

# I am a foreigner and I am in a facility



As a foreigner, you may find yourself in a reception centre, a residential centre or a facility for detention of foreigners. We will explain what you can do if you disagree with the conditions in the facility or with the healthcare. We will also describe how you can defend yourself against certain decisions and what to do if the authorities are inactive. You will find out how the Ombudsman can help you.



## I do not like the facility.

The facility explained to you what rights and responsibilities you have. (They provided you with an advice form.)

If you do not receive what you are entitled to (for example, you are not given enough food; you are not allowed to have a visitor; you are not allowed to see a doctor) or you are not satisfied with the way you are treated in the facility, you can file a **complaint with the Refugee Facilities Administration**. (If you are in a facility for the detention of foreigners, you can also file a complaint with the **Ministry of the Interior**.) You can hand your written complaint (even the one to be filed with the Ministry) over to the staff of the facility or you can send it to:

- Refugee Facilities Administration (Správa uprchlických zařízení): Lhotecká 559/7, 143 01 Praha 12, [podatelna@suz.cz](mailto:podatelna@suz.cz)
- Ministry of the Interior (Ministerstvo vnitra): Nad Štolou 3, P. O. BOX 21/OAM, 170 34 Praha 7, [posta@mvcr.cz](mailto:posta@mvcr.cz)

If you are **not satisfied** with the way your complaint has been handled, you can **write to the Ombudsman**.

**The Ombudsman also occasionally visits facilities for foreigners. So, write to us even if you believe people are being mistreated there**, but you are not asking for help for yourself. The Ombudsman will take your message into account when planning his visits, but he will not tell anyone where he got the information from (he will not reveal that you wrote him). You can write him in your own language.



## I am not satisfied with the healthcare provided in the facility. What can I do?

You can file a **complaint with the Healthcare Facility of the Ministry of the Interior (HFMI)**. You can hand in the written complaint directly at the facility (to the staff of the HFMI department in the facility) or send it to: Lhotecká 559/7, P. O. BOX 30, 143 01 Praha 12 – Kamýk, [spisovna@zzmv.cz](mailto:spisovna@zzmv.cz).

If you are **not satisfied** with the way your complaint has been handled, you can **write to the Ombudsman**. He will check whether the authorities followed the rules for handling complaints, but he cannot himself assess the quality of healthcare provided.

## I am not satisfied with healthcare provided outside the facility.

You can file a **complaint with the doctor or facility (hospital)** where you were treated or refused treatment. If you are unsuccessful, you can **then** complain to the **authority that gave them the permission to** provide healthcare services, which is usually a regional authority, sometimes a ministry. More details can be found in our leaflet titled [Healthcare – Complaints involving healthcare](#).

If you are **not satisfied** with the way your complaint has been handled, you can **write to the Ombudsman**. He will check whether the authorities followed the rules for handling complaints, but he cannot himself assess the quality of healthcare provided.

## I disagree with the authorities' decision. Can I challenge it?

You **can appeal against some** decisions. For example, you can appeal against a decision on **administrative expulsion within 10 days** of its delivery. If you are unsuccessful, you can then file a **lawsuit with the regional court within 10 days**. The **lawsuit has suspensory effect** (the decision on an expulsion cannot be enforced until the court has ruled) unless you were expelled on the grounds of national security.

You cannot challenge **all** decisions, but you can **appeal** to the regional court against the following ones:

- decision on **detention** or prolongation of detention, **within 30 days** of its delivery;
- decision on **refusal to allow entry** into the Czech Republic, **within 30 days** of its delivery;
- decision **not to grant international protection** (e.g. asylum), **within 15 days** of its delivery; and
- decision on **transfer** to another EU Member State, **within 15 days** of its delivery.

**In these cases, the lawsuit usually does not have suspensory effect.** This means that the decision issued is valid [except for certain cases of international protection (asylum) – see more in [Section 32\(2\)](#) of the Asylum Act]. But you can ask the court to grant suspensory effect to the lawsuit (in order to suspend the effects of the decision). For general information, see the leaflet titled [Judicial protection against decisions of administrative authorities](#). However, various exceptions apply in the case of foreigners (shorter deadlines for filing a lawsuit, exemption from court fees for most of these proceedings).

**If you are detained**, you can also file an **application for your release from the facility with the Police of the Czech Republic** – Directorate of the Immigration Police at (Policie České republiky – Ředitelství služby cizinecké policie): Olšanská 2, 130 51 Praha 3, [rscp.oprc@pcr.cz](mailto:rscp.oprc@pcr.cz).

If you disagree with **your placement in a strict-regime ward of the detention facility**, you can file a **complaint** with the Ministry of the Interior (Ministerstvo vnitra) at: Nad Štolou 3, P. O. BOX 21/OAM, 170 34 Praha 7, [posta@mvcrcz](mailto:posta@mvcrcz)

## I am waiting in vain for a decision! What can I do?

If the deadline for issuing a decision (for example, on an application for international protection, which is subject to the deadlines under [Section 27](#) of the Asylum Act) has already passed and the Ministry of the Interior is not doing anything, you can request the Minister of the Interior **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](#).

## I want to go to a different residential centre. How can I achieve that?

You can **apply to the Refugee Facilities Administration** (Správa uprchlických zařízení) for a **transfer** to a different residential facility at: Lhotecká 559/7, 143 01 Praha 12, [podatelna@suz.cz](mailto:podatelna@suz.cz)

## I am facing expulsion from the Czech Republic

**Lawyers from the Ombudsman's office can be present to your expulsion.** They will check that the facility has prepared you for the journey and given you information about your return in a language you understand. They will be watching how the police treat you during the journey. **But they cannot intervene directly** (for example, they cannot ensure that your handcuffs are removed). You can later **complain to the Police of the Czech Republic** – Directorate of the Immigration Police (Policie České republiky – Ředitelství služby cizinecké policie) about the conduct of the police during the expulsion at: Olšanská 2, 130 51 Praha 3, [rscp.oprc@pcr.cz](mailto:rscp.oprc@pcr.cz).

## Who will help me? Can I get a lawyer?

Free advice will be provided to you by **lawyers from non-profit organisations who regularly visit the facility.**

**Other organisations** can also help you for free. Contact details can be found in our leaflet titled [Organizations providing legal assistance to foreigners and refugees in the Czech Republic](#).

We describe **how you can get a solicitor** (for free or at least for less money) in the [Legal aid](#) leaflet.

## When can the Ombudsman help?

The Ombudsman **can**:

- **check how your complaint was handled by the authorities** (Ministry of the Interior, Refugee Facilities Administration, Healthcare Facility of the Ministry of the Interior, regional authority, Police of the Czech Republic); however, the Ombudsman cannot assess whether healthcare was provided properly;
- **assess the correctness of decisions issued by the authorities** (for example, the Ministry of the Interior); however, the Ombudsman cannot cancel or change the decision, so it is **better to challenge it in court**;
- **examine the inactivity of authorities** when dealing with complaints or issuing decisions;
- **visit a facility** for foreigners to see how they treat people there;
- **monitor the progress of your expulsion** from the Czech Republic.

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**:

- **order the facility to release you**;
- **arrange for your transfer** to another facility;
- **replace a lawyer** – he will not write your appeal or lawsuit and cannot represent you in court;
- **prevent your expulsion or intervene directly during its course**;
- **evaluate court decisions.**