FAMILY MIGRATION IN THE CZECH REPUBLIC: A CIVIC STRATIFICATION PERSPECTIVE

by Alice Szczepanikova

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WP9: Creating differential outcomes: Analysing the impact of family migration policies
About the project

Family related migration has been the dominant legal mode of entry in Europe for the past decades, but has become increasingly contested in recent years. Granting migrants the right to family union traditionally has been considered as promoting the integration of migrants into receiving societies, however, in current debates over ethnic closure of migrant communities and over the alleged “failure” of integration, the “migrant family” is increasingly seen as an obstacle to integration - as a site characterised by patriarchal relationships and illiberal practices and traditions such as arranged and forced marriages. As a result, family related modes of entry have been increasingly subject to restrictions, while the existing conditionality has been tightened up.

The research project analysed family migration policies in nine European countries from two angles. First, the project analysed policies and policy-making in regard to family related migration in a “top-down” perspective through the analysis of legislation, public debates, as well as through expert interviews. Secondly, the project analyses family migration policies from a “bottom-up” perspective, by investigating the impact of conditions and restrictions on migrants and their families and the responses and strategies migrants adopt to cope with these and to organise their family lives.

This project was financed under the programme New Orientations for Democracy in Europe (NODE, www.node-research.at) which is committed to exploring the future democratic development of Europe and its effects on citizens as well as politics. Within the perspective of the NODE-Research, the project on Civic Stratification, Gender and Family Migration Policy in Europe aimed at:

- Providing an empirically grounded analysis and evaluation of family migration policies in a broad range of immigration countries in Europe, including Eastern Europe;
- Investigating how family migration policies create civic stratification;
- providing empirical evidence for the consequences of stratified rights for migrants immigrating for family related reasons;
- analysing how migrants challenge and cope with the constraints imposed by family migration policies;
- analysing the relationship between “civic integration” and social and political integration, and conversely, relationship between civic stratification and social and political exclusion;
- applying a gender based analysis both to the analysis of family migration policies and the impact of these policies on migrants; and
- developing basic principles that might help governments to design and implement fairer immigration legislation.
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1. Introduction

The following paper offers an analysis of the role of individual, family, and institutions in family related migration processes from a perspective of civic stratification. The aim is to understand how migrants’ position in the society is determined by differential allocation of rights and entitlements by the state. Moreover, it demonstrates that it is not enough to look at rights as something abstract. They need to be analysed in light of their effects and with regard to migrants’ actual access to them. As the analysis of empirical findings presented below shows, rights are shaped by migrants’ embodied situatedness in nationalist and ethnic ideologies and patriarchal structures defining the context of their settlement. I argue that the system of admission of foreigners operates implicitly on the construction of barriers that exclude those with insufficient resources and incite a florescence of illicit practices that have gradually become almost an indivisible part of the process. I focus more closely on the process of reuniting with a family and on the instance of family formation with a Czech citizen which leads to a more secure status for foreign spouses. I demonstrate how migrants’ narratives disrupt the official discourse on “sham marriages” and argue that these pseudo-legal terms with grave implications for people’s lives have to be carefully scrutinized. Finally, I briefly look at how gender and generational relations are being reconfigured in the process of migration. The study is based on a qualitative study of twenty-seven family migrants from non-EU countries and new-EU Member States living in the Czech Republic. The research was conducted in 2006 and 2007.

According to Lydia Morris (2002) civic stratification refers to “the system of inequality generated through the differential granting of rights by the state” (p. 175). This system is dynamic because the level of rights allocated or withheld by the state may shift over time (Morris, 2000, p. 226). However, the effect remains the same: a hierarchy of statuses which simultaneously represents a structure of opportunity for some migrants and a set of insuperable barriers for others. Looking at the current capacities of the developed states to incorporate migrants, it seems that stratified rights may represent a legitimate path to inclusion. However, this, according to Morris, is only the case in so far as foreign residents feel “at least the realistic chance of betterment for themselves or their offspring” (Morris, 2000, p. 237).

When applying this concept to the situation of migrants in today’s Europe, Morris (2002) argues that “this system finds its formal expression in the range of immigration statuses and the associated rules of transition which govern duration and security of stay” (p. 122). Less formally, the system of inequalities is shaped by the processes of actual access to rights. The rights are understood as mediated through “embodied” distinctions of diversity importantly defined by gender, race/ethnicity, age and class (p. 141). Moreover, “the machinery for the delivery” of rights is open to incorporate stereotyping, prescription and devaluation (pp. 122-123). In this way, immigration regulations produce new forms of inequalities (Kofman & Kraler, 2006, p. 10).

2. Situating family migration

There are three general principles based on which migrants are being accepted into today’s Europe. First, the principle of human rights is employed when dealing with political/forced migrants. It is institutionalised into refugee status, asylum or some form of subsidiary protection. Second, the principle of managed migration for the advantage of economic

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1 These principles were pointed out by Sue Lukes at the Civic Stratification and the Gendered Nature of Migration Policies in Europe Project workshop in Florence, 14 June 2007.
development is used when dealing with economic migrants who “voluntarily” move in search of better living conditions and/or new opportunities. This principle is normalized in a form of various more or less stable statuses granted to foreigners who fulfill a list of requirements (i.e. can prove a level of skills, find a job in the destination country, etc.). The third principle is that of immigrants (be it political, economic or both) perceived as social beings embedded in familial relations that are hard or impossible to abandon. This principle of familial embeddedness is officially recognized by the Council Directive on the right to family reunification (2003/86/EC) and the Directive on the right of Union citizens and their family members to move and reside freely within the territory of the Member States (2004/38/EC). Migrants in this category are usually not seen as in need of international protection or as an economic asset. They are defined as dependants and the performance of dependency is one of the requirements for children and elderly parents to become eligible for family reunification.

