

Politische Partizipation und Repräsentanz von Flüchtlingen und AsylwerberInnen in der EU

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Case Study on the Participation of Asylum-seekers and Refugees in the Czech Republic

Report for the NODE Project: Civic participation and representation of refugees and asylum-seekers in the EU

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I. Asylum and Political Opportunity Structures in the Czech Republic

1 Importance and Structure of Asylum Migration

1.1 Development of asylum migration and recognition

The fact that the Czech Republic, while still in Czechoslovakia, was a country of emigration rather than immigration is very well known. Therefore, this period is not so important for our main subject. It is important, however, to mention two things:

Firstly that before the Second World War during the First Republic (1918-1938), the society which was functioning in this period was a shining example of a truly multicultural society consisting of numerous nations and communities speaking their native languages.¹ During the same period the Czech lands were flourishing not only culturally, profiting from variety of nations, but also economically. Although I do not overestimate benefit of the multicultural environment of the First Republic, I cannot overlook the fact that this was one of the key elements for overall prosperity. This period was brutally destroyed by German policy before and especially during the Second World War, with consequences stretching directly into another totalitarian regime, namely that of communism. Although the relation between communism as an ideology stressing the international dimension of workers' solidarity and nationalism – which communist regimes often implemented – is rather complicated, we may say that the Czech lands became rather nationally homogenous due to the forced exodus of the German population, preceded by the mass extermination of the Jewish population. During the communist regime in Czechoslovakia under Soviet control, issues of multiculturalism were not on the agenda, apart from the brotherhood of socialist countries abused by ruling communist elites.

Secondly, during the totalitarian Communist Party regime, there was a constant outflow of people forced to escape its brutal nature. Whereas some dissidents were forced to leave, others risked their lives to do so. In case they succeeded in fleeing, their national citizenship was revoked, their property confiscated, their families put under scrutiny and family contacts forbidden. Such people became asylum-seekers in the capitalist countries.

Asylum as an institution was introduced as a measure to combat the consequences of the Second World War, which turned large numbers of the population into refugees within Europe. Later it became an instrument of the cold war conflict for supremacy, only now to become an instrument for solving issues of poverty and violence concerning asylum-seekers' countries of origin (mainly due to restrictions on labor migration). Nowadays, asylum policy cannot be understood out of the context of labor policy.

In the period of communism though, Czech and other Warsaw Pact asylum-seekers were relatively smoothly recognized as refugees because this was seen as a form of "voting by one's feet", and as such proving the supremacy of capitalist democracies over communism. Regardless of this ideological

¹ The languages spoken were Czech, German, Slovak, Hungarian, Polish, Ruthenian, Ukrainian, Yiddish and Romani. (První republika, 2007)

context, the fact remains that Czechs had first-hand experience with how complicated and vulnerable the position of refugees can be and how complicated and sometimes absurd the procedure of proving the cause of refugee status might be.

Nevertheless, these two facts, namely that Czechs were involved in a flourishing multicultural society, which was destroyed externally, and until recently were in a position of asylum-seekers themselves, seems to have been covered by oblivion when it comes to current Czech policy towards immigrants, asylum-seekers and refugees. After the Velvet Revolution in 1989, the Czech Republic underwent a transformation from a transit country to a target country for immigrants and asylum-seekers while simultaneously undergoing steady integration into the EU (acceding to the EU as a Member State in 2004). This process accelerated in the period when the single EU Member States started implementing a highly restrictive approach towards immigration and asylum, a development which some NGOs and political analysts qualified with the term “fortress Europe”.² The process of strengthening democracy accompanied by economic growth and benefits coming from EU membership advanced this transformation from a transit into a target country of migration.

In this context it is worth noting that the CR “got on board” asylum and refugee policy in the period of the nineties when the overall policy became heavily restricted, e.g. when introducing concepts such as the “safe third country”. This measure was originally applied by German authorities in relation to the CR and other neighboring countries only to become an EU instrument later. All these aspects – that the CR became a substantially different society over a rather short period of time, that it had perceived itself as an emigration country before the Velvet Revolution, that it was used as a transit country for asylum and irregular migration, that it joined EU asylum policies at a time when discourse and measures became very restrictive – shaped the state of affairs in which the asylum and refugee agenda is treated as an integral part of the securitizing discourse and tends to be a publicly marginalized issue. The fact that the CR increasingly became a target country for asylum-seekers, however, should not be overestimated – due to changes in the German and Austrian asylum procedures and readmission programs, there are still asylum applicants who get stuck in the CR hoping to get into those countries regularly or irregularly. The Dublin Convention of course limited such possibilities in terms of regular channels to change the country in which an asylum application can be filed but there are doubts that it may not have affected or that it may even have increased the use of irregular channels.³

The Czech Republic has gradually become a new country of immigration, especially for people from the former socialist countries. For migrants from countries of the Far East, the USA and South Asia it remains a country of transit or temporary residence (see Černík 2007: 63). Since the early 1990s the circular migration of workers from Ukraine was one of the most important migrations to the CR. The number of Ukrainian citizens residing in the Czech Republic increased considerably, especially after

² The term was originally used as a part of Nazi strategy in defense against the Allied invasion, also called the Atlantic Wall. Obviously, the context and meaning changed and are now attached to EU measures to stop migration, which have been so far unsuccessful.

³ For more on the character of illegal migration in the CR see: http://www.natur.cuni.cz/ksgrrsek/illegal.htm#_C%EDl_projektu (retrieved 17 February 2008)

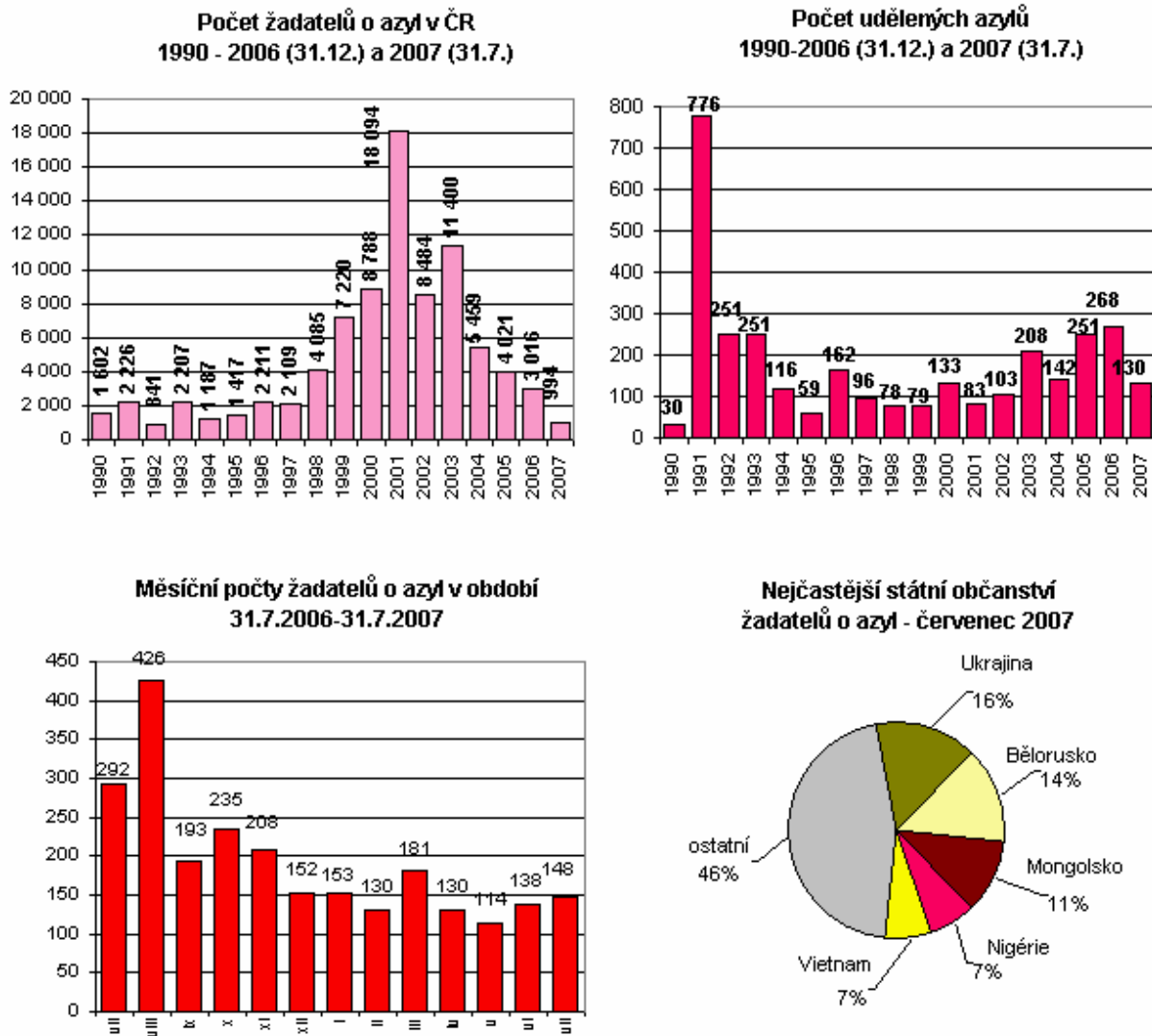
1996 when entry to the Czech labor market was made easier for migrants (business visa accepted, permits as shareholders of companies) (between 1997 and 1999 the number of Ukrainians in the CR increased from 43 402 to 65 883 persons). These workers periodically return to Ukraine to increase their income and standard of living at home. (see Černík 2007: 63)

Vietnamese and Russian immigration was also important. The latter also included an important group of Chechen refugees and asylum-seekers (see Černík 2007: 64).

Evolution of asylum applications (from 1990 to 2006)

As is obvious from graph 1, the development of asylum applications in the CR shows signs of oscillation. Generally, compared to some other EU states, it remains rather low. With the exception of 2001, it never exceeds 15 000 applications per year. In the period of a sharp rise in asylum applications in 2001, the Act on Asylum gave the opportunity to asylum applicants to start working immediately upon filing the application. Since the Act on Aliens, which regulates residence status and work permits, and was at the time restrictive, many migrants saw an asylum application as the only way of legalizing their status. Since this was seen by the authorities as abuse of the asylum system, recognition rates remained very low.

Graph 1 Asylum Applications in the CR (1990-2007)



Graph 1.
 Clockwise: Number of asylum applicants in the CR 1990-2007 (31.7.2007)
 Number of successful asylum applicants in the CR for the same period
 Number of asylum applicants in the period of 31 July 2006 – 31 July 2007 by months
 The most frequent countries of origin of asylum applicants – July 2007 (clockwise starting from Ukraine 16%, Belarus 14%, Mongolia 11%, Nigeria 7%, Vietnam 7%, other countries 46%).

Source: Czech Statistical Office (CSO): http://www.czso.cz/csu/cizinci.nsf/kapitola/ciz_rizeni_azyl (retrieved 11 October 2007)

The largest numbers of asylum-seekers in the period since 1990 (up to 2007) came for Ukraine, followed by Russia, Romania, and Afghanistan. Ukrainians had only limited recognition rates. They also form the largest immigrant group of economic migration in the CR (see above).

Tables with annual claims by major countries of origin (2000-2006). Source: author based on data from the Czech Statistical Office: http://www.czso.cz/csu/cizinci.nsf/datove_udaje/ciz_rizeni_azyl (retrieved 28 May 2008)

Citizenship	2000	2001	2002	2003	2004	2005	2006
1.	Ukraine (1144)	Ukraine (4419)	Ukraine (1676)	Russia (4853)	Ukraine (1599)	Ukraine (988)	Ukraine (571)
2.	Afghanistan (1122)	Moldova (2459)	Vietnam (891)	Ukraine (2043)	Russia (1498)	Slovakia (711)	Egypt (422)
3.	Moldova (786)	Romania (1848)	Slovakia (843)	Slovakia (1055)	Vietnam (386)	India (342)	Kazakhstan (236)
4.	Slovakia (723)	Vietnam (1525)	Moldova (724)	China (854)	China (325)	China (287)	Belarus (174)
5.	India (646)	India (1305)	Georgia (677)	Vietnam (566)	Belarus (226)	Russia (262)	Russia (170)
6.	Russia (627)	Georgia (1290)	Russia (629)	Georgia (319)	Georgia (202)	Belarus (216)	Vietnam (124)
7.	Vietnam (586)	Armenia (1018)	China (511)	Belarus (282)	Kyrgyzstan (138)	Vietnam (208)	China (114)
8.	Romania (507)	Russia (643)	Armenia (454)	Moldova (192)	Slovakia (137)	Mongolia (119)	Nigeria (96)
9.	Sri Lanka (355)	Belarus (438)	India (364)	India (167)	Mongolia (123)	Nigeria (78)	Mongolia (95)
10.	Armenia (274)	Slovakia (389)	Iraq (201)	Iraq (105)	Moldova (94)	Moldova (59)	Cuba (94)

Table 1 Region of origin of asylum applicants in the Czech Republic 1990 – July 2007

Region of origin	Number of asylum applicants
Europe	47 585
Asia	33 031
Africa	3 735

Source: Author based on table by the Czech Statistical Office at: [http://www.czso.cz/csu/cizinci.nsf/t/6B005C8E32/\\$File/c03s11t.pdf](http://www.czso.cz/csu/cizinci.nsf/t/6B005C8E32/$File/c03s11t.pdf) (retrieved 6 October 2007)

Table 2 Sum of asylum applicants in the Czech Republic from 1990 until July 2007, by countries of origin

Country of origin	Total number of asylum applicants (from 1990 until July 2007)
Ukraine	13 038
Russia	9 388
Romania	6 021
Afghanistan	5 868
Bulgaria	5 398
Vietnam	4 648
Moldova	4 553
India	4 142
Slovakia	3 923
Armenia	3 320
China	2 896
Georgia	2 829
Iraq	2 149
Belarus	2 024
Total	67 507
Others	17 857

Source: Author based on table by the Czech Statistical Office at: [http://www.czso.cz/csu/cizinci.nsf/t/6B005C8E32/\\$File/c03s11t.pdf](http://www.czso.cz/csu/cizinci.nsf/t/6B005C8E32/$File/c03s11t.pdf) (retrieved 6 October 2007)

