Amendments to the Act on the Residence of Aliens effective from 31 July 2019

Changes to employee cards

Change of employer

You have an employee card and you want to change your employer. There will be certain changes in effect from 31 July 2019. Newly, you will not apply for consent to the change of employer (job position or another job), but you will submit a notification of change to the Ministry. You need to use a special form to submit the notification of change (all fields must be filled in) and attach the required documents (proof of employment and/or date of termination; employment contract; and employer’s declaration that the future employee holds the required qualifications to perform the job). You can start a new job only after the Ministry approves the change.

You must submit your notification at least 30 days before the planned change. The Ministry is obliged to notify you without undue delay (no later than within 30 days) of whether or not it permits the change. The notification of change is not an application, the Ministry therefore does not issue a decision, but only provides information whether the notification is OK and that it is possible to perform the new job. If the change is not approved by the Ministry, the notification is deemed as not having been submitted, which means that you cannot start working for the new employer. In such case seek legal assistance as soon as possible, as this may result in loss of residence and the necessity to leave the Czech Republic.

You can start a new job under the following two conditions:

1.) The day indicated on the form as the job commencement day has arrived and at the same time

2.) the Ministry has already notified you that you can change job.

The change does not apply to persons with free access to the labour market (i.e. with permanent residence, family members of EU citizens, graduates of accredited university programmes, etc.). Such persons are still obliged to notify the change of employment within three days from its occurrence.

Change of employer - the first employee card

If you have your first employee card issued, you can change your employer only 6 months after its receipt. An exception to this rule exists only if your employer breaches your employment rights. Consult the lawyer before you terminate the employment.

Regarding the so-called programme employee cards (the card was issued as part of a special programme, see below) it will be possible to change the employer after such period of time as the relevant programme may specify and which may change more frequently and faster than the law. Currently, this period of time is set at 6 months; key and scientific personnel may change jobs...
without limitation. However, it is necessary to monitor changes, if any, as this period can be shortened or extended (to cover the entire validity of the first employee card issued) at any time.

Agency employment and change of employer
In the case of agency employment, it is not possible to apply for an employee card under the so-called programmes (see below). Newly, agency employees are obliged to attach to their application precise information on where and in what position they will be assigned by the agency. It is not possible to change employment if the new employer is a job agency, i.e. that you can apply for an agency card only from the country of origin. If you work directly for your employer (you have an employment contract with the employer) you cannot later switch to the agency.

Applying for employee cards and long-term residence at embassies abroad

Introduction of quotas
Every year the Czech Republic will determine the number of applications to be submitted to embassies in individual (some) countries = introduction of quotas for economic migration. The quotas apply to the following types of residence: employee card, visa for longer than 90 days for business purposes, and long-term residence for investment purposes. They do not apply to applications submitted in the territory of the Czech Republic, for example when changing residence. The quotas will be stipulated by a government decree that will specify a separate long-term residence quota for investment purposes, visa for business purposes and employee cards. In addition, a special quota for applications submitted under one of the newly introduced labour migration programmes (see below) will be stipulated as part of the employee card quota.

Example: Country X has a quota of 6 applications for investors, 12 applications for entrepreneurs and a total of 144 employee card applications, including 120 for applications submitted under labour migration programmes (therefore 24 applications remain for employee cards submitted outside the programme).

In terms of time, the quotas should be appropriately distributed across the quarters, months or weeks (i.e., if the quota is 12, it will most likely be possible to submit one application per month). For some countries and categories (employment, business and investment) the quota may be set for an unlimited number of applications.

Labour (economic) migration programmes
Starting from 31 July 2019, you will be allowed to apply for an employee card at embassies within three different programmes. The programmes do not apply to applications submitted in the territory of the Czech Republic. The programmes include the following:

1. Programme for qualified personnel:
   • Jobs not requiring high qualifications (for example, clerks, fitters, craftsmen, etc.);
   • Family members can apply only upon receipt of an employee card;
• Restricted to nationals of the following countries: Belarus, Montenegro, India, Philippines, Kazakhstan, Moldova, Mongolia, Serbia and Ukraine.

2. Programme for key and scientific personnel:
• Only for employees of major multinational investors or start-ups;
• Possibility to apply together with family members;
• Required qualifications specified in the programme.