The principles of human rights and managed migration dominate the political discourse on migration. The principle of familial embeddedness has been far less prominent. Indeed, when understood as an entitlement, migration cannot be easily regulated in line with foreign policy and security priorities or economic concerns which are omnipresent in case of the first two principles. Thus, family migration inevitably causes some unease for policymakers who believe in migration management. At the same time, the principles of human rights and economic development are being constantly renegotiated and as a result make access of some groups of migrants to Europe particularly difficult. Also migrants’ right to family life has been redefined a number of times, for example when changing the age necessary for eligibility to marry or to be considered as a child in need of parents’ care. However, recent migration trends show that the “family route” appears to be the only possible route for an increasing number of people (Kofman, 2004).

When analysed from the perspective of migrants’ narratives, it is clear that migratory journeys and forms of settlement are shaped by a mixture of concerns which often involve an intricate combination of human rights, economic/well-being and family motivations. The kinds of labels that will eventually categorise migrants’ movement and render a certain legal status to them often depend on which particular legalized form of migration is available or most accessible at a given time. Hence, immigrants have to pass as people of certain category. Because, as Brad Epps et al. (2005) explain, they are:

repeatedly enjoined by immigration agents, border patrol guards, lawyers, prospective employers, and others to make a specific case for themselves, to articulate their lives in ways that at once conform to established codes and that stand out as deserving of attention and acceptance. (p. 9)

In other words, “migrants negotiate and inhabit multiple subject positions that, in turn, shape their mobility and experiences” (Hyndman, 2004, p. 174).

For example, it is not unusual that a refugee whose claim was rejected but who fears returning to the country of origin and does not have a chance to apply in another European country due to the Dublin II Regulation² may find him/herself marrying a “local” partner sooner than s/he would do having a secure legal status in the country. If granted permission to marry, the status of a wife/husband of a European Union citizen will be consent to remain legally. This person will then appear as a family migrant in the governmental statistics, while the main reason for entering the country was fear of persecution. This categorization will also be a key to determining her or his access to rights and levels of state support in integration.

Therefore, when studying family migration, it is necessary to bear in mind its interconnectedness with other possible ways of entry as well as the dynamics with which

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² The regulation determines that only one of the countries in the “Dublin area” - including most of the European countries - is responsible for examining an asylum application.
some “doors” are gradually closing while others remain more open. We should also ask: Open for whom? And under which circumstances do they admit and exclude? It is no revelation that official categories assigned to people do not always fit their real-life situations. What is novel about the perspective of civic stratification is that it helps us to see is how migrants’ chances to stay and conditions of their settlement are structured by these categories. At the same time, it makes us alert to the fact that these very categories rely far too often on immigration and police officials’ discretion, arbitrary decisions or implicit governmental policy directed in a blanket manner towards or against people of certain nationalities, age groups, gender, class or most likely the combination of these characteristics. Thus, linking the notion of civic stratification with the idea of embodied rights makes the question “for whom?” particularly relevant.

3. Family migration in the Czech Republic

3.1 Sample specificities and methods used

This study draws on twenty-one individual semi-structured interviews with migrants from outside the European Union (EU) or from the countries that joined it in 2004 and 2007. In addition, a focus group of six participants was organized to discuss some of the issues that emerged in individual interviews in a group format. Two interviews were carried out with the representatives of the major state institutions involved in migration policy and implementation: the Department of Asylum and Migration Policy of the Ministry of Interior and the Alien and Border Police. Moreover, one interview was conducted with a lawyer from a nongovernmental organization (NGO) concerned with migration and citizenship. Finally, questionnaires were sent out to six major NGOs assisting migrants in the Czech Republic to inquire about their experiences with family migration.\(^3\)

The notion of family migration that predetermined the selection of migrant participants is best defined by the following set of migratory journeys:\(^4\)

1. **Whole family migration** – when a whole family comes to the Czech Republic, usually based on a residence permit of at least one of the family members

2. **Family reunification** – when foreigners join a family member already holding a residence permit (long-term or permanent), asylum status or subsidiary protection in the Czech Republic; this type of family migration involves some periods of separation from family members

3. **Family formation with a Czech citizen** – when a foreigner gains a permanent residence permit either through a marriage with a Czech citizen or by a proclamation of fatherhood of a Czech child

The interviews were carried out by the author and her colleague Marie Jelinková. Twenty-one migrant interview partners\(^5\) were located through our and consequently also their social networks and with the help of NGOs assisting foreigners in Prague.\(^6\) Most of our informants were living in the capital of Prague and in two instances also in Brno, the second biggest city.

\(^3\) Three NGOs completed the questionnaire; others declined due to the lack of time and personnel capacities.

\(^4\) These three different paths were combined by some of the informants, for example by first obtaining the long-term residence permit based on family reunification and then getting the permanent residence permit based on family formation with a Czech citizen.

\(^5\) On two occasions Czech family members – husbands in these cases – were interviewed as well.

\(^6\) I would especially like to acknowledge the help of the Centre for Integration of Foreigners and the Counselling Centre for Citizenship, Civil and Human Rights.
From the very beginning of this research, it was clear to me that we cannot approach our potential interviewees as ready to share their time and life-stories with us. While some were already better off and relatively stable in their lives, many still struggled to make ends meet and had little time to spare. Thus each of the migrant interview partners was financially compensated for the time of the interview. This sum amounted to an average salary for two hours (the maximum length of interviews). Hence, the money was not meant to entice interview partners and thus possibly distort the data, but rather to let them know that we do not take their time and willingness to share their experiences for granted. Reactions differed but generally this practice turned out to be beneficial. Some informants were apparently pleased by this compensation, some vehemently refused to accept the money saying that it was actually a pleasure for them. From the point of view of us researchers, it made us feel more comfortable when abruptly “entering” and then again “leaving” people’s lives.