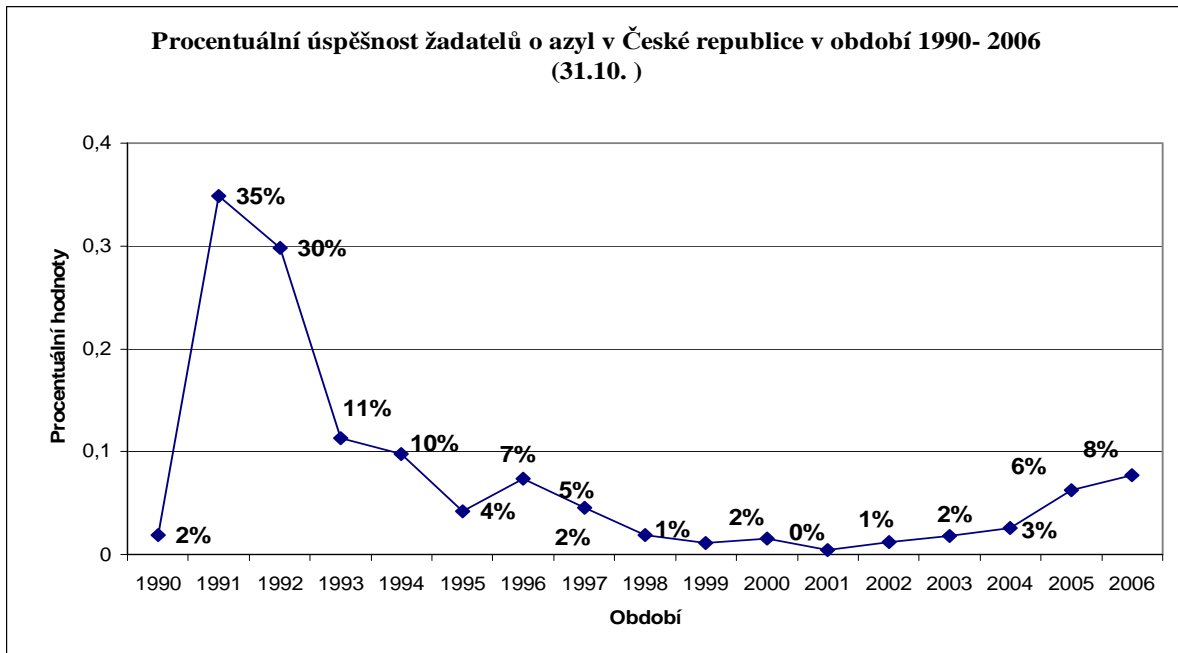
Evolution of recognition rates

However, all branches of migration, namely labor, asylum and irregular migration need to be treated separately, as some of their features in post-communist countries generally and in the Czech Republic in particular are considerably different when compared to most of the old EU countries, which tend to have a much longer record as immigration or asylum countries, among other things. The most striking difference related to asylum policy is that shortly after the Velvet Revolution a very strict policy of asylum recognition was introduced, resulting in one of the lowest percentages of allocation of refugee status as we can see from the following graph.

Data for *subsidiary protection* are only available for 2006 and 2007:

In 2006 there were 36 persons who obtained subsidiary protection status. In the year 2007 their number rose to 191. (Ministry of Interior at: <http://www.mvcr.cz/statistiky/azyl.html> (retrieved 17 February 2008))

Graph 2 Recognition rates in the CR



Source: Czech Statistical Office, graph created by Gerhartova (2007)

It would be an incorrect conclusion if we were to consider the hostility of Czech policy towards asylum-seekers as the only reason for such a low recognition rate. Another important aspect leading to such a result seems to be related to the dominance of certain countries of origin, since most asylum-seekers coming to the CR are from countries of origin whose citizens are highly unlikely to be granted asylum in other countries where the general rates of recognition of asylum-seekers are higher.

As the tables show, the composition of asylum applicants in the CR consists of countries which are usually not considered countries with gross violations of human rights, although it is necessary to apply a case-by-case approach to asylum proceedings and the origin of asylum-seekers by region is dominated by European countries.

We even find Slovakia (an EU country now) very high on the scale and Ukraine dominating the table.

Table 3 Top nine countries of origin of asylum applicants in the EU-27 and the CR in 2006

EU- 27	CR
Iraq	Ukraine
Russia	Egypt
Serbia and Montenegro	Kazakhstan
Afghanistan	Belarus
Turkey	Russia
Iran	Vietnam
Pakistan	China
Bangladesh	Nigeria
Somalia	Mongolia

Source: Author based on tables by the Czech Statistical Office and EUROSTAT (see footnote for more detailed sources)⁴

1.2 Social and demographic characteristics of the refugee population

As we see from data (stock of population) available, by the end of the year 2006 refugees make up a very small proportion of the total foreign population living in the Czech Republic. In December 2006 1887 persons held the status of recognized refugees (that was only 0.6 % of the overall foreign population in the Czech Republic). The majority of these refugees originated from the former Soviet Union (Russia, Belarus) and Eastern Europe (Romania).

Table 4 Total number of inhabitants, total number of foreigners, foreigners by refugee status, top 20 countries of origin of all foreigners and by sex up to 31 December 2006

Nationality	Total number of inhabitants	Percentage of females	Number of Refugees	Number of female refugees
Total number of inhabitants in the CR	10 325 941			
Total number of foreigners	323 343	40%	1 887	790
Thereof, EU 25	102 886	37.6%		
Thereof, Other countries	220 457	41.2%	1887	790
<i>Ukraine</i>	102 657	39.2%	63	25
<i>Slovakia</i>	58 384	40.2%		
<i>Vietnam</i>	40 835	42.8%	56	12
<i>Russia</i>	18 954	52.9%	390	188
<i>Poland</i>	18 894	47%		
<i>Germany</i>	10 109	23.4%		
<i>Moldova</i>	6 260	36.6%	8	5
<i>Bulgaria</i>	4 660	36.1%	25	12
<i>USA</i>	4 212	38.4%		
<i>China</i>	4 165	43.4%	8	3
<i>Serbia and Montenegro</i>	3 786	30.7%	57	24
<i>Belarus</i>	3 438	57.3%	227	97
<i>Mongolia</i>	3 282	63.1%	2	1
<i>Austria</i>	3 022	19.7%		
<i>Romania</i>	2 940	37.9%	124	44
<i>UK</i>	2 873	21.6%		
<i>Kazakhstan</i>	2 452	56.2%	73	40
<i>Croatia</i>	2 228	32.9%	3	1
<i>Bosnia and Herzegovina</i>	1 738	37.8%	11	5
<i>Armenia</i>	1 445	46.5%	81	39

Source: Author based on data by the Czech Statistical Office:
[http://www.czso.cz/csu/cizinci.nsf/t/C700543DE5/\\$File/c01b10t.pdf](http://www.czso.cz/csu/cizinci.nsf/t/C700543DE5/$File/c01b10t.pdf) (visited 12 October 2007)

⁴ The Czech Statistical Office data at: [http://www.czso.cz/csu/cizinci.nsf/t/6B005C8E32/\\$File/c03s11t.pdf](http://www.czso.cz/csu/cizinci.nsf/t/6B005C8E32/$File/c03s11t.pdf) (visited 6 October 2007) and EUROSTAT data at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-07-110/EN/KS-SF-07-110-EN.PDF (visited 6 October 2007), p. 5.

2 Evolution of the national asylum regime

2.1 Legal reforms

The first asylum law in the Czech Republic was introduced in 1990, shortly after the political transition including a change of the entire general legal, political and financial framework. Act no. 489/1990 Coll. was on the one hand rather undeveloped and contained numerous imperfections failing to regulate some real-life situations, on the other hand it created a rather liberal policy framework compared to what was to follow.

In 1999 the Asylum Act was replaced and in some aspects modified by Act no. 325/1999 Coll. which reflected the necessity to take into account EU requirements pertaining to the coming EU accession and the harmonization of the Czech asylum policy with that of other European states. It also removed some of the deficiencies of the previous legislation and harmonized the Czech legislation with ratified international agreements and conventions. The influence of supranational legislation was obvious in this phase mainly in the introduction of a single visa policy and readmission agreements. At the same time, this involved a firm shift towards restrictive asylum policy. The course was set with this legal reform.

Finally, the most recent and substantial change was introduced in 2006 with the Amendment to the Act on Asylum no. 165/2006 Coll. It came into force on 1 September 2006 and was a direct consequence of the implementation of European law, more specifically of the Qualification Directive (Directive of the Council 2004/83/EC on Minimal Norms for Third Country Nationals or Stateless Persons When Applying for Refugee Status or for Other Persons Requiring International Protection). The Directive had to be implemented by 10 October 2006.

Based on the analysis of Čižinský (2006),⁵ I will present an overview of the most important changes of the latest Asylum law:

The most important amendment was the introduction of the instrument of subsidiary protection, which actually means the creation of two strands of dealing with asylum claims. The table below shows the most important differences between these two forms of protection:

⁵ Čižinský, P. 2006. *Novela zákona o azylu č. 165/2006 Sb.* (online) Available at: <http://migraceonline.cz/e-knihovna/?x=1955085> (retrieved on 12 October 2007)

Table 5 Differences between asylum and subsidiary protection defined by the Act on Asylum no. 165/2006 Coll.

Type of international protection:	Asylum	Subsidiary protection
Reasons for granting:	1. persecution on the basis of implementation of political rights and freedoms 2. justified fear of persecution for reasons of race, religion, nationality, adherence to social group or for having certain political attitudes in the applicant's country of origin 3. humanitarian reasons (further reasons not specified)	justified fear that if a foreigner is returned to the country of origin s/he would be under danger of serious harm + a foreigner cannot or is not willing for the reasons of such danger to use the protection of his/her own state Serious harm is: <ol style="list-style-type: none"> a) death sentence or execution b) torture or inhumane and humiliating treatment or punishment c) serious and individual threat to life for reasons of arbitrary violence in situations of international or internal armed conflict d) deportation of a foreigner would be a violation of the Czech Republic's international obligations.
Period for which it is granted:	For an indefinite period, ID issued for a period of 5 years	For the necessary period, minimum for 1 year

Source: Čížinský, P. (2006) at: <http://migraceonline.cz/e-knihovna/?x=1955085> (retrieved on 12 October 2007). Translation: author

The introduction of subsidiary protection is a direct response to the EU's efforts to institutionalize a difference between discriminatory and non-discriminatory claims for asylum. In the former case, the Geneva Convention is interpreted narrowly and discrimination has to be proven on five possible grounds against individuals, while in the latter case discrimination is a result of violence against the whole group, which is typical for wars and similar violent conflicts. The EU was reluctant to grant asylum in the latter case. However, it is often acknowledged that those who escaped such conflicts could not be returned to their county of origin and often were given some other type of "sub-humanitarian" status. It was necessary to unify the approaches and the treatment of such cases, and the instrument of subsidiary protection became obligatory for all EU countries.

Čížinský (2006) sees some positive aspects of the introduction of subsidiary protection into the Czech asylum system:

applications will be decided by the Ministry of Interior, more specifically by the Department for Asylum and Migration Policy, and not by police authorities themselves. This will give wider space to legal aspects of applications, rather than to the implementation of internal (administrative) rules only, as was the case before with the police.

deported foreigners will also be entitled to apply for subsidiary protection, which was impossible under the previous legislation

subsidiary protection will be provided to applicants if they cannot return to their country of origin; previously it could be rejected if a foreigner was able to travel to any other state other than the one where s/he would be in danger

persons under subsidiary protection will have the same rights as refugees, that is, similar to holders of a permanent residence status

after 5 years of subsidiary protection, foreigners will be entitled to permanent residence according to the Act on Aliens

On the other hand, the institution of subsidiary protection in a way contributes to a very complicated system of residence regulation of immigrants and asylum-seekers. Currently, there are nine instruments which deal with the same simple fact – that a person of non-EU citizenship wants or needs to live in the CR. Again, Čižinský provides a very useful table to present all of these forms:

Table 6 Various instruments for regularization of residence of all types of non-EU nationals

Type of residence	Criteria	Regulation within Czech legislation	Regulation within EU legislation
Forbearance according to the Act on Aliens	1. A foreigner cannot leave the CR because of some obstacle s/he cannot have influence upon 2. A foreigner is a witness or otherwise involved in a criminal proceeding and his/her presence is necessary 3. A foreigner whose application for residence is being proceeded	§ 33 Act on Aliens	-
Forbearance according to the Act on Asylum	The asylum-seeker filed an appeal against a court decision in an asylum matter to The Highest Administrative Court	§ 78b Act on Asylum	-
Institute of protection	Cooperation with police in proceedings related to human trafficking or illegal border crossing	§ 42e Act on Aliens	Directive 2004/81/EC
Temporary protection	Leaving the country of origin for the following reasons: 1. armed conflict, civil war or constant violence 2. natural disaster or 3. systematic or collective violation of fundamental human rights and freedoms or systematic or collective persecution for national or religious reasons Provided that the above-mentioned situation is declared by government of the CR or the European Council	Act no. 221/2003 Coll.	Directive 2001/55/EC
Subsidiary protection	justified fears that upon return to the country of origin s/he would be in real danger of serious harm + s/he is not willing or cannot use the protection of his/her state because of such danger	Act on Asylum	Directive 2004/83/EC
Asylum	1. persecution for exercising political rights and freedoms	Act on Asylum	Convention on Legal Status of Refugees +

	2. justified fear of persecution based on race, religion, nationality, adherence to a social group or because of political convictions 3. humanitarian reasons (without further specification)		Directive 204/83/EC
Permanent residency for humanitarian reasons	Humanitarian reasons or reasons deserving special consideration	§ 66 Act on Asylum	/
Humanitarian criteria for acknowledgment of the status of relative of an EU national	Direct relative who is not able to sustain him/herself for health reasons or s/he needs the personal care of the EU citizen	§ 15a Act on Aliens	Directive 2004/38/EC
Humanitarian criteria for acknowledgment of the status of relative of a third country national	Foreigner without relatives older than 65 or foreigner who for health reasons cannot take care of him/herself on his/her own	§ 42a	Directive 2003/86/EC

Source: Čižinský, P. (2006). Available at: <http://migraceonline.cz/e-knihovna/?x=1955085> (retrieved 14 October 2007). Translation: author

Obviously, the legal system is rather diversified. In addition, EU directives, recommendations and policy guidelines are interpreted somewhat arbitrarily, that is, according to the needs of the current domestic situation – and not only in these areas.

This became obvious within the last mobilization campaign against certain amendments to the Act on Asylum and the Act on Aliens in 2007. I will focus here only on the Act on Asylum.

