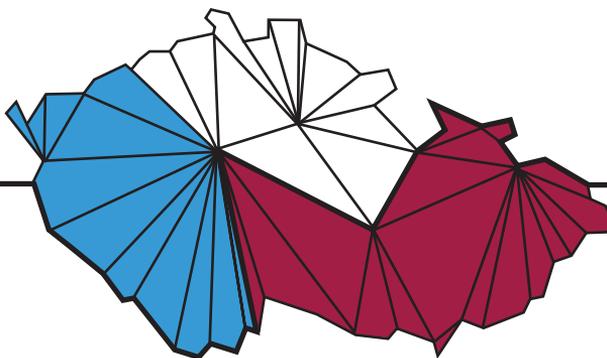


- Visegrad Fund

# **SHELTER LAW-MAKING: LEGAL RESPONSE TO THE MASSIVE MIGRATION CAUSED BY RUSSIAN AGGRESSION AGAINST UKRAINE**

NATIONAL REPORT – CZECHIA

VĚRA HONUSKOVÁ



**PRÁVNICKÁ  
FAKULTA**  
Univerzita Karlova

THE PROJECT IS CO-FINANCED BY THE GOVERNMENTS OF CZECHIA, HUNGARY, POLAND AND SLOVAKIA THROUGH VISEGRAD GRANTS FROM THE INTERNATIONAL VISEGRAD FUND. THE MISSION OF THE FUND IS TO ADVANCE IDEAS FOR SUSTAINABLE REGIONAL COOPERATION IN CENTRAL EUROPE.

THE INFORMATION PRESENTED IN THE REPORT IS CURRENT AS OF 31 JANUARY 2025.

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The report is a part of the project Shelter law-making: Legal response to massive migration caused by Russian aggression against Ukraine (Visegrad Grant No. 22320067), co-financed by the governments of Czechia, Hungary, Poland and Slovakia through Visegrad Grants from the International Visegrad Fund. The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe.

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#### ILS PAS Reports

eISBN: 978-83-68199-09-3

DOI: 10.5281/zenodo.15554306

1st edition, Warsaw 2025

An electronic version of the report is available at [www.e-bp.inp.pan.pl](http://www.e-bp.inp.pan.pl) and [www.inp.pan.pl](http://www.inp.pan.pl).

Linguistic editor: Eric Hilton

Cover design, layout and typesetting: Grzegorz Gromulski, TenWZORZEC

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## Abbreviations

EU – European Union

CJEU – Court of Justice of the EU

SAC – Supreme Administrative Court of Czechia

# PART I

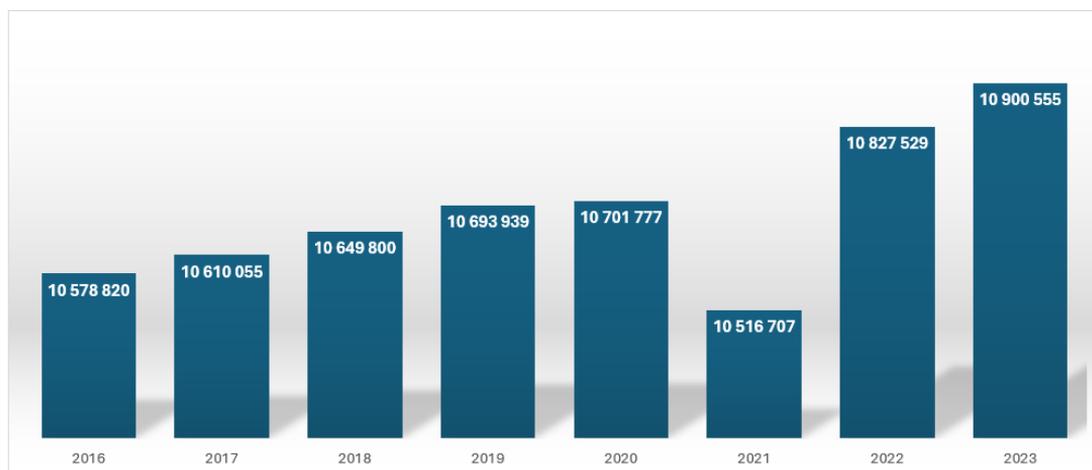
## GENERAL INFORMATION ABOUT CZECHIA

### 1. General information – Total number of inhabitants, GDP and average income per capita

The changes in the total population of Czechia in recent years is shown in Figure 1 below (as of 31 December of the respective years).<sup>1</sup> The data relate to citizens of Czechia, foreigners with permanent residence there, citizens of third countries residing in the country on the basis of a long-term visa (over 90 days) or long-term residence permit, citizens of EU countries, Norway, Switzerland, Iceland and Liechtenstein and their family members residing in Czechia and foreigners with international protection in Czechia; from 2022 persons with temporary protection and habitual residence in Czechia are also included.

The number has been hovering above ten million inhabitants since 1993 (the dissolution of the Czech and Slovak Federative Republic), and the share of foreigners in this number is gradually increasing. Starting in 2022, we see a sharp increase in the total population due to the arrival of (relatively) large numbers of people from Ukraine.

**Figure 1:** Number of inhabitants (2016–2023)



**Source:** Czech Statistical Office

The Czech economy was transformed into a market economy after 1989, and the country has been part of the EU since 2004 (though not the Eurozone). The country has historically maintained a relatively stable economy, primarily driven by industry, particularly the automotive sector. However, in the last 25 years, it has experienced several turning points.

1 Czech Statistical Office, “Obyvatelstvo a pohyb obyvatel v Českých zemích (roční údaje)” [Population and population movement in the Czech Lands (annual data)].

According to an analysis by the Czech National Bank,<sup>2</sup> structural breaks have slowed economic growth, including (in the last ten years) the COVID-19 pandemic and 2016, a year that lacked immediate economic or political causes but nonetheless proved to be significant from the Czech perspective. Since then, industrial production has effectively stagnated, while the service sector has expanded.

Further economic shocks have come from Russia's aggression against Ukraine, the energy crisis and high inflation in 2022 and 2023. Additionally, since 2016, the convergence of the Czech economy towards the EU average has slowed.<sup>3</sup> The Czech National Bank's analysis also highlights a decline in the long-term growth potential of the Czech economy.

**Table 1:** GDP, average gross monthly wage and average annual inflation rate<sup>4</sup>

Year	GDP in current prices in CZK (in billions)	Average gross monthly wage (CZK, calculated for full-time)	Average exchange rate of CZK/ EUR	Annual GDP growth/decline (%; fixed prices 2020)	Average annual inflation rate (%)
2016	4,843.0	27,764	27.03	2.6	0.7
2017	5,179.3	29,638	26.33	5.2	2.5
2018	5,475.7	32,051	25.64	2.8	2.1
2019	5,888.8	34,578	25.67	3.6	2.8
2020	5,828.3	36,176	26.44	-5.3	3.2
2021	6,307.7	38,277	25.65	4.0	3.8
2022	7,049.8	39,932	24.57	2.8	15.1
2023	7,618.5	43,120	24.01	-0.1	10.7
2024	8,010.6	46,165	25.12	1.1	2.4

Source: Czech Statistical Office

## 2. Structure of Czech society in terms of nationality

In terms of nationality, the composition of Czech society has evolved significantly over the past decades. From a diverse society between World War I and World War II, through a very homogeneous society under communism, the situation is circling back to diversity.

One way to examine the composition of society is by looking at how residents—both citizens and foreign nationals—self-identify in terms of nationality, as recorded in population censuses. However, a key limitation arises from the fact that declaring one's nationality in the census is not mandatory. In the 2021 census, 31.6% of respondents chose not to answer this question. Of those who did respond, 83.8% identified as Czech, 5.0% as Moravian, and 0.2% as Silesian. Among other nationalities, the most frequently declared were Slovak (1.3%), Ukrainian (1.1%), and Vietnamese (0.4%).<sup>5</sup>

2 Czech National Bank, “[Zpomalení růstu dlouhodobého potenciálu české ekonomiky](#)” [Decline in the long-term growth potential of the Czech economy].

3 Ibid.

4 Czech Statistical Office, “[Česká republika: hlavní makroekonomické ukazatele](#)” [Czech Republic: Main macroeconomic indicators] (available [here](#)); Czech Statistical Office, “[Počet zaměstnanců a průměrné hrubé měsíční mzdy \(na přepočtené počty\)-roční údaje](#)” [Number of employees and average gross monthly wages (in converted figures) – annual data].

5 Czech Statistical Office, “[Sčítání lidu 2021, obyvatelstvo podle národnosti](#)” [Population census 2021, population according to nationality].

It is important to note that these figures represent only about two-thirds of the total population. For a more comprehensive picture, we must also consider statistical data on the number of foreign nationals residing in the Czech Republic. However, this approach introduces another limitation, as it conflates the concepts of nationality and citizenship.

**Figure 2:** Number of foreigners (2016-2023)



**Source:** Czech Statistical Office

Czech society was very homogeneous because of the division imposed by the Iron Curtain until 1989. Immediately afterwards, the number of foreigners started to increase and continued to do so for the last two decades, as shown in Figure 2.<sup>6</sup> The percentage of foreigners in the Czech population is relatively high compared to other post-communist countries. The percentage hovered around 3% - 4% of the population, then sharply increased in 2022 from around 6% to 10% within one year, as we can see below in Table 2.

In 2021, before the people in Ukraine were forced to flee because of the large-scale Russian invasion, Ukrainians were ranked first among foreign nationalities living in Czechia, with 196,637 people (accounting for 29.8% of all 660,849 foreigners and 1.87% of the total population). In second place were citizens of Slovakia, with 114,630 stays; in third place were people from Vietnam, with 64,808 stays. The total number of foreigners on the territory of the Czech Republic in 2021 was 660,849, which represented approximately 6.26% of the total population.

**Table 2:** Percentage of foreigners in the total population (as of 31 December 2021)

2016	2017	2018	2019	2020	2021	2022	2023
4,6	4,94	5,29	5,54	5,91	6,26	10,28	9,75

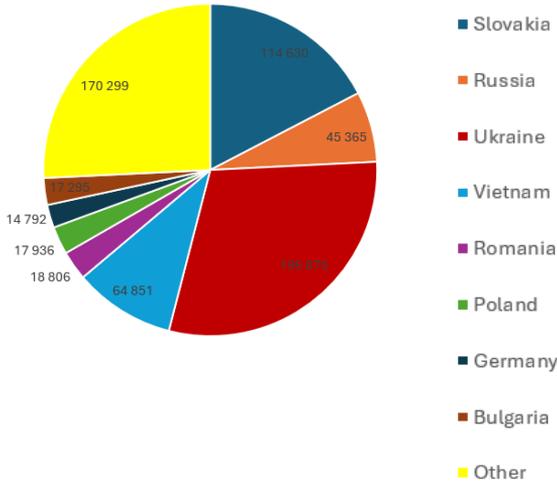
**Source:** Czech Statistical Office

The structure of Czech society in terms of nationality is now much more diverse than it was 30 years ago, when the Iron Curtain fell. In the long term, the largest foreign communities are Ukrainians, Slovaks, Vietnamese and Russians (numbering in the tens or hundreds of thousands). Smaller groups, in the range of thousands, include citizens of Romania, Poland,

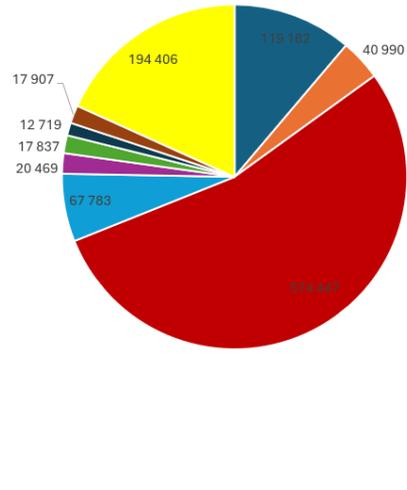
<sup>6</sup> Czech Statistical Office, “Vývoj počtu cizinců” [Evolution of the number of foreigners].

Germany and Bulgaria. More detailed figures are shown in the figures below for the years 2021 and 2023.

**Figure 3:** Foreign nationalities in the Czech population (as of 31 December 2021)



**Figure 4:** Foreign nationalities in the Czech population (as of 31 December 2023)



Source: Czech Statistical Office<sup>7</sup>

### 3. Ukrainian nationals as a group within Czech society before 2022, and the legal basis of their stay

Ukrainians were treated as a national minority before the Russian invasion in 2022, and this status remains. Czech law defines a member of a national minority as a citizen of Czechia who claims to be of a nationality other than Czech and expresses a wish to be considered a member of a national minority together with others who claim to be of the same nationality.<sup>8</sup> Based on its Statute, the [Government Council for National Minorities](#) acts as a permanent advisory and initiative body of the Government of the Czech Republic on issues concerning national minorities and their members.<sup>9</sup> There are representatives of public authorities and individual minorities in the Council to enable this body to facilitate cooperation between public administration and national minority organisations, and to ensure active participation of minorities in addressing matters which affect them. There is also one representative of the Ukrainian minority. Several national minorities are recognised in Czechia: Bulgarian,

<sup>7</sup> Czech Statistical Office, “[Cizinci podle kategorie pobytu a státního občanství k 31.12](#)” [Foreigners by category of residence and nationality as of 31 December (of the respective years)].

<sup>8</sup> Act No. 273/2001 Coll., on the Rights of Members of National Minorities, Government Council for National Minorities. Pursuant to Art. 2(1) of this law, “a national minority is a community of citizens of the Czech Republic living on the territory of the present-day Czech Republic who differ from other citizens by their common ethnic origin, language, culture and traditions, form a numerical minority of the population and at the same time express their will to be considered a national minority for the purpose of a common effort to preserve and develop their own identity, language and culture and at the same time to express and protect the interests of their community which has historically formed.”

<sup>9</sup> Government of the Czech Republic. The Statute of the Government Council for National Minorities is available in [Czech](#), [English](#) and [Ukrainian](#).

Croatian, Hungarian, German, Polish, Roma, Rusyn, Russian, Greek, Slovak, Serbian and Ukrainian.<sup>10</sup>

Before the Russian invasion of Ukraine (as of 31 December 2021), there were 196,875 Ukrainians in Czechia. Out of this number, 90,687 had a permanent stay and 194,334 had a residence permit for more than one year (*de facto* temporary stay), including 103,647 with a long-term residence permit, 2,303 with long-term visas and 238 with international protection.<sup>11</sup> The number of Ukrainian citizens residing in Czechia at any given time was certainly higher, as it is impossible to say how many were there on a visa-free basis.

**Table 3:** Number of Ukrainians before the Russian invasion in 2022 and after

2016	2017	2018	2019	2020	2021	2022	2023
109,850	117,061	131,302	145,153	165,356	196,637	635,857	573,976

**Source:** Czech Statistical Office, Annual reports on the situation in the field of migration and integration of foreigners in Czechia<sup>12</sup>

Specific data on demographic structure are not publicly available. What can be seen is that as of 31 December 2021, women comprised almost 43% of the total number of Ukrainian citizens living in Czechia.

**Table 4:** Ukrainian nationals by category of residence and gender (as of 31 December 2021)

Citizenship	Total	Females	Residence for 12+ months	Females	Permanent residence	Females	Long-term visa	females
Ukraine	196 875	84 567	194 334	83 136	90 687	44 230	2 303	1 311

**Source:** Czech Statistical Office (Foreigners: by category of residence and citizenship)

#### 4. Other important characteristics and possible problems: Migration trends, attitudes towards Ukrainians and integration processes

Citizens of Ukraine started to come to Czechia soon after 1989 (after the fall of the Iron Curtain). In 1994 there were 14,230 persons from Ukraine, the majority (89%) staying on the basis of long-term residence or long-term visa; by 2004 (accession to the European Union) that number had increased to 78,263 persons, again with the majority of them staying on the basis of a long-term residence permit or long-term visa (83%). During the period of economic growth (until 2008) and subsequent stagnation (until 2015), the numbers first stabilised at around 130,000 persons, the majority of whom were moving towards residing on the basis of permanent residence, after which the numbers of persons from Ukraine started to grow again and permanent and long-term residence became equal.

10 The [list of national minorities](#) is available on the website of the Government of the Czech Republic.

11 Czech Statistical Office, “[Počet a demografické události cizinců](#)” [Number and demographic changes of foreigners].

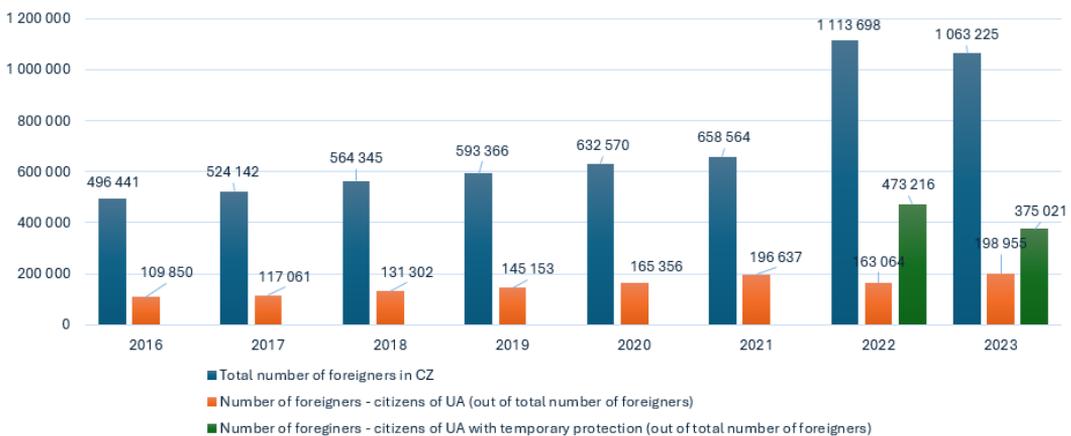
12 Czech Statistical Office, “[Počet a demografické události cizinců](#)” [Number and demographic changes of foreigners]; “[Roční zpráva o situaci v oblasti migrace a integrace cizinců v ČR za rok 2022 a za rok 2023](#)” [Annual report on migration and integration of foreigners in the Czech Republic for 2022 and 2023].

