

THE DRAFT NEW ALIENS ACT OF MAY 2013 USHERS IN TIGHTER RULES FOR ALL

What would the new Aliens Act change for foreign-born partners of Czech citizens?

All mixed couples (whether married or not) are already suspected by the officers of the Ministry of the Interior and Foreigners' Police of having a fake relationship or "relationship of convenience". The Foreigners' Police visit their homes, check where they sleep and ask neighbors what they think about the relationship in question. These couples have to attend separate interrogations where those who are married are questioned, for example, about the color of their clothes at their wedding. During this inquest, which often takes months or even years, the foreigner is not allowed to work, is not covered by the public health insurance and, moreover, the Czech spouse loses his/her entitlement to social benefits.

Even though the harassment of mixed couples has been criticized by the Ombudsman and the courts, **the Ministry of Interior now proposes further tightening of the existing rules:**

- The new draft re-introduces so-called *reversed discrimination*, where family members of Czech citizens would have fewer rights than partners of foreigners under the protection of EU law: e.g. the Ukrainian spouse of a Czech citizen would have worse status than the Ukrainian spouse of a Slovak citizen residing in the Czech Republic.
- The foreign spouse would have no right to remain in the Czech Republic during the proceedings and he/she may be forced to wait for the decision in his/her country of origin (which would on the other hand make proving sincerity of the relationship impossible).
- Both partners would have to answer all the officers' questions, even if the answers could lead to criminal prosecution, which is inconsistent with the prohibition of self-incrimination guaranteed by the Constitution. Any refusal to testify would automatically mean rejection of their application.
- The resident status of the spouses of Czech citizens would depend on the opinion of the intelligence agencies: if the intelligence services declare that they have classified information proving a foreigner to be dangerous, the residence of the spouse would be prohibited without further explanation, and without a chance to review this information or to initiate a legal challenge in court.

Do you disagree? Support the declaration "We are rejecting the new Aliens Act" by signing the online petition <http://www.jednej.cz/petition.php?id=2351>

Contact: office@konsorcium-nno.cz

For more information visit: www.migraceonline.cz/cz/temata/novy-cizinecky-zakon