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National Contact Point of the European Migration Network in the Czech Republic

EMN Study
**Temporary and Circular Migration:
Empirical Evidence, Current Policy
Practice and Future Options in EU
Member States
Czech Republic**

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LIST OF ACRONYMS

CR	Czech Republic
EMN	European Migration Network
EU	European Union
MIT CR	Ministry of Industry and Trade
MoLSA CR	Ministry of Labour and Social Affairs of the CR
MEYS CR	Ministry of Education, Youth and Sports of the CR
MoI CR	Ministry of the Interior of the CR
MFA CR	Ministry of Foreign Affairs of the CR
NGO	Non-governmental non-profit organisations
DAMP	Department of Asylum and Migration Policy
Coll.	Collection of Laws
Coll. of Int. Tr.	Collection of International Treaties
FDC	Foreign development cooperation

Summary

The study entitled “*Temporary and Circular Migration: Empirical Evidence, Current Policy Practice and Future Options in EU Member States. The Czech Republic.*” analyses the phenomenon of temporary labour migration and circular (repeated) migration of third country nationals. The study focuses primarily on the different kinds of these two types of migration, their definition, conceptualisation, description of how the programmes designed to support these forms of migration work in the Czech Republic, including the criteria for entering these programmes. It also covers the policies as well as the legislative and institutional framework applied in this context.

The aim of this study is also to analyse the currently available statistical data and empirical findings on temporary and circular migration. In this context, the study also aims to determine whether the temporary and/or circular migrations are becoming more frequent phenomena as compared to the other forms of migration, such as permanent settlement.

The study contains description of the situation and trends in the years 2004-2009 and, in accordance with the goals of EMN, it is focused on migrants from third countries. The study has been prepared in the structure defined by the specifications given by EMN for this study (MIGRAPOL EMN Doc 192).

The first chapter of the study describes the methodology used to prepare the study – in accordance with the goals of EMN, the methodology is not a matter of primary research but it is the analysis of available materials and statistics. This chapter also defines the professional terms and categories used in the study. Czech migration policy did not use the terms “circular migration” or “temporary migration” during the reference period at all – thus, the definitions of the EMN glossary and Commission terminology were used for the purposes of this study.

The second chapter contains a description of the national approach, policies, legal framework, specific procedures and practices in relation to circular and temporary migration. Neither circular migration nor temporary migration is currently governed by any legislation in the Czech Republic or explicitly supported under the migration policy. There are no separate programmes to support them. Nevertheless, it is possible to identify support of temporary migration in three groups of foreign nationals. The first group consists of *foreign students studying in the Czech Republic under foreign development cooperation (these are referred to as “holders of government scholarship”)*; then there is the *green card system*, which is

in place since 2009, for workers in job positions without any requirements for qualifications; and then there are *agreements on specific programmes for temporary work stays of young people*, which the Czech Republic has entered into with Canada and New Zealand. Nevertheless, these agreements tend to be used by foreign nationals only sporadically. Also, a new explicit effort of the government to support circular and temporary migration was identified: a government resolution of May 2010, addressing the current problems and trends in migration, set a task to prepare *a proposal of a new system of economic migration* by the end of 2010 as a task of fundamental importance. This resolution is the first to mention the terms “circular migration” and “temporary migration”. The defined principles of the system place an emphasis on, among other things, consistent management of economic migration with regard to the needs of the Czech economy in accordance with the integration possibilities of Czech society. For labour migration, the options of circular migration are to be preferred to permanent resettlement; and specifically the migration of low-skilled migrants should be primarily based on the principle of temporary migration.

According to the specifications, the chapter should also contain description of cooperation between the Czech Republic and third countries in support of circular and temporary migration. In this respect, the Czech Republic has no specific programmes – cooperation normally takes place on an embassy basis.

The third chapter provides statistical data on circular and temporary migration. These data are nevertheless considerably limited due to the virtual non-existence of programmes to support circular migration and only a marginal support of temporary migration. Not even data on the migration which is at least of a circular or temporary nature – regardless of the existence of specific programmes to support this kind of migration – are available for the Czech Republic.

The fourth and last chapter contains the main findings and conclusions of this study – particularly the summary that there are no specific programmes being implemented in the CR for circular migration and that there are no statistical data available on migration of circular/temporary nature (the only exception are expert estimates under the system of support for holders of government scholarships). Based on this programme, a recommendation is given as concerns the importance of the suitable parameters of programmes for circular/temporary migration being set in such a way so that the circularity/temporariness of the stay of migrants is ensured to the maximum extent and so that this form of migration should not transform into a permanent form as is, for example, currently the case

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with the Czech programme of government scholarships under foreign development cooperation.

1 INTRODUCTION: PURPOSE OF THE STUDY AND THE METHODOLOGY USED

The study entitled “*Temporary and Circular Migration: Empirical Evidence, Current Policy Practice and Future Options in EU Member States. The Czech Republic.*” aims to acquire understanding of the nature of the temporary labour migration and circular (repeated) migration of third country nationals.

The study concentrates mainly on the separate kinds of these two types of migration, on their definition, conceptualisation, analysis of the setting of conditions and criteria for their implementation in member states. The separate kinds of these two types of migration, are specified by the study for example as follows: third country nationals temporarily migrating into the EU for the purpose of short-term employment, or those migrating for the purpose of seasonal labour, studies or research or migrants permanently residing in the EU who have temporarily relocated to the country of their origin. For example, the conditions for entry and the availability and parameters of work and residence permits are included by the study among the criteria and conditions for temporary and circular migration.

Another goal of this study is to analyse the currently available statistical data and empirical findings about the phenomenon of temporary/circular migration and to create overview of them. In this context, the study should also consider the possible forms of approach to measurements/estimates of the reality, whether migration has been becoming more temporary and/or whether it has been to a greater extent circular. With respect to the issue of temporary/circular migration, the study should also analyse the preferences in the policies implemented in this field, the conceptualisation of temporary/circular migration by political actors, researchers and other important actors such as immigrant associations or development agencies. It should also deal with the possibilities of setting the parameters of the policies in this field both at EU level and at national level.

The study also tries to respond to the requirements of the Council made in the Council Conclusions and under the Stockholm Programme concerning further examination and development of circular migration as a part of the EU migration policy.

The study describes the situation and trends in the years 2004-2009 and, in accordance with the EMN goals, it focuses on migrants from third countries. The information contained in the study is provided in a structure defined by the specifications given for this study by EMN (MIGRAPOL EMN Doc 192). According to the synopsis defined in the specifications,

the study is simultaneously being prepared by the EMN national contact points in individual member states participating in the study.

The aim of the study is to help increase the awareness particularly of the policy makers and analysts both at national and EU levels. The study should also bring findings about how the concepts of circular and temporary migration are understood in each member state and should provide an overview of the national policies and practices in the member states seen from a unified viewpoint.

Specifically in the CR, this study might provide all the persons and institutions that want to acquaint themselves with the concepts and actual workings of circular and temporary migration with valuable information on this current phenomenon. The study will be particularly useful for the more general professional community, including professionals from organisations and authorities operating in the field of migration – i.e. especially for the policy-makers at the level of middle and lower management of the Ministries, for the employees of non-governmental non-profit organisations (NGOs), students, academics, etc. It could also be useful for parties operating on the labour market (employers, private employment agencies, trade unions) or the general public.

It is assumed that all the EMN national contact points will participate in this study. After preparing and presenting all the separate national studies, a summarised report will be created, the purpose of which is to summarise the obtained findings and to reflect adequately and accurately on the key findings of the national studies, for example, by making comparisons or highlighting differences whilst drawing attention to the most important aspects of these conclusions in relation to the current developments in this field within the EU.

1.1 Methodology

The study was prepared using the method of analysis of the available reports concerning circular and temporary migration, the rules of law in the field of migration and foreign development cooperation, interstate and intergovernmental agreements, statistics, press and some other documents. Primary research is not the purpose of EMN. With regard to the fact that the topic of circular and temporary migration is not conceptualised in the CR almost at all and there are also no programmes for direct support of these forms of migration, there is also lack of professional literature on this topic. Thus, the bulk of examination mainly consisted of analysing professional reports and documents, particularly those from the Ministry of Foreign Affairs of the CR (MFA CR) concerning the holders of government scholarships studying

under foreign development cooperation; the materials providing information on the green card system and its mechanism prepared by the Ministry of the Interior of the CR (MoI CR); and the information from the Ministry of Labour and Social Affairs of the CR (MoLSA CR) and MFA CR on the Agreements on Temporary Work Stays of Young People.

Statistics were obtained from the Ministry of Education, Youth and Sports of the CR (MEYS CR), the Directorate of the Foreign Police Service of the CR Police and from DAMP MoI CR. These sources were also supplemented with professional papers by researchers working in this field (for example, the professional contribution by Dušan Drbohlav to the collection of materials on the topic of permanent versus circular migration or the dissertation thesis by Michal Nekorjak on the topic of organised employment of Ukrainians in the CR) and partly also by employees from the non-profit sector – their materials were used particularly with regard to the practical operation of the system and its evaluation and in order to describe the political and professional debates on this topic.

As concerns the problems which arose during the preparation of the study, it can be generally summarised that the main problem was the absence of programmes/policies designed to support circular migration and the limited forms of support of temporary migration. These concepts are as yet unknown in the Czech migration policy. Although the academic community occasionally addresses these concepts, neither circular migration nor temporary migration is among broadly discussed topics even in this community. The situation has slowly started to change during 2010 when circular and temporary migration first appeared in a government resolution. This problem gives rise to yet another problematic aspect of this study: the lack of professional literature and statistics on this topic.

The study can be published in full; all the data and statistics contained in this study are public and can be made available to all those interested.

1.2 Definitions

The terms “*circular*” migration and “*temporary*” migration are not conceptualised in the CR; the law system does not recognise these terms in connection with migration and, consequently, no general definition of them is available. Nor can it be said that NGO workers or researchers have examined this concept to a broader extent in the CR – nevertheless, the situation has been changing, particularly over the last few years. The term “circular migration” is mentioned, for example, by Nekorjak who uses the term “circular labour migration” to describe “*the strategy that people temporarily travel abroad with the intention*

of returning home and then repeating the journey (even several times)”. [Nekorjak 2009, page 96].

This term is also mentioned in the contribution by Dušan Drbohlav to the collection of materials on the topic “Permanent or Circular Migration?” [Drbohlav, page 54]. Nevertheless, he also does not provide any definition of circular migration and it is apparent from the text that his concept of circular migration is different, to a certain extent, from the concept recognised, for example, within the EU – his concept is a very broad one. In his professional treatise, he mentions circular migration especially in connection with commuting to work, especially the commuting of the CR citizens to Germany and Austria, which is not the subject matter of this study.

