



Input by civil society organisations to the Asylum Report 2026

Dear Colleagues,

The production of the *Asylum Report 2026* is currently underway. The annual [Asylum Report](#) presents an overview of developments in the field of international protection in Europe.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share your reporting on developments in asylum law, policies or practices in 2025 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2025 on issues related to asylum in EU+ countries (**'Part B' of the form**).

These may be:

- reports;
- articles;
- recommendations to national authorities or EU institutions;
- open letters and analytical outputs.

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage and contributing organisations will be listed under the [Acknowledgements](#) of the report.

All contributions should be appropriately referenced. You may include links to supporting material, such as:

- analytical studies;
- articles;
- reports;
- websites;
- press releases;
- position papers.

Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.





The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

NB: Similarly to last year, this year's edition of the Asylum Report will be leaner and more analytical, with streamlined thematic sections. The focus will be on key trends in the field of asylum rather than on individual developments. For this reason, information shared by respondents to this call may be incorporated in the Asylum Report in a format different than in the past years. It will also feature prominently as info boxes in the [country overviews](#).

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2026 by **Friday, 9 January 2026**.*





Contact details

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

General Observations

Before sharing information by thematic area, please provide your general observations on asylum developments as indicated in the following three fields:

- 1. What areas would you highlight where important developments took place in the country/countries you cover?**
 - Temporary protection for refugees fleeing Ukraine - in particular jurisprudential developments following CJEU judgement in *Krasiliva*, C-753/23
 - Suspension of proceedings in the case of applicants for international protection from Syria
- 2. What are the areas, where only few or no developments took place?**
 - Asylum procedure as a whole, deficiencies described in previous reports persisted
- 3. Would you have any observations to share specifically about the implementation of the Pact on Migration and Asylum in the national context of the country/ countries you cover?**

The former Government of the Czech Republic adopted an extensive amendment to the Asylum Act in the summer of 2025, intended to represent a comprehensive implementation of the Migration Pact. The amendment was prepared in great haste by the outgoing government as part of a pre-election struggle for voters' support and was presented as a tool to tighten measures against irregular migration. Not even the standard inter-ministerial consultation





process took place. The bill passed the Chamber of Deputies and was promulgated in the Collection of Laws, taking effect on 12 June 2026.

The implementation represents a fundamental shift from autonomous domestic law to a procedural framework for directly applicable EU regulations. Czechia is moving away from maintaining its own internal definitions for core asylum concepts. Instead, the 2026 legislation explicitly incorporates the definitions and standards of the Asylum Procedures Regulation (APR) and the Qualification Regulation (QR).

However, several aspects of the 2026 implementation Act are considered problematic or even in direct conflict with EU and international law, as pointed out also by the UNHCR¹. The primary concerns regarding the implementation include:

1. Time-limited Refugee Status (asylum)

The new legislation introduces time-limited asylum (minimum 3 years) and requires refugees to regularly apply for its extensions. This violates the QR, which does not make refugee status conditional upon the extension of the validity of a residence permit; on the contrary, it seeks to facilitate the extension of the permit (in the sense of a document certifying refugee status) as much as possible. It expressly provides in Article 24(5) that reasons other than those for the withdrawal of refugee status must not lead to the non-extension or revocation of a residence permit. It does not mention at all the possibility that a residence permit could be refused extension solely because the foreign national failed to appear in time to apply for its renewal.

2. Violations of the Right to Apply for Asylum

The implementation creates several exceptions where a person's expression of will to seek protection is not considered an application, such as after a court has already decided on extradition or criminal expulsion. The Ombudsman notes that these exclusions have no basis in EU law, which only allows states to limit the right to *stay* during the procedure, not the right to *apply* for protection itself. Additionally, the law continues to prevent foreigners from applying for asylum while in a hospital, which Czech courts have already ruled is contrary to EU law.²

3. Procedural and Legal Safeguards

- **Restricted Legal Aid:** Free legal assistance is being downgraded to mere "legal information" provided by the Ministry. This excludes essential services like helping with the application itself or allowing advisors to view the administrative file, which is often necessary to provide accurate advice. The amendment leaves the "manner of access to the provision of legal information" to be determined by the accommodation or internal

