



No. 7, May 2009

## Policy Oriented Executive Summary – The Czech Republic

After the collapse of the communist regime in 1989, the Czech Republic has faced (besides a rather successful transition/transformation process) significant political and legislative changes connected with the inclusion of the country into various western structures (e.g. NATO, EU, and, most recently, Schengen area). The political change of the country towards democracy and a pluralistic society significantly influenced international migration. Between 1993 and 2007, the share of foreigners in the total population rose from about 0.75 per cent to 3.75 per cent. Immigration regulations created under the supervision of the Ministry of the Interior (whose role has been dominant) have been developed into a more robust system of migration policy consisting of rules, regulations and practices concerning the movement of international migrants across the state borders and the immigrants' stay in the country of destination. What is important is that this set of policies has not only been established, but also implemented in practice.

In the post 1990 era, several periods of migration/immigration policy may be distinguished. The periodisation proposed here springs from the consideration of the main changes in immigration legislation, the overall economic situation and general approaches to immigration. Each period bears strong characteristics of either a liberal or restrictive migration regime. However, measures with ambiguous or even opposite orientation were undertaken within all periods. Hence, the Czech migration policy seems to be rather reactive, and signs of a lack of systematic planning are observable as well.

Concerning the general features of the Czech migration policy, one can say that it is not based on in-depth or detailed socio-economic analyses of current or future trends. In the course of time, a clear shift from a passive to a more active and more systematic approach to migration policy and practice may be observed. However, one has to bear in mind that Czech migration policy is quite highly "europeanized". Furthermore, it has to be mentioned that until recently, Czech migration policy has been rather apolitical; modest signs of politization of the issue became visible lately, however.

We divide the development of the Czech migration policy into four distinctive periods which will be briefly described below.

In the period from 1990 to 1992, a “real” policy on migration issues did not exist. It is within this early transformation period that the first “democratic” Aliens Act was introduced; it had many shortcomings, however (such as the lack of possibility to gain a permanent residence permit for “regular” immigrants, or the condition that the submission of permit applications must come from within the Czech territory). Moreover, visa-free relations with the most important countries of origin of migrants were set. The Czech government started dealing with the asylum matters, too. These times could be described as both liberal and chaotic.

The second period began with the split of Czechoslovakia in 1993 and lasted until 1998. Slovaks became an important immigration community with special liberal treatment. Inflows of temporary migrants to the Czech Republic – predominantly from other European post-communist countries – continued during this period. Liberal rules both within legislation and practice were kept, although some minor “restrictive” changes occurred. At the end of this period the Czech Republic was hit by an economic crisis which significantly shrank the possibilities of foreigners in the Czech labour market. Moreover, the legislation started to be harmonized with more restrictive policies of the EU. Until 1999 (or perhaps slightly longer), migration policy had been concerned with measures within a more or less static model; unambiguously passive attitudes prevailed over active ones. In the sphere of foreigners’ integration, only asylees continued to be systematically incorporated into the society.

In 1999 (the beginning of the third period), following growing economic problems a more restrictive policy was introduced, when two key acts (on Residence of Aliens and on Asylum) were passed. A new visa regime, within which immigrants had to ask for a visa at Czech embassies in countries of origin, was established. Even when just prolonging their stay, foreigners had to apply for it from outside the country. Also, the residence regime was modified to distinguish two types of residency – temporary and permanent. The New Act on Asylum incorporated the Dublin Treaty, and some other explicit rights for asylum seekers were extended. However, shortly afterwards an Asylum Act amendment prohibited the work of asylum seekers in the first year following the submission of their application (due to increasing numbers of masked labour migrants applying for asylum). In this period, the foundations of Czech integration policy for “standard” immigrants were set.

Since 2003, the Czech Republic has entered a new “active” period of its migration policy by launching a pilot project of attracting qualified foreign labour force to settle in the country. In 2008 a new “green card system” was agreed upon in order to fill gaps on the Czech labour market (skilled along with unskilled workers). In the meantime, the Czech Republic joined the EU (May 2004) and consequently the Schengen Area (December 2007). These aspects significantly influenced migration policy making as well as practices towards other EU citizens. Regarding the integration policy, it has been reformulated and a conceptual shift from “multiculturalism” to “individual integration” has taken place.