The initiators of the petition campaign criticized above all the fact that the amendment significantly expanded the authority of the Ministry of Interior to detain persons who seek international protection (previously called asylum) in the CR. They can be detained for up to six months in asylum camps at international airports, in asylum camps and detention facilities for foreigners, often for no other reason than because they sought asylum. According to the signatories of the petition, this contributes to a change of the Czech asylum system into a net of prison-like detention camps among which refugees will be transferred according to the phase of their application proceedings – a system, which already exists in some other countries – although their only guilt lies in the fact that while seeking protection from persecution a lot of them were forced to violate the residence laws of transit and target countries. The signatories considered this as inhumane treatment in contravention of human rights, and moreover as very expensive for the state, but beneficial for Ministry of Interior, which needs to pay its employees whose numbers do not decline with the long-term decline in asylum-seekers in the CR. These detention regulations were thus perceived as a danger with regard to the CR becoming a zone with lower human rights standards. The point is that the government used as the argument for such

changes the obligations linked to the upcoming integration of the CR into the Schengen area, an argument which the petition denounced as not valid.⁶

Another example pointing to the impact of the “fortress Europe policy” in the Czech context is the change related to the application of the **Dublin regulation** (Dublin II, Council of Europe no. 343/2003), which defines criteria and mechanisms for determination of the member state responsible for the processing of asylum applications submitted by a third country national in one of the Member States. The idea of the convention is that the application should be assessed in just one EU state, and if the CR demands that another EU state assume the responsibility for assessment, the asylum procedure is stopped.

However, the CR goes even further in strictly interpreting the Dublin II application because it restricts the freedom of movement of asylum applicants accommodated in reception or accommodation centers of the Ministry of Interior. The freedom of movement is restricted for the whole period of the relocation process, which lasts up to six months. So the implementation of the Dublin regulation in the Czech reality is even more restrictive.

Another restriction is related again to the freedom of movement of asylum applicants already within the procedure. According to the Directive of the Council of Europe 2003/9/ES, an asylum applicant can move freely on the whole territory of the member state; however it also allows Member States to restrict their movement. For unknown reasons, the CR decided to turn this option into an obligation and incorporated it into the Act on Asylum. Then-MP Táňa Fischerová (2002-2006) and the Ombudsperson, Svatopluk Karásek, criticized this restriction as purposeless, expensive and internationally problematic and finally achieved a reduction in such a restriction of movement in a given area to a period of three months. This restriction, however, may be interpreted as another expression of hostility towards asylum-seekers on the part of the Czech state.

2.2 Political debate and discourse on asylum and refugees

It is important to stress again that the order of importance of the debate on issues related to handling a multicultural society, if we want to frame the debate very broadly, in the CR is specific when compared to the other two countries treated in this report. Generally speaking, this broad issue as such is not seen as a priority at all, neither in the media nor among political parties or in “everyday” life. The CR still perceives itself as a predominantly homogenous country in national terms and is partly justified to do so, when we consider the number of foreigners in the country in relation to the population as a whole, including the number of foreigners who are EU nationals.

If such questions stir public debate, then they are related to the question of Roma, less often of immigrants and rather rarely to asylum-seekers or refugees.

The structure of most common prejudices and the frequency of debate may be presented in the following table:

⁶ More at: http://www.diskriminace.cz/dp-migrace/novela_191.phtml (retrieved 14 October 2007)

Table 7 Frequency of debate on multicultural issues and structure of the most common prejudices

Minority group	Prejudices related to employment	To social benefits	To criminal activities	Frequency of public debate	Integration
Roma	Unemployable	Abuse	Regular	Regular	Impossible
Immigrants	Taking jobs of nationals for lower wages	-	Regular – related to certain groups (Russians, Albanians, Ukrainians, etc.)	Occasional	Required but with doubts about willingness to integrate
Asylum-seekers	-	Abuse	Frequent	Related to incidents	Not encouraged (expectation they will be returned)
Refugees	Not willing to work	-	Irregular	Rare	Required but with doubts about willingness to integrate

Source: author

If we focus on the discourse on asylum, regardless of its relative insignificance in the public and political arena, we observe that the asylum issue is framed mostly in terms of EU requirements, irregular immigration issues and social benefits, i.e. economic depletion.

A survey of the media indicates that the representation of refugees and asylum-seekers is not aggressive or contemptuous but is almost always framed in terms of their helplessness and misery. If asylum-seekers or refugees are not depicted as helpless and miserable, if they don't show it in the way they are dressed for example, then no compassion can be expected. It is worth mentioning though that some newspapers, e.g. *Lidové noviny*, occasionally have supplements within their regular issue composed of set of articles, interviews and commentary related to asylum or immigration. This is edited by NGO experts or members, for example from People in Need.⁷

Questions concerning asylum are almost totally outside the interest of political parties, their political programs and election campaigns. As was already mentioned, if such issues come into focus, they are much more likely to be related to issues of Roma or immigrants, who have never been part of the asylum system.

In this regard, the approach of Czech Prime Minister Miroslav Topolánek (from the Civic Democratic Party – ODS) in his speech given at the opening of the *European Year of Equal Opportunities for All* in Prague on 2 April 2007 is indicative:

“It is equally important that the education system support more strongly society’s cohesion. It should not exclude different groups – ethnic but potentially also religious – into cultural ghettos. The system should, on the contrary, foster assimilation and the ability of minorities to integrate fully into the society of the majority, a society of law and clear rules. Multiculturalism is a source of painful inequalities, raising discrimination and tension. [...] I have already mentioned the harm caused by a multicultural approach. It does not matter if it relates to Roma, other nationalities or Muslims. The inability to

integrate any cultural minority causes problems and leads to a situation where such groups cannot ever achieve equal opportunities. Funds distributed for this issue should be targeted at the assimilation of individuals, not support to a chimera of multiculturalism.”⁸

The only two parties which have mentioned issues of multiculturalism are The Green Party and The Communist Party; in case of the latter it constitutes a marginal issue.

In their election platform, the Green Party proclaims support for antidiscrimination laws, for a diversified society, where all types of minorities including national, ethnic and religious will be equal and included and it supports collective rights for minorities. Asylum is not explicitly mentioned.⁹

The Green Party is in its first term in Parliament and government (since 2007) and it remains to be seen whether they will have influence on these issues. Nevertheless, none of the issues are structured directly around asylum or refugees. Since their numbers are so low (especially in case of those granted asylum, i.e. refugees), their visibility is marginal and they are outside the interest of political parties.

Some commotion can be seen, as I already described in one example above, when there are amendments to the acts regulating asylum or immigration (again, more so in the latter case). Even in such cases, however, one gets a strong impression that questions of asylum are a matter of a rather limited circle consisting of civil society organizations dealing with the asylum agenda. It is significant that asylum-seekers and refugees themselves rarely actively participate or are engaged in such campaigns.

As far as **gender issues** related to asylum are concerned, some issues are related to trafficking in women and irregular migration problems. Again, it is hard to differentiate between de facto and de jure refugees. The national composition among women involved in prostitution (although it is hard to generalize for the diverse types of prostitution, street level, bar and hotel levels, private homes level and escort agency levels, or regular and irregular prostitution), is marked by overrepresentation of Roma, but also ex-Soviet Union and Bulgarian nationals. It is quite possible that in order to somehow regularize their residence some women enter the asylum procedure, but this is not definitely the case, which would attract some attention.

Within political discourse, the rights of refugees and asylum-seekers tend to be represented by obligations which the CR must implement. Again this is often embedded in EU accession and membership issues and here it is also possible to see that EU matters are used for addressing domestic issues. Refugees and asylum-seekers are therefore enclosed in a circle of state administration employees, civil society organizations and engaged individuals. Due to legal provisions, asylum-seekers cannot organize on their own and therefore they are represented almost exclusively

⁷ Czech non-governmental organization People in Need (Člověk v tísni). More at: <http://www.clovekvtisni.cz>. English version at: <http://www.clovekvtisni.cz/indexen.php>

⁸ Full text in Czech at: http://cesko.ihned.cz/c3-23154985-002000_d-cele-zneni-projevu-mirka-topolanka-k-evropskemu-roku-rovných-prilezitosti (retrieved 14 October 2007), here in translation by Alena Kralíková

⁹ Source: <http://www.zeleni.cz/157/clanek/4-otevrena-spolecnost-a-demokraticka-ucast-posilme-ochranu-lidskych-prav/#4.2> (retrieved 17 February 2008)

by a few non-governmental organizations (see chapter below). The same goes for immigrants who can organize provided they engage nationals to participate in their organization. Refugees have equal rights as nationals to organize but so far there has been no visible effort on their part to do so. In this sense, my research showed that even governmental representatives see the issue of participation of refugees as marginal. An employee of the Ministry of Interior from the Department of Migration and Asylum Policy expressed his personal view on the possibilities of political participation of asylum-seekers and refugees as follows:

“As the main obstacle we see a low level of interest in political participation. Refugees and most importantly asylum-seekers see their priorities in other areas (mainly in the social area). The groups are mainly troubled by language barrier, very often unstable financial background, in the case of asylum-seekers fear of the future should their application be unsuccessful. Hence, the needs of your target group¹⁰ are quite different from a need for political participation. As other obstacles we may mention a lack of knowledge or lack of exercising the possibility of political participation and a lack of the belief that a possible voice would have some meaning... It is possible that descendants of refugees who grow up in the CR and are fully integrated here, will in future demand political participation more than their parents, who were troubled by struggle for their daily bread.” (Respondent from the Ministry of Interior, Department for Asylum and Migration Policy, Czech Republic)

As empirical research showed, there is only one organization which is based on refugees' or ex-refugees' membership – the Association of Refugees of the Czech Republic,¹¹ which was recently (in 2005) founded and still remains relatively invisible even on the NGO scene.

One of the most striking differences between post-communist countries and the old EU countries lies in priorities in the area of minority treatment. While the old EU countries push issues of asylum, immigration and integration issues to the top of agenda, the problem occupying post-communist countries is represented by the treatment of national minorities or relations with neighboring countries, even in such homogenized countries such as Poland (cf. their recent dispute with Germany). On the other hand there is a striking similarity in the structure and range of problems but applied to a different minority with quite a different status. The similarities lie in seeing members of national minorities and immigrant communities as either not being able to integrate or not investing enough effort into it; another similarity is that both groups are seen as a burden to the system of social benefits, although this discussion is meaningful only in the case of asylum-seekers and refugees and not in the case of immigrants, who contribute through the tax system to state budgets to a comparable degree as other citizens. Furthermore, both minority groups are seen as problematic in the context of education, employability and both groups attract a lot of attention and resources within civil society organizations and are seen as vulnerable and marginalized groups.

In case of immigrant groups (here taken together as asylum-seekers, refugees, irregular migrants and immigrants – persons with some type of residence in a given country) though what is often cited as an obstacle to their integration is the cultural shock coming from a sudden and sometimes very substantial change of societal setting, which is difficult to adjust to. Another commonly cited obstacle is that for the above-mentioned reasons they often cannot acculturate because they do not have or do

¹⁰ “Your target group” here refers to group I made inquiry on (refugees and asylum seekers).

¹¹ For more information, see <http://www.aucr.cz/news.htm>

not want to have the necessary survival and orientation skills in the host society. This is of course very disputable for second or third-generation migrants but is used as an argument for their integration, too, because they are seen as consciously rejecting the values of the host society. Most political instruments therefore are used to tackle this issue. But can they be used in the case of national minorities? It can hardly be said that Roma, as the sensitive minority in the Czech Republic, are unable to understand how things work in Czech society, that they have undergone cultural shock and need to adjust to Czech society – especially considering the fact that a majority of them are born as citizens into a Czech-speaking environment and they can be expected to function well within the given societal setting, because it is theirs, too. So, various integration tests,¹² which have become so popular in recent years in the old EU countries as well as integration courses, would be seen as insulting and unnecessary from the point of view of the Roma minority; the same goes for the Hungarian minority in Slovakia. We should keep in mind this priority setting, when analyzing immigration and integration policies, which are either relevant in a different way in Central Europe or sometimes have different meanings and goals than those set by the European Union.

The composition and numbers of asylum applicants and refugees, together with influences of the recent past, EU accession and agenda-setting place these issues rather out-of-focus in public debates and policy formulation. This has a positive and a negative side: The positive side lies in the absence of sometimes harmful nationalist and populist passions, which divide things into an “us and them” dichotomy and provide an open space for hate speech resulting in further widening of the gap between asylum-seekers and refugees on the one side and domicile inhabitants on the other. The issue cannot be used in political discourse for the purposes of political manipulation and was not even mentioned during recent discussions on reforms of state-benefits system. The negative side though lies in potentially ignoring this issue of increasing importance and a broader understanding of current asylum policies in the EU, mainly due to a lack of public scrutiny and control over how this matter is handled. Very often, civil society organizations dealing with the question of asylum are the only ones to react to frequent and substantial changes in this domain.

¹² Integration tests were originally introduced by the Netherlands only to become popular in the UK, France, Germany and some other countries. Experiments on two occasions with ERASMUS students within my course, Introduction in Multiculturalism, showed that although the respondents were majority members (parents Dutch and German, students born in the Netherlands and Germany), they were unable to pass the test. In Annex 1, I enclose the German integration test, which clearly shows a requirement of a very high level of historical, political science, social science and cultural knowledge. The Dutch integration test furthermore implies that homosexual rights and female nudity are among the core values in the Netherlands. Excerpts of the UK test, which can be found at: http://www.uktestonline.co.uk/sample_test.php (retrieved 5 October 2007) seem to be more appropriate in what they try to find out by testing.

3 Legal and political-institutional framework for civic participation among asylum-seekers and refugees

3.1 Asylum-seekers – rights and practices in the asylum procedure

3.1.1 Access to fair asylum procedures

In the Czech Republic it is possible to file an asylum application with police at the following locations:

- a) at a border crossing
- b) in a reception center
- c) at a local police station, if an applicant came voluntarily
- d) in centers of accommodation for foreigners OR at the Ministry of Interior, if a person is hospitalized in a health facility or s/he is in detention or in prison.

The applicant must submit his¹³ passport (if he owns one), provide his finger prints and a photo are taken. In reception centers he then proceeds to a health check. The whole process must be conducted in the applicant's native language or in a language he understands. The provision of translation services is financed by the state. The person then obtains an entry visa for 30 days. Originally, visas were issued for a period of two months, but this period was reduced in order to last for the duration of the accelerated procedure, which is limited to 30 days. This visa is then extended for the duration of the asylum procedure. If a person does not apply for asylum in a period of seven days after she was informed of the possibility by the police, she cannot use exercise this option anymore.

Asylum is granted to those who meet the criteria of the Geneva Convention. Those recognized as refugees by the Office of the High Commissioner for Refugees are entitled to asylum without previous procedure. Asylum may be granted for the purposes of family unification even though a family member does not meet the criteria of the Geneva Convention.¹⁴

The decision on granting or refusing asylum then must be issued by the Ministry of Interior within 90 days after the application is submitted. If a case is complicated, the duration of this period may be extended. During the processing of the application an applicant stays within the accommodation center or at some other place of his choice; he obtains some financial means and can participate in the activities of the center. During that period the Ministry carries out interviews with the applicant again in his native language or in a language he understands at the expense of the state. First it has to be decided (according to the Amendment to the Act on Asylum, described above (57/2005) whether the application is justified or not. In the case of unjustified applications and for those applications which the Ministry judges as obviously unjustified, an accelerated procedure is initiated which reduces the period of processing to 30 days. Directive of the European Council 2005/85/ES allows for an extension of criteria to qualify an application as unjustified, which is applied in the Czech legislation. An asylum procedure can also be closed if an applicant does not participate in interviews.

