

# I am a foreigner applying for a long-term residence permit

We will explain how to apply for or extend a long-term residence permit in the Czech Republic and answer the most frequently asked questions. You will also find out how the Ombudsman can help you. But first you need to know what to always look out for to succeed.

## I want my application to be successful. What should I do?

### Be active.

- The authorities need to know how to reach you. **Give them your address** where they can send you documents. Check and **collect your mail** regularly.
- Write your **name** on the mailbox and on the doorbell to have your documents delivered.
- Make sure to store **all documents carefully**.
- **Answer** letters from the authorities and do what they ask you to do in time (preferably immediately).
- Be meticulous about deadlines – **deal with things in time** (do not leave anything to the last minute).
- If there is anything you **do not understand** (for example, you are not sure what the authority is asking you to do in its letter), **ask someone to help you** (preferably a lawyer or an NGO).
- **Inform the authority of any important facts and submit important documents immediately**. Later, the authority might not look into the matter at all.
- **Fulfil your obligations** [e.g. the [duty to report](#) in due time any changes that affect you (in particular, your place of residence and marital status)].
- **The Residence of Foreign Nationals Act ([Act No. 326/1999 Coll.](#)) is amended frequently**. The changes may affect the submission and assessment of your application for a long-term residence permit. **Find out (ask) if the rules have changed**. The current version of the Act can also be found at [www.zakonyprolidi.cz](http://www.zakonyprolidi.cz).

## What if I do not do all this?

The Ministry **may not grant** your application, you **may have to leave the Czech Republic**, etc.



**This leaflet contains only general recommendations.** It does not describe all the situations that may arise during the assessment of your application.

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## I am applying for a long-term residence permit



### Where do I submit my application and who will decide on it?

Usually, the **application** for a long-term residence permit must be submitted **in person** at one of the offices of the **Ministry of the Interior**, the Department for Asylum and Migration Policy, **depending on where you live**.

You can also send an application for **extension of your long-term residence permit** to the Ministry **by mail**.

An overview of all offices, contacts and office hours can be found at [www.mvcr.cz](http://www.mvcr.cz) → Useful information → Immigration → Contacts → [Ministry of the Interior offices](#).

The **Ministry of the Interior**, the Department for Asylum and Migration Policy, will decide on your application.

**Make an appointment in advance to submit your application** ([Ministry of the Interior offices](#)).

Make sure you meet the deadline for applying (before your current residence permit expires).

If you are offered a later appointment date, inform the Ministry that you would miss the deadline and insist on an earlier date.



### How long will the process take?

In the case of **applications** for long-term residence permits, usually **60 to 270 days**. The deadlines for issuing a decision vary depending on the purpose of your stay in the Czech Republic (study, family reunification, business, employment ...). [For more information see [Section 169t](#) of the Residence of Foreign Nationals Act]

The Ministry of the Interior should decide on applications for **extension** of a long-term residence permit within **30 days** [according to [Section 71](#) (3) of the Code of Administrative Procedure].

If the Ministry **does not decide** on your application within the statutory deadline, you can request that a [measure be taken against its inactivity](#).



### What if they do not want to accept my application?

Officers at the Ministry of the Interior **must accept** any application submitted on an official [form](#), even if it is incomplete (i.e. even if it does not contain all the statutory requisites).

If they refuse, **ask them immediately to make an official record** stating their reasons.



### What if I miss the application deadline?

If **something beyond your control prevented you** from applying (for example, you were in hospital), you can apply within **5 working days** after the obstacle ceases to exist. At the same time, **explain** in writing to the Ministry what prevented you from submitting your application. You may also need to prove this (produce evidence) if the Ministry requests so.

[[Section 47 \(3\)](#) of the Residence of Foreign Nationals Act]



**The Ministry will assess the reasons** why you missed the deadline. **It need not satisfy your request**. In most cases, you will not succeed if you simply forget to apply in time.

## Application proceedings (in general)



### What if I do not speak Czech?

**The proceedings are conducted in Czech.** If you do not speak Czech, find someone who can help you.

All **the documents must be in the Czech** or Slovak language. If you submit a document in another language, the Ministry may ask you to provide a certified translation into Czech. If you fail to comply, the Ministry will not deal with the document at all (as if you had not submitted it).



### Who can help me? Can someone act for me?

It is best to get **advice from lawyers** who specialise in immigration law (you can use [this](#) search tool and select legal specialisation in “40 immigration law, asylum law”) or certain **NGOs** (you can find a list of them in the leaflet on [Organizations providing legal assistance to foreigners and refugees in the Czech Republic](#)). They can also **represent** you in the proceedings.