They were often employed in low-skilled positions and often used employment agencies. Common jobs include construction work, cleaning work, unskilled work in supermarkets or hospitals and hotels, etc.

From 2022 onwards, we again observe a predominance of persons with one of the types of temporary residence, i.e. long-term residence, long-term visa or temporary protection status, mainly due to the high number of persons applying for temporary protection on the territory of the Czech Republic. In 2022, 635,857 Ukrainian nationals were registered there, of whom more than 542,388 (85.2%) had temporary residence. There were 433,540 Ukrainians staying on the basis of temporary protection, and 202,317 on the basis of a permanent or long-term residence permit or long-term visa. In 2022, citizens of Ukraine formed almost 60% of the total number of foreigners registered in Czechia.

Many of them remained, and surveys show that two thirds of them plan to stay even after the temporary protection ends.<sup>13</sup>

**Figure 5:** Share of people from Ukraine in the population of Czechia



**Source:** Czech Statistical Office, Annual reports on the situation in the field of migration and integration of foreigners in Czechia<sup>14</sup>

Public attitudes in Czechia towards individuals arriving from Ukraine have shifted considerably over time. In the initial weeks and months following the outbreak of the conflict, public support was exceptionally high. As of June 2024, 55% of the population supported the continued residence of Ukrainian refugees in the country – a proportion comparable to that observed in the spring of that year.<sup>15</sup> At the same time, a growing segment of the population that opposes the presence of individuals under temporary protection has been increasingly expressing its views. Incidents of hostility directed at Ukrainians have also become more frequent.

13 Czech Press Agency, September 2024. “[Průzkum: Dvě třetiny uprchlíků z Ukrajiny plánují zůstat v Česku](#)” [Survey: Two thirds of refugees from Ukraine plan to stay in the Czech Republic].

14 Czech Statistical Office, “[Počet a demografické události cizinců](#)” [Number and demographic changes of foreigners]; “[Roční zpráva o situaci v oblasti migrace a integrace cizinců v ČR za rok 2022 a za rok 2023](#)” [Annual report on migration and integration of foreigners in the Czech Republic for 2022 and 2023].

15 STEM survey: “[Podpora pobytu ukrajinských uprchlíků zůstává stabilní. Česká veřejnost se s nimi sžívá](#)” [Support for the stay of Ukrainian refugees remains stable. The Czech public is getting used to them], September 2024.

The organisation In Iustitia, which focusses on hate-related violence and advocates for victims of such acts, published an analysis in February 2025 examining anti-Ukrainian and anti-Russian incidents between 2022 and 2025. According to this analysis, anti-Ukrainian incidents had increased sixfold compared to the period prior to the Russian invasion, and they now represent one of the most common forms of bias-motivated attacks in the country.<sup>16</sup>

The report notes a significant rise in hate crimes targeting both Ukrainians and Russians living in Czechia since the onset of the invasion, with anti-Ukrainian incidents occurring more frequently than anti-Russian ones. The most commonly reported manifestations include verbal abuse, intimidation or threats, vandalism and physical violence. Notably, 41% of anti-Ukrainian incidents involved a physical assault. The report also highlights serious shortcomings in institutional responses, citing inadequate protection from state authorities, limited willingness on the part of the police to address such cases, insufficient access to legal assistance and a widespread fear among victims of engaging with official institutions.

In Iustitia also operates a free counselling service and offers legal representation in such matters. More information is available in multiple languages at [www.bezpecnovcr.cz](http://www.bezpecnovcr.cz).

## 5. War-related influx of Ukrainians into Czechia

The Czech Republic does not have a land border with Ukraine and, apart from the international airport, does not have an external border. This means that there are no border controls where we could find data on border crossings. Moreover, as Ukraine is one of the countries with which there is visa-free travel, there are no statistics in this regard.

After the outbreak of war, mostly women with children were arriving, leaving men behind to fight for the country. The demographic structure of people coming to Czechia from Ukraine was 33.3% men and 66.7% women (as of 1 April 2022).<sup>17</sup> The breakdown by age of people arriving from Ukraine in 2022 was dominated by people of working age, i.e. 15–64 years; they accounted for 75.6%. Compared to the total number of foreigners, there was less representation of foreigners in the younger age group of working age, i.e. 25–39 years (less than 30%). Children in this group were more numerous than in the standard population of foreigners, with a share of 20.7% (compared to 16.5%). Those over 65 years of age represented 3.7%.<sup>18</sup>

In 2025 (as of 2 February 2025), we see a change in the age structure. Children under 18 comprised 41.5% (96,724), adults (19–65) represented 55% (281,381) and elderly people (over 66) made up 3.4% (17,454).<sup>19</sup>

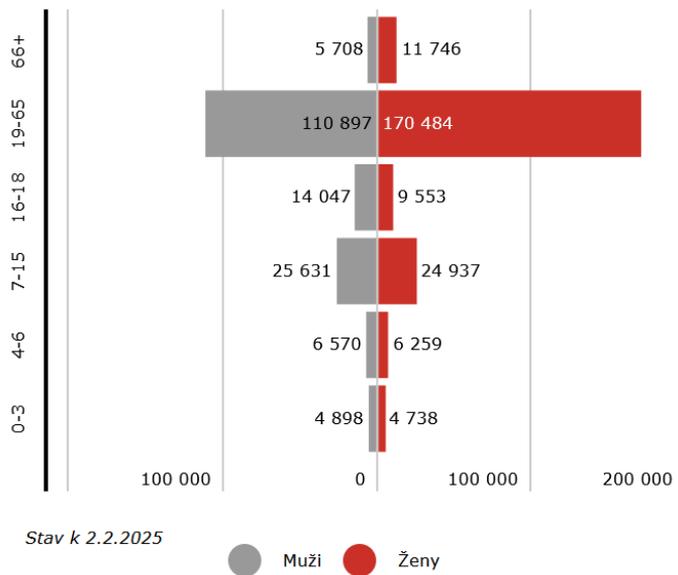
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16 In Iustitia, “[Předsudečné násilí v Česku po ruské invazi na Ukrajinu Analýza protiukrajinských a protiruských incidentů se zaměřením na období 2022–2025](#)” [Violence based on prejudice in the Czech Republic after the Russian invasion of Ukraine: Analysis of anti-Ukrainian and anti-Russian incidents with a focus on the period 2022–2025], February 2025.

17 Consortium of migrants assisting organizations.

18 Czech Statistical Office, “[Život cizinců v ČR](#)” [The life of a foreigner in the Czech Republic] Praha, 2023.

19 Consortium of migrants assisting organizations.

**Figure 6:** Age breakdown of temporary protection holders (as of 2 February 2025)

**Source:** Graph created by the Consortium of Migrants Assisting Organizations.

Regarding education, no data was available at the time of the main wave of arrivals (nor afterward) due to time constraints in data collection. However, in the following months and years, several studies were conducted which examined education.

A study by the Ministry of Labour and Social Affairs, conducted in June 2022 – immediately after the arrival of the main wave – relied on multiple data sources, including a survey.<sup>20</sup> The ministry reported that “the proportion of university graduates is twice as high as in the Czech population”, based in part on statistics on recipients of humanitarian benefits that quantified this share at 35%.<sup>21</sup> Further insights are provided by research conducted repeatedly by PAQ Research in cooperation with the Institute of Sociology of the Czech Academy of Science.<sup>22</sup> These studies corroborate the high prevalence of higher education among the population in question, indicating that more than half hold a university degree. However, it is important to note that this study also highlights the possibility of response bias, which may lead to an overestimation of educational attainment.

## 6. How many Ukrainians in total entered the country after the outbreak of the armed conflict?

In the first year of the Russian aggression, Czechia became one of the primary destination countries for individuals fleeing Ukraine. During this period, and in subsequent years, Czechia remained the most significant recipient of Ukrainian protection holders per 100,000 inhabitants.<sup>23</sup> The largest influx occurred in March 2022, when approximately 250,000 in-

20 See analysis of the Ministry of Labour and Social Affairs: M. Klimešová, J. Šatava, M. Ondruška, “Situace uprchlíků z Ukrajiny” [The situation of refugees from Ukraine], MPSV 2022.

21 Ibid., p. 3. However, the survey itself acknowledges that, given its electronic format, it is likely that more highly educated individuals participated. Additionally, there is the question of whether the education systems are comparable, and thus whether the respondent and the reader interpret the questions in the same way.

22 See e.g. “Integrace uprchlíků na trhu práce a v bydlení. 7. vlna výzkumu Hlas Ukrajinců”: November 2023.

23 Ministry of the Interior, “Quarterly Report on Migration IV/24”, p. 9.

dividuals arrived.<sup>24</sup> In the following months, the number of arrivals declined rapidly, and by 2023 around 10,000 people were entering the country each month (see Table 5 below). The number of monthly arrivals further decreased in 2024. In 2022, a total number of 473,216 temporary protection residence permits were issued.<sup>25</sup> At that stage, only the number of issued permits was recorded.

In the subsequent year, Czechia introduced a re-registration process for those seeking to extend their temporary protection. Individuals wishing to prolong their stay were required to register by 31 March 2023. As a result, the total number of permits issued differed from the number of active registrations, i.e. individuals who either remained in the country or intended to do so as beneficiaries of temporary protection. As of 31 December 2023, there were 375,021 active registrations for temporary protection residence permits in Czechia.<sup>26</sup> The total number of temporary protection residence permits issued from the start of the conflict (24 February 2022) until 31 December 2023 amounted to 581,077.<sup>27</sup>

By 31 December 2024, the number of active registrations for temporary protection in Czechia had increased to 388,879 (with another re-registration in March 2024).<sup>28</sup> The total number of temporary protection residence permits issued from the beginning of the conflict until 31 December 2024 reached 659,970.<sup>29</sup>

Thus, Czechia has consistently been the EU Member State hosting the highest number of Ukrainian refugees relative to its population. As of December 2024, there were approximately 36 Ukrainian refugees per 1,000 inhabitants, accounting for 3.6% of the total population of Czechia.<sup>30</sup>

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24 Ministry of the Interior, “Annual Report on Migration and Integration 2022”, p. 79.

25 Ministry of the Interior, “Quarterly Report on Migration IV/22”, p. 1.

26 Ministry of the Interior, “Quarterly Report on Migration IV/23”, p. 2.

27 Ibid.

28 Ministry of the Interior, “Quarterly Report on Migration IV/24”, p. 9.

29 Ibid.

30 Ibid.

**Table 5:** Number of temporary protection stays issued per month

<b>Period</b>	<b>Number of temporary Protection stays issued</b>
February 2022	2,069
March 2022	249,622
April 2022	67,222
May 2022	42,506
June 2022	24,642
July 2022	17,340
August 2022	19,670
September 2022	15,873
October 2022	14,781
November 2022	10,745
December 2022	8,746
January 2023	11,227
February 2023	10,121
March 2023	10,179
April 2023	8,299
May 2023	10,219
June 2023	11,303
July 2023	10,191
August 2023	9,843
September 2023	9,607
October 2023	8,694
November 2023	6,653
December 2023	4,751

**Source:** Annual Report on Migration and Integration 2022 and 2023.<sup>31</sup>

### **7. Was Czechia a final destination country for refugees?**

Information on whether Czechia is a destination country for persons arriving from Ukraine could not be found in the available information. However, it is likely that a significant number of them remained, as we may see from the figures above.

<sup>31</sup> Ministry of the Interior, “Annual Report on Migration and Integration 2022”, p. 79; Ministry of the Interior, “Annual Report on Migration and Integration 2023”, p. 74.

Czechia has introduced a registration process for extending temporary protection (also to determine the number of people who remained on the territory). This is a two-phase process designed so that (1) registration for the extension must take place by 31 March of a given year, and the individual must personally visit a Ministry of the Interior office by September 30 of the same year for (2) the issuance of a visa sticker.

As of 31 March 2023, a total of 296,817 individuals had registered for the extension of temporary protection. Subsequently, visa stickers were issued to almost all of them (275,429 individuals), meaning that nearly everyone who expressed the intention to extend their temporary protection followed through. A year later, by 31 March 2024, approximately 320,000 individuals had registered (see the explanatory report to Act No. 24/2025).

Distinguishing waves of inflows would not be particularly relevant in the case of Czechia. Based on the number of arrivals, we observe only a single wave, which occurred immediately after the Russian invasion in February 2022. In March 2022 alone, nearly 250,000 individuals arrived – an order of magnitude higher than in any other month (see Table 5 for comparison).

# PART II

## LEGAL MEASURES TAKEN AFTER THE START OF THE WAR

### 1. State emergency preparedness – Existence and use of contingency plans

Did Czechia have a contingency plan prepared in the event of a war in a neighbouring country and a mass influx of refugees before 2022? Were these plans useful in 2022?

In 2022, Czechia experienced an unprecedented situation. Never before had such a large number of people seeking protection entered the territory of the Czech Republic; in the 1990s, the numbers amounted only to thousands, and in 2015 the number of arrivals was extremely low compared to other European countries, with almost no-one remaining on the territory.

A large-scale migration wave was nevertheless perceived over the long term as a threat to national security. The document “Threat Analysis for the Czech Republic from 2015” even identified a “large-scale migration wave” as one of the sociogenic threats.<sup>32</sup> The National Security Audit from 2016 devoted substantial attention to the issue of migration, emphasising the need for a faster, more efficient administrative procedure.<sup>33</sup>

The explanatory report accompanying the proposed amendments to the Asylum Act and related legislation referred to this audit to justify the introduction of a “procedure in case of a special situation”. This procedure for international protection, including subsequent judicial review, was intended to enable a clear distinction between those entitled to protection and those who are not, in the specific circumstances of a migration wave. It was to be implemented alongside measures such as unified registration centres, the reintroduction of internal border controls and a so-called “large-scale migration wave contingency plan (type-plan)”.<sup>34</sup> However, the proposed effective international protection procedure (including, for example, the determination of *prima facie* status) was never implemented, as the legislative amendment was not adopted. However, this is the type of approach that is needed in the repertoire of state options to respond to various migration challenges.

The contingency plan itself had been created by the Ministry of the Interior in 2010, and it was updated in 2014 and 2022. In addition to general emergency and crisis measures, the Czech Republic thus possessed a contingency plan for a large-scale migration crisis, which was continuously updated.<sup>35</sup> However, this plan was not explicitly referred to (and thus probably

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32 Ministry of the Interior, “[Analýza hrozeb pro Českou republiku](#)” [Analysis of threats to the Czech Republic], approved by [Resolution of the Government of the Czech Republic No. 369](#) of 27 April 2016.

33 Ministry of the Interior, “[Audit národní bezpečnosti](#)” [National Security Audit], approved by [Resolution of the Government of the Czech Republic No. 1125](#) of 14 December 2016.

34 This is how the [draft amendment to the Asylum Act of 2019](#), which was not approved, considered the context of various measures for the migration crisis.

35 Although there was a positive answer to the request for information regarding the text of the contingency plan, the plan itself was not made public. See the [response](#) of the Ministry of the Interior (accessed 15 February 2025).

not relied on) as the foundation for the state's response, even though certain steps (such as unified registration points) were presumably based on it. While it cannot be said how useful the plan proved, it likely did not anticipate a situation of this magnitude.

The Czech legal system recognises several types of crises based on their severity and nature: (1) a state of danger,<sup>36</sup> which responds to threats posed by natural disasters (tornadoes, floods etc.) or accidents endangering life, health, property or the environment and requiring rescue and liquidation operations; (2) a state of emergency,<sup>37</sup> which responds to natural disasters, ecological or industrial accidents or other threats that significantly endanger lives, health, property or internal order and security; (3) a state of threat to the state,<sup>38</sup> which is declared when the sovereignty, territorial integrity or democratic foundations of the state are at risk; and (4) a state of war.<sup>39</sup>

**Table 6:** General state response mechanisms

Legal state declared in crisis	Legal basis	Declared by
State of emergency	Constitutional Act on the Security of the State	Government of the Czech Republic (extension possible with prior approval of the Chamber of Deputies)
State of threat to the state	Constitutional Act on the Security of the State	Parliament (2/3 majority of all deputies and senators)
State of war	Constitution of the Czech Republic	Parliament of the Czech Republic
State of danger	Crisis Act	Regional Governor/Mayor, extension only with government approval

## 2. The immediate response to the mass influx (March–June 2022) through the state of emergency

In immediate response to the mass influx of people, emergency measures affecting the general (whole) population were taken. An extraordinary state of emergency was introduced. The state of emergency is provided for in the Constitution and other connected acts and is a means of coping with situations like this one. It had to be carefully communicated and explained to the society.

Czechia's response to the mass influx in 2022 primarily relied on the general framework of the state of emergency that was declared by the government. The first governmental measure was adopted shortly after the Russian invasion. Based on **Resolution of the Government of the Czech Republic No. 147 of 2 March 2022** (No. 43/2022 Coll.), which was issued in accordance with Articles 5 and 6 of Constitutional Act No. 110/1998 Coll., on the Security of the Czech Republic, the government declared a state of emergency in response to the large-scale migration wave for 30 days, **starting 4 March 2022**.<sup>40</sup> This resolution addressed

36 Sec. 3 of Act No. 240/2000 Coll., on Crisis Management and on Amendments to Certain Acts (*Krizový zákon/ Crisis Act*).

37 Arts 5 and 6 of Constitutional Act 110/1998 Coll., on the Security of the Czech Republic (*ústavní zákon o bezpečnosti České republiky*).

38 Art. 7 of the Constitutional Act on the Security of the Czech Republic.

39 Art. 43 of Constitutional Act 1/1993 Coll., Constitution of the Czech Republic (*Ústava České republiky*).

40 *Resolution of the Government of the Czech Republic No. 147 of 2 March 2022* (No. 43/2022 Coll.).

the immediate needs of incoming individuals, including the legalisation of their residence, food, accommodation and health care.