¹ UNHCR Comments and Recommendations on Proposal of deputies for the adoption of Act on Asylum and other related acts implementing the EU Pact on Migration and Asylum, available here: <https://www.refworld.org/legal/natlegcomments/unhcr/2025/en/150020>

² The judgment of the Municipal Court in Prague of 30 October 2024, file no. 15 A 118/2023, judgment of the Supreme Administrative Court of 15 January 2025, Ref. No. 6 Azs 93/2024-60.





rules of the facility. The APR requires that persons providing legal information have access to such facilities (e.g. Article 18(3)) and that the applicant has sufficient time to consult with a person providing legal information (recital 15 of the APR). In our view, the basic framework should therefore already stem from the Asylum Act (and not from the internal regulations of individual facilities).

- **Interpretation:** The law allows for automated real-time interpretation and machine translation in asylum proceedings. We believe that current technology is not yet reliable enough for high-stakes procedures where a translation error could lead to a person being sent back to a country where they face persecution.
- **Classified Information:** The implementation restricts a lawyer's access to classified information used to justify a negative asylum decision, which severely undermines the applicant's right to a fair defense.

4. Detention and Non-Refoulement Gaps

- **Presumption of Flight Risk:** The new criteria for detention are overly broad, creating a presumption of flight risk based on past behavior without requiring an individual assessment of current circumstances.
- **Combined Decisions:** By merging the asylum decision with the return (deportation) decision, the law may fail to properly assess "obstacles to departure" (guaranteeing non-refoulement) such as severe health issues or other human rights concerns that fall outside the narrow definition of persecution or serious harm.
- **Appeals Gap:** There is a legal gap where an applicant might not be authorized to stay in the country between the moment they file a cassation complaint (second instance appeal) and the moment the court decides whether to grant it suspensive effect, leaving them vulnerable to deportation while the appeal procedure is still ongoing.

5. Social and Privacy Concerns

- **Healthcare Cuts:** Free medical services for adult applicants will be limited only to emergency care, potentially falling below the minimum standards of the Reception Conditions Directive.
- **Privacy Invasions:** New police powers allow for the extraction of data from mobile phones without prior judicial or independent oversight, which is seen as a disproportionate interference with the right to privacy.

The new Government of the Czech Republic opposes the Migration Pact as a whole. At its meeting in December 2025, it adopted a resolution stating that it "rejects the EU Pact on Migration and Asylum in its current form and will actively seek to tighten it."³ It therefore cannot be ruled out that the new government will still intervene in the adopted amendment to the Asylum Act.

³ RESOLUTION OF THE GOVERNMENT OF THE CZECH REPUBLIC of 16 December 2025 No. 1017 on the rejection of the EU Pact on Migration and Asylum in its current form and the introduction of a zero-tolerance policy towards irregular migration; available here: <https://odok.gov.cz/portal/services/download/attachment/2025/1017/pdf/>





PART A: Contributions by topic

Please share **your reporting on developments in asylum law, policies or practices in 2025 by topic**. Kindly make sure that you provide information on:

- ✓ New developments and improvements in 2025 and new or remaining challenges;
- ✓ Changes in legislation, policies or practices, or institutional changes during 2025.

1. **Access to territory and access to the asylum procedure** (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

The access to asylum procedure was limited by several procedural aspects by the Ministry of the Interior (MOI). First, the MOI continued to refuse to accept asylum applications submitted from hospitals. In the past, the Asylum Act expressly allowed an application for international protection to be lodged during a foreign national's hospitalisation. With effect from July 2023, this option was removed from the Act, and if a person currently applies for international protection from a hospital, the Ministry does not consider the application to have been duly lodged and does not initiate proceedings on it. The courts have nevertheless confirmed that this practice is contrary to EU law (see the references above).