For these reasons mentioned above, the definitions presented in the specifications for the study were used for the purposes of this study.

Thus, in this study and according to the EMN Glossary, drawing from COM 248 (2007)¹ in this case, we use the term *circular migration* to denote the two main forms of circular migration significant in the context of the EU:

1) *The circular migration of third country nationals settled in the EU*

This type of circular migration enables these persons to engage in an activity in their countries of origin (a business, professional, volunteering or any other activity), while retaining their main residence in one of a member states. This type includes for example:

- businesspersons working in the EU who want to start developing additional activities in their countries of origin (or in some other third country); and
- doctors, professors or other professionals who want to support their country of origin by performing their professions partly in these countries.

2) *Circular migration of persons settled in third countries*

Circular migration may create an opportunity for persons residing in third countries to migrate temporarily to the EU for the purpose of work, studies, professional training or a combination of these reasons, provided that these persons return to their respective countries of origin after expiration of the defined period of time and resume their activities there and settle there. The circularity of this migration can be supported by providing the migrants, after they return, with a possibility to retain a certain preferential-treatment status for mobility into

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries

and from the state, in which they were previously staying. Such a preferential treatment can, for example, take on the form of simplified procedure for (re-)entry into the country.

This type of migration includes a broad segment of migrants, comprising, for example, the following groups:

- Third country nationals wishing to work temporarily in the EU such in seasonal employment;
- Third country nationals wishing to study in the EU or who want to complete professional training and then return home;
- Third country nationals who want to be employed in the EU (for example, as interns) after they complete studies in order to acquire professional experience, which is difficult to acquire in their home country, before they return home;
- Third country researchers wishing to carry out a research project in the EU;
- Third country nationals who wish to take part in intercultural exchanges or other activities in the field of culture, active citizenship, education and youth (such as, for example, training courses, seminars, events, study visits);
- Third country nationals who wish to carry out an unremunerated voluntary service, pursuing objectives of general interest of the EU.

In accordance with the EMN Glossary and for the purpose of this study, the term **temporary migration** is used to denote migration for a specific purpose and/or motivation, which is implemented with the intention of returning home or leaving for some other country after a certain period of time.

The difference between circular and temporary migration lies in the fact that *circular migration* can be understood as a certain movement back and forth between the EU and the country of origin, which is made possible, for example, through simplified conditions for (re-)entry for this type of migrants, while *temporary migration* is mostly a single movement and a related stay in the EU, which is limited in time.

Within this study, we do not consider *commuting* to be circular migration because this does not involve any change of domicile/place of residence.

The study also uses the term *holders of government scholarships*. These are those students from developing countries who study in the CR through scholarships granted by the CR government under foreign development cooperation (therefore, the terms *holders of*

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government scholarships and students under foreign development cooperation are synonymous).

2 THE CONCEPT OF TEMPORARY AND CIRCULAR MIGRATION IN THE CZECH REPUBLIC

2.1 National Strategies, Policies and Programmes

2.1.1 Governmental Policy and Vision

The CR government has not taken any stance on the concept of circular or temporary migration; this concept had not been implemented or discussed in the CR within the migration policy until recently (during the reference period).

Consequently, there are no specific programmes to support **circular migration**. Nevertheless, this does not mean that circular migration does not take place within the parameters of the standard migration policy – some of the migration to the CR is of circular nature; nevertheless, it is spontaneous movement, which is not specifically supported by the CR government.

As concerns **temporary migration**, the situation is slightly different. Although there are no specific programmes in place that would be oriented directly on support of temporary migration in the CR and no such programmes were implemented during the reference period, it is possible to deduce from the parameters of the migration policy that there is a certain governmental support of selected forms of one-off temporary migration. This is particularly the case of the governmental support of the studies of foreign nationals from developing countries. This support takes on the form of provision of scholarships and these students are expected to return to their countries of origin after they complete their studies (which, however, as it has been shown by this study, is not happening). Also, the green card system has been identified as a certain form of support of temporary migration, particularly the support of foreign nationals employed in the CR under a green card of type C. Also, the conditions created under agreements on specific programmes for temporary work stays of young people have been identified as a certain form of support of temporary migration.

Nevertheless, since May 2010, when the government approved a resolution on the current situation and the problems in migration, the government has been striving to **create a new system of economic migration**. This system is currently in the process of being created and is based, among other things, on the principles of support of circular and temporary migration. The new system should be designed by the end of 2010. It has been proposed that its principles should include the following:

- ***Circular migration** options should be preferred to permanent resettlement as concerns migration for the purpose of economic activities.*
- *Migration of low-skilled migrants should be primarily based on the principle of **temporary migration** and a higher level of assistance from the state should be ensured.*
- *The scope and structure of migration for the purpose of economic activities should be flexibly adjustable so that it is possible to respond to the rapidly changing economic reality.*

During the reference period of 2004-2009, the issuance of certificates of participation in a project for those foreign nationals who took advantage of an opportunity to return to their countries of origin under the temporary projects of voluntary returns for foreign nationals who lost jobs as a result of the economic crisis was identified as the only specific indication of possible form of support of circular migration **in the future**.² This certificate might have a favourable effect on their return to the CR in the future.

Prevention against Brain-drain

As concerns prevention against what is referred to as brain-drain, the situation in the CR is problematic regarding the holders of government scholarships – this problem is not relevant for green card of type C because the holders of these cards are low-skilled foreign nationals. Due to the economic situation in Canada and New Zealand in comparison with that in the CR, the negligible number of the citizens of these countries who participate in the labour programmes under agreements and apparently the relatively low attractiveness of the CR for the citizens of Canada and New Zealand, the problem of brain-drain is not relevant for this type of support of temporary migration either.

The parameters of the system with regard to **providing motivation for students to return to their countries of origin** can be pointed out as one of the weaknesses of the system for providing government scholarships for students from less developed countries under foreign development cooperation (FDC). Students often remain in the CR after they complete their studies or they move to other developed countries. Rarely, there are also cases in which the students drop into illegality after they enter the Czech Republic (i.e. the Schengen Area) with a visa for the purpose of studies. Thus, their further monitoring is not possible.

² See the EMN study titled *Programmes and Strategies of the EU Member States Fostering Assisted Return to and Reintegration in Third Countries* or alternatively the *EMN Annual Report on Asylum and Migration Policy in 2009* for more details on these projects.

According to an expert estimate, a relatively large portion of the students do not accomplish the purpose of their studies, which is to enrich less developed countries with newly acquired high-quality human capital. Another problematic aspect is that for those students who return to their countries of origin, the CR embassies are unable to monitor accurately whether they perform the profession for which they acquired an education in the CR. Statistics on the persons who returned to their countries of origin and make use of their education there are not available in the CR.

2.1.2 Specific Programmes To Support Circular and Temporary Migration

The CR government **does not implement any programme to support circular migration.**

Certain features of **support of temporary migration** can be seen in the parameters of the policies for the three groups of foreign nationals stated below:

a. Holders of government scholarships

Under the FDC programme, the CR government provides an annual set number of scholarship positions for students from developing countries. In the years 2003 to 2007, 250 positions were opened annually for the citizens from developing and other needy countries; in the years 2008-2010, it was 130 positions per year for citizens from developing countries. The group of countries was narrowed as a result of transformation of FDC – now only citizens from countries referred to as “priority countries” are eligible – for the years 2006-2010, a total of 8 countries were approved as priority countries³; also, nationals of some other selected countries, chosen in accordance with the political interests of the CR, are given access to scholarship. The scholarships are provided for studies under bachelor’s, master’s and postgraduate educational programmes at public universities. Those interested in study file their applications for scholarship along with the necessary documents with CR embassies abroad. It is necessary to submit a document of completion of secondary/bachelor’s/master’s studies. The embassies then forward these documents to the MoI CR and MEYS CR. Selected students are provided with free studies; they also receive grant, from which they pay accommodation, board and other costs. Students who do not speak Czech are granted an additional one-year scholarship for studies in a preparatory class at the Institute of Language and Professional Training of the Charles University before they commence the actual studies.

³ Angola, Bosnia and Herzegovina, Yemen, Moldova, Mongolia, Serbia, Vietnam, Zambia.

b. Agreements on Specific Programmes for Temporary Work Stays of Young People

Under agreements with New Zealand (since 2005) and Canada (since 2007), the Czech Republic has been implementing two programmes, under which young people from the signatory countries can stay and be employed, under terms of preferential treatment, in the CR or New Zealand/Canada for a specified period of time. These stays are one year long as the maximum. The agreements are conceived formally as mutually balanced; nevertheless, when there were entered into, it was assumed that the number of CR citizens using them to stay in New Zealand or Canada will be significantly higher than that of the citizens of these countries staying in the CR.

c. Type C Green Card

The mechanism of this system and its evaluation is described in detail in the EMN study titled *Satisfying Labour Demand through Migration*.

The green card system was launched in January 2009 and works concurrently with the standard system, in which governmental employment agencies grant work permits to third country nationals. The green card system is a response to the employers' demand for a faster process of filling of job positions which cannot be filled with local employees⁴ by foreign workers (from third countries). Green cards are not – unlike another CR government project – *Selection of Qualified Foreign Workers* – primarily intended to support long-term settlement of these workers and their integration in the CR.

Green cards are issued in three categories:

- Type **A** – for workers with university education and for key staff (for a period of up to 3 years)
- Type **B** – for workers in job positions that require graduation from a vocational school as the minimum education level (for a period of up to 2 years)
- Type **C** – for other workers (for a period of up to 2 years)

While in the case of green cards of type A and B it is possible to prolong their validity by up to 3 years at a time, this is not possible with type C. Since the green card system is simpler and faster as compared with the standard procedure for employing foreign nationals in the CR, **it is possible to regard the green card of type C as a measure taken by the CR government to support short-term temporary labour migration into the CR.**

⁴ This study uses the term “local employees” to refer to the CR citizens and their family members or the citizens of the EU/EEA and Switzerland and their family members.

After consultation with MoLSA CR and MFA CR, the list of countries⁵ whose citizens are eligible to apply for a green card was shortened by an ordinance of MoI CR.

2.1.3 Return-related Dimension of the Policies and Programmes to Support Circular and Temporary Migration

No programmes to support circular migration in the CR are implemented; under the above-mentioned programmes/parameters of the policies designed to support temporary migration, no specific return support is provided in the CR.

The only exception consisted of the **Voluntary Return Projects**⁶ implemented by the government in 2009 in response to the impact of the crisis on employment of foreign nationals. This was a one-off measure addressing the situation existing at that time. It is not expected that another similar measure will be taken in the nearest future; nevertheless, generally-speaking, government experts are interested in ensuring maximum increase of interest in return among those foreign nationals, whose residence permits expired.

