

Essential aspects of foreign law in Schengen Area

Creative youth education for responsible mobility

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Types of stay in the territory of the Czech Republic / Schengen Area

- Visa-free stay
- Short-term visa
- Long-term visa
- Long-term residence
- Temporary residence
- Permanent residence

Visa-free stay

- Maximum duration of a short-term stay in the Schengen Area of **90 days in any 180-day period** - *the length of stay is calculated according to the entry and exit stamps entered into the relevant travel document at the border-crossing point*
- Only for holders of biometric passport
- **Does not apply** to third country nationals who intend to **perform gainful activities** in the territory of the Czech Republic
- Third country nationals have to prove guaranteed sufficient funds for living expenses both for the duration of their intended stay and declare the **purpose and conditions** of their intended stay – otherwise their entry to the Schengen area can be denied

Short-term visa

- Maximum duration of a short-term stay in the Schengen Area of **90 days in any 180-day period** - *the length of stay is calculated according to the entry and exit stamps entered into the relevant travel document at the border-crossing point*
- **Does apply** to third country nationals who intend to **perform gainful activities** in the territory of the Czech Republic (*in the case of work is required permit issued by the Czech Labor Office*)
- Visa is issued normally within 7-15 days
- **In case of refusal (and annulment or revocation)**, the applicant receives a notification form stating the reason for visa refusal
- **The application has to be filed at the diplomatic mission of that Schengen Area state which is the only or main destination**

Short-term visa

Requirements:

- application form
- travel document
- photo
- biometric features - fingerprints
- fee (35 EUR)
- supporting documents proving
 - purpose of journey
 - accommodation
 - financial means
 - intention to leave the Czech Republic / Schengen Area before the visa expiry
- travel health insurance

Long-term visa

- Is required when the expected stay will exceed 90 days
- Issued for a variety of purposes – health, culture, sport, visit (invitation), family, study, research or entrepreneurship
- An application for a long-term visa for over 90 days can be filed at a Czech Embassy abroad
- It is always necessary to file the application for a long-term visa in person
- Maximum duration (with extension) can't extend the period of 1 year, but when the purpose of your stay remains unchanged, you can apply for a long term residence inside the Czech republic at the Ministry of the Interior offices

Long-term visa

Requirements:

- a travel document (original)
- 1 photograph
- proof of accommodation
- document on the purpose of stay
- proof of funds
- a Consent of parents or any other statutory representative or guardian to the residence of a child in the Czech Republic

Upon request you are further obliged to submit:

- document similar to an extract from the Penal Register record
- a document proving the fulfilment of conditions set out in the measure of Ministry of Health on prevention of the spread of infectious illnesses

Long-term Visa for the Purpose of Seasonal Work

- Is issued for a maximum of 6 months
- There is a list of sectors of employment which include activities that are dependent on the passing of the seasons – for example hotel and restaurant services, arable farming and animal husbandry or forestry industry
- It is not possible to submit an application for a long-term visa for the purpose of seasonal work in the territory of the Czech Republic
- From this long-term visa it is not possible to apply for another long term residence (e. g. employee card) in the territory of the Czech Republic

Long-term residence

- Is required when the expected stay of third country nationals will be longer than one year
- Usually the application is filed inside the Czech Republic, at the Ministry of the Interior offices, but in some cases, an application for a long-term residence permit without the precondition of staying on a visa for over 90 days can be submitted at a Czech Embassy (purpose of **studies**, scientific research, family reunification, resident of another EU Member State, blue card or employee card or ICT card).
- It is always necessary to file the application for a long-term residence in person
- Can be extended unlimitedly

Employee card

- Is type of long-term residence permit in the territory of the Czech Republic where the purpose of the foreign national' stay (longer than 3 months) is employment
- An employee card is most often issued for the duration of the employer-employee relationship but not for more than 2 years, with an option to repeatedly extend its validity
- For all types of employment regardless of the level of required professional qualifications
- job vacancy for which an application for an employee card can be filed must come from the *central register of job vacancies that can be filled by holders of employee cards*
- the agreed monthly salary will not be lower than the basic monthly minimum wage
- weekly working hours will be at least 15 hours
- Is issued for specific job position and employer, if holder of employee card wants to change employer or position, he has to ask for prior consent of the Ministry of the Interior

