

Czech Investment Immigration

This article looks at the latest development in the field of the Czech investment immigration laws and also aims to bring the brief summary of legal possibilities how to enter and stay legally in the territory of the Czech Republic, including description of legal requirements and time lines.

The conditions of entry and stay of foreigners in the Czech Republic are regulated by Act No. 326/1999 Coll., on Stay of Aliens in the Territory of the Czech Republic, as amended and Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

In order to enter, stay and leave the territory of the Czech Republic (or the Schengen area) it is necessary that every foreigner submits a respective application to obtain a respective permit, i.e. a respective visa or a respective residence permit.

All visa applications must be made on special forms which can be downloaded at the website of the Ministry of Foreign Affairs of the Czech Republic. All applicants must meet all the required conditions to be granted a visa.

There are several **types of visas and residence permits**:

1. **Schengen (short-term) visas**, i.e. airport transit visas and visas for stay up to 90 days.

This type of visa is issued by a diplomatic mission of the Czech Republic or of another Schengen state. It entitles its holder to stay in the territory of the Czech Republic (i.e. Schengen area) for the period indicated in the visa.

The foreigner can stay in the Czech Republic for a maximum of 90 days within any 180 days (a "90/180" rule). After a 90 days long stay, it is necessary to travel out of the Czech Republic. The application is submitted in person at a diplomatic mission of the Czech Republic.

Application for a Schengen (short-term) visa can be filed within 3 months of the planned trip. In most cases the applications are reviewed within 7-15 days. In individual cases, the period can be extended up to 30 days and in exceptional cases up to 60 days. It is recommended not to file a visa application later than 15 days before the trip, as it cannot be otherwise guaranteed it will be reviewed in time.

2. **Long-stay visas**, i.e. visas for a stay over 90 days.

An application for this type of visa may be filed solely at a diplomatic mission of the Czech Republic.

The diplomatic mission refers the application to the authority competent to assess the application which is the regional office of the Department for the Asylum and Migration Policy of the Ministry of Interior of the Czech Republic ("DAMP"). The application for a long-term visa is submitted in person. In justified cases the Embassy may grant an exception of the personal presence of the applicant while submitting the application.

The application shall be processed by the DAMP within 90 days, in exceptionally complicated cases within 120 days of the submission date of the application.

The application for the purpose of study or a pedagogic activity or for the purpose of scientific research shall be processed by the DAMP within 60 days of the submission date of the application.

3. Long-term residence permit

The competent authority to assess an application for long-term residence is also DAMP.

The applicant may submit the application when he/she has been staying in the territory under a visa for a stay over 90 days and intend to reside temporarily in the territory for more than 6 months based on the same purpose of stay. This application is filed with the office of the DAMP in the territory of the Czech Republic.

Specific rules are set down for filing an application for long-term residence for study purposes, for the purpose of scientific research or for the purpose of family reunification.

A decision on the permission of long-term residence in the territory of the Czech Republic shall be issued:

- (i) within 120 days after the submission date of the application to a resident of another Member State of the European Union and his family member;
- (ii) within 270 days after the submission date of the application for the purpose of family reunification;
- (iii) within 60 days after the submission date of the application for the purpose of study, scientific research or for the purpose of issue of a long-term residence permit to a researcher's family member.

4. Permanent residence permit

For this type of residence permit an application should be filed on the completed form along with all the necessary requirements (e.g. submission of originals or notarized copies of the documents, made out in or officially translated into Czech language, foreign public documents must further be provided with a higher verification - Apostille, superlegalisation).

The application shall be filed in person, the Czech Embassy can only waive this obligation in well-substantiated cases.

There is statutory deadline of 60 days from filing the application in the Czech Republic and 180 from filing the application at a Czech Embassy, during which the Ministry of the Interior of the Czech Republic (MOI) is required to make a decision on the application.

In the case of a positive appraisal of an application submitted at a Czech Embassy abroad, the embassy contacts the applicant and issue a visa for a stay of over 90 days for purpose of receiving a residence permit.

To facilitate the procedure of processing national long-term visa and to enhance certain groups of applicants, especially the foreign investors to invest in the territory of the Czech Republic there were recently prepared and currently are realized several special projects as follows:

Speeded-up procedures of processing national long-term visa:

1. Project "Welcome Package for Investors":

The aim of the project is to create friendly procedures to potential investors and enhance the inflow of direct foreign investment enabling the competitiveness of the Czech Republic.

The target groups are corporate bodies, managers and key persons of the companies that have been already officially established in the Czech Republic and that need to transfer know-how of their activities from the country of origin to the Czech Republic.

2. Accelerated Procedure for Intra-Corporate Transfers and Localization of Foreign Investors' Employees

The project is intended for the current needs of employers – international firms and Czech businesses in the Czech Republic – arising from the lack of sufficiently flexible legislation for intra-corporate transfers and localization of foreign investors' employees.

3. Accelerated procedure of residence permits to foreign nationals – students of the third countries

This project defines rules and processing times for the accelerated procedures of issuing the residence permits/long-term visas with the purpose of study to certain groups of foreign nationals.

4. Accelerated procedure for foreign patients who will undergo medical treatment in the Czech Republic

The aim of the project is facilitation for the patients of Czech spas who will undergo medical treatment longer than 90 days. The target group: mainly nationals from United Arab Emirates, Kuwait, Qatar and Oman.

All projects enable processing the long-term visa/long-term residence permit application within **30 days**.

All these projects started in the period of 2012 – 2013 and are planned to run at least until the end of 2015.

In conclusion it is appropriate to mention that in order to work in the Czech Republic a foreigner needs to obtain also **the work permit**, unless he/she is exempted from the obligation to have the work permit by the Czech Employment Act.

Work permits are not required especially from citizens of the EU countries, Switzerland, Norway, Lichtenstein and Island or foreigners who have a permanent residence permit in the Czech Republic.

The foreigner usually applies for the work permit before he/she enters the Czech Republic. An application form is filed at the regional Public Employment Office; some special annexes to the application form are needed (e.g. a statement of the employer that he/she will employ the foreigner). And the competent authority to issue the work permit is the respective regional Public Employment Office.