

RESIDENCE AND EMPLOYMENT OF FOREIGNERS IN THE CZECH REPUBLIC

1. RESIDENCE AND EMPLOYMENT OF CITIZENS FROM EU

The regulations regarding the residence of EU citizens apply also to foreigners from countries liable to the European Economic Area Agreement (Norway, Island and Liechtenstein) and foreigners from countries bound by an international treaty with EC e.g. Switzerland (in the following referred as “citizens from EU or EAAA”) The regulations applying to foreigners from third countries are in Chapter 2.

Due to the accession of the Czech Republic to the European Union, the citizens from EU are allowed to stay in the Czech Republic on the basis of a special residence permit, which can be either A) a temporary residence permit or B) a permanent residence permit. Visas are not necessary for the citizens from EU since 01.05. 2004. *Citizens from EU working on the Czech territory do not have to ask for a work permit since 01.05.2004.*

It is not mandatory to ask for the temporary residence permit, but we recommend to do so. It is required for example when proving the residence in the Czech Republic for social insurance purposes.

A) Temporary residence

Citizens from EU can ask for a temporary residence permit if they plan to stay in the Czech Republic temporarily over a period longer than 3 months.

Documents required for the temporary residence permit:

1. Application for a special residence permit or for a prolongation of its validity (completed and signed). The application should be filed at the Czech Embassy in your country or at the Foreign Police Office in the locality of the notified residence.
2. Passport
3. Document proving the purpose of the stay,
4. 2 photos,
5. Health insurance certificate and a declaration on word of honour that the person won't be using any social allowances; (does not have to be submitted, if he/she is employed, runs a business or is a member of a statutory body on the Czech territory)
6. A medical report could be required to prove that the person does not suffer from any „serious“ disease (a disease listed in the list of the Ministry of Health Care of the Czech Republic).

The Police or the Embassy will issue the temporary residence permit in the form of a **certificate of the residence permit for the citizen from EU**. This certificate is issued for a period necessary to accomplish the purpose of the stay, but for a maximum period of 5 years. The validity can be then extended by another 5 years, even on repeated occasions. The application has to be processed within 180 days following the date the application is filed. The resolution should be taken over by the citizen from EU himself at the place the application was filed. The temporary residence permit is issued by the Ministry of Foreign Affairs free of charge.

B) Permanent residence

Conditions for the permanent residence:

1. The citizen from EU is employed in the Czech Republic and resides there permanently over at least 3 years,
2. He/she is doing business in the Czech Republic,
3. He/she is a member of a statutory body of some legal entity,
4. He/she has reached the retirement age at the time the activity according to letters 1), 2) or 3) was terminated, this activity had been performed on the EU territory during the last 12 months prior to the date the application was filed and he/she resides there permanently over at least 3 years,
5. The activity according to letters 1), 2) or 3) was terminated due to an incapacity for work and the person resides on the territory permanently over at least two years; this condition does not apply if during his/her stay an entitlement to a disability pension has arisen due to a work injury or a work-related disease,
6. The person is employed on the territory of a different EU country and comes back to the Czech Republic at least once a week, if, before that, he/she had been residing in the Czech Republic permanently and had been employed there over at least 3 years,
7. The person is doing business or is a member of a statutory body of a legal entity on the territory of a different EU country and comes back to the Czech Republic at least once a week, provided that he/she had been residing in the Czech Republic and performing a similar activity permanently over at least 3 years,
8. The person stays on the territory continuously over a temporal period of 5 years due to a reason other than employment, business, position in a statutory body or studies,
9. He/she fulfills the conditions to be granted the permanent residence permit without the condition of a previous continuous stay according to § 65 of the Act No. 326/1999 Coll. (e.g. a husband/wife of a Czech citizen).

Documents required for the permanent residence permit:

1. Application for a special residence permit or for a prolongation of its validity (completed and signed). The application should be filed at the Czech Embassy in your country or at the Foreign Police Office in the locality of the notified residence.
2. Passport,
3. Document proving the fulfillment of some of the conditions mentioned above,
4. 2 photos
5. Medical report, proving that the person does not suffer from any „serious“ disease (to be provided only upon request)

The Police will issue the permanent residence permit in the form of an administrative decision, the citizen from EU will be provided with a **certificate of the residence permit for the citizen from EU**. This certificate is issued for a period of 10 years, the validity can be then extended by another 10 years, even on repeated occasions. The application has to be processed within 180 days following the date the application is filed. The resolution should be taken over by the citizen from EU himself at the place the application was filed. The application is free of charge.

2. RESIDENCE AND EMPLOYMENT OF FOREIGNERS FROM THIRD COUNTRIES

2.1. RESIDENCE PERMIT

General Provisions of Czech Visa/Residency law

As of January 1, 2000, a new Residency Law for foreigners living on the territory of the Czech Republic entered into force. The Law affects all foreigners coming to the Czech Republic to stay longer than 90 days, as well as those coming for any time period for any purpose other than tourism, family visit, or short business trip (e.g. business involving remuneration from sources in the Czech Republic).

The Law includes special provisions regarding the residence of citizens from EU. From May 1, 2004 the regime applying to the citizens from EU, their relatives and relatives of the Czech citizens applies also to foreigners from Switzerland, as a country bound by an international treaty with the European Community and foreigners from Island, Liechtenstein and Norway, bound by the European Economic Area Agreement (EEAA). No visa is necessary for these citizens since 01.05.2004, but the visa obligation still applies to foreigners from third countries. Citizens from outside the EU or EEAA have to ask for a work permit to be able to get the visa over 90 days.

Foreigners must **apply for a long-term visa over 90 days** at Czech diplomatic or consular missions outside the Czech Republic in person and **before travelling to the Czech Republic**.

