

## Czech Republic

### Executive Summary

The Czech Republic provides many solutions to help employers of foreign nationals. These range from temporary, non-immigrant visas to permanent immigrant visas. Often, more than one solution is worth considering. Requirements, processing time periods, employment eligibility and benefits for accompanying family members vary by visa classification.

### Key Government Agencies

The relevant Czech Labor Office is responsible for the processing of a work permit. The Foreign nationals Police Service is responsible for visa processing with the assistance of Czech consular posts abroad. Most non-EU country citizens' visa applications require first a notification of unoccupied job by the potential employer as well as that the foreign national apply and obtain the work permit to be employed in a specific job, time, place and for a specific employer, *i.e.*, prior to applying for Czech employment visa.

### Current Trends

Border protection activities and enforcement of immigration-related laws that impact employers and foreign nationals increased not only once the Czech Republic joined the EU in 2004, but have currently further increased because of high unemployment rates. Employers of foreign nationals unauthorized for such employment are being more and more subjected to civil penalties and the same with respect to such foreign nationals. In addition, it is more difficult to obtain a work permit for employees from certain countries.

Czech authorities require that non-EU country citizens possess a passport that is valid for three months beyond the intended stay in the

Czech Republic (*i.e.* beyond the applied visa period). Additionally, proof of finances bear the costs of stay and sufficient travel health insurance is required.

For example, according to Czech law, U.S. citizens entering the Czech Republic for tourist purposes may only stay on the territory of the Czech Republic and Schengen countries for a period of up to 3 months within any 180 day period. If he/she interrupts his/her stay on Schengen territory (including Czech Republic) within these 180 days, the period of stay on Schengen territory (all countries together) is counted together with any 180 days (*i.e.* exempting only those days when he/she is out of Schengen territory). However, any U.S. citizen is prohibited to work on the Schengen territory without a “working” visa.

A foreign national staying in the Czech Republic on the basis of a visa is obligated to report the beginning of the stay, place of residence and expected length of stay to the foreign national’s Police within three working days from arrival. If the foreign national will stay with a person/entity accommodating more than five foreign nationals for a consideration (*e.g.*, hotel), registration must then be done by the provider of the accommodation.

After being granted a Czech visa, foreign nationals are obligated to then report all changes to the locally appropriate Foreigner Police. Non-EU country citizens are obligated to report a change of residence in the Czech Republic and all other changes within **three** working days from the date on which such change occurred (except of employees having long term visa, who notify change of their address within thirty days from the date on which such change occurred). Changes that trigger reporting requirements include:

- Change of passport;
- Change of residence address in the Czech Republic;

- Change of marital status;
- Change of name;
- Change of employer - also requires prior change of the work permit;
- Granting of birth number; and
- Reporting a loss of any immigration document.

Foreign nationals are obligated to, upon prior request of local authorities:

- Prove their identity with a valid passport or a residence permit card, if requested by police, and prove that their stay in the territory is legitimate;
- Surrender the document issued by police, if its validity has expired (with the exemption of the identity card and permanent residency card on which the foreign national traveled and entered the territory of the Czech Republic);
- Report to police a loss or theft of documents issued by the police, or passport; and
- Submit to such actions as taking fingerprints, video recording, medical examination, etc. as provided by law, if requested by police.

Any foreign national must have valid and effective health insurance covering the entire period of stay in the Czech Republic and the evidence of such health insurance must be submitted to local authorities when applying for and collecting a Czech visa in addition to any requests by local authorities:

- When applying for a short-term visa - for full period of stay, *i.e.*, totaling 90 days (unless requested visa for a shorter period);
- When collecting a short-term visa;
- After arriving in the Czech Republic and when registering a short-term visa with the police;
- When applying for and collecting a long-term visa;
- After arriving in the Czech Republic with a long-term visa - when registering the visa with the police.

Travel health insurance coverage must be for the territory of the Czech Republic with a limit medical care costs of at least EUR 30,000, including repatriation of the body in case of death. In addition, it must be a health insurance company recognized by local authorities and not requiring costs co-participation by the employee.

EU country citizens who have not applied for a Residence Permit Card are obligated to register with the Foreign Police no later than within 30 days of the date of last entry into the Czech Republic, if their stay is expected to exceed 30 days. Such obligation also applies to their family members, if they stay inside the territory of the Czech Republic.

This obligation does not apply to those foreign nationals who fulfill the obligation via the person/entity providing them with accommodation, based on the assumption that the person/entity providing the accommodation fulfils such duty. EU country citizens, upon obtaining a permit for temporary (permanent) residence on the territory of the Czech Republic, are obligated to report each and every change within three working days of such change occurring.

It is recommended to insist on a passport being stamped with an entry stamp at the Czech border whenever a foreign national crosses.

Violation of immigration rules may result in a fine, deportation, prohibition of stay and, in special cases, criminal proceedings.

Border protection activity and enforcement of immigration-related obligations have recently increased due to high unemployment rates. Employers of foreign nationals unauthorized for such employment are increasingly subjected to civil penalties.

Please note that there is no legal entitlement for issuance of a work permit or Czech visa - it is solely at the discretion of local authorities.

## Business Travel

### *Business Short-term Visa - Type C*

Single entry - The maximum duration of a single stay in the Czech Republic on a single entry visa is limited to 90 days (or shorter period stated in the visa). This visa allows foreign nationals to enter, stay and leave only once. The visa may be used at any time stipulated in the visa.

Multiple entry - The maximum duration of a single stay in the Czech Republic on a single entry visa is limited to 90 days in total (or shorter period stated in the visa). This visa allows foreign nationals to enter, stay and leave the country two or more times. The visa may be used at any time stipulated in the visa until the permitted number of days of entry and stay is reached.