2.1.4 Evaluation of Programmes Supporting Circular/Temporary Migration

a. Holders of Government Scholarships

Under cooperation between MEYS CR and MFA CR, information on the course of implementation of development projects is prepared for the government every year. Thus, FDC as a whole was currently evaluated within *Information on Foreign Development Cooperation of CR Implemented in 2009*, which was noted by the government in Resolution No 440⁷ on 7 June 2010. This Information provides an overview of all the basic activities under FDC of bilateral and multilateral nature for the year 2009. In one of its parts, it also includes evaluation of the FDC programmes with priority countries; nevertheless, the area of scholarships was not included in this evaluation. Changes in the parameters of the system of government scholarships, which are proposed according to ongoing evaluation of the system, are then incorporated into the CR government's resolutions concerning holders of government scholarships – see sub-chapter 2.2.1 for more details on the legal framework. Another

⁵ Only the citizens of the 12 countries stated in the ordinance of MoI published in the Collection of Laws under no. 461/2008 may apply for a Green Card. The citizens of the following countries are eligible: Australia, Monte Negro, Croatia, Japan, Canada, Republic of Korea, New Zealand, Bosnia and Herzegovina, Macedonia, the USA, Serbia and Ukraine.

⁶ See the EMN study titled *Programmes and Strategies of the EU Member States Fostering Assisted Return to and Reintegration in Third Countries* or possibly the *EMN Annual Report on Asylum and Migration Policy in 2009* for more details on these projects.

⁷ Resolution of the CR government No 440 of 7 June 2010 on foreign development cooperation in 2011 and on the medium-term prospect of its financing by 2013

resolution for the period 2013-2017 is currently in preparation; it should be presented to the government by the end of 2011.

In the evaluation of the system, the experts from MFA CR mentioned the problem indicated above as concerns **the low rate of return of the holders of scholarship to their countries of origin. CR has been addressing this issue for a fairly long time now.** However, it has not yet succeeded in finding an effective system that would resolve this issue.

From the point of view of the CR, it is not even possible to monitor what portion of students perform the specialised profession for which they acquired education in the CR. Rarely, there are also cases in which students do not even complete their studies or do not even start their studies after entering the country. Exceptionally, some students might have even misused the studies in the CR to enter the EU and the Schengen Area – after arriving in the country, they either did not start their studies at all or they dropped out of the studies after some time and it is possible that they are continuing to stay in the Schengen Area illegally.

In connection with some critical statements regarding the low utilisation of quotas, it needs to be said that MEYS CR and MFA CR try to ensure that the **quotas for holders of scholarships are filled to the maximum extent.** For each academic year, a **list of substitutes** is prepared and approved by the Commission for Government Scholarships. This list contains those applicants who meet all the requirements for grant of scholarship but which the Commission did not recommend due to the low quota for the country concerned. These are often self-paying students who are attempting to obtain scholarship to complete their studies. Their advantage is that they are already staying in the CR (i.e. the formalities have been taken care of) and they are ready to start their studies if a candidate residing abroad fails to arrive – in particular during the period between August and October of the given academic year.

The current Act on the Residence of Foreign Nationals, which requires all foreign nationals – including the holders of government scholarships – **to have medical insurance before they arrive to the CR** and to present the relevant document on application for the visa submitted to the CR embassy in their country of origin. This provision was included in the Act on the Residence of Foreign Nationals in connection with a change to the Insurance Act No 278/2009 Coll. – a proposal for this change was made through an MP initiative. Until 2010, this obligation did not apply and the medical care in the CR for holders of scholarship was paid by the CR Ministry of Health. The current legislation burdens the students financially and makes their educational stay administratively more difficult. It can

also be one of the obstacles to their educational stay in the CR. An amendment to the Act on the Residence of Foreign Nationals approved by the government on 18/08/2010 again addresses the problematic legislation on the medical insurance by providing that the requirement for a document on travel medical insurance will be waived, if the medical care is paid in some other way. Consequently, when this amendment becomes effective, the costs of medical care for holders of government scholarships will once again be paid by the CR Ministry of Health.

Government experts emphasise political reasons - **establishing contacts** with the country concerned for the future and **involvement of the holders of scholarship in development projects** - as the main benefits of government scholarships as compared with ordinary students. As concerns improvement of the system's efficiency, the government experts recommend close cooperation with embassies and universities and involvement of scholarship holders in the FDC projects in the country of origin.

Nevertheless, no comprehensive external evaluation focused directly on the programme of government scholarships has been carried out. Professionals/journalists occasionally comment on the parameters of the system in their comments and articles. In this context, it is possible to mention the longer-term criticism of the system's parameters in the sense that **return of the students to their countries of origin has not been ensured on a systemic basis** (which should be the purpose of government scholarships – otherwise the effort to educate professionals for a developing country becomes meaningless) – in this respect, they concur with those implementing the programmes [Vlach, Neumannová]. When asked a question about improvement of the efficiency of the system's parameters, PhDr. H. Ševčíková, Director of the Development Cooperation of MFA CR, gave the following answer in an interview: *“It is disputable whether it is an advantage that the students receive education in the Czech language. In this way, we create optimum conditions for them to stay. If we offered them studies in English and chose only those students who already have some education and offered them one-year or two-year studies, the risk would be reduced. Also, the disciplines should be chosen in better correspondence to the needs of the countries and in accordance with our priorities in the territories concerned.”* [Vlach]. Neumannová then quotes an employee of the Department of International Relations of the MEYS CR: *“A large proportion of the students who receive scholarship from us do not return to their countries. However, we cannot force them to do so...”* [Neudertová in Neumannová].

Another critical comment is that the holders of scholarship who get into the CR under the programme are rich individuals from poor countries who are not in the greatest need for help [Neumannová]. That is, they are the wealthier ones who can, for example, afford an air ticket to the CR (the air ticket is not paid by the CR government under the programme). On the other hand, government experts state that often the whole family “put together the money” for the air ticket and this high financial investment into the studies then works as an incentive to complete the studies successfully.

In connection with the issues of the returns of holders of scholarship to their countries of origin, it was also criticised that with regard to the actual situation, in which many students do not return, a disproportionately high amount of finances is spent on this segment of FDC in the CR. This was true at the beginning of the reference period of this study – as Menschik states, half a billion CZK was spent on all the projects for third world countries in 2004 and 26 % of this amount was paid by the government for holders of government scholarships. At present, this percentage is lower – from the amount of 1.742 billion CZK planned for bilateral cooperation under FDC in 2010, originally 147 million CZK was earmarked for scholarships, which accounted for “merely” around 8 % – and, as a result of cost-cutting measures taken due to the crisis, this amount was eventually reduced to 112 million CZK.

According to the employees of MEYS [Menschik], the students from developing countries are doing quite well in their studies in Czechia; this is documented by the statistics from this Ministry. *“67 percent of them complete their studies within the standard time allowed for the studies, which is a very good result. Not even the Czech language is a significant barrier. Only five percent of the candidates do not get admitted to a school because of their failure to master the language, and that is a negligible percentage,”* said Jindřich Fryč, the Director of the Department of International Relations of MEYS, in 2005.

See the following sub-chapter, which deals with the approach of other actors to this issue, for more details.

b. Agreements on Specific Programmes of Temporary Work Stays of Young People

Due to the relatively short duration of the programmes, it is difficult to evaluate their implementation analytically. Evaluation of these agreements has not been carried out – the contacted government experts cite low utilisation of the programme by foreign nationals as the reason for this. This low interest on the part of foreign nationals is also mentioned in

the assessment of the entire programme by these experts who were contacted within the preparation of this study.

c. Green Card of Type C

Internal evaluation of the system is being carried out on an ongoing basis within the responsible authorities (MoI CR, MoLSA CR, MIT CR, and MFA CR). Government experts rate the system favourably overall, although it was utilised only to a limited extent in 2009. In the government's opinion⁸, the main reason for this is the ongoing economic crisis, which substantially reduced the employers' demand for foreign workers. As a result, a small number of green cards were issued in 2009. In this context, the self-regulation element of this system is pointed out – at the times of a crisis, the system is not used much, while it can be expected that it will be used more widely during an economic boom. Evaluation of the type C green card alone is not available.

No comprehensive external evaluation of the system's operation has been carried out yet. In this context, it needs to be understood that the system has only been in operation for a year and a half. The system started to work in 2009 when the consequences of the economic crisis had already occurred and the developments in the area related to this crisis overshadowed the green card system.

The system was evaluated and commented on by journalists, researchers and NGO workers particularly in connection with its approval in the CR Parliament (see the following sub-chapter 2.1.5); later on, the articles tended to have an informative nature [Klvaňová and other articles]. It is also often mentioned that the green cards came too late – see the impact of the economic crisis described above, which has not permitted wider use of the system [Leontiyeva, Barša in Minutes of Discussion]. The small number of cards issued in the first year of the system's operation is pointed out and this is sometimes (simplistically) regarded as failure of the entire system [Barša in Minutes of Discussion].

2.1.5 Approach of Other Actors, Including the General Public, to Circular/Temporary Migration

No extensive discussion on the topic of circular or temporary migration took place in the CR during the reference period – only professionals from among researchers and some NGO workers were dealing with this topic and did so rather marginally.

⁸ Report on the Situation Concerning Migration in the Territory of the CR in 2009

NGO representatives voiced criticism in connection with the parameters of the government's immigration policy – this criticism escalated in response to the difficult situation in which many foreign employees found themselves as a result of the redundancies made as a result of decrease of production caused by the economic crisis. NGO representatives commented on whether the state should or should not permit further stay of these foreign employees in the territory of the Czech Republic and on whether those foreign nationals who agree to voluntary return should be granted certain preferential treatment for return to the CR after the crisis is over [Rozumek, Jones and Hughes].

Researchers [Nekorjak, Drbohlav, and Uherek] were dealing with the topic particularly in connection with a more detailed analysis of the current labour migration of Ukrainians to the CR because, according to their findings, such migration is often of circular or of a temporary nature. For example, one thesis⁹ dealt directly with the topic of Ukrainian circular migration. In her thesis, the author concentrated on examining this concept in the context of the internal market of the EU¹⁰. However, there is no detailed quantification of this phenomenon [Nekorjak, page 96]. The situation is similar with temporary migration and with the theoretical processing of these phenomena in migration research in the CR. See sub-chapter 2.4 for more details on migration of circular or temporary nature.

Nevertheless, the fact alone of “temporariness” versus “permanency” of migration became the centre of attention of the media and political debates in 2009 in connection with the government's measures taken to address the consequences of the impact of the crisis in connection with termination of the employment of foreign employees. The package of measures proposed by the government, of which the voluntary return projects received most attention, was also discussed in one of the televised political debates with high viewership ratings¹¹ or on the pages of renowned national daily newspapers as well as marginally in

⁹ Marie Popovová: Foreign nationals on the Czech labour market (on the example of Ukrainian circular migration). Thesis. (2008) Prague, Faculty of International Relations, University of Economics in Prague.

