

Information on procedural elements and rights of applicants subject to a Dublin transfer to the Czech Republic

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About this document

The 'Roadmap for improving the implementation of transfers under the Dublin III Regulation' was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

Each applicant who is the subject of Dublin transfer to the Czech Republic has the same material reception conditions as the applicant in standard procedure.

The access is gained to persons who are in position of applicant for international protection in the Czech Republic pursuant to art. 2 of Asylum Act. It includes all take charge cases, and take back cases where the asylum procedure is still pending before asylum authority or judicial authority on condition that an appeal has suspensive effect by law or the suspensive effect is granted.

In take charge case and in take back case, when the asylum procedure was terminated by procedural decision, the person is obliged to get to reception centre. In cases where the asylum procedure is still pending, the person is usually obliged to get to accommodation centre of his last stay. The access to accommodation and the other reception conditions is provided in asylum facilities (reception and accommodations centres). The transfers to asylum facilities following Dublin transfers are described below.

If the person following the Dublin transfer to the Czech Republic is in position of foreign according to Alien's Act, (the person does not apply for international protection again) the person has no more access to reception conditions. The Alien's Police considers the possibilities of return on condition of illegal stay. The person can also ask for the assistance for voluntary return to the country of origin.

At the time of arrival, the person is informed about his/her actual legal status (i.e., applicant or non-applicant for international protection) in the Czech territory and what are other steps to do.

How long do these steps normally take?

The accommodation and other material reception conditions are available from the first moment of his/her arrival to asylum facilities.

Usually, it should be possible to take this step on the same day as the transfer was executed.

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

The applicant is informed immediately after his/her arrival to the asylum facility.

The first information about the legal status of the person is given to the person at the time of arrival to border crossing point. Further information about reception conditions is provided after his/her arrival to the relevant asylum facility.

When the person is handed over by Alien's police at the border crossing point, on condition that the person is not vulnerable, does not need any special assistance, is healthy without any required medical assistance/care etc., the person is accompanied to the nearest bus/train station, is given bus/train ticket and is informed where and how to get to the reception/accommodation centre. Moreover, the person concerned is provided by a kind of map. If the person is not in possession of any ID, the person is provided by special document, so called "confirmation". This document allows the person concerned to move within the territory of Czech Republic in order to reach the asylum facility determined by Refugee Facilities Administration (organisation responsible for operation of asylum facilities).

In cases of vulnerability and special needs, the transport to asylum facility and medical assistance is organized.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

Health care, accommodation, food, legal assistance, etc. – all reception conditions as set up in art. 2/g RCD (Reception conditions directive).

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

The applicant who is registered in asylum facility is provided with full access to the material reception conditions including health insurance. The Refugee Facilities Administration is responsible for ensuring it.

The reception conditions are provided in almost all cases in kind. In asylum facilities where no common catering is provided, the allowance for food is provided every month. The amount corresponds with the amount of the subsistence minimum valid for citizens, and other foreigners living in the Czech Republic with valid residence permits.

The applicant is provided: accommodation, meals or an allowance for food, counselling and leisure activities, access to necessary medical care, legal assistance, pocket money.

Asylum seekers who appealed against the decision of the regional court to Supreme Court who do not want to be accommodated in asylum facilities are obliged to ask for financial contribution for 3 months and/or they are required to arrange all living costs on their own, except health insurance.

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

No, article 20 par. 1 letter c) of Reception Condition Directive has not been transposed to national law.

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

Not applicable

1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

The health care is provided free of charge to all applicants in the scope of services paid by health assurance according to the respective act – Public Health Assurance Act. The same provisions are applied as for citizens of the Czech Republic.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Each applicant is automatically announced to health assurance authority which provides health care. Health insurance is paid by state.

Moreover, medical service is provided in the reception centre free of charge.

The provider of reception and accommodation centres cooperate with several NGOs in order to find concrete surgeries to provide the health care for the applicants for the international protection accommodated in accommodation centres.

Nevertheless, the ambulances in hospitals are obliged to provide the health care to all persons including asylum seekers.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

The person is provided also with special reception measures, if required or needed. Regarding minors, unaccompanied minors – in the Czech Republic there are asylum facilities which are child friendly and can provide the support to the most vulnerable – minors.

Basically, all asylum accommodation centres are suitable for families with children or other vulnerable persons, so their needs and interests are taking to account. Minor children are provided sports and games activities, cultural and further activities indoors or outdoors.

Persons with reduced mobility are accommodated in suitable asylum facility.

At asylum centres social and psychological support and assistance is provided. Medical care is gained for persons in need- for example: pregnant women...

Moreover, the individual special reception needs shall be assessed by the trained staff of asylum facilities in every case. For example: when it is assessed that the concrete asylum seeker needs a certain medical device, the asylum facility is obliged by law to provide the person concerned with the device needed.