Allowed purposes – Tourism, visit of a person (invitation necessary), cultural purposes, sports purposes, study purposes, employment and scientific purposes, business trip, official (political), other.

This may also be issued as a Schengen type of visa. In such cases, the total duration of the stay of the foreign national on the territory of Schengen countries may not exceed three months during six months from the first date of entry into Schengen territory.

### *Business Long-term Visa – Type C + D or D*

Allowed purposes – Employment, business, participation in a legal entity, study, joining his/her family, sports, medical care, to take over permanent residency, for scientific research. This is usually issued for a period of up to one year.

### *Visa Waiver*

EU citizens do not need a work permit or visa to stay or work in the Czech Republic. They are subject to the registration requirement only. This similar treatment also applies to citizens of Norway, Lichtenstein, Iceland, and Switzerland. Some non-EU country citizens traveling to the Czech Republic as tourists only are not required to obtain a Czech visa, provided that their stay does not exceed the stipulated number of days. These individuals are only subject to the registration requirement.

Citizens of the following countries are allowed to arrive in the Czech Republic for tourist purposes without a visa (i.e., if their stay is not for gainful/employment purposes and limited to 90 days in any 180 days period):

Andorra, Australia, Antigua and Barbuda, Argentina, Bahamas, Barbados, Brazil, Brunei, Guatemala, Honduras, Chile, Croatia, Israel, Japan, South Korea, Canada, Costa Rica, Malaysia, Mauritius, Mexico, Monaco, Nicaragua, New Zealand, Panama, Paraguay, Salvador, San Marino, Seychelles, Singapore, USA, Saint Christopher and Nevis, Uruguay, Vatican and Venezuela.

## Training

The same options apply as for employment assignments.

## Employment Assignments

EU country citizens do not need a work permit or visa to stay or work in the Czech Republic. They are subject to the registration requirement only. This similar treatment applies to citizens of Norway, Lichtenstein, Iceland and Switzerland.

Other foreign nationals may be employed, provided that they have been granted a work permit and a residence permit (visa for employment purposes).

Employers must notify an unoccupied job to the Labor Office. The employer (recipient employer) may be a legal entity registered in the Czech Republic, a foreign company's Czech branch office, or a foreign company authorized to do business in the country. The employer must also show that the job cannot be filled by Czech workers.

An application for a work permit for a foreign national is also filed at the local Labor Office. This can be filed by the foreign national. Thereafter, the foreign national may use the approved work permit to apply for a visa at a Czech Embassy or consular post abroad. Generally, a visa may only be issued by the Embassy or Consulate in the country where the application was submitted.

Work permits are valid only for employment, the specific job, site and the employer listed on the permit. A change in any of these will require a new work permit.

Please note that a work permit to employ a non-EU country citizen in the Czech Republic is not required - but a visa is, in most cases, required if the employee does not perform work within the territory of

the Czech Republic for more than any seven consecutive calendar days or, in total, thirty days within a calendar year, provided that the employee is at the same time a:

- Performer, performing artist, pedagogical worker, academic worker of a University;
- Scientific research or development worker, who is a participant of a scientific meeting;
- Scholar or student up to 26 years of age;
- Sportsman; or
- Person providing the delivery of goods or services within the territory of the Czech Republic, or delivers such goods, or provides installation, or provides a guarantee, or repair services, under a business agreement.

A work permit to employ non-EU country citizens in the Czech Republic is also not required for employing (accepting secondment of) a foreign national who was seconded (posted) to the Czech Republic within the framework of providing services by his/her employer residing in another EU Member State. However, there are special requirements to meet this criteria.

### *Residency in the Czech Republic*

#### Temporary Residence Permit

This type of permit is issued to EU citizens, their family members and family members of Czech citizens.

### Permanent Residence Permit

In general, this permit may be issued to a foreign national after five years of continuous legal stay in the territory of the Czech Republic. In some special circumstances (*e.g.*, asylum), it may be issued immediately and, in some special cases, after four years of continual stay in the territory of the Czech Republic (*e.g.*, international protection purposes).

### Long Term Residence Permit

This type of permit is issued to a foreign national that has a Czech long term stay visa and is willing to stay in the Czech Republic for a period longer than one year, based on the assumption that the purpose of the stay will be the same for the entire period of stay.

For example, it may be issued for purposes of study in the Czech Republic, for purposes of being protected on the territory of the Czech Republic, scientific research, asylum and diplomatic purposes.

### Other Comments

All Czech immigration procedures are time consuming and administratively demanding; therefore, advance planning is key. As an example, here is a summary of the key steps of the immigration procedure applicable to a non-EU country citizen intending to work in the territory of the Czech Republic, in an employment relationship with a local employer and the respective timeline in relation to the Czech work permit and visa:

- Preparation stage: 2-4 weeks to obtain all documentation.
- Notification of the Czech employer to the Labor Office on existence of unoccupied job - the period of the administrative proceeding is up to 30 days (usually taking the full 30 days);

- Application of the foreign employee to be employed by the Czech employer – The period of the administrative proceeding is up to 30 days (usually taking the full 30 days);
- Application of the individual (foreign employee) for short term employment visa – The period of the administrative proceeding is up to 30 days (usually taking approx. 7-15 days) – this document is not always necessary and depends on timing and circumstances;
- Application of the individual for long term employment visa and application for long term visa of family members – the period of the administrative proceeding is from 90-120 days (usually taking somewhere between 100-120 days); this can be filed with an existing work permit only.

Each step must be taken one by one, NOT simultaneously; except for steps Nos. 4 and 5 as Czech law makes it possible to apply for two different Czech working visas at the same time - a short term working visa and long-term working visa.