Additionally, the MOI continued to suspend asylum applications of Ukrainian refugees who applied or obtained temporary protection in another EU member state, based on the grounds of Art. 6(5) Law No. 65/2022 Coll. As a result, refugees who attempted to apply for asylum as an alternative way to secure legal status in Czechia, after their TP application was considered inadmissible, lost their right to file the asylum application and seek protection and were left in a legal limbo without any status, public health insurance, and access to essential services.

Access to asylum procedure at the airport transit zone continued to be insufficiently supervised. A monitoring mechanism continued to exist solely after the person had already applied for asylum. The police at the airport transit zone, when examining the potential asylum seekers and the conditions based on §9 Immigration Act (reasons to deny territory entrance) is not legally obliged to use interpreters and neither to hold a formal procedure. There is therefore no formal supervision of whether or not such a person expressed their wish to apply for asylum. While the number of persons denied territory entrance or issued administrative expulsion decision is cca 20-30 persons monthly⁴, the number of actual asylum seekers at the airport transit zone remained around 2 - 3 monthly in 2024⁵. We expect the numbers in 2025 to be similar.

A seven day period to apply for international protection while being detained might also present a barrier preventing some individuals in accessing asylum procedure, especially if timely and effective legal aid is not available (see below).

⁴ See available statistical information published by the Police: <https://policie.gov.cz/clanek/statistiky-mezinarodni-letiste-v-cr.aspx>

⁵ In 2024, only 29 applications for international protection have been submitted at the airport transit zone (see <https://mv.gov.cz/soubor/cs-stat-2024-03-pdf.aspx>)





Access to temporary protection also remained an issue. Applications filled by those individuals who have previously obtained temporary protection in another EU member state are still being considered inadmissible. Following the CJEU judgment of 27 February 2025 in case C-753/23, Krasiliva, the Supreme Administrative Court held in April 2025 that Section 5(1)(d) of Act No. 65/2022 Coll. which allows for an inadmissibility decision if the TP application is submitted by a foreign national who has been granted temporary or international protection in another Member State of the European Union, is also contrary to EU law and therefore cannot be applied⁶. Since then SAC issued dozens of judgments conforming this position⁷.

As of September 3 2025 a new reason for inadmissibility of the decision for temporary protection has been introduced by the amendment of the Act No. 65/2022 Coll. Section 5(1)(f) now allows for an application to be considered inadmissible if it is lodged by a foreign national who is or has been a holder of temporary protection in another Member State of the European Union or in a State applying the Schengen Borders Code in full, after the Ministry of the Interior has sent a notification to the European Commission pursuant to § 3(3).

Section 3(3) of the Act No. 65/2022 Coll. to which the above provision is referring to, states that “The Ministry of the Interior shall send a notification to the European Commission regarding the risk of exceeding the capacity to manage the consequences of a mass influx of displaced persons and the need to take measures to ensure a fair balance among Member States in sharing the effort related to hosting these persons. The Ministry of the Interior shall publish the notification referred to in the first sentence on its website.” Mol already notified the European Commission about the risk of exceeding the capacity to manage the consequences of a mass influx of displaced persons.⁸ In practice, the new inadmissibility reason is being applied. So far there have been only a few judgments of the regional courts declaring also this inadmissibility reason to be incompatible with the EU law.

In December 2025 the Supreme Administrative Court ruled that also this new reason for inadmissibility of the application for temporary protection contradict EU law.⁹

2. Access to information and legal assistance (including counselling and representation)

Access to legal assistance provided by CSOs improved, though some challenges remained.

⁶ see SAC judgments of 3 April 2025, ref. no. 1 Azs 174/2024-42 and 1 Azs 336/2024-42

⁷ see eg. judgements ref. no. 6 Azs 1/2024 – 30, 7 Azs 218/2024 – 37, 2 Azs 384/2023 – 38, 8 Azs 20/2024-53, 4 Azs 398/2023-38, 3 Azs 166/2024 – 32, 5 Azs 63/2024 – 40, 9 Azs 20/2024 – 37, 2 Azs 360/2023 – 42, 8 Azs 249/2023-47, 9 Azs 212/2024 – 36, 8 Azs 244/2024-42, 4 Azs 3/2024-58, 10 Azs 4/2025 – 49, 2 Azs 271/2024 – 43, 1 Azs 167/2024 – 48, 5 Azs 272/2023 – 31, 5 Azs 247/2023 – 40, 9 Azs 70/2024 – 37 and many others; all judgments are available in Czech at www.nssoud.cz