Usually, you have to **pay** the lawyer for his/her assistance (see the leaflet on [Legal aid](#) for more information). NGOs will advise you **free of charge**.

However, any person with **full legal capacity** (almost anyone who is at least 18 years old) can be **your attorney**.



**Only one attorney** at a time may represent you in the proceedings. However, you can authorise someone else to perform a specific act in the proceedings (for example, to supplement the application or to consult your file) if your attorney is not available.



**Employees of the Ministry of the Interior** [at the counter or on the hotline +420 974 801 801] **are not able to advise you the same way as lawyers and NGOs. They can only provide you with basic information about the proceedings**, e.g. information on what must be included in your application. They need not tell you in advance why the Ministry will not grant your application.



### My lawyer (attorney) messed up. What can I do?

If your lawyer or attorney makes a mistake (they, for example, miss a deadline to remedy defects in your application and the Ministry dismisses it), there is no use in pointing out their mistake. **Their mistake is also your mistake.** The choice of an attorney is up to you. **So make sure you choose carefully** someone you trust or someone with experience in residence permit proceedings.

However, your lawyer or attorney **is liable for any damage they cause** to you. If they refuse to provide compensation (pay you) for the damage, you should turn to the court. If they are a registered lawyer, you can also contact the Czech Bar Association. More details can be found in the leaflet on [Lawyers and notaries](#).

## Where will the Ministry send my documents?

- (1) The Ministry will usually send the documents to your **attorney**, if you have one.
- (2) Otherwise, the documents will be delivered to your **data box** (again, if you have one).
- (3) If you do not have a data box, the Ministry will send the documents to the **mailing address you have provided**.
- (4) If you have not given any other address to the Ministry, they will deliver the documents to the **address of your registered residence**.

 You can give the Ministry your **email address** or **phone number**. However, the Ministry is not required to use them. Therefore, do not forget to check your data box and mail box.

 If the Ministry **asks you to come in person** (for example, for a hearing, taking fingerprints or to collect your residence card), they **will send the document directly to you**, even if you have an attorney.

## An authority claims to have delivered a document to me, but I know nothing about it. Is that possible?

**Yes**, this is known as **substitute delivery** or **fiction of delivery** [[Section 24](#) of the Code of Administrative Procedure].

If the document is **delivered to a data box**, it is deemed to have been delivered **on the 10th day after delivery** to the data box, even if you do not log in to your data box.

If the document is **delivered by post** and the letter carrier does not reach you, they will leave a notice in your mailbox (or other suitable place) asking you to collect the document at the post office within 10 days. If you do not collect it, the document will be put in your mailbox or returned to the Ministry. The document is then deemed to have been delivered on **the 10th day after the attempted delivery**.

 If you **live in student dormitories**, we recommend that you have your documents delivered to a different address or to an attorney.

 If you **are going away for an extended period of time** (on holiday or vacation, to visit family in your home country), inform the Ministry in advance and tell them where and how they can contact you so that you do not miss an important document.

## I could not collect the document in time. What should I do?

If you **could not collect a document in time for serious reasons** that were beyond your control, you may apply within 15 days after the serious reason ceases to exist, **that the delivery be declared invalid** or the time of delivery determined. You will have to prove the existence of the serious reasons.

[For more information, see Sections [24](#) and [41](#) of the Code of Administrative Procedure.]

 **You can succeed if there was no way you could have assumed that you would not be at home**. For instance, if you were involved in a car accident and had to be hospitalised. But if you went on a planned holiday or to visit family in your home country, you are unlikely to succeed. You knew about the trip and should have informed the Ministry (in writing) where they should send your letters during this time.

## Can the Immigration Police check me?

**Yes.** Police officers may ask you to present your travel document and residence permit. They can also order you to prove, within a certain time limit, that you meet the conditions for staying in the country (for example, that you have health insurance).

If you **fail to comply** with these obligations, you may be **fin**ed up to the amount of CZK 3,000.

## What is a reporting duty?

Reporting duty means that you must report **a certain fact to the authorities** and **provide a document** that proves it.

You must report the **loss or theft of your travel document** (e.g. passport) to the police **immediately**. [[Section 103](#) (m) of the Residence of Foreign Nationals Act]

You have **3 working days** to report a change of your **surname, marital status** (marriage, divorce), change in the **details on your travel document** (e.g. in your passport) or **your residence card**. Use this [form](#) to report the changes and attach a confirmation of the change (e.g. a marriage certificate or a court decision on divorce).