It is clear from the overview of informants in the Appendix (Table 2 and Table 3) that there were more women than men in the sample. This was due to the fact that it turned out to be much easier to find female interviewees, probably also partly because both of us are women. The names used in the following text are either pseudonyms or were given by the informants as names which should be used when referring to their narratives. As far as the nationalities of the interview partners are concerned, the framework was set to proportionately represent the main nationalities of foreigners from non-EU or new EU countries residing in the Czech Republic. Most of the interviews were carried out in the Czech language, in the case of a Vietnamese woman an interview was interpreted and two interviews were conducted in English. All the interviews were recorded, transcribed and analysed with the use of qualitative data analysis software.

3.2 Securing legal residence status

The Czech Alien Act (“Act No. 326/1999 Coll., on the Residence of Aliens in the Territory of the Czech Republic” 2006) currently in force defines a complex scheme of residence permits available to foreigners (see an overview in the Appendix, Table 1 which also indicates standard ways of obtaining each permit). They provide different levels of rights granted by the state. The question of what kind of a residence permit one has and how to get it was a recurrent theme in the interviews with migrants. No wonder, for many switching from a less secure and procedurally demanding long-term residence permit to a permanent one represents a significant step towards stability in their lives and widens their scope of rights and opportunities in the Czech Republic. Let us, therefore, first have a look on these two most common residence permits: the Long-Term Residence Permit (LRP) and the Permanent Residence Permit (PRP) and how migrants reflected on the differences between them. What are the most important dimensions of those legal categories assigned to people in different stages of their lives as migrants? Such a differentiation of statuses highlights the system of inequalities generated by them. Moreover, drawing on migrants’ experiences allows us to see varied practices of actual access to rights and thus also the effects of civic stratification.

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7 200 Czech Crowns (EUR 7.4)
8 Foreigners coming for short-term purposes (tourists, visits, short-term employment) eligible for obtaining Visa for a stay up to 90 days are excluded from the table. It is worth mentioning that they cannot switch from a short-term to a long-term stay because the long-term visa application must be submitted at an embassy abroad.
9 Including the visa for a stay longer than 90 days as a necessary prerequisite
3.2.1 Long-term and permanent residence: Definitions and data

What are the main traits of the two residence permits from the perspective of the Alien Act? The application for the LRP can be submitted by someone who has initially been staying in the country on the basis of a Visa granted for a stay longer than 90 days and who intends to stay for a period of more than a year. However it is only possible under the condition that the purpose of the stay remains the same. In case the purpose changed, a foreigner is obliged to fill in the application at an Embassy outside of the Czech Republic. The LRP is usually granted also to a foreigner who comes to be reunited as a family member of a migrant who already has a residence in the Czech Republic (sponsor). Recognized refugees are an exception from this rule as their family members are eligible to get the PRP straight after their reunification is approved. The required period of a sponsor’s previous stay in the country is fifteen months. The maximum period of the administrative process for approving the reunification is 270 days. Thus, it is possible that a sponsor who fills in the application right after the fifteen-month stay might be waiting for reunification with a family member for almost two years altogether! The LRP is usually granted for one year and thus requires annual renewals when the migrant is asked to prove his or her purpose of stay has not changed plus demonstrate an evidence of provision of housing, health insurance and income.

The PRP is commonly granted to a foreigner who: 1) has a record of five years of continuous residence in the territory based on the LRP or subsidiary protection; 2) forms a family relationship with a Czech citizen – most commonly via marriage, proclamation of fatherhood or adoption of a Czech child; 10 3) is a minor child or a spouse of a recognized refugee; or 4) is a rejected asylum seeker who spent at least two years in the asylum procedure and altogether has a record of four years of continuous stay in the country. The PRP is most commonly valid for the period of five years and the renewal process is likely to be perceived as a formality by the Alien Police that usually extends its validity to ten years. Therefore, it does not require undergoing the arduous process of annual renewals together with the documentation of the purpose of stay and collecting the evidence of the usual provisions. Moreover, as we shall see further on, there is a huge difference at the level of rights. While foreigners holding the PRP are legally perceived as almost-citizens, migrants with the LRP are rather seen as people who may be required to leave at any moment, for example when they lose their job and thus the approved purpose of stay.

For the sake of contextualizing this debate, it is useful to look at some basic statistics about the distribution of the two residence permits according to countries of origin and gender. Referring to the numbers from the end of 2006, there were 323,343 legally residing foreigners in the country out of which 60 per cent were men (CSO, 2007d). The most common reason for foreigners’ residence is economic activity (48 per cent), but the number of foreigners coming for family reunification is also highly significant and on the increase (31 per cent) (CSO, 2007e). As regards the structure of residence permits, the number can be divided as follows: 1) 48 per cent are foreigners holding the LRP or the Temporary EU residence 2) 43 per cent migrants are holding the PRP and 3) 9 percent foreigners are

10 The Czech Republic used to be one of the few EU countries that had not introduced any probationary period for foreign spouses in order to postpone their eligibility for obtaining permanent residency. This was the case up until October 2007 when an amendment to the Aliens Act was passed in the Chamber of Deputies of the Czech Parliament and is now likely to be approved also by the Senate and the President. While according to the previous version of the law a foreigner could apply for the Permanent residence permit straight after entering into marriage or after proclaiming fatherhood, when the new Alien Act comes to force, there will be a period of two years during which a foreign spouse of a Czech citizen will obtain only a temporary residence permit. According to this new measure, the residence permit can be revoked in case the marriage breaks up before two years. Moreover, it will leave a migrant as well as his or her Czech family members with substantially less rights regarding access to the system of Public Health Insurance and state social support to mention just a few possible outcomes. This legislative change was passed despite substantial opposition on the part of NGOs and other members of civic society who engaged in intensive lobbying and launched a modest media campaign against it.
holding 90-days-and-over visa (CSO, 2007d). Looking at the gender structure of people in all the three categories, the highest proportion of women can be found among foreigners with the PRP – 47.6 per cent – while among migrants holding the LRP, women constitute 33.5 per cent (CSO, 2007d). This different proportion can be explained by the structure of residential purposes for the two permits. While as much as 71 per cent of all the PRPs are based on the purpose of family reunification or family formation, 83 per cent of the LRPs are granted on the basis of employment, business or a trade license (CSO, 2006). Women represent 53 per cent of all migrants reuniting or forming a family in the Czech Republic (CSO, 2007e).