⁸ CZ_Letter_Temporary_Protection.pdf

⁹ SAC judgement of 10 December 2025, ref. No. 5 Azs 248/2025 - 18





In 2022, the MoI replaced the AMIF-funded NGO system with a nationally funded model that excluded NGOs and contracted a single law firm with no experience in asylum law. From 2024, the calls for provision of legal assistance to asylum seekers and detainees were reopened for NGOs, however, the system now relies on both NGOs and the same private law firm, creating parallel structures, creating confusion for the beneficiaries and several consequent issues.

The Refugee Facilities Administration (RFA) and MOI workers primarily refer beneficiaries to a contracted private law firm rather than to OPU. The contracted private law firm enjoys far greater visibility in comparison to OPU services which are insufficiently promoted by the authorities. Because applicants are not actively referred to OPU, many approach the organization only for social issues, remaining uninformed that legal counseling is also available through OPU.

In July 2025, the Public Defender of Rights issued a report¹⁰ on the investigation on the provision of free legal aid to asylum-seekers in detention facilities following the period when legal aid has been solely provided by the contracted private law firm. In the report, the Public Defender criticized the lack of independence in the legal aid system for asylum seekers and detained foreigners. It argues that legal assistance should be administered by an authority that does not simultaneously decide on asylum applications, detention, deportation, or transfer of foreigners. The Public Defender expresses serious doubts about whether the current administrator of the legal counselling system is sufficiently independent, given its involvement in decision-making processes that directly affect the same individuals receiving legal aid. It also criticizes the alarmingly inadequate short time allocated for legal consultations in detentions under the current legal aid scheme : mere 10 minutes for each person. The report also points out the deficits in interpreting for asylum seekers and detained migrants.

In addition to the above described issues, in a number of cases lawyers faced delays in accessing case files, often waiting several months for the MOI to respond to requests, which negatively impacted the quality of legal representation that lawyers can provide.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

The Public Defender of Rights Report issued in November 2025 (as mentioned sub 2) includes a section on interpreting for asylum seekers and detained migrants. The report criticizes significant deficiencies in interpretation during legal counselling for detained foreigners and asylum seekers. It points out that legal consultations are often extremely short and frequently rely on telephone interpreters, which substantially reduces their effectiveness and accuracy. The Defender points out the insufficient time allocated for each consultation, for instance in one detention center it was 10-15 minutes per person. Much of the limited consultation time is consumed by interpretation itself, while detainees report poor-quality or incomplete translation,

¹⁰ Report on the investigation by the Public Defender of Rights: Access of detained foreign nationals to free legal assistance, dated 15 July 2025, ref. No. 1417/2023/VOP/HL-JST, available here: <https://eso.ochrance.cz/Nalezene/Edit/13592>





making it difficult for lawyers to obtain accurate information and provide meaningful legal advice. The report also raises concerns about the lack of independence of interpreters, as they are arranged by the same administrative authority that decides the asylum and detention cases.

The quality and expertise of interpreters remains an issue. The interpreters usually do not have specialized training in asylum procedures or working with vulnerable persons. In practice, there are cases where applicants report discrepancies between what they actually said during the interview and the official transcript, indicating potential errors or incomplete interpretation. Applicants sometimes also question the impartiality of interpreters, claiming misinterpretation or inappropriate guidance.

The conditions for performing interpreting activities before public authorities are governed by Act No. 354/2019 Coll., on Court Interpreters and Translators. Interpreting activities may only be performed by interpreters registered in the list of interpreters and translators. Persons not registered in this list may be appointed as interpreters in proceedings before public authorities only exceptionally, if:

1. no interpreter is registered for the relevant language, or
2. no interpreter registered in the list of interpreters and translators is able to perform the interpreting task, or
3. performing the interpreting task with a registered interpreter would involve disproportionate costs or difficulties.