3. Programme for highly qualified personnel:
• It applies to all positions requiring higher qualifications;
• Possibility to apply together with family members;
• Required qualifications specified in the programme.

Despite introduction of new labour migration programmes, it will still be possible to submit conventional applications for employee cards. It is possible that the number of conventional applications will be limited or excluded by the quota.

Special long-term work-visa
The visa will only be issued if the government decides that a labour force is needed in a particular sector and under the conditions set by the government. The visa is issued for a period of validity longer than 90 days, but for a maximum of one year. It is not possible to extend the visa or to apply for another residence permit. Therefore, you must leave the country before your visa expires. You cannot use this visa to bring your family with you. This type of visa is entirely inappropriate for foreign workers who would like to work here for more than a year or bring their family members with them (spouse or children). Think twice whether this visa is suitable for you before you arrive to the Czech Republic.

Changes to the visa for the purpose of study or scientific research
If you have a long-term residence for the purpose of study or scientific research in the Czech Republic or another EU country (except for Denmark, Ireland and United Kingdom), you may stay in another EU country for up to 1 year without a visa if the purpose of your stay is study or scientific research at an appropriate institution.

Example: You study at the University of Economics and you want to go to Belgium under the Erasmus programme for a year. The long-term residence permit from the Czech Republic will suffice, you do not have to apply for a residence permit in Belgium.

Newly, you can also apply for a long-term residence for the purpose of study or scientific research directly from the territory, provided that you are staying in the Czech Republic on a long-term visa or long-term residence permit. With a long-term visa, there is no need to leave the country and apply for a long-term residence for the purpose of study at the embassy in the country of origin. You may apply directly at the Ministry.
Students will also be able to demonstrate funds in two ways:

a) The possibility to demonstrate the funds with the account balance will remain in place.

b) Newly, it will be possible to demonstrate the funds also in form of a regular monthly income (such as salary).

**A new type of long-term residence for the purpose of seeking employment** is being put in place, which is intended solely for successful graduates of accredited university programmes in the Czech Republic and for researchers whose research in the territory has ended. These persons may apply for a long-term residence, which is issued for 9 months for the purpose of seeking employment or start a business.

**Attention** – The definition of study has changed. Newly, study at secondary schools, conservatories and post-secondary vocational schools is not deemed to be study under the Act on the Residence of Aliens (except for short-term exchange programmes). Such students are thus obliged to apply for a visa for the purpose of “other”.

**Other changes**

**EU citizens and their family members**
EU citizens will be issued a temporary residence permit for ten years. Those who received the card before 2010 will have to replace it for a new one by the end of 2019.

**Commitment of a crime and withdrawal of the permanent residence permit**
A more severe regime is being put in place regarding withdrawal of permanent residence (including permanent residence of EU citizens and their family members) in cases of criminal convictions.

**Address - entering data in the card**
The residence address will no longer be shown on the residence permit card. Changes to address still need to be reported within 3 business days (30 days for EU citizens), but you will no longer need to replace your card.

**On-the-spot fines**
Stricter rules governing on-the-spot fines are being put in place. Up until now, it was possible to impose a fine of up to CZK 3,000 on the spot, without the possibility to appeal; newly, the limit of CZK 10,000 is being introduced. You have the option to refuse to pay the on-the-spot fine, in which case the administrative authority (the Ministry or the Immigration Police) is obliged to instigate proceedings resulting in a decision as to whether and in what amount the fine would be imposed. If the decision is to impose a fine, you will have to pay the cost of proceedings (usually CZK 1,000).
Application fees

There are changes to the application fee payment format. Newly, you will pay the fee at the time of filing of the application and there are no other charges for the card issuance. For example, you will have to pay CZK 2,500 at the time of filing of the application for the long-term residence permit extension. The fee is not refundable if the application is not successful.

There are also increased fees for filing an application at embassy (for example, CZK 5,000 for an employee card) and also a special fee for processing the request to arrange for the date for filing the application at the embassy being introduced (fee for making an appointment at the embassy) in the amount of CZK 1,000. For more information on current fees, visit the website of the Ministry of Interior (https://www.mvcr.cz/mvcren/article/immigration.aspx) and individual embassies (https://www.mzv.cz/jnp/en/diplomatic_missions/czech_missions_abroad/index.html).