226; cf. Drbohlav, 2005; 2003, p. 213). Despite a recommendation for an early adoption of a more elaborate migration strategy, this was not adopted until 2015.

**47** Most of the legislative acts adopted before 2004 came into force after the EU accession. The harmonisation with the EU law was realised among others via the Act no. 221/2003 Coll., which incorporated the institute of temporary protection as set by the directive 2001/55/EC, Act no. 57/2005 Coll., which incorporated the directive no. 2003/9/ES establishing minimum standards and norms for asylum seekers reception and the directive no. 2003/86/ES on the right to family reunification; the act also reflected on the Council regulation no. 343/2003 (Dublin II.), which sets the criteria and procedures for determining the member state responsible for examining an asylum application and the act no. 165/2006 Coll, which incorporated the concept of temporary protection, the qualification directive and subsidiary protection.



and liberalising amendments of both the *Refugees Act*<sup>48</sup> and the *Foreigners Act*<sup>49</sup> were adopted (Drbohlav et. al., 2010, pp. 75-84; Drbohlav et. al., 2009, pp. 48-52). Moreover, the issue of border protection was specified in the new act on the protection of the state borders<sup>50</sup>.

The second half of the 2000-2008 period is marked by liberalisation of the migration policies and foreign employment-enhancing programmes that can be associated with economic growth, low unemployment rates and demand for labour force. Already in 2003 a pilot project was started aimed at the recruitment of highly qualified foreign workers, who were invited to settle in the Czech Republic together with their families. In 2004 the new *Employment Act*<sup>51</sup> further specified the conditions for foreigners' employment, with overall effects on the liberal-restrictive scale described as neutral. 2007 saw the *Green cards* project, aimed mainly at the support of short-term legal migration and work as prevention of irregular economic migration<sup>52</sup> (Kušniráková – Čížinský, 2011, p. 498ff.; Drbohlav – Valenta, 2014, pp. 44-45; Drbohlav et. al. 2010, pp. 78-83; Drbohlav et al. 2009, pp. 51-52; Čaněk – Čížinský, 2011, pp. 338-339; Baršová – Barša, 2005, pp. 229-231).

The post-2004 period is also characterised by further conceptualisation of integration policies. In 2005 an updated *Concept of the Integration of Foreigners*<sup>53</sup> was introduced. The *Concept* newly defined goals and requirements for migrants' integration, including knowledge of the language, identification with socio-cultural values and requirement of economic self-sufficiency of migrants, particularly those staying in the Czech Republic for more than one year. As a part of the integration programme, activities were presented, which were to improve relations of immigrants and the Czech society in a longer term (cf. Drbohlav et. al., 2010, pp. 83-85). However, this period already saw highly problematic practical implementation of the previous 1999 *Principles for the Concept of Immigrant Integration* as the local and regional administrative bodies, which were considered key to its success, were not significantly involved until 2008 (Drbohlav et. al., 2010, pp. 76-77).

Since 2008 we can observe a double-track approach in Czech migration policy: on the one hand, even in the aftermath of the 2008 crisis, there were legislative and non-legislative acts discussed and adopted, aimed at inviting selected economic migrants. On the other hand, there were also restrictive steps taken, which might have contributed to the worsening of domestic economic conditions in the context of the global economic crisis (Pospíšil, 2009; cf. Čaněk – Čížinský, 2011, pp. 341-343; Drbohlav et. al., 2010, pp. 110-117, pp. 139-147; Drbohlav et. al. 2009, pp. 60, 66; Kušniráková – Čížinský, 2011, p. 498). These restrictions had taken the form of numerous amendments

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**48** Besides a restrictive amendment to the Refugee Act no. 2/2002 Coll., this period also saw the adoption of the liberalising amendment no. 217/2002 Coll., which simplified the asylum procedure and provided the unsuccessful asylum seekers with a possibility to appeal to the higher instance.

**49** Amendments of the Foreigners Act included the acts no. 140/2001, no. 151/2002, and no. 222/2003 Coll. The last mentioned liberalised the position of the EU, EEA and Swiss nationals, who were no longer obliged to apply for a work permit or residence permit. Further amendments included a slightly liberalising amendment no. 428/2005 Coll., which incorporated directive no. 2003/86/EC on family reunification of third countries' nationals, the Act no. 161/2006 Coll., which halved the time required to obtain a permanent residence permit to 5 years. This in practice meant shortening of the waiting period for Czech citizenship by up to ten years. The amendments to the Foreigners Law included also the restrictive Act no. 379/2007 Coll., which delimited possibilities for gaining a permanent residence of a family member of Czech or EU nationals (this was possible after at least two years of stay in the Czech Republic and at least one year in the particular family relation) and incorporated the Schengen acquis needed in the context of joining the free movement area in December 2007.