Ukraine Project and Ukraine System

- These two programs are intended for employers that want to employ candidates from Ukraine
- Ukraine Project is intended for the most qualified employees (doctors etc.)
- Employers have to fulfil certain conditions, for example they have to operate in the Czech Republic for at least 2 years, the number of employees may not be lower than 10 etc.
- If the employer has already gained inclusion in the Ukraine System or Ukraine Project, it is not necessary to request an appointment for an interview at the Consulate General in Lvov or the Embassy of the Czech Republic in Kiev, as the employee will rather be contacted by the consulate or embassy
- Because of these two programs it is in fact more complicated to apply for „classical“ employee card for Ukrainian citizens – there is only very limited possibility to apply for employee card in Lviv

Long-term residence permit for the purpose of „studies“

- Studying with the exception of studying at a primary school, secondary school or in a conservatory that is not carried out within an exchange programme or professional training for remuneration
- A document on the purpose of stay is primarily a confirmation from a school or an educational legal entity about enrolment in studies
- Another requirement is the proof of availability of financial resources, for half a year is it 55 000 CZK (for example proven by a bank account statement)

Long-term residence permit for the purpose of „studies“

- Students have the „free entry to the labour market“ (with the exception of studying of preparatory courses for university study) – beware of fulfilment of the purpose of stay!
- Necessity of nostrification of high school diploma for university studies – at the Regional Authority in the Czech Republic

Temporary residence

- Residence permit intended for a family member of an EU citizen
- There is legal definition of term „*family member of an EU citizen*“, under certain conditions it can be even partner of EU citizen
- An application can be filed in personally at any Ministry of the Interior office in the Czech Republic, that being within 3 months of entering the country
- Permission to stay in the territory until the final legal decision about the application
- Permission to legally work from the moment of filing the application

Permanent residence

- Top residence permit – a foreign national doesn't have to fulfil certain purpose of his stay in the Czech Republic, is in the system of public health insurance system, the legal status of a long-term resident in the European Community in the Czech Republic should be granted etc.
- Usually a foreign national can file an application for permanent residence after 5 years of continuous residence in the Czech Republic (the period of stay in the territory on long-term visa and on long-term residence permit issued for purpose of study is counted by half)
- Is issued for unlimited period, but for specified reasons can be cancelled

Legal consequences of unlawful conduct

- Unlawful conduct – for example illegal stay in the territory of Schengen area, performance of illegal work (for example working in the Czech republic with Polish long-term visa) or proving identity by false personal documents)
- Legal consequence can be decision about administrative banishment – this decision is accompanied by a banishment period
- Banishment period is period in which the foreign national cannot enter the Schengen Area– this period is up to 10 years, the length of the period in individual case depends on which misconduct was committed and on individual circumstances of every case
- Up to five years afterwards the application for long-term visa or long term residence permit can be denied (in the Czech Republic)

List of Links

- <http://www.mvcr.cz/mvcren/article/third-country-nationals-third-country-nationals.aspx> - general information about types of stay in the territory of the Czech Republic / Schengen Area
- https://www.mzv.cz/jnp/en/information_for aliens/general_visa_information/index.html - general information about types of stay in the territory of the Czech Republic / Schengen Area – especially about short-term visas
- <https://www.czechinvest.org/en/Our-services/Visa-Support/Ukraine-Project> - information about Ukraine Project and Ukraine System

List of Links

- <http://www.msmt.cz/areas-of-work/tertiary-education/recognition-of-foreign-higher-education-in-the-czech?highlightWords=diplom> – information about recognition of foreign higher education
- <http://ujop.cuni.cz/en/> - information about preparatory courses for University Study and Czech Language Courses (Charles University in Prague)
- <http://icv.mendelu.cz/en/27826-czech-for-foreigners> - information about preparatory courses for University Study and Czech Language Courses (Mendel University in Brno)

List of Links

- <http://p-p-i.cz/> - non-profit organization
- <http://www.icpraha.com/en/> - non-profit organization
- <https://ec.europa.eu/assets/home/visa-calculator/calculator.htm?lang=en> - the "Schengen calculator", a useful tool for checking that you are not breaking the rule 90/180
- https://portal.mpsv.cz/sz/zahr_zam/zamka/vm - search for vacancies available to employee card holders