This resolution was immediately followed by crisis measures (issued on the basis of Resolution of the Government of the Czech Republic No. 147), including the following:

- Resolution of the Government of the Czech Republic No. 148 (44/2022 Coll.) of 2 March 2022, instructing the Czech Police to issue and mark visa stickers with the designation D/VS/U for Ukrainian citizens who meet the criteria for a special type of visa for stays over 90 days, or to record the granting of such visas
- Resolution of the Government of the Czech Republic No. 161 (45/2022 Coll.) of 3 March 2022, ensuring the continuity of non-insurance-based social benefits and the issuance of disability cards during the state of emergency
- Resolution of the Government of the Czech Republic No. 208 (59/2022 Coll.) of 16 March 2022, amending the crisis measures outlined in No. 44/2022 Coll., instructing the Czech Police to issue and mark visa stickers for Ukrainian citizens who meet the criteria for a special type of visa for stays over 90 days
- Resolution of the Government of the Czech Republic No. 236 (70/2022 Coll.) of 23 March 2022, setting deadlines for foreigners in connection with the armed conflict in Ukraine and designating locations for fulfilling reporting obligations and applying for temporary protection
- Resolution of the Government of the Czech Republic No. 254 (76/2022 Coll.) of 30 March 2022, stopping visa applications (Russia and Belarus)
- Resolution of the Government of the Czech Republic No. 313 (84/2022 Coll.) of 13 April 2022, adopting crisis measures to ensure the provision of social services during the state of emergency.

In Resolution No. 147, the government defined the areas in which it could act beyond the standard legal framework. The constitutional act grants the government relatively broad powers to restrict rights guaranteed by the Charter of Fundamental Rights and Freedoms (part of the constitutional order). Therefore, the government selected only certain areas for intervention. Given that the state of emergency had lasted many months during the preceding COVID-19 pandemic, with unpopular measures such as store closures, the government consulted the opposition (which agreed) and communicated with the media to reassure the public that the measure was primarily aimed at enabling the state administration to manage the situation.<sup>41</sup> For instance, the declaration did not include the possibility of ordering evacuations, in order to prevent fears that people might be forcibly removed from their homes. The Prime Minister explicitly stated in a press conference: “I want to emphasise that we are declaring a state of emergency to be able to handle the influx of refugees from war-torn Ukraine, and its declaration does not affect Czech citizens. To simplify and clarify: we are declaring a state of emergency for war refugees from Ukraine and those who are directly taking care of them, not a state of emergency for Czech citizens.”<sup>42</sup> On the other hand, it was obvious that the state had to act, as the influx was unprecedented. The great advantage was that a large part of the society also helped the newcomers and was almost united in the need to help both the newcomers and Ukraine defending itself.

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41 Ministry of the Interior, “[Information of the press department](#)” from 2 March 2022.

42 Government of the Czech Republic, “[Press Release](#)” from 2 March 2022.

The first measures issued by the government were indeed primarily aimed at ensuring that the state administration could issue the necessary visa stickers/residence permits and organise emergency supplies and accommodation. Simultaneously, the government approved the provision of medical supplies from the Ministry of Defence's reserves to Ukraine and decided to increase the defence budget of Czechia. At the end of March, the situation persisted where it was necessary to ensure the basic functioning of assistance for newcomers. Therefore, the government, by its **Resolution of the Government of the Czech Republic No. 256 of 30 March 2022** (published under No. 77/2022), pursuant to Article 6(2) of Constitutional Act No. 110/1998 Coll., on the Security of the Czech Republic, extended the state of emergency until 31 May 2022 at 11.59 pm. The government acted based on the approval of the Chamber of Deputies, which granted its consent through Resolution No. 183 on 29 March 2022. The state of emergency was extended once more by **Resolution of the Government of the Czech Republic No. 439 of 25 May 2022** (published under No. 43/2022 Coll.), again pursuant to Article 6(2) of Constitutional Act No. 110/1998 Coll., on the Security of the Czech Republic. This decision further extended the state of emergency in connection with the large-scale migration wave until 30 June 2022 at 11.59 pm. The Chamber of Deputies of the Parliament of the Czech Republic also gave its approval for this extension through its Resolution No. 242 on 19 May 2022.

**Table 7:** State of emergency in Czechia in response to the mass influx

State of emergency in Czechia in response to the mass influx	
Resolution of the Government of the Czech Republic No. 147 of 2 March 2022	State of emergency for 30 days starting from 4 March 2022
Resolution of the Government of the Czech Republic No. 256 of 30 March 2022	State of emergency until 31 May 2022 at 11.59 pm
Resolution of the Government of the Czech Republic No. 439 of 25 May 2022	State of emergency until 30 June 2022, at 11.59 pm

The state of emergency served as a framework for the functioning of the state administration. A crucial addition to this framework was the *Leges Ukrainae*, a set of three main laws aimed at handling the basic issues of the crisis. In the initial phase, the primary focus was on providing basic assistance to incoming individuals (material provisions and accommodation), registering them and establishing the legal framework for their stay in Czechia. In previous years, a legally similar situation – namely, a state of emergency – was activated for several months though for a different reason (COVID-19). At that time, problems arose concerning public procurement, as the relevant law allows for simplified procedures in awarding public contracts. There have been no such problems due to the state of emergency declared because of the arrival of people from Ukraine, or at least I have not found any such information. Given that coping with the situation involved securing legalisation of residence, accommodation and food – and especially because the state was increasing capacity in terms of both staff and

accommodation through its employees or facilities and relying on the capacity provided by the individuals whom it provided financial benefits – there was not as much room for public procurement. Problematic aspects arose in the provision of accommodation due to some individuals' misuse of the situation, but not within the framework of public procurement.

### 3. Temporary protection and its use

#### 3.1. Basic information about the Temporary Protection Directive and its use

The Temporary Protection Directive was adopted in 2001 as the first directive within the first phase of harmonising asylum legislation in the EU. At that time, given the requirement for unanimity in state decision-making on these issues within the EU legislative process, only minimum standards were unified. Unlike other instruments adopted in this first phase, which saw their standards being raised in the subsequent phase, this directive remained untouched. Moreover, it was the only one that had never been used until 2022, with the European Commission even considering repealing it and replacing temporary protection with so-called immediate protection. However, the events of 2022 did not support these considerations, and the directive is now planned to be retained. It was activated in 2022, and thanks to the Council's decision, its provisions were utilised to assist individuals arriving from Ukraine following the Russian aggression on 24 February of that year.

Czechia transposed the 2001 Temporary Protection Directive into its legal system in 2003 with the Act on Temporary Protection of Foreigners. Since then, this law had remained dormant, and its practical relevance in the event of a significant influx of people was given less attention – even at the conceptual level.

For instance, although the National Security Audit (2016) discusses migration-related threats in considerable detail, it addresses this particular threat only in very general terms. It notes that the Threat Analysis for the Czech Republic (2015) identified a “large-scale migration wave” as one of the sociogenic threats and that, in response to this risk, the Ministry of the Interior updated the “Large-Scale Migration Wave Crisis Management Scenario” in 2014. Interestingly, in the SWOT analysis included in the document, the existing legislative response is not identified as a weakness. However, within the section on recommendations, among the proposed legislative measures, the need for an amendment to the Asylum Act is noted – specifically, one that would allow for the introduction of an accelerated procedure in specific cases.

It is unclear **whether the practical consequences of such an event were fully considered** – specifically, the state's preparedness to grant a specific status at a particular time and, above all, to handle different numbers of arrivals, ranging from thousands to tens or hundreds of thousands, or even millions. I also believe that there was a lack of prior simulation or similar testing of the state's ability to respond to such events based on its adopted legal framework (which, of course, should have been conducted in the years before this crisis). This shortage represents an important lesson learnt. Furthermore, the inadequacy of the legal framework led to the creation of a relatively complex and somewhat unclear set of partial legal measures that function as an independent “package” alongside standard regulations (the Lex Ukraine on temporary protection was adopted as a *lex specialis* to the Act on Temporary Protection and not an amendment to it; the Lex Ukraine on employment regulates issues connected with employment separately from the standard Employment Act, i.e. also without amending it).

The standard tools, such as Act on the Residence of Foreigners and the Asylum Act, were not used as a response.

The adoption of the regulation was also done without much conception, which led to frequent changes. This legislative package shows that it was created under time pressure. It may be particularly evident that, due to the relatively low preparedness of the legal framework, resolutions of the government and decrees were initially adopted and only later anchored in laws, which were subsequently amended multiple times. However, overall, the legislative process followed a logical sequence, as resolutions of the government were followed by decisions from regional governors (the highest representatives of regional self-government) under the Crisis Act, for example, to coordinate the provision of accommodation in temporary emergency shelters and emergency housing. Given the number of people in need who were arriving, **the system worked surprisingly well, especially in the first months.**

### **3.2. Ad hoc actions taken in the first days of the war in face of the massive influx of refugees**

According to the explanatory report to Lex Ukraine – Temporary Protection, it was not feasible to apply the original **Act No. 221/2003 Coll., on Temporary Protection**. It is likely (it can be inferred from the explanatory memorandum and is supported by the wording of this law) that the core issue lay in the procedural requirements stipulated by the original legislation, which could not be effectively implemented given the large number of individuals involved. Moreover, before the Russian Federation's aggression against Ukraine, Czech law did not allow for any of the existing statuses to be granted *prima facie*, i.e. without individualised proceedings. Nor did it provide any other status similar to temporary protection that would, by definition, be group-based or granted *prima facie* – for example, when the circumstances under which people were arriving were well known.

Here, I see the roots of the legal unpreparedness of the state in the first days and the need for ad hoc solutions, followed four weeks later by the adoption of more stable legislation for the given situation, including Act No. 65/2022 Coll. (Lex Ukraine – Temporary Protection). Only through this law was the regime of the Temporary Protection Directive practically fully incorporated into the Czech legal system, along with the implementing decision of the Council dated 4 March 2022. The necessity of addressing the situation through ad hoc mechanisms had factual reasons as well: the state initially significantly underestimated the number of people arriving. The first few weeks brought, instead of the expected thousands of arrivals, an enormous administrative burden of tens or even hundreds of thousands of people. The state had to act flexibly, essentially from day to day.

For the transitional period, Czechia applied **ad hoc** solutions to Ukrainian citizens, based primarily on the Act on the Residence of Foreigners. This ad hoc solution remained in place until 21 March 2022, when Act No. 65/2022 Coll., which implemented the Council's decision on temporary protection, entered into force. Specifically, this ad hoc solution meant issuing so-called **special visas** to Ukrainian citizens. A special visa in this context refers to an existing and standard **toleration visa** exceeding 90 days (toleration visa). This visa is issued when a foreigner is prevented from leaving the country due to an obstacle beyond their control. The law presupposes that such a visa is issued after an individualised assessment of each application. However, due to the number of arrivals, this requirement could not be

implemented in practice, and the visa was issued directly on-site upon application, i.e. exactly in a *prima facie* manner.

Upon the entry into force of Lex Ukraine – Temporary Protection on 21 March 2022, Czechia began issuing residence permits, referred to as temporary protection. This law was adopted in response to the arrival of a large number of people in 2022 and is based on the Temporary Protection Directive, the Act on Temporary Protection (which transposed the directive into Czech law) and the Council’s implementing decision. In terms of the type of residence, this is a residence permit under the Act on Temporary Protection, with analogous use of some of the provisions of the Foreigners’ Residence Act for the process on issuing long-term visas for tolerated stay in Czechia.

The tolerated stay visas issued to foreigners between 24 February (the date of the Russian invasion) and the entry into force of Lex Ukraine I (21 March 2022) were retroactively considered temporary protection under § 8 of Act No. 65/2022 Coll. Paradoxically, this retroactively allowed the Czech state to legalise the stay of Ukrainian citizens who were already present in the country without residence permits. They would not have been able to return to their country of origin anyway, due to non-refoulement obligations.

Lex Ukraine I also retroactively addressed the issue of health care, ensuring that all arrivals from 24 February 2022 onward, including children born during this period, were covered.

In general, we observed a rapid response from the state through the following legal instruments:

- governmental resolutions
- the declaration of a state of emergency to manage the crisis (e.g. lack of human resources and accommodation) and the adoption of emergency measures
  - Example: Emergency Measure No. 44/2022 Coll., which effectively expanded the authority of the Police of the Czech Republic
- the adoption of a law through the legislative process (albeit in a state of legislative emergency in the first few weeks)
  - Example: Act No. 65/2022 Coll. (Lex Ukraine I), which incorporated the expansion of the Police of the Czech Republic’s powers originally contained in Emergency Measure No. 44/2022 Coll.

In the first few weeks (outside of the crisis state), the government even adopted resolutions that *de facto* had the nature of normative legal acts applying to an indeterminate number of recipients and having general effect (such as restrictions on submitting applications from Russia and Belarus). Subsequently, it had to prepare standard legal grounds to ensure that further regulations complied with the law.

Czechia had a framework on paper for such situations, but in practice this framework proved to be largely inadequate. Despite these shortcomings, state authorities responded relatively flexibly, quickly and effectively. However, it is clear that without enormous assistance from society – including NGOs and individual citizens – the situation would not have been manageable.

From a legal perspective, the state quickly addressed the situation using the standard tolerated stay visa. Under normal circumstances, this visa is issued in an individualised process after verifying that a foreigner is unable to return to their country of origin due to an uncontrollable obstacle. Although the standard visa issuance process takes at least 30 days,

in this case visas were issued immediately, on the spot. From the state's perspective, this was the most efficient solution, as it utilised an existing status – the tolerated stay visa – granted *prima facie*. This was the fastest possible option.

The lack of systemic statutory solutions negatively affected state authorities and other entities in the sense that no-one had anticipated such a large influx of arrivals, neither in planning nor in reality. As a result, capacity issues emerged, which would likely have arisen even with a fully functional legislative and systemic setup, given the sheer numbers of arrivals in a relatively short time.<sup>43</sup> The standard responsible authorities for granting protection statuses, primarily the Ministry of the Interior, were insufficiently staffed for processing temporary protection applications. Therefore, they had to be reinforced. For the processing of temporary protection applications, the competence of the Police of Czechia was expanded, so that, alongside the Department for Asylum and Migration Policy (OAMP), the foreign police departments of individual regional police directorates also conducted proceedings. This reinforcement was enabled as early as 4 March 2022, based on a Resolution of the Government of Czechia from 2 March 2022.<sup>44</sup> The state also planned additional staff reinforcements for Ministry of the Interior offices based on short-term employment agreements.<sup>45</sup>

### 3.3. Changes in laws with impact to all citizens

No changes in the law were introduced which would have applied to all residents of the country, not just Ukrainian newcomers with temporary protection. However, many other measures were implemented that had a direct or indirect impact on everyone in Czechia.

In the first days of the invasion, political, cultural and scientific cooperation with Russia was suspended or terminated. Additionally:

- Czechia ended its membership in the International Investment Bank and the International Bank for Economic Cooperation,<sup>46</sup> institutions established during the era of the Council for Mutual Economic Assistance (an organisation of former Socialist Bloc countries), as well as its participation in various scientific projects.
- As of 25 February 2022 (for Russian nationals) and 2 March 2022 (for Belarusian nationals), applications for visas and long-term or permanent residence permits at Czech embassies were no longer accepted (except in cases of foreign policy interest). Additionally, proceedings on already submitted applications for short-term visas were halted if no decision had been taken yet.<sup>47</sup> This measure was later extended to also halt proceedings for long-term or permanent residence permits already submitted at embassies, while also allowing for certain exceptions, such as family reunification with Czech

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43 See the table No. 5.

44 Resolution of the Government of the Czech Republic No. 148 of 2 March 2022, on the adoption of a crisis measure.

45 Explanatory Report to the Assistance Programme for Ukrainian Citizens.

46 Resolution of the Government of the Czech Republic No. 154 of 2 March 2022, on the termination of the Czech Republic's membership in the International Bank for Economic Cooperation and the International Investment Bank.

47 Resolution of the Government of the Czech Republic No. 130 of 25 February 2022, on the suspension of the acceptance and processing of visa and residence permit applications for long-term and permanent stays submitted by nationals of the Russian Federation; Resolution of the Government of the Czech Republic No. 152 of 2 March 2022, on the suspension of the acceptance and processing of visa and residence permit applications for long-term and permanent stays submitted by nationals of the Republic of Belarus.

or EU citizens (in line with EU law). A humanitarian aspect was introduced, enabling individuals whose stay is deemed in the interest of Czechia (as certified by the Minister of Foreign Affairs) to apply for a visa or residence permit – primarily aimed at opposition or NGO leaders.<sup>48</sup> These measures were initially adopted through resolutions of the government during the state of emergency, and were incorporated into law before the emergency period ended,<sup>49</sup> with exceptions specified by governmental regulation.<sup>50</sup>

#### Measures to protect against disinformation

In the first days of the invasion, the state also took steps to protect against disinformation:

- To better coordinate state authorities in combating disinformation, the government, at its session on 2 March 2022, created the position of Government Commissioner for Media and Disinformation within the Office of the Government. This commissioner was tasked primarily with coordinating the state agencies which deal with media and disinformation and providing methodological support for strategic communication within the Office of the Government.<sup>51</sup>
- On 25 February 2022, the day after the Russian invasion began, the government passed a resolution acknowledging the serious threat posed by hybrid warfare in the form of an information war. The resolution called on all relevant entities to take necessary measures to prevent the spread of false and misleading information in cyberspace, which was being used to manipulate the Czech population in favour of justifying and approving Russia's military aggression against Ukraine.<sup>52</sup>
- In response, CZ.NIC (the domain registrar) blocked access to disinformation websites such as aeronet.cz and protiproud.cz. Czech mobile operators also restricted access to certain websites.<sup>53</sup> These measures were challenged in administrative courts, but unsuccessfully. The case was also brought before the Constitutional Court, which dismissed the complaint in a plenary ruling, stating that the alleged interference did not directly affect the complainant's public subjective rights, thereby lacking legal standing for the lawsuit.<sup>54</sup> However, there was no legal basis for the domain registrar or mobile operators to intervene, and after several weeks the blocking was discontinued.

48 Resolution of the Government of the Czech Republic No. 254 of 30 March 2022, on the adoption of a crisis measure.

49 Act No. 175/2022 Coll., on Further Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.

50 Government Regulation No. 200/2022, of 22 June 2022, on the inadmissibility of applications by third-country nationals for residence permits in the Czech Republic submitted at diplomatic missions (embassies).