Looking at the structure of foreigners’ nationalities, the five most numerous groups and their share of the total number of foreigners were: Ukraine (31.9 per cent), Slovakia (18.1 per cent), Vietnam (12.6 per cent), Poland (5.8 per cent) and the Russian Federation (5.7 per cent) (CSO, 2007c). Women represented a minimum of 39.2 per cent among Ukrainian migrants and a maximum of 53 per cent of the nationals of the Russian Federation (CSO, 2007d).

While the vast majority of migrant informants in this study were holding the PRP or even already a Czech citizenship at the time of our interviews, most of them spent some period of their life in the Czech Republic holding the LRP. Therefore, they had enough experiences to reflect on the difference that holding of the LRP and the PRP makes for one’s everyday life. In the following sections, I draw from migrants’ narratives to describe those aspects of their residence that seemed to be the most relevant and common.

3.2.2. Access to a legal residence status: Hard work of applications and annual permit renewals

As already mentioned above, while the PRP is being granted for longer periods of time, the LRP has to be renewed usually every year. That is why people with the LRP are more exposed to dealings with the Alien Police. However, getting the PRP also involves undergoing a complex process of filling in applications and providing evidence. Both the process of renewal and the application for the PRP can be very time and money consuming when collecting all the necessary documents required by the Alien Police. Some interview partners described that prolonging the LRP means that the one has to start preparing all the documents as early as half a year in advance. Apart from various certificates (of employment, accommodation, health insurance, etc.), a migrant has to prove that s/he possesses certain amount of money which usually equals up to six average monthly salaries. Most of the informants found this process to be very stressful. Like Lena from Ukraine, who prolonged her stay ten times in the past – ten years before she got married to a Czech man and thus obtained the PRP:

The problem is that you had to prolong the residency every year. My papers were OK, the firm that employed me – no problems there either, but always, even if everything is alright, you become a bit nervous. You have to start arranging documents already half a year in advance. So you are thinking: will I have a certificate of accommodation and you never know...and you are worried how it will go this year. (Lena, Ukrainian woman, married to a Czech citizen, 36 years)

Or as a young Vietnamese student Hoa, who was in charge of prolonging the residence for her mother and sister, described:

It was just awful! Our permit finished in July and I always had to start arranging things about three or four months ahead. And you had to be really active to manage it all. So during that year we didn’t have much rest. We had to put enough money on our account so that they would see we can keep ourselves. They also wanted a proof that we have a place to live, so we had to get a certificate from the owner of our flat, but
some owners just didn’t want to give it to us! We needed a certificate from our schools, the Trade Licence Office, the Tax Office, mother’s trade licence had to be renewed every year and that required more than one visit and you needed quite some money to get all these certificates. (Hoa, Vietnamese woman, reunited with her father, 22 years)

Clearly, there are significant time and financial costs involved in this annual renewal of residence permits. Moreover, it is a specifically physical experience too because it requires spending a lot of time waiting in queues at various institutions and most prominently at the department of Alien Police. Its buildings in Prague are usually overcrowded and people often have to come there few hours before opening and start queuing to make sure that they will have a chance to apply for their permit or a renewal. According to the experience of our informants, waiting times can extend to a number of hours without certainty that one will actually get the official waiting number that will make her or him eligible to approach the right counter. Huan, whose account is typical of others’ remembering of their renewals, described her recent visit as follows:

I was at the Alien Police last week, I waited for three hours, I was hungry, thirsty and really tired, but I still didn’t get the waiting number! (Huan, Chinese woman, whole family migration, 26 years)

Or as Martin, a middle-aged man from Slovakia who otherwise had no problems with arranging his and his family’s residence permits commented resentfully on annual expeditions to the Alien Police:

It was a catastrophe! So demeaning to wait there at Olsanska\textsuperscript{11}; you had to stand there among various strange individuals. I could not understand why do I have to stand there again and again? Even after four years! That was probably the biggest flaw of this period of residence here; that I had to go through this queuing. (Martin, Slovak man, whole family migration, 53 years)

The two pictures attached in the Appendix (Figure 1 and Figure 2) illustrate the atmosphere and the physical dimension of the waiting process. Looking at them, one can easily imagine brokers – who will be the subject of the next section – mingled among waiting migrants offering their dodgy services to dramatically fasten the whole administrative process.

Martin also reflected on a differential treatment that he as a Slovak citizen got from the Alien Police officials as opposed to how the most numerous group of foreigners – Ukrainians – were treated.

Yes, we were in a different position, we faced different requirements than ... let’s say Ukrainians, we were not being nagged, in that sense it was OK, but you nevertheless had to queue. (Martin, Slovak man, whole family migration, 53 years)

Indeed, Ukrainians in particular are often being described in highly stereotypical and negative terms both in the media and by the migrant interview partners themselves. They are often being lumped together as those who are predominantly occupying working-class positions and willing to do any kind of work however low paid and degrading it might be. Although at the end of 2006, 56 per cent of registered Ukrainian employees worked as assisting and unqualified workers (Pavel & Turková, 2007, p. 21), more detailed research of this migrant

\textsuperscript{11} It is the name of the street where the Department of Alien Police in Prague used to be located which also served as a nickname. After a the situation there proved unsustainable for a number of reasons, the Ministry of Interior decided to move the department to other buildings and made the system of waiting slightly more dignified and efficient.
group shows that their work position does not always match their actual qualification (Drbohlav, Janská, & Šelepová, 1999, p. 8).

