



GMS Flash Alert

Immigration Edition

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Czech Republic - Changes to Regulation of Foreign Nationals' Residence

August brought significant changes to Czech Immigration legislation as an amendment to the *Act on Residence of Foreign Nationals in the Czech Republic* (the "Amendment") took effect as of 2 August 2021.¹

The main changes are the following:

- Residency documents issued to foreign nationals have a new, biometric form.
- EU nationals' applications for certain residency permits are subject to fees.
- "Certificate of Temporary Residence" for European Union (EU) nationals is replaced by "Registration Certificate" for EU nationals.
- Definition of family members of EU nationals is adjusted, and a new category applicable for British nationals is introduced.
- Insurance company Pojišťovna VZP, a.s., gained monopoly over comprehensive health care for foreign nationals.

WHY THIS MATTERS

The Amendment has undergone a considerable legislative process and has been anticipated since last year. The Amendment aligned Czech legislation with EU regulations on strengthening the security of identity cards and residence documents. It also responds to Brexit and the EU-U.K. Withdrawal Agreement. Moreover, the Amendment tightened the conditions for family members of EU nationals and brought other important changes to the country's body of statutes.

Further Details

Change in Residence Documents (Biometric Elements)

Only documents with biometric elements will be issued for all third-country nationals, including family members of EU nationals who are not EU nationals themselves. Current holders of non-biometric documents have until 3 August 2023 to exchange them.

Administrative Fee for EU Nationals' Registration Certificates

The former Certificate of Temporary Residence Permit was replaced by the EU Registration Certificate. In addition, the application for such became subject to an administrative fee. The fee applies similarly to an extension application and an application for the Temporary Residence or Permanent Residence Permit and is paid in the form of stamp duty upon submission of the application.

KPMG NOTE

Change in Form of Residence Document (for EU Nationals)

The Amendment does not introduce a change in the form for the residence document issued for EU nationals. A paper-form residence document without biometric elements remains and has merely been renamed: Registration Certificate. The residence document is still issued for a 10-year period. The Certificate of Temporary Residence Permit for EU nationals issued before the validity of the Amendment will not need to be changed and remains valid.

Other Areas Subject to Changes

The major change is the adjustment of the category of family members of EU nationals, whereby the Amendment distinguishes between so-called "close family" members (e.g., husband/wife, children) and "distant family" members (e.g., partner). The law is now stricter in terms of distant family members as they are required to support their temporary residence permit applications with additional documentation (i.e., proof of the total monthly income of the family after reunification and a certificate of travel health insurance providing comprehensive health care over the entire period of residence).

The category of family members of EU nationals has recently been expanded to include the category of a British citizen under the Withdrawal Agreement. In the case of distant family members who are not EU citizens, it will be necessary to apply for an exchange of current documents by 31 August 2022, at the latest (to preserve the status of a close family member). This term also applies to British nationals and their family members to whom the Certificate of Temporary Residence Permit for EU nationals or the Permanent Residence Permit has historically been issued. Those foreign nationals will need to obtain residency documents with biometric elements.

The health insurance monopoly granted to Pojišťovna VZP, a.s. ("P VZP") for the upcoming five years was a substantially discussed and controversial change brought by the Amendment. Foreign nationals entering and staying in the Czech Republic as of 2 August 2021, for more than 90 days are obliged to arrange for travel medical insurance covering comprehensive health care from P VZP.

FOOTNOTE:

1 For additional information about the legislative status of the Amendment (not available in English), have a look here: <https://www.mvcr.cz/mvcren/docDetail.aspx?docid=21658112&doctype=ART> .

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Contact us

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