



GMS Flash Alert

Immigration Edition

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Czech Republic – Secondary Migration and Some Relief for Temporary Protection Holders

The status of certain eligible Ukrainian nationals in the Czech Republic will change in light of the ability of such individuals to apply for the European Blue Card.¹

The Czech Republic had adopted a strict approach to holders of Temporary Protection issued in another EU member country. Under the current rules it is not possible for such individuals to file an application for the Temporary Protection Visa in the Czech Republic. This applies also to those who only applied for this status in another EU member country but did not receive it.

In certain cases, new policies may make applications, intra-EU travel, and access to the Czech labour market easier for such Ukrainian nationals.

WHY THIS MATTERS

Secondary migration to the Czech Republic has been severely interrupted given the country's strict approach in respect of Ukrainian nationals who obtained Temporary Protection in another EU member state. Those Ukrainians were not allowed to apply either for Temporary Protection in the Czech Republic or for a standard residence permit.

The ability to apply for an EU Blue Card for holders of Temporary Protection in another EU member state and the facilitation of secondary migration may open many opportunities for the Czech Republic as well as for Ukrainians.

Context

In connection with the current ban on applying for standard types of residence permits, it is almost impossible for Ukrainian nationals to relocate to the Czech Republic if they received or applied for Temporary Protection elsewhere within the EU. (For related coverage, see [GMS Flash Alert 2023-023](#), 31 January 2023.)

During the first half of 2022, many Ukrainians fled the country to EU member states to secure their safety. It has been more than a year since the war escalated, and naturally Ukrainian nationals have started to evaluate their options and opportunities. Many of them have received job offers which they had to reject due to the impossibility of applying for a residence permit or visa allowing them to reside and work in the Czech Republic.

This is, however, to partially change as the Czech Republic is allowing such individuals to apply for the European Blue Card effective from 1 April 2023.

Applying for the Blue Card

The EU Blue Card² is a combination of residence and work permit for highly-qualified workers who meet multiple criteria, e.g., the highest achieved level of education, salary requirements, etc. The main advantage in terms of intra-EU mobility for Blue Card holders is that after one year of residence in the EU, they can enter another member state and apply for a local Blue Card through a simplified process. Moreover, Blue Card holders are granted free access to the Czech labour market after two years of stay and holding this type of permit. In general, the Blue Card should serve the purposes of filling the gaps in the EU labour market for job positions requiring highly-qualified employees.

KPMG INSIGHTS

However, applying for the Blue Card will require a personal visit to the Czech Embassy in Kyiv or the Consulate in Lviv by the applicants who meet the set conditions. As it is necessary that the applicant either holds Temporary Protection issued in another EU member country or at least applied for it, this requirement is rather questionable due to significant expenses that would be incurred for such travel, not to mention the applicant's potential exposure to danger that is still present in Ukraine.

KPMG INSIGHTS: CONCLUDING THOUGHTS

From our perspective, the ability of Ukrainians to apply for a Blue Card is still just a temporary solution. It might benefit those who have long-term employment plans in the Czech Republic since at this stage it is the only possible residence permit type enabling secondary migration.

Moreover, it is still unclear if the holders of Czech Temporary Protection will be allowed to transfer their current visas to other residence permit types or not after March 2024, and thus this option may secure their long-term stay in future. However, the requirement to visit Ukraine for filing the application may discourage many from doing so.

KPMG in the Czech Republic is currently in discussions with the relevant Czech authorities about possibilities such as applying using the postal services or during an individual's in-person visit at one of the embassies abroad. It may be argued that the obligation to visit the embassy or consulate in Ukraine is contrary to the Czech Republic's approach to the conflict and the safety of victims of the aggression by Russia, as it requires the applicants to travel to Ukraine, where war is still raging.

FOOTNOTES:

1 For the text of *Nařízení vlády č. 308/2022 Sb., nařízení vlády o stanovení výjimky z nepřijatelnosti žádostí o udělení oprávnění k pobytu na území České republiky podávaných na zastupitelských úřadech*, see:

<https://www.zakonyprolidi.cz/cs/2022-308>.

2 Established by Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. The following countries have implemented the Blue Card Directive: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden. (For related coverage see [GMS Flash Alert 2017-085](#), 4 May 2017.) For information on the EU Blue Card, see:

https://immigration-portal.ec.europa.eu/blue-card/essential-information_en .

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Contact us

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The information contained in this newsletter was submitted by the KPMG International member firm in the Czech Republic.

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