Documentation required for Czech long-term visas

In order to obtain a long-term visa over 90 days an individual will need the following documents: (All of the documents shall not be older than 180 days with the exception of the passport. The documents have to be submitted in Czech language or with its authorised translation.)

1. **Application form** completed and signed by the individual
2. **Passport** valid for at least 9 months, starting from the day of the issue of the visa and 2 recent passport-sized photographs.
3. **Documents proving the purpose of stay**. This can be:
 - ◆ Work permit in the case of employment (original or a verified copy)
 - ◆ Confirmation that he was accepted for a course of study by the respective educational facility in case of studies,
 - ◆ Alternatively a trade licence, article of associations, or extract from companies register in the case of business activities.
4. **Confirmation of available accommodation**. This can be:
 - ◆ Statement of the owner of the premises with a certified signature containing consent to provide an accommodation to the foreigner during his stay in the Czech Republic,
 - ◆ Lease contract (verified copy)
 - ◆ Extract from the Real Estate Cadastre (original or a verified copy)

5. **Extract from the Criminal Register.** The application for the extract from the Criminal Register from the Czech Republic must include the following documents:

- ◆ Application form completed and signed by the individual
- ◆ His birth certificate
- ◆ His passport
- ◆ Duty stamp CZK 50,-

6. **Extract from the Criminal Register from the foreigner's home country.** Authorised translation to Czech (with apostille in some countries).

7. **Health insurance**

Those nationals who are not covered by the respective bilateral agreement for the purposes of health insurance must be insured for their stay in the Czech republic and be able to prove it by the original insurance policy document.

8. **Documents proving that the applicant possesses sufficient funds to cover his living expenses in the Czech Republic,** i. e. a recent bank statement or a letter from the host or sponsor in the Czech Republic confirming that he will support the applicant during his visit.

The minimum funds stipulated by the immigration rules according to the length of stay are as follows:

- ◆ CZK 1,160 per day for a stay not exceeding 30 days,
- ◆ The amount of CZK 34,800 for a longer stay plus CZK 4,640 for every additional month exceeding the one month stay,
- ◆ The amount of CZK 116,000 in case of business stay exceeding 90 days.

Juveniles should have in their possession at least half of the above stated amounts.

The applications for visa should be received by the respective office not later than 2 months prior to the planned departure for the Czech republic so that the visa can be issued in time. We would recommend to employees, businessmen, self-employed and students travelling to the Czech Republic for a period exceeding 90 days to make appointments in advance on telephone.

For the extension of the long-term visa the foreigner has to attach the same documents as mentioned above, except the extract from the Criminal register. The following two additional documents have to be submitted by the foreigner:

- ◆ Certificate of the Czech Financial Authorities on the payment of income tax for the last tax period,
- ◆ Certificate of Czech Social Security Authorities on the payment of social insurance for the last period.

2.2. WORK PERMIT

General Provisions of the Employment of Foreigners from outside the EU

Foreigners from outside the EU or EEA who intend to work in the Czech Republic are required to obtain a work permit and visa. The work permit for the employee should be obtained prior to the application for a visa and both documents should be obtained prior to working and residing in the Czech Republic. Foreigners from third countries are allowed to work in the Czech Republic on condition that they possess a valid work permit issued by the Czech Labour Office. Foreigners without work permit and visa are allowed to work in the Czech Republic for 7 consecutive days only and a maximum of 30 days per year.

Documentation required for a „promise“ for the foreign employer

The foreign employer who will second his employee to perform the work in the Czech Republic has to apply by the Labour Office for the „promise“. The granting of the „promise“ is a condition for issuing a work permit for the employee.

1. **Application form completed and signed by the employer**
2. **Copy of a proposal of the business or another contract** or a copy of the concluded contract + an authorised translation into Czech. The contract has to contain the following facts:
 - ◆ Location of the work performance of the foreigners
 - ◆ Period of the employment of the foreigners in the location of the work performance
 - ◆ Number of foreigners that shall be seconded to work in the Czech Republic
 - ◆ Profession of the foreigners.
3. **Document proving the right of the foreign employer to conduct business** in his home country.
4. **Commercial Register Certificate** and Trade Licences of the home partner.
5. Authorised **Power of attorney** of the person acting on behalf of the foreign employer.

Documentation required for a work permit

1. **Application form** provided by the relevant Labour Office completed in Czech language, signed by the foreigner and signed and stamped by the foreigner's employer.
2. **Extract from the Commercial Register** of the employer
3. **Letter describing the applicant's assignment** to the Czech republic. The document must contain:
 - ◆ foreigner's name
 - ◆ his job in the Czech Republic
 - ◆ length of the stay
 - ◆ address of the Czech company, for which the services will be provided and
 - ◆ reason why this particular foreigner should perform this job instead of a Czech citizen
4. **Certificate of the foreigner's education** (e.g. university degree, etc.)
5. **Foreigner's passport** (copy of a page showing the basic identification data of the foreigner)
6. **Document certifying the employee's residential accommodation** in the Czech republic, signed by all legal owners of the property
7. **500 CZK duty stamp**
8. **Agreement between the foreigner's employer and the Czech entity** to which the foreigner is seconded to work in the Czech republic (authorised translation to the Czech language).

Work permits are generally issued for a period of one year. The extension of a work permit must be applied for at least six weeks before the date of its expiration. If the work permit is not extended, a new work permit can be issued firstly after passing of 12 calendar months at least. However, since the work permit is an essential condition for the extension (or the issuance) of a visa, the extension of the work permit's validity should be applied for about twelve weeks before the visa expires.

For further questions please contact IB (all information).
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