

CZECH REPUBLIC JOINS SCHENGEN

INFORMATION FOR FOREIGN NATIONALS



The Czech Republic will become part of the Schengen area. Checks will be abolished at land borders on 31st December 2007 and at the end of March 2008 also at the international airports on flights within the Schengen territory. It will be possible to cross the common (internal) borders with other Schengen states without any border checks. Nevertheless, the necessity to possess a valid travel document (see below) remains untouched.

By joining the Schengen area, the Czech Republic will apply joint rules concerning the movement of persons in the entire Schengen area, including the conditions for crossing external borders.

In the case of a serious threat to security or public policy, the Czech Republic may reintroduce border control at internal borders and may carry out border checks again. Nevertheless, such action will be performed only in exceptional cases and for a limited period.

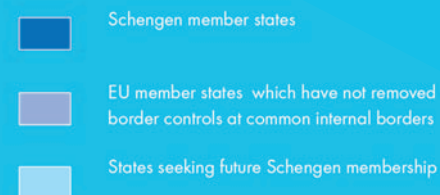
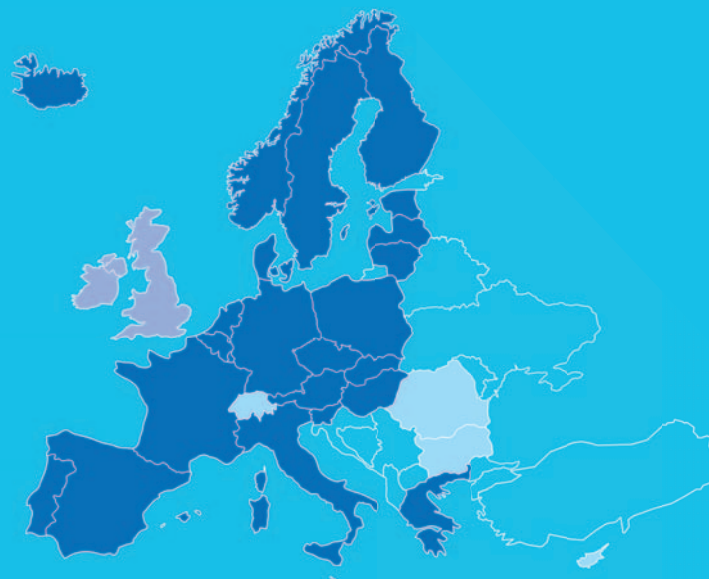
The enlargement of the Schengen area will bring changes to citizens of the European Union and other persons enjoying the Community right of free movement¹ including their family members² and also to third-country nationals³.

1) as of 31st December 2007: citizens of the EU, Iceland, Norway, Switzerland and Liechtenstein

2) spouse, partner (in the case of a registered partnership), direct descendants who are under the age of 21 or are dependants, dependent direct relatives in the ascending line (precise definition of the term is laid down in the Directive 2004/38/EC of the European Parliament and of the Council)

3) persons not enjoying the Community right of free movement

SCHENGEN AREA FROM 31 DECEMBER 2007



Detailed information about the conditions for entry into and stay in the Czech Republic, respectfully in the Schengen area, may be provided by:

- Information Hotline of the Alien Police (Tel: 974 841 356/357, E-mail: infoscpp@mvcz.cz, www.mvcz.cz)
- Ministry of Foreign Affairs www.mzv.cz
- www.euroskop.cz/schengen
- Eurocentres

By the Ministry of the Interior, September 2007

THE CZECH REPUBLIC IN THE SCHENGEN AREA FROM 31 DECEMBER 2007

Diplomatic missions of the Czech Republic will start issuing Schengen visas and the Czech Republic will, at the same time, start accepting the Schengen visas issued by another Schengen state for entry into and short-term stay (not exceeding 3 months) on its territory.

Diplomatic missions of the Czech Republic and the Police of the Czech Republic (Alien Police Service) will still be entitled to issue visas and residence permits. Conditions for granting residence permits and their prolongation will not change in the Czech Republic.

