

## Contents

<b>Country context (optional)</b>	2
<b>International and Regional Instruments</b>	3
1954 Convention	3
1961 Convention	3
Other conventions	3
<b>Stateless Population Data</b>	5
Availability and sources	5
Stateless in detention data	7
<b>Statelessness Determination and Status</b>	9
Definition of a stateless person	9
Training	9
Existence of a dedicated SDP	9
Access to the procedure (Group 1)	10
Assessment (Group 1)	12
Procedural safeguards (Group 1)	15
Protection during SDP (Group 1)	16
Appeals (Group 1)	17
Statelessness status (Group 1)	18
Temporary protection for people fleeing war (Group 1)	20
<b>Detention</b>	23
Immigration detention	23
Identification of statelessness	24
Procedural safeguards	25
Protections on release	27
Return and readmission agreements	28
<b>Prevention and Reduction</b>	29
Naturalisation	29
Stateless born on territory	30
Foundlings	32
Adoption	33
Ius sanguinis	33
Birth registration	34
Reduction of statelessness	38
Deprivation of nationality	39
<b>Resources</b>	42
Published judgments	42
Free legal assistance	45
Literature	45
Examples of identity and travel documents	45

## Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

Statelessness in Czechia is mainly linked with migration and there is no information available about the in situ stateless population. UNHCR estimates there to be 1,500 stateless people in Czechia, based on a mapping study of statelessness carried out in 2018 and published in December 2020. The population census from 2011 included the categories 'no citizenship' (1,502 people) and 'not identified' (60,208 people). A new census carried out in 2021 included the category 'not identified' (29,137 people), but not the category 'no citizenship'. Czechia gathers and makes available statistical data on asylum, immigration and, to some extent, statelessness, which is disaggregated by sex (and some also by age). The Ministry of Interior reports the number of stateless people with legal residence on a monthly basis. The Czech Statistical Office and Ministry of the Interior publish annual disaggregated data under the combined nationality categories 'stateless and not identified and other', 'citizenship unknown or non-identified', and 'Palestinians'. The Ministry of Interior also reports figures on the number of asylum seekers and people granted international protection disaggregated by nationality (see POP section for latest figures).

The legal and policy framework in Czechia has some positive aspects and some significant gaps. Czechia is party to most relevant international and regional instruments, including three of the four core statelessness conventions (although it retains reservations to the 1954 Convention). However, Czechia does not have a dedicated statelessness determination procedure leading to a protection status, although a procedure to determine statelessness has been set in law with many of the rights established through recent caselaw. Since 2019, the Ministry of Interior has issued decisions confirming statelessness under the 1954 Convention, but there is no clear procedure set in law for these decisions, although jurisprudence requires that the rules applying to the refugee determination procedure should apply. Between 2019 and 2021, jurisprudence conferred by analogy the same rights that asylum-seekers had to applicants for the statelessness determination procedure, such as the right to stay on the territory and receive an identity document during the procedure, the right to accommodation in the reception centre for asylum seekers and the right to health insurance. The provision regulating the determination of statelessness was moved from the Asylum Act to the Immigration act by a legislative amendment in 2021, which resulted in more limited procedural safeguards for applicants. Even though the analogy with rights under the asylum procedure should be preserved according to current jurisprudence (see section RES.1.a), the new procedure is very unclear, and the rights granted to stateless applicants are weaker. Since July 2023, the amendment to the Immigration Act has been in force, which includes a new section related to stateless persons and their identification process. The national legislation now includes a definition of stateless persons and incorporates the right to be issued an identity card as an applicant. Despite these recent legal provisions on the identification process, they are still insufficient and certain rights, such as the right to housing, remain unassured. Recent case law has underscored that statelessness applicants must be treated as asylum seekers for purposes such as public health insurance, yet the Ministry of Interior has not implemented these rulings, forcing stateless applicants to file individual lawsuits to access health coverage.

In the context of Temporary Protection (TP), Ukrainian nationals previously granted TP in another EU state continue to have their TP applications in Czechia rejected as inadmissible, despite CJEU and Czech Supreme Administrative Court judgments (e.g., Krasiliva C-753/23) confirming EU law requires otherwise. This is leaving many Ukrainians in legal and social limbo because their asylum procedures are also suspended under recent legislative amendments.

There are also gaps in the legal framework to protect stateless people from arbitrary immigration detention. There are positive safeguards in place to prevent childhood statelessness, but the safeguard for children born in Czechia is only partial and depends on the actions or status of parents. Positively, there are no legal powers for the authorities to deprive someone of Czech nationality, no provisions for automatic loss, and safeguards are in place to prevent statelessness in cases of voluntary renunciation of nationality.

## International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Yes	<a href="#">UN Treaties Database, 1954 Convention</a>
IOB.1.b		If yes, when was ratification/accession?		19 July 2004	Idem
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	<b>Yes.</b> Declaration (effectively a reservation) has been made: 1. Pursuant to Article 27 of the Convention, identity papers shall be issued only to stateless persons having permanent residence permits in the territory of Czechia in accordance with the country's national legislation. 2. Article 23 of the Convention shall be applied to the extent provided by the national legislation of Czechia. 3. Article 24, paragraph 1(b) shall be applied to the extent provided by the national legislation of Czechia. 4. Pursuant to Article 28 of the Convention, travel documents shall be issued to stateless persons having permanent residence permits in the territory of Czechia in accordance with the country's national legislation. Such persons shall be issued "foreigners' passports' stating that their holders are stateless persons under the Convention of 28th September 1954."	<a href="#">UN Treaties Database, 1954 Convention</a>  <i>Communication no 108/2004, on the accession to the Convention relating to the status of stateless persons, Collection of International Treaties, 2004, "Sdělení č. 108/2004 Sb. M. s., o sjednání Úmluvy o právním postavení osob bez státní příslušnosti, SBÍRKA MEZINÁRODNÍCH SMLUV ročník 2004", částka 49, 3ed ne 15. 10. 2004 (CZE)</i>
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes.	<a href="#">Article 10, Constitution of the Czech Republic</a>
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	Yes.	<a href="#">UN Treaties Database, 1961 Convention</a>
IOB.2.b		If yes, when was ratification/accession?		19 December 2001	idem
IOB.2.c		Are there reservations in place? Please list them.	As above	No	idem
IOB.2.d		Does the Convention have direct effect?	As above	<b>Yes.</b>	<a href="#">Article 10, Constitution of the Czech Republic</a>
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	<b>Yes.</b> Declaration to article 22: Czechia declares in respect of Article 22, sub-paragraph b, that persons, who are nationals of Czechia and equally nationals of another State Party which does not require obligatory military service and have their habitual residence in the territory of that State Party, shall be considered as having satisfied their military obligations in relation to Czechia if the said habitual residence has been maintained up to the age of 35 years of the persons.	<a href="#">COE, Reservations and Declarations for Treaty No.166 – European Convention on Nationality, Czech Republic</a>
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	<b>Yes.</b> Reservation has been made to articles 5 and 6 to the effect that those articles shall not hinder to impose disciplinary penitentiary measures in accordance with Article 17 of the Act No. 76/1959 of Collection of Laws, on Certain Service Conditions of Soldiers."	<a href="#">COE, Reservations and Declarations for Treaty No.005 – Convention for the Protection of Human Rights and Fundamental Freedoms, Czech Republic</a>

IOB.3.c	State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	<b>No.</b>	<a href="#">COE, Chart of signatures and ratifications</a>
IOB.3.d	Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)</a>	<b>Yes.</b> Transposed to national law. No reservations.	<a href="#">Official Journal of the EU, EUR-Lex</a>
IOB.3.e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child, 1989</a>	<b>Yes.</b> No reservations, but Declaration to article 7 (1): “In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent’s name or natural parents’ names to the child is not in contradiction with this provision.”	<a href="#">UNTC, Convention on the Rights of the Child</a>
IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights, 1966</a>	<b>Yes.</b> No relevant declarations and no reservations.	<a href="#">UNTC, ICCPR</a>
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights, 1966</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, International Covenant on Economic, Social and Cultural Rights</a>
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women, 1979</a> <a href="#">CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, CEDAW</a>
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</a>
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination, 1965</a>	<b>Yes.</b> No reservations.	<a href="#">UNTC, CERD</a>
IOB.3.k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990</a>	<b>No.</b>	<a href="#">UNTC, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families</a>
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities, 2006</a>	<b>Yes.</b>	<a href="#">UNCT, Convention on the Rights of Persons with Disabilities</a>

## Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2.0 (2024)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">International Recommendations on Statelessness Statistics (IROSS)</a> (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</a>: States and relevant actors should collect rigorous and comparable data on stateless populations, including data disaggregated by sex, gender, age, and disability status, in accordance with the international recommendations on statelessness statistics and in consultation with relevant stakeholders.</p> <p><a href="#">Regulation 763/2008 of the EP and the Council on population and housing censuses</a>, and its implementing <a href="#">Regulation 1201/2009 Recommendations of the Conference of European Statisticians for population and housing censuses in 2010</a>: States should disaggregate census data for stateless people.</p>	<p>There is no standardised "stateless" category. The last population census in 2021 did not include the category "stateless" or "no citizenship", unlike the previous census in 2011.</p> <p>Latest available figures on the stateless population in Czechia:  <b>Population census from 2021:</b>  Category 'not identified': 29,137 people (also disaggregated by sex: 13,116 women and 16,021 men)  The category 'no citizenship' that was included in the 2011 census, no longer appeared in 2021.  <b>Population census from 2011:</b>  Category 'no citizenship': 1,502 people  Category 'not identified': 60,208 people (also disaggregated by sex)</p> <p>The Czech Statistical office and the Ministry of the Interior collect data on foreigners in Czechia. Data is disaggregated by nationality, sex, age and by residence. It is published annually. The categories include 'stateless' and 'citizenship not stated', as well as potentially overlapping categories such as 'Palestine' (see POP.1.b).</p> <p><b>Numbers of the Directorate of Foreign Police Service</b> combined with Department of the Asylum and Migration Policy of the Ministry of the Interior (DAMP), available on Czech Statistical Office website (end-of-year data excluding foreigners with granted asylum):</p> <ul style="list-style-type: none"> <li>- 2024: 387 stateless, 419 persons with citizenship not stated</li> <li>- 2023: 402 stateless, 434 persons with citizenship not stated</li> <li>- 2022: 406 stateless, 441 persons with citizenship not stated</li> <li>- 2021: 399 stateless, 452 persons with citizenship not stated</li> <li>- 2020: 399 stateless, 424 persons with citizenship not stated</li> </ul> <p><b>Numbers of the Ministry of the Interior:</b>  Statistics on number of stateless persons having legal residence on the Czech territory (disaggregated by type of residence and by sex), published every month.  As of 31 December 2025, there were 425 of stateless persons living in Czechia. From those, 59 stateless persons held a temporary residence permit, 360 stateless persons held a permanent residence permit, and 6 stateless persons as beneficiaries of temporary protection. Data was disaggregated by sex, there were 139 stateless women and 286 stateless men.</p>	<p>Czech Statistical Office, <a href="#">Population census</a>, 2021 (CZE, ENG)</p> <p><a href="#">Czech Statistical Office, Population census, Population by sex, type of residence, citizenship, housing arrangements, ethnicity and religious belief, 2011</a> (CZE, ENG)</p> <p><a href="#">Czech Statistical Office, Foreigners (without foreigners with valid asylum in Czech Republic) by citizenship</a></p> <p><a href="#">Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence</a>, April 2025 (CZE)</p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>Yes, there are overlapping categories. The data includes the number of persons who are 'stateless', but also those with 'citizenship not stated' and persons from 'Palestine', which may also include stateless persons whose statelessness has not been identified.</p> <p><b>Statistics of Ministry of the Interior (as of 31 December 2025):</b>  "Stateless person": 360 persons with permanent residence, 59 persons with temporary residence permit, and 6 beneficiaries of temporary protection.</p>	<p><a href="#">Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence</a>, April 2025 (CZE)</p>

				<p><i>"Citizenship unknown or non-identified"</i> (XXX): 36 persons with temporary residence permit, 33 persons with permanent residence permit, and 34 beneficiaries of temporary protection</p> <p><i>"Palestinians"</i>: 76 persons with temporary residence permit and 146 persons with permanent residence permit</p> <p><b>Numbers of the Czech Statistical Office (Annual census up to 31 December 2024):</b>                  Category: Stateless + Not identified and Other (end-of-year data excluding foreigners with granted asylum):                  - 2023: 836 persons (402 stateless, 434 persons with citizenship not stated)  <i>"Palestine"</i>: 215 persons (excl. people granted asylum)</p> <p>As noted also below, Palestinians are classified as stateless during the asylum procedure. If granted IP, they are included in statistics related to stateless persons. However, those applying for a residence permit are recorded in CZSO and MOI statistics under a specific category.</p>	<p><a href="#">Czech Statistical Office, Foreigners (without foreigners with valid asylum in Czech Republic) by citizenship</a></p>
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population or population with undetermined nationality and what is the source for this estimate?	As above	<p>According to UNHCR figures, there were 596 stateless people in Czechia, as of mid-2025</p> <p>The number was lowered as the statistics of stateless/undetermined nationality have been revised as per the updated data received from the Ministry of Interior (as end-of 2024). Based on this, the figure of 954 (other stateless persons according to 2011 census) has been removed to prevent the summation of these two sources, as the data overlaps.</p>	<p><a href="#">UNHCR, Refugee Data Finder</a></p>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	<p>The first mapping study on statelessness was conducted by UNHCR in 2018 and published in December 2020.</p>	<p><a href="#">UNHCR, Faces of Statelessness in the Czech Republic, December 2020</a></p>
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	<p><b>No.</b></p>	
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	<p>Figures are only for those that have legal residence. However, even these data are incomplete and scattered in various registries, which blurs the overall picture of the precise number of legally residing stateless persons.</p> <p>The UNHCR study also states that in some cases the statistical code lists were inadequately structured and did not indicate statelessness, plus errors were made in the completion of statistical forms and sometimes nationality codes were wrongly assigned to stateless persons.</p> <p>Persons without any legal status are estimated in an annual survey of the Ministry of the Interior and the Immigration Police also counts the number of known irregular migrants (which is however only a fragment of the whole number).</p>	<p><a href="#">Quarterly Report on migration, Ministry of the Interior, Second trimester of 2021(CZE)</a></p> <p><a href="#">UNHCR, Faces of Statelessness in the Czech Republic, December 2020</a></p> <p><a href="#">Czech Statistical Office, Foreigners in the Czech Republic (Annual Report), 2022 - data up to 31.12. 2021 (CZE, ENG)</a></p>
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	<p>As above.</p> <p><a href="#">EASO/EUAA, Practical guide on registration (2021)</a>: States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering</p>	<p>Ministry of the Interior provides annual statistical overview of asylum-seekers in Czechia, also disaggregated by nationality. Persons with granted refugee status are counted separately. International Protection Statistics by the Ministry of Interior (end-of-year data, selection of information concerning stateless persons).</p>	<p><a href="#">Ministry of the Interior of the Czech Republic, International Protection in the Czech Republic, annual statistical overview, 2022 (also available in English)</a></p> <p><a href="#">Czech Statistical Office, Foreigners in the Czech Republic (Annual Report), 2019 - data up to 31.12.2019 (CZE, ENG)</a></p>