It follows that, before the Mol appoints a person not registered in the list as an interpreter, it is obliged to examine whether the conditions for such an appointment under one of the reasons mentioned above are met. The Mol does not always comply with this obligation and appoints as interpreters persons that are not certified without providing valid reasons. This is due to the fact that interpreters for personal interviews are chosen by the contracted agency and not the Mol itself. This might be a problem as only those interpreters who are officially registered are bound by a Code of Conduct and by other obligations stipulated in the Act on Court Interpreters and Translators.

- 4. Dublin procedures** (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

Challenges described in previous reports remained.

In a few cases, the courts have annulled the decision of the Mol on a Dublin transfer given the insufficient considerations of the applicant's vulnerability and the potential application of discretionary clause under Art. 17 of the Dublin regulation. One of the cases even resulted in a preliminary reference to the CJEU.

In the case no. 41 Az 3/2025-236 the Regional Court in Brno annulled the Mol's decision on Dublin transfer to Poland. The applicant, a Ukrainian national, sought international protection in





Czechia and documented that he is confined to a wheelchair and reliant on personal care for basic daily needs. He argued that, given his serious health condition and dependency on his brother — who resides lawfully in Czechia and is willing to provide ongoing care — it would be unreasonable and potentially harmful to transfer him to Poland. The court held that the Ministry committed several errors: it failed to properly assess whether the applicant, who is paraplegic following a spinal injury and wholly dependent on the daily assistance of his brother, qualifies as a dependent person under Article 16 of the Dublin III Regulation; it did not adequately consider exercising discretion under Article 17 of the Regulation to retain responsibility; and it insufficiently established the factual circumstances relating to whether relocation to Poland might expose the applicant to ill-treatment within the meaning of Article 4 of the EU Charter of Fundamental Rights.

In the case no. 41 Az 5/2025 - 25 the Regional Court in Brno annulled the Mol's decision on transfer of a vulnerable applicant (being transgender person in transition from female to male and a member of the LGBTQI+ community) to the Netherlands. The applicant claimed that during his stay in the Netherlands he was exposed to unsafe and degrading conditions in asylum reception facilities; he stated that he had been accommodated in closed spaces together with dangerous individuals, felt a constant risk of physical assault or sexual violence, and did not feel adequately protected by the Dutch asylum system, which in his experience failed to ensure sufficient safety measures or access to appropriate psychological support for LGBTQI+ applicants, leading him to fear that a return to the Netherlands would expose him to renewed risks and harm. According to the court the Ministry failed to assess these allegations on an individual basis, did not verify their relevance in light of up-to-date and specific information on the situation in the Netherlands, and concluded, without further reasoning, that the applicant's return would not entail any risk, while also failing to convincingly explain why it found no grounds to apply the discretionary clause under Article 17 of the Dublin III Regulation.

Following a cassation complaint of the Mol against the last judgment, the Supreme Administrative Court acknowledged that the applicant, a Russian national undergoing gender transition, had raised pertinent issues about the application of Article 17 of the Dublin III Regulation — the discretionary clause allowing a Member State to assume responsibility for examining an asylum application — even where the responsible state was designated under the “residual” criterion of Article 3(2) of the Regulation. The Regional Court had held that this discretionary power should not be excluded simply because responsibility was determined under Article 3(2). Instead of deciding the cassation complaint on the merits, the SAC suspended the proceedings and referred a preliminary question to the Court of Justice of the European Union (CJEU) asking whether a Member State may exercise the discretionary power under Article 17(1) to deviate from a Dublin III allocation where the responsible Member State was determined under Article 3(2), or whether that discretion is limited to cases where responsibility arises under Article 3(1).¹¹

We also came across a problem regarding the status of persons falling under the Dublin Regulation if the transfer to the responsible Member State does not take place. This problem is clearly illustrated by the case of a Russian national who applied for international protection in

¹¹ Case C-511/25 [Srad].





