



**organization
for aid to
refugees**



**European
Network on
Statelessness**

Submission by the Organization for Aid to Refugees (OPU) and the European Network on Statelessness (ENS)

List of Issues Prior to Reporting for Czechia

United Nations Human Rights Committee, 146th Session (19 Oct 2026 - 06 Nov 2026)

Submitted on August 21, 2026

I. Introduction

1. The Organization for Aid to Refugees (OPU), together with the European Network on Statelessness (ENS) with regards to the part of the submission on statelessness, make this joint submission to provide information to the United Nations Human Rights Committee in advance of its consideration of Czechia under the simplified reporting procedure.
2. The Organization for Aid to Refugees (OPU)¹ established in 1991, is the oldest and largest non-governmental organization in the Czech Republic which assists refugees, stateless persons and migrants. OPU provides free in-person legal and social aid throughout the country by means of aid in reception, accommodation and detention centres and five regional offices. OPU also monitors the implementation of Czech asylum and migration policies and identifies systemic deficiencies affecting the rights of migrants and refugees. OPU appears in the media regularly and organises events for the public to raise awareness about discrimination and xenophobia.
3. The European Network on Statelessness (ENS)² is a civil society alliance of NGOs, lawyers, academics, and other independent experts committed to addressing statelessness in Europe. Based in London, it currently has over 180 members in 41 European countries. ENS organises its work around three pillars – law and policy development, awareness-raising, and capacity-building. ENS provides expert advice and support to a range of stakeholders, including governments. This submission partially draws on information and analysis from ENS's Statelessness Index, which covers Czechia.³

¹ For more information, see <https://www.opu.cz/en/>.

² For more information, see <https://www.statelessness.eu>.

³ ENS, Statelessness Index: Czechia, <https://index.statelessness.eu/country/czechia>.

4. The submission focuses on five interconnected areas relevant to the implementation of the International Covenant on Civil and Political Rights (the Covenant):
 - (1) Protection of stateless people and access to rights through a statelessness determination procedure (including arts. 2, 9, 14 and 26);
 - (2) Arbitrary and prolonged immigration detention, in particular of stateless people and asylum seekers (arts. 7, 9, 10 and 24);
 - (3) Children's right to acquire a nationality and prevention of childhood statelessness (arts. 2, 24(3) and 26);
 - (4) Access to international protection, border procedures and effective remedies (arts. 2, 6, 7, 9 and 13);
 - (5) Temporary protection and new conditions linked to military obligations (arts. 2(3) and 26).
5. Several of these concerns directly follow up on the Committee's previous concluding observations.⁴ At the same time, recent developments in asylum and migration law and practice have created additional concerns regarding detention, access to procedures at the border and access to effective remedies.

II. Protection of stateless people and access to rights through a statelessness determination procedure

6. The Committee previously expressed concern that Czechia lacked a dedicated statelessness determination procedure and that the status and rights of stateless people remained unclear. In 2019, it recommended establishing a dedicated and effective procedure with specific procedural safeguards, and the introduction of an internationally accepted definition of statelessness.
7. Since July 2023, Czech law has a statutory procedure for determining statelessness under the Immigration Act. However, the existence of a statutory procedure has not resolved the underlying problem identified by the Committee. The procedure does not lead to a comprehensive protection status and instead results, following recognition, in a tolerated stay visa for one year. The legal framework lacks clarity and does not provide all procedural safeguards required by international standards.
8. The statutory definition of a stateless person is also problematic. Section 49a of the Immigration Act uses wording corresponding to the Czech translation of the 1954 UN Convention relating to the Status of Stateless Persons (1954 Convention), but that translation does not fully reflect the Convention's internationally accepted definition, in

⁴ Human Rights Committee, *Concluding observations on the fourth periodic report of Czechia*, CCPR/C/CZE/CO/4, 6 December 2019, see <https://digitallibrary.un.org/record/3861414?v=pdf>.

particular the phrase “*under the operation of its law*”. This issue has also been addressed in domestic case law.⁵