			<p>families, it is important to collect this data for each family member.</p>	<p>- 2025: 5 applications for IP, 22 holders of asylum status, and 20 beneficiaries of subsidiary protection                  - 2024: 16 applications for IP, 24 holders of asylum status, and 37 beneficiaries of subsidiary protection                  - 2023: 8 applications for IP, 23 holders of asylum status, and 58 beneficiaries of subsidiary protection                  - 2022: 12 applications for IP, 22 holders of asylum status, and 44 beneficiaries of subsidiary protection                  - 2021: 9 applications for IP, 21 holders of asylum status, and 54 beneficiaries of subsidiary protection                  - 2020: 11 applications for IP, 26 holders of asylum status, and 62 beneficiaries of subsidiary protection                  - 2019: 13 applications for IP, 26 holders of asylum status, and 70 beneficiaries of subsidiary protection                  As mentioned above, that MOI categorises Palestinians as "stateless" in its IP statistics, which differs from classifications used in other datasets, such as those from CZSO or MOI statistics on foreigners holding long-term or permanent residence permits.</p> <p>The census records refugees according to their country of origin, as well as under the category 'others', which refers to people that came to Czechia having already been granted status elsewhere:                  "Convention refugee status": 13 persons (4 with temporary residence permit and 9 with permanent residence permit) up to April 2025                  "Refugee - others": 6 persons (1 with temporary protection and 5 with permanent residence permit) up to April 2025</p> <p>The census of the Czech statistical office and of the Ministry of interior corresponds.                  However, due to lack of harmonisation of the data categories, and use of categories such as "unknown nationality", numbers may be inaccurate.</p>	<p><a href="#">Ministry of Interior. INTERNATIONAL PROTECTION IN THE CZECH REPUBLIC: annual statistical overview</a></p> <p>Ministry of the Interior of the Czech Republic, Statistics, Foreigners with valid residence, April 2025 (CZE)</p>
POP.2.a	Stateless in detention data	<p>Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.</p>	<p><a href="#">UNHCR, Global Action Plan to End Statelessness 2.0 (2024)</a>: Improve quantitative and qualitative data on stateless populations.  <a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: State parties should gather, analyse and make available sex-disaggregated statistical data and trends.  <a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.  <a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.  <a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p>	<p>The Refugee Facilities Administration that manages detention facilities has its internal census of foreigners disaggregated by nationality, sex, age and status (asylum seeker or not).</p> <p>Following a freedom of information request, the Refugee Facilities Administration was disclosed that one stateless person was detained in the period between 1 January and 9 November 2021.</p> <p>Following a freedom of information request, the Directorate of Foreign Police stated that they do not hold statistics disaggregated by nationality.</p>	<p>Refugee Facilities Administration of the Ministry of the Interior, "Správa uprchlických zařízení"</p> <p>Freedom of Information Request by OPU to Refugee Facility Administration and the Directorate of Foreign Police (requests sent on 9/11/2021).</p>

POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	No.	OPU
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Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">1954 Convention</a> : Articles 1(1) & 1(2).	<p>Yes. There is a definition of stateless person in national law following amendments to the Immigration Act, in force since July 2023, which defines a stateless person as a 'foreigner who is not considered by any State to be its national under its law.' The definition is part of the Immigration Act and reflects the Czech translation of the definition in the 1954 Convention. However, this Czech translation of the 1954 Convention does not fully reflect the English original, which includes in the definition the term "under operation of its law". The Czech translation only refers to the legal regulations of the respective state (law) but does not include the aspect of the practical application of these regulations (operation).</p> <p>The 1954 Convention has direct effect in Czech law.</p> <p>Mention of stateless persons is made in several national acts - Asylum Act, Immigration Act, Citizenship Act etc.</p>	<p><a href="#">Section 49a of the Immigration Act, no. 326/1999 Coll. (in force since 1 July 2023).</a></p> <p>Asylum act (available in English of the official website of Ministry of the Interior)  <a href="#">Czech Citizenship Act</a> (available in English on the official website of Ministry of the Interior)</p>
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<p><a href="#">UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006)</a>: Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.</p> <p><a href="#">Human Rights Council Resolution on the right to a nationality (2023)</a>: States should ensure the effective implementation of nationality laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society.</p>	<p>Currently there is no formal training on statelessness provided by the Government to competent authorities.</p> <p>Two trainings were organised by OPU in cooperation with ENS in October 2020. The first was aimed at social workers and practitioners working with migrants and the second for lawyers and attorneys. Participants included representatives both from state institutions and NGOs.</p>	OPU
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p> <p><a href="#">UNHCR, Geneva Conclusions (2010)</a>: It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p> <p><a href="#">Human Rights Council Resolution on the right to a nationality (2023)</a>: as above</p>	<p>As above. In addition, there were two trainings organised in 2016 and 2017 by UNHCR in cooperation with the Czech Ombudsperson's Office on statelessness. These focused mainly on lawyers providing free legal aid to migrants in Czechia. Currently there is no training for judges or lawyers on statelessness.</p> <p>In 2024, UNHCR facilitated the Sanremo IIHL online course for judges and their assistants. However, due to limited resources, only a small number of judges were able to participate.</p>	<p>UNHCR</p> <p>Czech Ombudsperson's Office</p> <p>OPU</p>
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b>  <b>1.</b> There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status ( <b>proceed to Question 4a</b> ).	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>There is a procedure to determine statelessness in Czechia, but it leads only to limited protection.</p> <p>Other routes through which stateless people may regularise their stay include international protection for those who are also refugees. Stateless people may also obtain any other residence permit provided by the Immigration Act, but they face additional obstacles as a travel or identity document is required.</p>	

		<p><b>2.</b> There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (<b>proceed to Question 11a</b>).</p> <p><b>3.</b> There is a dedicated statelessness status but no formal procedure for determining this (<b>proceed to Question 17a</b>).</p>			
SDS.4.a	Access to the procedure (Group 1)	Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise.</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	The examination of statelessness claims in Czechia is conducted by the Department of Asylum and Migration Policy under the Ministry of the Interior (Moi), which is also responsible for assessing applications for international protection. While it is appropriate in the national context that a single authority handles both procedures, applicants for statelessness status do not enjoy the same procedural guarantees and rights as asylum seekers.	Section 49a and 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)
SDS.4.b		Are there clear, accessible instructions on how to make a claim of statelessness?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>The law describes the procedure in more detail and includes some safeguards. However, it still does not fulfil all standards according to international norms.</p> <p>Although a dedicated SDP exists, the MOI does not provide information on how to access it, or the steps involved in the procedure on its website. Additionally, no public information materials have been issued by the authorities.</p>	Section 49a and 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)
SDS.4.c		Can submissions be made orally and/or in writing in any language?	<p><a href="#">ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013)</a>: Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	Yes, the official language of proceedings is Czech, however, an exception applies in the statelessness determination procedure, which allows the applicant to make submissions in another language. As there is no fixed form for the application, oral applications should in principle also be accepted.	Section 170d/2 and Section 169 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)
SDS.4.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	<p><a href="#">ENS (2013)</a>: Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	<p>The amended Immigration Act now sets out the requirements for the application: the applicant should include name, sex, date of birth, state where they were born, state which citizenship they lost, address of stay in Czechia for the purpose of delivery of letters.</p> <p>There is no fixed form for the application and no requirement for the applicant to be lawfully resident in the territory. Legislation also requires applicants to provide evidence that no State considers them to be its citizen.</p>	Section 49a and 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)
SDS.4.e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i>.</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.</p>	<p>No, the competent authorities are not authorised to initiate statelessness determination procedures <i>ex officio</i>. The procedure can only be initiated upon an application made by the individual concerned.</p> <p>There is also no referral mechanism in place, and individuals are not referred to the statelessness determination procedure by other institutions or authorities, even when statelessness is identified.</p>	Section 49a of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)  OPU

SDS.4.f	Are there obligations in law on authorities to consider the application?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	Yes, authorities have an obligation to consider a claim of statelessness, as specified in the Immigration Act.	Section 49a and 170d of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a>
SDS.4.g	Is there an application fee?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed.	No, there is no application fee for initiating the SDP.	<a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a>
SDS.4.h	Is there a lawful stay requirement to access the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention for requiring lawful stay.	No, a lawful stay is not required to access the SDP. Individuals can apply regardless of their residence status.	<a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a>
SDS.4.i	Is there a time limit on access to the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the SDP must be guaranteed and not subject to time limits. <a href="#">ENS (2013)</a> : There is no basis in the 1954 Convention to set time limits for individuals to claim statelessness status.	No, there is no time limit set by law for accessing the SDP. Applications can be submitted at any time.	Section 49a and 170d of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a>
SDS.4.k	Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	To our knowledge, there is no formal cooperation between agencies to identify and direct stateless persons to the status determination procedure. Authorities typically do not refer individuals for statelessness determination.  Also, the MoI does not redirect people from other procedures, such as unsuccessful asylum seekers, to the statelessness determination process.  UNHCR or Ombudsperson sometimes refer cases to OPU. No official cooperation.  The law grants UNHCR rights similar to those in the asylum procedure. These are rights such as the right to information on the number of procedures and the right to contact the individual applicants.	OPU  <a href="#">Section 49c of the Immigration Act, no. 326/1999 Coll.</a>
SDS.4.l	Does the State identify and record indications of statelessness during border screenings, pending the determination of whether the individual is stateless? If so, is the person referred from the border to the SDP? Please describe any barriers to accessing the SDP following a previous application for international protection, or due to the inappropriate application of responsibility-sharing mechanisms (e.g. Dublin III).	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. <a href="#">EU Screening Regulation and EU Asylum Procedure Regulation</a> : EU Member States must identify indications of statelessness during screening processes, pending the determination of whether the individual is stateless. <a href="#">EUAA Practical Guide on Nationality (2025)</a> : The interplay between the asylum procedure and the statelessness determination procedure should be organised to avoid delays. Indications of statelessness should be recorded following screening and where an applicant claims to be stateless, this should be registered pending determination. Statelessness status should be adequately reflected in the application and recorded in relevant decisions, databases and documentation.	According to current legislation, statelessness is not formally identified during border screening. In practice, indications of statelessness are only assessed when an individual applies for international protection.  During the asylum procedure, if there are indications of statelessness, the applicant may be treated as stateless solely for the purposes of that procedure, primarily in the context of assessing their asylum claims (e.g., persecution in the last country of residence). In such cases, the authorities may evaluate the risk of return based on the country of former habitual residence. However, this consideration does not result in formal recognition of stateless status, or any legal status or rights related to statelessness.  Once the asylum procedure concludes, especially if the decision is negative, the individual must submit a separate application under the SDP under the Act on the Residence of Foreign Nationals. There is no automatic referral from the asylum procedure to the SDP. Any potential indications of statelessness will be reassessed, and a new decision will be issued based on the specific criteria for recognising statelessness.  A legislative reform has been approved which will enter into force on 12 June 2026. According to the upcoming bill, the EU Screening Regulation will apply directly, therefore statelessness should be identified and recorded by the Police, as the entity responsible for	<a href="#">Section 74 of Act No. 325/1999 Coll. on Asylum</a>          Article 6 of the Immigration Act

				initial screenings under the Immigration Act. The law does not include any specific provision requiring referral to the SDP when statelessness is identified.	
SDS.4.m		Is statelessness identified and recorded in asylum procedures, as well as the applicant’s country(ies) of former habitual residence? Is there any guidance for officials relating to identification or determination of statelessness within asylum procedures?	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p><a href="#">EASO/EUAA, Practical guide on registration (2021)</a>: The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p> <p><a href="#">EUAA Practical Guide on Nationality 2025</a>: As above.</p>	Statelessness may be noted or considered within the asylum procedure, but it is not formally identified or determined as a legal status during that process. There is no specific guidance or mechanism in place for asylum authorities to identify or refer individuals to the SDP – there is no systematic referral from the asylum procedure to the statelessness determination procedure, and applicants must submit a separate application under the SDP after the asylum process concludes.	OPU
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p><a href="#">UNHCR, Geneva Conclusions (2010)</a>: In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>Under the general rules of administrative procedure (section 52), the applicant must bring evidence to support their application. The principle set out in the Asylum Law and Asylum Act is that the burden of proof is in principle shared.</p> <p>The Explanatory Memorandum to the bill amending the Immigration Act states that the burden of proof is shared, however, unlike the international protection procedure, greater cooperation from the applicant is expected. In the procedure to determine statelessness described in the law, applicants are required to provide evidence that no State considers them to be its national and that they cannot acquire a nationality. The authorities usually consider this in relation to the State of last residence and/or based on the evidence submitted in relation to the State in which the applicant has the highest probability of having nationality.</p> <p>The evidence used in the procedure for determining statelessness can be divided into two main categories: 1) evidence relating to the individual case of the applicant and their personal history, and 2) information on the country of origin or on the legislation on acquisition and loss of nationality in the country in relation to which the question of nationality is being examined. The evidence can include a passport (even if it has expired); birth or marriage certificates; a document confirming that they are not nationals of the state where they were born or where they have been staying or the state that issued any of their documents; and documents confirming that they have tried to obtain the nationality of the state where they were born or where they have been staying or the state that issued them the documents. In addition, applicants may submit any evidence (e.g., medical reports, vaccination certificates, applicant testimony) that would prove their statelessness. The applicant does not have to submit all the documents listed in the law, but only those that, taken together, prove their statelessness. Therefore, applicants shall bring proof of their statelessness and cooperate with the Ministry.</p> <p>Unlike in the case of international protection, a stateless person must cooperate with the State of potential nationality in order to obtain evidence of the existence or absence of nationality and</p>	<p>Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</p> <p>General Rules of Administrative Procedure</p> <p>OPU</p> <p><a href="#">Section 49a paragraph 2 of the Immigration Act, no. 326/1999 Coll.</a></p> <p>Municipal Court <a href="#">Prague</a> of 28 July 2022, Nr. 10 A 53/2021-37</p> <p><a href="#">Explanatory Memorandum of 8 February 2023 to the Bill amending the Immigration Act</a></p>