¹⁰ Marie Popovová: Circular migration on the internal market of the EU – the political, social and economic context of the presence of foreign nationals on the Czech labour market. 2008. Thesis. (2008) Prague, Faculty of International Relations, University of Economics in Prague.

¹¹ The project and the situation of foreign nationals during the economic crisis were the topic of an important political discussion held in the televised discussion show *Otázky Václava Moravce* on 22/02/2009; this show is broadcast on the ČT1 and ČT24 channels. In its first phase, the project cost 60 million CZK, which paid off, according to the statement by Ivan Langer (Civic Democratic Party (ODS)), the then Minister of the Interior: For one thing, the project would reduce the security risk, and for another, it is cheaper in his opinion than forced returns. “*If Czechia had not taken these measures, it would have paid forty million Crowns more for the stay of unemployed foreign nationals according to the Ministry.*” In this televised political debate, Langer also stated that if foreign nationals would show an increased interest in the system of voluntary returns, he would try to convince the government to further extend the project. The project was in fact extended afterwards. Nevertheless, František Bublan (from the opposition Czech Social Democratic Party (ČSSD)), the shadow

tabloid newspapers [Šafářová, Pavlíčková]. In this situation, the problem of agency employment was often mentioned – fraudulent agencies brought foreign employees to the CR but if they had not had any work for them, which started to happen on a larger scale with the onset of the crisis, they left the foreign nationals to their fate. As a result, these foreign nationals often found themselves without finances and exposed to a direct risk of sinking into illegality. The debates of politicians, journalists and experts in this field often revolved around the question whether these labour migrants should be repatriated to their countries of origin (the return projects with the repatriation contribution) or whether they should possibly be permitted to stay in the CR (for example, proposals for employing the dismissed foreign nationals in community service) and consequently arrived at the problem of the absence of the CR government's vision in this field. At the same time, the debates often addressed the question of who was responsible for this situation, why this situation arose and what should be done so that the state would not have to spend the money of tax-payers on addressing such situations in the future.

a. Green Cards

As concerns the specific aspects of temporary migration in the migration policy which have been described in this study, **the green card system**, specifically its general parameters, **attracted clearly most attention from the media, politicians, researchers and NGO workers**. Political debate arose when the amendment to the Employment Act and the amendment to the Act on the Residence of Foreign Nationals were being approved in the CR Parliament because these amendments put the system into practice. These debates mainly concentrated on whether migration should be supported at all (health risks, integration) and how the states whose citizens would be able to obtain a green card should be selected (for example, whether the aspect of ethnic proximity should be taken into account). NGOs particularly criticised the fact that Vietnam and Mongolia, which are among the source countries of numerous labour migrants coming to the CR, were not included [Klvaňová and other articles]. NGOs did welcome certain reduction of administrative requirements but they stated that the system should provide even greater flexibility and/or provide foreign nationals with more rights [Čižinský, Rozumek, Daniel]. A number of articles were neutral,

counterpart of the Minister, expressed himself in this debate in the sense that sending unemployed foreign nationals back to their home countries would not resolve the situation and proposed that part of them carry out community service. In Bublan's opinion, the voluntary return project system is rather a "*marketing move for the citizens to see*". He pointed out that departure of 2,000 foreign nationals from the CR would not help much because thousands more of them would remain in the country and would perhaps work illegally. He believed that some of them could earn the money for return by performing community service or could ensure jobs for themselves for the future by acquiring training at Czech schools.

with a focus on presenting this new system [Tošnerová and other articles].

Employers' unions generally welcomed the system as a certain improvement in comparison with the standard system of employment of foreign nationals; nevertheless they pointed out that even the green cards were not sufficiently flexible for their purposes.

Trade unions are not very active in this whole field in the CR.

b. Government Scholarships

In their professional discussions and articles, journalists and NGO workers [Vlach, Lindner, Menschik] criticised the parameters of the policy for holders of government scholarships, which **are not deemed to be very efficient**. For one thing, it was the same criticism as the one voiced by government experts: **the return of students** to their countries of origin and their performance of the profession, for which they received education, **are not ensured on a systemic basis**. However, return should be the point of government scholarships. In this context, it is also mentioned that before the year 1989, many more scholarship holders used to come to Czechoslovakia – ca 850 students came to the country every year from the states of the former socialist block [Menschik, Lindner]. Furthermore, it is also criticised that not all scholarship positions are successfully filled – for example, 72 of 250 places for candidates, i.e. 20 % of the places, remained vacant in 2005 [Menschik]. It is also criticised that only students from wealthier families can afford to study [Neumannová], those who are, for example, able to pay for an air ticket to the CR, which is not financed under the government programme.

According to the experts of MEYS, NGOs also request more scholarships in English in professional debates on this topic. Conversely, the embassies request more scholarships in Czech for political reasons and for the reason of possible usefulness for communication in the future.

Also, the historically interesting fact was mentioned that in the CR it is of fundamental significance that the programmes for governmentally supported students were an instrument which the Communists used to support “brotherly” regimes before 1989 [Lindner].

Nevertheless, this is more a case of posts on the websites of those NGOs engaged in development efforts than of political discussions or debates in all segments of the society. The available analysis of the media [Krasney et al.] processes the issues of FDC only as a whole and does not cover the topic of government scholarships.

c. Agreements on Specific Programmes of Temporary Work Stays of Young People

Due to the numbers of foreign nationals to whom agreements designed to serve specific purposes apply, employment of foreign nationals under these agreements does not appear as a topic of political or professional debates.

2.2 Legal Framework, Conditions, Criteria and Practice

2.2.1 Legal Framework, Strategic and Implementation Documents

Due to the absence of specific programmes, there are no specialised rules of law for circular or temporary migration.

The three above-mentioned forms of support of temporary migration are implemented under the rules of law and the strategic and implementation documents stated below.

a. Holders of Government Scholarships

The parameters of the foreign development cooperation system and consequently one of the form of this assistance – provision of governmental scholarship positions under bilateral cooperation – are currently defined in the government resolution No. 712 of 27 June 2007 *on creation of government scholarship places for study at public universities in the Czech Republic for the citizens of developing countries for the years 2008 through 2012*. This resolution will be in effect until 2012 and defines the creation of 130 scholarship places per year starting with the academic year 2008. As concerns the previous parameters of the programme for the years 2003-2007¹², there has been a change in the number scholarship places offered – the number was reduced from 250 to 130 – and there has also been a change in the language in which the education is provided – on a pilot basis, education in several disciplines has been provided for holders of government scholarship in the English language. At present, a new government resolution for another five-year period is in preparation and it is being considered that a new element will be included in the programme that will involve sending university pedagogues to developing countries.

¹² For the years 2004 through 2007, that is, for the first part of the reference period of this study, government resolution No. 773 of 25 July 2001 *on the creation of government scholarship places for studies at public universities in the Czech Republic for the citizens of developing and other needy countries for the years 2003 through 2007* is also important. This resolution provided for 250 scholarship places per year.

On a practical level, the resolutions are elaborated on in an *Instruction by the Minister of Education, Youth and Sports on Grant of Scholarships*.¹³

The general framework of FDC is formulated in the CR government resolution No. 91 of 23 January 2002 *on the Czech Republic's Concept of Foreign Development Assistance for the Years 2002 through 2007*. This Concept was then supplemented and partly reformulated by the general Principles of Foreign Development Cooperation after the accession of the CR to the EU, approved in the CR government resolution No. 302 of 31 March 2004 *on the Principles of Foreign Development Cooperation after the Accession of the Czech Republic to the European Union*.¹⁴ The principles defined the Czech FDC programmes designed for cooperation with selected priority countries as the keystone for enhancing the efficiency of the Czech FDC.

With respect to the provision of government scholarship positions, particularly the narrowing-down of the group of countries which are provided with the development assistance, was important in connection with the transformation of FDC. The Principles generally reduced this group to 8 priority countries. In the past, projects were supported in a large amount of countries (up to 80 countries were involved in the past in connection with holders of government scholarships), which resulted in certain fragmentation of the Czech FDC. Nevertheless, for the holders of governmental scholarships, the group of countries for new scholarship holders is defined by a working document of the MFA CR every year and it is larger than the said group of 8 priority countries. The information from the year 2005 shows that scholarship places were offered to candidates from 64 countries [MEYS CR in Menschik]. The current Schedule for the Academic Year 2010/2011¹⁵ includes scholarship places for students from a total of 45 countries; 70 places are intended for studies in Czech; 60 places are intended for studies in English. The number of places per country mostly ranges from one to four. The countries with the highest numbers of places are Moldova with 13 places, Bosnia and Herzegovina and Serbia with 9 places each and Ethiopia with 8 places. The Plan includes the recommended disciplines for the separate territorially defined groups

¹³ At present, it is the Instruction of the Minister of Education, Youth and Sports No. 20/2010, which amends the Instruction of the Minister of Education, Youth and Sports No. 42/2007 on grant of scholarships under the programme "Scholarships from the Ministry of Education, Youth and Sports to Support the Studies of Foreign Nationals at Public Universities in the Czech Republic", as amended by the Instruction No. 36/2009 and the Instruction No. 20/2010.

¹⁴ These Principles were further modified by government resolution No. 1070 of 19 September 2007 *on the transformation of the Czech Republic's system of foreign development cooperation*.

¹⁵ The schedule of 130 governmental scholarship positions for studies at public universities in the Czech Republic for citizens of developing countries (government resolution No. 712 of 27/06/2007). The academic year 2010/2011.

of countries (with regard to the ongoing development cooperation projects).

According to government resolution No. 248 from the year 2003 *on the material Medium-term Prospect of Financing CR's Foreign Development Assistance*, the FDC is governed by an annual programme which is presented by the Minister of Foreign Affairs, as the CR FDC coordinator, along with the proposal for budget always in May of every calendar year¹⁶ - with both documents being effective for the following fiscal year. The proposal of the programme and the prospective budget of FDC for the next two years are also presented to the government, which, at the same time, creates the basic opportunity for financing development projects on a multi-annual basis.¹⁷

The CR government resolution No. 440 of 7 June 2010 *on foreign development cooperation in 2011 and on the medium-term prospect of its financing until 2013* is the currently valid resolution which also provides valuable information on the whole programme and an overview of the activities being carried out, specifically even information on the government scholarships.

As part of transformation of the Czech FDC, the Act No. 151/2010 Coll. *on foreign development cooperation and humanitarian aid provided for foreign countries and on amendments to related regulations* was also approved. This Act defines the conditions for implementation of FDC and provision of humanitarian aid for foreign countries, paid from the state budget, and it also defines the terms of reference of the governmental bodies and the Czech Development Agency in this field.