¹³ Further in this section I will use male/female grammatical forms alternately.

After this period expires the Ministry issues decisions which can be challenged by an appeal at the district court within a period of 7 or 15 days, which has a suspensive effect on expulsion (after the applications was rejected in the first instance). During the procedure of appeal, these asylum applicants are treated equally to other asylum applicants if the appeal was coupled with a suspensive effect. If the appeal is also rejected, the asylum-seeker is entitled to appeal once more before the Supreme Administrative Court of the CR. This appeal again has a suspensive effect. However, if the application is rejected this time, applicants lose their right to residence and must return either to their country of origin or to a country of previous long-term residence. The same asylum applicant can apply again in the CR after two years.

One of quite a few problematic elements in asylum procedure is the way applications are assessed. Namely, who decides and on what grounds various sources are used to decide whether local conditions truly fit the definitions necessary to recognize asylum. It is impossible to expect that in every case the Ministry of Interior will be able to provide resources for fact-finding missions to decide how serious the threats and security risks for individuals in a certain country might be. On the other hand, the gathering of information relevant for decision-making concerning asylum seems to be rather arbitrary.

A student who worked on a comparative analysis of the British and Czech asylum systems (see Gerhartová 2006¹⁵) found out that the most frequently used system by the Ministry is the Information on Countries of Origin (IZOP).¹⁶ Generally, the system is based on national, international, governmental and non-governmental sources of information.¹⁷

¹⁴ The law specifies who is classified as a family member: a) spouse of a refugee b) single child of a refugee younger than 18, c) a refugee's parent if the refugee is younger than 18, d) an adult person responsible for an unaccompanied minor.

¹⁵ Gerhartová 2006. Česká azylová politika v evropském kontextu. FHS UK, Unpublished bachelor work.

¹⁶ In Czech, Informace o zemích původu. More at: <http://www.mvcr.cz/azyl/azyl.html#puvod> (retrieved 21 October 2007)

¹⁷ Most information in it comes from publicly available source but the Ministry explicitly cites the following:

- ECOINET, European Country of Origin Information Network (<http://www.ecoi.net/>, retrieved 21 October 2007), organization supported by ECRE.
- ACCORD, which is the Austrian Center for Country of Origin and Asylum Research and Documentation (<http://www.rotekreuz.at/66.html>, retrieved 21 October 2007), which also cooperates with ECOINET.
- REFworld, an organization of the Office of the High Commissioner for Refugees (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>, retrieved 21 October 2007)
- Annual reports on human rights practices and international religious freedom by the U.S. State Department (http://www.state.gov/www/global/human_rights/hrp_reports_mainhp.html and http://www.state.gov/www/global/human_rights/irf/irf_rpt/irf_toc.html, both retrieved 21 October 2007)
- Manual of individual countries by the Home Office of the United Kingdom
- Human Rights Watch and Amnesty International reports
- The media; The Ministry explicitly quotes CNN and BBC as examples of media as sources of information.
- Literature related to given issues by various experts.

There are also nonpublic sources which the Ministry uses, such as information gathered by different state administration bodies mainly by the Ministry of Foreign Affairs of the CR. Further nonpublic sources are offices and organizations of foreign character (it is not specified which) and information exchange during meetings with similar bodies within the EU countries.

3.1.2 Reception System and Social Rights of asylum-seekers

Asylum applicants are gathered in various accommodation centers, which are defined by EC Directive 2003/9/EC as places for accommodation of applicants during the period of the asylum procedure (when an application was filed on the state border), accommodation centers which secure appropriate living standards but also private houses, apartments, hotels or similar facilities for the same purpose. All these facilities should respect the right to family life (families should be accommodated together if they so wish), enable communication with family members, representatives of the UNHCR and non-governmental organizations recognized by Member States (this might be restricted for security reasons) and secure the basic needs of applicants.¹⁸

In the Czech Republic an asylum-seeker during asylum procedure can choose to be accommodated in asylum facilities or in facilities of their own choice. Asylum facilities serve as collective accommodation for applicants and refugees. They are divided into three types: reception facilities, accommodation centers and asylum centers for integration (of recognized refugees), with functions which will be discussed below. The Ministry of Interior institutes all three types, which are all administered by the organization “Administration of Asylum Facilities” under the competence of the Ministry of Interior. However, administration can also be delegated to a company, in which case the Ministry pays for the service.

1) Reception centers are facilities in which applicants are obliged to live during a certain period necessary for the identification procedure, medical screening, etc. If this obligation is violated it is sanctioned by law as an offence. There are currently two reception centers in the CR, one in Vyšní Lhoty and the other at Prague Ruzyně Airport. After initial check-ups are terminated, asylum-seekers are transferred to accommodation centers on their own and at their own expense in a stated period. If asylum-seekers have health difficulties the police take charge of the transfer of such persons.

2) Accommodation centers serve as accommodation facilities for asylum-seekers during the period of processing their asylum application (until the **final** legal decision). The Ministry of Interior decides who will be accommodated in which accommodation center. There are nine accommodation centers in the CR currently at the following locations: Červený Újezd, Stráž pod Ralskem, Bělá pod Bezdězem, Kostelec nad Orlicí, Bruntál, Havířov, Kašava, Zastávka u Brna a Seč (see the map below).

In all **asylum centers** everyone is entitled to accommodation, food, basic hygienic means and an allowance and other services of a social, health or psychological nature, and is obliged to respect the facility’s accommodation code. All the services are provided free of charge, but only in reception centers. In accommodation and integration asylum centers the services are provided for a fee. In asylum centers, applicants are in a position to do some work for financial reward. Non-governmental

¹⁸ The Member States, however, may change these rules but only in exceptional cases and temporarily. Accommodation of applicants and furnishing of accommodation centers and the range of services provided are totally in the competency of individual Member States. They also define the conditions for financial arrangements. Accommodation may be free of charge, or provided upon payment; the state may allocate financial means to applicants for accommodation if they live outside the accommodation center.

organizations are allowed to offer leisure time activities and children may participate in activities organized specifically for them. If possible, family members and related persons can live together. The applicants are entitled to receive visits and may leave the centers for the period up to 10 days each month. If an asylum-seeker decides to live outside the center, s/he has to finance her accommodation him/herself and is entitled only to health insurance from the state. In certain cases related to financial and other conditions, s/he may be entitled to a financial contribution for costs related to food, furnishing the apartment and basic personal needs (but only up to 3 months, which is the legally fixed maximum period for the duration of the asylum procedure).

3) Integration asylum centers are facilities for temporary accommodation of those who were granted asylum. There are four such centers in the CR in Jaroměř, Hošťka, Zastávka u Brna and Předlice.



Source: Administration of Asylum Facilities

Access to health care

Community legislation regulates the provision of **health care** for asylum applicants in Directive 2003/9/EC in Chapter II, Article 15, in which it requires that Member States provide the applicants with health care at least in emergency cases and to applicants with special needs. According to the Directive, the health care may but does not have to be provided free of charge. The Directive does not state in which language health care should be provided – this is in the competency of Member States.

Research carried out by Norredam, Mygind and Krasnik (2005)¹⁹ shows a wide variety of health care provision systems for asylum applicants across the EU; nevertheless, all of them provide free health care to some extent (at least in cases of emergency), except Greece.

In the CR, health care provisions are more broadly granted than determined by the Directive. With some exceptions, health care is provided equally to asylum-seekers and to Czech citizens. However, the main difference lies in the fact that such free health care is not provided by all health facilities and all medical doctors, but only by those specified by the Ministry. The costs of health provision are paid by the state and from public health insurance. Only in cases of emergency are all health facilities obliged to provide medical help. There are almost 500 health facilities across the CR, some of them in the vicinity of asylum centers.

3.1.3 Access to the labor market: right to work

The above-mentioned Directive in Chapter II, Article 11, defines conditions for **access to the job market** for asylum applicants and determines that asylum applicants should have access to the job market if his application is not processed within a year after the application was filed (on the level of the first legal instance) and this delay was not caused by the applicant himself. After this period, applicants should have access to the job market. Before that period or if their application is rejected within the one-year period, asylum applicants are not allowed to work.

Before 2002, asylum applicants in the CR could work during an unrestricted period of time, which provoked a surge in applications from those wanting to legalize their work in the CR (this explains the sharp rise in asylum applications in 2001 and 2002). In 2002 a new act was adopted (no. 2/2002 Coll.), which stated that applicants could work only after one year in the asylum procedure. The new Act on Employment no. 435/2004 Coll. states that an asylum applicant after the stated period does not need permission to work.

During the period an asylum applicant cannot work and lives in the asylum center, he is entitled to get a monthly allowance up to the level of financial life minimum, which is currently CZK 3126 (approximately 115 €) per adult person. An applicant may apply for an increased allowance which cannot exceed an amount twice the basic allowance. Increased allowance is allocated to those who participate in organizing in asylum centers; nevertheless, such possibilities are few.

3.1.4 Access to education

Directives 2003/9/ES (Chapter II, Article 10) and 2004/83/ES (Chapter VII, Article 27) regulate **access to education** in the following way: minors have comparable access to education as Member State citizens inside or outside of asylum centers. Access to education must be provided within 3 months (with a possible extension of up to one year) after filing the asylum application. Adult applicants are

¹⁹ Norredam, M., Mygind, A., Krasnik A., 2005. *Access to Health Care for Asylum Seekers in the European Union*. Online: <http://eurpub.oxfordjournals.org/cgi/rapidpdf/cki191v1> (retrieved 21 October 2007)

entitled to access to the general educational system under the same conditions as legally residing foreigners.

In the CR, asylum applicants who are minors are entitled to free primary education and provision of school equipment within obligatory school attendance. However, study at secondary or post-secondary schools is at the expense of applicants themselves.

Table 8 Rights guaranteed to asylum-seekers in the procedure

Rights attached to status	Asylum-seekers (in the procedure)	
	Regular procedure	Special procedures
Fundamental rights / fair procedure		
Residence rights	<i>Permission to stay during procedure</i>	No
Freedom of movement (within the country)	Yes	No
Procedural rights (rights to appeal)	Yes, but only in the administrative sense	No
Personal freedom / detention (during asylum procedure)	No	Yes
Protection from expulsion	Yes	No
Social and economic rights		
Right to work (work permit)	Yes, after one year of regular procedure	No
Access to housing: special state reception facilities (reception centres)	Yes	No
Access to social benefits: specific financial assistance to asylum-seekers during procedure	Yes	No
Access to health services and medical care / health insurance	Yes	Basic
Access to education, language, professional training	Yes	No

3.2 Conditions and rights of recognized refugees

Generally, refugees have the same rights as permanent residents (of non-EU nationality) in the CR. Refugees have the same conditions for access to the labor market as permanent residents. They do not need a permit to work and their residence permit is not tied to their work (as in the case of long-term residents). They have the same social rights as permanent residents.

The status of persons under subsidiary protection is the same as the status of refugees. There is no difference in the labor market or social rights between persons under subsidiary protection and refugees; they don't need a work permit.

3.2.1 Mobility within the EU: travel and residence

In terms of freedom of movement within EU countries, refugees are allowed to travel to other Member States than the CR but cannot stay in any of them for more than 3 months. This means their rights to residence in other EU countries are restricted. However, they may apply for citizenship after 5 years, and in some cases it is possible to request a shortening of this period. Generally, refugees have the same rights as permanent residents in the CR.

3.2.2 Family unification

According to Czech law, a family member may apply for asylum if s/he is related to a refugee. Family members are defined as follows:

- spouse of the refugee
- single child of a refugee under 18
- parent of a refugee if the refugee is under 18
- adult person responsible for an unaccompanied minor (Act on Asylum 325/1999, Chapter III, §13, point 2).

In practice, a person who is entitled to seek asylum for the purpose of family unification must apply for asylum on Czech territory, which often leads to a vicious circle and prolongation of the process. There is the possibility for such persons to first seek some other form of protection in order to enter Czech territory and then to apply for asylum. It was not possible to find data on numbers of persons who sought asylum based on family unification and on the duration of such procedures.

Another issue is family formation. Since refugees have basically the same legal status as foreigners with permanent residence, the laws regulating family formation apply to them according to the Act on Aliens. However, the Amendment to the Act severely reduced the rights of spouses of Czech citizens to permanent residence and will provoke a range of limitations in financial and social matters.

3.2.3 Integration policies towards refugees

In integration policies towards refugees, the CR puts considerable emphasis on individual integration and the responsibilities of those who wish to stay in the host country. In effect, this means respecting the laws, values and norms of the CR.²⁰ Special attention and requirements are given to language skills. The state plays a major role in policies of integration, and this issue is closely related to the state's approach to immigration, which is rather restrictive and focuses more on irregular migration and the asylum procedure than on integration itself. The Conception of integration of the Czech government concerns third-country nationals with residence in the CR, not refugees. However, there is a set of policies and approaches defined by law²¹ called the State Integration Program (SIP).

²⁰ However vague these terms of values and norms might be. Nevertheless some values and norms are present in every society, but it is problematic to define them. This is why some authors, like Bauböck (Bauböck, R., Rundell, J., eds. 1998. *Blurred Boundaries: Migration, Ethnicity, Citizenship*. Hants: Ashgate Publishing House) opt for the term acculturation, which is focused on acquiring the skills necessary for social orientation.

²¹ Chapter IX., §§ 68-70 of the Act no. 325/1999 Coll.

The SIP falls under authority of the Ministry of Interior in cooperation with the Ministry of Labor and Social Affairs (concerning issues related to the job market) and with the Ministry of Education (concerning issues related to Czech language courses).

However, the priority for those refugees who enter the state integration SIP is to secure housing. The Czech government approves quotas and financial means for the SIP. In addition, the Ministry of Interior established a commission composed of representatives of different ministries, which produced a specific "Conception of Integration of Refugees"²² which formulated the following priorities:

- Czech language courses
- Offer of housing
- Help to get access to the job market and support for medically disadvantaged refugees.

57% of all refugees enter the SIP, including those who lost refugee status because of acquiring citizenship. The participants of the program are mostly young families with parents over 40, therefore in productive age. The families are typically composed of more children than average. Some of the participants, however, are in retirement age. There is a tendency to support those refugees with higher education, whose potential is not utilized due to the long, complicated and expensive process of qualification recognition.

The SIP in the **field of language courses** is currently organized by the Ministry of Education, Youth and Physical Education within its Department of Lifelong Learning and the courses are free of charge. Courses are organized individually or in groups; in the former case they consist of 100 lectures and in the latter of 150 during a 10-months period. The Ministry is obliged to offer language courses to refugees at the latest 30 days after the recognition of asylum (or subsidiary protection status). After the course, the participants are given a certificate, but its official form is not legally stated.