				<p>make demonstrable and credible efforts to acquire it. The Explanatory Memorandum states that granting a tolerated stay permit on the basis of statelessness, like international protection, is a subsidiary status and thus an exception to the general rule of international law that a State's primary responsibility is to protect its own nationals. The justification for activating this subsidiarity must therefore be demonstrated.</p> <p>The Ministry rarely contacts embassies or state authorities, but they often collect relevant legislation, nationality acts etc. from the applicant's country of origin. Country of origin information also often includes translations and summaries from international organisations and/or international NGOs such as Human Rights Watch or Amnesty International. However, the Ministry of Interior, in cooperation with Czech embassies in the country of origin, may seek individually relevant information, focusing on specific details that may directly affect the applicant's case, such as local political conditions, security issues, or policies targeted at ethnic or social groups.</p> <p>The requirement that persons should prove their statelessness in the procedure, in particular with a document from the embassy stating that they do not consider them as their nationals, has proved to be difficult and, in some cases, impossible in practice, since it is not in the person's capacity to obtain such a document.</p> <p>According to the jurisprudence under the previous legislation, the burden of proof in statelessness determination should be shared as it is in the asylum procedure. The court has ruled that the MOI should conduct steps towards verification of applicants' claims as the MOI is doing so in the asylum procedure.</p>	
SDS.5.b	What is the standard of proof, in law and in practice? Is it the same as in refugee status determination procedures?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p><a href="#">UNHCR, Good practices in nationality laws (2018)</a>: The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>Under the current legislation, the applicant is required to provide documents proving that they are not a national of the State in which they were born, resided, or that issued the applicant with proof of identity. The applicant must also provide evidence of efforts to obtain the nationality of those States.</p> <p>The Immigration Act does not list what specific evidence and documents will be used as sources for the decision on statelessness determination (unlike the Asylum Act regarding the asylum procedure). It only lists the documents to be submitted by the applicant. There are no provisions specifying the standard of proof or for alleviating the burden of proof if applicants cannot obtain the necessary documents.</p> <p>However, in principle, the standard of proof in statelessness determination should be analogous to the standard of proof applied in decision-making on asylum applications, as confirmed by case law of previous legislation in several instances. The courts have confirmed the necessity of similarity to the asylum procedure, and therefore the Ministry should bear the responsibility to find evidence to prove or disprove statelessness. This case law has yet to be confirmed for the legislation under the July 2023 amendment.</p>	<p><a href="#">Section 49a paragraph 2 of the Immigration Act, no. 326/1999 Coll.</a></p> <p>Supreme Administrative Court (NSS), case no. 4 Azs 365/2018, 12 March 2019 (CZE)</p> <p>Municipal Court <a href="#">Prague</a> of 28 July 2022, Nr. 10 A 53/2021-37</p> <p><a href="#">Explanatory Memorandum of 8 February 2023 to the Bill amending the Immigration Act</a></p>	
SDS.5.c	What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of</p>	<p>The Administrative Code that is also applicable to the SDP sets general rules for equality and non-discrimination for all individuals involved in administrative procedures. All parties of the administrative procedure have equal standing and the administrative authority must act impartially. Where equality could be at risk, the authority is required to take necessary measures to ensure it is upheld.</p>	<p><a href="#">Section 7 of the Administrative Code, no. 500/2004 Coll</a></p> <p><a href="#">Section 29 of the Administrative Code, no. 500/2004 Coll</a></p>	

		<p>In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?</p>	<p>pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State.  <a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women.  <a href="#">CRC</a>: Articles 2, 3, 7 and 8  <a href="#">CRPD</a>: Article 18  <a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a>: The best interests principle applies to all children within the territory of the State, irrespective of their status.  <a href="#">UNHCR, Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement (2021)</a>  <a href="#">Global Compact for Safe, Orderly and Regular Migration</a>: Objective 7  <a href="#">UN Women, Policies and practice: A guide to gender-responsive implementation of the Global Compact for Migration (2021)</a>: States should put in place measures to regularise the status of migrants leading to permanent residence, with specific attention to migrant women and girls who are stateless.  <a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a>: Calls on Commission and Member States to overcome discrimination against rainbow persons and families.  <a href="#">UNHCR, Discussion Paper: LGBTIQ+ persons in forced displacement and statelessness (2021)</a></p>	<p>The Administrative Code sets rules on the administrative procedure that involves children. If a minor is capable of forming their own views, the authority must provide an opportunity for the child to express them directly or through a representative or child protection authority. If necessary for the child’s interest, their opinion may be obtained without the presence of parents or guardians, with another suitable adult present. The authority must take the child’s views into account, considering their age and maturity.</p>	
<p>SDS.5.d</p>		<p>Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p><a href="#">ENS (2013)</a>: Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.  <a href="#">Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</a></p>	<p>The law provides a list of evidence that can be used to determine statelessness – this can be a passport (even if it has expired); birth or marriage certificates; a document confirming that they are not nationals of the state where they were born or where they have been staying or the state that issued any of their documents; and documents confirming that they have tried to obtain the nationality of the state where they were born or where they have been staying or the state that issued them the documents. The applicant does not have to submit all the documents listed in the law, but only those that, taken together, prove their statelessness.</p> <p>However, there is no publicly available or known detailed guidance for decision makers on how to assess such evidence or on what specific indicators or criteria to base their decisions. It is unclear whether internal guidelines exist regarding the use of country of origin information, methods of evidence gathering, or assessment of credibility in the context of statelessness claims.</p> <p>Country of origin information often includes relevant legislation, nationality acts, translations, and summaries from international organisations and/or international NGOs such as Human Rights Watch or Amnesty International.</p> <p>The Mol usually have a broad focus and cover various issues. Additionally, the COI used by the Mol is not publicly available and can only be accessed if it is contained in a file of an individual case.</p>	<p><a href="#">Section 49a/2 of the Immigration Act</a>, no. 326/1999 Coll.                   OPU   <a href="#">UNHCR Czechia Protection Brief: Statelessness (November 2024)</a></p>

				The Ministry has only decided on a few cases and there are not yet any clear guidelines. Since the SDP's introduction in 2015, 57 decisions have been issued so far. Of those, 44 decisions were made between 2019 and 2023 (27 positive decisions and 17 negatives).	
SDS.5.e		Is there any evidence of significant errors in decision-making?		Yes, there is evidence of significant errors in decision-making. Court judgments concerning statelessness determination have identified insufficient fact-finding, procedural shortcomings, and other errors that led to the decisions being found unlawful.	Examples of errors in decision-making found in the following judgments: Decision of the Supreme Administrative Court, 6 December 2024, case no. 4 Azs 44/2024-49 Decision of the Municipal Court in Prague, 28 July 2022, case no. 10 A 53/2021-37 Decision of the Regional Court in Pilsen, 23 August 2022, case no 57 A 119/2021-38 Decision of the Municipal Court in Prague, 18 July 2024, case no. 11 A 52/2022- 57
SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. <a href="#">ENS (2013)</a> : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	Free State legal aid is not specified in the law. To our knowledge, most of the claims were OPU clients, who received free legal assistance from OPU.  For asylum seekers, free legal aid is guaranteed (by law).	OPU  Section 21 Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)
SDS.6.b		Is an interview always offered (unless granting without interview)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to an individual interview [is] essential.	The legislation indicates that the Ministry can conduct an interview with the applicant. The applicant shall be notified at least 5 days prior the interview. It is up for the MoI to decide whether an interview will be conducted or not.	<a href="#">Section 170e of the Immigration Act, no. 326/1999 Coll.</a>  OPU
SDS.6.c		Is free interpreting offered for statelessness determination interviews?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to assistance with interpretation/translation [is] essential. <a href="#">ENS (2013)</a> : Assistance should be available for translation and interpretation.	Yes, according to the Immigration Act, the Ministry should provide the applicant with an interpreter free of charge if the applicant is summoned by the MoI.	Section 170e (4) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)
SDS.6.d		Are there quality assurance audits of the SDP?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Quality assurance audits of SDPs are considered good practice.	There is no information indicating that any formal quality assurance audits of the statelessness determination procedure have taken place.  However, under the law, UNHCR is granted similar access to the SDP as in asylum procedures. This includes being informed about the number of ongoing cases, access to case files, and the possibility to be present during interviews.	OPU  <a href="#">Section 49c of the Immigration Act, no. 326/1999 Coll.</a>
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training, applicant's access to UNHCR as a safeguard in the procedure)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	Under SDP, UNHCR has rights similar to those in the asylum procedure. These are rights such as the right to information on the number of procedures and the right to contact the individual applicants.	<a href="#">Section 49c of the Immigration Act, no. 326/1999 Coll.</a>
SDS.6.f		Are decisions (refusals and grants) given in writing with reasons?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Decisions (refusals and grants) are given in writing with reasons.	Section 49a and 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)
SDS.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be	The Immigration Act provides the deadline of 6 months, which can be prolonged for another 6 months if the case is complicated.  In practice, the 12-month legal deadline is often exceeded by MoI.	Section 170f of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)  OPU

			appropriate to allow the proceedings to last up to 12 months.		
SDS.6.h		Is there a referral mechanism from asylum procedures to the SDP (either during or at the conclusion, if the applicant is refused asylum)?	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p><a href="#">EUAA, Practical Guide on Nationality (2025)</a>: The identification of the applicant’s statelessness is a key element of the assessment of the need for international protection and in determining which procedure is applied. Statelessness status should be adequately reflected in the application and recorded in relevant decisions, databases and documentation. Where the applicant has already been formally declared stateless, statelessness status should be considered established unless new elements arise.</p> <p><a href="#">ENS (2013)</a>: Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.</p>	<p>Persons who are or may be stateless are not informed by the MOI about the existence of the SDP. This applies even in cases where the MOI identifies indicators of possible statelessness during other procedures, such as asylum procedure. Individuals are not referred to the SDP, nor are they provided with any information about this possibility after the conclusion of their initial procedure. Once the asylum procedure concludes, especially if the decision is negative, the individual must submit a separate application under the SDP under the Act on the Residence of Foreign Nationals.</p> <p>There is no automatic referral from the asylum procedure to the SDP. Any potential indications of statelessness will be reassessed, and a new decision will be issued based on the specific criteria for recognising statelessness.</p> <p>There are no publicly available materials or guidance provided by the authorities that would raise awareness of the SDP. As a result, many stateless persons only learn about the existence of this procedure through OPU.</p> <p>If, nevertheless, an individual manages to submit both an application for international protection and for statelessness determination the MOI will suspend the statelessness determination procedure until the international protection procedure is concluded. This scenario is relatively rare, as most individuals are unaware of the SDP at the time of their asylum claim due to the lack of information provided by the authorities and, additionally, stateless persons often only access the SDP following a negative asylum decision, when it may represent the only remaining pathway to regularisation or recognition and protection.</p>	<p>OPU</p> <p>Section 170d paragraph 3 and 4 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a></p>
SDS.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for statelessness status is assessed or is there a risk of expulsion?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being ‘lawfully in’ the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for statelessness status receive the same treatment as asylum-seekers.</p> <p><a href="#">ENS (2013)</a>: States should refrain from expelling or removing an individual pending the outcome of the determination process.</p>	<p>During the proceedings, applicants for statelessness determination have the right to remain on territory while their application is pending (this does not apply from second and other application). This only applies to the first instance procedure — the applicant must request suspensive effect for the lawsuit when filing the appeal.</p> <p>Applicants also have the right to be issued an identity document. This type of ID is usually valid for only a month and must be therefore renewed frequently. The identity document is standardised in a government decree.</p>	<p>Section 49a paras 3, 4, and 6 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p><a href="#">Decree No. 161/2024 Coll., Decree establishing a template for an identification document of an applicant for stateless status</a></p>
SDS.7.b		Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.</p> <p><a href="#">CERD, General comment No. 37 on racial discrimination in the enjoyment of the right to health (2024)</a>: Everyone has the right to public health, medical care, social security and social services, regardless of migration status or statelessness.</p>	<p>Similar to asylum seekers, applicants for statelessness status become eligible for a work permit after six months upon submitting their application.</p> <p>The “applicant identity document” is valid for only a short period (about one month) and must be frequently renewed. This frequent renewal, combined with the fact that many public authorities and employers are unfamiliar with the document, creates significant barriers. Although applicants are legally permitted to work six months after submitting their application, these challenges make it difficult to secure stable employment and often lead to financial hardship. Additionally, limited awareness of this form of ID also creates issues in accessing basic services.</p>	<p>Section 48 (3/b), of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a></p> <p><a href="#">Section 97 (e) of Czech Employment Act no. 435/2004 (regarding work permit)</a></p> <p>Section 49a and 170d of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p>

				<p>Unfortunately, according to the law, the applicants still do not have the right to accommodation in the reception centre for asylum seekers or access to health insurance and they also do not have access to any other social benefits.</p> <p>However, according to case law, individuals who applied for recognition of stateless status under the previous legislation should be entitled to access public health insurance. The Court emphasised that applicants for statelessness status must be granted access to public health insurance under Czech law, in line with international legal obligations. The Court ruled that stateless applicants cannot be excluded from basic rights, including health care, even in cases of irregular stay. In practice, however, the Public Health Insurance Company continues to deny access to health insurance for stateless applicants to whom this case law applies—i.e., those who applied under the legislation in effect prior to the 2021 Amendment. As a result, it remains necessary to file an intervention lawsuit in each individual case.</p> <p>Stateless persons awaiting recognition of their status are often denied access to education (unlike asylum seekers).</p> <p>Nevertheless, according to previous jurisprudence, rights similar to those of asylum seekers should be upheld; however, the MoI has not implemented these recommendations, citing recent amendments to the Aliens Act.</p>	<p>Supreme Administrative Court, case no. 7 Ads 11/2024 – 31, 14 October 2024</p>
SDS.7.c		Do applicants for statelessness status face a risk of detention?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.</p>	<p>As the applicants are issued with an identity document and their stay during the proceedings is lawful, there is no risk of detention.</p>	<p>Section 49a paras 3, 4, and 6 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p>
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>The decision of the Ministry shall take legal effect on the day of delivery to the party to the proceedings and no administrative appeal may be lodged against it. Only an appeal to the court will be acceptable. This procedural safeguard is not free of charge, unlike in the case of asylum applications.</p> <p>However, an appeal against a negative decision won’t have suspensive effect, meaning that if the court does not accord it, the applicant is no longer tolerated on the territory. The legislation only states that the court shall decide on the appeal against the negative decision on the determination of statelessness with priority. The court competent to hear appeals against the negative decision is the regional court in the vicinity of the foreigner's registered place of residence.</p>	<p><a href="#">Section 170g para. 5 of Immigration Act, no. 326/1999 Coll.</a></p> <p>OPU</p> <p><a href="#">Section 172 para. 11 of Immigration Act, no 326/1999 Coll.</a></p> <p><a href="#">Section 172 para. 7 of Immigration Act, no. 326/1999 Coll.</a></p>
SDS.8.b		Is legal aid available for appeals?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means.</p> <p><a href="#">ENS (2013)</a>: Applicants should have access to legal counsel both at first instance and on appeal.</p>	<p>As mentioned in section SDS.6.a, free state legal aid is not specified in the law.</p> <p>The OPU provides legal aid to stateless persons in administrative procedures and appeals.</p>	<p>OPU</p>
SDS.8.c		Is there a fee for the appeal application?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: An effective right to appeal against a negative first instance decision is an essential safeguard.</p>	<p>Yes, there is a need to pay for the appeal. According to the Act on the Court Fees, the fee is waived in proceedings concerning international protection, temporary protection, decisions on administrative expulsion, decisions on detention, decisions on the</p>	<p>Section 11 of Act No. 549/1991 Coll., on court fees</p>

