## INTERNATIONAL PROTECTION PROCEDURE - HOW IT WORKS

An international protection procedure starts when you submit your application to the police or Ministry of Interior. The application is followed by an interview. There can be more than one interview. During the procedure you should be especially aware that:

- you have the right to have an interpreter for a language you are able to easily communicate in
- if you assume that an interpreter is not interpreting your words correctly, don't be scared to inform a person conducting the interview
- if you do not understand anything, do not hesitate to ask for an explanation
- · during the procedure, do not provide any statements that are not true or do not precisely correspond with your situation
- · do not sign anything that you do not understand and that was not translated to you

During interviews it is important to provide true reasons for leaving your country of origin and not provide false personal data. Do not repeat stories that you heard from other people that do not correspond with your personal experience and have no connection with real reasons why you left your country. If you have documents or other evidence proving your story, provide these to the ministry. If you do not have such documents with you but you can get them soon, tell the workers of the Ministry. You have a right to inspect your file at the Ministry during the whole procedure and to add documents proving your story. All information that you provide to the Ministry of Interior as well as the fact that you applied for an international protection in the Czech Republic is confidential, and cannot be disclosed to the authorities in your country of origin.

A procedure at the Ministry of Interior before the decision is issued is the most important part of the whole international protection process. Therefore, it is important that you are active and come for interviews upon the invitation of the Ministry. You can follow the situation in your country of origin for example, via the internet, and add relevant documents to the file. These documents do not have to be translated into Czech.

## **ASYLUM - REFUGEE STATUS**

A person who proves that he/she was persecuted in his/ her country of origin will be recognized as a refugee and will get refugee status.

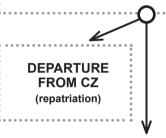
Reasons for granting refugee status are as follows: Persecution for pursuing political rights and freedoms and/or a person who has a well founded fear of being persecuted for reasons of race, gender, religion, nationality, membership of a particular social group or for holding certain political opinions in the country of his/her origin, or in the case of a stateless person, in the country of his/her former permanent residence.

Another reason for granting refugee status is for the reunification of family members (spouse, minor or parent), for whom the status was already granted.

The final reason is for so called humanitarian grounds. There is no legal right to gain humanitarian asylum. It is up to the ministry to recognize that there are substantial humanitarian grounds.

# **APPLICATION DECLINED (1. NEGATIVE)**

Your application for granting international protection is declined and you are given a so called "negative".



## **APPEAL**

It is possible to appeal a negative decision (or part of the decision in case of granted subsidiary protection and denied asylum) to the regional court. The appeal has to be sent to the court according to your official address.

NGO lawyers can help you to write an appeal as well as represent you during the procedure at the ministry or regional court. NGO lawyers, after studying your case, will provide you with appropriate advice and help.

The appeal has to be filed within 15 days of the date that the decision of the ministry was given to you. If you obtained the decision in an administrative detention, reception center at the airport, or your application was denied as unfounded, you have to appeal the decision within 7 days.

It is necessary to explain where the ministry made mistakes in the decision and which statements you do not agree with in the appeal. The statements written in the appeal are crucial for the procedure at the

## SUBSIDIARY PROTECTION

If the ministry does not find out grounds for granting refugee status, such an applicant can be granted subsidiary protection if the ministry finds that the person would face any of these conditions upon return to the country of origin: danger of imposition of capital punishment or enforcement of capital punishment, torture or inhuman or degrading treatment or punishment, serious threat to life or human dignity by reason of indiscriminate violence in situations of international or internal armed conflict, or if the alien's leaving the country would be contrary to international obligations of the Czech Republic.

Subsidiary protection can also be granted for the reunification of family members (spouse, minor or parent), for whom the status was already granted.

Subsidiary protection is granted for a limited time period and after expiration, the situation is reexamined to see if there are still reasons for subsidiary protection. If the ministry finds out that there is still danger in the country of origin, the subsidiary protection is prolonged. It is necessary to apply for the extension within 30 days prior to the expiration of the period for which the subsidiary protection is granted.

It is possible to appeal the decision by which you were granted subsidiary protection and not granted asylum. You may appeal the part of the decision concerning not being granted asylum. Subsidiary protection, which was granted to you, is not revoked but you are once again in the process of granting international protection.