Czechia and whose proceedings were discontinued after Italy was designated as the responsible Member State. Although Italy accepted responsibility, the transfer could not be carried out due to capacity limitations in Italian asylum facilities. During the period in which the transfer was expected to take place, the applicant was not treated as an asylum seeker under Czech law and was left without the legal status and guarantees normally attached to an application for international protection, eventually being instructed to submit a new application. We believe that he was supposed to be considered an applicant for international protection the whole time, regardless of whether transfer took place or not. Thus we submitted a lawsuit to the court. The decision has not been adopted yet.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

The issue of insufficient procedural guarantees in the border procedure remains. As has been the case for more than 10 years now, there is no control over the denials to enter the territory at the Prague airport transit zone. The denials to enter the territory are happening in a legal vacuum, without any internal or external supervision. The denials are formally a non-procedure, without translators, without lawyers, without written decision or case file, and without a possibility to appeal. There is no identification of whether some of the persons might be asylum seekers, and asylum requests are often ignored, unheard and allegedly “not understood”. Monthly, typically 20-30 persons monthly are denied entry to the territory¹².

The only legal aid that exists at the airport transit zone comes only one step later: it is provided for those who do manage to express their asylum intent in the transit zone. Monthly, there are typically cca 1-2 individuals who manage this¹³. These individuals are placed in a special airport detention-like reception center.

At the airport reception center, the Ministry is obliged to decide on whether or not asylum seekers have to remain at the airport reception center, or whether they can be released to the territory (territory entrance decision). Vulnerable asylum seekers are to be released to the territory as a rule (Art. 74 Asylum Act). However, the Ministry of Interior often fails to release vulnerable applicants nevertheless. In October 2025, the Municipal Court Prague decided in 10 A 103/2025-40 that the Ministry of Interior committed an unlawful action when they failed to release a family with children to territory - allegedly due to waiting for an interpreter. The court held that the priority was to release the family out of the airport detention, considering the interpretation was not even necessary in the case at hand prior to the release. It also highlights a particularly strong argument on the burden of proof: asylum seekers cannot fairly be expected to prove that the authorities could have allowed them entry earlier, as they were confined to the airport transit zone and lacked access to information relevant to assessing the lawfulness of the authorities' conduct. The judgement underlines the severe information asymmetry between the

¹² See available statistical information published by the Police: <https://policie.gov.cz/clanek/statistiky-mezinarodni-letiste-v-cr.aspx>

¹³ In 2024, only 29 applications for international protection have been submitted at the airport transit zone (see <https://mv.gov.cz/soubor/cs-stat-2024-03-pdf.aspx>)





parties, further intensified by the applicants' status as vulnerable persons. The judgement also states that parents or family members accompanying a minor should also be regarded as vulnerable persons: the sole fact that they are caregivers of a child constitutes strong evidence of their vulnerability.

- 6. Reception of applicants for international protection** (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

The RFA continues to restrict accommodation for those who have lodged a cassation complaint as part of the second stage of the appeal process. At this stage in the asylum procedure, beneficiaries are no longer considered asylum seekers and are therefore not legally entitled to accommodation, although they still enjoy a right to remain at the territory. Accommodation is only granted on an exceptional basis, typically to vulnerable persons or families with children. Others are often denied accommodation or allowed to remain in the facility only for brief periods. As a result, beneficiaries are often under pressure to return voluntarily or leave the country.

- 7. Detention of applicants for international protection** (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Overall, challenges described in previous reports remained. Immigration detention continued to be used as a routine tool of migrant control. However, while in the previous year the police focused more strongly on irregularly transiting foreigners, the focus at present appears to be on those irregularly staying and working in the country.

Detention of families with children remained to be applied in practice, despite the fact that in 2024 upon a motion of the Committee on the Rights of Foreigners and later the Government Council on Human Rights requesting the MoI to end immigration detention of children by the end of 2025.¹⁴

- 8. Procedures at first instance** (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

Beneficiaries faced issues related to systematic delays, as the MOI often extended deadlines for the decision-making without sufficient justification and/or failed to notify applicants of the extension. This resulted in prolonged uncertainty and obstacles in securing their rights.