**50** The Act no. 216/2002 Coll. The Act was amended via Act no. 191/2016 Coll. Since 2007 the inter-departmental coordination and cooperation of the border protection should be ensured by the Analytical Centre for Border Protection and Migration.

**51** Act no. 435/2004 Coll. was later amended by the Act no. 101/2014 Coll. (cf. Ministry of the Interior, 2015).

**52** This project, based on the Act no. 382/2008 Coll., started in 2009. It was aimed at supporting the short-term (in)flow of the needed labour force – both at lower and higher-skilled levels – in larger industrial factories. However, the project has had a number of conditions and limitations, which are mentioned in the referenced literature.

**53** Adoption of this document accompanied a temporary transfer of the responsibilities for the integration policies from the Ministry of the Interior to the Ministry of Labour and Social Affairs (2004) and back to the Ministry of the Interior (2008).

to the *Foreigners Act* and the *Refugee Act*, which were criticised by both non-governmental and state actors<sup>54</sup>. When considered as an interconnected process encompassing the daily bureaucratic routines, strategic-political decisions and discursive practices of policy-makers, these steps can be considered as leading to the securitisation of migration.

When discussing the promotion of economic migration, besides *Green Cards*, the *Blue Card Project* was introduced with the goal to invite highly qualified workers from the third countries to fill specific job positions on the Czech labour market (Drbohlav – Valenta, 2014, pp. 47-48; Ministry of the Interior, 2012, pp. 70-71)<sup>55</sup>. Among the non-legislative regulations of economic migration, a new concept of economic migration was discussed. The document was expected to have provided a basis for new legal regulation of conditions of entry, work and residence of third-state nationals on the territory of the Czech Republic (Ministry of the Interior, 2011; Ministry of the Interior, 2012, pp. 21ff., pp. 65-73 cf. Jelínková/MKC, 2011; MKC, 2011)<sup>56</sup>. Since 2012, several *ad hoc* projects seeking to promote economic migration have been launched under the auspices of various ministries; particularly, these projects included *Fast Track* focused on recruiting qualified and highly qualified workers from Ukraine, but also those aimed at inviting workers from countries such as the Philippines and Mongolia (Ministry of Labour and Social Work, 2017; Ministry of Foreign Affairs, 2017; Ministry of the Industry and Trade, 2018). With regard to the legal regulation of employment migration, Act no. 101/2014 Coll. was considered as one of the most important amendments of the *Act on Employment* and the *Foreigners Act* since the adoption of Green Card System in 2008. It aimed to implement the Directive no. 2011/98/EU to establish a so-called “single permit” procedure for third-country nationals to reside and work on the territory of a Member State and a common set of rights for third-country workers legally residing in a Member State (Čižinský, 2014; cf. Drbohlav – Valenta, 2014, p. 44; Ministry of the Interior, 2015, pp. 17-20)<sup>57</sup>.

The restrictive amendments of the *Foreigners Act* passed in 2011 and 2017 were subject to numerous debates and criticism due to its negative impacts on foreigners staying in the country<sup>58</sup> (Consortium, 2011; cf. Ministry of the Interior, 2012, pp. 21ff., 65-73), 2013<sup>59</sup> (Čižinský – Holá, 2013;

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**54** As will be seen below, in the discussions on the proposed amendments between 2011 and 2018 which might well shed light on the processes of tightening of the rules for foreigners residing and working in the Czech Republic, the ambiguity of which was repeatedly pointed out, including the proposed and adopted legislative and non-legislative acts, excessive restrictiveness on the status of the nationals of the third countries, their employment, residence status and integration possibilities, but also the status of their family members.

**55** The project was based on transposition of the EC directive 2009/50/EC, via the Act no. 427/2010 Coll. The impact of both, Green card and Blue card projects was in its beginnings considered as limited (Drbohlav – Valenta, 2014, p. 65)

**56** This project proposal was considered as too broadly conceived and opaque; moreover, it was considered as repressive and disregarding basic needs of immigrants as well as the potential contributions of migrants and immigration in general. Particularly the aim to “manage” migration was criticised, and the overall utilitarian perspective – which was related to the proposed concept of circular migration as well as ignoring the West-European experience with limiting the rights of economic migrants. It was stated that the project had no basis in existing legislative framework and that the proposal as such could lead to further decrease in economic migration.