Due to the fact that the government scholarship programme is essentially designed to support temporary migration and is based on the assumption that the migrants will return to their countries of origin with the acquired human capital, the holders of government scholarships are not provided with any advantages, as compared to other foreign students or other foreign nationals legally residing in the CR, other than the opportunity to study, the scholarships, a course in Czech language, the accommodation and board in university facilities and medical insurance¹⁸ (see below for more details). After their participation

¹⁶ In 2010, this was postponed to July due to the financial crisis.

¹⁷ The medium-term prospect of financing foreign development cooperation and humanitarian aid until the year 2012

¹⁸ Up until 31/12/2009, the costs of the medical care received by holders of government scholarships were paid by the CR Ministry of Health; now, they must pay for this medical care themselves as a result of an amendment to the Act on the Residence of Foreign Nationals. The reason is that before a visa for a stay longer than 90 days is granted, each applicant is now required to present a document on travel medical insurance, which was issued by an insurance company, which is authorised to provide this insurance in the territory of the CR. The holders of the scholarships from the CR government, who file an application for extension of a long-term residence in the

in the programme ends – whether as a result of proper completion of their studies or for other reasons – the holders of government scholarships lose the purpose of their stay in the CR and the validity of their stay/visa will end and therefore they must leave the CR.

b. Agreements on Specific Programmes for Temporary Work Stays of Young People

The CR has entered into agreements with New Zealand and Canada – these agreements govern the implementation of these specific agreements for young people. The agreements specify particularly the provision of simplified conditions for employment/stay for a certain number of young people during their participation in the programme (see below for more details). Under these agreements, the citizens of Canada and New Zealand are not provided with any additional advantages as compared to other foreign nationals after their stay under these agreements ends – due to the limit on the maximum duration of the stay under the agreements, participation in these programmes does not facilitate the process of obtaining long-term or permanent residence, citizenship or welfare benefits.

- *Agreement on the programme of work vacation between the government of the Czech Republic and the government of New Zealand (93/2005 Coll. of Int. Tr.; in effect as of 1 September 2005); and*
- *Agreement between the Czech Republic and Canada on facilitation of temporary work stays of young people (74/2007 Coll. of Int. Tr.; in effect as of 1 October 2007).*

c. Type C Green Card

The legislative framework of the type C green card is defined as part of the general parameters of the green card system, which means that it is governed by the following legislation:

- Act No 435/2004 Coll., *on employment*;
- Act No 326/1999 Coll., *on the residence of foreign nationals in the territory of the Czech Republic*;

territory of the CR, also have this obligation; they, too, must take out and pay such medical insurance for themselves. In this field, one of the recommendations given by the governmental experts was to amend the Act on the Residence of Foreign Nationals with respect to payment for the medical care provided for holders of government scholarships because the existing new system, which has been in effect since 01/01/2010, is not suitable for holders of government scholarships. The amendment is already in preparation.

- Ordinance No 461/2008 Coll., of 17 December 2008, *which defines the list of countries, whose citizens are entitled to apply for a green card.*¹⁹

The system of green cards is unique in that the green cards have dual nature – they combine a residence permit and a work permit in a single document – this is a case of what is referred to as long-term residence for the purpose of employment in special cases. As a result, the green cards reduce the administrative burden in the process of employing foreign nationals both for the foreign nationals and the employers. Moreover, they significantly speed up the whole process, whereby they make it possible to respond flexibly to the demand of employers for labour force. This applies to all types of green cards and this is the main advantage given to foreign nationals with a green card as compared to other foreign nationals. See below for more details on the criteria for issuance of a green card.

2.2.2 Conditions and Criteria for Entering the Programmes

a. Holders of Government Scholarships

At present, the Czech Republic provides scholarships for studies at public universities in the following types of educational programmes:

- bachelor/master educational programme conducted in the Czech language;
- related master/postgraduate educational programme conducted in the English language;

and for studies at the centre of language and vocational training of the Charles University, which precedes studies under those educational programmes implemented in the Czech language.

The scholarships are granted by the MEYS CR according to the programme designed to support the studies of foreign nationals in the Czech Republic, announced by the Minister of Education. When granting scholarships for studies under the bachelor and master educational programmes in the **Czech language**, a list of recommended disciplines of study, updated according to the needs of the specific country and with regard to the ongoing projects of development cooperation, is taken into account; this list is supplied together with the annual offer of the scholarship places by the CR government to separate countries. The scholarships for studies in the **English language** under the related master and postgraduate educational

¹⁹ The following Acts are also important Acts governing the operation of green cards in practice: Act No 500/2004 Coll., on administrative proceedings (the Code of Administrative Procedure); Act No 634/2004 Coll., on administrative fees; Act No 200/1990 Coll., on infractions and Act No 262/2006 Coll., the Labour Code.

programmes are granted for studies under selected educational programmes in the field of economics and commerce, information technology and agriculture. Scholarships from the CR government are not granted for studies of any other disciplines in the English language.

Applications for granting of scholarships for a new academic year must be submitted to the embassy of the CR, along with the necessary documents, in the given country by the deadline set by the embassy. If the applicant for scholarship resides in the territory of the CR on a long-term basis at the time when he/she files the application, then he/she files the necessary documents through the Department of Development Cooperation of MFA CR. These foreign nationals can become holders of government scholarships subject to compliance with the same conditions as the applicants from abroad. However, the foreign national may not have his/her permanent residence in the territory of the CR. Mostly, these are self-paying students who are already studying in the CR and who have learned about the possibility of obtaining a scholarship from the CR government.

Students who are interested in a scholarship place at Czech universities must meet the following requirements²⁰:

- they must be a citizen of a country, which is engaged in bilateral cooperation with the CR under FDC in the segment of scholarships (the list of countries in the Schedule – see above);
- a condition for admittance to the studies is to achieve the required level of education required for the chosen educational programme;²¹
- they must successfully pass the admission examinations – compliance with the set conditions is usually verified by an admission examination;
- they must submit an application for the scholarship (a form), along with the necessary documents²²; the application contains, among other things, specification of the intention underlying the studies (the motivation) and a structured CV;
- they must meet the general criteria for foreign nationals as concerns the visa obligation and the conditions for entering the territory of the CR.

²⁰ Instructions on grant of scholarships from the CR government

²¹ A condition for admission into a bachelor's and master's educational programme is to achieve complete secondary education or complete secondary vocational education; a condition for admission to the studies in the related master programme is to duly complete the studies under the bachelor educational programme; a condition for admission to the studies under the postgraduate educational programme is to duly complete the studies under the master educational programme. A university or a faculty can define additional conditions for admission to studies. The compliance with the defined conditions is verified, usually through an admission examination.

²² An officially certified copy of a birth certificate, a medical certificate on the candidate's state of health, a declaration that the candidate has acquainted himself/herself with the Instructions for Grant of CR Scholarships and with the Conditions for Provision of Medical Care

Students are selected by foreign partners, embassies and the Department of Development Cooperation and Humanitarian Aid of MFA CR (in the case of foreign nationals residing in the CR). **Selection** in the students' countries of origin is usually made by the local Ministry of Education and interviews at the relevant embassy then take place (for recommending the order of applicants). The final decision is up to the Minister of Education, Youth and Sports who makes a decision according to the recommendation from the advisory body – the Commission for Government Scholarships. Since 2007, students have also been able to apply individually – they do not have to be recommended by the authorities of their countries of origin (to prevent corruption). The scholarship from the CR government is granted by a decision of MEYS CR to support studies under a three-year or four-year **bachelor's** educational programme or under a four-year, five-year or six-year **master's** educational programme, for regular daytime studies under a specific educational programme, implemented by a public university (or its faculty) in the Czech language, for a period equal to the standard period of studies. Once the scholarship is granted, it is not possible to change the public university or the educational programme or the discipline of study.

Before studies are commenced under a specific educational programme at a university, a scholarship is granted for **one-year studies in a preparatory grade** at the centre of language and vocational training of the Institute of Language and Vocational Training of the Charles University (ILVT CU).

After admission to a university, the student is required to file, without any delay, an application for issuance of a **Decision on Grant of Scholarship** through their centre of language and vocational training with the Studies Department of the House of Foreign Services of MEYS CR for the standard period of studies under the educational programme, into which they were admitted.

The scholarship covers the necessary costs of stay and studies in the CR. The amount of the scholarship is continually adjusted; at present, this amount has been set to be 9,000 CZK per month for students of a bachelor or master educational programme (9,500 CZK per month for students under a postgraduate educational programme). The amount of the scholarship already includes the amount for payment of the costs of accommodation. Nevertheless, the students must take into account that after they arrive to the CR, they will have to pay initial financial costs in the amount of ca 3,000 to 5,000 CZK for administrative fees associated with the studies or possibly other expenses according to their needs (such as clothes, translations and official recognition of foreign documents, etc.) from

their own resources. The travelling costs of the trip to the CR and back to the home country after completion of studies, regardless of the reason why the studies have been discontinued, are not paid by the Czech party. These costs are paid by the party which proposed the foreign national for studies in the CR, or by the foreign national from their own resources.

Students are also **provided with free studies** at public universities and until 2010, **provision of the necessary medical care** in the event of illness or injury was ensured for them on the same terms as for CR citizens. The costs of accommodation, board and public transport are paid by the scholarship holders from their own resources under the same conditions that apply to students who are CR citizens.

b. Agreements on Specific Programmes of Temporary Work Stays of Young People

As described below in greater detail, the possibility of participating in programmes is limited by citizenship of the given country and by permanent residence in it and it is also limited by age. No other restricting criteria, such as level of education, working experience, etc. are defined. The citizens of Canada/New Zealand who are already staying in the territory of the CR can be included in the programmes only if they meet the condition that they have their place of permanent residence in their home country and if they leave the CR, as a minimum, to file an application for a visa (a visa for more than 90 days), which generally cannot be applied for in the territory of the CR according to the Czech legal system.

The agreement on facilitation of temporary work stays of young people with New Zealand can be taken advantage of both by CR citizens in the territory of New Zealand and the citizens of New Zealand in the territory of the CR. The conditions governing participation are as follows:

- citizenship of New Zealand, with the place of permanent residence in New Zealand;²³
- a valid passport of New Zealand;
- age between 18 and 30 years, inclusive, at the time when the application for visa is filed;
- children will not be accompanying the participant on his/her trip to the CR;
- the person has a return ticket or sufficient resources to buy such a ticket;
- according to the assessment by the relevant authorities, the person has sufficient resources to cover their living expenses during their stay in the CR – the minimum is 70,000 CZK;

²³ According to the information by MEYS CR, it is expected that the condition of permanent residence in the territories of the signatory parties will be removed in the near future under a recently agreed Protocol on the agreement on this programme. This Protocol should be signed in the course of autumn 2010 at the latest.