The Czech Republic has transformed from a country of low gross migration of the very beginning of 1990s to a destination country with high immigration inflow as well as net migration (currently). Although migration and integration regulations have been established,

there are still many problems waiting for solution. Below we would like to pinpoint some of them and offer possible solutions.

1. Czech migration policy lacks a strategic vision. A coherent migration policy with a long-term perspective should be created. The main goals and target groups of the policy, as well as tools/mechanisms to achieve the set goals should be defined. The necessary measures should be designed taking into account economic, demographic, cultural, and social aspects of diversity. The migration strategies/policies should be differentiated with respect to different migration patterns to be covered: from circular economic migration (here the policy should be more flexible, capable to react to current economic conditions), to permanent/settlement migration (in this case, the policy should be relatively stable in time, and designed in accordance with demographic, socio-cultural and political needs of the Czech society). The asylum/refugee policy should be created separately - any pragmatic interests of the state should not come into play. Generally, more financial sources should be allocated to migration and integration issues.

2. Due to current and future native population problems that lead to the weakening of human resources (i.e. negative natural growth, low fertility, prolonging life expectancy and, consequently, population ageing), the Czech migration policy should be more pro-active. Moreover, an increasing foreign labour force can help fulfil gaps on the Czech labour market, since representatives of some professions are not available in the country or there is no willingness among the Czech population to accept some non-attractive jobs.

A pro-active policy should be defined and practiced in areas where not much EU harmonization has been required so far. These areas include economic migration, where a more flexible reflection of the national needs and interests would be recommended (e.g. attracting specialists needed in particular economic areas via special recruitment programs), migrants' integration, where more attention should be paid to "organizational structures" that could deal with immigrants' integration at regional and local levels, and naturalization policy (e.g. setting an obligatory standard language test based on the Common European Frame of Reference for Languages, and on the other hand, creating more liberal conditions for the second generation of immigrants and spouses of Czech citizens) .

3. Current Czech migration and integration policies are not interlinked with each other too much. They are also independent of other state policies, although being logically in close relation (this problem concerns mainly foreign, economic, housing, social, education and health policies). First of all, it is necessary to improve co-operation among decisive bodies that manage migration and integration policies and all the above mentioned administration areas. Probably new "structural tools" for improving this co-operation should be launched (like new posts, networks, responsibilities etc.).It also seems inevitable to launch a program which would systematically and effectively evaluate measures taken in the field of both migration and integration policies.

4. Migration practices should attempt to be in harmony with migration policy/legislation. Incidentally, this means the "discretion power" of state officials while deciding about migration matters should be limited. This may be achieved via unambiguous specifications and explanations of particular Acts or regulations. Perhaps more detailed analysis should precede the final version of legislation. Moreover, migration and integration policy design

should be widely discussed with relevant stakeholders (including academic circles, representatives of local and regional administration, and NGOs) and their experience should be taken into account. Again, one should call for more intensive collaboration between the administration and the given important stakeholders.

5. More emphasis should be placed on the coordination of migration and integration issues management. Current centralization of such management in the hands of the Ministry of the Interior seems to be unhealthy because of the overestimation of security aspects of the migration process. If any centralization is to occur, an establishment of an independent Immigration Office that could encompass a wide spectrum of perspectives that are logically tied to migration issues (employment, housing, education, migrants' integration etc.) seems to be a better alternative.

6. More legal immigration channels enabling migrants to enter the labour market should be opened. For example, special work permits for seasonal (short-term) jobs are lacking.

7. It is desirable to seek to harmonize the demand and supply sides of migration process. Economic analyses of the demand (both quantitative and with respect to structural parameters) should be conducted and adequately transposed to the supply side (via relevant migration policy measures). Such steps should be undertaken systematically; the mechanism should also enable quick and flexible reactions to unexpected changes.