If you do not appeal against that part of the decision by which you were not granted asylum, you are becoming an alien to whom subsidiary protection was granted.

# REVERSED DECISION OF MINISTRY OF INTERIOR (POSITIVE)

The Court revokes the decision and returns the case to the Ministry of interior for further proceedings. This takes you back to the initial level of the procedure. However, it does not mean that the Ministry has to grant you asylum or subsidiary protection. Therefore, it is necessary for you to actively participate in the procedure.

# APPEAL DISMISSED (2.NEGATIVE)

The Court dismisses appeal. In such a case, you can file a cassation complaint to the Highest Administrative Court in Brno within two weeks of the date when you received the judgment.

# **CASSATION COMPLAINT**

You have to be represented by a lawyer (attorney) who is a member of the Bar association at the hearing of the Highest Administrative Court. If you do not have enough money, you have to file the cassation complaint and ask the court to assign you a pro bono attorney. The Court will send you a questionnaire concerning your financial situation and based on this information, decides about your request. The court sends you the address of the attorney. You should contact the attorney and supplement the cassation complaint.

ATTENTION: The Highest Administrative Court contacts only your attorney during the procedure. When your attorney obtains a judgment, your toleration stay visa expires even though the date of expiration on your visa is later! Therefore it is important to be in touch with your attorney and if you change your address, inform him/her about it. You have to be sure that your attorney will inform you about judgment and send you the copy of the judgment.

DEPARTURE FROM CZ (repatriation)

# DISMISSAL (REFUSAL) OF A CASSATION COMPLAINT (3.NEGATIVE)

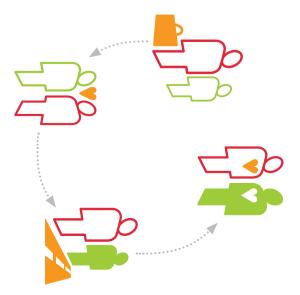
The court dismisses or refuses your cassation complaint. It is the final decision in your international protection procedure and it is the end of your toleration stay visa.



# REVERSED JUDGMENT OF A REGIONAL COURT (POSITIVE)

The court acknowledges your cassation complaint, revokes the judgment of a regional court, and returns your case back to a regional court. Your toleration stay visa expires, you have to visit the department on asylum and migration policy (OAMP), and the international protection procedure continues.

This leaflet is financed from the project "Legal counselling to international protection seekers" supported from the European Refugee Fund.



# PROCEDURE IN THE CZECH REPUBLIC INTERNATIONAL PROTECTION

# THE ASSOCIATION FOR INTEGRATION AND MIGRATION (AIM)

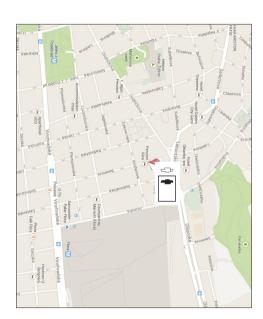
diverse support to foreigners in the Czech Republic The Association for Integration and migration is a non-profit organization with the aim to provide and to those individuals who have applied for the international protection in the Czech Republic. We provide legal, social and psychological counselling to asylum seekers in the territory of the of Czech Republic. Counselling is provided free charge



# www.migrace.com

mob: (+420) 603 547 450 mob: (+420) 605 253 994 fax: (+420) 224 239 455 tel: (+420) 224 224 379

and Migration Baranova 33 The Association for Integration 130 00 Prague 3



# SERVICES ARE PROVIDED AT

The Association for Integration and Migration Baranova 33

# CONTACT US

counselling via phone: (+420) 224 224 379 Mon - Thu: 10:00 - 17:00

e-mail: poradna@refug.cz

# OFFICE HOURS:

Mon: 9:00-12:00 13:00-19:00 Wed: 9:00-12:00 13:00-17:00 Thu: 9:00-12:00 13:00-17:00 Tue: by appointment only

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SDRUŽENÍ ASSOCIATION PRO INTEGRACI FOR INTEGRATION A MIGRACI AND MIGRATION

# DO YOU WANT TO APPLY FOR INTERNATIONAL PROTECTION?

protection can be granted in the form of **asylum** or **subsidiary protection**. During an international protection procedure, the Ministry of Interior examines if an international protection seeker was persecuted in his/her country of origin for reasons stated in the Asylum Act (see page two – the Everybody who faces persecution in their country of origin can, after arrival to the Czech Republic, apply for international protection, international

