

5250/96

LIMITE

CIREFI 7

NOTE

from: German delegation

to :CIREFI

Subject: Documents concerning the Czech and the Slovak Republics

Delegations will find attached the above documents, which have been forwarded by the German delegation.

CZECH REPUBLIC

Combatting illegal immigration and illegal immigration networks

Means of combatting illegal immigration and illegal immigration networks under Czech law are comparable with those in Western European countries.

In the Czech Republic, it is a criminal offence to cross the State borders illegally or to facilitate such activity. Anyone organizing an illegal border crossing can be fined or imprisoned for up to a year and anyone committing such an offence as a member of an organized group can be imprisoned for between 6 months and 3 years. Since 1 September 1995 there has been a further criminal offence of facilitating an illegal border crossing as part of an association.

The recruitment, supply and illegal employment of aliens is qualified as a misdemeanour under Czech law.

The mailing of false or forged travel documents is not a punishable offence. Forgeries can only be confiscated when a specific case is being investigated. Only the forgery of documents is an offence; other forms of manipulation are not punishable.

It is not legally possible to intercept radio or phone messages in order to prevent or prosecute immigration crime.

Employers and others who invite aliens into the country can be required to meet the costs arising from their stay and expulsion.

Organization

The department responsible for combatting illegal immigration is the

Directorate of Aliens and Border Police of the
Czech Republic
Oslanska 3
CZ – 130 51 Prague 3

Tel.: ++42 2 683 4173
Fax: ++42 2 683 4167.

This body also keeps statistics on illegal immigration and illegal immigration networks.

Both the Aliens Police and the C.I.D. have investigation units dealing with illegal immigration; these are both centrally and locally based. However, there are no special units for information assessment.

The Czech Republic does not rule out the possibility of transnational investigation groups, but believes close cooperation between existing (national) units would be preferable.

Decisions on expulsion are taken centrally at the Directorate of Aliens and Border Police. Travel documents are obtained from the relevant foreign embassy in the Czech Republic, if there is one. However, it is sometimes very difficult to obtain such documents.

The Czech Republic does not at present use liaison officers. However, exchanges of liaison officers with certain EU Member States are currently under negotiation.

Combatting forgery

The Aliens and Border Police has units at all border crossings; carrying out checks is their responsibility. There is a special unit dealing with false documents at the Aliens and Border Police Directorate in Prague.

Officers of the Aliens and Border Police receive regular training in the recognition of forged documents. Various training initiatives have also been undertaken with foreign partners. The Czech Republic is seeking close practical cooperation with foreign partners, especially in respect of the continuing training of operational units.

The production of Czech travel documents is decentralized, but issue is centralized. Wet stamps are used.

A central verification system is being developed to facilitate rapid checks on legally issued documents. A register of stolen or lost documents (blank and personalized) is kept by the Directorate of the Aliens and Border Police. Statistics on the use of false documents can also be obtained from the Directorate.

Visas

There are agreements lifting visa requirements with the following countries:

Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Ireland, Iceland, Italy, Croatia, FYROM, Malaysia, Korea, Cuba, Liechtenstein, Lithuania, Latvia, Luxembourg, Hungary, Malta, Netherlands, Norway, Poland, Portugal, Rumania, Russia, Greece, Slovak Republic, Slovenia, Germany, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, Spain, Sweden, Switzerland, United Kingdom.

Agreements lifting visa requirements for holders of diplomatic or service passports only have been concluded with the following countries:

Albania, Brazil, Bosnia, Bolivia, China, Chile, South Africa, Yemen, Cambodia, North Korea, Columbia, Cyprus, Laos, Morocco, Mexico, Mongolia, Pakistan, Peru, Thailand, Turkey, Uruguay, Venezuela, Vietnam.

With a few exceptions, the Czech Republic's consular representations can take their own decision on whether to issue visas. Entry, transit, diplomatic and service visas are issued. In addition to legal requirements, the consular representations have written instructions on the procedure for issuing visas.

Visa issue may be made subject to the deposit of a financial security. Further security measures, i.e. submission of an invitation, a sworn declaration or a voucher may be required on the basis of other legal provisions.

Visa-free residence for foreigners in the Czech Republic varies from 30 to 180 days, depending on the agreement concluded with the State concerned.

No figures are available for visas issued or applications refused. Approximately 270 000 aliens visited the Czech Republic with a visa in 1993, while the figure for 1994 was approximately 415 000 aliens.

Agreements

Various agreements on cooperation between police authorities contain provisions on the exchange of information on illegal immigration. Various types of information are provided by the Foreign Affairs Ministry. An agreement of this type on the exchange of information was concluded with the Netherlands in the form of a "Memorandum of Understanding". The above cooperation agreements also contain provisions on combatting immigration crime.

There are some sections on combatting organized crime in the agreements which the Czech Ministry of the Interior has concluded with foreign partners (Bulgaria, France, Hungary, Poland, Slovak Republic, Austria, Romania, United Kingdom, Germany).

COLLAGE

COLLAGE

SLOVAK REPUBLIC

Combatting illegal immigration and illegal immigration networks

Means of combatting illegal immigration and illegal immigration networks under Slovak law are comparable with those in Western European countries.

It is a criminal offence, punishable by imprisonment for up to a year, to smuggle aliens over the borders of the Slovak Republic. Illegally employing aliens is a misdemeanour punishable by fines of up to 500 000.- Slovak Crowns. The mailing of false or forged travel documents and visas is not a punishable offence; however, forgery and the use of forged documents are punished.

