

The Residence of Aliens Act (2): Procedures of visa extension and long-term stay, required documents, and notable points

If a foreigner intends to stay in the Czech Republic after the expiry of his / her long term visa (visa for over 90 days), he / she has essentially two options - to apply for an extension of the visa or for a long-term stay.

The rules and conditions necessary for an extension of the visa or for a long-term stay are governed by Act No. 326/1999 Coll., on the Residence of Aliens.

Unlike the application for a long term visa, **an application for an extension of the visa and an application for a long-term stay is submitted in the Czech Republic, at the respective workplace of the Ministry of the Interior** (not at the Czech Embassy abroad). Extension of visa as well as long-term stay application can be submitted - and eventually is granted - always for a specific purpose (e.g. study, business, employment, family).

Extension of the long-term visa

As regards a visa which is granted for shorter period than 1 year, it may be extended repeatedly, however **for a maximum of 1 year** on condition that the same purpose of the stay lasts.

The application can be submitted at the earliest 90 days and at the latest the last day before the expiry of the long-term visa. If the period of the long-term visa expires before the decision to extend it and the application has been lodged within the prescribed period, the long-term visa shall be considered valid and the period of stay for that long-term visa shall be extended until the decision becomes final.

The application for the extension of the long-term visa shall be submitted on the same form as the application for a long-term visa. Along with the application for the extension of the long-term visa **the applicant must submit:**

- a) a passport
- b) a photograph
- c) proof of accommodation
- d) document(s) on the purpose of stay
- e) proof of funds
- f) in case of minor a consent of parents (statutory representative or guardian), and
- g) proof of medical travel insurance and a document on paying the insurance

As in the case of a long-term visa application Korean national may be asked to submit also an extract from the criminal register of Korea, supported by an apostille, and similar document from the country in which, in the last 3 years, the applicant has resided continuously for a period longer than 6 months (not required if a person is under 15 years).

Details regarding the above specified documents were already explained in the article “Outline of visa policy, how to apply and required documents”.

The applicant must submit the application for the extension of the long-term visa personally (the Ministry of the Interior can waive the obligation to personally apply only in justified cases).

A long-term stay

An application for a long-term stay permit can be submitted if the applicant is staying in the Czech Republic for a long-term visa, intends to stay for more than 1 year, and at the same time if the same purpose of stay is maintained. A long-term stay permit is **usually granted for 2 years**. An extension of the long-term stay can be requested.

In general, the application may be submitted no earlier than 120 days before the expiry of the existing long-term visa or long-term stay permit, and at the latest on the last day of validity of the visa or residence permit.

If the application was submitted in accordance with the conditions laid down by law, the existing visa or residence permit shall be deemed valid until the decision on the application submitted becomes final. This residence permit is certified by a long-stay visa sticker affixed to the applicant's travel document (so-called bridging sticker or bridging visa).

The application shall be made on a dedicated form, together with all the **required documents**. These are **partly same as in the case of an extension of the long-term visa**, but the funds are proved differently, namely by proving that the total monthly income of the alien and persons assessed together with him / her staying in the territory will not be lower than the sum of subsistence minimum of the applicant and persons assessed together with him / her, and the housing costs. If the purpose is business, there is necessary to provide also confirmation of indebtedness of the Tax Office, Customs Administration, Social Security Administration and Health Insurance Company, both for the applicant and the company he / she is a statutory organ in.

Application procedure

Upon the submission of the application the administrative fee must be paid in the amount depending on kind of application.

When submitting an extension of the visa application or a long-term stay application the applicant should submit all the required documents in originals or authorised copies (a passport, document confirming the purpose of stay and registry documents - e.g. birth certificate, marriage certificate - shall be submitted in original, certified copy is not sufficient). All of the documents submitted must be made out in or officially translated into the Czech language. The public documents must be attached with an apostille.

In case of a long-term stay permit the applicant is obliged to apply for in person (in case of certain types of applications this duty can be waived). However, in case of an extension of the validity of a long-term stay permit it is not necessary to file an application in person, it is therefore sufficient to for example send it by post.

If the application fails to submit the prescribed particulars or if the application suffers from other defects, the applicant will be asked to remove them within a certain period. The time

limit for issuing a decision is not running during this period. Failure to submit the requisites within the stipulated deadline shall constitute grounds for refusing the application. The Ministry may also ask the applicant for an interview during the procedure, ask him / her to complete the requisites, take his / her fingerprints or make a video record.

The Act on the Residence of Aliens sets the deadlines from the date of submission of the application, in which the Ministry is to decide on the application. Deadlines vary for each purpose of stay.

If the application for long-term residence is granted, the applicant is obliged to come to the workplace of the Ministry of the Interior to capture the biometric data necessary for the issue of the residence permit card. Within the set time limit, but no later than 60 days after the acquisition of biometric data, the applicant must personally come to the workplace of the Ministry of the Interior for the purpose of receiving the residence permit card.

Drafted by Mgr. Martin Slezák, attorney at law, on October 17, 2019