Language courses for asylum-seekers are provided exclusively by non-governmental organizations, which are dependant on financial means (subsidized by the Ministry, not directly, but through grants, which can be allocated by other entities than the governmental).

Although courses are rather ambitious and are not designed only for the basic use of language but should also provide knowledge of communication with offices or specific knowledge for certain professions, the main obstacle, according to governmental and non-governmental institutions, lies in a lack of motivation among refugees to learn Czech. The courses are not professionally orientated enough nor do they take into account the situation of mothers with small children (Skalka et al., *Analýza efektivity dosud realizované výuky českého jazyka pro azylanty v letech 2000 – 2004*, Centrum pro vzdělávání, MU, Brno 2005:4).

Knowledge of Czech is required when applying for citizenship; otherwise it is not legally regulated. With regard to this, it was suggested (by the Ministry of the Interior) that knowledge of Czech be made

²² Vláda ČR, 2006. Koncepce integrace cizinců. Available at: <http://www.mvcr.cz/dokumenty/integrace/koncepce.pdf> (retrieved 17 February 2008)

an additional condition for housing programs or to penalize a lack of active participation on the part of refugees.²³

However, another problem lies in the fact that some refugees, while waiting for the asylum procedure to finalize, live in accommodation centers sometimes for a longer period of time where their feelings of frustration, hopelessness and even depression have considerable influence on their motivation and ability to learn. This applies not only to language courses but also to courses for professional requalification, etc. Refugees who live in private accommodation do not attend language courses at all – sometimes also because they do not need them for they live among people and learn the language while working or in everyday life. There also have been suggestions (by NGOs) that the number of lectures within such courses be increased. Minors are also in the best position to learn because of school attendance. Some refugees who live in asylum integration centers have virtually no contact with the majority population, which makes their integration even more difficult.

The SIP in the **field of housing** is implemented based on an annual decision by the government, so it differs from year to year. The housing fund serves primarily for housing of refugees but also for persons under temporary protection. Currently the program in the field of housing works in three ways:

- refugees can acquire so-called integration housing with a state contribution by renting property owned by the municipality
- the state may provide financial benefits to refugees for the payment of rent
- since 2005, refugees may obtain housing within the provision of apartments for rent for refugees built within a public program (Support for Construction of Apartments for Rent for the Year 2005) of the Ministry for Regional Development. The program is opened annually and offers disabled refugees the possibility to apply for apartments with special needs-accommodated construction.

If all of this fails, refugees may use the state integration centers, where they can live on the basis of a rent agreement paid from their own resources. In October 2005 the Administration of Asylum Facilities started the program Integration, which is intended to motivate refugees to participate in solving housing and job problems. The waiting period for allocation of integration housing is on average more than one year. If afterwards refugees have an offer which requires moving to another part of the country, this might be socially disturbing for them as they will have already created social relations. The offerings of integration housing include larger cities, but also smaller and small cities or villages, which are highly unpopular among refugees. Most refugees go to the capital city Prague or to other larger regional cities due to greater opportunities for employment.

Some **non-governmental organizations** are included in the process of securing housing for refugees, as well as some charity organizations and municipality offices.

Rental contracts with refugees are concluded for a period of one year with an option to prolong it to five years. This situation creates a feeling of insecurity about the stability of the contract and the possibility of eviction. It is important to stress that some refugees stay in integration centers where housing is temporary and does not always meet standards for creating a household, but they are not obliged to accept every offer given by the SIP for housing.

²³ Although even now the content of the courses and exams are evaluated as vague and subjective. The same as mentioned above. Cf. Skalka et al., Analýza efektivity dosud realizované výuky českého jazyka pro azylanty v letech

In the **field of employment**, the **SIP** seems to be the most complicated and from a long-term perspective the most important element of integration. The chances of finding a job for a refugee depend on her/his previous qualifications, language competencies and the location of asylum centers and integration housing facilities.

As I already mentioned above, the process of credentials recognition is very slow and complicated (very often also impossible); I will just mention that this is not the only reason for a poor employment rate among refugees. Other reasons include the absence of recognition of previous work experience, discrimination and racism. Therefore, refugees – sometimes with university degree – are either unemployed or work in under-qualified positions. It is typical for a refugee in the CR to be either unemployed or to work in employment positions at a lower level than the ones s/he held in the country of origin. What also needs improvement is the still limited access to employment opportunities and the lack of knowledge concerning job interviews, CVs, etc. It is also important to mention that some refugees are employed illegally, although there are no other reasons for this except employers' increased profits.

Within the SIP there exists an Individual Action Plan which has been implemented since 2005 and basically consists of counseling activities designed for the individual needs of the job applicants, and which is also meant to prevent long-term unemployment among refugees. It includes the offer of retraining schemes but with a very limited scope. Refugees are reluctant to enter such a scheme if courses are not financed by the future employer. Therefore, the general question remains whether the schemes are efficient at all. It is a huge paradox – and also a terrible waste of human capital – that refugees with university degrees are retrained to become manual workers. Since refugees' previous working experience is typically not recognized, even after they complete retraining courses, employers are still reluctant to employ them because of their lack of experience. The situation is desperate for disabled refugees.

I would like to add some remarks on the **evaluation of the SIP**: regional offices provide grants for integration of refugees (in the field of housing) to municipalities and they evaluate their eligibility for the program. Municipalities have the right to refuse a concrete offer for a specific refugee or their family. Also municipalities have financial difficulties with the program, which is approved by the regional administrations at the beginning of each year. Municipalities then apply for grants and only then can refugees apply for housing, but the whole program lasts for just one calendar year. Within the above-mentioned program "Support for Construction of Flats for Rent", municipalities are obliged to offer one out of every 20 flats they start building for refugees within the integration program. The contract for rent is concluded for one year with a possibility of prolongation by up to four years. Employees of the Administration of Asylum Facilities within integration centers criticize the option for refugees to reject an offer for housing and advance the view that such refugees should be automatically excluded from the program. The average time spent living in integration centers for refugees is three years. Some NGOs such as OPU also criticize the approach of employment policies, where the above-mentioned program of the Individual Action Plan for refugee job-seekers serves more as a registry than as an active program for employment (Tichá 2006).

Table 9 Legal rights of recognized refugees (GFK status and subsidiary protection)

Rights attached to status	Recognized refugees (with protection status)	
	Recognized refugees (Geneva Convention Status)	Other forms of protection: Subsidiary protection
Residence permit/limitation of protection status (temporary/permanent)	Permanent, no limitations	Temporary
Freedom of travel and residence within EU	Yes	Yes
Right to family life and unification	Yes	Yes
Social and economic rights		
Access to labor market (work permit, restrictions on mobility)	Yes	Yes
Access to social benefits (social insurance)	Yes	Yes
Access to social benefits: - unemployment - welfare	Yes	Yes
Access to health services and medical care	Yes	Yes
Training/education: - language and professional training - recognition of diploma/qualifications	Yes	Yes, with limitations
Integration aid (programs)	Yes	Yes (except housing)

3.3 The status and situation of refused asylum-seekers

If an asylum applicant turns to the Supreme Administrative Court, s/he obtains permission of forbearance status under Act on Asylum for the duration of the procedure. If his/her appeal is rejected, the asylum applicant is obliged to leave Czech territory. S/he might be detained if already in some kind of reception centre. The majority of asylum applicants try to legalize their status in different ways while the procedure is still underway, e.g. by founding a company or by marriage.

If an asylum applicant does not leave Czech territory voluntarily, s/he finds him/herself in irregular status and faces expulsion, if s/he does not obtain forbearance under the Act on Aliens – see table 6. So far, there are no voluntary return programs or support for economic projects for returned refugees.

The CR has concluded readmission agreements with the following countries: Poland, Austria, Slovakia, Germany, Bulgaria, Slovenia, Romania, Moldova, Hungary, Canada, Croatia and France.

3.4 Specific conditions for civic and political participation

Conditions for association: legal framework

The Act on Association of Citizens no. 83/1990 Coll. from 27 March 1990 with amendments 300/1990 Coll., 513/1991 Coll., 68/1993 Coll. and 151/2002 Coll. explicitly states that citizens have the right to freedom of association without permission issued by a governmental body. Citizens can associate in citizens' unions, movements, clubs and other citizens' associations either as physical or legal entities. An association is founded through the act of registration, which can be submitted by at least three citizens, at least one of whom must be above eighteen years of age. Members of the preparatory board sign the proposal for registration, together with their full names, birth numbers and addresses. Their proposal for registration must be accompanied by the code of rules with basic data (how they will be organized, how the accounting will be carried out, etc.)

The proposal is submitted to the Ministry of Interior. The association can be abolished either by forming a union with another association or by voluntary disassociation. The disassociation must be registered at the Ministry. If an organization includes international elements, then it is regulated by a special law.

The Act on Publicly Beneficial Associations (PBA) no. 248/1995 Coll. dated 28 September 1995 with amendments nos. 208/2002 Coll., 320/2002 Coll. and 437/2003 Coll. defines PBA as an association which provides to the public services beneficial to it and whose profit must not be used for the benefit of its employees, but for the designated services. They can be founded by physical entities, the Czech Republic or legal entities. They are registered at the relevant court. PBAs can also be founded by people who are not citizens of the Czech Republic but who hold permanent residency on the territory of the CR.

This means that refugees and asylum-seekers can exercise their right to associate either through other organizations or by forming a legal entity which founds an association. In our experience, the former case is the more frequent one. It is obvious that freedom of association is directly related to citizenship or permanent residency status.

Political representation and voting rights

Political and voting rights, according to the Czech Constitution, can be exercised only by citizens of the CR.

Access to citizenship for refugees: legal conditions

There are no specific conditions for refugees applying for citizenship; their status is exactly the same as the status of permanent residents. Formal criteria are found in the table below (language knowledge was discussed above). The debate on how language tests for citizenship are to be assessed is still underway. Currently it is up to a single representative of the state in naturalization process to decide whether the level of knowledge is acceptable or not. Economic criteria are also

vaguely defined: no debts to the state concerning health and social security, secured housing, level of income (not fixed, but must be submitted for approval).

More concretely, the Report on the State of Human Rights for the year 2006 of the non-governmental organization Czech Helsinki Committee cites the following objections to the current form of the citizenship law:

- Ambiguity of conditions to obtain citizenship
- Criteria for the decision to grant or refuse citizenship applications are so vague that they do not enable continuation between permanent residence status and citizenship status.
- Current legal regulations are confusing for permanent residents applying for citizenship.
- The procedure for acquiring citizenship is non-transparent and negative decisions are often not adequately justified; frequently in the decision we find reference to the lack of a legal claim to citizenship without any further explanation.
- The Czech Helsinki Committee (CHC) here points out rightly that the current form of administrative proceeding does not stand up well in the face of the battle against corruption because this form of administrative proceeding leads to the creation of an “environment very prone to illegal influence” (Report 2006). This is why the CHC expert considers the amendment to the Constitution inadequate in the part which aims at constitutionally embedding the regulation that there is no legal claim to citizenship. On the other hand the same amendment is regarded by him as adequate in proposing to revoke citizenship from those individuals who engage in illegal activities. Although the principle that citizenship cannot be legally claimed exists in other legal systems, this does not mean that citizenship proceedings should not be based on a rational approach and an objective evaluation of relevant circumstances in each case. In any case the principle of good governance must be respected.
- In this sense it is important to respect the principle of so-called legitimate expectation. Although there is no legal claim to citizenship, the Ministry of Interior is obliged within its free deliberation to respect the legitimate expectation of an applicant who meets all requirements for obtaining citizenship and should not abuse this freedom.
- Citizenship proceedings do not allow for appellate review by the courts even on the level of the constitutional judiciary. The only instance of oversight of free decisions of the Ministry is the Minister of Interior him/herself, and in a very limited sense also the Ombudsperson. There is no independent review of decisions related to citizenship; therefore the conclusion of the CHC expert is: “The current form of the given procedure is, in our opinion, in conflict with fundamental principles of good governance”. (Report 2006²⁴)

²⁴ Český helsinský výbor 2006. *Zpráva o stavu lidských práv 2006*. Online: <http://www.helcom.cz/view.php?cisloclanku=2007021901> (retrieved 22 January 2008) (Zpráva 2006)

As we can see, there is no legal claim to citizenship and this is certainly legally correct but as usual legal regulations do not tell us how concrete policies meet other broader goals. In this case, we may say that such a legal environment, together with all the issues mentioned above is inconsistent with the political goals of integration and may have undesirable consequences for social solidarity. In its conception naturalization is seen as desirable goal but in its legal mechanism and the way it is implemented this governmental goal is lost.

Table 10 Civic and political rights

Civic and political rights	Immigrant non EU citizens /recognized refugees
Freedom of association	Yes, no discrimination (with nationals)
Political rights: right to vote and eligibility for political functions	No voting rights for non-EU citizens (local, municipal, national level)
Representation in interest organizations (work councils, trade unions, labor interest organizations, etc.)	No organized participation, individually represented
Immigrant /foreign citizens consultative bodies /councils	Yes, some representation within governmental bodies
Access to citizenship/naturalization	No specific conditions for naturalization for refugees: - 5 years after refugee status - economic criteria - language test

II. The Role of NGOs and Refugee Organizations: Structures, Networks and Activities

4 NGOs and networks in the field of asylum and refugee advocacy

The wider context in which NGOs dealing with refugees should be regarded is certainly related to the fall of communism, the opening of Czech borders, stable economic growth in the country and EU accession. The totalitarian past brought experiences with dissent and other forms of non-profit sector opposition but also it brought a reluctance to organize, for the communist state demanded organization. This is why after the initial rise of NGOs in the years after the Velvet Revolution (1989) we see the steady decline of NGOs and their influence (Frič 2004).²⁵ The opening of the borders combined with economic growth saw changes in the CR from a transit country to target country for immigrants and refugees. Already in this period, NGOs become active in trying to influence legislation on asylum and foreigners, which did not exist during communism. They also engaged in the provision of legal, social and psychological help, which remains the structure of their activities until today. EU accession brought on the one hand more transparent rules for the asylum and refugee agenda. However, sometimes it was used as an excuse for the restriction of domestic policies (such as the case of keeping in detention those who are under the Dublin procedure). NGOs dealing with asylum and refugees are organized in a network called the Consortium of Non-governmental Organizations Dealing with Refugees.²⁶ The following NGOs are included in this network:

- Centre for Migration Issues (<http://www.migrace.com/cs/o-nas/kdo-jsme.html>) Centrum pro otázky migrace
- Organization for Aid to Refugees (http://www.opu.cz/index.php?option=com_content&task=view&id=1&Itemid=2&lang=en) Organizace pro pomoc uprchlíkům
- Counselling Centre for Integration (<http://www.p-p-i.cz/index.php?c=29>) Poradna pro integraci
- Counselling Centre for Refugees (<http://www.uprchlici.cz/>) Poradna pro uprchlíky
- Association of Citizens Dealing with Migrants (<http://www.soze.cz/>) SOZE

The first four organizations are based in Prague, the last one in Brno. The long-term goal of the Consortium is to create a unified, strong and efficient system for the provision of services to refugees and migrants. The work of the organizations of the Consortium includes all aspects of the asylum procedure starting with the applicants' entrance into the asylum system where they are provided with legal and social services for the duration of the procedure. The services are provided free of charge

²⁵ Frič, P. 2004. *Political Developments after 1989 and the Impact on the Non-profit Sector*. Available at: http://www.zeneucnom.org/index.php?option=com_content&task=view&id=20&Itemid=15&lang=en (retrieved 15 February 2008)

both in refugee camps and in the centers of organizations in Prague and Brno. If a client obtains refugee status the same type of services are provided in integration centers.