Short-stay as well as long-stay visas issued by the Czech Republic before 31st December 2007 will remain valid for the period indicated on the visa. They will, however, entitle their holders only to enter into and stay in the Czech Republic. If holders of such a visa leave the Czech Republic (solely by direct flight) and wish to return to the Czech Republic before the visa expires, they will be able to pass through the territory of other Schengen states for a period not exceeding 5 days provided they will be in possession of a long-stay visa. If they possess a short-stay visa, they will have to take a direct flight to return to the Czech Republic, as transit through the territory of other Schengen countries will not be possible.

A residence permit for the Czech Republic and a valid passport will entitle third-country nationals to travel within the Schengen area for a period which will not exceed 3 months in total.

Since 1st September 2007, the Czech Republic has had access to the Schengen Information System (SIS). An alert in the SIS for the purpose of refusing entry may be the ground for refusing entry and refusing application for a visa or residence permit or their prolongation. An alert in the SIS may also be the reason to terminate the validity of a visa or a residence permit issued by the Czech Republic prior to 1st September 2007.

Free movement of third-country nationals applies to persons who legally entered and stay on the Schengen territory. Please pay attention to conditions for entry and stay as their violation may, in some cases, lead to termination of stay.

ENTRY TO THE SCHENGEN AREA

Citizens of the EU, Iceland, Norway, Switzerland and Liechtenstein shall undergo a minimum check in order to establish their identities on the basis of verification of the validity of their travel documents (identity card or passport).

Third-country nationals shall undergo a thorough check in which their identity is checked on the basis of verification of the validity of the presented passport and also by conforming with all conditions for entering the Schengen territory, i.e.:

- they have a valid travel document or documents valid for crossing the border,
- they have a valid visa, if required, except where they hold a valid residence permit,
- they justify the purpose and conditions of their intended stay, and they have sufficient means of subsistence, both for the duration of the intended stay and for the return to their country of origin, or are in a position to acquire such means lawfully,
- they are not persons for whom an alert has been issued in the Schengen Information System (SIS) for the purposes of refusing entry,
- they are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Schengen states.

The travel documents of third-country nationals shall be stamped on entry to and exit from the Schengen area.

Third-country nationals – family members of citizens of the EU, Iceland, Norway, Switzerland or Liechtenstein, shall undergo a minimum check when crossing the external borders in order to establish their identities on the basis of presentation of a passport and documents proving the family tie with a citizen of the EU and above stated countries. If they are subject to visa obligation, they are, in principle, required to present a visa. The visa is not required for stays which do not exceed 3 months if they hold a valid residence permit or card issued by an EU Member State or any of the countries stated above. Family members may be issued a visa at the border crossing point.

In order to enter the Schengen territory, family members must not be registered in the SIS as persons to whom entry shall be refused as they represent a genuine threat to the public policy and internal security of any of the Schengen states. The existence of a permanent threat must be reported in each case of refusal of entry.

Travel documents of family members are stamped when crossing the external Schengen borders, except when they present a residence permit authorizing them to stay on the territory of the EU and above mentioned countries.

These rules are applicable under the condition that family members accompany or join the EU citizens or citizens from the above mentioned countries. If this is not the case, the rules for third-country nationals apply.

STAYING IN THE SCHENGEN AREA

Citizens of the EU, Iceland, Norway, Switzerland and Liechtenstein have the right to stay on the territory of the EU and above mentioned countries for up to 3 months without any conditions or formalities, except that they have to be in possession of a valid identity card or a passport.

For stays exceeding 3 months, they may assert the right to apply for a residence permit of which issuance is guided by the rules of the concerned country – in the case of the Czech Republic, this involves issuance of a temporary residence confirmation or a permanent residence permit.

Third-country nationals

Third-country nationals not subject to the visa obligation may stay on the territory of the Schengen states for up to 3 months within a six-month period from their first entry. Duration of individual stays in different Schengen states cumulate. Those who have already stayed on the territory of the Schengen states for 3 months have to leave the Schengen area.

For stays exceeding 3 months, they need a long-term visa or a residence permit issued in accordance with the national legislation of the country in question.

Third-country nationals subject to the visa obligation may enter and stay in the Schengen area only on the basis of a uniform Schengen visa (Category B + C) which allows the holder to stay on the territory for the period stipulated on the visa, which does not exceed the period of 3 months starting from the date of first entry into the Schengen territory.