				<p>extension of detention, as well as other decisions resulting in the restriction of the personal freedom of the foreigner, and in proceedings on the release of the foreigner from detention,</p> <p>The total fee is 4,000 CZK (approx. 165 EUR): 3,000 CZK (approx. 124 EUR) for filing the appeal lawsuit and 1,000 CZK (approx. 41 EUR) for the request for suspensive effect.</p> <p>However, applicants may request that the court waive the court fee obligation if they do not have sufficient funds.</p>	<p>Attachment to the Act on court fees</p> <p>Section 35 of Act No. 150/2002 Coll., Administrative Procedure Code</p>
SDS.9.a	Statelessness status (Group 1)	Does recognition of statelessness immediately result in automatic permission to stay or right to reside? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>The decision that recognises the person as stateless ensures that they will be granted a ‘Tolerated Stay Visa’ for one year. The tolerated stay visa is granted automatically and no additional application has to be made.</p> <p>People granted a Tolerated Stay Visa are protected from expulsion. No cases of attempted removal of persons with a tolerated stay visa have been reported.</p>	Section 33(3) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)
SDS.9.b		How long is initial status granted for and is it renewable?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.</p>	<p>The visa is renewable after one year, when the person can obtain a long-term stay for the purpose of tolerated stay on the territory (2 years renewable). After 5 years in total, the person can apply for permanent residence.</p> <p>In practice, however, the long-term stay is often only issued for one year, despite its validity potentially allowing it to be set for two years.</p>	<p>Section 43 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p>Section 68.2b) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p>OPU - information based on Key Informant Interviews conducted with stateless persons in 2024</p>
SDS.9.c		Is a travel document issued to people recognised as stateless and is it subject to any conditions? <b>Please add a copy of an anonymised travel document to question RES.4.a. (last page).</b>	<p><a href="#">1954 Convention</a>: Article 28. <a href="#">UNHCR, Summary Conclusions of the Expert Roundtable on travel documents for persons in need of international protection and stateless persons (2024)</a>: The optimal minimum characteristics for travel documents would mean a multi-journey machine-readable document that guarantees readmission, can be renewed from abroad, does not exceed the lowest cost for a national passport and has a minimum validity of five years. <a href="#">UNHCR and ICAO, Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons (2017)</a></p>	<p>Along with the visa, the person will get a Travel Identity Card which is not a passport but is accepted as an identity travel document by the Czech Immigration Police and some other countries.</p> <p>As of July 2023, persons who were issued with the Tolerated Stay Visa are eligible to travel abroad. Before the July 2023 amendment, the stateless holders of Tolerated Stay Visa were not allowed to leave Czechia, as the Visa expired once the person left the territory of Czechia. Most persons holding Tolerated Stay Visa still cannot travel abroad but there is an exception for stateless persons.</p> <p>For permanent residents, Czechia will issue a foreigner’s passport, which is a regular travel document.</p> <p>The “Identity Document for Travelling” issued to newly recognised stateless persons is not internationally recognised. Although the Tolerated Stay Visa does not expire upon travel abroad, the type of travel document provided effectively prevents stateless individuals from leaving the country. In practice, they are unable to travel internationally until they obtain permanent residence, which is a prerequisite for receiving a recognised travel document.</p>	<p>Section 33(3) of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</p> <p><a href="#">Section 114 of Act on the Residence of Foreign Nationals in the Czech Republic no. 326/1999 Coll. “Immigration Act” (CZE)</a></p> <p><a href="#">Section 113 of Act on the Residence of Foreign Nationals in the Czech Republic no. 326/1999 Coll. “Immigration Act” (CZE)</a></p> <p><a href="#">Section 62 paragraph 4 of the Immigration Act, no. 326/1999 Coll.</a></p>
SDS.9.d		Is an identity document issued to people recognised as stateless and is it subject to any conditions? <b>Please add a copy of an anonymised identity document to question RES.4.a. (last page).</b>	<p><a href="#">1954 Convention</a>: Article 27.</p>	<p>The tolerated stay visa that is issued to recognised stateless persons is issued in the form of a sticker affixed to a passport or to a Travel Identity Card issued to persons who do not have a valid passport.</p>	Title IXa of Act on the Residence of Foreigners in the Territory of the Czech Republic no. 326/1999 Sb. “Immigration Act”

				Switching to long-term stay, after one year with tolerated stay visa, will ensure that the persons will be issued with a biometric identity card.	
SDS.9.e		Are stateless people habitually resident in the State able to access consular protection abroad?	<a href="#">1954 Convention</a> : Article 25(1) <a href="#">1967 European Convention on Consular Functions</a> : Article 46. <a href="#">International Law Commission's 2006 Draft Articles on Diplomatic Protection</a> : Article 8(1).	While stateless persons have a right to administrative assistance under Article 25 of the 1954 Convention, which has direct effect in national legislation, this does not amount to consular protection abroad. Stateless persons may receive certain support, but they are not entitled to consular assistance in third countries in the same way that nationals are, according to the Act on Foreign Service.	Section 17 of Act No. 150/2017 Coll., on Foreign Service and on Amendments to Certain Acts (Act on Foreign Service)  1954 Convention, Art. 25
SDS.9.f		Do people recognised as stateless have a right to family reunification?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness status in their territory with their spouses and dependents.	In Czechia, recognised stateless persons do not have an automatic or specific right to family reunification.  However, family members can apply for a long-term visa for family purposes with some limitations. Family members of a recognised stateless person can request a long-term visa for family purposes, but the application must be submitted at a Czech consular office abroad, typically in the country of origin or residence. It is important to note that this type of visa does not easily allow switching to a different type of residence permit once in Czechia.  An alternative option is a long-term residence permit for family reunification, but this is only available if the sponsor (i.e. the stateless person) has already held a long-term residence permit for at least 15 months. This means that the stateless person must first transition from a tolerated stay visa to a long-term tolerated residence permit, which is only possible after holding the visa for one year.  Stateless persons can change the purpose of their tolerated stay to a different long-term residence permit as well. Family reunification residence permit is available after six months. However, to obtain other types of long-term residence permit (e.g. for study or employment), stateless persons generally need to have held a tolerated residence permit for at least three years. There are also no exemptions for stateless persons from standard requirements, so meeting these criteria may be challenging.	<a href="#">Section 30</a> of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)  <a href="#">Section 42a/7/a</a> of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)  <a href="#">Section 42a/6</a> of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)  <a href="#">Section 42/2</a> of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)
SDS.9.g		On what grounds (if any) may residence status granted to stateless people be revoked? Is a proportionality assessment undertaken prior to the revocation decision, e.g. to consider respect for the right to private and family life (if applicable)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.	According to the law, statelessness status ceases in case of death, by acquiring the citizenship of Czechia or of another State or by written declaration by the foreigner of renunciation of statelessness. Revocation is <i>ex lege</i> , so it follows automatically once the person acquires a nationality or formally waives their statelessness status, without a proportionality assessment.	Section 49b of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)
SDS.9.h		Do people granted statelessness status have permission to work?	<a href="#">1954 Convention</a> : Article 17 <a href="#">UNHCR, Handbook on Protection (2014)</a> : The right to work must accompany a residence permit.	Those granted statelessness status are eligible to work and have free access to the labour market. No additional permissions are required.  However, despite the type of identity document issued to recognised stateless persons and its limited validity, it can be difficult for people to find a stable job that matches their qualifications.	<a href="#">Section 48 of the Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>
SDS.9.i		Do people granted statelessness status have access to primary, secondary, and higher education?	<a href="#">1954 Convention</a> : Article 22	Yes, the right to education is guaranteed in Czechia, including higher education. Access to education is not dependent on a specific residence status. In fact, basic education is compulsory for	Section 36 of Act No. 561/2004 Coll., on pre-school, primary secondary, higher vocational and other education (Education Act)

				all children residing in the country, including foreign nationals with a residence permit valid for more than 90 days.	Section 142 of the Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)
SDS.9.j		Do people granted statelessness status have access to social security and healthcare?	<p><a href="#">1954 Convention</a>: Articles 23 &amp; 24</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p> <p><a href="#">CERD, General comment No. 37 on racial discrimination in the enjoyment of the right to health (2024)</a>: Everyone has the right to public health, medical care, social security and social services, regardless of migration status or statelessness.</p>	<p>Yes, but access to social security and healthcare depends on the type of residence status held by the recognised stateless person.</p> <p>During the initial period, when the person holds a tolerated stay visa, access to social benefits is very limited. They may be eligible only for extraordinary immediate assistance, which is intended for individuals in a difficult life situation requiring urgent help. The amount granted can theoretically reach up to the existential minimum, currently 3,130 CZK (approx. 129 EUR) per person.</p> <p>After switching to a long-term tolerated residence permit, recognized stateless persons can, in addition to extraordinary immediate assistance, apply for housing allowance.</p> <p>Recognised stateless persons do not have access to the State Integration Programme, unlike beneficiaries of international protection. As a result, they are not entitled to state-provided accommodation or specialised integration support through social services.</p> <p>Regarding healthcare, recognised stateless persons are eligible for public health insurance. According to Czech legislation, persons granted a tolerated visa can be enrolled in the public health insurance system. Recognised stateless persons are classified under a category that entitles them to public health insurance, similar to temporary protection holders. From the moment they are granted stateless status, they are included in the public health insurance system. If they are unable to pay the insurance contributions themselves, the State covers these costs.</p>	<p>Act No. 111/2006 Coll., on aid in material distress <a href="#">Mimořádná okamžitá pomoc (MOP)   ÚP</a></p> <p>Act No. 117/1995 Coll., on State Social Support <a href="#">Příspěvek na bydlení   MPSV</a></p> <p>Section 48 (2), of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p><a href="#">Section 7 of Act No. 48/1997 Coll. on Public Health Insurance</a></p>
SDS.9.k		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)?	<a href="#">1954 Convention</a> : Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.	No, the right to vote is reserved for Czech citizens only. However, Czech and EU citizens can vote in municipal council elections and in elections to the European Parliament.	<a href="#">Foreign nationals' right to vote - gov.cz</a>
SDS.10.a	Temporary protection for people fleeing war (Group 1)	Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Please describe any barriers for stateless people, people with undetermined nationality, or undocumented people in accessing the territory.	<p><a href="#">EU Temporary Protection Directive (2001)</a></p> <p><a href="#">EU Council Implementing Decision 2022/382</a></p> <p><a href="#">EU Council Implementing Decision 2024/1836</a></p> <p><a href="#">European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine</a>: Everyone fleeing the war in Ukraine should be guaranteed access to the territory.</p>	<p>The Ministry of Interior advises people who do not hold a biometric passport to bring all other available documents proving their identity to enter Czechia. There are unofficial reports that women, children, and elderly persons without a passport should be able to enter the country but there are no guarantees.</p> <p>If the person does not hold a valid biometric passport, they can prove their identity with a national ID. If the person does not have a national ID either, they need to obtain a document proving their identity at the Ukrainian Embassy or at the Consular Office in order to get temporary protection in Czechia granted.</p>	<a href="#">Information for Ukrainian citizens in the Czech Republic following the Russian aggression in Ukraine - FRS (web portal for foreigners in Czechia). Ministry of the Interior of the Czech Republic (CZE)</a>
SDS.10.b		Does the State offer a temporary form of protection to stateless people, people with undetermined nationality, or undocumented people from Ukraine (through the extended EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless people who have fled Ukraine, regardless of their	<p><a href="#">EU Temporary Protection Directive (2001)</a></p> <p><a href="#">EU Council Implementing Decision 2022/382</a></p> <p><a href="#">EU Council Implementing Decision 2024/1836</a></p> <p><a href="#">European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine</a>: European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status.</p>	<p>Czechia offers temporary protection to stateless people from Ukraine, however not all of them are eligible to apply for temporary protection. Even though the group of persons to whom the temporary protection applies is broadened by the national legislation some may face barriers to accessing protection.</p> <p>Stateless persons eligible to apply for temporary protection in Czechia are beneficiaries of international protection or equivalent national protection in Ukraine, which includes statelessness status in Ukraine, and their family members, and those with a valid</p>	<p><a href="#">Section 3 of Act on Certain Measures Related to Armed Conflict in Ukraine Caused by the Invasion of Russian Troops no. 65/2022 Coll. "Lex Ukraine" (CZE)</a></p> <p>OPU</p> <p><a href="#">Information for Ukrainian citizens in the Czech Republic following the Russian aggression in Ukraine - FRS (web portal for foreigners in Czechia). Ministry of the Interior of the Czech Republic (CZE)</a></p>