- the person has a return ticket or a return air ticket to leave the territory of the CR or an amount corresponding to the price of a return ticket to New Zealand, specifically an amount of 40,000 CZK;
- the person will present a document on medical insurance in the scope defined by the national laws of the CR;
- the person has an intention to spend their vacation in the CR and the employment here will tend to be the secondary purpose of their stay rather than the main purpose;
- and some other requirements.²⁴

In order to be able to enter the territory of the CR for the purpose of work vacation, the citizens of New Zealand need a long-term visa, which they will receive from the authority responsible for issuing visas. The citizens of New Zealand under this programme do not need a work permit to be employed in the territory of the CR; however, they must not be employed permanently during their stay and they must not work for the same employer for longer than 3 months. There are no other specific conditions that they would have to meet. The maximum duration of the stay can be one year²⁵ – the visa for the purpose of work vacation cannot be extended. The agreed annual quota is 100 visas to be issued on both sides.²⁶

The second agreement is the **Agreement on Facilitation of Work Stays of Young People with Canada** – both young citizens of Canada in the territory of the CR and young citizens of the CR in the territory of Canada can take advantage of this agreement. The conditions for participation are as follows:

- citizenship of Canada, with place of permanent residence in Canada;
- Canadian passport holder;
- age between 18 and 35 years, inclusive;
- the person has a return ticket or sufficient resources to buy such a ticket;
- the person has a document on financial resources needed to cover the costs associated with the beginning of his/her stay in the CR;

²⁴ The person will also submit 2 photographs, a declaration that he/she was never convicted of a crime in New Zealand; the person will pay the defined fee for issuance of the visa and will meet all the health requirements for entry into the territory of the CR.

²⁵ This is counted from the date of issuance of the visa, not from the date of entry into the territory of the CR.

²⁶ Nevertheless, starting from 1 July 2005, the New Zealand party unilaterally increased the number of work visas, which are issued to the CR citizens under this agreement, from 100 to 1,000.

- the person agrees that he/she will take out medical insurance before entering the territory of the CR;
- and some other requirements – in this respect, it is distinguished between whether it is a person interested in receiving professional training in the CR (a document on admission to studies and a promise of internship), in gaining professional experience (a promise of a contract of employment) or in travelling and being employed on a short-term basis (declaration of this intention).

Citizens of Canada who meet the requirements of this agreement and who are issued with a visa for a stay longer than 90 days in accordance with this agreement are entitled to accept employment in the CR, during the period of validity of the said visa, regardless of the situation on the labour market and without a work permit. The eligible citizens can take advantage of this agreement for a maximum of two times on the condition that the purpose of the stay will be different each time²⁷ and that the two stays are not directly consecutive. The duration of each stay must not exceed one year.

Nevertheless, these Agreements are **used to very little extent** by the citizens of New Zealand and Canada – the participants tend to be isolated individuals; their numbers have risen to dozens of persons only in the approximately last two years.

c. Type C Green Card

Green cards are generally issued with validity for the period of employment; however, the maximum period of validity of a green card of type C is 2 years. Unlike types B and C, a type C green card cannot be extended – therefore, after its validity expires, the foreign national must leave the CR and must apply for a new green card or, under certain circumstances, must apply for a new type C green card from the territory of the CR.

A foreign national who is interested in employment in the CR must first **seek out a specific suitable vacant job position** *in the central register of vacant job positions that can be filled with holders of a green card* on the Internet and then they apply with the CR

²⁷ They must fall into one of the three different categories of persons eligible to participate in the programme. These categories are defined in Article 2 of the agreement: (1) young citizens, including graduates of post-secondary studies, who want to receive an additional paid professional training, based on a promise of a contract of employment, in the host country in order to support their career development; (2) students registered in institutions of post-secondary education in their countries who want to complete a part of their educational programme in the host country by completing a previously agreed internship or by accepting a job positions, which is a mandatory part of their studies and for which they will receive remuneration; this can also take place under an understanding between institutions of post-secondary education; (3) young citizens, including students registered for studies in their countries, who intend to travel around in the host country and who want to get occasional paid employment for the purpose of supplementing their finances.

embassy abroad for a green card for this chosen job position. The application, along with other required materials,²⁸ is then forwarded to the MoI CR, which makes a decision on issuance of a green card within 30 days. After presenting a document on the fact that the foreign national has taken out travel medical insurance, he/she shall receive an entry visa to be able to collect the green card, which he/she shall collect in the territory of the CR. Within 3 working days, he/she shall register his/her residence with the relevant inspectorate of alien police and shall start the job. A foreign national who is already staying in the CR can also obtain a green card under exceptional circumstances defined by the law.²⁹

Save for the exceptions stated in this text, a foreign national with a type C green card has the same rights as a normally legally employed third country national.³⁰ Nevertheless, as compared to these foreign nationals, the process of employing a holder of a type C green card is simpler and faster. Also, it can be said that it is a certain advantage that a foreign national with a green card cannot be assigned temporarily to jobs by private employment agencies – as a result, the foreign national cannot be dependent on the frequently unfair practices of these mediation agencies.

2.2.3 Implementation of the Policies in Practice and Control

The general conditions applicable to the stay of foreign nationals apply to all the temporary migration programmes. The compliance with these conditions is required, checked and non-compliance is penalised according to the Act on the Residence of Foreign Nationals. Just how temporary the residence permission is determined either absolutely by the maximum duration of the stay being set (this applies to agreements – a period of 1 year) or with relation to the accomplishment of the purpose of the stay (holders of government scholarships – the duration of the studies) or by a combination of both (a type C green card – duration of the employment and a period of 2 years). If the purpose of the stay or the validity

²⁸ The foreign national must enclose the documents required by the Act on the Residence of Foreign Nationals (a travel document, etc.) and the documents certifying the required qualifications (if some qualifications are requested) with the application.

²⁹ An application for a green card can be filed with the MoI CR by a foreign national who is staying in the territory of the CR under a green card system and who, at the same time, either lost their job through no fault of their own and who filed the application during the 60-day protection period or who has been staying in the CR under a green card system for a period of at least 1 year and wants to change their employer. Also, a foreign national who has been staying in the CR without interruption for a period of 2 years, either under a visa for a stay longer than 90 days or under a long-term residence permit, can apply for a green card with the MoI CR. Thus, theoretically, a foreign national can change their employer during the first year of their stay under a green card; nevertheless, he/she can only file an application for issuance of a new card from abroad – which means that he/she must leave the CR.

³⁰ As a result, those family members of foreign nationals with a green card who are staying in the CR have the same access to social security as other foreign nationals from third countries.

of a residence permit ends, the foreign nationals are required to leave the territory of the CR within a specified period. If they fail to do so, they will become illegally resident individuals and if found out, they will be faced with expulsion. No specific punishment/penalties for breach of the rules of the programmes for temporary or circular migration are handed out – if the programme's conditions are not complied with, the participants are expelled from the programme.

a. Holders of Government Scholarships

The holders of governmental scholarships can stay in the CR for the standard period of their studies and in cases worthy of special attention, such as humanitarian or health reasons, they can stay in the CR for an extended period (extended by a maximum of one academic year). If a foreign national with a scholarship exceeds the standard duration of his/her studies or the period, for which the scholarship was granted under a bachelor or master educational programme, he/she will lose the status of a holder of government scholarship. He/she shall be required to pay the fees set by the school for extension of his/her studies from his/her own resources just as a CR citizen. After the payment of the government scholarship ends, he/she can stay in the territory of the CR only on his/her own responsibility provided that he/she ensures all the formalities associated with a permit for residence in the CR, with the studies, with medical care, accommodation, board, etc. at his/her own expense.

A claim to a granted scholarship also ceases to exist if the foreign national interrupts, fails to commence³¹, drops out of or is expelled from the studies and also if the applicant obtains a permit to stay in the territory of the CR while having a permanent residence in the CR under a residence permit or if the foreign national is engaged in activities that are in conflict with the laws valid in the CR or if the CR Ministry of Health requests repatriation because of an untreatable disease.

Holders of government scholarships sign a Declaration on Receipt of Information on the Instructions for Granting of Scholarships from the CR Government and by doing so, they confirm, among other things, that they will return to their home countries after completing their studies in the CR or if they fail to comply with the conditions defined in the Instructions. However, in practice, it is not feasible to check on whether they leave the country – for example, if some of them decide to stay in the CR illegally. According to the statements by experts, some of the students also stay in the CR for the reason of family reunion (with a CR citizen). Some students do not want to return to their countries of origin for economic reasons.

³¹ If the student does not register for the studies within the specified time limit (30 days)

The fact that some of the students remain in the territory of the CR is assumed and confirmed by experts – nevertheless, it cannot be monitored statistically. Experts come upon this information either during an incidental encounter or after many years when a former holder of government scholarship is procuring documents for his/her retirement pension.

Those government experts approached recommend, for example, linking the payment of the last scholarship to a scholarship holder to the requirement of submission of a written assessment of his/her stay in the CR, including the assessment of the studies, the benefits for his/her life and career and the name of the country where he/she intends to make use of the knowledge gained, etc.

b. Agreements on Specific Programmes for Temporary Work Stays of Young People

Those foreign nationals who breach the rules of the programme are expelled from the programme, as a result of which they lose the purpose of their stay in the territory of the CR and they must leave the country. If they fail to do so, they can be expelled from the country.

c. Type C Green Card

The general procedure applies – see above.

2.3 Cooperation with Third Countries

a. Holders of Government Scholarships

Cooperation with third countries takes place through the MFA CR and its embassies. The government experts from MEYS described cooperation with selected embassies (in Zimbabwe, Mongolia, Moldova, Bosnia) as an example of a good practice under this programme. Third countries usually appreciate the offers of government scholarship places. In some countries nepotism operates – the candidates to the scholarship are not nominated according to their education, abilities and ambitions but rather according to the kinship with, for example, the employees of the local Ministry of Education. The CR tries to address this issue through cooperation with the CR embassies. There are often problems with supply of documents; in countries ridden with problems with respect for human rights, deliberate obstacles to obtaining documents are sometimes encountered.

b. Agreements on Specific Programmes for Temporary Work Stays of Young People

Conclusion of agreements and cooperation in their practical implementation is taking

place as part of the standard diplomatic contacts between the CR and Canada and New Zealand. The institution in charge of the agreements is MFA CR. At present, similar agreements are under negotiation with South Korea and Australia.

c. Type C Green Card

There is no specific cooperation concerning green cards – informational-implementation consultations are carried out as part of the standard contacts in the field of migration through embassies/consular offices.