**57** The main risks of the amendment included bureaucratic limitations of foreign employees and the constriction of the labour market as a result of its de-facto control by the administratively malfunctioning Ministry of the Interior. Criticised was also the fact that foreign workers were not allowed to work during the prolongation process for their work permit, which was solved in the 2015 amendment (cf. <https://apps.odok.cz/veklep-detail?pid=K0RNA33JQKVE>), and a trend towards moving in an anti-integrational direction via creation of categories of unemployed foreigners (cf. Chamber of Deputies of the Czech Republic, 2014). The 2015 amendment itself introduced new regulation of the health insurance and strengthened the role of the secret services.

**58** Overall, the 2011 draft was considered as having negative impacts on the position of foreigners in the society, their integration, issue of health insurance, conditions of employment and responsibility of employers towards migrants, complexity of bureaucratic measures related to the foreigners’ stay in the country but also establishing themselves in the country and journeys to foreigners’ home countries.

**59** The 2013 proposal was considered as weakening the procedural rights of foreigners, worsening the status of foreigners with permanent residence permit and unjustly differentiating between the family members of the Czech citizens and family members originating in the third countries and family members of EU nationals. Criticism was also raised against the regulation of

Consortium, 2013). The latter of which was considered by representatives of non-governmental organisations, but also by state representatives as inconsistent with the European and Czech Constitutional Law and with the internationally binding human rights agreements in that it was constraining the rights of migrants living and working in the country as well as of the Czech citizens who had foreigners as family members in an unacceptable way. Overall, the amendment was considered as imposing restrictions on migrants' access to the labour market in times of economic growth and increasing the need to increase employment in domestic companies (Consortium, 2017a; cf. Jungwirth, 2017; Sedláčková – Erhart, 2017; Sedláčková – Čihák, 2017; Ministry of the Interior, 2018, pp. 22-24). Moreover, the latest amendment of the Foreigners Act has met with criticism by non-governmental migrant-assisting organisations, which considered it as opposing integration, employment, and family life. As particularly problematic was seen the proposal of transferring the costs of integration to the foreigners, too vaguely set mechanism for setting quotas for economic migration and model of so-called "special work visa", which should be granted for one year without a possibility to prolong the stay in the Czech Republic<sup>60</sup> (Consortium 2018a; 2018b; Jungwirth – Chrzová, 2018).

Due to their overall restrictiveness also the 2012<sup>61</sup> (Holá, 2012) and the 2016 amendments<sup>62</sup> to the *Refugee Act* (Tatcheva – Holá, 2016) have been considered as problematic from the perspective of non-governmental organisations, immigration and asylum lawyers.

It is to be noted that migration has not become politicised either via parliamentary discussions, political party platforms or in public debate until late 2014/2015. Čaněk and Čižinský (2011, pp. 341-343) refer in this sense to the 'closed-door' policy-making. Nevertheless, this changed with the so-called migration crisis. Since 2015, migration has been one of the most controversial political issues on the Czech political scene (Jungwirth, 2016, 2017). Besides a trend to increased politicisation, we can observe also the increased political securitisation of the issue of migration via political discourse, but also via practices of the migration managing bodies. In the context of securitisation of economic migration practices of the Ministry of the Interior were discussed in particular, and criticism voice for criminalisation of economic migrants by NGOs, but also by Committee on the Rights of Foreign Nationals of the Czech Government Council for Human Rights (Government, 2017; Čaněk, 2017), particularly for introducing measures that should enhance security and public order in industrial zones, which generally come with a higher concentration of foreigners.

The trend toward securitisation, or an application of security – and marginally also human rights – perspectives of bureaucratic policy-makers was developing already since 2001 (cf. Čaněk – Čižinský, 2011, pp. 341-343). The security perspective of the bureaucratic or bureaucratic-political apparatus can be demonstrated on several strategic documents, which include the *Strategy of Migration Policies of the Czech Republic* issued in 2015 (Ministry of the Interior 2015b). This document has been first of its kind during the three decades of the Czech migration policies. However, it was criticised by the

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monthly minimal means to be granted residence, and the condition of the knowledge of the Czech language. Moreover, the proposed amendment was considered as using obsolete concepts and terms and was seen as introducing an even more complex regulation of the Act.

**60** Criticised was also strengthening of the rules for issuing the employment cards and incomplete or incorrect transposition of the Directive 2016/801/EU.

**61** In the 2012 amendment, unsatisfactory implementation of the recast version of the qualification directive was questioned (no. 2011/95/EU), but also the practice of detention of the asylum seekers and their obligation to remain in the reception centre which might limit their basic rights.

