

GMS Flash Alert

Immigration Edition

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Czech Republic - Changes in Store for Residence Rules for Foreigners

The Czech government has passed new rules regarding residency, work permits, and changing employers and employment positions for certain foreign nationals entering the country.

An amendment to the Act on the Residence of Foreign Nationals in the Czech Republic was approved by Parliament on 18 June 2019¹ and became effective on 31 July 2019. This amendment² will implement the Directive of the European Parliament and Council no. 2016/801/EU, which concerns the stays of third-country nationals who are university students and scientists.

The amendment stipulates new rules around:

- the employment of third-country nationals,
- restrictions on changing jobs, and
- a new type of residence permit.

In addition, the amendment accelerates the process for cancellations of the Residence Permit and introduces adaptation and integration courses for foreigners intending to stay for longer than one year – these should be available starting in 2021.

Yearly quotas for economic migration will be set by governmental decree and the relevant government programs will be adjusted.

WHY THIS MATTERS

The changes introduced by the amendment will tighten up the country's immigration rules around students and scientists; but it should be noted the amendment ranges more widely to impact other categories of individuals. Moreover, it aims to make the immigration process more streamlined, transparent, and align the rules around university students and scientists with the rules for other categories of foreign nationals entering the Czech Republic.

Further Details

Highly Qualified Employee, Key & Scientific Personnel and Qualified Employee

The original government programs for economic migration will be transformed into three types of programs (i.e., Highly Qualified Employee, Key & Scientific Personnel, and Qualified Employee). The government's objective was to unify the criteria for enrollment and make these programs transparent for the public. Some of the programs will also extend to additional countries – for example, one will now include Belarus, Montenegro, and Moldova – and set yearly quotas for the maximum number of applicants at Czech Embassies.

Changing Employer/Job Position

Employee Card permit holders will be restricted from changing their employer/ job position within the first six months from the collection of the prepared biometric permit (there are certain exemptions). That collection is organized by the Immigration Office. The usual consent of the Immigration Office in respect of an individual's changing of his or her employer or position will be replaced by a notification obligation.³ The process is intended to be more effective and less time demanding for the Immigration Office and the applicants. (Non-EU individuals must hold a proper visa or the aforementioned biometric card.)

KPMG NOTE

Address and Biometric Card

A welcome change to this amendment is the omission of an address on the back side of the biometric card, which in the past has led to additional visits to the Immigration Office each time the individual changed his or her address.

Other Areas Subject to Change Due to Amendment

As a result of the amendment, many other areas not necessarily listed above will undergo change – such as, the validity of Certificates of Temporary Residence Permit (issued on request to an EU national) to be limited, Permanent Residence Permits, and recourse by individuals regarding the decisions of the Immigration Office, amongst others. Thus processes may vary from current ones. In case of questions regarding the upcoming changes, employers and persons affected by these changes should consult with their qualified immigration counsel.

FOOTNOTES:

- 1 For additional information about the legislative status of the amendment (not yet available in English), [click here](#).
- 2 For additional information about the upcoming amendment of the Act on the Residence of Foreign Nationals in the Czech Republic (not yet available in English), [click here](#).
- 3 In this case, "notification" entails a legal form of administrative undertaking whereby the individual notifies the Immigration Office by means of submitting a duly signed notification form that is to be created by the Immigration Office (and that form must be accompanied by relevant documents).

Contact us

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* Please note the KPMG International member firm in the United States does not provide immigration or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

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

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