51 Resolution of the Government of the Czech Republic No. 153, of 2 March 2022, on the establishment of the position of Government Commissioner for Media and Disinformation.

52 Resolution of the Government of the Czech Republic No. 127, of 25 February 2022, on the Government's Declaration regarding hybrid activities against the interests of the Czech Republic in connection with the aggression of the Russian Federation against Ukraine.

53 Website of Czech Television (public service media), "[Constitutional Court rejects complaint against blocking of some websites after Russian invasion of Ukraine](#)".

54 Constitutional Court of the Czech Republic, [Ruling of Pl. ÚS 5/23](#) of 6 December 2023.

## Financial measures

The financial response was another key aspect. Just one day after the invasion:

- The government allocated CZK 1.5 billion (approx. EUR 40 million) to assist Ukrainian citizens fleeing the war and arriving in Czechia (Assistance Programme for Ukrainian Citizens).<sup>55</sup> Additional funds were released over time. The programme initially aimed to provide basic assistance to those unable to meet their basic needs. The Refugee Facilities Administration of the Ministry of the Interior (Správa uprchlických zařízení) was responsible for coordination and assistance. Originally, the programme was designed to last only four months and was limited to 5,000 people.<sup>56</sup>
- The government also released funds for additional aid, including humanitarian assistance, military support and the MEDEVAC programme (a medical assistance programme run by the Ministry of the Interior). The Czech government continues to provide aid to this day.<sup>57</sup>

There were also legislative proposals, though none had a general impact on all residents. However, by late January 2025, a change to Lex Ukraine was adopted, significantly restricting the ability of Russian citizens to acquire Czech citizenship.

- The new rule requires Russian nationals to renounce their Russian citizenship before they can obtain Czech citizenship. This is an exception to the standard rule, as since 2014, Czech nationality law has allowed individuals to hold dual or multiple citizenships.

### 3.4. Possible misuse of the situation

The national legislature did not take advantage of this extraordinary situation to introduce changes that were unrelated to the war and its consequences. No acts were adopted “incidentally” or “quietly” introduced in other areas (but under the pretext of the war in Ukraine).

## 4. Legal regulation in the period 2022–2025

### 4.1. Leges Ukrainae

The **first package of laws (Lex Ukraine)** responding to the situation was adopted in **mid-March 2022**. The **key piece of legislation** was **Act No. 65/2022 Coll.**, on Certain Measures in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation (**Lex Ukraine – Temporary Protection**), which was adopted on **17 March 2022**, alongside **Act No. 66/2022 Coll.**, on Measures in the Field of **Employment and Social Security** in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation

55 Resolution of the Government of the Czech Republic No. 129, of 25 February 2022, on providing assistance to Ukrainian citizens who are at risk due to the security situation in Ukraine and have arrived in the Czech Republic, and on the implementation of Related measures.

56 Submission Report of the Ministry of the Interior No. 182/22, adopted as the Resolution of the Government on providing assistance to Ukrainian citizens who Are at risk due to the security situation in Ukraine and have arrived in the Czech Republic (“Assistance Programme for Ukrainian Citizens”), and on the implementation of related measures.

57 This specifically involved more than CZK 300 million (approximately EUR 12 million): Resolution of the Government of the Czech Republic No. 131, of 25 February 2022, on providing urgent assistance to Ukraine.

(**Lex Ukraine – Employment**).<sup>58</sup> The last act was **No. 67/2022 Coll.**, on Measures in the Field of **Education (Lex Ukraine – Education)**.<sup>59</sup>

All three laws **came into force and effect on 31 March 2022**, to be **valid for one year**, until **31 March 2023**.

#### **4.2. Lex Ukraine – Temporary Protection (residence regime and health insurance)**

Act No. 65/2022 Coll. addressed the residence regime of incoming individuals and the issuance of health insurance. In terms of the residence regime, the Act followed the Council Decision of 4 March 2022, defining temporary protection, its personal scope and procedures related to temporary protection matters. This regulation represents a *lex specialis* to the Act on Temporary Protection, which is thus applied subsidiarily, for instance, regarding the reasons for the denial or revocation of temporary protection. The Act constructed temporary protection as a residence entitlement under the Act on Temporary Protection, i.e. as a special residence status under the law implementing the relevant directive.

Regarding its personal scope, temporary protection applies to all individuals to whom the Council Decision mandatorily applies, and Czechia decided to exclude certain optional categories from this protection. Council Implementing Decision 2022/382, in Article 2, delineates the categories of displaced persons to whom temporary protection under the directive applies or may apply:

- Ukrainian nationals residing in Ukraine before 24 February 2022
- stateless persons and third-country nationals other than Ukrainians who were granted international protection or equivalent national protection in Ukraine before 24 February 2022
- family members of the persons referred to in (a) and (b) (as defined in paragraph 4 of that article).

According to paragraph 2 of this Decision, Member States shall also provide temporary or equivalent protection under their national law to stateless persons and third-country nationals other than Ukrainians who can demonstrate lawful residence in Ukraine before 24 February 2022 based on a valid *permanent* residence permit issued in accordance with Ukrainian legislation and who cannot return safely and permanently to their country or region of origin.

The implementing decision further grants states the discretion to extend protection to other individuals who lawfully resided in Ukraine and cannot return safely and permanently to their country or region of origin (notably, the wording “based on a permanent residence permit” is absent here).<sup>60</sup>

Czechia has defined the *ratione personae* of its regulation strictly in line with the mandatory group and has decided not to grant temporary protection to individuals with a temporary residence status in Ukraine, such as students from other countries or any persons who do not have a permanent residence permit. According to the explanatory report to Lex Ukraine-Temporary Protection, such individuals should seek protection in their country of origin,

58 Act No. 66/2022 Coll., on Employment and Social Security Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.

59 Act No. 67/2022 Coll., on Measures in the Field of Education in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.

60 Art. 2 of the Implementing Decision.

and Czechia was prepared to assist them with their return.<sup>61</sup> It remained possible for such individuals to apply for international protection or a visa for tolerated stay, in line with state obligations under the *non-refoulement* principle, among others. Czechia also does not recognise unmarried partners as family members.<sup>62</sup>

Regarding administrative procedures, both the Ministry of the Interior and the Police of the Czech Republic have competence in proceedings for granting temporary protection. Provisions of the Act on the Residence of Foreigners concerning visas for stays over 90 days for tolerated residence apply *mutatis mutandis* to proceedings on temporary protection, while certain provisions of the Act on the Residence of Foreigners and the Act on Temporary Protection are excluded in temporary protection matters. *Lex Ukraine – Temporary Protection* also defines the status of individuals under temporary protection for the purposes of the Act on the Residence of Foreigners: they are considered holders of a visa for tolerated residence. This affects the ability of temporary protection beneficiaries to move within the framework of the Act on the Residence of Foreigners and to apply for another type of residence (which is generally not possible, except in rare cases).

*Lex Ukraine – Temporary Protection* further established grounds for the inadmissibility of applications, including (a) failure to submit the application in person, although this requirement could be waived by the authorities for special reasons; (b) submission by an individual not covered by the regulation; (c) submission by an individual who applied for temporary protection in another EU Member State; and (d) submission by an individual who was granted temporary protection in another EU Member State. In these cases, judicial review was explicitly excluded, and the reason for inadmissibility was to be communicated to the foreign national. According to the explanatory report, the application's inadmissibility could be communicated to the foreigner even verbally. Initially, administrative authorities granted temporary protection on the spot; in later months, the law was amended to allow for a longer assessment period.

The Act stipulated that applicants must present their travel document but also provided for the possibility of issuing an identity travel document under the Act on the Residence of Foreigners. Additionally, applicants had to provide a photograph upon request; the administrative authority could also take a visual record. Initially, no additional documentation was required due to the high number of incoming individuals. Issues such as proof of accommodation, school attendance or financial situation have since been addressed in the registration process.

A foreign national with temporary protection could apply for international protection, but the application was to be suspended for the duration of the temporary protection. Generally, incoming individuals first received a visa for tolerated stay (between 25 February 2022 and 21 March 2022), which, under the transitional provisions of this Act, was subsequently considered temporary protection. Those who arrived after the Act entered into force were granted temporary protection. No other national status was conferred upon individuals fleeing Ukraine. Exceptions applied to individuals outside the substantive scope of the Czech implementation of the Council Decision who could apply for international protection and potentially obtain asylum or subsidiary protection, as well as to family members of EU citizens or family members of the Czech nationals (because Czech law equalizes the status of

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61 Explanatory Report, p. 11.

62 Sec. 4 of Act No. 65/2022 Coll., which excludes the use of Sec. 51(2)(d) of the Temporary Protection Act.

family members of EU citizens and family members of Czech citizens within the meaning of Directive 38/2004, i.e. it does not apply reverse discrimination).

Act No. 65/2022 also regulated health insurance, which – given the initially expected relatively low number of incoming individuals compared to the reality – was designed to include them indefinitely in the public health insurance system. Coverage was ensured for all applicants applying after 25 February, including newborn children.

### 4.3. *Lex Ukraine* – Employment and social security

Alongside this law, Act No. 66/2022 Coll. was adopted to regulate the employment and social security of incoming individuals. Regarding the former, a straightforward solution was implemented: a foreign national with temporary protection was considered equivalent to a foreign national with permanent residence. This means that their access to the labour market was unrestricted.

The law also sought to address the situation of incoming individuals with children. Given that the majority of arrivals accompanied children, this adjustment was essential for enabling employment opportunities and livelihoods for the parents while ensuring the children's adaptation to their new circumstances. The law provided for admission into child care (so called children's groups as they are formed as small groups of children and this concept is supported by state) and financial contributions to these groups. Additionally, it allowed for individuals with temporary protection to be employed as caregivers in these children's groups, offering support such as linguistic assistance, provided that they met the required conditions. Compliance with many of these requirements could be demonstrated via an affidavit.

Furthermore, the law permitted the provision of social services to individuals with temporary protection. It also introduced a new "**humanitarian allowance**" of CZK 5,000 (EUR 200). Initially, this benefit was granted universally, without an assessment of financial status, and was available to all, including those who had arrived between the Russian invasion and the official declaration of temporary protection, meaning that they held only a visa for tolerated stay. The allowance was automatically provided for the first month and could be extended for an additional five months upon request. It was paid by labour offices. The law also introduced a "**solidarity household allowance**", which provided financial support to those individuals who offered free accommodation to foreign nationals with temporary protection.

The explanatory report for this law, in the section concerning the financial burden of the proposed legislation, considered different scenarios regarding the number of eligible individuals: either 7,000, 17,500 or 35,000 persons. It is evident that the initial estimates did not anticipate the actual number of arrivals in the following weeks. Higher estimates appeared in April 2022 in the document "Defining the Strategic Priorities of the Czech Government for Managing the Impact of the Migration Crisis Related to the Russian Federation's Invasion of Ukraine", which was presented at the government meeting on 13 April 2022.<sup>63</sup> This document outlined three scenarios with estimated figures: (1) 250,000–300,000, (2) 500,000–600,000 or (3) 1,000,000 displaced persons. The document was prepared after the major migration wave in March, which exceeded initial estimates by hundreds of thousands. The government

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63 Resolution of the Government No. 309, of 13 April 2022, on defining the strategic priorities of the Government of the Czech Republic for managing the refugee wave related to the invasion of the Russian Federation in Ukraine.

needed to adopt a strategic document that would define priority areas for managing the situation and would identify key measures to ensure the continued functioning of essential services for the domestic population while simultaneously securing conditions for the adaptation and integration of displaced persons from Ukraine.

#### **4.4. Lex Ukraine – Education**

The third law in this initial legislative package was Act No. 67/2022 Coll., which addressed issues related to education, including preschool, primary, secondary and higher vocational education, and instituted regulations for universities. Given that a substantial proportion of the arrivals were children subject to compulsory education, the law stipulated that they would be placed in regular catchment-area schools. It was apparent that the state initially anticipated significantly lower numbers of incoming children. The law primarily aimed to provide necessary adaptation measures and language instruction, extend the application deadline for secondary schools and appoint assistants to facilitate adaptation. Notably, the law waived the requirement for these assistants to have proficiency in the Czech language.

#### **4.5. Policy adjustments and legislative changes**

In the following months, the state began to slow down its previously open approach through changes in subsequent legislative measures.<sup>64</sup> Act No. 175/2022 Coll., of 15 June 2022, addressed the reality that, following the initial wave of arrivals, some individuals continued to enter the country while others returned to Ukraine (particularly men conscripted for military service). This law primarily focussed on health care insurance. It also amended a prior government resolution that had prohibited new visa and residence applications for Russian and Belarusian nationals, introducing certain exceptions, particularly for residence entitlements under EU law.<sup>65</sup> Additionally, it established grounds for terminating temporary protection status if an individual obtained a different status in the Czech Republic or elsewhere, or applied for or received temporary protection in another country.

The legislation incorporated an extension of the decision-making period for granting temporary protection, which had previously been absent due to the high number of applications. At the same time, in response to the large influx of refugees, it restricted applications for other types of residence permits. Those seeking residence through standard applications submitted at Czech embassies were no longer allowed to do so. It meant that the state forced all incoming people from Ukraine to apply for temporary protection. The explanatory report

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<sup>64</sup> Act No. 175/2022 Coll., on Further Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.

<sup>65</sup> The explanatory report stated that exceptions could include “cases where the application is submitted by a foreign national whose residence is in the interest of the Czech Republic. This interest will be certified by the Minister of Foreign Affairs exclusively in cases deserving special consideration, such as applications submitted by citizens of the Russian Federation or the Republic of Belarus who are demonstrably at risk of life due to repression by the Russian Federation or the Republic of Belarus, opposition to the regime or its criticism or in cases where there is an imminent threat of persecution for political or other reasons, provided that the applicant is not in a safe country. The granting of an exception in the above-mentioned situation must be confirmed by a reliable source and sufficiently substantiated. Applications submitted by holders of a certificate of affiliation to the Czech community issued by the Ministry of Foreign Affairs in accordance with Government Resolution No. 1014 of 8 December 2014 could also be considered applications in the interest of the Czech Republic.”

stated that “the possibilities and conditions for transitioning to another residence status will later be addressed in a comprehensive ‘transition’ law.”<sup>66</sup>

The unexpectedly high number of arrivals likely prompted the government to focus these legislative changes on health care insurance and special allowances. In the area of health insurance, a 180-day limit was introduced, during which the state covered insurance costs for protected persons aged 18 to 65, i.e. the state would continue to pay for them for only six months. After that, with some exceptions, they would have to pay for it themselves. The legal system still provided for state-covered insurance for job seekers and caregivers of small children. This regulation represented a step towards tightening conditions – a logical move given the number of arrivals, but premature considering the reality of their situation. The explanatory report stated that “the aim is also to motivate these insured individuals to enter the labour market, thereby accelerating their integration into society.”<sup>67</sup> If the state had truly sought to achieve this goal, allowing a transition to a different residence status would have been a more logical step. This illustrates the government’s challenging position: on the one hand, it aimed to promote greater integration and stability, while on the other hand, it was wary of the public’s reaction and mindful of Ukraine’s preference that its citizens remain only temporarily abroad to facilitate their eventual return.

This law also addressed the issue of registered residence. During prior registration procedures, no documentation had been required, which was not problematic when the state provided emergency accommodation. However, for individuals staying in private housing (e.g. with family and friends or via rental agreements), the state lacked mechanisms to verify the accuracy of residence information. This lack of oversight posed challenges, for example, in planning capacity for preschools and schools.<sup>68</sup>

On 24 June 2022, as a precautionary measure in response to the high number of arrivals, the government amended special procedures related to spatial planning and building regulations to address this specific situation.<sup>69</sup> The law redefined the concept of an “essential construction project”, allowing the state to either construct new buildings or repurpose existing ones for refugee accommodation. This measure also ensured that such essential buildings remained under state ownership, whether a government agency, state enterprise or similar entity. On the same day, the government revised the original core legislation, Act No. 65/2022 Coll., adding provisions on emergency accommodation, temporary shelter and related services for beneficiaries and applicants for temporary protection. This amendment was necessary because the state of emergency was ending, requiring a legal framework to regulate these issues in future.<sup>70</sup> Further details on emergency accommodation and temporary shelter were specified in a government decree issued at the end of June.

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66 Explanatory Report to Act No. 175/2022 Coll.

67 Explanatory Report to Act No. 175/2022 Coll.

68 Act No. 175/2022 Coll.

69 Act No. 197/2022 Coll., on Special Procedures in the Field of Spatial Planning and Building Regulations in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.

70 Act No. 198/2022 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.

In the subsequent months, the situation began to stabilise. Legislative changes did not occur until January 2023,<sup>71</sup> primarily in response to the approaching end of the first year of temporary protection and the expiration of the relevant legal framework on 31 March 2023. At the EU level, temporary protection was extended, necessitating adjustments to national legislation, as there had previously been no provisions for its extension. Additionally, the state took this opportunity to assess the actual number and needs of Ukrainian displaced persons residing in Czechia, particularly regarding education, employment and housing. Consequently, a **registration requirement** was introduced. The process of re-registration was divided into several phases. The extension process itself involved affixing a visa sticker but required electronic registration by 31 March 2023. Upon registration, each foreign national was assigned an appointment at the Ministry of the Interior, with deadlines extending until 30 September 2023. By January 2023, Czechia had issued over 450,000 residence permits for temporary protection. However, due to return migration and secondary movements to other European countries, the government lacked precise data on how many beneficiaries of temporary protection remained in the country.

During registration, foreign nationals were required to provide proof of registered residence (with documentation unless they were staying in state-provided accommodation) and the name and address of the school(s) where their children were enrolled for compulsory education (including mandatory preschool education).

Failure to register by 31 March 2023, or to attend the designated appointment by 30 September 2023, resulted in the termination of temporary protection. However, individuals could still reapply for temporary protection. The registration requirement can be considered good practice, as it allowed the government to respond more effectively to the actual number and needs of arrivals.

Another significant aspect of this legislation was its simplification of procedures for qualifying psychologists, in recognition of the increased demand for psychologists due to the crisis.