**62** The 2016 amendment was considered as overly restrictive, particularly in the length of the waiting period for the decision on the international protection and in the incomplete transposition of procedural directive (no. 2013/32/EU) and the reception directive (no. 2013/33/EU).

non-governmental organisations as based primarily on the negative and security perspective of migration<sup>63</sup> (Consortium, 2015). The *National Security Audit* (Government, 2016) is yet another document reflecting the security perspective of the bureaucratic-political apparatus, which was prepared by the government of Bohuslav Sobotka in 2016. The document mentions the security aspects of migration among the ten possible threats for the Czech Republic; hereby, it refers to the threats of illegal migration, but also to the dangers resulting from insufficient integration of legal migrants, particularly from radicalisation of members of immigrant communities and terrorism (Government 2015)<sup>64</sup>.

## 4. Economic migration

Due to its geographical location and relatively mature economy, the Czech Republic has been an immigrant country for quite some time. Although no exact data are available, it can be concluded that most of the immigration to the Czech Republic has an economic background reflecting indirectly the long-term predominance of men<sup>65</sup> among immigrants and their age composition, most of them at the beginning of a career (Czech Statistical Office, 2016, p. 47). There is a strong demand for labour on the Czech market, especially in the areas of the secondary sector of the economy. The main determinants of pull-side of immigration are mainly economic development and demographic trends (Popovová, 2009).

In the period 1990-2010, two turning points stand out in relation to economic migration: the economic downturn following 1998; and the global economic crisis of 2008. After the rapid growth of economic activities of foreigners in the first half of the 1990s, when the numbers of economically active foreign nationals rose from approximately 52 thousand (0.98% of the total labour force) in 1993 to almost 200 thousand in 1997 (3.78% of the total labour force) (Drbohlav et. al., 2010, pp. 42-43, cit. Horáková, 2007; cf. Drbohlav et. al., 2010, pp. 65-67), the growth in foreigners' employment stagnated around 3% (approximately 160 thousand economically active persons). On the heels of the economic recovery, the numbers of the foreign workforce started to grow after 2000.

Since the beginning of this millennium, Czech Republic has been experiencing an unprecedented increase in labour migration, both in terms of the influx of foreign workers and also the outflow from the country. This increase was particularly supported by the country's accession to the EU in 2004. Since then, citizens of the EU/European Economic Area or Switzerland and their family members are no longer considered as foreigners by Czech law and are granted the same legal status as Czech citizens, meaning free access to the labour market in the country. Other third-country nationals can work in the Czech Republic under the condition of having been granted a work or a residence permit.

Due to the accession to the EU, major amendments have been implemented into the Czech law and as a result the policy in the mid-2000 was shifting towards a more liberal approach. The Czech economy experienced a period of growth and the unemployment rate has been gradually declining to about 5%.

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**63** This was demonstrated by the inclusion of security issues such as organised crime or human trafficking in the first place. Moreover, emphasis was put on the economic interests of the state and on the socio-cultural differences and downplaying of issues of basic human rights and needs of the migrants, liberal-democratic values, ethical considerations of migration and integration.

**64** The document further considers unmanaged migration as one of the hybrid threats. The audit stipulates that rigorous management of migration and integration is one way to eliminate the identified migration-related threats. The document also explicitly makes a reference to the threats related to international migration defined in subsequent strategic-conceptual documents, such as the Security Strategy of the Czech Republic, which was updated in 2015.

**65** Men traditionally migrate more for the purpose of economic activities, while women often follow in the process of family reunification.

In 2008, the officially registered foreign workforce exceeded 360 thousand (6.43% of the total workforce) (Drbohlav et. al., 2010, pp. 42-43, cit. Horáková, 2007). The situation changed when the crisis hit the Czech economy in 2008.

The global economic crisis of 2008 had a considerable impact on the numbers of foreigners coming into the country; hereby, the year 2008 did mark a rapid outflow of the foreign workforce. The impact of the crisis can be highlighted by the increase in job applications between 2008 and 2009. The increase was higher for foreigners working in the Czech Republic – for third-country nationals it was about 45%, for nationals from the EU/EEA or Switzerland it was around 60% (comparing to the Czech citizens for whom the increase as was about 42% (Drbohlav, 2010, pp. 144-145). As a response to the crisis, the Czech government introduced a set of restrictive measures with the aim to limit the access of foreign labour to the Czech market and simultaneously protect the Czech labour force (Drbohlav – Valenta, 2014, pp. 44-45). One of the measures involved was introduction of return programmes which were supposed to encourage foreign workers who had lost their jobs to return to their home countries.