		<p>documentation status? If the State grants temporary protection more broadly than required by the EU TPD, or to people fleeing from another country other than Ukraine, please state so.</p> <p>Please describe any other barriers for stateless people, people with undetermined nationality, or undocumented people in receiving temporary protection, asylum, or other protection.</p>	<p>Lack of documentation should not prevent access to international protection or other forms of protection. European countries and the European Commission should be vigilant and take action to address any segregation, discrimination, and antigypsyism, and ensure equal access to rights and protection for all those fleeing Ukraine.</p>	<p>permanent residence permit in Ukraine who cannot return to their country of origin or former habitual residence.</p> <p>Stateless persons who had a temporary residence in Ukraine are excluded from temporary protection as well as stateless persons and those at risk of statelessness who cannot prove their links to Ukraine. If the person is not eligible to apply for temporary protection, they may apply for international protection or a "tolerance visa" but these residence types do not lead to the same rights as temporary protection.</p> <p>There were reports of discrimination against Romani people from Ukraine in accessing housing or obtaining temporary protection.</p> <p>In general, many refugees encounter challenges related to temporary protection status. Some face obstacles in accessing temporary protection, while others may lose their protection status due to various circumstances. Due to Czech legislation, people fleeing Ukraine face difficulties in accessing temporary protection if they had previously applied for it in another EU Member State, and basically excludes some categories of Ukrainian refugees from receiving protection, even though these persons are covered by the Council Implementing Decision. .</p> <p>As a result, Ukrainian nationals who have previously applied for or have already been granted TP (or international protection) in another Member State are denied the possibility to obtain TP in Czechia. In such cases, the MoI returns their application form for temporary protection after marking the relevant reason for inadmissibility—regardless of whether the applicant still holds a valid residence permit in the other EU Member State or not.</p> <p>In dozens of cases, OPU filed lawsuits. OPU argued that the MoI's practice of rejecting applications as inadmissible was unlawful, as the applicable national legislation contradicts EU law. Many courts agreed with OPU's position and found the MoI's practice to be unlawful, explicitly referring to EU law.</p> <p>The MoI responded to these rulings by filing cassation complaints with the Supreme Administrative Court (SAC). In one of these cases, SAC referred a preliminary question to the CJEU regarding the compatibility of the national legislation with Directive 2001/55/EC. This resulted in a CJEU judgment of 27 February 2025 in case C-753/23, Krasiliva which confirmed the incompatibility of Section 5(1)(c) with EU law.</p> <p>Following this ruling, SAC reviewed several cases of Ukrainian nationals who held TP in another Member State. Based on the CJEU's interpretation, at the beginning of April SAC held that Section 5(1)(d) of Act No. 65/2022 Coll. is also contrary to EU law and therefore cannot be applied. This position was supported by the Office of the Ombudsperson, which issued a public statement confirming the right to TP in Czechia in such cases.</p> <p>Despite the clear position of both the CJEU and SAC, neither the legislation nor the administrative practice has been amended. The MoI systematically fails to respect these judgements and continues to reject applications for temporary protection of Ukrainian nationals who have, or previously had, temporary protection in another EU Member State, invoking the inadmissibility provisions.</p>	<p>European Network on Statelessness, Country Briefing, Czech Republic: Information for stateless people and those at risk of statelessness fleeing Ukraine, May 2022: <a href="https://www.statelessness.eu/statelessness-ukraine-crisis">https://www.statelessness.eu/statelessness-ukraine-crisis</a></p> <p><a href="#">Art 5, sec. 1/c of the Lex Ukraine, act. no 65/2022 Coll.</a></p> <p><a href="#">Decision of the Supreme Administrative Court, case no. 10 Azs 151/2024, 31 October 2024</a></p> <p><a href="#">CJEU Judgement, C-753/23 (Krasiliva), 27 February 2025</a></p> <p><a href="#">Decision of the Supreme Administrative Court, case no. 1 Azs 336/2024, 3 April 2025</a></p> <p><a href="#">Ombudsperson Statement, case no. 585/2025/VOP, 3 April 2025</a></p>
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				<p>This issue potentially impacts thousands of Ukrainians. According to information provided by the Ministry of the Interior at the end of February 2024, a total of 3,404 applications had been officially rejected as inadmissible.</p> <p>Moreover, recent legislative amendments have introduced further limitations, as individuals holding TP in another EU Member State who apply for international protection in Czechia, have their procedures suspended. As a result, they are not granted the rights normally afforded to asylum seekers. Without access to either TP or asylum procedure, such individuals are left in legal and social limbo.</p>	<p><a href="#">Art. 6, para. 5 of the Lex Ukraine, Act no. 65/2022 Coll.</a></p>
<p>SDS.10.c</p>		<p>Are there longer-term solutions providing adequate protection for stateless people and/or others who were receiving temporary protection? If so, please describe such protection (is it equal to the protection received under the EU TPD; will people be able to apply for asylum; are there any other (dedicated) residence permits available, etc.).</p> <p><b>[Section complete, proceed to DET]</b></p>	<p><a href="#">ENS, Briefings on access to protection for stateless people fleeing Ukraine</a>: The EU and European countries should ensure that longer-term solutions, including after the expiry of the EU TPD, are found and designed, including to provide adequate protection for stateless people and people with undetermined nationality.</p> <p><a href="#">ECRE, Transitioning out of the Temporary Protection Directive (2024)</a>: Exit strategies from the TPD regime should ensure that no one, including stateless persons, is left behind after the expiry of temporary protection.</p>	<p>TP beneficiaries who have been residing in Czechia for more than two years are eligible to apply for a “special long-term residence” permit. To do so, they were required to express their interest during an initial application round, which remained open until April 2025.</p> <p>Applicants must demonstrate sufficient annual income — 440,000 CZK (approx. 18,312 EUR) for the main applicant plus an additional 110,000 CZK (approx. 4,578 EUR) for each family member — as applications are only accepted from family units, not individuals. Moreover, applicants must not have received financial humanitarian assistance during the period from October 2024 to March 2025.</p> <p>These and other restrictive conditions have excluded many refugees from qualifying for this more stable, long-term solution to their residency status.</p> <p>Importantly, the special long-term residence permit does not provide the same rights as TP. For example, beneficiaries of the special long-term residence must pay for their own health insurance at all times, even during periods of unemployment.</p>	<p><a href="#">Art 7o and following of the Lex Ukraine, Act. No 65/2022 Coll.</a></p> <p><a href="#">Special Long-Term Residence, Official Information Portal for Foreigners of the Ministry of the Interior of the Czech Republic</a></p>

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p><a href="#">ICCPR</a>: Article 9  <a href="#">ECHR</a>: Article 5  <a href="#">EU Return Directive</a>: Article 15  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient.  <a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">HRC, Report of the Special Rapporteur (2012)</a>: The obligation to always consider alternatives before resorting to detention should be established by law.  <a href="#">International Detention Coalition (2015)</a>: Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>Detention can be decided by the Immigration Police for the purpose of expulsion, or by the Ministry of the Interior (if the person is an asylum-seeker) and there is a risk of non-respect of alternative measures. This risk is justified mainly by violation of provisions of Czech law in the past (violation of immigration law - irregular status, illegal entry, previous non-respect of expulsion decision, previous non-respect of alternative measures, violation of other Czech laws - criminal record, threat to security or public order) etc.</p> <p>There is a need to assess whether alternatives to detention would be effective in each individual case, but the authorities do not have to exhaust those alternatives prior to detention. In practice, the police justify the ineffectiveness of alternative measures by the risk of non-respect of the removal decision (with regard to the violation of Czech immigration laws in the past, the level of integration, official address where the person is registered, etc.). However, the case law has clarified that the mere fact that a foreigner previously stayed in the country irregularly does not justify a refusal to consider alternatives to detention. Authorities are required to consider additional individual circumstances such as the existence of a stable partnership, voluntary appearance before the police, cooperation during the procedure, a stable address over several months, and the absence of previous administrative sanctions or transit migration patterns.</p> <p>For asylum-seekers detained for transfer under the Dublin procedure, the detention condition is a risk of absconding. The risk of absconding is justified mainly if the person has previously stayed irregularly on the territory, has not accepted in the past the transfer decision or has tried to abscond, has expressed the intention not to leave the country or if this intention is obvious from their behaviour. Risk of absconding is also justifiable when the country responsible for the applicant is not a neighbour State and the asylum seeker cannot legally travel to that State or has not given any address of stay on the Czech territory.</p> <p>Authorities have to consider all alternatives to detention in each individual case prior to rendering a decision to detain. Alternatives vary for persons detained for removal (or Dublin transfer) and for detained asylum-seekers.</p> <p><b>For people subject to removal or transfer (according to §123b of Immigration Act):</b></p> <ul style="list-style-type: none"> <li>- selection of the address where the person is required to stay (for check-ups)</li> <li>- bail</li> <li>- regular reporting at the Immigration Police station</li> </ul> <p>As of 31 July 2019, with an Immigration Act Amendment, an alternative measure was introduced: <i>designation of residence by the police and obligation to be present there for check-ups</i></p> <p><b>Alternatives for asylum seekers according to §47 of Asylum Act:</b></p>	<p><a href="#">Articles 124 - 129 of Act No. 326/1999 Coll. of the Immigration Act (CZE)</a></p> <p>Article 46a of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>§124 and §124b, §129 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p><a href="#">Supreme Administrative Court, case no. 5 Azs 79/2025 - 34, 30 May 2025</a></p> <p>§46a of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>OPU casework</p> <p>§129 (4) of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Articles 123b-129 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Articles 46a and 47 of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>Czech Ombudsperson Office</p>

				<p>- <i>obligation to stay in residential centre for asylum-seekers regular reporting at the Ministry of the Interior office (Asylum Department)</i></p> <p>In practice, alternatives are used only in minimum of cases.</p>	<p>Other sources and publications: Reporting to <a href="#">CAT - Info from Civil Society Organizations (OPU), January 2021</a></p>
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p><a href="#">ICCPR</a>: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). <a href="#">ECtHR, Auad v. Bulgaria (2011)</a>: In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. <a href="#">EU Return Directive</a>: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p><b>No.</b> The only obligation is the existence of a reasonable prospect for removal - the authority has to justify that the removal is in practice possible (this can also be satisfied if there are more possible countries of removal, but at least one of them is reasonably expected to be the one where removal will be successful). In practice, the authorities identify the state where the person will be returned in the decision on detention (although this country can change based on new information that comes up during the proceeding, when the person may still be detained).</p> <p>The administrative removal decision is annulled if the person is granted statelessness status and the residence permit based on this status is valid for a period matching or exceeding the duration of the entry ban stated in the removal decision.</p>	<p>§126 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a> : purposes of detention</p> <p>Jurisprudence of Supreme Administrative Court, <a href="#">NSS, case no. 1 As 12/2009 – 61 from 15 April 2009</a></p> <p>OPU casework</p> <p>§ 120a section 7 of Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p>
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please briefly describe the situation in law and in practice.	<p><a href="#">EU Return Directive</a>: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately. <a href="#">UN Working Group on Arbitrary Detention (2018)</a>: When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary. <a href="#">ECtHR, Auad v. Bulgaria (2011)</a>, <a href="#">Mikolenko v. Estonia (2009)</a>, <a href="#">Mardonshoyev v. Russia (2019)</a>, <a href="#">Gashkov and Satirov v. Russia (2022)</a></p>	<p>Yes, the police are obliged to examine whether the reasons for detention still exist for the duration of detention. This also includes the obligation to assess prospect of removal (from the EU Return Directive).</p> <p>Detention must be terminated without undue delay after the reason for detention has ceased to exist. The detention must be ended without undue delay if there is no reason to detain anymore, the court annulled the decision of detention, the person was granted asylum or subsidiary protection, or the person was granted a long-term residence permit with the purpose of protection on the territory. No special application for release from detention is needed.</p> <p>However, in practice, the police usually assess this only when they decide to prolong detention and issue a new decision.</p>	<p>Section 126 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Section 127 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p>
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a> <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a>: Detention may only be justified as long as deportation proceedings are being conducted with due diligence. <a href="#">UNHCR, Handbook on Protection (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. <a href="#">CMW, General comment No. 5 (2021)</a>: States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. <a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p>	<p>Statelessness can be relevant in an individual case, as an obstacle to removal. Detention is only justifiable where there is a reasonable prospect of removal. Statelessness or impossibility to return a person constitutes an obstacle to removal. Therefore, it can be a relevant argument (in court). The primary focus is nevertheless on the possibility of return, not on statelessness. In practice, it often takes a long time before the impossibility to remove the person because of statelessness is established, while the person is in detention.</p> <p>It is possible to apply for determination of statelessness from detention. The application is made in writing to the Ministry of the Interior with the help of the lawyer present in the detention centre. However, OPU does not have any practice yet about the legal consequences of this claim (if the procedure is initiated in detention, if it can constitute a reason for release etc.)</p>	<p>§126 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a> : purposes of detention</p> <p>Returns directive, Article 15.4. <i>When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in paragraph 1 no longer exist, detention ceases to be justified and the person concerned shall be released immediately.</i></p> <p>Jurisprudence of Supreme Administrative Court, <a href="#">NSS, case no. 1 As 12/2009 – 61 from 15 April 2009</a></p> <p>OPU</p>

			<a href="#">ICJ, Migration and International Human Rights Law (2014)</a> : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.		
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a> : Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	There is a definition of vulnerability in the Asylum Act. There is no mention of statelessness. Statelessness is not considered to be a vulnerability factor - neither in the context of immigration detention, nor for the purpose of detention of asylum-seekers. No special treatment for stateless persons is provided for in law.  According to Asylum Act: a vulnerable person means especially an unaccompanied minor, a parent or family with a minor child or a parent or family with a minor child with a medical disability, a person over 65 years of age, a person with a medical disability or a serious illness, a pregnant woman, a victim of human trafficking or a person that has suffered torture or rape or been subjected to serious forms of mental, physical or sexual violence.	OPU  Section 2, i) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. <a href="#">EU Return Directive</a> : Article 16(3) <a href="#">EU Return Handbook (2017)</a> : Attention should be paid to the specific situation of stateless persons. <a href="#">Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013)</a> : European entities should assess the situation of LGBTI persons in detention. <a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a> : There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.	Vulnerability is assessed only in the context of detention of asylum seekers by the Ministry of the Interior. In the context of immigration detention, which is decided by the Immigration Police, the law does not provide for any relevance of individual vulnerability for the decision-making on detention and in practice no vulnerability assessment is carried out. Statelessness is not considered to be a vulnerability factor - neither in the context of immigration detention, nor for the purpose of detention of asylum-seekers. No special treatment for stateless persons is provided for in law.	Section 124 et seq. of the <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>  Section 46a of the <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>
DET.2.d		Are stateless people detained in practice?	As above.	<b>Yes.</b> In practice, no assessment of statelessness is done by authorities prior to rendering a detention decision. Therefore, statelessness often comes out later when the person is detained. However, even a recognised stateless person, with no valid residence permit, can be detained because they can be (in theory) removed according to law. It is possible to remove a stateless person, if another State consents to the admission of a stateless person. People recognised as stateless and granted a Tolerated Stay Visa cannot be removed as they have the right to stay in the country.	§121 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>  OPU
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<a href="#">ICCPR</a> : Article 9(4) <a href="#">ECHR</a> : Article 5(4) <a href="#">EU Return Directive</a> : Articles 12, 13 and 15(5) <a href="#">HRC, Report of the Working Group on Arbitrary Detention (2010)</a> : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. <a href="#">CMW, General comment No. 5 (2021)</a> : States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration	The maximum <b>time limit</b> is 180 days. This period can be further prolonged if the person or the country of origin do not cooperate but cannot exceed in total 545 days. For families with children, foreigners under 18 years of age and unaccompanied minors it is 90 days. For asylum seekers, it is 120 days. The police must always examine if the reasons for detention are lasting. The detention must be ended without undue delay if there is no reason to detain anymore, the court annulled the decision of detention, the person was granted asylum or subsidiary protection, or the person was granted a long-term residence permit with the purpose of protection on the territory. No special application for release from detention is needed.	Article 125 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>  Article 126 and article 127 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a>