The country of origin matters not only in official terms when it, for example, determines whether one needs a visa or not to enter the Czech Republic. It may also act as a barrier to securing a legal status both due to stereotypical expectations attached to certain nationalities and because of rather practical impacts on the procedure of legalizing one’s status. Various documents which are required by the Alien Police and the registry office in order to prove that a foreign man can get married to a Czech woman for example, may be difficult to obtain within a given time in some countries. And as all these documents need to be officially translated into the Czech language, this creates another difficulty to migrants and their partners. Combined with the notorious slowness and unpredictability of the dealings of the Alien Police, one can end up in a tedious circle of trying to obtain documents that will arrive when already expired.

Everything takes so long. So, for example, when we arranged some paper which was supposed to arrive from Nigeria, before we could actually use it, it already expired and Czech officials didn’t want to recognize it. So there comes another round of paying a lot of money to get this paper again. (Katerina, Czech woman married to a Nigerian citizen, 25 years, focus group participant)

It may be more difficult to get certain documents from poorer, less developed countries of origin which do not mirror the Czech system or registers and certificates.

Another topic, which emerged as one of the most common foreigners’ obstacles in arranging a legal status in the Czech Republic, is knowledge of the Czech language. Although there have been some minor improvements in the availability of information about the procedure of obtaining and renewing residence permits, the vast majority of relevant information is still available only in Czech. Underpaid officials dealing with migrants’ queries can hardly be expected to know at least one of the world’s languages and be able to use it when explaining a complex system of requirements to a foreigner. Huan describes how stressful her visits to the Alien Police were before she gained a bit of confidence in speaking Czech:

First, they didn’t want to speak English. Second, they looked at us as if we were living on the streets, it was awful, these faces they made. And they screamed that they won’t speak English: You are in the Czech Republic, why do you speak English?! So I had to find someone who spoke Czech. (Huan, Chinese woman, whole family migration, 26 years)

The language did not pose a barrier only to migrants but also to their family members, especially Czech wives and husbands who had to repeatedly visit the Alien Police with them and translate.

We had quite a bit of problems. I wouldn’t like to go through it again. It was very stressful. There were queues, the language barrier, so I always had to go there together with my husband. It meant waking up early in the morning and being there at least two hours in advance. Often, we even did not get to our turn or we got some false information, which then meant going through the whole process again. (Katerina, Czech woman married to a Nigerian citizen, 25 years, focus group participant)

Most likely, the knowledge of Russian and English would be satisfactorily and would mean a huge improvement for many foreigners and their Czech family members, it would make the procedure more accessible to migrants and less tedious for officials too.
It would be misleading to assume that the language barrier was a problem only for those without resources and education. On the contrary, also highly educated young people suffered through the process of regulating their status. Like this young Romanian woman just finishing her PhD dissertation who described here experience at the Alien Police department in Prague:

It seemed strange to me that there was no one who could speak English or any other foreign language at the Alien Police. I can also speak French and Italian but no, nobody was there. At least the forms could also be in English. Later on, I was lucky to learn some Czech but at the beginning... Actually, when they managed to translate something to other languages, than it was different from the Czech version (Raluca, Romanian woman married to a Czech citizen, 29 years).

This last comment clearly points to the fact that inadequate knowledge of the Czech language puts foreigners in a vulnerable position. One could say that in this way, it also serves as a strong incentive to learn the language quickly. It might be the case for some, but as the experiences of informants indicate, it generates a large group of people whose access to essential information about their legal status may depend on having social networks with Czech-speaking people or on their financial resources to buy services of interpreters or brokers.

3.2.3. Getting accustomed to illicitness: The role of intermediaries

Some foreigners are not able to provide all the documents, cannot speak Czech and/or have no idea of how the procedure of renewing or applying for a permit works. They use services of intermediaries. The expression used by Huan, speaks for many:

There is also another way how to get all this done: you go to somebody, pay, and they will do it. But they will never tell you how you can do it yourself. (Huan, Chinese woman, whole family migration, 26 years)

While many intermediaries may be reliable and provide a valuable service to those lacking time and orientation in the labyrinthine Alien Act and complicated requirements of the Alien Police, the interview partners indicated that there is also an abundance of illicit, expensive and not always trustworthy brokers. They collect or sometimes manufacture the necessary evidence and often lend prescribed amounts of money to migrants so that they are able to present their financial situation according to the requirements of the Alien Police. Popular rumours circulating among migrants indicate that these intermediaries seem to be well connected with some of the Alien Police officials and thus, if well paid, they are able to provide a variety of services that go beyond “the official route”. This information also appeared in the media in a number of variations; it was usually connected with scandals such as when a larger group of foreigners is granted residence and it later turns out to be based on fake evidence and cooperation with corrupted police officials.

It is obviously hard to verify, nevertheless, the fact that many people are convinced about substantiation of these accusations is highly significant, because it makes these kinds of intermediary services

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13 When referring to intermediaries or brokers in this section, I only speak about those arranging migrants’ legal status. In reality, many of the brokers also provide other services which are intertwined; most notably they arrange work for migrants – both official and illicit. Sometimes, they also provide accommodation, health insurance, interpreting services, etc.

sought-after. It creates substantial inequity among migrants, as it is only those who can afford it financially who will get preferential treatment.