# LEGAL HELP

Legal representation is not compulsory during the procedure at the Ministry of Interior and at the Regional Court. If you would like legal representation during the procedure, you can choose from several possibilities:

- Representation by NGO lawyer. This help is free of charge and it is up to the NGO to what extent it is provided.
- You can be represented by an attorney, for whose services you can either
- a) pay on your own
- b) or ask the court to assign you an attorney. The court assigns you one if you are able to prove that you do not have necessary financial

It is important to note that a majority of attorneys do not have any experience with international protection procedure. Therefore, consider carefully when hiring an attorney for whose services you have to pay. In case you are represented by a lawyer or attorney, it will be necessary to cooperation closely with him/her.

During the procedure, you can add documents that support your case to the file. In the procedure at the Regional Court, all of the documents have to be translated into the Czech language.

be present at the hearing. If you do not respond within 15 days, the Court makes a decision without a public hearing. The court decision will not For the procedure at the Regional Court (see page two - the scheme) the Court will send you a notice asking you if you want to depend on your presence at the hearing. However, if you do respond within 15 days, it is reasonable to come to the court especially if:

- you have a lawyer
- you added documents to the file during the procedure at the Regional Court

procedure at the Highest Administrative Court, legal representation by an attorney is compulsory. The Highest Administrative Court does not order a hearing and decides without presence of parties. You can pay your attorney's services either

- b) you added documents to the file during the procedure at the Regional Court

Only the Ministry of Interior can grant you an asylum or a subsidiary protection, not the courts. Courts can only cancel the decision of previous bodies, and return your case back for further proceedings.

# A STAY IN THE TERRITORY DURING INTERNATIONAL PROTECTION PROCEDURE

After applying for international protection, you are given a visa that is regularly prolonged by Foreign police until the decision by the Ministry of Interior is made. After the decision is made, the Foreign police issue a departure visa and you can file an appeal against the decision of the Ministry

An appeal against the decision of the Ministry of Interior and a cassation complaint has a suspensive effect, which means that you can legally stay in the Czech Republic during the procedure and the Foreign police have to issue you a visa

proceedings, the appeal does not have a suspensive effect. In such cases it is possible to ask the court for acknowledgement of suspensive effect In case of appeals made against the decision of the Ministry of Interior, which declines your appeal as unfounded or stops of the appeal. Until the court decides, Foreign police should issue you with an exit permit.

Duration of the procedure at the ministry and at the courts depends on several things (individual assessment of the case, number of asylum seekers, size of the file, workload of courts), therefore it is not possible to assess the length of the procedure.

# WITHDRAWAL OF AN APPLICATION FOR INTERNATIONAL PROTECTION/ APPEAL / CASSATION COMPLAINT (END OF ASYLUM PROCEDURE)

the decision of the Ministry or a Court at the address you have written on your request. After receiving this decision you are obliged to go to OAMP In case you want to close your asylum procedure, you can do that by writing "a stop asylum request". According to what stage of asylum procedure attorney, it should be him/her who writes the request for stopping the your procedure. After sending your request, you need to wait until you receive (in case your procedure was closed at the stage of proceedings at the Ministry or Regional Court), where you return your asylum seeker's card you are at, you will write this request to the Ministry of Interior, Regional Court or Highest Administrative Court. If you are writing to the Regional Court or the Highest Administrative Court, you should also inform the Ministry about your intention to stop the procedure. In case you have an Your passport is returned to you by the Ministry and the Foreign police issues you a departure visa (also in case of stopping the procedure at Highest Administrative Court).

# **REPATRIATION / VOLUNTARY RETURN**

You can apply, in **writing**, for voluntary return to your country of origin or other country before you obtain the decision of the Ministry of Interior. You must do so within the period for filing an appeal against the decision made by the Ministry, within 7 days after the decision or an action against the decision made by the Ministry becomes legally effective, within the period for filing a cassation complaint, or within 24 hours after the decision on cassation complaint becomes legally effective. During the time when your application is being processed, you are regarded for the purposes of provision of health care, accommodation, food and other necessary services, as an applicant for international protection