			<p>detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.</p> <p><a href="#">UNHCR, Detention Guidelines (2012)</a>: To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p><a href="#">UNGA, Body of Principles (1988)</a>: Anyone who is arrested shall be informed at the time of the reason for their arrest.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.</p> <p><a href="#">International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014)</a>: The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p> <p><a href="#">ECtHR, Kim v. Russia (2014)</a>: The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p><a href="#">ECtHR, Mardonshoyev v. Russia (2019)</a>: The length of the detention should not exceed that reasonably required for the purpose pursued.</p>	<p>The police must render a decision to detain in 48 hours after arrest. In this decision it must set out <b>the legal basis for detention with reasoning</b>, the initial duration of detention with regard to the steps necessary to conduct the removal. If the person applied for asylum in detention, the Ministry has a possibility to render a decision to detain (maximum after 5 days from asylum application). The Ministry must set out the initial duration of detention.</p> <p>There is a possibility to <b>appeal</b> to the court against the detention decision immediately (deadline of 30 days). After the first review is finished, it is possible to appeal 30 days after the publication of the previous negative decision of the court. Often in practice the person has a chance to challenge the detention decision only once the court sends the final version of the negative decision (often in 30 days, which is the maximum deadline) and an appeal can be done only after that. However, every subsequent decision on prolongation of detention can also be challenged before a court. <b>The review of detention occurs only if the detainee requests one.</b> Apart from the appeal to the court against the detention decision, there is also a possibility to request release by the authority that decided to detain (the Immigration Police or the Ministry of the Interior), every month. The request for release is admissible 30 days after the final (negative) decision of the court. If unlawful detention is found by the court, there is a possibility to ask for damages.</p> <p><b>Free legal aid</b> is provided regularly (weekly) in every detention facility. OPU provides legal assistance in detention based on the AMIF project. However, these official ministerial legal aid programmes were shut down in 2022 and until March 2024 for NGOs. OPU or any other NGO did not have access to the detention facilities and was not able to provide legal assistance to detainees widely. Between November 2022 and March 2024, a private commercial law firm was chosen by the MoI to ensure and provide free legal assistance and consultations to detainees, although this firm does not have any experience in providing aid and assistance to vulnerable groups and does not have any expertise in the area of foreigners' and asylum law. Since March 2024, NGOs have regained access to detention facilities on the basis of the State legal aid programme. According to information provided by some courts, the number of filed lawsuits has decreased during the time this law firm is providing legal assistance. The authorities informed OPU that access to the facilities will only be granted if a specific client requests OPU's presence, or if OPU is representing a client with a power of attorney. Furthermore, advice will only be provided in the visiting room, not in the room for legal advice. Such a barrier to entry into detention centres leads to the inability to effectively communicate with detainees and consult with them in a room equipped with the necessary tools.</p>	<p>Article 46a(5) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>Article 124, 124b, 125 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>Article 46a(4), (5), (6), (7) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>§172 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>§172 of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>§ 129a of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</a></p> <p>§46a (7) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a></p> <p>Act no. 82/1998 coll., on State Liability caused by exercise of public authority by decision or by wrong administrative action <a href="#">"Zákon o odpovědnosti za škodu způsobenou při výkonu veřejné moci rozhodnutím nebo nesprávným úředním postupem"</a>, (CZE)</p> <p>OPU</p> <p><a href="#">Article "The Mirrored Labyrinth of Asylum Law" by Martin Kopa, a judge of the Regional Court in Brno</a></p>
DET.3.b	Are stateless and/or undocumented detainees exempt from any obligations which they may be unable to fulfil due to their statelessness (i.e. providing proof of identity or nationality)?	<p><a href="#">1954 Convention</a>: Article 6.</p> <p><a href="#">UNHCR, Detention Guidelines (2012)</a>: The inability to produce documentation should not automatically be interpreted as an unwillingness to cooperate.</p> <p><a href="#">Equal Rights Trust, Guidelines to Protect Stateless Persons from Arbitrary Detention (2012)</a>: The inability of a stateless person to cooperate with</p>	<p>There is no explicitly mentioned exemption for stateless or undocumented detainees.</p> <p>For asylum seekers, they must prove their identity with a valid ID that includes a photo, or if they don't have such a document, they can use an affidavit to confirm their identity.</p>	<p><a href="#">§ 10/3 Asylum Act, no. 325/1999 Coll.</a></p> <p>§ 177 Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. "Immigration Act" (CZE)</p>	

			removal proceedings should not be treated as non-cooperation.	In detention cases, the law requires proof of identity including name, birth date, and nationality or last residence. If documents are missing, the police can use fingerprints, photos, or information from the detainee’s electronic devices to confirm identity.	
DET.3.c		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<a href="#">Equal Rights Trust, Guidelines (2012)</a> : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	The police must notify the person about the possibility to request release after one month or to appeal immediately to the court against the detention decision. In every detention facility, detainees are provided with information about free legal counselling (contact, schedule). No guidance on the possibility to apply for determination of stateless is provided in practice, neither in immigration detention facilities nor in the detention facility for asylum seekers (Reception Centre).	Article 124(7) of <a href="#">Act on Residence of Foreign Nationals in the Czech Republic no. 326/1999 Sb. “Immigration Act” (CZE)</a>  Article 46a (6), (7) of <a href="#">Asylum Act, no. 325/1999 coll. (in force since 2 August 2021) (CZE)</a>  OPU
DET.3.d		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<a href="#">Equal Rights Trust, Guidelines (2012)</a> : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. <a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	Not known. These steps are undertaken by the Immigration Police within the implementation of the return decision (forced return), it communicates with the respective countries of origin and asks them to issue travel documents to the person, so that they can be returned. However, there is no publicly available information on specific rules that govern this activity of the police.	OPU
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	<a href="#">1954 Convention</a> : Article 27 <a href="#">UNHCR, Handbook on Protection (2014)</a> : Being undocumented cannot be used as a general justification for detention. <a href="#">CMW, General comment No. 5 (2021)</a> : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. <a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	No.	OPU
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<a href="#">CJEU, Kadzoev (2009)</a> : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	In principle no legal status is granted on release, the person is given a one-month departure order visa, in practice for 30 days even if the person does not hold any travel document. However, this is not a long-term solution and after 30 days the person is in limbo again. The law does not currently provide any legal possibility of obtaining a status or identification document if the person cannot be returned.	Practice of the Immigration Police - no legal provision.  OPU

DET.5.a	Return and readmission agreements	<p>Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements? Please also describe whether the child’s right to a nationality, best interests, right to family life, and their enjoyment of other fundamental rights in the country of return, are taken into consideration before a decision to return a child is made.</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness. <a href="#">UNCRC, MKAH v. Switzerland (2021)</a>: The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC). <a href="#">CJEU, SN and NL (2024)</a>: Competent national authorities must give particular attention to the specific basic needs of stateless people in vulnerable situations, especially minors, for whom the best interests of the child must be a primary consideration. This includes ensuring family integrity, promoting the minor’s welfare and social development, and safeguarding their safety and security.</p>	<p>Czechia mostly implements EU Readmission Agreements where stateless persons are considered (for ex. Readmission Agreement with Serbia or Ukraine). As for the bilateral agreements, statelessness is generally considered – a procedure to determine nationality or statelessness is considered in some bilateral agreements (e.g. the agreement with Kosovo), in most of them, there are paragraphs for readmission of third country nationals including stateless persons (Poland – 65/2013, Romania-148/1994, Moldavia 117/2004, etc.). The only bilateral agreement that does not mention stateless persons at all is the one with Vietnam (26/2008). The legal framework requires consideration of the child's right to nationality and their fundamental rights before returning to the country of origin, taking into account the principle of the best interests of the child. However, in practice, the best interests of the child is not always taken into account, especially when the removal of the child is considered in the context of the whole family or in the case of unaccompanied minors who are close to the age of majority.</p>	<p><a href="#">Agreement between the Czech Republic and the Republic of Kosovo on the readmission of persons residing without authorisation, no. 12/2013- safeguards for persons born on the territory of ex-Yugoslavia, interviews to determine nationality etc.</a></p>
DET.5.b		<p>Are you aware of cases of stateless people being returned under such agreements?</p>		<p><b>No.</b></p>	

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p><a href="#">1954 Convention</a>: Article 32</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p><a href="#">ENS (2013)</a>: The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p> <p><a href="#">Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</a>: States should lower legal and practical hurdles to citizenship and establish pathways for naturalisation that are equally accessible to women and men, including by removing gender-discriminatory provisions in documentation and other administrative requirements.</p>	Generally, it is possible to apply for naturalisation only <b>after five years of permanent residence</b> (which can be gained after five years of stay based on visas and long-term stay). If a stateless person holds a permanent residence permit, a special provision states that the requirement of five years of permanent residence can be lifted (at the discretion of the Ministry).	<p><a href="#">Section 14 Act on Citizenship (ENG)</a></p> <p>Section 15 of <a href="#">Czech Citizenship Act</a></p>
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	Yes. Czech nationality cannot be obtained if the individual has a previous criminal record.	Section 13 and 14 of <a href="#">Czech Citizenship Act</a>
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children. Are there any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices?	<p><a href="#">1954 Convention</a>: Article 32</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p><a href="#">UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021)</a>: States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.</p> <p><a href="#">Human Rights Council Resolution on the right to a nationality (2023)</a>: States should adopt and implement nationality legislation with a view to preventing and reducing statelessness. States should refrain from enacting or maintaining discriminatory nationality legislations, policies and practices with a view to avoiding statelessness, and eliminating discrimination against all women and girls in the acquisition of nationality.</p>	<p><b>Yes.</b> In addition to the facilitation in residence requirements, there is also a possibility to exempt a stateless person from the condition that an applicant for naturalisation must not be a burden on the social security system. Both of these exemptions also apply to refugees.</p> <p>Other conditions for naturalisation apply to stateless people, including:</p> <ul style="list-style-type: none"> <li>- knowledge of Czech language (exemptions for people under 15 and over 65, mentally disabled, or if they have studied in Czech for at least 3 years)</li> <li>- citizenship test (Czech constitution, history, geography, with the same exceptions as above)</li> <li>- proof of revenue for the last 3 years</li> <li>- no criminal record</li> </ul> <p>Regarding the fees, the application itself is free. <b>In case of a positive answer a fee must be paid:</b> 2000 CZK (approx. 82 EUR) for adults and 500 CZK (approx. 20 EUR) for minors and refugees. Upon discretion of the Ministry, the fee can be reduced to 500 CZK (approx. 20 EUR) in exceptional cases and to 100 CZK (approx. 4 EUR) for minors and refugees. There is no mention of stateless persons, but they can fall into the category of exceptional cases.</p> <p>Unless both parents are stateless, children born stateless in Czechia face additional indirect barriers in acquiring Czech nationality, which requires an application procedure, proving that</p>	<p><a href="#">Section 5, Act on Citizenship of the Czech Republic no. 183/2013</a></p> <p>Act no. 634/2004 on administrative fees, "<a href="#">Zákon č. 634/2004 Sb., o správních poplatcích, ve znění pozdějších předpisů</a>", (CZE)</p> <p><a href="#">Section 29, Act on Citizenship of the Czech Republic no. 183/2013 (available in ENG)</a></p>

				at least one parent has a residence permit longer than 90 days, and that the parents have taken the necessary steps for the child to acquire a nationality (see details in PRS.2). There are no discriminatory provisions in the nationality legislation.	
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality, regardless of sex, gender, or residence status of their parents? <b>[If yes, continue to PRS2b. If no, proceed to PRS2i]</b>	<p><a href="#">1961 Convention</a>: Article 1</p> <p><a href="#">CRC</a>: Article 7</p> <p><a href="#">ECN</a>: Article 2</p> <p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC</a>: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p><a href="#">Human Rights Committee, CCPR General comment No. 17 (1989)</a>: States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p><a href="#">UN Human Rights Council Resolution on the right to a nationality (2023)</a>: States should facilitate the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless.</p> <p><a href="#">Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</a>: States should implement the CEDAW and uphold their obligations under the CRC, to ensure the child's right to acquire their parents' nationality without discrimination on the basis of sex or residency status, and review and reform nationality laws and practices relating to nationality that discriminate on any prohibited grounds, including on the basis of sex or gender.</p> <p><a href="#">European Parliament resolution (2018)</a>: The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p> <p><a href="#">European Parliament resolution (2019)</a>: States should find a solution to the issue of stateless children within and outside the EU. The European Commission should promote the child's right to acquire a nationality.</p> <p><a href="#">Human Rights Committee, D.Z. v. Netherlands (2021)</a>: States must adopt every appropriate measure to ensure that every child has a nationality when they are born.</p> <p><a href="#">UNCRC, MKAH v. Switzerland (2021)</a>: Article 7 CRC requires States to take positive action to implement the right to acquire a nationality.</p>	Yes.	<a href="#">Section 5, Act on Citizenship of the Czech Republic no. 183/2013</a>
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p><a href="#">ENS, No Child Should Be Stateless (2015)</a>: The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to</p>	It is automatic: acquisition upon birth if both parents are stateless. If they are not, it is non-automatic and an application has to be made, which is decided by the Ministry of Interior	Section 5 and 29 of <a href="#">Czech Citizenship Act</a>

			otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.		
PRS.2.c		Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	Not to our knowledge. Most of our clients (parents) do not have information about specific procedures for stateless children.	OPU
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The test is not an inquiry into whether a child's parents are stateless. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	Both parents must be stateless in order to automatically acquire Czech nationality. Other children born stateless on the territory have to lodge an application for nationality and in this proceeding, there is no requirement that the parents have to be stateless too.	Section 5 of <a href="#">Czech Citizenship Act</a>
PRS.2.e		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected. <a href="#">Human Rights Committee, D.Z. v. Netherlands (2021)</a> : The burden of proof must be shared between the claimant and the authorities of the contracting State to obtain evidence and to establish the facts as to whether an individual would otherwise be stateless.	<b>Yes.</b> In case both parents are stateless, the acquisition is automatic. Otherwise, stateless children have to apply for a Certificate of Czech Citizenship (CCC) - in this case they have to prove that the child has not become stateless only because the parent who holds a nationality failed, without serious reasons, to take necessary steps before the authorities of their country of nationality that would ensure that the child obtains the nationality of that country upon birth.	Section 5 and 29, Subpart 4, Section 41 and following of <a href="#">Czech Citizenship Act</a>
PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be lawful residence.	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. <a href="#">CRC</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child, Concluding observations on the Netherlands (2015)</a> : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.	<b>No.</b> Acquisition at birth (automatic) or on application which can be lodged immediately after birth.	Section 5 and 29 of <a href="#">Czech Citizenship Act</a>

			<a href="#">ECN: Article 6(2)(b)</a>		
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">Committee on the Rights of the Child, Concluding observations on Czech Republic (2011)</a> : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	At least one of the parents must have legal residence, which is at least temporary residence on the Czech territory of more than 90 days, at the time of the child's birth. This requirement is always there - both for the automatic acquisition of nationality if both parents are stateless, and for the grant of nationality by application if both parents are not stateless.	Section 5 and 29 of <a href="#">Czech Citizenship Act</a>
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	No limit. A person can apply to the competent authority (by place of birth) any time. There is a fee for making the application. If it is filed by a minor the fee is CZK 500 (approx. 20 EUR) but can be reduced to CZK 100 (approx. 4 EUR). If the application is filed by an adult the fee is CZK 2,000 (approx. 80 EUR) but can be reduced to CZK 500 (approx. 20 EUR).	<a href="#">Attachment, Section I, Art. 8, Item 13 and 14, and seg. discretion under art. 8 of Act no. 634/2004 on administrative fees</a>
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities. <a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a> : The best interests principle applies to all children within the territory of the State, irrespective of their status.	<b>Yes.</b> Section 29 of the Citizenship Act provides that: <i>The citizenship of the Czech Republic pursuant to Article (1) above shall not be granted to a child who became homeless as a result of the fact, that their parent failed, without any serious reason, to contact the respective authorities in the country they are a citizen of and take steps necessary for the child to be granted citizenship of that country. Should the parent have received, in the period when such steps could have been taken, international protection in the Czech Republic in the form of asylum or supplementary protection, such fact shall be perceived as a serious reason pursuant to the first sentence above.</i>  Holding the status of refugee in Czechia (asylum or subsidiary protection) is considered as a serious reason in practice by the Ministry.  However, children born to parents who changed their residence status (e.g., subsidiary protection to permanent residence) can face barriers to acquiring nationality.	<b>Section 29.4</b> of <a href="#">Czech Citizenship Act</a>
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">1961 Convention</a> : Article 2 <a href="#">ECN: Article 6(1)(b)</a>	<b>Yes.</b> Foundlings acquire Czech nationality on the day they are found, if they are under three. Foundlings over three years-old, whose identity cannot be established because of their young age or disability, acquire Czech nationality upon application lodged by a guardian. Section 10 of the Citizenship Act provides that a child under three found on the territory, whose identity is not known, acquires Czech nationality the day they are found if in a period of 6 months the authority has not found out that the child has acquired the nationality of another state. If there is a doubt about the day of	Section 10 and 30 of <a href="#">Czech Citizenship Act</a>