Interviews conducted with NGO representatives

For our research we conducted interviews with three NGO experts from the following organizations:

1. Czech Helsinki Committee (www.helcom.cz)
2. Organization for Aid to Refugees (www.opu.cz)
3. Counselling Centre for Refugees (www.uprchlici.cz)

The table below provides an overview of main NGOs currently working in the field of asylum and refugees in the CR.

Table 11 Overview of NGOs working in the asylum and refugee field

Name of the NGO	Name in Czech	Web pages
Center for Migration Issues	Centrum pro otázky migrace	http://www.migrace.com/cs/o-nas/kdo-jsme.html
Organization for Aid to Refugees	Organizace pro pomoc uprchlíkům	http://www.opu.cz/index.php?option=com_content&task=view&id=1&Itemid=2&lang=en
Counselling Centre for Integration	Poradna pro integraci	http://www.p-p-i.cz/index.php?c=29
Association of Citizens Dealing with Migrants	Sdružení občanů zabývajících se emigranty	http://www.soze.cz/
Czech Helsinki Committee	Český helsinský výbor	http://www.helcom.cz/
People in Need	Člověk v tísni	http://www.clovekv tisni.cz/indexen.php
Multicultural Centre	Multikulturní centrum	http://www.mkc.cz/en/home.html
Centre for Integration of Foreigners	Centrum pro integraci cizinců	http://www.cicpraha.org/en/index.php
Slovo 21	Slovo 21	http://www.slovo21.cz
European Contact Group in the Czech Republic	Evropská kontaktní skupina v České republice	http://www.ekscr.cz/home/
Berkat InBáze	Berkat InBáze	http://www.berkat.cz/sekce.php?id=19

4.1 Focus of NGO activities

Most NGOs and NGO experts focus their activities on two groups of issues: one is related legislation and the other can be classified as providing concrete help to asylum-seekers and refugees.

In the first case we may list legislation monitoring, amendments to relevant acts, feedback on practical consequences of various legal acts, monitoring of the relationship of national and EU legislation, petitions, drafts, suggestions, etc.

The second group of issues is related to **social, psychological, legal help** both in the asylum procedure and within integration programs, and improvement of access to the job market, either by

²⁶ More on their web pages (Czech only): <http://www.konzorcium.cz/cz/o-nas.php> (retrieved 2 March 2008)

increasing language competencies or by offering retraining or other courses (such as computer literacy).

Some **non-governmental organizations** are involved in the process of securing housing for refugees, but also include charity organizations or municipality offices (municipalities across the CR, church charity organizations such as Caritas Czech (diocesan and archdiocesan local branches). One NGO (Berkat InBáze, see the list) opened and administers a community center for people of various cultural backgrounds and legal statuses to meet, create programs, and do volunteer work with elements of the social economy.

4.1.1 Advocacy in the field of asylum policy (legislation)

Out of eleven interviewed NGO experts and persons with a de facto refugee background involved in asylum and refugee work, all cited some form of legal activities; in the case of three NGOs this is was seen as a central activity. It seems that legislation activities are central for asylum and refugee agendas. NGOs try to apply pressure to various government bodies (but rarely through political parties and almost never through trade unions; lobbying of individual politicians exists but is more on an informal basis). Legislation-related activities are most developed among NGOs in the relevant field and they include:

- activities in the Czech Governmental Commission for Human Rights and Committee for Aliens' Rights (comments relevant for the government, sometimes successful, e.g. in a case where the Czech Senate returned some Acts to Parliament for further development)
- petition activities, e.g. in the case of the Amendments to the Act on Asylum and the Act on Residence of Aliens (both unsuccessful)
- campaigns for awareness-raising on the legal framework for asylum
- comments and proposals on various legal regulations
- consultations within various working groups, formal and informal, governmental and non-governmental
- lobbying among politicians

Other activities include:

- cooperation with minority organizations (mostly formed by immigrants, not refugees)
- informal networks for practical life information
- support for mobilization or campaigns
- creation of centers for the integration of minorities, for all minorities, mostly focused on counseling
- creation of voluntary informal networks and organizations mostly within their own ethnic groups
- creation of community centers for leisure time, ethnic festivals, retraining courses, exchanges of information, but no direct political activities

4.1.2 Resources

Most organizations combine national (governmental) and EU resources for their work. This is visible from the following table:

Table 12 Resources of the interviewed organizations

Funding source	Number of organizations making use of it
EU – general	4
European Refugee Fund	2
Structural funds through national Ministries	2
Open Society Institute	1
Nordic Funds	2
Foundations administering EU and other resources	1
Public collections	1
Social economy	1
Private donors	1
UNHCR	2
Dutch embassy program MATRA	1
Diplomatic Lady Association	1
Town magistrates (Prague, Plzeň, etc.), city councils	2
Ministry of Education, Youth and Physical Education	1
Ministry of Interior	2
Ministry of Culture	3
UNICEF	1
Ministry of Labor and Social Affairs	3

Source: author. Remark: organizations combine various resources.

Some organizations complained of poor management at Czech ministries concerning EU funds. For example, a respondent from the **Counselling Centre for Refugees** stated that the Ministry of Interior returned 40% of the funding available from the European Refugee Fund because of poor administration.

Almost all respondents stated that the model of funding suffers from two major deficiencies: one is related to delays in payments and the other to insecurity about whether funding will be allocated, which prevents long-term planning. In my opinion, this is a problem of civil sector funding in general, not only in the area of asylum.

The biggest financial provider for NGOs is the Czech state followed by EU resources.

All of the interviewed NGOs have paid staff: Czech Helsinki Committee, 15 employees no volunteers; Organization for Aid to Refugees, 22 employees, number of volunteers varies; Counselling Centre for

Refugees, 13 employees (the number varies according to project needs plus employees within the Equal project 11 employees for the duration of the project).

4.1.3 Networks and cooperation partners at the national level

All respondents stated that their organizations cooperated on the national level with other non-governmental organizations. Some are permanently organized in broader organizations such as the **Consortium of Non-governmental Organizations Dealing with Refugees.**²⁷

One respondent (OPU) mentioned cooperation within FORS (Forum of Czech NGOs).

On the national level respondents also stated cooperation with various governmental bodies, such as the Governmental Commission for Human Rights, the Administration of Asylum Facilities, the Department for Asylum and Migration Policy, etc. but mostly the ministries named above. Some stated cooperation and lobbying with and among political parties (either the Social-Democrats or the Green Party). There is no cooperation with trade unions.

4.1.4 Activities oriented towards the EU level (advocacy and networks)

As far as cooperation on the EU level is concerned, most respondents stated they participated in various EU projects, were funded by the EU and lacked the capacity and financial means to dedicate systematically to such cooperation.

More concretely they referred to their cooperation with ECRE, participation in EQUAL projects (on issues related to employment and refugees), PICUM and ELENA (within ECRE). Among the other cooperation partners were UNITED, the International Helsinki Federation, the Information and Cooperation Forum, and Pro Asyl. Two respondents mentioned other non-governmental organizations in other EU countries also organizing regional NGOs in Central Europe.

The activities included mostly exchanges of information, provision of data, consulting on asylum and refugee issues, but also participation in training, seminars and other similar activities. EU cooperation provides an overview on current events, policies changes and legal regulations development for Czech organizations. For their part, they provide such information to their European partners. More development is visible in joint projects, where deeper cooperation may be found.

Two respondents stated that EU cooperation was useful for lobbying on the EU level and they explicitly named ECRE, which might influence policies on the EU level provided they moved to Brussels (according to one respondent). The cooperation is seen to be useful also because knowing what is happening on the EU level also means knowing what to expect on the Czech level. One respondent said it would be necessary to lobby for changes in financing Czech NGOs in the CR rather than asylum policy itself.

²⁷ The Consortium includes the following organizations: Center for Migration Issues, Organization for Help to Refugees (interviewed), Counseling Center for Integration, Counseling Center for Refugees (interviewed) and Association of Citizens Dealing with Migrants.

All organizations stated they would cooperate much more within EU networks and organizations if they had the financial means to pay for personnel to be active in the field.

To influence EU policy they would turn to MEPs or to the European Council.

4.1.5 Cooperation with refugees

In all other organizations, people with a refugee or asylum background are less frequently staff members and more frequently clients. In the case of community centers they additionally play a significant role as volunteers.

4.2 Presence and role of refugee organizations

As shown in chapter 1, the phenomenon of the refugee presence in Czech society is a rather recent and specific one. First, as all respondents also pointed out, the number of refugees is still so low that it makes them virtually invisible to the wider public. Secondly, those who are engaged in work in the field of asylum or refugee issues tend to be younger people either born in the CR or who arrived in early childhood.

Only one respondent talked specifically about political engagement (the respondent was from the Association of Refugees of the CR and she stated that people who were given asylum for political reasons should be encouraged by Czech society to engage politically as they have precious experience in political activities) all others with either a de facto or de jure refugee background were involved in refugee or asylum issues but not in the sense of increased political activity. Even the person from Ministry of Interior quoted above stated that current refugees have some “basic” needs to secure first before they can think of political participation but that this might be a challenge for future generations.

Therefore in my research on refugee participation I selected persons with a relevant background involved in civil society activities (in the domain of migration, asylum and refugees), not organizations as there are almost no such formal organizations except for one still new and relatively inactive association. There are no RCOs but there are individuals with relevant backgrounds **involved in civil society activities** and they were my basis for the research.

4.2.1 Methods of mapping refugees’ own organizations

As was mentioned before, refugee organizations if taken as organizations formed by the refugees themselves are still a very rare phenomenon in Czech society. However, there are several organizations working with refugees, which means that refugees are mostly clients and not employees or managing figures in the organizations.

Therefore I decided to adopt an approach and method of selecting **individuals involved in civil society organizations** to map their attitude and experience concerning the possibilities for civic

participation and political organizing among refugees. These opportunities, for legal reasons, are closed for asylum-seekers because legislation requires the status of refugee or of Czech citizenship in order to exercise the right to associate. (This has recently changed; now permanent residents have equal rights to associate like Czech citizens, but for refugees everything remains the same.)

In order to involve the above-mentioned individuals in the research it was necessary to use personal contacts. It seems that people actively engaged in this sector (NGOs and refugees) are somewhat saturated by various research. Nevertheless, it is important to stress that the idea of the political organization of refugees was recommended and highly valued as such, but when it came to concrete engagement, there was some reluctance on the part of respondents for reasons which will be mentioned below.

4.2.2 Refugee organizations and individuals interviewed

I found eight such persons from various organizations. All of them are located in Prague. In view of this, the value of my results should be seen through a qualitative not a quantitative prism.

The eight persons interviewed were active (as volunteers or employees) in the following organizations:

1. Berkat – InBáze (<http://www.berkat.cz/sekce.php?id=43>) – A community center of migrants, foreigners and others.
2. Humanitas Afrika (<http://www.humanitasafrika.cz/>) – In the Czech Republic, the projects and programs of Humanitas Afrika are tailored to raise awareness of African issues and culture within the local Czech society. No refugees are involved in this association.
3. Slovo 21 (<http://www.slovo21.cz/>) – The main goals of the association are to combat racism and xenophobia, human rights protection, building tolerance towards minorities, support for education and integration of minorities. (two persons)
4. NROS (<http://www.nros.cz/>) – Foundation for Civil Society Building. Administers and distributes financial means from EU funds.
5. IPPP ČR (www.ippp.cz) – Institute for Pedagogical and Psychological Counseling of the CR, manages a program creating centers for integration of minorities across the CR.
6. Association of Refugees of the CR (<http://www.aucr.cz/news.htm>) - (two persons interviewed)

There is only one organization which refers directly to the refugee background of its members – the **Association of Refugees of the CR**. It was founded in 2005 by two persons who now represent the Association and were interviewed. The Refugee Association of the Czech Republic was founded as a non-governmental non-profit organization of foreign citizens in 2005 with an aim to focus on the integration into Czech society of refugees and/or those who are going through the process of integration or have already gone through it. However, this organization is of a rather recent date and has limited experience in project management. They do have plans to develop in all necessary directions, but their composition is also changing. Although both persons I interviewed were asylum-seekers and then refugees, now they are Czech citizens. This points to a broader phenomenon in the CR – lots of people with an immigrant background should be considered de facto although not de jure

refugees and there is a trend of taking Czech citizenship once the opportunity is there. Secondly, if those people are younger, their refugee experience and memories of countries of origin (and consequently their possible ties) are rather limited.

We also found self-organized groups of **women refugees or de facto refugees** such as **Berkat**,²⁸ in particular their sub-organization **InBáze**, which provides educational and training courses for re-qualification; Czech language courses; legal and social counseling; psychotherapy; counseling for job market-related issues; ethno-catering services; a maternal center; activities for children; sewing activities; and multicultural group circles. The last activity is organized in the form of female and male groups, where people meet to share what they have in common or what makes them different. The activity includes and is open to all groups of people, regardless of their status. However, none of these activities is related directly to issues of political participation.

4.2.3 Biographical background

Out of the eight interviewed persons, five have come either as asylum-seekers to the Czech Republic or have a de facto refugee biography although they didn't apply for asylum. The other three came for other reasons (study, family).

Four of them were minors when they came to the CR. In these cases, the decision about the destination country was made by their parents and their knowledge about the country of origin is mediated through other people's experience.

One of those four minors came to the CR from **Mongolia** to study and decided to stay. She did not go through the asylum procedure. She came as a student and now has a college degree. She is currently employed at the NGO Slovo 21.