Experiences vocalised by some informants showed, that the pattern of using intermediaries is not very sustainable, especially for migrants who struggle with uncertain sources of living. It often makes them dependent on their services as Huan described in the above quote. Moreover, paying for such services can represent a serious burden when a family does not have a stable income. This was the experience of Olga’s family and created a lot of strain in family relations that eventually resulted into her parents getting divorced:

When my father arrived here, he couldn’t speak Czech properly and that’s why he needed some help. And those agencies that arrange things, especially the Russian ones, ask for huge amounts of money, it is really very expensive. So initially, he paid a lot for the renewal of his permit, for establishing of his firm and then we also arrived...that was when he decided that we will sell our apartment in Kiev and invest the money into this emigration. But we have lost everything during a few years, for all those papers and stamps. (Olga, Ukrainian woman, reunited with her father, 25 years)

Lastly, informants’ accounts point to the fact that the relations between migrants and brokers are of a complex and ambiguous nature. They are often based on a common country of origin and may be presented as “help” and sharing of resources among compatriots while to an outsider, they may rather seem as sheer exploitation. For example, Marta, a woman from Ukraine, spoke about a lady who “helped her a lot” when she was trying to bring her son to the Czech Republic:  

This Ukrainian woman really helped me because for five thousand crowns\textsuperscript{16}, she lent me some money that I needed.

So you see this as a help even though you had to pay for it?

Of course, she helped me! I got to know her through an intermediary. I had to give five thousand to him and five thousand to her, and she put 160 thousand \textsuperscript{17} that I needed to invite my son on my account. She then told me to go straight to her next time. Later she helped me with other errands too. We have become friends and she stopped taking money from me.

That’s how they were making money. So what? I have nothing against that. Who else would lend me money in my situation? (Marta, Ukrainian woman, married to a Czech citizen, 48 years)

Relationships between migrants and intermediaries can have a very personal character, especially as many of those who are in a position to advice and lend money were also once on the “other side”, desperately seeking for help and information. The above quoted example of a more personal relationship between the broker and a migrant, however, hardly represents a norm. The informants together with NGOs working with migrants in the Czech Republic who wants to invite another foreigner to stay for up to three months has to produce evidence of a certain amount of money to prove that the visitor will not be a burden to Czech authorities. Presenting these sums of money may represent a significant obstacle for migrants who want to invite their relatives.

\textsuperscript{15} A foreigner resident in the Czech Republic who wants to invite another foreigner to stay for up to three months has to produce evidence of a certain amount of money to prove that the visitor will not be a burden to Czech authorities. Presenting these sums of money may represent a significant obstacle for migrants who want to invite their relatives.

\textsuperscript{16} Approx. EUR 167
\textsuperscript{17} Approx. EUR 5333
Republic mostly refer to transactions that are not based on sympathy or compassion. They often have an illicit character and do not always deliver desired effect to migrants paying for the service.

The embeddedness of such intermediaries in the process of arranging a status for immigrants and in mediating labour contracts in the Czech Republic has been documented by a number of studies (e.g. Černík, 2006; Intermundia, 2005; Nekorjak, 2006). One of the problematic effects of this state of affairs, which has not been widely explored so far, is the fact that from the very beginning of their stay in the Czech Republic, migrants are getting accustomed to illicitness via these brokers. I was in a way surprised that informants spoke rather openly about these illicit practices and some of them even acknowledged using them. The fact that they found it normal to speak about these things did not mean that they were themselves on the way to becoming criminals. It rather mirrored the social reality in which they lived. Due to complexity of the Alien law and requirements for legal stay which may be hard to fulfil even for hard-working and law-abiding people, those illicit ways may become the only ways for many whose ties to the Czech Republic became too strong to be severed. Moreover, becoming an intermediary may undoubtedly seem appealing to many as a relatively easy way to earn money quickly. Some of the informants recounted that they themselves also considered or actively pursued engagement in this business once they got oriented in the Alien regulations and understood ways how to obtain the required documents for the Alien Police. This may further enforce the vicious circle of illicitness and stratify migrants’ chances to have a stable residence permit.

Finally, it is important to stress that people living with the LRP are much more likely to be exposed to these illicit activities than those who hold the PRP. Therefore, the PRP is perceived as the more secure and stable status, preferred (and dreamed of) by the majority of foreigners. It remains to be one of the key axes of migrant stratification.

3.2.4 The impact of a residence status on employment: Stability through work?

The stratifying element of different residence permits is particularly visible with regard to possibilities and conditions of employment. For people holding the LRP, employment has a wider significance than simply earning a living. Their ability to stay in the country legally depends on it. Proof of migrants’ continuous employment serves as a necessary evidence for a renewal of their residence permit (if work is the original purpose of their stay). Thus, their employment is not only a way to sustain themselves and their families, but also a means to be able to stay in a place where they might have already created strong bonds. Therefore, unemployment may endanger not only material security but also foreigners’ legal status. If a migrant wants to change a job, s/he has to ask for a new work permit and there should be no interval between the day of leaving the former job and the day of entering the new one. For obvious reasons, this may often be hard to achieve in a real world. In this way employment permit ties a migrant to a specific job and an employer and highly reduces their opportunities for work mobility (Horáková, 2007, p. 6).

There are other major differences in working as a long-term resident as opposed to working as a permanent resident. Both categories of foreign workers have to contribute to the system of social security in a same way as Czech employees do. However, the possibility of actually drawing from these benefits is rather uncertain for those holding the LRP. Even though their payments will be used for unemployment benefits, these migrants are not eligible to receive any of these provisions. On the contrary, in case of a job loss, what they will receive is a prompt to leave the country. We can imagine a situation of a person who spent four years working in the Czech Republic and contributing part of her or his income to the welfare system. If prompted to leave due to a loss of job, s/he may never have a chance
to draw from these funds.\textsuperscript{18} The accounts of NGO workers also confirm this is not a rare situation. The luxury of welfare continuity is only available to EU citizens and foreigners holding the PRP. Besides, EU citizens and foreigners with the PRP do not need a work permit. This makes a significant difference in terms of their position in the labour market. It is also less demanding for an employer who does not have to prove that there was no suitable Czech citizen to be employed in this position prior to hiring a foreigner from a non-EU country.