A subsequent law, further amending Lex Ukraine – Employment,<sup>72</sup> marked a continued shift towards reducing support for incoming displaced persons, particularly through substantial changes to financial assistance. This law introduced significant complexity and opacity to the regulatory framework. The motivation behind these changes likely stemmed from societal fatigue, the overburdening of labour offices (limiting their handling of standard issues for Czech citizens) and the strain on the national budget; all these concerns were explicitly mentioned in the explanatory report. The law restricted eligibility for the humanitarian allowance, limiting it to individuals in financial need and linking its amount to the subsistence minimum (adjusted based on age). It also addressed the growing demand for speech therapists. The explanatory report repeatedly emphasised that these amendments resulted from a political agreement among coalition leaders.<sup>73</sup>

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71 Act No. 20/2023 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.

72 Act No. 75/2023 Coll., Amending Act No. 66/2022 Coll., on Measures in the Field of Employment and Social Security in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.

73 Explanatory Report to Act No. 75/2023 Coll.

A detailed analysis of the specific benefits introduced under this legislation is provided in part III of this report.

A partial amendment was introduced by Act No. 173/2023 Coll. in June 2023, which modified several laws, including the fundamental Lex Ukraine, by incorporating a requirement that Ukrainian vehicles be registered. As of October 2023, the operator of a motor vehicle with a Ukrainian number plate must be registered in the Ukrainian vehicle database within seven days of being granted temporary protection or a visa for tolerated stay. Until this point, Ukrainian vehicles were not subject to any registration requirements, and in urban areas drivers were not even required to pay for parking. This amendment largely reflects efforts to normalise a situation that is expected to persist for a significant time, despite the nominally temporary nature of protection. This specific, well-defined issue also serves as a useful illustration of how the Czech state communicates with individuals from Ukraine. The attached image is a screenshot from the website of the Ministry of Transport of Czechia, which presents the relevant information in both Czech and Ukrainian.<sup>74</sup>

In another legislative act adopted in December 2023,<sup>75</sup> the government introduced new legal provisions regarding the registration process for extending temporary protection, valid until the end of March 2025. This amendment replicated the previous system of electronic registration, the requirement for an in-person visit to the Ministry of the Interior for registration and the division of the process into stages. Once again, emphasis is placed on the issue of voluntary return and assistance in this regard, which, according to the explanatory memorandum, is increasingly in demand. This law also addresses matters related to education, which will be further elaborated on in part III of this report.

The most recently enacted legislation, Act No. 24/2025 Coll.,<sup>76</sup> introduces two fundamental changes:

- The extension of temporary protection has been generalised to a one-year period. While previous amendments specified the duration of temporary protection in yearly increments (e.g. valid until 31 March 2023), the new law employs a more general formulation, referring to “the following calendar year”. The method of extension – via registration and an in-person visit to the Ministry of the Interior for a visa sticker – remains unchanged.
- The introduction of the possibility for holders of temporary protection to transition to “special long-term residence”, a newly established immigration status within the



<sup>74</sup> Website of the [Ministry of Transport of the Czech Republic](#).

<sup>75</sup> Act No. 454/2023 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.

<sup>76</sup> Act No. 24/2025 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.

framework of long-term residence under the Act on the Residence of Foreigners. According to the explanatory memorandum, this status offers “long-term settlement in the Czech Republic and serves as an incentive for further integration for those holders of temporary protection who have achieved sufficient self-sufficiency and adaptation to no longer require protection status.” The memorandum explicitly states that this residence status is not intended as a solution for individuals whose temporary protection has expired, but rather as an additional option alongside existing temporary protection.<sup>77</sup>

- It is evident that the government recognises the precarious situation faced by individuals who remain uncertain about their future. This awareness is explicitly reflected in the explanatory memorandum, which states: “The aforementioned proposal is the result of a political agreement and was approved at the outset of the drafting process by the Government’s committee for the adaptation and integration of temporary protection holders.... The Ministry of the Interior acknowledges the repeated requests from various stakeholders (employers, non-governmental organisations and holders of temporary protection) to establish a pathway for individuals with temporary protection to transition into the regular immigration regime under Act No. 326/1999 Coll. on the Residence of Foreigners in the Czech Republic. According to these requests, expanding the possibility of such a transition would provide current holders of temporary protection with certainty regarding their future in the Czech Republic and serve as an incentive for further integration, with the prospect of obtaining permanent residence. At the same time, the Ministry of the Interior remains aware of the consistently stated political position of the Ukrainian government, which prioritises the return of its citizens.”<sup>78</sup> This statement reinforces Ukraine’s above-mentioned political emphasis on the return of its citizens.

The conditions for obtaining this special long-term residence status are as follows:

- a valid travel document
- no criminal record
- secured accommodation
- economic self-sufficiency and independence from the welfare system
- a residence period in Czechia exceeding two years
- fulfilled compulsory school attendance for children.

Individuals who obtain this status will retain unrestricted access to the labour market, unlike holders of standard long-term residence permits, meaning they will not require a work permit. Additionally, the validity of this residence permit will be five years instead of the usual two. The first distinction is justified by the fact that these individuals already have unrestricted access to the labour market, while the second is attributed to the administrative capacity of the relevant authorities. Another key difference is the application process, which will be conducted electronically. It is expected that only individuals meeting the eligibility criteria, as verified in the registration system, will be granted access to the online application platform.

I consider it essential that this due to this change, half of the period spent under temporary protection is now included in the five-year period required for obtaining permanent residence.

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77 Explanatory Report to Act No. 24/2025 Coll., p. 16.

78 Explanatory Report to Act No. 24/2025 Coll., pp. 16 and 18.

## 5. Problematic aspects of the current legislation and application

### 5.1. Applications for temporary protection

Providing false information in the application

Providing false information or concealing facts essential for reliably determining the actual situation is considered by the Temporary Protection Act as grounds for denial or withdrawal of temporary protection.<sup>79</sup> In practice, this reason most commonly arises in cases where an application has been submitted in another EU Member State. However, the Temporary Protection Act, which the state applies subsidiarily in this matter, implements the Temporary Protection Directive, and such an interpretation cannot be inferred from Article 28 of the Directive. This inconsistency was criticised by the Ombudsperson in an investigative report regarding the withdrawal of temporary protection.<sup>80</sup> The Ombudsman aptly noted the following regarding the Temporary Protection Act:

“The provision governing the withdrawal of temporary protection due to the provision of false information can only be applied in narrowly defined cases, specifically when an individual provides false information that is relevant for assessing whether they fall within the personal scope of the Council’s implementing decision. This could involve a person who does not fall within the personal scope of the Council’s implementing decision, but falsely claims entitlement to it.”

As of 15 February 2025, this legal provision remains in force.

Inadmissibility of the Application and the Impossibility of Appeal

The regulation establishing the inadmissibility of an application and the (im)possibility of appeal was applied in practice so that the administrative authority either granted temporary protection on the spot or deemed the application inadmissible. According to the Czech authorities, inadmissibility is also established in cases where a foreigner has already been granted or has applied for temporary protection in another EU Member State.<sup>81</sup> Such an application is returned to the foreigner, the reason for inadmissibility is communicated orally and judicial review is excluded.<sup>82</sup>

Some relevant developments are discussed below.

**Article 11 of the Directive** restricts the free movement of beneficiaries of temporary protection within the EU. However, according to Recital 15 of the Council Implementing Decision, Member States agreed to not apply this article.<sup>83</sup> The European Commission reiterated this position in its responses to Frequently Asked Questions, stating that a Member State cannot refuse to register a displaced person solely on the grounds that they already enjoy temporary protection in another state.<sup>84</sup> Czechia does not follow the Recital or the FAQ of the Commission.

79 Sec. 9(2)(b) of the Temporary Protection Act.

80 Report of the Ombudsperson on investigation into the lifting of temporary protection from 17 August 2023, No. 804/2023/VOP/VVO.

81 Sec 5(1) of Act No. 65/2022 Coll.

82 Sec 5(2) of Act No. 65/2022 Coll.

83 Art. 15 of the Preamble to the Decision of the Council.

84 Frequently asked questions received on the interpretation of the Temporary Protection Directive and Council Implementing Decision 2022/382, p. 3.

Czechia's non-compliance with the Council's decision became the subject of numerous court disputes, which even led to a preliminary question before the Court of Justice of the EU (CJEU). The inadmissibility of applications due to prior application to or protection granted by another Member State has been litigated extensively. For developments in the first two years, reference can be made to Štěpán Komárek's research, which analysed the compliance of Czech legislation with the Temporary Protection Directive in his thesis, including an overview of relevant case law.<sup>85</sup> In an early judgment, the Supreme Administrative Court (SAC) dismissed an appeal by three Ukrainian nationals who had already been granted temporary protection in Spain before applying in Czechia. The SAC upheld the Ministry of the Interior's stance, arguing that "[a]ccording to Article 11 of the Directive, temporary protection can only be obtained in one Member State." The Court further stated that "[o]nce temporary protection is granted, applicants cannot freely change the Member State in which they have been granted protection, nor can they apply for temporary protection in other Member States."<sup>86</sup> Regarding the right to appeal, the SAC noted that the applicants are not excluded from temporary protection – they are already benefiting from it in another Member State. Therefore, they are not entitled to a legal remedy against the rejection of their application.<sup>87</sup>

In subsequent rulings, courts began considering the Council's decision and the Commission's stance. In August 2023, the Brno Regional Court ruled that "[i]t is not permissible to extend the material conditions for the withdrawal of temporary protection beyond those set out in the Directive. Such an approach would constitute a legal framework less favourable than the Directive itself."<sup>88</sup> Eventually, in November 2023, the SAC referred a preliminary question to the CJEU regarding the legality of Czech legislation.<sup>89</sup>

## 5.2. Judicial developments and the SAC's new stance

After submitting the preliminary question, legal disputes continued, leading to a new line of case law, represented by the SAC's landmark judgement of 31 October 2024.<sup>90</sup> This judgment, respected by other chambers of the SAC, limited inadmissibility to cases where:

- there is an ongoing temporary protection procedure in another Member State
- the applicant has already been granted temporary protection elsewhere and is actively benefiting from it.

The SAC judgment was published in its collection of decisions, and stated that "[t]he purpose of § 5(1)(c) and (d) of Act No. 65/2022 Coll. (Lex Ukraine) is to procedurally prevent situations where an application is simultaneously being processed in multiple Member States or where an applicant benefits from temporary protection in multiple states simultaneously. However, these provisions should not be used to permanently ban applicants from seeking temporary protection in Czechia solely because they had previously submitted an application elsewhere, especially if the foreign procedure has ended (e.g. if they withdrew the application or were ultimately denied protection in the other state)."<sup>91</sup>

85 Š. Komárek, *Adaptace mezinárodní a evropské právní úpravy dočasné ochrany na základě zkušeností s její aplikací*, MA qualification work defended at the Faculty of Law of Charles University in 2024.

86 Judgment of the Supreme Administrative Court of 12 October 2022, No. 2 Azs 178/2022 – 48, point 24.

87 *Ibid.*, point 25.

88 Judgment of the Regional Court in Brno of 31 August 2023, No. 41 Az 28/2023 – 42, point 32.

89 Ruling of the Supreme Administrative Court of 30 November 2023, No. 8 Azs 93/2023-37, point I.

90 Judgment of the Supreme Administrative Court of 31 October 2024, case No. 10 Azs 151/2024-28.

91 Collection of Judgments of the SAC 1/2025, No. 4652/2025.

### 5.3. Preliminary Question in the Krasiliva Case

The Czech SAC referred a preliminary question in *Krasiliva*, which concerned an individual who applied for temporary protection in Czechia after having previously applied in Germany, where the application was still pending. The SAC asked the CJEU:

- Does Article 8(1) of the Directive [2001/55], in light of the Member States' agreement to not apply Article 11, preclude national legislation that deems an application for temporary protection inadmissible if the applicant has applied for or been granted protection in another Member State?
- Does a person benefiting from temporary protection under Directive 2001/55 have the right to an effective remedy before a court against a Member State's refusal to grant them a residence permit under Article 8(1) of the Directive?

### 5.4. CJEU Judgment (27 February 2025)

In its judgment, the CJEU partially followed its earlier decision in *Kaduna*,<sup>92</sup> but reformulated the first question, addressing only the issue of parallel applications. The Court confirmed that a Member State cannot deny temporary protection solely because an application was previously filed elsewhere. However, the CJEU did not address the second part of the first question (regarding previously granted protection). Regarding the right to an effective remedy, the CJEU ruled that a person benefiting from temporary protection under this Directive has the right to an effective remedy before a court against a decision rejecting their residence permit application as inadmissible under Article 8.<sup>93</sup>

### 5.5. Temporary protection seekers with dual (Ukrainian and Hungarian) citizenship

In the first year, questions arose regarding the arrival of Ukrainian citizens who also held citizenship of another country, specifically Hungary. Since many of these individuals were of Roma origin, discussions emerged about whether the state and society were treating them fairly and ensuring that they received the rights and support to which they were entitled.

The number of Ukrainian refugees with Roma origin who were also Hungarian citizens was in fact very low. A PAQ Research study on Ukrainian Roma in Czechia found that they comprised only a small portion of the Roma Ukrainian refugee population.<sup>94</sup> In their cases, Czechia relied on the nationality status and deemed itself not responsible for providing protection. The reasoning was that primary protection was already available to them through their other citizenship. The research found that one third of Ukrainian Roma refugees were discriminated against,<sup>95</sup> as the state was in fact more reluctant to help this group of refugees.<sup>96</sup>

92 Judgment of the CJEU of 19 December 2024, *Kaduna*, C244/24 and C290/24, EU:C:2024:1038

93 Judgment of the CJEU of 27 February 2025, *Krasiliva*, C-753/23, EU:C:2025:133.

94 PAQ Research, "Ukrajiniští Romové v České republice" [[Ukrainian Roma in the Czech Republic](#)], July 2022.

95 Ibid., pp. 4 and 15.

96 Czech Radio, "[Ukrajiniští Romové na nádraží? Jejich odsuzování je nespravedlivé, míní novinářka Jarmila Balážová](#)" [Ukrainian Roma at the train station? It is unfair to condemn them, says journalist Jarmila Balážová]. See also the article from 4 November 2022 in the online newspaper Novinky.cz: "[Ukrajiniští Romové v ČR už nejsou problémem. Kyjev to prý vyřešil](#)".

## 6. Application of a special procedure for changing the law (urgent/expedited procedure)

Some laws were enacted under a state of legislative emergency.<sup>97</sup> This means that the President of the Chamber of Deputies of the Parliament of the Czech Republic requested that a state of legislative emergency be declared and that the proposed legislation be considered in expedited proceedings under said state of legislative emergency, in accordance with Section 99 of the Rules of Procedure of the Chamber of Deputies.

As typically stated in such justifications, this procedure was justified by extraordinary circumstances and the threat posed by the inability to manage the situation, which could also endanger the internal security of the state.

## 7. Informing newcomers and other activities of the state or other entities

The state has done a lot to ensure that incoming refugees are well informed, and non-governmental organisations (NGOs) have also made tremendous efforts in this regard.

The Ministry of the Interior immediately established an information hotline for Ukrainian citizens, aimed at providing up-to-date information on residency issues to those with temporary protection. This telephone hotline is still in operation and provides services in the Ukrainian language. Similar actions were taken by other state authorities in different areas related to the stay of Ukrainian citizens. For example, the Labour Office set up a Ukrainian-language helpline that continues to provide information to Ukrainian citizens and their employers. Additionally, the Ministry of Labour and Social Affairs launched a social assistance hotline.

Regarding residency matters, the coordination officers at the Ministry of the Interior's regional offices played a crucial role, as did specialised websites through which individuals could request appointments for temporary protection extensions, among other services. Many relevant pieces of information were also clearly summarised on the website [nasiukrajinci.cz](http://nasiukrajinci.cz). Also, the official [Information Portal for Foreigners](#) of the Ministry of the Interior of the Czech Republic contains a great deal of useful information.

The availability of information would not have been sufficient without the work of NGOs, which provided significant assistance in nearly all aspects related to the arrival (e.g. assistance at train stations and bus terminals) and stay (e.g. translation and support with extending residency) of Ukrainian refugees in Czechia.

However, this does not mean that everything was problem-free. The frequent changes to the law proved to be a major issue, as they were not always sufficiently or uniformly communicated. As a result, holders of temporary protection often had to rely on inconsistent information from intermediaries or informal sources, such as social media groups for Ukrainian citizens. This problem became evident, for instance, in the case of Canadian visas, which some temporary protection holders applied for – possibly under the assumption that having multiple visas was preferable to having only one. However, Czechia considered the granting of a Canadian visa incompatible with the extension of temporary protection.

Czechia has a standard **institutional structure** and established procedures for crisis situations. As seen above, it adjusted the legal processes to address the crisis, but also implemented institutional measures. The Central Crisis Team (Ústřední krizový štáb) and other crisis bodies

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97 Cf. e.g. the explanatory memorandum to the Lex Ukraine - Temporary Protection Act, p. 10.

operated as usual, and after the state of emergency was declared, all institutions switched to crisis mode. Over time, additional institutional support was introduced.

**Regional Assistance Centres for Ukraine (KACPU)** were established immediately after the first refugees arrived. These centres handled initial registrations, staffed by the Ministry of the Interior (MV ČR) and the Czech Police (Policie ČR), with support from other ministries (e.g. the Ministry of Labour and Social Affairs [MPSV]). The centres initially focussed on housing assistance, humanitarian aid, transportation and document processing (including health insurance registration).<sup>98</sup>

In Prague, the first centre was located in the central building of the Municipal Library, but within days the capacity had to be expanded. The Congress Centre was later opened, increasing capacity from a few hundred to thousands, eventually reaching tens of thousands of people.

Key Government Resolution No. 309, adopted on 13 April 2022, defined the strategic priorities for managing the refugee wave caused by Russia's invasion of Ukraine. This resolution led to the establishment of several new functions and bodies:

- Strategic Group for Coordination of the Refugee Crisis, serving as an advisory body to the government
- National Coordinator for Managing the Refugee Crisis, responsible for leading the Strategic Group (Interior Minister Vít Rakušan was appointed to this role in the first year)<sup>99</sup>
- Coordinator for Securing EU Financial Support, operating within the Government Office
- Coordinator for Strategic Communication, responsible for providing information about the assistance Ukrainian citizens.