If their stay lasts for longer than 3 months, they need a long-term visa or a residence permit issued in accordance with the national legislation of the country in question. A long-stay visa (Category D) entitles its holder to pass through the territories of the Schengen states (for a maximum of 5 days) to the country which issued the visa (transit is not possible through the territory of the state for which the person in question shall be refused entry). It is also possible to issue a “combined” visa of Category D + C, which shall, for a period of not more than 3 months from the initial date of validity of the visa, be valid concurrently as a Schengen short-stay visa entitling the holder to stay also on the territory of other Schengen states.

Third-country nationals in possession of a residence permit of the Czech Republic or another Schengen state, Switzerland or Liechtenstein may stay visa-free on the territory of other countries for up to 3 months.

For stays exceeding 3 months, they need a long-stay visa or a residence permit issued in accordance with the national legislation of the country in question.

Third-country nationals – family members of citizens of the EU, Iceland, Norway, Switzerland and Liechtenstein, who accompany or join a citizen of the EU or any of the countries stated above, may stay in the Czech Republic (or on the territory of another Schengen state, Switzerland or Liechtenstein) for up to 3 months without a visa provided they are in possession of a valid passport.

When staying with a citizen of the EU or of the countries stated and the duration of the intended stay exceeds 3 months, they are obliged to apply for a temporary residence permit within a three-month period from the date of entry into the Czech Republic – this permit will be granted by means of a residence card of a family member of an EU citizen.

Report duty after the Czech Republic joins the Schengen area

Under certain conditions, every foreign national is obliged to report his/her presence or the place of his/her intended stay on the territory of the Czech Republic to the unit of the Alien Police in charge of the territory of the intended place of stay in the Czech Republic:

- within 3 working days from the day of entering the Czech Republic
 - third-country nationals who are/are not subject to the visa obligation
 - family members – third-country nationals who neither accompany nor join a citizen of the EU, Iceland, Norway, Switzerland or Liechtenstein
- within 30 days from the day of entering the Czech Republic:
 - citizens of the EU, Iceland, Norway, Switzerland and Liechtenstein with an intended duration of stay exceeding 30 days
 - family members – third-country nationals – with an intended stay exceeding 30 days who reside in the Czech Republic together with a citizen of the EU, Iceland, Norway, Switzerland or Liechtenstein

The above mentioned does not apply when the duty to report lies with the accommodation provider.

The entry of the Czech Republic into the Schengen area does not affect rules and conditions for granting international protection. A foreign national who has been granted a temporary protection or asylum in the Czech Republic may move within the Schengen states for a period of up to 3 months.

SCHENGEN VISAS

Visas issued by the Schengen states which entitle their holders to enter into and stay for a short-term period on the territory of the Schengen area.

There are several types of uniform Schengen visas:

- Airport transit visa (Category A: passing through the transit areas of the airport during a stop-over or transfer, does not entitle the holder to request the entry into the territory of the state)
- Transit visa (Category B: transit through the Schengen territory for a period not exceeding 5 days)
- Visa for stays up to 3 months (Category C: short-stay visa).

Diplomatic missions of the Czech Republic will issue a Schengen visa valid for the entire Schengen territory provided all conditions for granting the requested type of visa have been met, including i.a.:

- applicant is not a person for whom an alert has been issued in the SIS for the purpose of refusing entry,
- there is no reasonable danger that the applicant may, when staying on the territory of other contracting countries, be a threat to its security or public policy or international relations of other Schengen states,
- the Czech Republic is the main destination or, in the case of passing through territories of several countries, the first Schengen state which shall be entered by the applicant of this type of visa,
- a travel document to which a visa shall be affixed entitles the holder to enter the territory of all Schengen states.

A short-stay visa entitles a third-country national to enter the territory of Schengen states, Switzerland and Liechtenstein to pay a continuous visit or several visits, the duration of which does not exceed 3 months over a six month period from the first day of entry into the territory of these states. The visa may be issued for one, two or several entries.

A long-stay visa (Category D) does not belong to the group of uniform Schengen visas – this type of visa represents a national visa. Nevertheless, it is possible to issue a “combined” visa (Category D + C) which joins the advantages of both types of visas.

In specific cases, the Schengen visas may be issued at the border crossing points.