Unaccompanied minors are placed in special facilities for children, including foreigner children. These facilities are outside the scope of Ministry of Interior. These facilities for children are operated by Ministry of Schooling, Youth and Sports.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

The staff in accommodation centres is obliged by law to determine the special reception needs and address them accordingly.

Usually, first information/indications about the special needs required is already included in transfer announcement. Then Dublin Unit informs immediately the asylum facility where the person is going to be accommodated after the arrival about concrete/individual needs. The social workers in this accommodation centre are then prepared for arrival of the person.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

The general administrative procedures are applied (act on administrative procedure and administrative court procedure act). There is a possibility to lodge a legal complaint with a court.

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

The person at the time of entering the Czech Republic following Dublin transfer is in position of asylum applicant by law (according to Asylum Act). The person is obliged to report himself at the reception centre within 24 hours after the "Dublin arrival". Then the standard asylum procedure follows.

How long do these steps normally take?

The person is immediately registered after his arrival to the Czech Republic at the reception centre. It takes max. few hours between the physical arrival and time of registration.

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

At time of transfer the person is informed in written about his/her actual legal status on the territory of the Czech Republic. The person is informed where to ask for international protection again. See point 1.1.

How long do these steps normally take?

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Where can the applicant find this information, or be provided with this information?

The person is provided written information about his legal status immediately after his/her arrival on the Czech territory in the language he/she is able to understand or is supposed to understand (leaflet).

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

If the applicant lodges a subsequent application, the competent authority firstly considers the admissibility of the application. If the application is considered as inadmissible, the asylum procedure is terminated.

Inadmissibility criteria are in line with Asylum procedure directive:

- another Member State has granted international protection;
- a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35;
- a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38;

- An application is considered as a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU have arisen or have been presented by the applicant

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

Only in take back cases and only if the first application lodged in Czech Republic was examined in merits. Letter d) of Article 33 par. 2 of Asylum Procedure Directive is applicable in these cases.

In other words, the Czech Republic would consider a subsequent application made in the Czech Republic as inadmissible if there was already an in merits decision issued by the Czech Republic.

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

No, grounds for detention are in line with Article 9 of RCD.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

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3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

Every decision on detention is a subject to an appeal to regional administrative court.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

The applicant can be detained only on legal grounds set up in Asylum Act for duration of max. 180 days in total. But the limit for detention shall be set in each decision individually based on individual circumstances of each particular case. The duration of the detention may be prolonged by issuing another decision which can be also appealed before the regional administrative court again.

It means that there could be several decisions issued and against each decision the person has right to lodge an appeal, but the duration when counted the limits in each decision together has to be in max. 180 days. After this limit, the person cannot be detained anymore.

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

The applicant can appeal the detention decision or against the decision prolonging the detention in 15 days since the decision was given to the applicant. Regional administrative court reviews each decision prolonging the detention.

The judicial review is on request/appeal.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

The less coercive measures are:

- Obligation to stay/remain in certain asylum facility without possibility to leave the facility freely for more than 24 hours.

- To report himself/herself personally at the place and at time set up by Ministry.

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

In every decision the grounds for detention are assessed individually, moreover, the possible alternative measure to the detention must be taken into account before the applicant is detained. In case that alternative to detention are not applied, this shall be reasoned in the decision.

3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

All conditions established in art. 10 RCD are fully provided in all detention facilities. These conditions are established by Foreigner Act (No. 326/1999 Coll., as amended).

The persons in detention are provided:

- Open air space – playgrounds – for basketball, volleyball
- Possibility to communicate with UNHCR, NGO'S, legal advisers.., with the Head of the detention centre, the responsible unit of alien police at the centre
- Visits of family members
- Further services – medical care, social and psychologic/al assistance,

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

Immediately, after the transfer is carried out to the CZ, regardless the stage of his/her asylum procedure. Legal aid free of charge is provided for both stages of procedures (first instance, appeals procedure).

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

The legal aid is provided as free of charge.

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

The deadline for lodging an appeal against the decision when the application is considered as inadmissible is 15 days.

The deadline for appeal against the decision not to grant international protection is one months.

The deadline is counted since the applicant is received a decision.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

Within the deadline the applicant should lodge the appeal to the regional court that is located in region where the person was registered to be accommodated. The appeal shall contain the information from which it shall be clear who, against what, why and what is suggested.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

Unless the applicant for international protection has made a further subsequent application for international protection, his/her stay in the territory cannot be terminated on the basis of an administrative or judicial decision. This does not prevent the applicant for international protection from being transferred to an international criminal court or an international criminal tribunal or a similar international judicial authority which fulfils at least one of the conditions set out in the Act on International Judicial Cooperation in Criminal Matters.

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

Yes, see above.

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

The principle of non-refoulement is always considered. Every return decision contains the assessment that return to the country of origin would not mean the breaching of non-refoulement principle. The non-refoulement principle is also assessed by judicial authorities within the appeal procedure.