Two persons came as minors from **Bosnia and Herzegovina** as de facto refugees but did not apply for asylum because at the time (in 1993) it was still possible to apply for residence – migration policy was seen by these respondents as liberal at the time. They chose the CR by chance and actually their mother made the decision. Another woman came as from **Bosnia and Herzegovina** with the same procedure. She did not apply for asylum as it was rather easy to obtain residence and a work permit, find a job or start one's own company, and as she also stressed "*not to be confined in a detention camp*". The two men who arrived as minors attended Czech high schools and now have college degrees. One man works at NROS, the largest foundation in support of civil society development within various projects, some of which are related to migration. The other man works in the organization of the Ministry of Education, i.e. a government organization, which also has several programs for the integration of migrants into the Czech education system. The woman has a college degree from a university in Sarajevo and works in the NGO Slovo 21.

Another minor came as an asylum-seeker from **Armenia** and was 14 years old when she arrived (in 1993). Again, she said the decision to come to the CR was made by her parents who saw the CR as

the closest foreign country. The asylum procedure lasted for one year and she was in two refugee camps during that time. She described the situation in refugee camps as chaotic. Her family was receiving food and an allowance. She describes the period as full of stress and insecurity about the future. She was also bothered by limitations to her freedom of movement. She was interviewed by a person from UNHCR. As a positive she saw the presence of other Armenians and mutual help. After obtaining asylum, she had refugee status until 1999 and now has obtained Czech citizenship. She has a college degree and works for the Association of Refugees of the CR.

Another interviewee was born in the CR from a **Czech-Iranian** marriage. She has college degree and works at the InBáze community centre, which provides services and programs to asylum-seekers and refugees, among others. (See more about the organization above).

One person, originally from **Ghana**, came from Germany where he has a residence permit to the CR because he married a Czech citizen and started a family here. He has a college degree and is currently manager of the NGO Humanitas Afrika.

Another of our interviewees came as asylum applicant from **Belarus** in 1999 and applied for asylum for political reasons. She chose the CR because she had previous contacts through her scientific work and with people involved in Radio Free Europe. She was engaged politically in her country of origin and that is the reason why she sought asylum. She stated she organized protests, demonstrations and petitions against Lukashenko's regime. She spent seven months in a refugee camp but it took a year and a half before she finally got asylum. Although her time in the asylum camp was stressful, she saw it as an opportunity to gather herself together again after much greater stress, i.e. the escape itself. She said she used this time to organize herself and think about future plans. She also stated that she feels that her refugee experience was of course painful but formative for her personality. She tries to influence policy in her country of origin through the "Belarus Organization of Refugees and National Minority". She has college degree and works in the Association of Refugees of the CR.

4.2.4 Resources

If we approach the issue of resources from the point of view of organizations in which all interviewed persons are active, we discover that they cite the following:

- Ministry of Labor and Social Affairs
- Ministry of Culture
- Various EU funds (European Social Fund, European Economic Area grants, Structural Funds, etc.)
- Ministry of Education
- Foundations distributing EU financial means (such as NROS, mentioned above)
- Public collections, social economy (only one organization)
- Private donors (only one organization)
- UNHCR

²⁸ For more information, see <http://www.berkat.cz/sekce.php?id=19>

- Embassies of European countries

As we can see, resources come from national and EU sources in a majority of cases. It is somewhat striking that NGO experts stated the Ministry of Interior as source of funds; the Ministry was not cited by RCO-involved persons.

4.2.5 Activities

Almost all activities of the RCOs and NGOs interviewed are of a national character. If they do have somewhat of an EU character, they are always also oriented nationally or sometimes locally (e.g. language courses in refugee or detention camps). Except for one person from one organization (Belarus) the activities typically do not include home country orientation or activities. The African-Czech organization (Humanitas Africa) has activities in Africa, mostly education or support for children's programs.

The activities of NGOs and refugee activists may be summarized as follows:

- **Legal means and legal change orientation** is perhaps the strongest field of activity in which Czech NGOs engage in the domain of asylum and refugees. Lobbying, monitoring and petitions related to various asylum laws seem to be the most important activity. Hence there is a very high presence of legal professionals in this field. In some cases, such as OPU, this is seen as a fundamental activity of the NGO. Legal counseling to individual clients is often seen as priority, too.
- **Campaigns for awareness-raising** are also very strong. Almost all activities that NGOs and refugee activists implement are seen by them as part of awareness-raising.²⁹
- Almost all NGOs interviewed cooperate with the media, which they see as a very important player in support of but also as an obstacle to their work.
- **Consultations and cooperation** with other governmental and non-governmental organizations and institutions is also part of their activities. In particular consultations related to legal matters seem to be very strong.
- **Lobbying of politicians** both formal and informal is seen as a necessity but is used more by NGOs than RCOs.
- **Protest mobilizations**, such as strikes and demonstrations are not used at all.

Concerning social help and community activities, including socializing and cultural activities, for refugees and asylum-seekers, activities have a broad range:

- They include the **organization of leisure activities and language courses in refugee camps**, the organization of **community centers** (with elements of the social economy) and **integration centers** (organized through government institutions and financed by the EU) and the

²⁹ One such example is a project by NGO Slovo 21, The Next Door Family, which is aimed at privately connecting families of Czech and immigrant origins to spend a day and eat together. The project was a huge success and is still running. It was also perceived by Slovo 21 as an awareness-raising campaign.

organization of **cultural activities** (e.g. ethno-catering, concerts, cultural gatherings, music festivals).

- Educational activities (such as educational projects for schools and the public) aim at providing information and awareness-raising, mostly to overcome prejudices.
- Furthermore, **social and psychological counseling** is high on the agenda of NGOs and also RCO activists.

4.3 Obstacles and Support

The respondents stated quite a variety of obstacles and some support for their activities. Since each respondent had a different perspective, while almost all agreed that the most important event in the field was EU accession, I will try now to present this variety.

Views from refugees active in organizations

- A respondent from the RCO (the Association of Refugees in the CR) saw as an obstacle the lack of immigrant organizations which was due both to a lack of will to organize as well as a lack of financial means. The low number of immigrants was also mentioned as a further obstacle as well as the fact that they are territorially dispersed. Since the respondent came as a student before the Velvet Revolution, she was able to compare the approach of the communist and the democratic system towards foreigners. When she arrived from Mongolia during communism to study, she was kept in quarantine for a month for medical checks. Her freedom of movement was restricted, whereas no one checked entrance or exit. Nowadays she sees as the major problem the lack of information about the CR at the Czech embassy in Mongolia. Mongolians often sell their property in Mongolia, they are likely to become victims of organized crime, and they are poorly paid and are forced to give a part of their salary to middle men. She sees this as a form of modern slavery; people are in constant fear and tend to be here irregularly. Therefore, in her opinion, it is crucial to improve knowledge in Mongolia about the real conditions in the CR.
- The two refugee activists from Bosnia stated the existence of informal immigrant networks through which information on practical life is transmitted. They also considered the small number of refugees in the CR as an obstacle to organizing. As negative tendencies in asylum policy they judged mainly the low level of informedness on the part of the public, the poor conditions at reception centers, and the abuse of EU accession to introduce immigration and asylum restrictions of various kinds. They also criticized the ignorance of personal experience (both in the sense of trauma and in the sense of work experience), racism (discrimination based on "race") and corruption (obtaining legal residence for money), while people in real need are ignored. As a positive they evaluated the former liberal policy, especially towards immigrants and refugees from the former Yugoslavia during the nineties, and the shortening of the waiting period for permanent residence (permits).
- The respondent from Belarus working at the Association of Refugees of the CR stated that the biggest obstacle for participation is that non-citizens have no right to vote. Although there are

some 300 000 legal foreign residents, they are deprived of that right even on the local level. She also blamed the media for not stressing enough examples of good practices and positive stories about immigrants and refugees. As negative she criticized also that all those who enter irregularly are kept in detention for the duration of their stay. She also mentioned corruption at the Foreigners Police and the lack of information for asylum-seekers and refugees. She also mentioned the involvement of the Czech Security Information Service in the evaluation of individual asylum applications and in the amendments to legal acts.³⁰ She further believes the potential for political participation among refugees who obtained asylum for political reasons is not used at all by Czech society, although they are prepared to participate fully in civic life. Like almost every respondent she stressed the small number of refugees, who are still in the process of rebuilding their lives, and is of the opinion that Czech society is not accustomed to refugees yet.

- A respondent from the community center InBáze believed it crucial to include immigrants (including refugees) into the job market by means of the social economy.
- The respondent from the African-Czech organization Humanitas Afrika has experienced a positive reaction among the public to their programs and also sees an impact with regard to overcoming prejudices. He also thinks refugees and asylum-seekers should not be treated differently from other immigrants; they should be entitled to work and to equal health care. For him it is necessary to dispel the image of asylum-seekers and refugees as prisoners, as such they are not only often treated but also presented by the media. According to him, the government should raise awareness about the reasons why people become refugees and not manipulate this issue. The main obstacles are rooted in the competition in the NGO sector; they compete for the same resources and thus lack solidarity. Since the respondent lives both in Germany and in the CR (and travels frequently to other Western countries) he compared the situation of refugees in the West and the CR. He has observed that the image created in Western states about refugees is very negative due to media and political manipulation, in the sense that they present them as parasites. In the CR the image is different due to the small number of refugees. This is why politicians ignore the issue and the general public is indifferent to it. (Interview Humanitas Afrika)
- A respondent from the NGO Slovo 21 originally from Bosnia stated that a crucial opportunity was the opening of EU funds, which made up for the recession of other funding opportunities (such as women's foundations). Generally there was a lack of human rights protection programs, and better in her opinion are partnerships with other EU countries. She sees a necessity to change the legal framework and to establish an official program to combat racism and xenophobia, because in her view laws regulating asylum, refugee and immigrant issues "are against people not for them" and impede instead of facilitating integration. She criticized the fact that the legal framework has become more and more restrictive, e.g. with the latest amendment to the Act on Aliens, which restricts not only the rights of foreigners but also of Czechs, as it

³⁰ BIS is the Czech Security Information Service – a state intelligence agency of the CR, which works secretly according to its mission. A description of its mission in English can be found at:

places very restrictive conditions on Czech citizens who want to marry a foreigner. She said that in the CR populism is reigning in this matter and that politicians want to please voters, who are xenophobic. Occasional media campaigns on immigration issues are poor; they cover the issue insufficiently. Only the NGO sector works on integration, and according to her the government sector either ignores or impedes integration. Regardless of a left, centre or right political orientation, the attitude remains the same and the same people remain in the same positions. The governmental and non-governmental sectors are not partners and the governmental sector delegates its duties to the non-governmental one.

- An activist from the Association of Refugees in the CR, originally from Armenia, perceives as the biggest obstacle the fact that the climate in the CR is not favorable to any kind of organizing (both in the case of the majority and minorities). She also thinks that issues of refugees in the CR are rather new and there are numerous organizations FOR refugees but almost none BY refugees, partly because to use the term refugee means to stigmatize someone, which is why refugees themselves are sometimes reluctant to use it. The state is not helping her organization (the Association of Refugees in the CR) financially, but it does so morally. She remarks that while immigrants tend to organize on a national basis, refugees organize across national differences.

It is interesting to note that some respondents (as from the Association of Refugees of the CR) saw as one of the obstacles to organizing the fact that the very expression “refugee” is stigmatizing and people want to avoid this label. Perhaps they would be more favorably inclined to organizing if it were not something pointing at their refugee origin, which they see as something stigmatizing them in Czech society.

Views of NGO representatives

It is interesting to compare this summary of obstacles and opportunities given by RCO-involved persons and a summary by NGO experts active in the field.

- The respondent from **OPU** stated that ever since asylum policy started being created in Brussels it has become more restrictive and has resulted in even fewer numbers of refugees. Another problem for them (also mentioned by another NGO) is that the Ministry of Interior, which controls the financial means from the European Refugee Fund, allocates them in a non-transparent way or as the respondent from PPU criticized, returns money to the fund because of a lack of knowledge of how to manage it. The respondent from OPU thinks that lobbying is the most important activity, in particular when it is focused on individual politicians. Also EU policy should prioritize resettlement programs. Public discourse is indifferent towards asylum and refugee issues, and people do not even have basic knowledge on these issues; this involves a lot of xenophobia and dilettantism. Even politicians themselves are poorly informed and often spread xenophobic attitudes, he says. That is why he believes it to be necessary to focus on younger

generations, as in his view “the present generation is lost”. He expects much from the reforms in decision-making in the context of the new role of the European Parliament which now not only has a consultative but a co-decisive competence. He also stressed that EU accession had a major influence on the work of his NGO, mainly in terms of increased financing possibilities. (Interview OPU)

- Our respondent from the **Czech Helsinki Committee for Human Rights (CHC)** reports that his organization deals with asylum applicants within their penitentiary system monitoring. As he reported, some asylum applicants even end up in detention based on an Interpol warrant issued by the country of origin. When they are in detention often three parallel processes develop: prosecution, extradition and asylum processes. The CHC monitors also extremism on the Internet. He mentioned that public discourse is hostile towards asylum; it is often stressed in the media that the CR provides asylum, but the media are silent about the small number of successful applicants. Refugees are often criminalized; they are represented as criminals and it is insinuated that “we (the Czechs) protect them”. Governmental bodies (prosecutors, extradition courts) do not take into account information on the poor status of human rights in many of the asylum-seekers’ countries of origin. He cites the scandalous case of Uzbek citizens who were arrested in the CR based on a warrant issued in Uzbekistan accusing them of committing terrorist acts, while in fact they were active in the opposition. The Czech courts seriously considered returning them to Uzbekistan, even though they were under UNHCR protection and recognized refugees in Germany, and even though the EU had imposed sanctions against Uzbekistan. This action was stopped by the intervention of NGOs too. However, this case illustrates that the state administration bodies in the CR do not take into account relevant information but only want to get rid of asylum-seekers. The respondent also criticized the fact that conditions in asylum detention camps are often worse than in prisons. There is no legal framework for conditions, regimes, rights and obligations in such asylum detention camps. Asylum applicants are treated as criminals although they seek protection. In his opinion, political participation should be introduced and supported by the state, but refugees should show initiative themselves, too. (Interview Czech Helsinki Committee for Human Rights)
- The respondent from **PPU** qualified Czech EU accession – like OPU and others – as the major change in asylum policy, again primarily in terms of financial flows. She complained that because policy is created in Brussels, there are only limited if any opportunities to influence asylum policies. An important problem she recognizes in the mutations of the EU legislation as it is transposed into Czech legislation. Most programs (EU and national) for refugees are about job market inclusion. EU policy contains anti-asylum elements. On the one hand EU asylum policy is very restrictive, she says, on the other hand it is used as an excuse to introduce even more restrictive measures into Czech legislation and policy. The number of asylum applicants is low and they are kept in detention. A particular problem remains with applicants in the **Dublin regime**. If an applicant arrives by bus or by car, s/he is returned to the third safe country (all countries are safe around the CR). If s/he comes through an airport s/he is put in detention. Conditions within the airport procedure scheme are criticized as very poor. PPU also provides

legal counseling. From her experience she has noticed that sometimes former asylum-seekers organize and provide counseling (for money) on their own, which is very often of a very poor quality. In response to that, the Ministry of Interior has introduced new legal provisions that legal counseling can be provided only by those organizations that have a contract with the Ministry. NGOs complained about this change; they take the view that the Ministry used the mentioned unqualified legal counseling as an excuse to limit counseling by NGOs. Further problems include the fact that the purpose of asylum policy is poorly elaborated and that asylum-seekers are kept in isolation (detention). She finds that they do not want to participate politically, but the government also does not want them to participate and limits opportunities of participation. She explains that asylum applicants themselves are afraid to participate, because they believe their participation might influence (negatively) their future status. This might encourage them to influence the state of affairs in their country of origin, rather than risking their status here (refugee or citizenship). According to her, public policy should be changed, and participation should be made possible at the very beginning to all immigrant groups whatever their status.