Mobility Partnerships and Circular Migration

The CR participates in the Mobility Partnerships; nevertheless circular migration is not addressed in the CR in this context. As part of continuation of the process of building migration partnerships, which was started by the Prague ministerial conference³² during the Czech presidency of the Council of the EU on 28 and 29 April 2009, the CR commenced a series of expert missions in 2010 with the aim of gathering information for creation of migration profiles.³³

In 2009, the CR became actively involved in the Partnership for Mobility with Moldova and implemented the projects included in it, particularly the project for support of migration management with an emphasis on work migration, a reintegration project for Moldovan migrants. As a member of the international consortium of states, the CR also participates in a project financed by the EU which involves identification of fake and altered documents on the Moldovan-Romanian border, an in a project for strengthening capacities. The CR also participates in the Partnership for Mobility with Georgia.

2.4 Other Aspects

Returns to the Countries of Origin and Participants of the Programmes

a. Holders of Governmental Scholarships

As it has been mentioned above in the text, the return of holders of government scholarships to their countries of origin are not monitored – only general appraisals of experts

³² The aim of the conference titled *Building Migration Partnerships* was to strengthen the implementation of the global approach to migration with the countries adjacent to the EU's east and the southeast borders. The conference approved a joint declaration which defines specific areas of extended cooperation based on the principle of partnership in migration management in the five topic-specific areas, which are prevention and combat against illegal migration, readmission, voluntary return and sustainable reintegration, legal migration, integration of legal migrants and the relation of migration and development.

³³ The first mission under the lead of a Czech expert and with the participant of the European Commission was sent to Georgia. The missions to the remaining 10 countries of the Commonwealth of Independent States were planned for 2Q of 2010.

in this field are available, stating that a considerable portion of the students remains in the CR/Schengen area.

b. Agreements on Specific Programmes for Temporary Work Stays of Young People

Returns of the citizens of Canada and New Zealand to the CR are not monitored. The number of participants in the programme from among the citizens of Canada and New Zealand is very low.

c. Type C Green Card

The system of green cards has only been in operation from the beginning of the year 2009, that is, for a year and a half – and the maximum period of validity of a type C green card, which cannot be extended, is 2 years. For these reasons, information on returns is not yet available.

3 STATISTICS ON TEMPORARY AND CIRCULAR MIGRATION

Availability of Statistical Data on Circular and Temporary Migration

a. Holders of Government Scholarships

In the period from the late 1950s up until now, more than 20,000 foreign nationals³⁴ have completed studies at Czech and Slovak public universities with scholarships from the government of the CR (Czechoslovakia). Experts from MEYS state a more precise figure: ca 22 thousand. Even after 1990 when the support significantly decreased, 4,638 citizens of developing and other countries have received a Czech government scholarship [Lindner]. The statistics supplied by MEYS CR for the purpose of this study show that a broad range of data on the numbers, nationalities, sex, period of studies in the CR, study disciplines and the way in which the studies were ended are available. However, as it has already been mentioned above, important information on how many persons returned to their countries of origin and perform the profession, for which they received education in the CR, is not monitored. In this context, Neumannová quotes an employee of MFA CR [Neudertová in Neumannová] – according to her statement, the Ministry does not maintain any statistics on how many students actually make use of the knowledge obtained in the CR in their home countries. According to government experts, MEYS even does not have the possibility to monitor these students after their return to their home countries, even if they do return there. This makes it impossible to maintain any statistics. Statistics could only be obtained from information voluntarily provided by former scholarship holders.

For the purposes of this study, the data on the total numbers of students for the separate years, broken down into study disciplines, have been used (see below).

³⁴ Instruction on Grant of Scholarships from the Government of the Czech Republic, Foreign Development Cooperation, Lindner

The numbers of holders of government scholarships studying in the CR during the calendar years 2003 – 2009							
Academic year	places filled	places offered	calendar year	bachelor programme	master programme	postgraduate programme	Total number
2003/2004	169	250	2003	86	499	212	797
2004/2005	207	250	2004	242	400	211	853
2005/2006	206	250	2005	258	431	200	889
2006/2007	211	250	2006	341	426	201	968
2007/2008	176	250	2007	416	391	180	987
2008/2009	118	130	2008	410	332	151	893
2009/2010	113	130	2009	372	306	105	783
2010/2011		130	2010	284	229	80	593

Source: MEYS CR

The numbers of holders of government scholarships according to the end of studies in the years 2003 – 2009							
Year	Ended studies		Ended scholarship		Proper graduate		Total
	Number of students	i.e. in % of the total	Number of students	i.e. in % of the total	Number of students	i.e. in % of the total	
2003	68	45.3	45	30.0	37	24.7	150
2004	71	41.0	56	32.4	46	26.6	173
2005	64	47.1	37	27.2	35	25.7	136
2006	64	40.8	66	42.0	27	17.2	157
2007	82	39.8	87	42.2	37	18.0	206
2008	90	41.1	95	43.4	34	15.5	219
2009	64	34.4	83	44.6	39	21.0	186

Source: MEYS CR

As it is apparent from the statistics above, more than one thousand holders of government scholarships studied in the CR in the years 2003-2009. Considering the way of ending the studies, it can be generally said that approximately 40 % of the students do not complete their studies (“ended studies”) – the most frequent reason is failure to perform the study obligations or discontinuance at their own request. Over the years, the payment of scholarship was terminated for an increasing percentage of students, which has grown from

30 % to 45 % because the students exceeded the standard duration of studies and the students thus complete their studies at their expense. These students are then no longer holders of government scholarships and so are not monitored. On average, only about 1/5 of the students complete their studies as proper graduates. More detailed statistics provided by MEYS CR show that during the reference period, the highest numbers of holders of government scholarships in the CR were among persons from Mongolia, Byelorussia and Moldova (more than 60 persons).

Nevertheless, a representative of MEYS CR commented on the topic of success of the holders of governmental scholarships in their studies in 2005 stating that 67 % of scholarship holders complete their studies within the regular period of time [Menschik]. See the quotation above in the sub-chapter 2.1.4 on evaluation of programmes.

b. Agreements on Specific Programmes for Temporary Work Stays of Young People

The statistical information on the participants of these programmes is available in a detailed breakdown.³⁵ The data for the year 2010 show the situation as of 02/08/2010, inclusive.

³⁵ The presented data do not completely correspond to the data provided by MFA CR, which, however, represent a different view of the participants – the data from the Directorate of the Foreign Police Service of the CR Police indicate the number of foreign nationals with an issued residence permit – but not all these foreign nationals may have actually arrived to the CR.

The number of foreign nationals with an issued residence permit for the purpose of work vacation – New Zealand

Citizenship	Year	Sex	Age			Total
			20 to 24 years	25 to 29 years	30 to 34 years	
New Zealand	2007	male	0	2	2	4
		female	0	1	1	2
	Total in 2007		0	3	3	6
	2008	male	0	2	1	3
		female	2	2	0	4
	Total in 2008		2	4	1	7
	2009	male	2	0	0	2
		female	0	2	0	2
	Total in 2009		2	2	0	4
	2010	male	0	0	1	1
		female	0	0	1	1
	Total in 2010		0	0	2	2
Grand total			4	9	6	19

Source: Directorate of the Foreign Police Service of the CR Police

The number of foreign nationals with an issued residence permit for the purpose of work vacation - Canada

Citizenship	Year	Sex	Age					Total	
			15 to 19 years	20 to 24 years	25 to 29 years	30 to 34 years	35 to 39 years		
Canada	2008	male	1	2	2	1	1	7	
		female	1	15	0	1	0	17	
	Total in 2008		2	17	2	2	1	24	
	2009	male	1	8	3	1	0	13	
		female	0	11	0	1	0	12	
	Total in 2009		1	19	3	2	0	25	
	2010	male	0	9	1	1	0	11	
		female	2	9	2	0	0	13	
	Total in 2010		2	18	3	1	0	24	
	Grand total			5	54	8	5	1	73

Source: Directorate of the Foreign Police Service of the CR Police

As it is apparent from the table above, there was an increase in the numbers of these foreign nationals from zero to a few participants or dozens of participants; nevertheless, there are no other visible trends because the duration of the programme has been too short for monitoring other trends.

c. Type C Green Card

There are detailed statistical data available on the type C green card – see below. Nevertheless, due to the fact that the green card system has been in operation only since 2009 and the stay with a type C green card can be up to 2 years long, evaluation of returns to countries of origin cannot be available for these time-related reasons. The proportion of foreign nationals with green cards in the total number of employed foreign nationals is very low: it amounted to 0.02 % of all the employed foreign nationals as of 31/12/2009.³⁶

³⁶ For the sake of comparison it can be stated that a total of 230,709 foreign workers were working legally on the labour market in the CR as of 31/12/2009, including 73,666 persons with a valid work permit for a foreign

During the first year of the system's operation – in 2009 – a total of 234 foreign nationals applied for a green card, including 108 (46.2 %) who applied for type C. Most of the applicants for a green card – 80 % - were citizens of Ukraine; among applicants for type C, this predominance is even more significant: 95 %; the remaining 5 % consists of citizens of Serbia. However, the success of the applicants for the card of this type was lower in comparison with all types (13 % as opposed to 22 %). In 2009, a total of 51 green cards were issued, including 14 (i.e. 27.5 %) of type C – those were solely citizens of Ukraine and the cards were issued for the performing the profession of a producer and processor of food products in bakery or for the performance of the profession of an unskilled worker.

The number of foreign nationals who were issued with a green card of type C – according to citizenship in 2009

Citizenship	Total green cards	Type C green cards	i.e. % of the total of green cards
Macedonia	1	0	0.0%
United States of America	7	0	0.0%
Serbia	4	0	0.0%
Ukraine	39	14	27.5%
Total	51	14	27.5%

Source: The data were obtained from the source materials of MoLSA CR

national and 51 foreign nationals with a green card; and 139,315 items of information were presented on the citizens of the EU, the European Economic Area and Switzerland and 17,680 items of information were presented on foreign nationals who do not need a work permit. The number of foreign workers registered at the governmental employment agencies in the Czech Republic decreased by 53,842 persons during the year 2009.

Data on the Circular or Temporary Nature of Migration

No data on the circular or temporary nature of migration are available for the CR. This is confirmed, for example, by the statement of the Directorate of the Foreign Police Service of the CR Police for this study. Aggregate data on the issue of long-term visas/stays as compared to short-term visas/stays are available but they do not have sufficient informative value in this context. Among other things, they are distorted because of possible illegal employment/stay in the case of stay under a short-term visa. The temporariness/circularity of the migration of Ukrainian citizens (see below for more details) can be generally deduced from the fact that in their case, long-term stay significantly predominates over short-term stay as opposed to other communities of foreign nationals in the CR. For example, as of 31/12/2009, long-term stay predominated among Ukrainians (66.9 % of the total of citizens of Ukraine with permitted residence). As compared with that, permanent residence predominated, for example, among the citizens of Vietnam (58.5 % of the total number of citizens of Vietnam with permitted residence). Nevertheless, this can also be at least partly explained by the geographic vicinity of Ukraine to the CR as compared to Vietnam.