[[Section 103](#) (e) of the Residence of Foreign Nationals Act]

You usually have **30 days** (depending on the type of residence permit) to report a change of the **place of residence** to the Ministry of the Interior or the police if you plan to stay in the new place for more than 30 days. Use this [application form](#). You must also submit a proof of your new accommodation. [[Section 98](#) of the Residence of Foreign Nationals Act]

If you **fail to comply** with these obligations, you may be **fin**ed, in some cases, up to the amount of CZK 5,000.

## Request for remedy of defects of an application

### What if I do not understand the request?

Ask someone who speaks good Czech **to help you**. You can also contact a lawyer or a non-profit organization. For more information, see the section [Who can help me?](#)

If, even then, you are unsure what the **Ministry** wants from you, **ask them for an explanation**.



**If you do not remedy the defects** (for example, by failing to submit a certain document), the Ministry may dismiss your application or discontinue the proceedings (i.e. it will not deal with the application any further).



### How do I submit documents to the Ministry?

You can **send the documents by registered mail** (keep the proof of dispatch), or **submit them in person at the Ministry of the Interior's counter** (have copies of the documents stamped or ask for a receipt).



It takes time to obtain the documents, so there is a danger that I will miss the deadline.

**Ask for an extension of the period** for remedying defects of your application before it expires.

Specify in the request **why you are asking** for an extension (e.g. you will not be able to obtain the necessary documents in time, the embassy will not be able to issue a new passport, you are leaving for a business trip ...).



Can the Ministry still ask for more documents?

**Yes, they can if a document you submitted has defects** (for example, if it is not an original or a certified copy where required by law; if, in the opinion of the Ministry, the document does not prove what is required) **or is outdated** (documents must not be older than 180 days except for a birth certificate, travel document or photograph).

## Hearing



What if I do not appear?

If you **do not turn out for a hearing** without an excuse, the Ministry may **dismiss your application** or **discontinue the proceedings** (it will not deal with the application any further).

[[Section 56](#) (1)(a) and [Section 169r](#) (1)(n) of the Residence of Foreign Nationals Act]



I do not speak Czech – do I need an interpreter?

In the case of a hearing related to your application, **you must arrange and pay for your own interpreter** selected from the [list of interpreters](#) or someone who meets the conditions for being appointed as an interpreter according to the [Sworn Interpreters and Translators Act](#). If you arrive without a proper interpreter, even though the Ministry has instructed you to arrange for one, the Ministry may **discontinue the proceedings** or **dismiss** your application.

If you are **summoned as a witness**, an interpreter will be provided and paid for by the Ministry.



Can I refuse to testify?

**The Ministry** must **instruct** you before the hearing when you cannot be asked to testify and when you may refuse to testify.

**You may not be questioned** about *classified information* and in cases where you would violate *a confidentiality obligation imposed or recognised by the State*, unless you have been released from these obligations.

**You can refuse testimony** if you would incriminate yourself or a close relative regarding a criminal offence or infraction.



**Inform the Ministry about the reasons why you will not testify.** If the Ministry does not recognise them, it can discontinue the proceedings on your application. [[Section 169r](#) (1)(n) of the Residence of Foreign Nationals Act]



During the hearing, you are obliged to **testify the truth and not conceal anything**.

 I do not agree with the contents of the record of the hearing. What should I do?

**Ask for a correction** or **have your reservations entered** in the record.

 Do I receive a copy of the record?

**Yes, if you so request**, you will be given a copy of the record of the hearing. It can be useful if you later need to review whether you have forgotten something important or, for example, to consult a lawyer.

## Invitation to become acquainted with the documents underlying the decision

 When will the Ministry invite me to do this?

The Ministry will give you the opportunity to comment on the underlying documents before issuing a decision.

**The Ministry will not do so** if

- your application has been granted in full;
- nothing has been added to the file since you last acquainted yourself with the documents, other than the documents you submitted yourself; or
- the proceedings have been discontinued (the Ministry will not deal with the application any further), for example, because you have not submitted certain documents.

 Should I go inspect the file?

You **should** definitely do it. It is likely that the Ministry wants to dismiss your application based on what has been included in the file so far.

**Check that the file contains all the documents** you have submitted.

If you **disagree** with something in the file, submit your comments as soon as possible and explain the situation.

 Can I obtain copies of the documents from the file?