				the finding, the Ministry of Interior decides upon a date of acquisition of nationality, in a procedure initiated by a legal guardian or by the authority.	
PRS.3.b		Is there an age limit (e.g. ‘new-born’ or ‘infant’) in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No. For foundlings aged three and over, the acquisition of nationality is not automatic, but the application can be lodged by their guardian - there is no age limit, which is an example of good practice.	Section 10 of <a href="#">Czech Citizenship Act</a>
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	<b>No.</b>	
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">1961 Convention</a> : Article 5 <a href="#">European Convention on the Adoption of Children (2008)</a> : Article 12 <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child’s country of origin.	<b>No.</b> In order to lose Czech nationality, the parents must prove the child has or will acquire another nationality. There are safeguards under Section 40.7 and 9 (see Withdrawal of Nationality).	Section 40 of <a href="#">Czech Citizenship Act</a>
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">ECN</a> : Article 6(4)(d) <a href="#">European Convention on the Adoption of Children (2008)</a> : Article 12 <a href="#">Committee on the Rights of the Child, Concluding Observations on Switzerland (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	<b>Yes.</b> Nationality is acquired upon adoption if at least one parent is a Czech national. Acquisition of nationality occurs only after the adoption has been accepted by a national authority, or when an adoption decided by a foreign authority has been accepted according to private international law by Czech authorities. No limits or risks of statelessness found.	Section 8 of <a href="#">Czech Citizenship Act</a> Section 45 of <a href="#">Czech Citizenship Act</a>
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">1961 Convention</a> : Article 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	<b>Yes.</b> At least one of the parents must be a Czech national.	Section 8 of <a href="#">Czech Citizenship Act</a>
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">ECTHR, Genovese v. Malta (2011)</a> : The State must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness (2024)</a> : Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness. <a href="#">UNHCR, Global Action Plan to End Statelessness 2.0 (2024)</a> : Actions 3 and 4. <a href="#">Human Rights Council Resolution on the right to a nationality (2023)</a> : States should eliminate	Not to our knowledge.	<a href="#">Czech Citizenship Act</a> Czech Ombudsperson’s Office

			discrimination against all women and girls in the conferral of nationality on their children.		
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of ethnicity, disability, illness, the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	<p><a href="#">CRC</a>: Article 7.  <a href="#">ICCPR</a>: Article 24(2).  <a href="#">ECHR</a>: Article 8.  <a href="#">CoE, Recommendation CM/Rec(2009)13 (2009)</a>: Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.  <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.  <a href="#">UNHCR, Global Action Plan to End Statelessness 2.0 (2024)</a>: Action 7.  <a href="#">UN Sustainable Development Goal 16.9</a>  <a href="#">UNCRC, General comment No. 15 (2013)</a>: Universal free birth registration is a prerequisite for barriers to children’s access to health services, including financial, institutional and cultural barriers, to be identified and eliminated.  <a href="#">Joint general recommendation No. 31 CEDAW and No. 18 UNCRC (2019)</a>: A national system of compulsory, accessible and free birth registration should be established in order to effectively prevent harmful practices, including child marriage.  <a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a>: Calls on States to overcome discrimination against rainbow persons and families.  <a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a>: The best interests procedures involve the referral of children to multisectoral services, based on the specific needs of the child and their family, including birth registration.  <a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021)</a>: All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.  <a href="#">Human Rights Council Resolution on the right to a nationality (2023)</a>: States should remove physical, administrative, procedural and any other barriers that impede access to birth registration, establish or strengthen existing institutions responsible for birth registration, and remove barriers due to discrimination, including for internally displaced persons, refugees and asylum-seekers.  <a href="#">Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</a>: States should uphold the equal right to register births and access birth certificates and other civil documents, without discrimination, including on the basis of sex, gender or marital status. States should pass comprehensive legislation on civil registration and vital statistics.</p>	<p><b>Yes.</b> The registration of children is done by the facility where the child was born. In case of home birth, parents must register their child at the birth registry according to the place of birth. The documentation to be presented for registration varies according to the situation:</p> <ul style="list-style-type: none"> <li>- if the child is born to a married couple, one of the parents must present their ID or passport</li> <li>- if the father is known, the mother presents her birth certificate</li> <li>- if a child is born to an unmarried couple, both parents must present their birth certificates</li> </ul> <p>The obligation to present documentation can be waived for reasons deserving special concern, mainly in the case of applicants for international protection, refugees granted asylum or subsidiary protection. In this case a solemn declaration is sufficient.</p> <p>There are no discriminatory provisions in registering children.</p>	<p><a href="#">Act on Birth registry (zákon o matrikách) no. 301/2000 Sb. (CZE)</a></p> <p>§ 15 of <a href="#">Act on Birth registry</a></p> <p>§16 of <a href="#">Act on Birth Registry</a></p> <p>§ 16.6 <a href="#">Act on Birth Registry</a></p> <p>§ 14 <a href="#">Act on Birth Registry</a></p>

			<a href="#">Human Rights Committee, Rexha and Fasliu v. Albania (2025)</a> : States must prioritise adequate policies for birth registration, especially for children from marginalised communities.		
PRS.6.b	Are all children issued with birth certificates upon registration, regardless of ethnicity, disability, illness, their or family members' residence status/documentation, or parents' sexual or gender identity? If no, please describe legal status of documentation issued.	<p><a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a>: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC</a>: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p> <p><a href="#">UNCRC, General Comment No. 7 (2005)</a>: States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p> <p><a href="#">Human Rights Council Resolution on the right to a nationality (2023)</a></p> <p><a href="#">Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</a></p> <p><a href="#">ECtHR, G.T.B. v. Spain (2023)</a>: States have a positive obligation to assist the child in obtaining a birth certificate and identity documents.</p>	<p><b>Yes.</b> All children, regardless of their nationality, will get a Czech birth certificate, issued by the birth registry. The birth certificate is issued within 30 days from the birth notification.</p> <p>However, in the case of same-sex couples, only one parent is listed on the birth certificate first. The second parent must lodge an application for an adoption of the child. Once the adoption is approved, the second parent is added to the birth certificate and granted full parental rights and responsibilities.</p> <p>The adoption process is only available to same-sex couples who are in a civil partnership. A partner who is not in such a partnership cannot adopt the child. According to Czech law, adoption is generally limited to married couples or one of the spouses. For same-sex couples, adoption is only permitted if the adopting partner is seeking to adopt the biological child of their registered partner.</p>	<p><a href="#">Act on Birth registry</a></p> <p><a href="#">§ 800 of the Civil Code, 89/2012 Coll.</a></p>	
PRS.6.c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<a href="#">CRC</a> : Articles 3 & 7	The child's nationality is not recorded in the birth registry nor the birth certificate. If the child acquires Czech nationality by birth, only a birth certificate is needed. If a Czech child is born outside of Czechia, they must be registered in a special birth registry to get a Czech birth certificate. If a child that does not acquire Czech nationality is born, parents have an obligation to apply for a visa for them within a deadline of 60 days. Parents' nationality is mentioned on the birth certificate.	<p>Act on Birth Registry</p> <p><a href="#">Ministry of the Interior, Acquisition of Czech citizenship (CZE)</a></p> <p><a href="#">Ministry of the Interior, Children born on the Czech territory (CZE)</a></p>	
PRS.6.d	If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.	<p><a href="#">CRC</a>: Articles 3 &amp; 7</p> <p><a href="#">1961 Convention</a>: Articles 1 &amp; 4</p> <p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.</p> <p><a href="#">Human Rights Committee, CCPR General comment No. 17 (1989)</a>: States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p><a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a></p> <p><a href="#">Human Rights Committee, D.Z. v. Netherlands (2021)</a></p>	<p>The child's nationality will be determined when they apply for a Czech passport or for an ID, or visa. In case of a doubt, parents have to apply for a Certificate of Czech Citizenship (CCC), at the birth registry according to the place of birth.</p> <p>In case the parents have to apply for a CCC, the best interest of the child is not always taken into consideration as the child's right to acquire a nationality is conditioned by the residence status of the parents.</p>	<p><a href="#">Ministry of the Interior, Acquisition of Czech citizenship (CZE)</a></p> <p><a href="#">Czech Citizenship Act</a></p>	
PRS.6.e	Are there credible reports to suggest that, in practice, children are prevented from registering their birth	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC</a> : Urge States parties to take all necessary measures to ensure that all children are	Not to our knowledge. No cases known where children would be prevented from registering, however, in the case of same-sex couples only one parent is listed on the birth certificate first. They	<p>OPU.</p> <p><a href="#">§ 14 Act on Birth Registry</a></p>	

		<p>(or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?</p>	<p>immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p> <p><a href="#">Global Compact for Safe, Orderly and Regular Migration</a>: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p><a href="#">Global Compact on Refugees</a>: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p><a href="#">European Parliament Resolution (2018)</a>: Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p><a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a>: Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p><a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021)</a>: All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p><a href="#">Human Rights Committee, Rexha and Fasliu v. Albania (2025): States must prioritise adequate policies for birth registration, especially for children from marginalised communities.</a></p> <p><a href="#">CJEU, V.M.A. (2021)</a>: Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p> <p><a href="#">ECtHR, Mennesson v. France (2014)</a>: States must grant legal recognition of parent-child relationship legally established abroad for children born through surrogacy.</p> <p><a href="#">ECtHR, D.B. and others v. Switzerland (2022)</a>: Domestic law must provide a possibility of recognition of a legal parent-child relationship between the child born abroad through surrogacy to a same-sex couple and the intended parent.</p>	<p>have to lodge an application for an adoption of the child. See section PRS.6.b.</p> <p>All children born as a result of a surrogacy agreement are registered as well. Only the surrogate mother is listed as a parent on the birth certificate, as Czech law defines the mother as the woman who gives birth. To transfer parental rights and responsibilities to the intended parent or parents, the surrogate mother must relinquish the child and give consent for adoption.</p>	<p><a href="#">§ 800, 804 and 809 of the Civil Code, 89/2012 Coll.</a></p>
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PRS.6.f	Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC</a> and <a href="#">Joint General Comment No. 3 (2017) CMW and No. 22 (2017) UNCRC</a> : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. <a href="#">CoE, ECRI General Policy Recommendation No. 16(2016)</a> : States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	Not known. There is no clear firewall to prevent the sharing of information with immigration authorities, and it is not known whether this happens in practice.	OPU
PRS.6.g	Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) UNCRC</a> : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. <a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a> : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. <a href="#">UNCRC, General Comment No. 7 (2005)</a> : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services. <a href="#">UNCRC, General comment No. 20 (2016)</a> : The lack of birth registration can result in significant additional complications during adolescence. Adolescents who have not been registered at birth or immediately after should be provided with free late birth certificates and civil registration. <a href="#">Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</a> : States should reduce or remove administrative and financial barriers, such as late registration fees, that inhibit or delay registration.	Yes. All children must be registered within 3 days of birth or within 3 days the mother of child could first do so. The birth certificates are issued to all children within 30 days. Not registering a birth is an offence and punishable by a fine of up to 10,000 CZK (approx. 412 EUR).  The child's nationality will be determined when they apply for a Czech passport or for an ID, or visa. In case of a doubt, parents have to apply for a Certificate of Czech Citizenship (CCC), at the birth registry according to the place of birth.	Art. 79a Act on Birth registry (zákon o matrikách) no. 301/2000 Sb. (CZE)  <a href="#">Ministry of the Interior, Acquisition of Czech citizenship (CZE)</a>  <a href="#">Czech Citizenship Act (available in English on the official website of Ministry of the Interior)</a>
PRS.6.h	Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Not known.	
PRS.6.i	Are children able to apply for their birth registration if this was not done by their parents or other representative? Please describe whether this is regulated in the State, and if so, whether there is a minimum age for the child to apply for birth registration.	<a href="#">EU Agency for Fundamental Rights (2017)</a> : States should provide procedures to allow children to apply for their birth registration in case their parents fail to do so.	Birth registration is carried out by the medical facility where the child is born. In the case of a home birth, the parents must register the child at the registry office according to the place of birth. If the birth is not reported by the parents or the medical facility, any person who becomes aware of the birth is legally obliged to report it to the registry office. Once the birth is reported, the Registry Office issues the birth certificate.  There are no specific legal provisions allowing children to apply for their own birth registration. This responsibility is presumed to lie with the parents or legal guardians. However, the law allows any	<a href="#">§ 14 and following Act on Birth Registry, no. 301/2000 Coll.</a>  <a href="#">Procedure for Issuing Birth Certificates, Marriage Certificates, Registered Partnership Certificates, Death Certificates.</a>

				<p>person to request a duplicate of their birth certificate if it has been lost. To do so, the applicant must complete a form, provide their date and place of birth, and present an identity document. This process assumes that the birth was properly registered in the first place.</p> <p>There are no other specific procedures that are allowing children to apply for their birth registration if their parents fail to do so. In general, a child cannot apply for their birth registration on their own in a formal sense, as legal capacity to act before the registry office generally requires full legal capacity, which is typically acquired at the age of 18. However, under the Civil Code, it is presumed that any minor who has not acquired full legal capacity is capable of performing legal acts appropriate to the intellectual and emotional maturity typical for minors of their age. This means that while a child may in theory express their will or take part in simple legal matters, the formal act of applying for birth registration must still be carried out by a parent, guardian, or another legal representative. If needed, a court can appoint the guardian, or the child protection services (OSPOD) to act on the child's behalf.</p>	<p><a href="#">Confirmations, and Literal Extracts from the Registry Books, Decree No. 301/2000 Coll., implementing the Act on Birth Registry</a></p> <p><a href="#">§ 30 and 31 of the Civil Code, no. 89/2012 Coll.</a></p>
PRS.7.a	Reduction of statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2.0 (2024)</a> : Action 7	Not known.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless or without their nationality confirmed/determined? Please provide details and source of information.	<p><a href="#">1961 Convention</a>: Article 9</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2.0 (2024)</a>: Action 4</p> <p><a href="#">HRC, Recommendations of the Forum on Minority Issues (2019)</a>: States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.</p>	In Czechia, statelessness is linked mainly with migration (not with specific ethnicities). Little attention is paid to this issue. No study has been conducted so far about the Romani population. UNHCR recommended in its mapping study that the Government conduct a study on risk of statelessness among in situ/ethnic minority populations.	<p>OPU, Ombudsperson Office</p> <p><a href="#">UNHCR, Faces of Statelessness in the Czech Republic</a>, December 2020</p>
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness, including for particular groups who may be affected? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, facilitated access to documentation or residence status for specific groups, etc.)	<p><a href="#">1961 Convention</a></p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2.0 (2024)</a>: Actions 1 &amp; 8</p> <p><a href="#">UNHCR, Good Practices Paper - Action 1 (2022)</a>: States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.</p> <p><a href="#">UN Guiding Principles on Internal Displacement (1998)</a>: Principle 20</p> <p><a href="#">Human Rights Council Resolution on the right to a nationality (2023)</a>: States should undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights, including the right of everyone to a nationality.</p> <p><a href="#">Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and</a></p>	No.	