8. In the Czech Republic, the system of foreigners' employment via labour recruitment agencies cannot be managed and controlled due to an inadequately large number of such agencies which often use quasi-legal or even exploitative practices towards migrant workers. Thus, the number of agencies needs to be lessened and their activities must be monitored by the state.

9. Labour controls need to be improved in terms of their effectiveness. A more systematic, and preventive approach based on more sophisticated sampling methods should be applied. Furthermore, sanctions for law violations in the field of irregular employment should be applied and fees enforced.

10. The newly launched Green Card Program is a good pro-active attempt, but it is burdened with several problems. One of these problems is that citizens of Vietnam and Moldova cannot enter the program, although these two countries are among the most important source countries of immigrants in the Czech Republic and constitute specific targets of the development aid of the Czech state. Hence, the characteristics of the Green Card Program should be changed to better reflect migration reality and goals of other state policies.

11. Regional and local governments are usually the pillars of a successful integration policy because they know the conditions and actual demands tied to a local environment better. So far their role in integration issues in the Czech Republic has been marginal. Regional administration, perhaps also on the local/municipality level, should establish integration departments under the umbrella of a newly designed legislation. These departments could, for example, mediate contacts between migrants and a local community; conduct courses of Czech language for foreigners in collaboration with particular central departments; assist refugees in finding them jobs or apartments etc.

12. Cooperation with migration source countries should not be overlooked. This cooperation should serve to lessen migratory push-factors (mainly via enhancing socio-economic development in source countries or increasing knowledge in the source countries about opportunities available in the destination country), or, if needed, to effectively manage migration flows. Of course, in order to have a meaningful impact, such cooperation must be heavily financially supported, i.e. coordinated and accomplished by a group of (rich) countries.

13. It is very important that the public be more objectively informed on migration matters and on foreigners living in the Czech Republic. Despite the fact that the situation has been improving over time, there is still a tendency (typical of mass-media) to pinpoint negative rather than positive aspects of immigration. One has to call for more intensive work on the side of the respective ministerial bodies and academic circles to spread more objective information about migrants and migration as such. This may be achieved, for example, via specially prepared courses for politicians, mass-media representatives, GOs and NGOs. The public may be educated by publicizing the results of research conducted on migration/immigrants' integration issues on the TV and radio. Another important aspect is opening more opportunities for researchers to study the phenomenon of migration (more funds for research specifically targeted at migratory issues).

14. It is essential to improve migration statistics (e.g. add "country of birth", "education level", economic parameters of migrants and their activities, especially indication of unemployment). Also, the need for statistics on the duration of a stay – allowing to differentiate among those who are newly arrived and those who "only adjusted" to a specific migratory status while already staying in the country – is pressing. Moreover, suitable monitoring of the level and "quality" of migrants' integration should be launched.

15. The procedures of issuing visas and permits by competent bodies must become easier and much faster (as this system it is to be one of the crucial elements of the newly launched Green card program).

Moreover, in order to be effective, the asylum procedure should not take more than a few months. It is desirable to support fast integration of successful asylum applicants via an improved integration assistance program. On the other hand, the state should ensure that rejected asylum seekers do leave the country if so ordered by the administration.

16. Foreigners – holders of permanent residence permits – should be given voting rights at local and regional levels.

17. It is crucial to continue to combat irregular/illegal immigration and its consequences. Besides many points already mentioned that may contribute to limit the volume of irregular/illegal migration, it is necessary to focus upon real and would-be employers in order to substantially limit the "comparative advantages" of irregular/illegal employment. For example, one of the possible steps, albeit hardly feasible, is to lower some taxes and insurance payments tied to an employee position, as these liabilities currently constitute one of the most important reasons for the use of irregular/illegal migrant labor force.

18. Last but not least, corruption of state officials represents a long-lasting problem of migration management. This calls for significant improvements, which could be attained, for example, by introducing clear and transparent requirements for visas, work permits or business licenses applicants, fully functioning systems that minimize the role of an official and his/her direct contact with an applicant, or by applying better controlling mechanisms and systems that would easily detect all possible offences.