**The Strategic Group for Coordination of the Refugee Crisis** was an inter-ministerial working group, including representatives from the state administration (the Ministries of the Interior, Finance, Health, Labour and Social Affairs, Industry and Trade, Foreign Affairs and Education), local governments and the Government Commissioner for Human Rights, who joined the meetings after her appointment. Several expert teams were created within this group. For example, the expert team for education and schooling was led by the Ministry of Education and included representatives from state authorities (the Ministry of the Interior, the Ministry of Labour and Social Affairs and the Czech Fire Rescue Service), representatives from local governments (Association of Regions of Czechia, Union of Towns and Municipalities and Prague City Hall) and non-profit organisations (META, People in Need and PAQ Research).<sup>100</sup>

In February 2023, a government resolution transformed this group into the [Strategic Committee for Coordination of Adaptation and Integration of Refugees from Ukraine](#).<sup>101</sup>

98 Radio Prague International, “[The first assistance centres for refugees from Ukraine have started operating in the Czech Republic, which will process their documents and help them with accommodation](#)”.

99 Annual Report on Migration and Integration of Foreigners 2022 ([Zpráva v oblasti migrace a integrace cizinců na území České republiky 2022](#)). On page 45 the report explains the appointment of the Minister of the Interior on the grounds that in the first phase it was necessary to ensure a close link with the Central Crisis Team.

100 The list is taken from the explanatory memorandum to Act No. 454/2023 Coll., p. 9.

101 Resolution of the Government of the Czech Republic No. 114 of 15 February 2023, on the next stage of coordination to address the impact of the refugee wave related to the invasion of Ukraine by the Russian Federation.

This group was placed under the Government Office, with Klára Šimáčková Laurenčíková, the Government Commissioner for Human Rights, as its coordinator.

Although they are not integrated into the state system, **non-governmental organisations** played a crucial role in supporting refugees. Key organisations included the Association for Migration and Integration,<sup>102</sup> the Organisation for Aid to Refugees (which also provided temporary accommodation),<sup>103</sup> META (focussing extensively on helping minors),<sup>104</sup> Hlavák Initiative (assisting at Prague's main train station)<sup>105</sup> and many others.

Another positive example of good practice was the integration of **civil society and individual volunteers** into institutional support, for instance, through state financial contributions for “solidarity households” that hosted refugees, or a centralised system that allowed individuals to register their available accommodation on an official government website.

Voluntary work included their involvement in KACPU. Below is a screenshot from the [website](#) of the Hodonín District Firefighters Association (Hodonín is a city with approximately 24,000 inhabitants).



**Source:** Website of Hodonín DFA, redacted by the author

This description captures the situation in March 2022, the weeks which saw the highest number of people arriving. The image depicts the operation of the KACPU centre, which was set up in an exhibition hall – typically used for large-scale exhibitions (e.g. machinery and equipment expos). The accompanying text calls for volunteer firefighters from a specific town, informing them about their responsibilities, including distributing light refreshments, humanitarian aid packages and providing other forms of assistance. It also outlines the nature of the shifts, which are 12 hours long (both day and night), specifying that at least ten volunteers are needed during the day and at least six at night. Additionally, it provides a link to an online spreadsheet for volunteers to sign up for specific shifts.

The urgency of the situation can be illustrated by the example of Prague Congress Centre, one of the large KACPUs in Prague, where thousands of displaced people were present at any given moment in the first weeks after the Russian invasion of Ukraine.

102 [Sdružení pro migraci a integraci](#) [Association for Migration and Integration].

103 [Organizace pro pomoc uprchlíkům](#) [Organisation for Aid to Refugees].

104 [META](#).

105 [Iniciativa Hlavák](#) [Hlavák Initiative].

## Prague Congress Centre, beginning of March 2022



Source: Website of [Pražský deník](#).

An unexpectedly large wave of solidarity emerged from the Czech society, especially in terms of offering accommodation. Thousands of offers of free accommodation appeared, including in private homes where the hosts themselves resided. Material assistance was provided on a massive scale, and many individuals personally transported families from the borders at their own expense. While cases of abuse were reported, the overall response was an unprecedented display of solidarity. The reasons behind this solidarity were largely shaped by the historical experience of Czechia in 1968, although humanitarian considerations also played a role. Additionally, the pre-existing sizable Ukrainian minority in the country contributed to the response. The year 1968 marked the invasion of Czechoslovakia by the Warsaw Pact forces, primarily the Soviet army. Donations to support Ukraine often included a symbolic contribution of CZK 1968, as a reminder of that year (see e.g. the website [Dárek pro Putina](#) [a Gift for Putin]).

Numerous fundraisers were organised (e.g. [Člověk v tísní](#) [People in Need], [Paměť národa](#) [Memory of Nations] etc.), including those dedicated to funding military aid to Ukraine (e.g. [Drony Nemesis](#) [Nemesis Drones] or the above-mentioned Gift for Putin). Many of these initiatives are still active, with individuals continuing to contribute substantial amounts. Through charitable organisations, goods and financial aid amounting to approximately CZK 7 billion were delivered, excluding state assistance.<sup>106</sup>

When it comes to the **involvement of experts/academics**, I consider the work of PAQ Research, a research organisation that has been addressing educational and social issues in Czechia for several years, to be highly significant. A few months after the declaration of temporary protection, they presented – in cooperation with the Institute of Sociology of the Czech Academy of Science – a comprehensive proposal outlining how the state should approach this group of newcomers. While I would question some of their conclusions, overall, it is an excellent resource for future considerations regarding the approach to a large-scale influx of migrants/refugees, among other things. Experts and academics were also involved in different working groups or panels on different issues of temporary protection, or in writing policy documents (e.g. Faculty of Social Sciences or Charles University).

106 Novinky.cz, “[Čeští dárci dali sedm miliard na pomoc milionům Ukrajinců](#)” [Czech donors gave seven billion to help millions of Ukrainians], 19 February 2022.

# PART III

## SELECTED MATERIAL ISSUES

### 1. Legal status of Ukrainians on the territory of Czechia<sup>107</sup>

**Temporary protection** under Act. No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation (**Lex Ukraine – Temporary Protection**), which is a *lex specialis* to Act No. 221/2003 Coll., on Temporary Protection

**Name of the entitlement:** temporary protection

**Legal basis:** Act. No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation; Article 51 of Act. No. 221/2003 Coll., on Temporary Protection; Article 2 of Council Implementing Decision 2022/382

Eligible persons:

- 1) Ukrainian nationals residing in Ukraine before 24 February 2022
- 2) stateless persons and nationals of third countries other than Ukraine who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and
- 3) family members of these persons (unmarried partner in a stable relationship exempted)
- 4) stateless persons and nationals of third countries other than Ukraine who can prove that they were legally residing in Ukraine before 24 February 2022 based on a valid permanent residence permit issued in accordance with Ukrainian law and who are unable to return in safe and durable conditions to their country or region of origin.

**Additional information:** In Czechia, temporary protection is granted by affixing a visa sticker labelled “**D/VS/U**” or by making an official record of the visa issuance. Applicants are required to present a valid travel document (internal Ukrainian passport is sufficient). Ukrainian holders of temporary protection are not assigned a personal identification number (rodné číslo). Initially, the state anticipated that it would not always be possible to record the visa directly in a travel document. The explanatory report to **Lex Ukraine – Temporary Protection** states that, if necessary, the visa sticker could temporarily be replaced by an entry in or outside the travel document. In most cases, this would take the form of a stamp or a handwritten note in a passport or identity travel document. Alternatively, a certificate confirming the submission of the application could be issued to the foreign national.

**Toleration visa** under Act. No. 326/1999 Coll., on the Residence of Foreigners (only for the period between 24 February and 21 March 2022) – ad hoc solution

**Name of the entitlement:** special visa – visa for tolerated stay exceeding 90 days (toleration visa)

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<sup>107</sup> Note: people coming from Ukraine who are not citizens of Ukraine and were residing there under a different legal status than a permanent residence permit can ask for international protection or toleration status.

**Legal basis:** Sec. 33(1)(a) of the Act on the Residence of Foreigners

**Eligible persons:** Persons fleeing the situation in Ukraine and asking for temporary protection status between 24 February 2022 and 21 March 2022

Temporary protection beneficiaries are generally not able to transition between different residence statuses. The only exceptions apply to a residence permit based on family reunification or when the individual is a family member of an EU or Czech citizen.

**New developments were introduced over time, i.e. the special long-term residence permit** in connection with the armed conflict on the territory of Ukraine caused by the invasion of the armed forces of the Russian Federation.

Name of entitlement: special long-term residence for Ukrainian nationals

Legal basis: Sec. 7o-7y of the Act. No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, in force since 11 February 2025

**Eligible persons:** those residing continuously in the territory of the Czech Republic under temporary protection granted by the Czech Republic for at least two years.

**Conditions for obtaining residence:**

- expression of interest through an electronic form provided by the Ministry of the Interior of the Czech Republic
- a valid travel document
- no criminal record
- continuous enrolment in public health insurance for at least two years without outstanding debts
- economic self-sufficiency – an annual aggregate income meeting a specified threshold
- no humanitarian aid for a period determined by government regulation
- secured accommodation
- in the case of a child, fulfilment of compulsory school attendance.

Once an individual expresses interest in obtaining special long-term residence via the electronic form, the state retrieves the above-mentioned information from official registers. The special long-term residence permit grants the foreign national the right to reside in Czechia for a period of five years. This residence status cannot be converted into another type of long-term residence, except for residence based on family reunification, study, scientific research or the EU Blue Card programme.

## 2. Social assistance and benefits

New benefit: **Humanitarian allowance** (modified over time)

**Legal basis:** Article 6 of Act No. 66/2022 Coll., the Act on Measures in the Field of Employment and Social Security in Connection with the Armed Conflict in Ukraine Triggered by the Invasion of the Russian Federation (Lex Ukraine – Employment)

**Personal and temporal scope:** granted to individuals enjoying temporary protection who are physically present in Czechia (i.e. those who obtained residence since 24 February 2022)

**Material scope:** a financial allowance of **CZK 5,000 (approximately EUR 200)**, intended to cover essential expenses such as food, clothing and basic necessities. The recipient had to not be provided with free accommodation, meals and essential hygiene supplies. From the second month onwards, the applicant's social and financial situation was assessed to determine continued eligibility.

Minimum subsistence level	Amounts in CZK / EUR per month from 1 January 2023
Single person	4 860 CZK / 194 EUR
First person in a household	4 470 CZK / 178 EUR
Second and other person in a household	4 040 CZK / 160 EUR
Child under 6 years	2 480 CZK / 99 EUR
Child from 6 to 15 years	3 050 CZK / 122 EUR
Child from 15 to 26 years	3 490 CZK / 139 EUR
Existential minimum	3130 CZK / 125 EUR

**Additional information on the practice of providing benefits (problems, scale etc.):** The benefit was granted for the calendar month in which the individual was awarded temporary protection. If the recipient was unable to meet their basic living needs, the benefit could be repeatedly provided for up to five consecutive calendar months following the month of obtaining temporary protection. From the seventh month onwards, the amount was aligned with the Czech subsistence minimum. For example, in October 2022, the benefit was paid to 142,000 individuals, with a total cost of CZK 710 million (EUR 28.4 million). In 2023, certain changes were introduced; nevertheless, the humanitarian benefit remains in place. This benefit may include a subsistence allowance (to cover basic needs) and a housing allowance (to support the payment of accommodation costs). Individuals under temporary protection still do not have access to the Czech social benefits system.

The amount is now determined based on subsistence and minimum living standards and whether the applicant is classified as a vulnerable person. A means test was introduced, which considers the applicant's actual financial situation, including income and savings (bank statements must be provided). For the first 150 days (5 months), the allowance is granted at the level of the subsistence minimum. After 150 days, the amount is reduced to the existence minimum if the applicant chooses not to work (unless there are objective barriers preventing them from working, i.e. they belong to a vulnerable group).

**Definition of a “vulnerable person” in Czechia:** The categories which qualify as vulnerable persons are students studying in Czechia up to the age of 26, primary caregivers of a child under the age of 6, pregnant women, individuals aged 65 or older, persons with disabilities and caregivers of persons with disabilities.

Limited access to “material need benefits” – only **emergency immediate assistance**<sup>108</sup>

**Legal basis:** Act No. 111/2006 Coll., on Assistance in Material Need

**Personal and temporal scope:** individuals with low income who meet the eligibility criteria

**Material scope:** a one-time monetary benefit intended for individuals who find themselves in urgent situations requiring immediate resolution, but who lack the necessary financial means. The benefit is designed for those who, due to their social and financial situation, can-

108 Individuals under temporary protection also do **not** have access to state social support benefits nor to the care allowance.

not overcome the hardship on their own. It may cover essential one-time expenses, unforeseen events or situations posing a serious health risk.

Examples provided by the Labour Office include a security deposit when moving into suitable housing, medical examination fees required for starting employment, a ticket for voluntary return to Ukraine and increased advance payments for energy costs.<sup>109</sup>

The amount of the benefit is not fixed and is determined on a case-by-case basis.

**Solidarity household allowance** (till 30 June 2023), an allowance connected with accommodation (from 1 July 2023) and later changed again

**Legal basis of solidarity household allowance:** Article 8 of Act No. 66/2022 Coll., on Measures in the Field of Employment and Social Security in Connection with the Armed Conflict in the Territory of Ukraine Triggered by the Invasion of the Armed Forces of the Russian Federation (Lex Ukraine – Employment)

**Personal and temporal scope:** individuals who provided accommodation free of charge to a foreigner with temporary protection and who either shares the accommodation with the accommodated person or provides them with a flat or house (until 30 June 2023); a person with temporary protection (from 1 July 2023)

**Material scope:** The purpose of the benefit is to support accommodation in host families that is provided free of charge to refugees, for which the host households receive a financial allowance from the state.

**Additional information on the practice of providing benefits (problems, scale etc.):**

Until 30 June 2023, the provision of accommodation was considered free of charge even if the accommodated person paid gas and electricity costs corresponding to their usage. A condition for receiving the allowance was that the accommodation was not provided in a lodging facility and was offered continuously for a certain period. Within the provided accommodation, the accommodated person had to be ensured sufficient space for rest, food preparation, personal hygiene and sanitation, as well as access to drinking water. The allowance was provided upon request after the end of the calendar month for which it was due. The application had to include a) the identity of the applicant, b) the address of the property where the accommodation was provided and the legal title under which the applicant used the property, c) the identity of the accommodated persons, d) the duration of the accommodation, e) a statement from the applicant that the accommodation was provided free of charge and f) a statement from the applicant that the conditions for accommodation had been met.

Since 1 July 2023, the benefit is received directly by the temporary protection beneficiary. To be entitled to the full amount of eligible housing costs, they must reside in an independent apartment registered in the housing and contract registry. If the apartment is not registered, a lower amount is accounted for their accommodation.

### 3. Accommodation

One of the first measures introduced by Czechia under the declared state of emergency was the provision of accommodation in state-owned buildings. This issue was further incorporated into the fundamental Lex Ukraine – Temporary Protection to apply beyond the end of the state of emergency. The legislation defined the concept of accommodation, regulated the provision of accommodation capacities in buildings of regional authorities, ministries and

<sup>109</sup> Information of the Labour Office of the Czech Republic.

other central administrative bodies, ensured the registration of accommodation and covered the reimbursement of flat-rate accommodation costs.

State-provided accommodation was already addressed in Section 42 of the 2003 Act on Temporary Protection, which was subsidiarily applied to this situation. Under this provision, a foreigner had the right to free accommodation in a humanitarian centre. However, as of 1 September 2024, the option of free accommodation was restricted, and could be provided for a maximum of 90 days from the granting of initial temporary protection. After this period, the right to free emergency accommodation ceases, even for vulnerable individuals.

Given the high number of arrivals immediately following the Russian Federation's invasion of Ukraine, various accommodation options were utilised. Essentially, all those who could provide housing did so; the state supported private individuals and hotels and mandated the use of all available capacity at both the central and regional levels. According to an August 2022 survey,<sup>110</sup> in the first months after the outbreak of the conflict, temporary protection beneficiaries lived in the following types of housing:

- rental housing (21%; 3% in municipal housing and 18% in private rentals or subleases)
- a separate apartment or house (32%; provided by a Czech (31%) or Ukrainian (1%) household)
- shared accommodation (33%; 11% in a Czech household, 6% in a Ukrainian household and 16% in dormitories or hostels)
- non-residential forms of housing (14%; 9% in hotels or guesthouses and 5% in emergency housing or other arrangements).

The issue of housing proved problematic in several respects. There was an insufficient supply for the long-term stay of incoming individuals, as hotel-type accommodations or shared households were only viable for a limited time and were often inadequate in terms of living conditions (e.g. square meters per person or noise levels). Other significant challenges were the accessibility of employment, the availability of places in kindergartens and schools and the high cost of housing.<sup>111</sup> The type of housing also influenced the level of Czech language proficiency, which was higher in cases where Czech and Ukrainian residents cohabited, whereas dormitory-style accommodations had a negative impact and contributed to potential social exclusion.<sup>112</sup> The gradual policy changes introduced by the state – primarily aimed at reducing support for both solidarity households and other accommodation options – led to a shift towards rental housing, which was significantly more financially demanding for newcomers.<sup>113</sup>

Combined with a lack of institutional childcare options, reductions in financial support, diminished assistance with language education and limited employment opportunities in their original professions, this situation created considerable difficulties for the displaced

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110 PAQ Research and the Institute of Sociology of the Czech Academy of Sciences, “The voice of Ukrainians: Refugees’ experiences of life in the Czech Republic and their future prospects”, August 2022, p. 7.