9. The procedure places significant practical burdens on applicants. Although the burden of proof is formally described as shared, greater cooperation is expected from the applicant than in the international protection procedure.⁶ Applicants may therefore be expected to obtain evidence from foreign authorities establishing that they do not possess the nationality of a particular State. In practice, such evidence may be impossible to obtain, particularly where the person lacks documentation, comes from a country with discriminatory nationality practices or fears contacting the authorities of the country concerned.
10. The procedure also lacks important procedural safeguards. Stateless applicants do not have a statutory entitlement to free legal aid. The Ministry's decision cannot be challenged by an administrative appeal, and a judicial appeal does not have automatic suspensive effect. Applicants must specifically seek suspensive effect from the court to remain on the territory.
11. Applicants for statelessness determination also face significant gaps in access to basic rights pending the determination of their status. The law does not guarantee access to accommodation in reception facilities or health insurance, while access to employment is subject to additional conditions and is only possible after six months from the submission of the application. These gaps may leave applicants without basic means of subsistence and increase the risk of homelessness and vulnerability during the determination procedure.
12. Recognition as stateless does not provide a stable residence status. Recognised stateless people are generally granted a tolerated stay visa for one year, which may be extended, while permanent residence may only be sought after five cumulative years. The status provides limited access to employment, healthcare and family reunification and does not provide a residence solution specifically adapted to the situation of stateless people.
13. Czechia also retains reservations to Articles 27 and 28 of the 1954 Convention, limiting access to identity and travel documents to stateless people holding permanent residence permits.
14. Reliable and disaggregated data on the stateless population remain unavailable, with stateless people often recorded under broader categories such as “*not identified*” or “*citizenship unknown*”. This may hinder the timely identification of stateless people in immigration, asylum and detention procedures and their referral to the procedure to determine statelessness.

⁵ Decision of Municipal Court in Prague, 19 January 2023, n. 14 A 126/2021-39. Available in CZE [here](#).

⁶ Explanatory Memorandum of 8 February 2023 to the Bill amending the Immigration Act, available in CZE [here](#).

Suggested questions to the State party

Question 1: Please provide information on the measures taken since 2019 to ensure that the statutory procedure for determining statelessness constitutes a fair, effective and accessible determination procedure, including whether the State party intends to:

- (a) amend the statutory definition of a stateless person to reflect the internationally accepted definition under Article 1(1) of the 1954 Convention;
- (b) ensure a genuinely shared burden of proof and a reasonable degree of likelihood standard in law and in practice;
- (c) provide free legal assistance to applicants who cannot afford legal representation;
- (d) guarantee the right to remain on the territory throughout the determination procedure, including during judicial review;
- (e) provide automatic suspensive effect to judicial appeals against negative decisions;
- (f) guarantee applicants access to healthcare, accommodation and other basic rights during the procedure; and
- (g) ensure that recognition of statelessness leads to an appropriate residence status and effective access to the rights guaranteed under international law.

Question 2: Please indicate whether the State party intends to withdraw its reservations to Articles 27 and 28 of the 1954 Convention and ensure that recognised stateless people have effective access to identity and travel documents.

Question 3: Please provide information on measures taken to improve the identification of stateless people and the collection of disaggregated data on statelessness, including among persons recorded as having unknown or undetermined nationality.

III. Immigration detention and the heightened risk of arbitrary detention of stateless people

15. The Committee previously expressed concern that alternatives to immigration detention were hardly ever applied in practice and called on Czechia to ensure that detention was used only as a measure of last resort and was reasonable, necessary and proportionate in the individual circumstances. It also called on Czechia to end the detention of children.
16. Recent monitoring indicates that this concern remains relevant. In 2025, 216 asylum seekers were detained and 43 remained in detention at the end of the year.⁷ Although the average duration of detention decreased from 111 days in 2024 to 76 days in 2025, **no alternatives to detention were used in practice during 2025**. OPU's monitoring further indicates that detention decisions may rely on templates and that individual circumstances

⁷ European Council on Refugees and Exiles (ECRE), Asylum Information Database (AIDA), Country Report: Czechia – Update on 2025, June 2026, p. 13 and 89. Available [here](#).

are not consistently taken into account; according to OPU, no specific necessity or proportionality test is applied in practice.⁸

