

Mobility: Immigration alert

April 2023



Czech Republic

Czech Chamber of Deputies approves significant amendments to existing immigration laws

Executive summary

On 19 April 2023, the Lower House of the Czech Parliament (i.e., the Chamber of Deputies) approved major amendments to the Act on the Residence of Foreign Nationals, the Asylum Act and other related laws that would impact the immigration process for third-country nationals, including those who apply for Blue Cards. The amendments will now move to the Senate for review.

EU Blue Cards

The proposed amendments include the following potential changes to the rules governing the Czech Republic's issuance of Blue Cards:

- ▶ All Blue Cards would be issued with an initial validity of up to three years (up from two years currently).
- ▶ Certain categories of applicants (e.g., those who have held a Blue Card issued by another EU Member State for at least two years) would be exempt from the requirement to prove that they hold a degree/diploma from a qualifying university or vocational educational program. Other categories (e.g., information and communication technology managers who do not hold university or other qualifying degrees or diplomas) would have additional ways of meeting eligibility requirements. Currently, all applicants must prove that they hold a university or vocational education degree (and that they completed a course lasting at least three years in the case of vocational students).
- ▶ Applicants would qualify for a Blue Card based on a Czech employment contract that is valid for six months or more (down from one year or more currently).

- ▶ All Blue Card holders would be able to change their employer or job position within the Czech Republic by notifying the Ministry of Interior within three working days of the change going into effect. Currently, this notification process is available only to individuals who have held Blue Cards for two years or more. Those who have held Blue Cards for less than two years must currently obtain approval from the Ministry of Interior prior to changing their employer or job position.
- ▶ Individuals who hold valid Blue Cards issued by another EU Member State and file a new Blue Card application with the Czech authorities would be automatically eligible to start working in the Czech Republic 30 days after filing their application. Currently, these individuals must wait for their application to be approved by the Czech Ministry of Interior before starting work.
- ▶ Blue Card holders would lose their status (i.e., their Cards would be cancelled/forfeited) if they are unemployed for more than three months consecutively or cumulatively in their first two years of residence in the Czech Republic. Currently, all Blue Card holders may only lose their status if they remain unemployed for more than three months consecutively. After the first two years of residence, Blue Card holders would lose their status if they were to remain unemployed for more than six months (consecutively or cumulatively), including any time spent in unemployment status during their first two years.
- ▶ Blue Cards would be available for the first time to third-country nationals who hold asylee or international protected status in the Czech Republic.

Long-term visas and residence permits

The proposed amendments include the following potential changes to the rules governing the Czech Republic's issuance of long-term visas and residence permits:

- ▶ Qualifying individuals would be able to apply for long-term visas or residence permits from their country of residence (if different than their country of citizenship) only if they have resided in that country for at least two years continuously leading up to the filing of the application. Currently, individuals can apply for these visas or permits from their country of residence provided they hold a residence permit issued by their current country of residence that is valid for at least one year.
- ▶ Applicants would be required to submit criminal clearance certificates issued in every country where they resided for least six months or more cumulatively (instead of consecutively) in the three years prior to filing their application.

Family Reunification Residence Permits for adult children

Pursuant to the proposed amendments, individuals aged 18 or above would no longer be eligible to apply to obtain (or renew) Family Reunification Residence Permits as dependents of primary applicants. Currently, these individuals may obtain or renew these permits as dependents provided they do not have a source of income to support themselves.

Health insurance for minors

The proposed amendments would provide coverage under the Czech public health insurance system to children who are born in the Czech Republic to mothers who hold Czech long-term or permanent residence permits. Further, all minor children who hold long-term residence permits as dependents would be covered under the public health insurance system for the duration of their permits' validity, with their parents being responsible for the obligation to pay health insurance contributions.

Impact on employers

The proposed amendments, if adopted, would benefit Czech employers by facilitating the process of attracting highly skilled third-country nationals.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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