

STATELESSNESS IN CZECHIA: FACTSHEET

Joint Submission to the Human Rights Council at the 42nd Session of the Universal Periodic Review

Statelessness determination and access to rights

Czechia's approach to statelessness determination is not in line with UNHCR guidance, as there is **no dedicated statelessness determination procedure leading to a dedicated statelessness status**. That results in a **lack of procedural safeguards** for applicants:

- there is no predictability of the procedure and the individual assessment of applications is limited (such as interview, collecting of evidence, etc.)
- the right to remain on the territory is not guaranteed
- the identity certificate that is issued to applicants is not recognised by most public authorities (which causes other problems, particularly with administrative services such as banks, posts, etc.)
- provision of accommodation is not enshrined in legislation

There is **limited access to some rights** under the 1954 Convention. Stateless persons in Czechia:

- are only granted tolerated stay and cannot leave the country without losing their status
- must obtain a work permit
- face limitations on joining a public health insurance program

Recommendations:

- I. Establish a clear and predictable statelessness determination procedure in law that guarantees basic procedural rights and safeguards during the procedure and leads to a statelessness status and rights in line with the 1954 Convention, and in conformity with SDG 10.3.
- II. Provide recognised stateless persons with a right to residence with a route to permanent residence and naturalization, in line with UNHCR guidance.

Arbitrary detention of stateless persons

Statelessness is not assessed during the decision to detain, leading to stateless persons being arbitrarily detained where it is impossible to remove them. Moreover, alternatives to detention are not used in practice in Czechia and people do not obtain any identification document upon release from detention. That can lead to the **repetitive arbitrary detention of stateless people** in Czechia.

Recommendations:

- I. Implement the obligation to assess statelessness, conduct vulnerability assessments, and ensure a country of removal is identified prior to detaining someone.
- II. Ensure that all alternatives to detention are exhausted prior to the decision to detain and include cumulative time spent in detention to count towards the maximum time limit.
- III. Take steps towards issuing identification documents and residence status to individuals upon release from detention, in line with SDG 16.9.

Children's right to a nationality

Stateless children's ability to acquire Czech nationality depends on the status and actions of the parents. A child born in Czechia, who would otherwise be stateless, automatically acquires Czech nationality by birth if both parents are stateless and when at least one of the parents has a permit to reside in Czechia for a period longer than 90 days. Where this is not the case, children must lodge an application for nationality.

Recommendations:

- I. Introduce a full safeguard in nationality law, policy, and practice to ensure that children born in Czechia have their nationality status determined, irrespective of the actions or status of their parents, to guarantee the child's right to a nationality and ensure that stateless children born in Czechia acquire a nationality.

This factsheet was prepared by the Organization for Aid to Refugees (OPU), the European Network on Statelessness (ENS), and the Institute on Statelessness and Inclusion (ISI).