17. The situation is particularly relevant for stateless people. Czech law does not require a country of removal to be identified prior to detention, and statelessness is not routinely identified or assessed in detention decision-making. This creates a risk that stateless people may be unlawfully detained for the purposes of removal, even when their removal might not be feasible.
18. The OPU/ENS Toolkit⁹ further identifies a structural risk of repeated or prolonged detention. Upon release, people do not automatically receive a residence status or identification documents and may therefore have to initiate a statelessness determination procedure themselves. This can leave them without a stable status and vulnerable to renewed detention.
19. As part of the implementation of the EU Screening Regulation, UNHCR, together with the Czech Public Defender of Rights, provided training to Czech Foreigners Police officers involved in screening procedures on vulnerability assessment, including the identification of indicators of statelessness and the need to refer potentially stateless persons to the Statelessness Determination Procedure. However, it remains unclear whether these safeguards are consistently applied beyond the screening stage, including in subsequent asylum.
20. Czech law continues to permit the immigration detention of families with children. Under the Foreign Nationals Act, children under 18 and families with children may be detained for up to 90 days. Families with children are accommodated in the Bělá-Jezová detention facility. Moreover, in connection with the implementation of the EU Pact on Migration and Asylum, the legal framework governing the detention of applicants for international protection was amended. Previously, Czech law excluded vulnerable applicants, including families with children, from detention. The amended legislation no longer contains this general prohibition. While unaccompanied children remain explicitly excluded from detention, the new framework expressly allows for the detention of parents or other people responsible for minor applicants under specified conditions, for a maximum of 90 days.
21. The continued detention of families with children is particularly concerning given the approach taken by the Czech administrative courts.¹⁰ Detention of families with children for the purpose of Dublin transfers has in many cases been annulled by the courts. Courts have stressed that where adults are detained together with accompanying children, the

⁸ Ibid. p. 90.

⁹ OPU and ENS, Toolkit to identify and address statelessness in Czechia, January 2024. Available [here](#).

¹⁰ See, e.g., Municipal Court in Prague, judgement No 19 A 3/2025- 20, 6 February 2025, available in Czech [here](#); Regional Court in Brno, judgement No 22 A 18/2023 – 24, 7 July 2023, available in Czech [here](#); SAC, judgement No 2 Azs 275/2022 – 34, 16 June 2023, available in Czech [here](#).

detention of the adult may effectively result in a deprivation of liberty of the child. The authorities are therefore required to rigorously assess the best interests of the child, the necessity of detention, and whether less coercive alternatives would be sufficient. Detention decisions have been annulled where the authorities failed to provide sufficiently detailed and individualised reasons in this respect. While some measures are taken to mitigate the impact of detention on children, they do not address the Committee's recommendation to end child immigration detention.

Suggested questions to the State party

Question 1: Please provide disaggregated information on immigration detention, including the number and duration of detention orders involving stateless people or people whose nationality is unknown or undetermined.

Question 2: What measures has the State party taken to ensure that immigration detention is genuinely used only as a measure of last resort and that all less restrictive alternatives are effectively considered and applied in practice? Please provide data on the use of alternatives to detention in 2024, 2025 and 2026 to date.

Question 3: What safeguards are in place to ensure that information indicating possible statelessness identified during screening is taken into account in subsequent immigration and detention procedures? Please also indicate what safeguards are in place to prevent the detention of people for whom removal may not be feasible.

Question 4: What measures are in place to prevent repeated or prolonged detention of stateless people following their release, including the automatic provision of identification documents and an appropriate status and referral to the procedure to determine statelessness?

Question 5: Please provide information on the implementation in practice of the Committee's previous recommendations concerning detention of children and families, including the use of non-custodial alternatives.

IV. Children's right to nationality and prevention of childhood statelessness

22. The Committee previously expressed concern that the acquisition of Czech nationality by a stateless child born in Czechia to stateless parents was subject to a non-waivable residence requirement for at least one parent, and recommended ensuring that every child has a nationality irrespective of the parents' status.¹¹

¹¹ Human Rights Committee, *Concluding observations on the fourth periodic report of Czechia*, CCPR/C/CZE/CO/4, 6 December 2019, see <https://digitallibrary.un.org/record/3861414?v=pdf>.