Finally, let me provide a brief overview of migrants’ employment. At the end of 2006, there were 250,797 economically active foreigners in the Czech Republic. The share of employment taken by foreigners with the LRP grew from 2.8 per cent at the end of 2005 to 4.5 per cent at the end of 2006 (Horáková, 2007, p. 5)\textsuperscript{19}. 74 per cent were registered at labour offices, i.e. as employees or members of cooperatives, while 26 per cent were holders of a trade licence, i.e. self-employed, engaged in a business enterprise\textsuperscript{20} (CSO, 2007i). However, Vietnamese immigrants are not well represented by this calculation because as many as 97 per cent of them are holders of a trade license (CSO, 2007h).\textsuperscript{21} Main areas of foreigners’ employment are manufacturing, construction, real estate, wholesale and retail trade (CSO, 2007b). Women represented 31 per cent of those registered as employees (CSO, 2007h). While women tend to have employee status, men are more likely to be self-employed entrepreneurs (Horáková, 2007, p. 7). Migrant workers are generally younger than average economically active Czech citizens (Horáková, 2007, p. 8). Information about the level of education of all economically active foreigners is not available. However, as the next section demonstrates it is likely that large numbers of migrants are experiencing deskilling in the Czech Republic at least in some period of their life.

Finally, it is important to note here that migration policy of the Czech Republic does not involve provisions for recruiting skilled migrants and thus making a larger group of selected foreigners subject to fewer restrictions regarding length of stay, change of employment and family reunification. There was only one project developed in this direction so far called “Selection of Qualified Foreign Workers.” It was launched in 2003 by the Ministry of Labour and Social Affairs under the Social-Democratic government. This project allows selected qualified foreign employees to apply for the permanent residence permit earlier – already after two and a half years of their work and stay in the country (other foreigners have to wait for five years). Together with the project participants, their family members are also allowed to settle in the Czech Republic and obtain the PRP. However, this project has not had a larger impact as the requirements are hard to fulfil by a larger group of migrants.\textsuperscript{22}

3.2.5 Migrants’ experiences of deskilling

Research commissioned by the Ministry of Labour and Social Affairs published in 2007 offers a few more detailed insights into migrant women’s and men’s access to employment and further education in the Czech Republic than the above quoted statistics (MPSV, 2007). It is based on a study of 618 Chinese, Vietnamese, Ukrainian and Russian immigrants (59 per cent men, 41 per cent women) and a nationally diverse group of 261 recognized refugees with a similar gender balance in the sample. In a comparison of the position of women and men in the labour market, migrant women came out as worse off in this research. They have

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\textsuperscript{18} My thanks go to Marie Jelínková, for pointing out these conditions to me.

\textsuperscript{19} The total share of employed foreigners is higher because people holding the PRP are not included into this calculation, there are no reliable data on the share of this part of the working population.

\textsuperscript{20} This position implies having less protection in terms of social and health security.

\textsuperscript{21} The situation caused partly by the experience of discrimination that pushed many migrants into self-employment.

\textsuperscript{22} According to the website of the project: http://www.imigracecz.org/?lang=en, only 183 pilot project participants and their family members have obtained a permanent residence permit in the Czech Republic within the shortened period of two and a half years.
generally less chances to have their previous qualifications recognized and as many as 52 per cent of the respondents argued that they do not make use of their qualification in their present occupation, this applied ten per cent less to migrant men than to women. The authors of the research ascribe these different levels of deskilling\(^{23}\) to the stratification of the labour market where men are more likely to be employed in places where some level of qualification is required (such as construction), while women tend to predominate in the areas such as cleaning, processing industry, restaurants, domestic service, where specific qualification is usually not required (MPSV, 2007, p. 56). This situation is also reflected in income differences: the average monthly net income of a male migrant was 12,900 crowns\(^{24}\) as opposed to women's 7,700 crowns\(^{25}\) which means 40 per cent less for women (MPSV, 2007, p. 46).

These accounts are important but do not give us an idea of a number of varieties in which deskilling is experienced by migrants and about the role it plays in the process of settlement and migrants' self-perception? As our in-depth interviews with migrants suggest, for some, deskilling means only a temporary phenomenon, while others may perceive it as a necessary forfeit which is part of their migratory journey. The reference to the experience of deskilling appeared in less than a half of the interviews conducted with migrants. It was most prominent in the narratives of young Vietnamese immigrants whose fathers were all graduates of Czechoslovak universities and completed their studies within the framework of contracts between Czechoslovakia and the Socialist Republic of Vietnam. Based on these agreements, Vietnamese citizens were coming to the country to obtain their degrees and to work in the industry since the early 1970s (Boušková, 1998). None of these highly educated men found job in their field of expertise when they returned to the Czech Republic in the 1990s. They all moved to small business. Not only men but also mothers of young Vietnamese migrants who were interviewed were highly educated or they at least had a college education. They were not able to find an opportunity to make use of their qualifications; most often they ended up working with their husbands in market halls. In two of these families, mothers later became housewives as the business became more prosperous.

Hoa’s father finished his PhD degree in Chemistry in Slovakia before coming to the Czech Republic in the early 1990s. When asked whether he could make use of his education, she replied:

No, he couldn’t find anything in his field. It was very difficult then, it was not encouraged for foreigners to work in such positions. He didn’t like working as a tradesman, neither did my mother, but I guess they did it for the family. (Hoa, Vietnamese woman, reunited with her father, 22 years)

Other informants presented their experience of working far below their level qualification as if it was something perfectly normal. Like Anna, a Ukrainian woman who used to be a teacher in a village school back home and came to the Czech Republic already in her late fifties. She had not really expected anything else than manual work despite having a humanities university degree. Although she has not retired, she can vividly speak about her sixteen-hour long working days and two jobs she has taken to end up earning what is an average income in the Czech Republic.