Overall, between 2008 and 2012 third-country nationals employed in the Czech Republic decreased rapidly. Over the four years, the number of work permits issued to third-country nationals fell by more than 70%. However, in comparison with other EU member states, it still remained relatively high. Brychta (2013) points out that this figure doesn't have to be associated with the restrictive measures but could be potentially viewed as a consequence of developments in the Czech labour market as the decrease in job vacancies in economic sectors traditionally employing third-country nationals<sup>66</sup> and also the rising number of jobseekers from Bulgaria and Romania as a new competition (Brychta, 2013). Despite the fact that the economic crisis was predicted to lead to outflow of the workforce, the crisis rather led to a stabilisation of the migrants coming from the third countries (Drbohlav et. al., 2010, p. 141, cit. Horáková, 2010) and to a change in strategy of participation the labour market, which often took a form of a shift from the employees' position to entrepreneurship (Drbohlav et. al., 2010, pp. 144-145; cf. Drbohlav, 2011, pp. 405-407; cf. Drbohlav – Valenta, 2014, pp. 54-61).

After the period of coping with the crisis and the recession in 2012 and 2013, the economy started to recover and the year 2014 represented a new period of growth for the economy. High domestic demand was especially the source of the strong growth. During the years 2014-2018 unemployment in the Czech Republic dropped significantly to a historically low level<sup>67</sup>. Furthermore, the demand for the labour force has been steadily increasing. However, the growth of the economy and demand for labour force has not been accompanied by the corresponding increase in economic immigration (Czech Statistical Office, 2016, pp. 5-7). As a result, the Czech labour market has been currently struggling with a shortage of labour, while the largest shortages are in manual labour (Vyhlídal – Jahoda – Godarová, 2017, p. 44).

The shortage of labour force is one of the most significant long-term problems of the Czech economy. This issue is closely related to the demographic trends underway in the Czech society. The Czech lands have experienced a drop in fertility rate that projected itself into a lower birth rate and decline of the natural increase since the end of the 1970s (Drbohlav, 2009b, p. 41). Even though it is generally easy to perceive immigration as a solution to low birth rates and a shift away from economically active population, it is necessary to consider the broader context of the phenomenon which is the overall demographic change in modern societies. According to the projection of the Czech Statistical Office

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<sup>66</sup> Mainly construction and manufacturing.

<sup>67</sup> In 2018 the unemployment rate fell to 2.2% (Czech Statistical Office, 2018).

for the demographic development of the Czech Republic until 2100<sup>68</sup>, a long period of population decline is expected in the future. This phenomenon is not specific only to the Czech society, as many other European countries are struggling with the same problem. As the study of the Research Institute of Labour and Social Affairs explains, the Czech Republic is entering the phase for which one of the fastest growing indicators will be the average age of the population as a result of a combination of a permanently low birth and mortality rate. Immigration can compensate to an extent for the overall population decline, but it is certainly not possible to compensate for long-term effects of population aging through migration (Vyhlídal – Jahoda – Godarová, 2017, pp. 72-73; cf. Migration Consortium, 2017b).

We can distinguish two types of economic migrants in the Czech Republic: employees and entrepreneurs. In 2017 there were 472,354 foreigners in the Czech Republic registered as employees. Of these, 70% were nationals of the EU/EEA or Switzerland with free access to the Czech labour market. Traditionally, except for the non-EU countries, the nationals of Ukraine, Russia and Vietnam have the highest representation. In 2017, a total of 87,228 entrepreneurs who were foreign citizens were registered, most of them nationals of Vietnam, Ukraine and Slovakia. These three nationalities account for more than two-thirds of all entrepreneurs who are foreigners in the Czech territory (Ministry of the Interior of the Czech Republic, 2018, p. 3). Among the foreigners, the number of auxiliary and unqualified applicants is significantly higher among all employed persons on the labour market in the Czech Republic, especially among foreigners from non-EU countries (Vyhlídal – Jahoda – Godarová, 2017, pp. 72-73).

## 5. Emigration

Despite some assumptions, the Czech Republic did not become an emigration country after 1989. The relative political stability and democratic development without dramatic economic downturns are the main reasons for the relatively insignificant rates of emigration. As such, emigration from the Czech Republic is – in contrast to the previous period – motivated primarily economically (Drbohlav et. al., 2010, pp. 23-30; cf. Wallace 2002, pp. 604-606). Hereby, it is difficult even to estimate any precise figures on the Czechs living and working abroad due to the insufficient mechanisms of data collection and processing, shortcomings in monitoring movements of individuals and their classification on both micro and macro levels, and also due to marginal interest in these issue of the research circles (Drbohlav et. al., 2010, pp. 31-33; Drbohlav, 2003, pp. 197-198). According to Drbohlav (2003), the outflow of Czechs abroad to the West peaked between 1991-1993. Germany was considered as the main target of temporary work migration; an increase up to 50,000 Czechs working in Germany including illegals and commuters within the border zone was estimated in 1992. In 1995, the figure decreased to 35,000–50,000 by estimate, which was due to rather restrictive measures introduced by Western European countries in the mid-1990s. The Western-European labour markets were then considered less attractive for the Czech workers (Drbohlav, 2003, p. 199; Wallace, 2002, pp. 604-606).