			<p><a href="#">statelessness (2023)</a>: States should conduct public awareness-raising campaigns, establish accessible civil registration units, implement outreach programmes in remote and marginalised communities, and train health workers and civil registry officials with regard to statelessness and in a gender-sensitive manner.</p> <p><a href="#">ENS, Statelessness and the prohibition on discrimination against Romani communities (2023)</a>: States must protect against arbitrary differential treatment and implement non-discriminatory policies. States should adopt and implement effective policies and measures to combat intersecting forms of discrimination.</p>		
PRS.8.a	Deprivation of nationality	<p>Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).</p>	<p><a href="#">1961 Convention</a>: Article 8 &amp; 9.</p> <p><a href="#">ECN</a>: Article 7(3).</p> <p><a href="#">UDHR</a>: Article 15(2).</p> <p><a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary</a>: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 &amp; 6.</p> <p><a href="#">HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a>: para. 23.</p> <p><a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).</p> <p><a href="#">ILEC Guidelines (2015)</a>: Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p> <p><a href="#">CoE, PACE Resolution 2263 (2019)</a>: States should review their legislation in the light of international standards prohibiting arbitrary deprivation of nationality, and repeal any laws that would allow it; provide for safeguards against statelessness in their national laws; abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving minors of their nationality.</p> <p><a href="#">ECtHR, Usmanov v. Russia (2020)</a>: A decision on deprivation of nationality must assess the consequences for the person and whether the measure is arbitrary.</p> <p><a href="#">CJEU, Rottmann (2010)</a>: Decisions withdrawing nationality must be afforded a reasonable period of time in order to try to recover the nationality of their Member State of origin.</p>	<p><b>No.</b> There are no provisions on deprivation of nationality in Czech Law, only voluntary renunciation (see below).</p>	<p>Section 40 of <a href="#">Czech Citizenship Act</a></p>

			<p><a href="#">CJEU, JY (2022)</a>: Decisions to revoke an assurance that nationality will be granted must be proportionate and consistent with EU law.</p> <p><a href="#">CJEU, Tjebbes (2019)</a>: The loss of nationality must respect the principle of proportionality and national authorities must perform an individual assessment of the consequences for the applicants.</p>		
PRS.8.b	Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)? Please briefly state if deprivation of nationality is only ever carried out in pursuance of a legitimate purpose, is provided for by law, is necessary, proportionate, in accordance with procedural safeguards, and in accordance with the right to respect for private and family life. Please also state if a reasonable period of time is afforded to allow recovery of the nationality of the State of origin in case of withdrawal of nationality.	<p><a href="#">1961 Convention</a>: Article 8(4)</p> <p><a href="#">ECN</a>: Articles 10 to 13</p> <p><a href="#">ECHR</a>: Article 8</p> <p><a href="#">Charter of Fundamental Rights</a>: Article 7</p> <p><a href="#">Principles on Deprivation of Nationality</a>: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.</p> <p><a href="#">ILEC Guidelines (2015)</a>: The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p> <p><a href="#">CoE, PACE Resolution 2263 (2019)</a>: States should abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving nationals of their nationality.</p> <p><a href="#">ECtHR, Usmanov v. Russia (2020)</a></p> <p><a href="#">CJEU, Rottmann (2010)</a></p> <p><a href="#">CJEU, JY (2022)</a></p> <p><a href="#">CJEU, Tjebbes (2019)</a></p>	<p>For voluntary renunciation, the competent authority is the Czech Embassy in the country of the place of residence of the applicant or of the country of the nationality the person has applied for or the regional office in respect of the last place of permanent residency of the declarant on the territory of Czechia. Should the declarant never have had a permanent residency on the territory of Czechia, the competent authority shall be the Office of the Municipality Prague 1. To record the voluntary renunciation, there is the information system of the central register of persons who had acquired or lost the nationality of Czechia. The Central Register is maintained by the Ministry of the Interior.</p> <p>Citizenship may only be renounced if all of the following conditions are met: (a) the person permanently resides abroad, (b) is not registered for permanent residence in Czechia, and (c) already holds (or is in the process of acquiring) another nationality. Because all three conditions must be met, these safeguards ensure that no one can renounce Czech citizenship without already having or imminently gaining another nationality, thereby preventing statelessness. This approach is in line with the principle of proportionality, as it limits the right to renounce nationality only to cases where statelessness is not a risk.</p> <p>To regain Czech citizenship after renunciation, the individual must undergo the standard naturalisation process, which includes having a valid long-term or permanent residence permit, residing in Czechia for a required period (typically five years), demonstrating knowledge of the Czech language, a clean criminal record, and a stable income. However, these conditions may be waived for former Czech citizens. Importantly, the decision to waive any of the requirements lies entirely at the discretion of the MoI, which considers each case individually, including in cases where the person failed to acquire another nationality after renouncing Czech nationality and was therefore rendered stateless.</p>	<p>Section 40.3 of <a href="#">Czech Citizenship Act</a></p> <p>Section 50 of the <a href="#">Czech Citizenship Act</a></p> <p><a href="#">§ 15 of Czech Citizenship Act, no. 186/2013 Coll.</a></p>	
PRS.8.c	Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		Not applicable.		
PRS.8.d	Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p><a href="#">1961 Convention</a>: Article 7</p> <p><a href="#">ECN</a>: Articles 7 and 8</p>	<b>Yes. There is a safeguard against statelessness</b> arising in the process of a declarant acquiring another nationality. Czech law also accepts dual nationality, which is a further safeguard preventing statelessness.	<p>Section 40.7, <a href="#">Czech Citizenship Act</a></p> <p>Section 40.9, <a href="#">Czech Citizenship Act</a></p>	

PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p> <p><a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p> <p><a href="#">CoE, PACE Resolution 2263 (2019)</a>: States should review provisions allowing for deprivation of nationality on terrorism grounds in light of international human rights obligations, refrain from applying this measure and envisage and prioritise wider use of other counter-terrorism measures.</p>	No.	
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">ICCPR</a>: Article 26</p> <p><a href="#">1961 Convention</a>: Article 9</p> <p><a href="#">ECN</a>: Article 5</p> <p><a href="#">Principles on Deprivation of Nationality</a>: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p> <p><a href="#">CoE, PACE Resolution 2263 (2019)</a>: States should not discriminate between citizens on the basis of the way in which they have acquired nationality, in order to avoid indirect discrimination against minorities.</p>	No.	
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p><a href="#">1961 Convention</a>: Article 6</p> <p><a href="#">CRC</a>: Articles 2(2), 7 and 8</p> <p><a href="#">CEDAW</a>: Article 9(1)</p> <p><a href="#">Principles on Deprivation of Nationality</a>: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	Not applicable.	

## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p><b>Supreme Administrative Court decision no. 4 Azs 365/2018 regarding legal status of applicants</b></p> <p>Case regarding status of stateless determination applicants. They should be granted legal status during the procedure. The Ministry cannot choose some provisions of the Asylum Act to apply (such as time limits for decision-making) and not others. The applicant should get a certificate of application that grants them a right to stay on the territory in the same way as for asylum seekers (with access to healthcare and other services). Non-action of the state (in this case the refusal to give any legal status to the applicant - certificate of application) is contrary to their right to private and family life.</p> <p><b>Supreme Administrative Court decision no. 9 Azs 361/2017 from 19 April 2018 regarding expulsion of stateless persons</b></p> <p>Before rendering a removal decision (administrative expulsion) of a stateless person, the state must verify its compliance with the 1954 Convention, in particular with Article 31. The provision in the Czech Act on the Residence of Foreigners in its Section 121 (regulating expulsion of stateless persons when the receiving country agrees) does not apply in this case because of dissimilarity of this provision with the relevant provisions of the Convention, which has priority over the provisions of national law.</p> <p><b>Detention of an applicant for statelessness status was an unlawful act</b></p> <p>The court officially states that applicants for statelessness status cannot be detained because they are lawfully staying on the territory.</p> <p><b>Stateless persons to be allowed in accommodation centres for asylum seekers</b></p> <p>- “Not admitting applicants for status of a stateless person to an asylum seekers’ accommodation centre is an unlawful action” -  “The (Ministry) is hereby prohibited to continue the breach of applicants’ right to housing in accommodation centre, and the (Ministry) is also ordered to enable the applicants’ to use housing in the accommodation centre until the entry in force of their decision on application for a status of a stateless person”</p> <p><b>Supreme Administrative Court judgment regarding detention and reasonable prospects for removal.</b> Statelessness might be an obstacle for removal. Authorities must consider if the person can be removed before rendering a detention decision, taking into account their possible statelessness. However, the authority does not have to determine for sure to which state the person can be removed.</p> <p><b>Damages claim</b></p>	<p><a href="#">Supreme Administrative Court (Nejvyšší správní soud) case no. 4 Azs 365/2018-74 from 12 March 2019</a></p> <p><a href="#">Supreme Administrative Court decision no. 9 Azs 361/2017 from 19 April 2018</a></p> <p><a href="#">Unlawful Action claim, Municipal Court in Prague, decision no. 14 A 8/2020 from 14 September 2020</a></p> <p>Unlawful Action claim, Municipal Court in Prague, no. 5 A 168/2019 from 26 October 2020 (link not yet available)</p>

				<p>Damages won in first instance for immaterial harm (delays in procedure) and for detention of a stateless person</p> <p><b>Access to healthcare</b> The court ruled that not accepting the applicant for statelessness determination to the public health insurance system was unlawful action against his rights. They should be insured in the same way as asylum-seekers. “It is decided that the action of the accused party (Public Health Insurance of the Czech Republic) consisting in not allowing him into the system of public health care, was unlawful”. The Public Health Insurance appealed to the High Administrative court, refusing to accept this decision. The case is still pending at Supreme Administrative Court.</p> <p><b>The analogy with the asylum procedure</b> Shortly after the 2021 amendment which moved the statelessness determination from the Asylum Act to the Immigration Act came into force, the court ruled there is the necessity of preserving the analogy with the asylum procedure, regardless of whether the statelessness procedure is formally regulated under the Asylum Act or the Immigration Act.</p> <p><b>Burden of proof</b> The burden of proof in the statelessness procedure should be shared as it is in the asylum procedure. The court has ruled that the MOI should conduct steps towards verification of applicants' claims as the MOI is doing so in the asylum procedure.</p> <p><b>International obligations of CZ &amp; Burden of proof II</b> Even though the determination of statelessness was moved from the Asylum Act to the Immigration Act the rights under the asylum procedure should be still preserved – therefore the burden of proof should be divided between the applicant and MOI as it is in the asylum procedure.</p> <p>The court ruled, similar to the judgment above, the MOI should use its apparatus to determine whether the applicant is stateless or not. The court suggested the MOI should get information on the nationality of the applicant on its own. The judgment is linked to UNHCR guidance as well.</p> <p><b>The right to ID &amp; the right to remain on the territory</b> The court ruled that even though the applicant has any kind of ID (in this case an ID of a non-Latvian citizen) the MOI must issue the ID of the stateless applicant that is also serving as proof of residence status of the stateless applicant. According to the court, there should be an analogy between the asylum seekers' and the stateless applicants' rights to obtain an ID and to remain on the territory.</p> <p>In another case, the court found that, despite the Ministry of Interior's refusal to issue identity documents to persons applying to be recognised stateless, applicants have the right to be issued with an ID. The court referred to UNHCR Guidelines and to its previous ruling, according to which the analogy with the asylum procedure should be preserved regardless of whether</p>	<p><a href="#">Supreme Administrative Court, case no. 1 Azs 283/2017 from 22 November 2017</a></p> <p>Prague 7 District Court, No. 12 C 2/2019 (not published yet)</p> <p>Municipal Court in Prague, (case no. 14 A 131/2020) (not published yet)</p> <p><a href="#">Decision of Municipal Court Prague, 26 January 2022, Nr. 10 A 98/2021-45</a></p> <p><a href="#">Decision of Municipal court in Prague, 28 July 2022, n. 10 A 53/2021-37</a></p> <p><a href="#">Decision of Municipal court in Prague, 23 August 2022, n. 57 A 119/2021-38</a></p> <p><a href="#">Decision of the Supreme Administrative Court, 27 September 2022, n. 2 Azs 40/2022-35</a></p> <p><a href="#">Decision of the Municipal Court in Prague of 24 April 2023, No 14 A 18/2023-35</a></p>
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RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or people with undetermined nationality? If yes, please describe.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants must have access to legal counsel.	<p><b>OPU</b></p> <p><b>UNHCR</b> (does not directly provide legal counselling but their lawyers are aware of the issue)</p> <p>Otherwise, there are no specialised organisations providing advice to stateless people in particular.</p>	<p><b>OPU, Organizace pro pomoc uprchlíkům, Organization for aid to refugees</b> Link: <a href="http://www.opu.cz">www.opu.cz</a> Address: Podebradska 5, 190 00 Prague 9 Tel: +420 730 158 781</p> <p><b>UNHCR Czech Republic</b> Link: <a href="https://www.unhcr.org/cz/">https://www.unhcr.org/cz/</a> Address: Václavské nám. 51, 110 00 Praha 1 Tel: +420 776 437 775</p>
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		<p><b>UNHCR: Faces of statelessness in the Czech Republic. UNHCR, Prague 2020. ISBN 978-953-95763-7-8.</b></p> <p>JANKŮ, L. Právní ochrana osob bez státní příslušnosti v České republice: 15 let po ratifikaci Úmluvy o právním postavení osob bez státní příslušnosti stále popelkou? [Legal Protection of Stateless Persons in the Czech Republic: 15 Years after the Ratification of the Convention on the Protection of Stateless Persons Still Ignored?] In JÍLEK, D. – POŘÍZEK, P. <i>Ročenka uprchlického a cizineckého práva 2018</i>. Brno: Kancelář veřejného ochránce práv, 2020. pp. 181-226. ISBN 978-80-7631-037-7.</p> <p>JANKŮ, L.: Postavení a ochrana osob bez státního občanství v České republice. [Legal Situation of Stateless Persons in the Czech Republic and Protection of their Rights] In JÍLEK, D. - POŘÍZEK, P. <i>Pobyt cizinců: vybrané právní problémy II</i>. Brno: Kancelář veřejného ochránce práv, 2015. pp. 256-290. ISBN 978-80-7478-916-8.</p> <p>HOFMANNOVÁ, H. Právní postavení osob bez státní příslušnosti v České republice. [Legal Status of Stateless Persons in the Czech Republic] In <i>Jurisprudence 21(5)</i>, 2012, s. 13–23.</p>	<a href="#">UNHCR, Faces of Statelessness in the Czech Republic</a> , December 2020
RES.4.a.	Examples of identity and travel documents	Please insert pictures of <b>anonymised</b> identity and/or travel documents issued to stateless people in your country (if applicable). If the country issues several documents, please specify what each document is.	<p>Identity document for the applicant in the SDP – included in Decree No. 161/2024 Coll. as an <a href="#">annex</a></p> <p>Travel Identity Card where the tolerance visa is affixed – <a href="#">specimen available here</a></p> <p>Tolerated long-term residence is issued after 1 year stay on tolerance visa. The long-term residence ID <a href="#">specimen available here</a></p> <p>Identity document for the asylum-seekers – included in Decree No. 328/2015 Coll. as an <a href="#">annex</a></p>		