

## **Summary of main amendments to Act on Residence of Foreign Nationals applicable from 18.12.2015.**

### **1. Long - term visa**

Long term visa may be issued with validity up to one year. Applicants for long term visa younger than 18 years must submit together with their application consents of legal guardians (usually parents) with their stay in the Czech Republic. Consent of the legal guardian submitting the application is not required as well as the consent of the legal guardian the minor applicant is to live with on the territory of the Czech Republic.

### **2. Time limits for submitting the application for long term residence permit and its prolongation**

Time limit for submitting the application is prolonged. Application for long term residence permit or its prolongation can be lodged already 120 days before the end of the validity of current long term visa or long term residence permit. Application however has to be lodged the last day of the validity at the latest. Only the application for prolongation of the employee card has to be lodged 30 days before the end of the validity of current employee card.

If the last day of the validity of current long term visa or long term residence permit is Saturday, Sunday or national holiday, application for long term residence permit or its prolongation has to be lodged the PRECEDING working day at the latest. If the last day of the time limit for submitting the application is Friday (day without office hours), the application for prolongation of the long term residence permit may be mailed that day. This does not apply for the applications that must be submitted personally (application for long term residence permit or for the "change of the purpose" of long term residence permit). These applications must be delivered to the Ministry of Interior last day of the time limit. In case such application is confirmed within 5 days personally it can be delivered to the Ministry of Interior last day of the time limit also by e-mail (with or without electronic signature), by fax or to the data box of the ministry.

The fact that the last day of the time limit is working day but without office hours is not the reason independent on the will that may prevent foreigner from submitting the application in time. For this reason, please, submit your applications in due time.

### **3. Reasons that may prevent submitting the application in due time**

Reasons preventing foreigner from submitting the application in due time must be indicated while submitting the application and application itself must be lodged at latest 5 working days from the day these reasons are ceases to exist. The reasons indicated later will not be taken into account. Upon the request, foreigner is obliged to prove the reasons preventing him/her from submitting application in due time.

### **4. Definition of the family member of EU citizen**

The definition of family member of EU citizen is adjusted with the directive no 2004/38/EC and current case law of the Court of EU. In order to mention the notion of "relation similar to the relation among the family members" is adopted in the way it includes only relations between unmarried couples.

### **5. Permanent residence permit**

The obligation to take over the decision on issuing the permanent residence permit personally is set out. Foreigner staying on the territory of the Czech Republic on the bases of departure order will not be allowed to lodge application for permanent residence permit. The application for permanent residence permit for the humanitarian reasons, for the reasons of special respect and for the reason of the interest

of the Czech Republic will not be possible to submit as well during the residence on the territory of the Czech Republic on the bases on the long term visa or long term residence permit that are only considered as valid and their real validity has already expired. The conditions for the exam of the knowledge of Czech language and the range schools organizing the exam will slightly change. Current certificates of knowledge of the Czech language remain valid.

#### **6. Family members of citizen of EU with temporary residence permit**

Temporary residence permit ceases if the residence card of the family member of EU citizen is not prolonged. Not applying for prolongation of the residence card of family member of EU citizen or delayed application can be fined up to 3 000 CZK. When the holder of residence card of the family member of EU cannot be considered as family member of EU citizen or lives no more with the EU citizen on the territory, he/she is allowed apply for long term residence permit or permanent residence permit under the par. 68 of Act on Residence of Foreign Nationals in 60 days period following the termination of the temporary stay.

#### **7. Consent with the change of employer of work position in the case of employee cards.**

The application for consent with the change of the employer or working position lodged within the period of 120 – 30 days before the end of validity of current employee card will be considered also as the application for prolongation of the employee card. This does not apply if applicant has not consented to it or in the case the duration of new labor contract does not exceed the validity of current employee card.

#### **8. Legal responsibility of legal guardian for fulfillment of obligations under the Act No. 326/1999 Coll.**

Legal guardian of foreigner younger than 15 years (most often his/her parent) will be obliged to ensure legal stay of the foreigner on the territory of the Czech Republic. Similarly legal guardian of foreigner younger than 15 years will be responsible for fulfillment of obligations under the Act no. 326/1999 Coll. by such foreigner.

#### **9. Alien's passport**

Since 1.1.2016 alien's passports will be issued only with biometric data. However in period from 15.12.2015 – 31.12.2015 it will not be possible to submit the application for alien's passports with biometric data and such passport will not be possible to issue.