¹⁴ Vláda ČR, Rady Vlády pro lidská práva, Usnesení k zajišťování nezletilých dětí-cizinců, 25. 10. 2023, available at: <https://www.vlada.cz/cz/ppov/rlp/cinnost-rady/zasedani-rady/jednani-rady-dne-25--rijna-2023-209448/>.





In cases of asylum seekers from Syria all the proceedings have been discontinued for six months during the year due to the uncertain situation in Syria after the fall of Assad's regime. As of October 2025 MOI has resumed administrative proceedings in individual cases. However, until the end of the year, no decision was issued yet. Some applicants from Syria have been waiting for the decision for almost two years now. The discontinuation of the proceedings also regarded Syrian holders of subsidiary protection who applied for its prolongation. We believe that this is contrary to the qualification direction that allows discontinuation of the proceeding for changes in the country of origin only in case of application for international protection not also in case of application for prolongation of the subsidiary protection.

The MOI also continued the practice of issuing identification cards to asylum seekers for only a limited period of time, usually one month. As a result, beneficiaries are forced to travel frequently to distant offices to renew their ID, and they also experience issues finding well-paid jobs, as many employers are hesitant to hire someone whose ID expires every month.

The national form of international protection, so called national humanitarian asylum, was cancelled as of October 2025. The reason for its cancelling was, according to the explanatory memorandum, further harmonization of asylum procedures in the EU. The national humanitarian asylum was granted very rarely, mostly to applicants with serious health problems. (Eligible were applicants, who didn't fulfill the conditions to be granted refugee status, if the MOI found it was a case worthy of special consideration.) This change is retroactive and applies even to procedures that were initiated before the date the change came into force.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

With effect from 11 February 2025, there has been a change in the court's territorial jurisdiction for deciding on actions brought against decisions refusing entry into the territory (§ 73 of the Asylum Act). Until now, these matters were decided by the Prague Regional Court. Under the new arrangement, this exclusive jurisdiction has been abolished and jurisdiction will be governed by the general rules on territorial jurisdiction under the Code of Administrative Justice. The competent court will therefore be the Prague Municipal Court, which is the most heavily burdened administrative court in Czechia.

The Czech legislature has still not fully transposed Article 46(3) of the Asylum Procedures Directive. Although, as of 1 July 2023, the Asylum Act includes a new provision in Section 32(9), according to which the court, when reviewing an action in international protection matters, must also take into account new relevant facts arising after the issuance of the Ministry's decision—provided that such facts relate to possible persecution or the risk of serious harm, and in this respect the court is not bound by the grounds of the action—this provision remains insufficient. Where such facts affect the merits of the administrative decision, the court is required to annul the contested decision and remit the case to the administrative authority.

Nevertheless, this provision does not reflect all aspects of Article 46(3) of the Directive. It allows only for an ex nunc review limited to new significant facts that arose after the administrative





decision, and only where these facts relate to persecution or serious harm. It does not provide for the possibility of a full and independent ex nunc assessment of all factual circumstances existing at the time of the court's decision, nor of the legal questions arising from them. As a result, administrative courts remain constrained by a formalistic approach and are unable to substitute their own final assessment for that which the administrative authority failed to carry out properly.

10. Issues of statelessness in the context of asylum (including identification and registration)

The Czech legislation outlines rights and criteria for asylum seekers, including stateless individuals, who are seeking refuge in the country. In the case of stateless people, the Asylum Act assesses the risk of persecution and serious harm in relation to the state in which the stateless individual has his or her last place of residence, i.e., the state in which the stateless individual resided prior to his or her arrival in Czechia and the state to which he or she could establish ties. The Asylum Act does not define a stateless person, so the definition of the 1954 Convention applies. Since statelessness may be relevant as an indication of a well-founded fear of persecution or human rights violations in the asylum seeker's country of origin, the Mol often does not thoroughly assess the cause of statelessness in its international protection decisions.

