

GMS Flash Alert

Immigration Edition

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Czech Republic – Extension to March 2024 of Temporary Protections for Ukrainians

The government of the Czech Republic has tabled a bill¹ that would extend by one additional year the rules governing the issuance of Temporary Protection (and other areas) in respect of Ukrainian refugees fleeing the war. (For prior coverage, see [GMS Flash Alert 2022-155](#), 29 August 2022.)

WHY THIS MATTERS

The Czech government, in line with developments at the European Union (EU) level, is continuing to take steps to accommodate the needs of Ukrainian refugees while the war ensues in Ukraine by enacting, and amending, a series of acts simply called “Lex Ukraine.” These acts regulate all the principal areas that concern refugees arriving from Ukraine, such as the processes around obtaining/applying for Temporary Protection, accommodation, health care, and / or schooling. Moreover, these measures helped clarify for Czech organisations (for-profit and non-profit) as well as Czech citizens how assistance may be provided to Ukrainian refugees.

Background

In response to the war in Ukraine, the EU member states adopted a coordinated approach to refugee protection and enshrined temporary protection status in their national legislation.

Under Czech regulations, temporary protection provides its holders with many benefits: e.g., the possibility of legal residence and work in the Czech Republic as well as access to health care and education.

The Czech Republic regulates the situation of Ukrainian refugees through three laws adopted in March of this year. Until now it has been unclear how the residence of Temporary Protection holders will be dealt with after 31 March 2023 (the deadline for expiry of the existing rules), as the current legislation does not allow for a transition to standard residence permits.

This issue should be resolved by an amendment known as “Lex Ukraine 4.”

Lex Ukraine 4: Two Extension Options under the Bill

The bill provides for the extension of Temporary Protection until 31 March 2024, while working on two options on how the extension will be implemented.

In neither option will the extension be automatic; both solutions under consideration involve the cooperation of the Temporary Protection holders.

Under the first option to extend temporary protection status, the foreign national would have to register via an electronic form on the Ministry of the Interior's website by the end of March 2023. Simultaneously, the system would assign each foreign national an appointment before the end of September 2023 to appear at the Department of Asylum and Migration Policy of the Ministry of the Interior so that a visa sticker can be reapplied.

The second option also works with an electronic form but does not require a visit to the Department of Asylum and Migration Policy to pick up the new visa sticker. Electronic registration would automatically extend the validity of the individual's temporary protection until 31 March 2024, without updating this information in his/her passport. If the foreign national fails to register, the temporary protection will expire on 31 March 2023. The bill allows for the possibility of reapplying if, for instance, the deadline for registering for an extension is missed.

Impossibility of Secondary Migration Remains

An extended temporary protection status would further preserve existing benefits such as free access to the labour market, accommodation, and financial support. By contrast, the bill does not amend the provision that many Temporary Protection holders and their potential employers often worry about, which is the impossibility of secondary migration, i.e., granting temporary protection status to those who have already received it or applied for it in another EU country. This relatively strict approach compared to other countries is therefore unlikely to change.

Next Steps

The bill has only just begun its journey through the legislative process. It is necessary that one of the presented options is chosen and when that happens, it is likely that it will be further modified.

Given that the EU is in the process of a coordinated extension until 31 March 2024, we do not expect any significant deviation from this proposal.

FOOTNOTE:

- 1 For the text and status of *Návrh zákona, kterým se mění zákon č. 65/2022 Sb., o některých opatřeních v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace, ve znění pozdějších předpisů, a další související zákony*, click [here](#).

RELATED RESOURCE:

This article is excerpted, with permission, from "[Temporary Protection Extended by One Year](#)" in Tax and Legal Update (1 November 2022), a publication of the KPMG International member firm in the Czech Republic.

Contact us

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