And yet the citizens of Ukraine are the largest group of migrants among third country nationals in the CR – among 295,603 third country nationals with permitted residence in the CR as of 31/12/2009, there were 131,977 citizens of Ukraine (i.e. 44.6 %).

Statistical information on repeated stays (returns) of immigrants is not available for the CR. Also, it is not possible to determine for migration into/from the CR whether the circular/temporary nature of migration is more frequent than in the past.

Researches into the Circular or Temporary Nature of Migration

Some of the main researchers concerned with the topic of migration of a circular/temporary nature include in particular Dušan Drbohlav and Michal Nekorjak as well as Zdeněk Uherek. They mainly analyse Ukrainian labour migration.

Nekorjak states that besides the respondents from among Ukrainian labour migrants with whom he spoke during the preparation of this thesis, other researches also confirm the temporary or circular nature of a large part of Ukrainian migration – he mentions for example the following ones: Drbohlav, Dzúrová 2007³⁷, Uherek et al. 2001³⁸ a Uherek et al. 2008

³⁷ Drbohlav, Dušan; Dzúrová, Dagmar. 2007. “Where Are They Going?: Immigrant Inclusion in the Czech Republic (A Case Study on Ukrainians, Vietnamese, and Armenians in Prague).” *International Migration* 45 (2): pages 69-95.

³⁸ Uherek, Zdeněk; Valášková, Naďa; Plochová, Kateřina; Mušinka, Mikuláš. 2001. “Rekonstrukce vybraných podmínek života pracovní migrace z Ukrajiny v České republice na základě šetření na Zakarpatské Ukrajině –

[Nekorjak, page 97]. Uherek et al. [Uherek, Horáková, Pojarová, Korecká, p. 91]. They state that “*Ukrainian communities are relatively often created by temporary migration (...)*”. As they carry on to point out, this is clearly indicated, for example, by the high percentage of Ukrainian citizens with long-term residence in the CR as compared to permanent residence. For example, in the second largest community of third country nationals – the citizens of Vietnam – the ratio is reverse – most of them have permanent residence.

Nekorjak examines the circular and temporary strategy of migration particularly in connection with the “client system”³⁹, which is the main topic of his thesis. He states that [Nekorjak, p. 98] (...): “*the circular and temporary strategy of migration is a certain predisposition for use of a “client system” for several reasons:*

1) These migrants – at least in the beginning – do not know the environment of the Czech Republic and have not yet established the necessary contacts with employers. In addition to that, there are difficulties associated with the relative speed with which the migrants travelling back and forth must find vacant job positions, which is difficult due to their limited knowledge of the local market and established networks.

2) The employers support work through “clients” (as well as through mediators of other types, such as agencies) because from the long-term perspective, it is too demanding to keep ensuring the supply of new workers again and again. And they address this problem particularly for seasonal work and when the volume of their projects fluctuates.

In this way, there occurs mutual “resonance” between the strategies of migrants, needs of employers, the secondary labour market and the “client system”. And this includes

případová studie.” (“*Reconstruction of Selected Living Conditions of Labour Migrants from Ukraine in the Czech Republic based on survey in Subcarpathian Ukraine – a case study.*”), pages 93 – 103 in *Zdravotní politika a ekonomika* (3/2001): Analysis of the medical care of foreign nationals in the Czech Republic. Kostelec nad Černými lesy: Institute of Medical Policy and Economics.

³⁹ For example Nekorjak [Nekorjak, Co je to „klientský systém“? (What Is The “Client System”?)] states the term “client system” “*is an established (although inaccurate) term today, which denotes the network of relations and services, the central function of which is to mediate vacant job positions to migrants who come to the Czech Republic from Ukraine*”. Nekorjak continues on this: “*This method of organising work for immigrants already started to form in the early 1990s when part of the immigrants realised that their peers and Czech employers lack a “manager” who is able to find vacant job positions for the immigrants and the employees desired by businesspersons. Those who took this “managerial” role from the very beginning did not limit their services right only to making the supply and demand meet on the labour market. Their activities are much more extensive and they can be understood as monopolisation of those functions, which are usually normally covered by specialised entities such as human resources agencies, real estate agencies, building companies, law offices and translating agencies. Thus, the mediators do not only look for vacant job positions but they also procure accommodation, deal with the authorities in the matters of necessary permits; they can ensure transport; they also partly supervise the work discipline instead of the Czech employer; they resolve personal conflicts; many of them eventually started their own companies oriented on subcontracting (often in the building industry) or on outsourcing (for example, cleaning) and, as a result, they also operate as (formal) employers.*”

legislation. On the one hand, the temporariness of their stay is planned by migrants but also it is not possible to ignore the forced flexibility of the stay. Migration policy simply puts a foreign national into the position of a long-term provisional situation. In a way, it forces the vision of temporariness on them regardless of what plans they might have.”

Nekorjak [Nekorjak, page 97] also states that “*circular or temporary labour migration makes it possible to maintain the advantages associated with separation of the place of income from the place of consumption. However, if this separation exists too long, it starts to be demanding with respect to maintaining close relationships.*”

Collection of Data on Circular Migration

The sources of data in the CR are administrative sources and due to the fact that these sources of data are defined by the applicable legislation, which does not contain the concept of circular migration in the CR, it is not possible to collect data on circular migration. The governmental authorities only maintain databases under the given legislation and collection of any other data is not possible because of the legislation for personal data protection.

4 CONCLUSIONS

The concept of circular or temporary migration has not been a fixed part of the migration policy of the CR until now. For this reason, it is also not possible to find examples of good practice. Nevertheless, new explicit effort by the government to support circular and temporary migration was identified in this study. **The government resolution of May 2010 concerned with the current problems and developments in migration set a task to prepare a proposal for a new system of economic migration by the end of 2010 as a high-priority task. This resolution mentions the terms circular and temporary migration for the first time.** As a result, the possibilities of circular migration should be given preference to permanent resettlement as concerns labour migration in the CR; and specifically for low-skilled migrants, migration should be primarily based on the principle of temporary migration. As a result, it can be assumed that in the future, the CR will orient its migration policy on supporting circular and temporary migration under conditions defined by the government, especially with respect to labour migration. In this context, in accordance with the principles of this concept being newly created and based on the experience with the difficult situation with respect to labour migrants in the CR during the economic crisis, programmes supporting circular and temporary migration can be seen as effective and beneficial to all their participants (the host country, the country of origin, the migrants) and they can be recommended.

Nevertheless, according to the findings of the study, it appears that one of the conclusions of this study in the field of support of temporary migration is the necessity to **emphasise the need to ensure effectively working mechanisms of (temporary) return of migrants coming into the country as the key factor in the parameters of policies/programmes** in this field – in the programme of government scholarship places for students from less developed countries, it is the greatest challenge under this programme in the CR and it is a factor that detracts from the effectiveness of the programme to a certain extent. The lack of systemic tool for ensuring returns of government scholarship holders is seen by both governmental and non-governmental experts as the fundamental weakness of this programme. Government experts estimate that only a minority of the scholarship holders return to their countries of origin.

As concerns the programme of government scholarships, the failure to fill all the available scholarship places was identified in the study as another weakness

of the programme. Regrettably, there are even isolated cases, in which the scholarship holders either do not arrive in the country or they do arrive but do not commence studies. Nevertheless, the responsible ministries in this context try to **utilise the given quotas for scholarship holders to the maximum extent** in this context, mainly by using a list of substitutes – these substitutes are often self-paying students who are already staying in the CR and who are trying to obtain a scholarship to finish their studies. **Establishing contacts** with the (developing) country concerned and **involving the scholarship holders in development projects** in their countries of origin were described as benefits for the future. As concerns **improvement of the system's efficiency**, the contacted government experts recommended a more efficient way of ensuring **medical insurance** for the scholarship holders and linking the payment of the last scholarship instalment to the student's obligation to provide **feedback** on their studies in the CR and their plans of how they intend to use the education gained. The possibility of sending university pedagogues to developing countries also appears to be interesting. The importance of close **cooperation with embassies and universities** and **involving scholarship holders** in foreign development cooperation projects was also emphasised.

Of the three areas of the parameters of Czech migration policy supporting temporary migration into the CR, the experiences of the government scholarship programme may be drawn on to the greatest extent because this is a programme that has been in operation for a long time – see above. **The type C green card system** was put into operation in 2009 and therefore it is too recent for a detailed assessment. Nevertheless, government experts generally described its self-regulation capability in relation to the current development of economic situation as an effective element of the green card system – thanks to the direct connection of the green card system to the process of filling vacant jobs in the Czech economy, only a minimum of foreign workers come to the CR during the times of crisis. In the future, it is expected that it will be used on a larger scale when the economic growth takes place. **The programme for temporary work stays of young people** under interstate agreements is also relatively new (from the years 2005 and 2007) – due to the extent to which it is used by the citizens of New Zealand and Canada, its impact on migration is negligible from a practical point of view. Government experts stated that the way of providing information both for CR citizens and for the citizens of New Zealand and Canada on the websites of the CR embassies in the relevant territories and on the website of MFA CR can serve as an example of good practice under these agreements.

Due to the fact that the concept of circular migration is new for the migration policy of the CR, it is not possible to propose political opportunities for taking advantage of the positive aspects of circular migration at the EU level in this study.

As concerns the statistics on circular/temporary migration, it can be summarised that there are no programmes designed to support circular migration in the CR and the data available for the forms of support of temporary migration identified in the CR are quite detailed for holders of government scholarships but **data on the key area of monitoring returns are completely unavailable**. This is true particularly for the statistics on returns of the holders of government scholarships to their countries of origin. Due to the negligible numbers of participants from among citizens of Canada and New Zealand, the statistics on the participants of agreements on specific programmes for temporary work stays of young people are irrelevant; and no statistics are available on the green card system due to its recent introduction.

Neither the potentially circular nature of migrations into the CR taking place under the standard migration policy, which researchers active in this field have identified in surveys of qualitative nature in particular among Ukrainian labour migrants, can be captured statistically at present. The CR government is interested in creating mechanisms for monitoring the circular/temporary nature of migration; nevertheless, no specific steps have been taken in this field so far.

Due to the fact that the study has not identified any programmes for circular migration and that the programmes for temporary migration involve cooperation with third countries that is part of standard cooperation with the countries concerned, **no special recommendations for cooperation with third countries can be identified in the CR in this field**. Third countries mostly appreciate the offer of government scholarship places made by the CR. Regrettably, nepotism exists in some countries, a problem which the CR is attempting to solve through cooperation with the CR embassies.

ANNEX

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