111 Ibid., p. 10.

112 Ibid., p. 18.

113 PAQ Research and the Institute of Sociology of the Academy of Sciences of the Czech Republic, “Integration of refugees in the labour market and housing – 7th wave of the Voice of Ukrainians survey, November 2023”, December 2023. The research states that seven out of ten people live in rented accommodation and often move into this form from “solidarity households”.

population. As a result, by December 2023, research indicated that more than half of the individuals were living below the effective income poverty threshold.<sup>114</sup>

Civil society was supported both by the state – for instance, through the allowance for solidarity households – and through its own self-coordination efforts. For example, a platform was created to connect hosts with temporary protection beneficiaries: <https://www.pomahej-ukrajine.cz/ubytovani/>.

#### 4. Education

In addition to the legal framework, one of the key sources of information is the research series “Voice of Ukrainians”, conducted by PAQ Research in collaboration with the Institute of Sociology of the Czech Academy of Sciences. This series has repeatedly focussed significant attention on the issue of education. A large proportion of the incoming population were children, and a relatively high number have remained in Czechia.<sup>115</sup> As of March 2023, the Ministry of Education, Youth, and Sports (MŠMT) reported that more than 50,000 children were enrolled at all levels of education, including 40,000 in primary schools. Although primary education is compulsory in Czechia, school attendance was not enforced for Ukrainian arrivals during the initial months; enforcement began on 1 September 2022.

Participation in Czech schooling has been hindered by three main factors:

- 1) a lack of available spots in schools and kindergartens
- 2) language barriers
- 3) the simultaneous continuation of online education from Ukraine.

The situation of Ukrainian children has been and continues to be complex. There has been an overall shortage of places in kindergartens and schools, affecting both Czech and Ukrainian children. This issue is problematic for multiple reasons. The first Lex Ukraine laws allowed state funding for Ukrainian-speaking teaching assistants and enabled children to attend childcare groups. Initially, the legal framework assumed a significantly lower number of arrivals and expected children to integrate into regular schools. However, it soon became evident that there were not enough places available in either kindergartens or schools.

This shortage had secondary effects on the employment opportunities of caregivers. Given that a substantial proportion of arrivals were single mothers with children, the inability to work also meant an inability to achieve economic self-sufficiency. Despite these challenges, school attendance gradually increased. In July 2022, 57% of Ukrainian children attended primary school, and 25% were enrolled in secondary education.<sup>116</sup> By July 2023, according to research, nearly 70% of eligible children attended kindergarten, 90% attended primary school and around 50% were in secondary school.<sup>117</sup> Attendance continued to rise in the following months.<sup>118</sup>

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114 Ibid.

115 Ministry of Education, Youth and Sports of the Czech Republic, “Extraordinary survey on the number of Ukrainian refugees in regional education: April 2023”.

116 PAQ Research and the Institute of Sociology of the Czech Academy of Science, 2022, “The voice of Ukrainians: Experiences and needs of children and parents in Czech education”, July 2022.

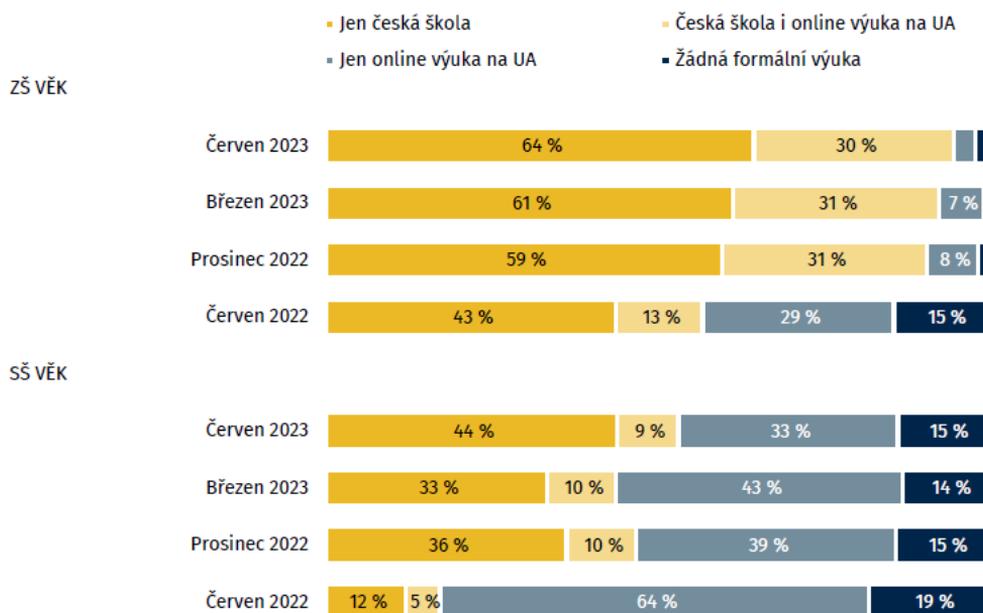
117 PAQ Research and Institute of Sociology of the Czech Academy of Science, “Education of refugee children in the Czech Republic: 6th wave of research Voice of Ukrainians: June 2023”, 2023.

118 “The Voice of Ukrainians: Education and learning of Ukrainian refugee children in the Czech Republic: 7th wave of the Voice of Ukrainians survey: November 2023”.

From the outset, adaptation groups were established to help children learn Czech. However, due to the high number of arrivals and their concentration in larger cities, some schools initially created classes consisting exclusively of Ukrainian children. The number of such classes remained relatively low, and the government's policy aimed at reducing them. As of January 2023, 3.6% of Ukrainian children were enrolled in these segregated classes. According to the school inspection authority, there were a total of 74 such classes in regular primary schools, making up only 0.2% of all classes.<sup>119</sup>

Simultaneous Czech and Ukrainian education in practice meant that children spent their mornings and part of the afternoon in a Czech school, while the remainder of the afternoon was dedicated to fulfilling their obligations in an online school following the Ukrainian curriculum. This arrangement led to excessive workload, fatigue and a lack of opportunities to learn Czech through additional – more relaxed – activities. These issues became the subject of intensive negotiations between the ministries of education of the two countries, and in the autumn of 2022 an agreement in the field of education was reached, establishing at least the necessary coordination and communication.<sup>120</sup>

**Figure 7:** Proportion of children studying in Czech schools or online



**Source:** graph created for the Survey of PAQ Research and Institute of Sociology of the Czech Academy of Science: Education of refugee children in the Czech Republic (Vzdělávání dětí uprchlíků v Česku).

Figure 7 (data from July 2023) illustrates that the situation was not easily resolvable.<sup>121</sup> The upper section of the figure shows the percentage of primary-school-aged children in schools,

119 Novinky.cz, “Only 3.6 percent of Ukrainians in the Czech Republic attend classes where only their compatriots are taught”, 25 January 2023.

120 Agreement between the Ministry of Education, Youth and Sports of the Czech Republic and the Ministry of Education and Science of Ukraine on Cooperation in the Field of Education and Science of 22 November 2022.

121 PAQ Research and Institute of Sociology of the Czech Academy of Science, “Education of refugee children in the Czech Republic: 6th wave of research Voice of Ukrainians: June 2023”, 2023, p. 13.

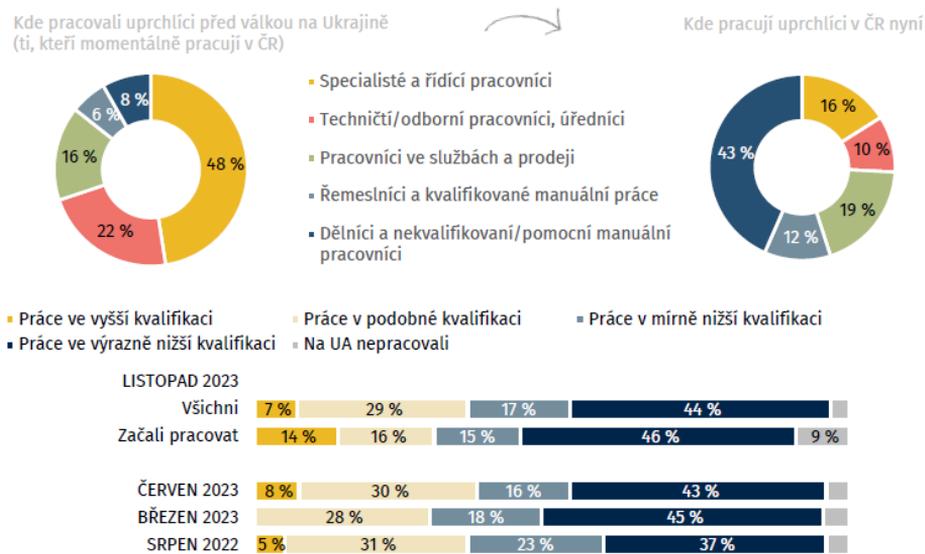
while the lower section represents secondary-school-aged children. The dark yellow colour (furthest to the left) indicates the percentage of children attending Czech schools, light yellow represents those enrolled in both a Czech school and an online Ukrainian school, grey signifies children receiving only online education in Ukraine and dark blue denotes those not attending school at all. On the left side of each row, the following months are listed: June 2023, March 2023, December 2022 and June 2022. It is evident that the percentage of primary-school-aged children enrolled in both Czech and Ukrainian schools changes slowly, whereas the decline is more rapid among secondary-school-aged children. At the same time, a larger proportion of older children are not attending school at all. The research also highlighted the fact that the parents of 11% of children are uncertain whether their children will enrol in any form of education.<sup>122</sup>

## 5. Employment

Beneficiaries of temporary protection were immediately granted unrestricted access to the labour market. However, the main barriers to employment included insufficient knowledge of the Czech language and limited access to preschool childcare. Another significant challenge was an inability to secure jobs matching their qualifications, including difficulties with having their qualifications recognised.

A survey conducted in December 2023 indicates that Czechia has not fully utilised the labour potential of incoming individuals in terms of their qualifications.<sup>123</sup> While two thirds of them were employed, 60% worked in positions below their qualifications.<sup>124</sup>

**Figure 8:** Job types before and after arrival in Czechia



**Source:** graph created for the Survey of PAQ Research and Institute of Sociology of the Czech Academy of Science: Integration of refugees in the labour market and housing (Integrace uprchlíků na trhu práce a v bydlení).

122 Ibid., p. 15.

123 PAQ Research and the Institute of Sociology of the Academy of Sciences of the Czech Republic, “[Integration of refugees in the labour market and housing](#) – 7th wave of the Voice of Ukrainians survey, November 2023”, December 2023.

124 Ibid., p. 4.

The authors of the study from which Figure 8 originates state: “Of the refugees employed in Czechia, 29% have retained their original qualification level, while 7% have moved to higher-qualified positions. However, 44% are engaged in significantly lower-skilled jobs compared to their previous employment [...]. Those more likely to work below their qualification level include individuals over the age of 40, refugees with limited Czech language proficiency and women: 65% of women are employed in positions below qualifications, compared to 53% of men.”

Language courses were closely linked to employment. Although both the state and non-profit organisations offered Czech language courses, the main barriers were a lack of time – particularly for single parents who had to prioritise childcare – and the frequent preference for immediate employment over language learning.

The recognition of qualifications was a key issue that affected both highly skilled professions such as doctors and nurses as well as other occupational fields. In many sectors, the process of getting a diploma recognised proved to be complex, leading many refugees to take on lower-skilled jobs – a situation that persists for many. However, Czechia made an exception under Lex Ukraine – Temporary Protection for childcare workers, allowing for a simplified verification of qualifications.

For other professions, standard procedures remained in place, though efforts were made to facilitate the process. For example, sector-specific guidelines were issued, such as a methodological directive from the Ministry of Health on the employment of both medical and non-medical healthcare workers.<sup>125</sup> To some extent, Czechia also complied with European Commission recommendations by allowing certain documents to be replaced with a statement.<sup>126</sup>

## 6. Selected areas – Transport from the border and within the country

During the first weeks and months, a range of exemptions was introduced for Ukrainian citizens, including free access to public transportation, railway travel and even parking. For instance, the Prague city administration decided that public transport would be entirely free for Ukrainian citizens holding a valid visa. This policy changed on 1 July 2022, when free transportation was limited to the first five days after a visa was issued. After this period, Ukrainian citizens were eligible for a discounted public transport subscription, with fares matching those available to individuals in material need. A similar approach applied to parking in residential and restricted zones in Prague, which was also free for a certain period.

Immediately after the outbreak of the conflict, the Czech state railway operator, České dráhy, dispatched humanitarian trains to the Ukrainian border, providing free transport for people fleeing Ukraine to destinations as needed, including both Polish (on the train route) and Czech cities. Ukrainian refugees were granted free railway transport in international trains bringing them into Czechia from Ukraine until 1 August 2022.<sup>127</sup> Other (domestic) trains operated by the national carrier within Czechia were available free of charge in the initial

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125 Methodological [Guideline](#) of the Ministry of Health of the Czech Republic: Employment of Healthcare Workers from Ukraine in the Czech Republic, 2022.

126 [Commission Recommendation \(EU\) 2022/554](#) of 5 April 2022 on the recognition of qualifications of persons fleeing the Russian invasion of Ukraine. Cf. Website of the Ministry of Education, Youth and Sports, “[Special information for applicants for recognition of qualification from Ukraine](#)”.

127 See the [website](#) of the Ministry of Transport of the Czech Republic from April 2022.

weeks; from 1 April 2022 this entitlement was limited to a period of five days following the issuance of temporary protection documents.<sup>128</sup>

Citizen-led initiatives emerged, such as *Drive for Refugees*, which coordinated individual volunteers through an online form where those willing to offer free transportation could register.<sup>129</sup>

## 7. Health insurance

Immediately after the arrival of refugees from Ukraine, the state addressed the pressing issue of their access to health care. Lex Ukraine – Temporary Protection retroactively resolved the matter of health insurance coverage to include all arrivals between 24 February 2022 and 21 March 2022, including children born during that period. From 21 March 2022 onward, i.e. upon the law's entry into force, individuals became insured under the regime established by the legislation. Initially, the state anticipated a relatively low number of arrivals compared to the subsequent reality and therefore set a broad framework for public health insurance, under which all incoming persons were insured and had full access to health care. This ensured health care coverage for any application submitted after 25 February, including those of newly born children.

In the following months, however, the state gradually adopted a more restrictive approach. Act No. 175/2022 Coll., adopted on 15 June 2022, introduced a limit of 180 days during which the state covered health insurance contributions for persons between 18 and 65 years of age. Although individuals registered as job seekers and those caring for small children continued to be covered, this legislative step failed to account for the specific needs of the incoming population. A significant portion of arrivals were women with children, many of whom required childcare in order to take up employment. The state also did not sufficiently reflect the shortage of part-time jobs, nor the fact that earnings from such employment were insufficient to cover the full range of living expenses.

Given the number of arrivals, health care emerged as a key issue. Challenges included a shortage of medical personnel, intercultural misunderstandings on both sides<sup>130</sup> and a high prevalence of psychological distress, such as anxiety and depression, among the displaced population. The shortage of general practitioners was particularly acute. Although the state attempted to establish designated centres where doctors would be available, these efforts fell short in terms of capacity. By autumn 2022, 62% of newcomers did not have a registered general practitioner, and 53% of households lacked paediatric care for their children.<sup>131</sup> Further obstacles included language barriers, a lack of familiarity with the Czech health care system and insufficient capacity among providers. Among families with chronically ill children, 9% reported problems accessing adequate care. Similarly, 6% of adults with serious long-term health issues were unable to obtain medical treatment, and up to 14% lacked access to necessary medications.<sup>132</sup> In terms of mental health, a 2022 study found that as many as 45% of

128 See information on the website of the Czech Railways “[Z dopravy](#)” from February 2022.

129 The website no longer exists; it was accessible [here](#).

130 See also K. Dobiášová, Z. Kotherová, “Váleční uprchlíci z Ukrajiny zůstávají výzvou pro český zdravotnický systém” [War refugees from Ukraine remain a challenge for the Czech health care systém], policy paper FSV UK, May 2023.

131 PAQ Research and the Institute of Sociology of the Czech Academy of Sciences, “Hlas Ukrajinců: Zdraví a služby” [The voice of Ukrainians: Health and Services], November 2022, p. 3.

132 Ibid.

arrivals experienced psychological issues.<sup>133</sup> These were linked not only to the armed conflict and uncertainty surrounding return, but also to legal status, labour market participation and financial instability.<sup>134</sup>

Given the impossibility of rapidly increasing the number of health care providers, one response was to expedite and simplify the recognition of foreign medical qualifications for Ukrainian health care workers. The Ministry of Health took limited steps in this direction, issuing methodological guidelines for employing both medical and non-medical personnel with Ukrainian diplomas.

Currently, individuals granted temporary protection are entitled to public health insurance, funded by the state, for the first 90 days without distinction. After this period, state coverage continues only for certain categories of beneficiaries, such as children under 18, students aged 18–26 and individuals over 65. In all cases, holders of temporary protection must provide proof of eligibility to their public health insurance provider after the 90-day period. In the case of employed individuals, insurance contributions are paid by their employer. Self-employed individuals and those not falling under any exemption after the initial 90 days are responsible for paying their own contributions.

Continuous participation in the public health insurance system for at least two years, with no outstanding debts, is currently a prerequisite for obtaining long-term residence. This newly introduced form of residence was established in 2025 as a potential legal continuation of temporary protection for at least some temporary protection beneficiaries.

## 8. Summary for conclusions:

- In Czechia, as of 2025, foreigners constitute approximately 10% of the total population of 11 million inhabitants. Czechia was, until relatively recently (before 1989), a country with a homogeneous population. After the borders opened, the number of foreigners grew slowly but steadily, with a significant surge following the arrival of approximately 400,000 displaced persons from Ukraine. Compared to other countries that were formerly “behind the Iron Curtain” and are now EU members, the percentage of foreigners in the Czech population has long been the highest.
- Ukrainians have constituted the largest foreign population for more than 20 years. Many of them are likely to remain in the country, as they typically obtain long-term residence permits first, followed by permanent residence. They also represent the largest group of foreigners who have acquired Czech citizenship since 2014, following the adoption of new legislation allowing dual nationality.
- Ukrainians are officially recognised as a national minority under Czech law, and the Czech state supports their cultural and related activities.
- Ukrainians constitute a significant segment of the Czech workforce, with many employed in construction and low-skilled professions.
- Due to the war, their number rapidly increased from 200,000 to 600,000. Currently, in addition to the 200,000 individuals with long-term or permanent residence status, there are also 400,000 individuals under temporary protection.

