

# GMS Flash Alert

## Immigration Edition

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# Czech Republic - Amendment to Lex Ukraine Tightens Temporary Protection Conditions

It was already clear during the adoption of the Czech Republic's "Lex Ukraine" that amendments reflecting the rapidly changing situation in Ukraine would be required soon. (For prior coverage, see [GMS Flash Alert 2022-089](#), 22 April 2022.) The Czech government therefore published an updated version of this legislation affecting the rules governing humanitarian allowances<sup>1</sup>, the issuance of Temporary Protection and the provision of accommodation<sup>2</sup>, and other areas in respect of Ukraine.

Moreover, this act establishes the right of the Czech government to regulate, in exceptional situations, the acceptance of visa or residence permit applications<sup>3</sup>.

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## WHY THIS MATTERS

The Czech government took important steps to address the Russian invasion of Ukraine and the consequent influx of Ukrainian refugees by enacting a series of acts simply called "Lex Ukraine." These acts regulated all the principal areas that concern refugees arriving from Ukraine, such as the processes around obtaining/applying Temporary Protection or schooling. These measures helped clarify for Czech organisations (for profit and non-profit) as well as Czech citizens how assistance could be provided to Ukrainian refugees.

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## Main Changes

However, with the passage of time and changing circumstances, an update of the initial regulations was inevitable. The Czech government decided to further define and regulate the process of granting Temporary Protection harder and to scrutinise the applicants more assiduously than before.

## Temporary Protection

The new amendment expands the grounds for not granting or withdrawing Temporary Protection status in the Czech Republic. It is currently not possible to obtain this status in the Czech Republic if it has already been requested in other country. Moreover, previous applications for international protection in any other country can be an obstacle. Finally, if a holder of Czech Temporary Protection submits a similar type of application in another European Union (EU) member country, the protection status awarded in the Czech Republic automatically ceases.

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## KPMG NOTE

This approach may differ to what is seen in other EU countries where the rules for granting such protection are sometimes easier. Therefore, it is highly recommended to choose the final destination country carefully before applying for Temporary Protection. As all other benefits, such as free access to the labour market or public health insurance coverage, are tied to this status, they are automatically removed if the protection status ceases.

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## Accommodation Provision

Another significant change concerns the rules for providing accommodation when applying for Temporary Protection. If the individual has not been provided with accommodation secured by the authorities, he / she must newly present a proof of accommodation in accordance with the Act on the Residence of Foreign Nationals in the Czech Republic<sup>4</sup>. Moreover, if the address of the individual's stay is changed during his or her stay in the country, it must be reported to the relevant authorities within three days at the latest. The amendment also defines conditions for providing an accommodation to the refugees and for possible compensation to such providers by the state.

## Allowances

There have been significant public discussions around another change that is related to social and public health insurance coverage and to the rules for receiving humanitarian allowances. Humanitarian allowances are not provided to those who have already been granted with:

- temporary accommodation secured by the state,
- food, or
- personal hygiene products.

Furthermore, a long-term allowance in the form of a monthly subsidy of CZK 5,000 will be granted only to those who actually reside in the country and prove their need.

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## KPMG NOTE

Coverage under the system of public health insurance is now not applicable for those between 18 and 65 years of age who hold Temporary Protection for more than 150 days. After this period, such persons become "self-payers" of health insurance unless they fall under one of the statutory exemptions.

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## Visa and Resident Permit Refusal

Finally, the Czech government established its right to refuse visa and residence permit applications that are contrary to the country's foreign policy interests – in particular, this concerns nationals of the Russian Federation and Belarus. Such a decision – refusing to issue a visa in light of the applicant's nationality – used to require specific preliminary measures, for example, the declaration of a state of emergency. With promulgation of Act No. 175/2022, the Czech government may now take such a step without the requirement of a preliminary measure, thereby removing hurdles to undertaking such steps in a quick, proactive manner.

## Where Next?

As was described in our previous *GMS Flash Alert* ([2022-089](#)), the validity of Lex Ukraine is limited, set to expire on 31 March 2023.

A further statutory update is possible given that the number of questions related to the future options for Temporary Protection holders is growing and current legislation prohibits these individuals from applying for any type of standard visas or residence permits.

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## FOOTNOTES:

- 1 Zákon č. 66/2022 Sb. – Zákon o opatřeních v oblasti zaměstnanosti a oblasti sociálního zabezpečení v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace.
- 2 Zákon č. 65/2022 Sb. – Zákon o některých opatřeních v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace.
- 3 Zákon č. 175/2022 Sb. – Zákon o dalších opatřeních v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace a o změně dalších zákonů v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace.
- 4 Zákon č. 326/1999 Sb. – Zákon o pobytu cizinců na území České republiky a o změně některých zákonů.

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## Contact us

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