**Yes.** You can take pictures with your own camera (phone). You will pay an administrative fee if the Ministry's staff make the copies for you on request.

## Decision on the application

 The deadline for issuing a decision has expired and nothing is happening.

If the Ministry has not issued a decision and the deadline has passed, the Ministry is not doing anything and the proceedings have not been stayed or discontinued, you can ask the Commission for Decision-making in Matters of Residence of Foreign Nationals (náměstí Hrdinů 1634/3, 140 21 Prague 4) to **take a measure against inactivity**. You can use our [form](#) (also available [here](#)).

More details can be found in the leaflet on [Inactivity of the authorities](#).



According to the website, the Ministry granted my application, but I have not received the decision.

Information available on the website does not mean that you have legal residence in the Czech Republic.

If the Ministry **grants the application**, it will not issue a decision, but **will ask you** to come and have your photograph and fingerprints taken. You will then be asked to collect your residence card.



If you **fail to appear** or **collect your residence card on request** without serious reasons, the Ministry will discontinue the proceedings on your application. [[Section 169r](#) (1)(a) of the Residence of Foreign Nationals Act]

If you are **not invited** to collect your residence card, send a letter to the Ministry asking them to inform you of the status of the proceedings.



What if I disagree with the Ministry's decision?

**Within 15 days** of receiving the Ministry's decision, you can **file an appeal** with the Commission for Decision-making in Matters of Residence of Foreign Nationals through the Ministry (i.e. send the appeal to the Ministry). The Commission has 60 days from the date they receive your appeal and your file from the Ministry to consider the appeal.

In your appeal, identify the decision you disagree with and **state the reason for your disagreement** – why you think the decision is unlawful or otherwise incorrect.



I do not agree with the appeal decision either! What should I do?

Although it is not mentioned in the notice, you can bring the matter **to court within 30 days** of the date of receipt of the Commission's decision. File your lawsuit with the regional court (in Prague, with the municipal court) according to the place of your registered residence. The judicial fee is **CZK 3,000**.

If you **do not have the money**, you can ask the court to waive the judicial fee or to appoint a legal counsel (see the leaflets on [Judicial payments](#) and [Legal aid](#) for more information).



**A lawsuit does not have a suspensory effect**, which means that the Ministry's and the Commission's decisions are valid. But you can ask the court to **grant suspensory effect to the lawsuit** (in order to suspend the effects of the decision). If the court grants the motion, you will be allowed to stay in the Czech Republic until the court rules on your lawsuit.

The judicial fee for this motion is **CZK 1,000**.

For general information, see the leaflet titled [Judicial protection against decisions of administrative authorities](#). Various exemptions apply in the case of foreigners (for example, the deadline for filing a lawsuit is shorter than usual).



The court dismissed my lawsuit! Is there anything else that can be done?

If the court does not grant your lawsuit, you can still lodge a **cassation complaint** with the Supreme Administrative Court **within 14 days**.

To do this, you must be represented by a lawyer.

The judicial fee is **CZK 5,000**.

## Ombudsman

### When can the Ombudsman help?

The Ombudsman **can** review the actions (decisions) or inactivity of **the authorities**.

You can contact him

- if you **disagree with the Ministry's decision**, if your appeal was unsuccessful,
- if the **authorities** (the Ministry or the Commission) **or the court are inactive**, even though you have taken steps against the inactivity and, in the case of a court, filed a complaint against delays with its president (see the leaflet on [Courts](#) for more information).

The Ombudsman may also deal with other matters concerning foreigners (for example, administrative expulsion, detention of foreigners and asylum procedure).

Details on the Ombudsman's activities and how to file a complaint can be found in the leaflet on [Ombudsman](#).

### What cannot the Ombudsman help me with?

The Ombudsman **cannot replace your lawyer** – he can neither draw up your application, appeal or lawsuit, nor act for you before the authorities or the court.

The Ombudsman **must not interfere in private relationships** – for example, he cannot help you in a dispute with a private health insurance company or your lawyer.

He is also **not allowed to evaluate the decisions of the courts**.

**He cannot interfere in activities of the authorities in other countries** – for example, foreign embassies in the Czech Republic.

### Where will I find the Ombudsman's previous findings and opinions?

At [www.ochrance.cz](http://www.ochrance.cz), section *ESO* ([Defender's Opinions Register](#), available in Czech only).

You can search **by an area of law** – enter *209.1 Pobyť cizinců (residence of foreign nationals)* or **use full-text search** by entering keywords you are interested in.