The emigration rate has slightly increased after the accession of the Czech Republic to the EU. People migrated for work especially to Great Britain (cf. Janurová, 2018), Ireland and Sweden, that

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<sup>68</sup> Czech Statistical Office (2013). *Projekce obyvatelstva České republiky do roku 2100. /Projection of the population of the Czech Republic until 2100.*

is the EU member countries that did not require transitional periods for free movement of labour. However, in comparison with other CEE countries, the number of Czech nationals emigrating was still quite low. Annually, Czech citizens immigrating to the EU countries ranged from 10,000 to 13,000, with the exception of two years after joining the EU, when about 20,000 persons left the Czech Republic (Drbohlav et. al., 2010, p. 38). Working abroad is attractive for the Czech people, especially due to the wage differences in certain professions (mainly healthcare and social care). Most of the movement is however short-termed and to the neighbouring countries, namely Austria and Germany (cf. Drbohlav – Pavelková, 2018). Those individuals who move are usually from the less economically developed regions close to the borders (Czech Statistical Office, 2016, pp. 66-68).

## 6. Irregular migration

Presence of irregular migrants has been considered as one of the characteristics of the Czech Republic as an immigration country since the early 1990s (Drbohlav et. al., 2010, pp. 45-48; Drbohlav, 2011). Irregular position of foreigners is closely related to economic activities and stay of the foreigners on the territory of the country; it has been pointed out that there has been a noticeable decrease in illegal crossings of the state border since the early 1990s (Drbohlav et. al., 2010, pp. 43-48; Drbohlav, 2011, p. 407). In other words, it is presumed that in the Czech Republic, besides the relatively high numbers of economically active foreigners, a relatively high number of unauthorised workforce is active in the “grey market”. The total numbers of migrants irregularly residing in the Czech Republic or the extent of unauthorised economic activities of foreigners are hard to estimate, although as the main statistical source we can refer to the Foreign Police database. According to some estimates, the unauthorised workforce may reach the numbers of the registered workforce (Drbohlav, 2011, p. 407).

In 2007 the Czech Republic became a member of the Schengen area and since then two basic categories of illegal migration have been recognised in accordance with Czech law – illegal crossing of the external Schengen border and illegal stay on the territory of the Czech Republic<sup>69</sup>. Right after the entry to Schengen, from 2008 a significant drop of detainees for illegally crossing the borders had been observed as the border checks were removed. Therefore, vast majority of illegal migration detected on the territory of the Czech Republic is attributed to unauthorised migrants who stay and work on the territory illegally (Ministry of the Interior of the Czech Republic, 2018, p. 120)<sup>70</sup>.

The demand for cheap labour was always an incentive for the grey economy to flourish on the Czech market. The wide social tolerance for unregistered employment with its roots in the communist era as well as established lobby of intermediaries and brokers also contributed to making the Czech Republic a destination for illegal migration. Most of the irregular labour migrants on the Czech market come from economically less developed countries, namely Ukraine, Moldova, Russia and Belarus. They usually fill the posts in labour intensive, demanding and poorly paid jobs that most Czechs view as unattractive like for example construction, home-cleaning and care, agriculture/forestry, hotels and restaurants (Drbohlav, 2009b, p. 27).

In recent years, there has been an increase in illegal migration in the Czech Republic, the rate growing approximately 7-16% per year since 2011. The reasons for that are mainly the economic

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<sup>69</sup> The category of illegal stay also includes the illegal migration of persons moving across the territory by land or via the internal Schengen border to other European countries (Ministry of the Interior of the Czech Republic, 2018, p. 120).

<sup>70</sup> Illegal crossings are still detected at international airports.

crisis hitting the Czech market in 2009 and subsequent restrictive measures of the Czech government aimed at foreigners, which caused many of them to go into illegality, as well as the intensification of irregular migration flows into Europe in the context of the war in Donbass and the so-called migration crisis. A big leap happened especially in 2015, when the rate rose sharply compared to 2014 by 77.6% (3471 persons). Of the total number of detained persons in 2015 (8563), 97.2% were detected illegally and only 2.8% were detected illegally crossing the external Schengen border in the Czech Republic. Even in the times of increased irregular flows, the Czech Republic was mainly a transit country for migrants who were heading primarily to Germany (Ministry of the Interior of the Czech Republic, 2016, p. 107).