23. This concern remains relevant. Czech law provides safeguards against childhood statelessness, but these remain conditional on the status and actions of the parents¹². A child who would otherwise be stateless automatically acquires Czech nationality only where both parents are stateless and at least one parent has a residence permit for more than 90 days. Where these conditions are not met, acquisition is non-automatic and subject to additional conditions.¹³ Consequently, the safeguards do not cover all children who would otherwise be stateless, and linking nationality acquisition to the parents' residence status or actions is inconsistent with the preventive purpose of the 1961 Convention.
24. Birth registration is available to all children and birth certificates are issued irrespective of nationality or status. However, nationality is not recorded on the birth certificate and may be determined only at a later stage. This may delay the identification and prevention of childhood statelessness.¹⁴

Suggested questions to the State party

Question 1: Please provide information on the measures taken to implement the Committee's previous recommendation concerning Article 24(3), including measures to ensure that all children born in Czechia who would otherwise be stateless acquire Czech nationality at birth or as soon as possible thereafter, irrespective of their parents' residence status, documentation, marital status or actions.

Question 2: Please provide information on safeguards to ensure the timely identification of children who may otherwise be stateless, including children whose nationality is unknown or undetermined, and their access to an effective procedure for determining their nationality or statelessness.

V. Access to international protection, border procedures and effective remedies

25. There are some concerns regarding access to international protection at Prague Airport. In 2025, only 40 applications for international protection were lodged at the airport, while approximately 20–30 persons per month were refused entry or issued an administrative expulsion decision. While these figures do not in themselves demonstrate pushbacks, they raise questions about effective access to the asylum procedure.¹⁵ In August 2026, OPU was informed about a possible attempted push-back case of an Iranian national from the Prague airport. The case is pending.

¹² Section 5 of Act No. 186/2013 Coll., on Czech Citizenship.

¹³ Sections 29 and 41 of Act No. 186/2013 Coll., on Czech Citizenship, as amended; see also OPU/ENS, Toolkit to identify and address statelessness in Czechia, January 2024, pp. 27–28. Available [here](#).

¹⁴ Ibid.

¹⁵ European Council on Refugees and Exiles (ECRE), Asylum Information Database (AIDA), Country Report: Czechia – Update on 2025, June 2026, pp. 19–22, 53. Available [here](#).

26. Border monitoring does not cover people who express a wish to seek international protection before successfully lodging an application. In 2025, monitoring by UNHCR's implementing partner was limited to the airport reception centre, after an application had been lodged. The transit zone itself was not accessible to monitors, police were not required to keep records before an application was successfully lodged, and persons expressing an intention to seek asylum during preliminary checks had no access to legal assistance or interpretation.¹⁶ Since June 2026, the Ombudsman's office has been designated as the monitoring body for the screening procedure, which also covers border monitoring.
27. Procedural safeguards have also been affected by the implementation of the EU Migration Pact. The amendments adopted in 2025 and largely effective from June 2026 shortened appeal deadlines and introduced changes to the legal consequences of asylum decisions, including a combined protection and return decision. The rules on suspensive effect have also been amended and differ depending on the type of decision.¹⁷
28. Access to independent legal assistance has further deteriorated since April 2026. The AMIF-funded scheme through which NGOs, including OPU, provided legal assistance ended in March 2026, and the Ministry of the Interior decided that legal assistance would thereafter be provided solely by a private law firm selected through a public procurement procedure. **OPU is no longer admitted to asylum facilities, including the Prague airport reception centre, despite remaining a UNHCR implementing partner.**¹⁸ This has removed an established NGO-based source of independent legal counselling and representation at the earliest stages of the procedure.
29. These developments raise concerns regarding the practical effectiveness of procedural safeguards and remedies under articles 2(3), 6, 7 and 9 of the Covenant, particularly where individuals are unable to communicate their protection needs or challenge removal effectively before irreversible harm occurs.

Suggested questions to the State party

Question 1: Please provide information on measures taken to guarantee effective access to international protection at border crossing points, including airport transit zones, from the moment a person expresses an intention to seek international protection, including access to interpretation, legal assistance and independent monitoring.