Profits obtained from crimes committed with intent can be confiscated. The burden of proof lies with the police. The system of turning queen's evidence can be used. Under the criminal law, documents sent by post can only be confiscated if the recipient has committed a crime. Radio or phone messages can be intercepted on the orders of a judge.

Anyone who invites aliens into the country or employs them without a permit can be required to meet the costs arising from their stay and expulsion.

Organization

The department responsible for combatting illegal immigration is the

Department of Aliens and Border Police
Vapencova c. 36
SK – 812 72 Bratislava

Tel.: ++42 7 779 180
Fax: ++42 7 779 242.

The Border and Aliens Police has a central investigation unit and an assessment unit for combatting immigration crime and related offences.

The Slovak Republic would support the creation of transnational investigation groups for special cases.

There are no Slovak liaison officers with the task of helping to prevent illegal immigration or to combat illegal immigration networks, either in the main countries of origin or in other countries.

There are no central expulsion bodies in the Slovak Republic. Travel documents for repatriation are obtained from individual foreign representations. The only problems are

with Bosnia Herzegovina, Yugoslavia and Fyrom.

Combatting forgery

Checks on aliens are carried out by units of the Aliens Police at border crossings and international airports. These units belong to the Border and Aliens Police. Within the Border and Aliens Police there is a special investigation and assessment unit whose main task is to combat cross-border crime.

The section of the investigation and assessment unit responsible for forgery is not yet complete, on organizational grounds. Training in the recognition of false or forged documents is carried out for the Aliens and Border Police.

In the Slovak Republic travel and identification papers are issued and personalized at 42 local offices, and registered centrally. The documents are produced using modern techniques with high forgery protection. Neither dry nor wet stamps are used. A central information point on lost, stolen, unused or blank forms is currently being set up.

Visas

All states require a visa for the Slovak Republic unless they have concluded an agreement lifting that requirement. Such agreements have been concluded with all European States (apart from Albania, Yugoslavia, Bosnia-Herzegovina and Fyrom) and with Malaysia. Visa requirements have also been unilaterally lifted for US citizens.

An agreement reciprocally lifting visa requirements has been concluded with China.

Agreements lifting visa requirements for diplomatic passport holders have been concluded with all European States (apart from Yugoslavia, Bosnia-Herzegovina and Fyrom), with the USA, Cambodia, China, Yemen, South and North Korea, Laos, Morocco, Turkey, Bolivia, Cuba, Malaysia, Albania, Brazil, South Africa, Mongolia, Mexico, Thailand, Vietnam, Venezuela and Pakistan.

The visa regulations are contained in the current law on the residence of aliens in the Slovak Republic. Consular representations have strict written instructions on the issue of visas.

Residence permits are issued for

- short stays of up to 30 days;
- long stays of up to 1 year and
- permanent residence.

These residence permits are issued by Slovak representations abroad in the form of visas for entry, re-entry, return, transit or exit. There is no special visa for residence on medical grounds. Foreigners wishing to study in Slovakia have to fulfil the long-stay requirements.

To obtain a short-stay visa, a foreigner must submit an application with a photo and a valid travel document. If necessary, the application must be accompanied by documents to show that the foreigner does not intend to stay in the Slovak Republic permanently. Issue of a visa may be made subject to deposit of a financial guarantee to cover any costs arising until such time as the foreigner leaves the Slovak Republic.

Consular authorities and diplomatic representations are authorized to issue visas to holders of diplomatic passports, for business trips to the Slovak Republic on submission of an invitation from a Slovak firm, and for tourist visits, unless any special requirements obtain. Undesirable aliens who are in possession of long-stay or permanent residence permits are only issued with visas if the relevant police unit gives its approval, unless any special requirements obtain.

A visa gives entitlement to enter the Slovak Republic if the foreigner possesses a valid travel document in addition to a valid visa and fulfils certain other requirements on entry. For example, foreigners must use border crossings authorized for international traffic and be checked by the police. On entry they must be in possession of cash or other means of payment sufficient to cover the costs of their stay until they leave. A visa must be confirmed by the police unit responsible if the alien has committed a criminal offence or offended against narcotics regulations either in the Slovak Republic or abroad, or if necessary on grounds of state security, the maintenance of public order, on health grounds, to protect the rights and freedoms of others or to conserve nature.

There are not known to be any persons or firms in the Slovak Republic suspected of aiding and abetting the fraudulent obtaining of visas, so no "warning lists" are kept.

In 1993 112 000 visas were issued by the Slovak Republic, while the total for 1994 was 186 000. The number of applications refused by diplomatic representations is not known. The total amount of fees received for issuing visas is not known.

Agreements

The Slovak Republic has concluded agreements on the exchange of information and intelligence with all neighbouring States. It has also concluded agreements with these States

on combatting immigration crime and related offenses and on cooperation against organized crime.

Statistics

68 785 aliens were refused entry at Slovak borders in 1994, approximately 27% less than in the previous year.

1 900 aliens were found to have entered the country illegally over land, likewise a 13% decrease compared with 1993. 843 Yugoslavs, 290 Poles and 173 Romanians were involved.

42 facilitators were caught, including 26 Slovaks, 12 Czechs and 4 Yugoslavs. 88 aliens were smuggled in.

721 aliens were expelled, an increase of approximately 15% on 1993.

651 persons were caught using false or forged passports during checks at border crossings and international airports in 1994. 465 of these were discovered on entry. The persons concerned were refused entry.

COLLAGE