After 2015 illegal migration in the Czech Republic has begun to decrease again. The largest numbers of migrants were reported in Germany, France, Greece, the United Kingdom and Spain. These five countries together accounted for 71% of all those found to be illegally present in the EU. In the overall comparison, the numbers in the Czech Republic remain relatively low.

In terms of nationality, since 2008 the nationals of Ukraine represent the biggest group of third-country nationals detected illegally staying on the territory of the Czech Republic. In 2015, amidst of the migration crisis, the nationals of Syria replaced the Ukrainians in the first position, however, after the overall decrease of irregular migration flows to the EU, Ukrainian nationals were taking first place again in 2016 (Ministry of the Interior of the Czech Republic, 2018, p. 161).

## 7. International protection

The volume of applications for international protection in the Czech Republic has been moderately stable over the years. Since 2003, there has been a trend towards a decrease in the number of applications (Drbohlav et. al., 2010, pp. 43-45; Drbohlav – Valenta, 2014, pp. 61-63). The decrease began with the accession of the Czech Republic to the EU, especially due to the introduction of the Dublin Regulation<sup>71</sup>, which sets the criteria for determining the Member State responsible for examining an application for international protection. In 2013 only 707 persons filed such an application in the Czech Republic, historically the lowest number (Ministry of the Interior of the Czech Republic, 2017, p. 161).

The situation changed in 2014 due to the political crisis in Ukraine, which led to a significant rise in the number of application by 63.5% in comparison to 2013. With the outbreak of the 'migration/refugee crisis' the rise continued even in 2015 by another 31.9%. However, even though, the numbers of asylum seekers were rising significantly across the whole EU at that time, overall the Czech Republic was affected only marginally by the 'refugee' crisis as the overwhelming majority of asylum seekers flows to the Czech Republic were transit migration to Germany (or elsewhere). In the end, the increase had only a limited impact on the numbers of Syrian nationals' applications for international protection in the Czech Republic. Most applications in 2015 came from nationals of Ukraine, who filed almost half of the applications (45.5%). The asylum seekers from Syria were the second largest group with 8.8% (Ministry of the Interior of the Czech Republic, 2016, p. 140).

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**71** By full name - 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.



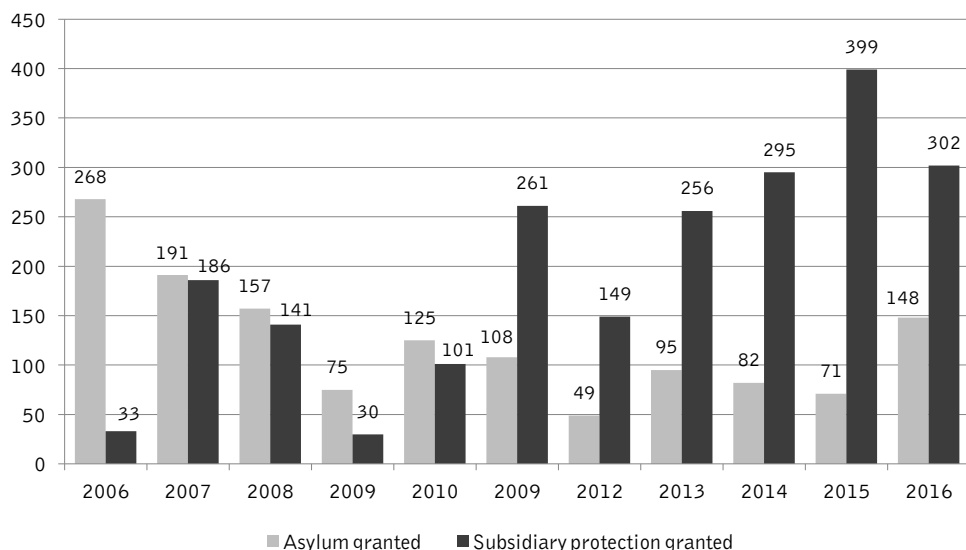
In terms of numbers of applicants, the year 2015 was exceptional for the whole EU with the highest number of filed applications for international protection since the ethnic conflict in the Balkans (1991 – 1993). The distribution of applicants for international protection has long been unbalanced and uneven across the EU countries. Compared to other Member States of the EU, the numbers of asylum seekers in the Czech Republic are still below average. The Czech Republic is not the state the asylum seekers would usually prefer to reside in and the country registers significantly less applications than neighbouring Germany, Austria and Poland. It can be assumed that part of the ‘crisis flows’ were still behaving according to the economic push and pull factors such as perception of the target country as successful from the economic and social point of view. While in the period 2008 - 2011 France was the main target country for asylum seekers in the EU, it has been replaced by Germany, where currently around one-third of all applications for international protection in the EU are registered (Ministry of the Interior of the Czech Republic, 2016, p. 208).