Question 2: What safeguards ensure that people who express a wish to seek international protection before formally lodging an application are identified, recorded and referred to the competent authorities, and are not returned before their protection needs have been

¹⁶ Ibid. pp. 20-22, 24, 68.

¹⁷ Ibid. pp. 12, 29-31.

¹⁸ Ibid. pp. 18, 32-33, 68.

assessed? Please also provide information on the implementation in practice of the new monitoring arrangements under the Migration Pact.

Question 3: Please provide information on how the State party ensures that the procedural changes introduced in the implementation of the EU Migration Pact, including shortened appeal deadlines, combined protection and return decisions and the amended rules on suspensive effect, ensure an effective remedy against decisions that may result in removal.

Question 4: Please provide information on measures taken to ensure effective access to independent legal assistance in asylum facilities following the termination of the AMIF-funded NGO legal assistance scheme, including the replacement of NGO-based assistance by assistance provided through a publicly procured law firm and the exclusion of OPU from asylum facilities despite its continued role as a UNHCR implementing partner.

VI. Temporary protection and new conditions linked to military obligations

30. Following the Council Implementing Decision extending temporary protection for persons displaced from Ukraine until 4 March 2028¹⁹, Czechia has, since 5 August 2026, applied a new eligibility condition concerning compliance with military obligations in Ukraine. Under the new framework, applicants must provide evidence that they comply with their military obligations and are authorised to leave Ukraine. The condition applies to new and repeated applications and applications for temporary protection for the purpose of family reunification, while people already holding temporary protection are exempt.
31. OPU casework indicates concerns regarding the application of this condition to men who remain formally subject to military obligations but have a lawful deferment and are nevertheless authorised to leave Ukraine, including people with disabilities, parents of three or more children and people caring for people with disabilities. Where such applicants are refused temporary protection solely because their military record continues to indicate that they are subject to military obligations, despite a valid deferment and evidence of evidence that they are authorised to leave Ukraine, this raises questions concerning the proportionality and non-discriminatory application of the new eligibility condition.
32. The issue is particularly relevant under article 26 of the Covenant and, regarding access to an effective remedy against refusals of temporary protection, article 2(3).

Suggested question to the State party

Question 1: Please provide information on how the State party ensures that the new conditions for granting temporary protection linked to Ukrainian military obligations are

¹⁹ Council of the European Union, Council Implementing Decision extending temporary protection, as introduced by Implementing Decision (EU) 2022/382, until 4 March 2028, 2026, Article 1–3. Available [here](#).

applied on an individualised, proportionate and non-discriminatory basis, including to people who are formally subject to military obligations but have a lawful deferment and are authorised to leave Ukraine. Please also provide information on the availability and effectiveness of remedies against refusals of temporary protection under these conditions.

VII. Conclusion

33. OPU and ENS respectfully invite the Human Rights Committee to request information from Czechia on the implementation of the Committee's previous recommendations concerning statelessness, children's right to nationality and immigration detention, as well as on the more recent developments concerning access to international protection and effective remedies.
34. We recommend that the Committee request concrete information on implementation in practice, rather than only on legislative developments. The experience documented by OPU and ENS indicates that statutory procedures and safeguards do not necessarily translate into effective access to rights, particularly in relation to statelessness determination, alternatives to detention, identification of stateless people, access to legal assistance and access to protection at the border.
35. The Committee's previous recommendation to establish an effective statelessness determination procedure remains particularly relevant. Although Czechia introduced a statutory mechanism in 2023, significant gaps remain in procedural safeguards, residence status and access to rights pending and following the determination of statelessness.
36. OPU and ENS therefore respectfully encourage the Committee to include targeted questions on these issues in its List of Issues Prior to Reporting and, where appropriate, to request disaggregated data, including concerning stateless people, people with undetermined nationality, people in immigration detention and people denied access to international protection at the border.
37. This submission may be published on the Committee's website.
38. Thank you for taking the time to read and consider the above information in preparation for the Committee's consideration of Czechia under the simplified reporting procedure. For further information, please contact:
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