4.4 Summary and conclusions

Refugee organizations as we have found in this study are still a new phenomenon in the CR. Organizations dealing with refugees and asylum-seekers tend to be **for** these groups rather than self-organized **by** these groups. This can be explained predominantly by the fact that asylum-seekers are disempowered and that recognized refugees are very low in numbers. However, there are an increasing number of individuals with de jure rather than de facto refugee backgrounds who are active in various civil society organizations and one (still very young) organization, which is organized by refugees and former refugees who adopted Czech citizenship.

Their activities focus mostly on legislation-related issues or concrete help to refugees and asylum-seekers. We saw that the element of education is also strong and media communications and awareness-raising programs are steadily gaining importance.

The structure of financing is also similar to civil sector financing in the CR – similar sources, similar rules and similar difficulties (mainly related to instability of the provided resources and the non-transparent method of allocation).

A few respondents mentioned stigmatization and all of them mentioned the small size of the refugee population as a reason why political participation (generally regarded as desirable by the persons interviewed) is not an issue in the CR. Invisibility of the relevant groups has its positive side – i.e. lack of manipulation within populist discourse – but it also has its negative sides – i.e. insensitivity to the problems refugees and asylum-seekers face, hidden discrimination and xenophobia.

The EU is seen as an important source of financial means and EU accession as the most important event influencing their work. Asylum and integration policies in their perception tend to be “dictated” from Brussels and opportunities for feedback are seen as limited. More importantly, EU policies are

seen as excuses for implementing the most or unnecessarily (since not governed by EU law) restrictive measures in domestic policies.

All respondents support the idea of political participation but they recognize its limitations and barriers in an unfavorable political climate, the legal conditions (excluding participation) and also a lack of initiative on the part of refugees for numerous reasons (small number of refugees, fear of negative outcomes in asylum or citizenship proceedings, etc.).

It is true that refugees currently are mostly in the role of clients, tend to be seen as passive and they themselves play a rather passive role. Incidents of provision of unqualified legal help provision are more an exception than the rule but they illustrate the vulnerability of asylum-seekers. The reasons for the lack of an organization of refugees lie, as I mentioned, more in the phase of migration they are in. They are not numerous, they still need to establish themselves in society on a basic level (work, housing, education) and then proceed to civil society organizing. The governmental policy is not favorable either in terms of political participation as such but also for refugee organizations (if they are not composed of Czech citizens). The results of the Migrant Integration Policy Index study for the CR can be applied to refugees, too:

“National government consults migrants in a structured way through their representatives in migrant associations. Regional and local governments consult migrants ad hoc. Migrants cannot elect their representatives; they are appointed by the state to speak on their behalf...No foreigners can join a political party, even EU citizens. No changes to this rule have even been discussed by migrant organizations, NGOs or the media.”³¹ (MIPEX 2007: 21)

5 Political mobilizations

5.1 Context of political culture for mobilization in the Czech Republic

Political mobilization in the CR should be regarded – like numerous other social phenomena – in the context of a relatively recent communist past. During communism, the state monopolized the capacity of association of citizens; people had to be organized and everything not officially organized was regarded as subversive activity. As Morjé Howard puts it, most people belonged to multiple organizations, but their membership was often mandatory, coerced, or used for instrumental purposes and “Their membership was based mainly on obligation, obedience, and external conformity, rather than internal and voluntary initiatives.” (Morjé Howard 2003:27).³² Because of the pressure to organize and the very formal character of organizations to which people automatically belonged, and consequently because of general mistrust in oppressive institutions, people started retreating into private networks of friends and family. Those were essential sources of connections which played a major role in social survival in the former Czechoslovakia during communism. After the huge mobilization during the Velvet Revolution, political mobilization declined sharply. It seems as if people needed a period of relaxation from all kinds of

³¹ British Council and MPG 2007. *Migrant Integration Policy Index*. Brussels

formal organizing. Morjé Howard justly notes that another reason for the low level of participation in post-communist societies is to be found in the disappointment and disillusionment with political and societal developments after the fall of communism. This is also part of the explanation why in the post-communist period the “Communist Party of Bohemia and Moravia” still plays a prominent role in political life as the third most important party.

The country made a giant leap from a communist satellite to a democratic EU Member State within 15 years, demanding to rebuild the political and legal structure in some cases from the very beginning. At the same time a paternalistic state started gradually to transform into a social welfare state with strong elements of economic liberalism in some respects. This left people confused and lives of general population were heavily affected by the change. This produced apathy (in the sense of “nothing can be changed”, “political activity is for those with no or low moral standards”) for political matters and a general feeling of mistrust coupled with consumerist obsessions (Müller, K. 2002. *Češi a občanská společnost*. Praha: Triton).

As concerned the mobilization for asylum and refugee issues, we should add (to all the above-mentioned conditions) also the emerging xenophobic atmosphere which partly has its roots in the isolation imposed by the communist regime, when only foreigners were seen as the oppressors, and mobility in and out of the country was under severe restrictions and control.

In addition to that, the Czech asylum and migration policies after the democratic transition was under powerful influence from the neighboring countries’ policies (mainly in Germany) and requirements of the EU, which all resulted in a very restrictive approach. This political approach combined with general political disappointment, xenophobic attitudes, a low number of asylum-seekers and low recognition rates led to a general invisibility and indifference towards the given issues. Political mobilizations hence remained in the domain of a narrow circle of civil society organizations active in the field and a few enlightened political representatives.

5.2 Major campaigns and mobilizations by NGO and RCO networks

Campaigns by NGOs (as I mentioned, it is not possible to take into account fully developed refugee community organizations) can be distinguished into three types:

- one concerns efforts to influence **legal matters** either domestically or by monitoring EU legislation;
- another concerns **awareness-raising campaigns** in broadly defined multicultural issues such as racism and discrimination;
- and the third one is represented by **various more concrete projects**, such as projects aimed at improving mutual knowledge about the communities of the majority and minorities, language courses, psychological and social counseling, festivals, etc.

I will describe examples of each.

³² Howard, Marc Morjé 2003. *The Weakness of Civil Society in Post-Communist Europe*. Cambridge University Press.

The first type of activities – **legal actions** – is best illustrated by an initiative to sign petitions against the amendments to the Act on Asylum and the Act on Aliens in 2006 and 2007.

The key actor and site of the protest can be found in the Organization for Aid to Refugees (OPU) (and via its webpage): OPU sent to the Ministry of Interior its objections to the proposed amendment of the Act on Asylum. OPU was against the proposed changes in the asylum procedure at the airport, which were considered as a response to the recent violent escape of Egyptian asylum-seekers from the detention center in Velké Přílepy near Prague.

The proposed procedure, if enacted, was denounced as an unfair administrative procedure.

The proposal of the Ministry included provisions to limit access of asylum-seekers (in detention camps) to legal aid, as well as to make it impossible for them to keep their mobile phones with them and the proposition to appoint the Regional Court in Prague as the only competent court to deal with any legal actions against negative asylum decisions made by the Ministry (the Regional Court surprisingly speedily rejects all claims by refugees).

The OPU critics (in the petition) focused on the establishment of a special regime for refugees at the airport. OPU pointed out that in recent years not a single refugee at the airport had been granted asylum and a number of asylum cases were rejected within a few days with the purpose of deporting the claimant on the earliest available plane back to his/her country of origin.

They further disagreed with the restriction of the right of asylum-seekers whose cases have been pending for 4 years to apply for a permanent residence permit in the Czech Republic. OPU also objected the Ministry's plan to restrict the access of detained asylum-seekers and illegal foreigners to legal aid provided by NGOs.³³

OPU had also already approached members of the Czech Parliament with its comments. OPU submitted its comments regarding the proposed amendment of the Act on Aliens to the Ministry of Interior and to other state institutions.

Concerning the impact of the petition and OPU interventions, both actions were in the end unsuccessful. Nevertheless, their original idea to gather members and organizations of civil society to mobilize against the new amendments to the acts was rather successful. The petition was signed not only by relevant NGOs, but also resonated in academic circles as well as among some politicians.³⁴

The second type of mobilizations is related to **awareness-raising campaigns**: it might be best illustrated by a campaign for the decriminalization of refugees and an awareness-raising campaign for unaccompanied minors. Again the initiative was brought forward by NGOs, but in this case it was (financially) supported by governmental bodies. The aim was to make the public aware of the fact that asylum-seekers are treated like prisoners and that some of them are unaccompanied minors. The

³³ Available at: http://www.opu.cz/index.php?option=com_content&task=blogsection&id=2&Itemid=17&lang=en (visited 28 November 2007)

³⁴ Source: http://www.opu.cz/index.php?option=com_content&task=blogsection&id=2&Itemid=17&lang=cs (retrieved 5 March 2008)

effort had the form of a marketing campaign, but it was beyond the range of possibility to reach the broader public because of general indifference to this issue.³⁵

Finally as promotion of contacts among members of the majority and minorities (in general, not only concerning refugees), one of the exemplary projects with the highest popularity was initiated by the NGO Slovo 21 under the name "Family Next Door". Formally this project was organized as an invitation by a Czech family or a family of foreigners for a Sunday lunch in the presence of an assistant to help with possible initial obstacles. The project has been running for four years already and has had very positive reactions by the public and has had numerous outputs. One of them was a film based on the experience of the families involved but also numerous friendships which came out of the project. The respondent interviewed from the Slovo 21 association concluded that in their organization they were positively surprised by the number of Czech families who wanted to be involved in the project.

5.3 Main claims and issues (frames)

The main claims and issues as obvious from the above-described activities are related mostly to monitoring and changes in legislation. This may be focused on the Czech situation or the application (or lack of application) of EU legislation and is seen as priority for most NGOs active in the field (although not all of them). Especially closely watched by NGOs is the agenda of implementation of EU legislation into Czech law or the shortcomings thereof, as the case may be. Within this agenda, defined broadly as a legal agenda, we also find elements of lobbying with individual MPs or MEPs (more frequently), with various governmental bodies and political parties (less frequently).

An important cluster of issues is related to **antidiscrimination** (both from a legal and a social perspective) and to **decriminalization** of the asylum and refugee agenda. Legislation on antidiscrimination was closely followed by NGOs in various fields, not only from the asylum, refugee, minorities and immigrant perspective, but also from the perspective of the disabled or gender issues. It was a long and difficult process until finally antidiscrimination legislation was introduced, albeit with many objections from actors across the spectrum of civil society organizations. The antidiscrimination agenda was also used for opening up to the broader issue of tolerance on the one hand and to racism and xenophobia on the other. Within this agenda there were also campaigns to raise awareness on relatively new issues such as **irregular migration** and to bring up the question of regularization as a possibility to deal with the issue. The main claim albeit very broadly defined was **fair treatment** of vulnerable groups such as asylum-seekers and refugees, but also migrants and minorities (Roma). The issue of **integration** constitutes another important frame of debate for asylum and refugee topics (see chapter discourse).

Special attention is given in this respect to issues of access to the job market and legal, psychological and social counseling to selected groups. As we have seen, language courses are also seen as a

³⁵ Sources can be found on web pages of the NGOs such as www.opu.cz, www.uprchlici.cz. The campaign is finished, but the text of the petition can be downloaded from (Czech only): http://www.uprchlici.cz/ppu/docs/petice-k-novelam-cizineckeho-a-azyloveho_20070514143015.pdf (retrieved 5 March 2008)

somewhat controversial issue especially in the case of asylum-seekers (organizational issues, who pays for the courses, etc.). Social integration in terms of housing and access to the job market are priority issues within the refugee agenda.

5.4 Political impact of mobilizations

It is hard to assess the political impact of mobilization campaigns as in many respects the whole debate on asylum and refugees is still regarded as a minor public issue. Nevertheless, we may state that things would probably be much worse and ignored to an even greater degree had there not been NGO activity in the given field. However, some NGOs are active in counseling various governmental bodies where it is possible to claim some impact is real. Otherwise we should regard NGO activity as a civil society effort per se, which means oversight of and limitations to the use of state power and the monitoring of how legislative decisions are applied.

Out of all respondents, only one stated that there was some visible result in relation to legislative changes: based on NGO commentary of an act, it was returned from the Senate to Parliament for revision (in order for an act to become legally valid, the consent of both houses is required).

Work on awareness-raising issues is even harder to assess but respondents do not expect immediate results anyway. Rather, this is seen as more of a necessary and gradual effort, intended also to contribute to social prevention. One such example is a supplement to one of the major daily newspapers, *Lidové noviny*, edited by the NGO People in Need (Člověk v tísní). The idea of the supplement is to bring closer to the wider public ordinary life, problematic issues, the effects of legislation and even research related to broadly-defined multicultural issues.

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Interviews

Interviews with three NGO experts from the following organizations

- Counselling Centre for Refugees (www.uprchlici.cz)
Czech Helsinki Committee (www.helcom.cz)
Organization for Aid to Refugees (www.opu.cz)

Interviews with eight persons active as volunteers or as employees in the following organizations

- Association of Refugees of the CR (<http://www.aucr.cz/news.htm>)
Berkat – InBáze (<http://www.berkat.cz/sekce.php?id=43>)
Humanitas Afrika (<http://www.humanitasafrika.cz/>)
IPPP ČR (www.ippp.cz)
NROS (<http://www.nros.cz/>)
Slovo 21 (<http://www.slovo21.cz/>)

Further information:

- Berkat: <http://www.berkat.cz/sekce.php?id=19>
Informace o zemích původu: <http://www.mvcr.cz/azyl/azyl.html#puvod>
Konzorcium nevládních organizací pracujících s migranty: <http://www.konzorcium.cz/cz/o-nas.php>
Discriminace: http://www.diskriminace.cz/dp-migrace/novela_191.phtml
Online Test (UK): http://www.uktestonline.co.uk/sample_test.php
OPU, Law section:
http://www.opu.cz/index.php?option=com_content&task=blogsection&id=2&Itemid=17&lang=en
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