**Table 2. Number of submitted applications for international protection in the Czech Republic (2006–2017)**

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Number of applicants</b>	3,016	1,878	1,656	1,258	833	756	753	707	1,156	1,525	1,478	1,450
<b>Year-on-year change in %</b>	-25.0	-37.7	-11.0	-24.0	-33.8	-9.2	-0.4	-6.1	63.5	31.9	-3.1	-1.9

**Source:** Ministry of the Interior of the Czech Republic, 2006 – 2017

**Graph 5: Number of asylum granted and subsidiary protection granted 2006–2016<sup>72</sup>**



**Source:** Czech Statistical Office, 2006 – 2016.

**72** In accordance with Act No. 325/1999 Sb, on Asylum, subsidiary protection is granted to a foreigner, who is not eligible to be granted asylum, but in whose case there are justified concerns regarding the return to the country of origin, where the foreigner would face a real risk of suffering serious harm.

The nationals of Ukraine represent the main and the largest group of asylum seekers in the Czech Republic since 2004. The majority of the seekers are already living in the Czech Republic (often more than 10 years) and many of them consider obtaining an asylum as a form of legalisation of their residence status. Due to the large and relatively well-established Ukrainian community in the Czech Republic, one of the main reasons of Ukrainian nationals for flocking to the country is a family member or a close acquaintance already living on the territory (Ministry of the Interior of the Czech Republic, 2016, p. 141). The Syrian nationals who represented the second largest group of asylum seekers in 2013, 2014 and 2015 have moved down to the fourth place in 2016 and to the fifth place in the 2017. The Czech Republic is mainly a target destination for those Syrian nationals whose close relatives came to the Czech Republic in the past, or for those applicants who have close ties to the country from the past (Ministry of the Interior of the Czech Republic, 2018, pp. 162-163).

In 2017 there were 1450 applications for international protection registered on the territory of the Czech Republic (Ministry of the Interior of the Czech Republic, 2018, p. 161). In 2017 the top countries of origin of asylum seekers were: Ukraine (30%); Armenia (8.9%); Georgia (8.9%); Azerbaijan (8.8%); Vietnam (5.7%) and Syria (5.2%). In the overall number, men are in the long run predominant applicants. Their share is 70.1% in 2017 (1016 persons) (Ministry of the Interior of the Czech Republic, 2018, p. 164).

## 8. Conclusions

Already since the early 1990s, after the fall of the Iron Curtain, the Czech Republic began to shape itself as an immigration country. The country's accession into the EU, and consequently into the border free-zone, the Schengen area, particularly affected the international migration flows as major amendments have been implemented into the Czech law, one of the most significant being granting the free access to the nationals of Member States of the EU to the Czech labour market (and vice versa).

At the end of 2017, foreigners in the Czech Republic accounted roughly for 5% of the total population, below the EU average. The majority of foreigners in the country represent third-country nationals, with more than half of foreigners staying in the Czech Republic the nationals of Ukraine, Slovakia and Vietnam. Nevertheless, the share of nationals of EU Member States is steadily increasing. The composition of nationalities residing in the Czech Republic and their residence status reflects the primarily economic motivation of immigration. Most immigration has an economic background with the main determinants being strong demand pull, as the Czech market has been struggling with a shortage of labour along with the fact that the Czech Republic has been experiencing a drop in fertility rates since the 1970s. Nonetheless, it is hard to believe that a higher immigration rate could solve this issue as it principally reflects the overall demographic change in the structure of contemporary society. In 2008, Czech economy got hit by the global economic crisis which resulted in restrictive measures introduced by the government aimed at protecting the Czech labour force and limiting access of foreign labour to the Czech market. The trends characterising the current Czech migration policy, in contrast to high demand for labour force, is an increased effort to manage migration through stricter and more selective access opportunities for foreigners. In recent years, the restrictive trends in migration policies have been accompanied by explicit attempts to securitise migration in both, bureaucratic and political fields.

In recent years Europe has been dealing with intensification of irregular migration flows, mainly from the Middle East, culminating in 2015 in so-called migration crisis. Despite heated political disputes, irregular flows affected the Czech Republic rather marginally, as it served primarily as a transit area for migrants and asylum seekers heading mainly to Germany. The overall numbers remained low in the EU context and after a sharp increase in 2015 in both the detection of illegal migrants on Czech territory, as well as in number of applications for international protection, in contrast to the previous year, the numbers have been decreasing since 2016.

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