If the stateless person applies for both international protection and statelessness determination, the international protection procedure will proceed first and the asylum grounds will be considered. The Mol will suspend the statelessness determination procedure and resume it once the international protection procedure is completed. This is because if the applicant for statelessness status is granted another type of residence permit, including international protection, the Mol will only issue a certificate of statelessness, which does not confer the rights associated with statelessness under Section 49a of the Immigration Act. In practice, this means that a stateless person will enjoy the rights associated with the specific residence permit issued to them, and will be able to prove their statelessness if necessary (e.g. to claim citizenship rights for their future children).

However, if the person only applies for international protection and is unaware of the statelessness determination procedure, the Mol will not make any referral. If the person's application for international protection is rejected, the person may not necessarily be informed of the statelessness determination procedure as there is no obligation for the authorities to do so. There may be a gap in ensuring that a person identified as (potentially) stateless is properly recognized as stateless in order to prevent detention and/or attempts at forcible removal. It is essential to take appropriate measures to provide individuals with the necessary information about the statelessness determination procedure in order to ensure access to the procedure and to prevent cases of detention and/or forcible removal.

11. Children and applicants with special needs (special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)





The MOI has no standardised approach to applicants with serious psychiatric disorders. There are no identification mechanisms and if the applicants themselves state that they suffer from a psychiatric disorder, the procedure is not adjusted to this. Decision of the Supreme Administrative Court of 18 September 2023, Ref. No. 5 Azs 156/2023-32 required MOI to adapt the procedure, e.g. to involve a psychiatrist in the interview and train the staff in this matter. Based on our experience this year, these requirements have not been implemented.

In one case regarding Dublin regulation, where the file already contained indications of past trauma and risks arising from the applicant's journey (transport in a truck under dangerous circumstances, detention, death of a fellow traveller, threats by smugglers), the court criticised the Ministry for failing to properly identify and assess the applicant's potential vulnerability. The Supreme Administrative Court stressed that the assessment must be active: if there are indications of trauma, psychological distress or possible victimisation (such as trafficking or violence), the authorities must consider the applicant vulnerable from the outset and adapt the procedure accordingly. Ignoring these indicators—such as trauma symptoms, psychological strain or safety risks—constitutes a failure to identify a person in need of special guarantees. The Court also underlined that vulnerability does not depend only on a person's internal health condition but also on the traumatic circumstances they have experienced; if these are present, the authority must verify the facts with increased care and adjust the conduct of the procedure to ensure effective participation of the applicant.¹⁵

Failure to properly consider the applicant's vulnerability and mental health recently led the Supreme Administrative Court to revoke a decision of the Mol also in a case in which the applicant repeatedly reported anxiety, depressive symptoms, suspected ADHD, memory problems and submitted medical evidence confirming treatment with strong antidepressants and anxiolytic. The Mol failed to take these into account when conducting interview (which took more than 7 hours) and assessing credibility of the applicant.¹⁶

See sub 5 - Special procedures - for a case on family with children detained at the airport reception center in spite of their vulnerability, issued by the Municipal Court Prague decided in October 2025, 10 A 103/2025-40.

12. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

Challenges described in previous reports remained.

While the State Integration Programme (SIP) continued to be relatively well organized, it had limited added value to the individuals due to the average length of asylum procedure. The state-

¹⁵ Judgement of the Supreme Administrative Court of 4 March 2025, ref. no. 2 Azs 5/2025 - 45.

¹⁶ Judgement of the Supreme Administrative Court of 21 February 2025, ref. no. 7 Azs 212/2024 - 58





funded integration apartments continued to be located in a segregated locality in Ústí nad Labem.

13. Return of former applicants for international protection

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

There have been no resettlement and humanitarian admission programmes running in Czechia during 2025.

15. National jurisprudence on international protection in 2025 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

Relevant new case law was mentioned above.

16. Other important developments in 2025

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2025:
2. If not available online, please share your publications with us at: Asylum.Report@euaa.europa.eu
3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	Title of publication	Name of author	Publisher	Date
1				
2				
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