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133 PAQ Research and the Institute of Sociology of the Czech Academy of Sciences, “[Hlas Ukrajinců: Duševní zdraví](#)” [The voice of Ukrainians: Mental health], October 2022, p. 4.

134 Ibid., p. 14.

- From a legal standpoint, Czechia responded to the arrival of displaced persons from Ukraine by declaring a state of emergency, which lasted four months (from early March to the end of June 2022). The government extended the state of emergency twice; initially, it could declare it independently, but further extensions required parliamentary approval. Maintaining the state of emergency, which allowed for restrictions on property rights, business activities and freedom of movement and residence, as well as the imposition of work obligations, was a short-term measure. Given the previous difficulties associated with the state of emergency during the COVID-19 pandemic, this approach was deemed socially more acceptable.
- The state of emergency lasted only four months, and Czechia had no state of emergency in place (i.e. ongoing due to the COVID-19 pandemic) when the mass influx of displaced persons began.
- The Czech government effectively targeted its measures to ensure that they were limited to their declared scope, primarily assigning responsibilities to state administration and local government. Individual involvement in state administration efforts was on a voluntary basis, but participation was massive, both through volunteer work and short-term employment contracts.
- Although the risk of a large-scale migration wave was identified in crisis planning, no specific functional plans were in place to manage the arrival of such a large number of people within such a short time frame.
- I identified a lack of testing to determine whether the framework is sufficient. This includes testing and simulating scenarios that the prepared measures are meant to address, particularly in the context of migration – where testing should account for various group sizes of incoming populations.
- Despite this lack of preparedness, Czechia responded effectively and professionally, both legally and practically, ensuring that all arrivals received the necessary support.
- The Strategic Group for Coordination of the Refugee Crisis was established in April 2022 as an advisory body to the government, including relevant crisis management stakeholders. After one year of operation, in February 2023, it was transformed into the Strategic Committee for Coordination of Adaptation and Integration of Refugees from Ukraine. Initially, the Minister of the Interior served as the coordinator, but in the second year, the role was assumed by the Government Commissioner for Human Rights.
- Czechia applied ad hoc measures between the arrival of displaced persons and the official decision to grant temporary protection. Their status was subsequently formalised under temporary protection. These ad hoc measures were issued as government resolutions and were only valid during the state of emergency. Once the emergency ended, necessary measures intended to remain in effect were enacted as laws.
- The legal framework governing the status of individuals under temporary protection was conceptualised during the state of emergency, leading to the adoption of three “Lex Ukraine” laws. This ad hoc legislation was specifically tailored to address the crisis and was subsequently amended multiple times in the following months and years.
- Czechia enacted a separate law on temporary protection for Ukrainians (Lex Ukraine – Temporary Protection), which serves as a *lex specialis* to the law transposing the EU’s

Temporary Protection Directive. The Czech approach adopted a narrower definition of temporary protection *ratione personae*.

- Legal issues arose with Lex Ukraine – Temporary Protection, particularly regarding the inadmissibility of applications if an individual had already applied for or obtained protection in another country. Another issue was the exclusion of judicial review in cases of inadmissibility. Additionally, concerns were raised over the fact that inadmissibility decisions could be communicated orally. Extensive national jurisprudence developed on this matter, and a preliminary judgement was requested. At the time of writing this report, a decision had been issued on this preliminary question (CJEU judgment in *Krasiliva*).
- In its initial phase, Lex Ukraine – Temporary Protection provided a generous framework for health insurance: virtually every individual who arrived from Ukraine after 25 February and qualified for temporary protection was covered by public health insurance.
- Amendments to Lex Ukraine – Temporary Protection introduced a requirement for registration to extend temporary protection annually by 31 March. This enabled the state to gather data on the number of beneficiaries, including crucial information on school-aged children, facilitating the planning of necessary services.
- Czechia also adopted Lex Ukraine – Employment, a law focussed on employment and social benefits. It allowed beneficiaries of temporary protection to enter the labour market without additional restrictions and introduced new social assistance measures: the humanitarian allowance and the solidarity household allowance.
- Another law, Lex Ukraine – Education, addressed the issue of compulsory schooling and further education. This became a particularly pressing issue due to the large influx of children.
- After some hesitation, the state involved NGOs in various committees and processes.
- The state has been able to engage volunteers and benefit from their support. An unexpectedly large wave of solidarity emerged from Czech society. Thousands of offers of free accommodation were extended, including in private homes where the hosts themselves resided. Material assistance was provided on a massive scale, and many individuals personally transported families from the borders at their own expense.
- The reasons behind this solidarity were largely shaped by the historical experience of Czechia in 1968, although humanitarian considerations also played a role.
- Numerous financial collections were organised, including those dedicated to funding military aid to Ukraine. Many of these initiatives are still active, with individuals continuing to contribute substantial amounts. Goods and financial aid amounting to approximately CZK 7 billion were delivered through charitable organisations (excluding state assistance).
- In the initial months, Ukrainian children were partially integrated into Czech schools, while some attended separate Ukrainian classes. Many received education in Czech in the mornings and continued with online Ukrainian schooling in the afternoons. A significant initial challenge was the lack of clarity on how many children were attending school, how many were engaged in online education from Ukraine and how many were not receiving any education at all.

- Gradual legislative changes aimed to increase the self-sufficiency of newcomers and reduce reliance on state benefits. Initially, the law was cautious in framing the need to integrate newcomers; the state first used the term “adaptation” and only later referred to both “adaptation and integration”. This cautious approach was influenced by both the temporary nature of protection and Ukraine’s desire to discourage integration abroad.
- Legal amendments led to reductions in financial assistance and narrowed eligibility criteria for benefits. Similarly, the duration of state-funded health insurance coverage was gradually shortened.
- Finding employment that accommodated personal circumstances, such as childcare responsibilities, remained challenging for many newcomers. Most available jobs were low-paid, and rental prices often exceeded family budgets.
- The state did not implement an effective language course programme.
- The Czech government refused to introduce a general legal framework allowing transitions between temporary protection and other residence statuses, despite the potential need for such measures if temporary protection were discontinued or its temporary nature became increasingly uncertain. The only transition mechanism established was a highly exclusive type of long-term residence status (“a special long-term residence permit”), accessible only to high-income individuals. This residence permit does not match the structure and needs of the temporary protection beneficiaries, many of whom were women with young children who were not able to earn the required income and thus do not qualify for this type of stay.
- Over time, tensions began to emerge in the attitudes of the majority population. Incidents targeting individuals from Ukraine started to occur, including verbal abuse, intimidation or threats, vandalism and even physical violence. Notably, 41% of anti-Ukrainian incidents involved physical assault. The frequency of such incidents has increased sixfold compared to the period prior to the Russian invasion, and it now represents one of the most common types of hate-motivated attacks in the country. The organisation In Iustitia, the only NGO in Czechia specialised in hate violence, has drawn attention to the insufficient protection provided by state institutions, the limited willingness of the police to investigate such cases, the lack of access to legal assistance and the fear that victims experience when interacting with authorities in such situations.

# PART IV

## GENERAL CONCLUSIONS

### **1. Was Czechia prepared for the refugee/migration crisis?**

Czechia took steps to enhance its preparedness. A large-scale migration wave had long been identified as a potential threat to national security. This risk was included among those defined in the National Security Audit, and a “contingency (type) plan for large-scale migration” was in place. Moreover, there was a law on temporary protection, and although it was not adopted, a proposal had been drafted to expedite procedures under existing asylum law mechanisms.

However, none of these measures accounted for the scale of the influx experienced by Czechia in 2022. While the contingency plan itself is not publicly available, it is evident that, at least in the initial days following Russia’s invasion to Ukraine, the government was operating with much lower estimates: thousands or perhaps tens of thousands of arrivals, and moreover likely spread out over time. In this respect, Czechia was unprepared.

The response was based on general emergency regulations, and despite the challenges, it was executed efficiently and effectively. However, such a response would not have been sufficient without the extraordinary mobilisation of society, which, with few exceptions, resulted in extensive grassroots support for those in need.

### **2. Were the legal actions timely and sufficient?**

At the outset, the legal response was timely, sufficient and substantively generous.

Over time, however, it became clear that the state’s financial resources were not unlimited (the number of displaced persons was much higher than estimated, and the energy crisis emerged) and that it was politically challenging to justify strong support for non-citizens (the society felt overlooked, although it was not, as regular support was still in place). Restrictions were gradually introduced, ultimately at the expense of legal clarity.

Substantively, the legal framework addressed all essential issues. Notably, rather than amending general laws, Czechia opted to create a separate legal framework specifically for Ukrainian arrivals. As the level of assistance was gradually reduced, the measures eventually became insufficient to meet actual needs.

### **3. In which areas of law were the most significant changes introduced?**

Rather than modifying general legislation, the adopted laws established a specific legal framework tailored to address the situation of Ukrainian arrivals. The most significant changes were made in the following areas: foreign nationals’ residence, employment, state social benefits and education.

### **4. In which areas were legal changes easily implemented, and in which were they most challenging? Why?**

Initially, all legal changes were relatively easy to introduce. Over time, however, most of them – except for residence status – became increasingly problematic due to the sheer number of displaced persons requiring support.

**5. Were the legal changes exclusively aimed at addressing the needs of refugees, or were other issues also regulated?**

The majority of the legal changes were designed specifically to meet the needs of new arrivals from Ukraine.

**6. What is the nature of the legal changes that were introduced? Are they permanent or temporary?**

The legal measures were temporary, or more accurately, ad hoc, as they exclusively targeted people arriving from Ukraine. The laws were initially adopted for one year and later extended. Some provisions have acquired a more general character, such as the requirement for annual registration by 31 March for the following year. However, this requirement still applies exclusively to Ukrainian nationals.

**7. Can these measures be applied in future?**

In theory, the framework could be generalised; however, it is unlikely to be effective in its current form. Given that the measures were introduced incrementally and adapted to the evolving situation, it would be more practical to develop a new framework based on the lessons learnt.

In my opinion, it is crucial to:

- 1) evaluate the measures adopted by the state in relation to specific objectives
- 2) define clear goals that the state aims to achieve in the event of a similar situation in future
- 3) design measures based on past experiences and insights from analyses, such as those by PAQ Research in cooperation with the Institute of Sociology of the Czech Academy of Science
- 4) simulate the effectiveness of these measures and assess their impact across different scales of arrivals (10,000, 100,000 or 1,000,000), developing various scenarios to ensure alignment with the state's intended objectives.

**8. Can the solutions serve as a useful example for other countries facing migration or war-related crises?**

If a generalised approach can be developed, then yes.

**9. Have special social benefits been established for refugees? Have they received benefits comparable to those granted to EU citizens (on the same terms and in the same amount)?**

Special benefits were introduced for Ukrainian refugees, namely the **humanitarian allowance** and the **solidarity household allowance**.

# SOURCES

## 1. Czech legislation, jurisprudence and other sources

### 1.1. Government resolutions

- Resolution of the Government of the Czech Republic No. 369 of April 27, 2016.
- Resolution of the Government of the Czech Republic No. 1125 of December 14, 2016.
- Resolution of the Government of the Czech Republic No. 127, of February 25, 2022, on the Government's Declaration Regarding Hybrid Activities Against the Interests of the Czech Republic in Connection with the Aggression of the Russian Federation Against Ukraine.
- Resolution of the Government of the Czech Republic No. 129 of February 25, 2022 on providing assistance to Ukrainian citizens who, in the context of the security situation in Ukraine, were at risk and arrived in the territory of the Czech Republic ("Assistance Program for Ukrainian Citizens").
- Resolution of the Government of the Czech Republic No. 130 of February 25, 2022, on the suspension of the acceptance and processing of visa and residence permit applications for long-term and permanent stays submitted by nationals of the Russian Federation.
- Resolution of the Government of the Czech Republic No. 131, of February 25, 2022, on Providing Urgent Assistance to Ukraine.
- Resolution of the Government of the Czech Republic No. 147 of March 2, 2022 (No. 43/2022 Coll.).
- Resolution of the Government of the Czech Republic No. 148 of March 2, 2022 on adoption of a crisis measure.
- Resolution of the Government of the Czech Republic No. 152 of March 2, 2022, on the suspension of the acceptance and processing of visa and residence permit applications for long-term and permanent stays submitted by nationals of the Republic of Belarus.
- Resolution of the Government of the Czech Republic No. 153, of March 2, 2022, on the Establishment of the Position of Government Commissioner for Media and Disinformation.
- Resolution of the Government of the Czech Republic No. 154 of March 2, 2022, on the termination of the Czech Republic's membership in the International Bank for Economic Cooperation and the International Investment Bank.
- Resolution of the Government of the Czech Republic No. 254 of March 30, 2022, on adoption of a crisis measure.
- Resolution of the Government No. 309, of April 13, 2022, on Defining the Strategic Priorities of the Government of the Czech Republic for Managing the Refugee Wave Related to the Invasion of the Russian Federation in Ukraine.
- Resolution of the Government of the Czech Republic No. 114 of 15 February 2023 on the next stage of coordination to address the impact of the refugee wave related to the invasion of Ukraine by the Russian Federation.

## 1.2. Government Regulations

- Government Regulation No. 200/2022, of June 22, 2022, on the Inadmissibility of Applications by Third-Country Nationals for Residence Permits in the Czech Republic Submitted at Diplomatic Missions (Embassies).

## 1.3. Laws

- Constitutional Act 1/1993 Coll., Constitution of the Czech Republic.
- Constitutional Act 110/1998 Coll., on the Security of the Czech Republic.
- Act No. 326/1999 Coll., on the Residence of Foreigners.
- Act No. 240/2000 Coll., on Crisis Management and on Amendments to Certain Acts (Crisis Act)
- Act No. 273/2001 Coll., on the Rights of Members of National Minorities.
- Act No. 221/2003 Coll., on Temporary Protection of Foreigners.
- Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.
- Act No. 66/2022 Coll., on Employment and Social Security Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.
- Act No. 67/2022 Coll., on Measures in the Field of Education in Connection with the Armed Conflict in Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.
- Act No. 175/2022 Coll., on Further Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.
- Act No. 197/2022 Coll., on Special Procedures in the Field of Spatial Planning and Building Regulations in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.
- Act No. 198/2022 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.
- Act No. 20/2023 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.
- Act No. 75/2023 Coll., Amending Act No. 66/2022 Coll., on Measures in the Field of Employment and Social Security in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation, as amended.
- Act No. 454/2023 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation.
- Act No. 24/2025 Coll., Amending Act No. 65/2022 Coll., on Certain Measures in Connection with the Armed Conflict on the Territory of Ukraine Caused by the Invasion of the Armed Forces of the Russian Federation

#### **1.4. Jurisprudence**

- Ruling of Constitutional Court of the Czech Republic, Pl. ÚS 5/23 of December 6, 2023.
- Judgment of the Supreme Administrative Court of October 31, 2024, case No. 10 Azs 151/2024-28.
- Judgement of the Supreme Administrative Court of November 30, 2023, No. 8 Azs 93/2023-37.
- Judgment of the Supreme Administrative Court of October 12, 2022, No. 2 Azs 178/2022 – 48.
- Judgment of the Regional Court in Brno of August 31, 2023, No. 41 Az 28/2023 – 42.
- Report of the Ombudsperson on investigation into the lifting of temporary protection from August 17, 2023, No. 804/2023/VOP/VVO.

#### **1.5. Reports of the Ministry of the Interior**

- Quarterly Report on Migration IV/23
- Quarterly Report on Migration IV/24.
- Annual Report on Migration and Integration 2022.
- Annual Report on Migration and Integration 2023.

#### **1.6. Reports by PAQ Research and Institute of Sociology of the Czech Academy of Sciences**

- The Voice of Ukrainians: Experiences and Needs of Children and Parents in Czech Education: July 2022.
- The Voice of Ukrainians: Refugees' experiences of life in the Czech Republic and their future prospects: research among refugees, August 2022.
- The Voice of Ukrainians: Education of refugee children in the Czech Republic: 6th wave of the Voice of Ukrainians survey: June 2023. PAQ Research and Institute of Sociology of the Czech Academy of Science, 2023.
- The Voice of Ukrainians: Integration of refugees in the labour market and housing. 7th wave of the Voice of Ukrainians survey: November 2023.
- The Voice of Ukrainians: Education and learning of Ukrainian refugee children in the Czech Republic: 7th wave of the Voice of Ukrainians survey: November 2023
- The Voice of Ukrainians: Integration of refugees in the labour market and housing. Seventh wave of the Voice of Ukrainians survey - November 2023. PAQ Research and the Institute of Sociology of the Academy of Sciences of the Czech Republic, December 2023.

#### **1.7. Other**

- Analysis of the Ministry of labour and social affairs: Klimešová, M., Šatava, J., Ondruška, M. Situace uprchlíků z Ukrajiny/ The Situation of Refugees from Ukraine. MPSV, 2022.
- Agreement between the Ministry of Education, Youth and Sports of the Czech Republic and the Ministry of Education and Science of Ukraine on Cooperation in the Field of Education and Science of 22 November 2022.

### **1.8. Websites:**

- Czech Statistical Office.
- Government of the CR.
- Czech Television.
- Czech National Bank.
- Ministry of the Interior of the CR.
- Ministry of Education, Youth and Sports of the CR.
- Ministry of Transport of the CR.
- Radio Prague International.
- Consortium of organizations dealing with migrants.
- Association for Migration and Integration.
- Organization for Aid to Refugees.
- META.
- Hlavák Initiative.
- Novinky.cz.

## **2. EU legislation and jurisprudence**

### **2.1. Secondary legislation**

- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
- Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.
- Commission Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications of persons fleeing the Russian invasion of Ukraine.

### **2.2. Case-law**

- Judgment of the CJEU of December 19, 2024, Kaduna, C244/24 and C290/24, EU:C:2024:1038.
- Judgment of the CJEU of February 27, 2025, Krasiliva, C-753/23, EU:C:2025:133.