For some, the experience of deskilling was only temporary. For example, an ambitious Ukrainian woman, Lena, came in her early thirties with two university degrees: one from Ukrainian Technological Textile Institute and one from Economics. She started off as a

\(^{23}\) A situation when highly skilled immigrants are adversely affected in the labour market by not being able to make use of their qualifications.

\(^{24}\) approximately EUR 450

\(^{25}\) approximately EUR 265
worker in textile factory where she was paid only a minimum wage and she had to work long hours including Saturdays. After learning the Czech language and getting oriented a bit, she managed to climb the ladder and became a freelance designer. It took her two years to start working at the level which was close to her qualification. In retrospective, Lena actually valued her experience as a worker saying it was interesting to see the production process from below. However, she recounted that once she has entered a more prosperous career of a designer, she often encountered Czech people who were not used to meeting a successful Ukrainian woman. They were rather used to the idea of Ukrainians as uneducated workers in the worst positions of the labour market.

I once had a relationship with a person who was, sort of from the higher circles of society. So we would often go to visit theatres, receptions, banquets etc. And the interesting thing was the way he always introduced me to other people by saying: She’s Ukrainian but she’s a designer. There was always this but. I don’t really know what he wanted to say by that. Probably, he wanted to make me look good. (Lena, Ukrainian woman, married to a Czech citizen, 36 years)

Her experience points to another possible form of deskilling – stereotyping of certain groups of migrants as predominantly unskilled workers. This attitude may then have real consequences for the expectations they face in the Czech labour market. As I have already noted above, it is in particular Ukrainian migrants who have this image of filling working-class positions that Czechs do not want take up. Indeed, their participation in low-skilled professions outnumbers all other groups of foreigners (Pavel & Turková, 2007, pp. 21-22). Nevertheless, research shows that it is often people with higher qualifications than required who fill these positions (Drbohlav et al., 1999, p. 8).

Lena could indeed be considered a success story because she was able to follow her dream of self-realization. Natalya, a Belarusian woman in her late thirties who used to be a successful business manager before she left Belarus to escape from her failed marriage is experiencing her deskilling rather painfully. Despite the fact that she acquired the PRP two years ago because of her marriage to a Czech citizen, she still works as a cleaner in school where her husband is a caretaker. She says that language barrier is her main problem. She described poignantly how painful it is to live her “double identity” at the moment:

At the beginning, I didn't know how it will be here. If I knew that I'll end up as a cleaner... You know, I go to Belarus every summer and I always stop by in my previous workplace. I haven't told anyone there what I'm actually doing here. I always laugh when they ask me and say: Yeah, it's fine in the Czech Republic. Knowing that I, with my university degree, will work as a cleaner... Few days ago, I was walking one of school corridors with a broom and there was a mother whom I heard telling her daughter: If you won't study, you will end up like this lady. Stupid cow! If only she knew... (Natalya, Belarusian woman, married to a Czech citizen, 37 years)

Ali, a man from Egypt married to a Czech woman, who has been in the Czech Republic for two years at the time of the interview, also experienced a significant downward mobility with regard to his job – from being a manager of several bars in Egypt to being a waiter in a hotel. He expressed a strong feeling of insecurity and instability in his life. It was after his Czech wife stated she wants to divorce him and tried to deny him access to their newborn baby. His account shows how migrants' vulnerable position in the labour market interferes into their perception of rights and entitlements in the new country. He described how he was desperately trying to gain access to the baby whom his wife tried to hide from him:

I stood in front of her house in afternoons and waited for her, but with no success. Once her mother passed by, I started to talk to her but she ignored me. She only said that if I will follow her, she will call the police. At that point, I got scared. I am new in
this country, I don’t know what could happen, and I don’t have anybody to help me. If I am delayed or don’t come to work, there will be ten other people waiting to take up my job. (Ali, Egyptian man, married to a Czech citizen, 30 years)

Same as Natalya, Ali also has the more stable and secure status of the PRP. If he were to have only the LRP, his position would be even more insecure. Nevertheless, what these two examples demonstrate is that there are many more obstacles to stabilizing one’s residence in a new environment than gaining a proper legal status.

3.2.6 Health insurance and welfare: Differences in access

While the position of migrants in the labour market is a complex topic where the residential status plays an important, but nevertheless not always a decisive role, the access to the Public Health Insurance Scheme and welfare benefits is a more straightforward case. Foreigners who have another permit than the PRP and who are not employed in an organization or a company based in the Czech Republic cannot join the Public Health Insurance System. They have to be insured in allocated private insurance companies or in insurance companies in their countries of origin. These kinds of insurance are much more expensive (the price often depends on the state of health of the client) and the companies are not obliged to insure foreigners or to prolong a contract with them in case of illness. What is even more problematic from the perspective of migrants is that it has to be paid at once in one instalment for the whole time of the validity of their LRP (usually one year). This may represent a significant burden for their household budgets. Moreover, it leads to a lot of insecurity and some foreigners prefer not to be insured at all. If they need to visit a doctor, they pay in cash. This can easily put many people in debts in case of a serious health problem (Jelínková, 2007). To give an example, while a pregnant woman insured within the Public Health Insurance system only pays for extra services during the birth in the hospital, a foreigner outside of the Public Health Insurance has to pay some EUR 1 800 (if she is from an EU country) or EUR 3 600 (if she is a third country national) for both the delivery and the prenatal care. The conditions and costs of health insurance available to foreigners were a source of distress even for a relatively well-to-do immigrant Lena who had her own designer firm and spent ten years with the LRP, renewing it every year prior to getting married to a Czech man.

Health insurance is very expensive for foreigners. You had to pay it at once and it could be as much as forty thousand per year. Of course, many would go around it and arrange some fictive insurance which was enough for the Alien Police but in case something happened to them, they were simply finished. I was driving a car so I could not afford anything like that. And I realized that I was only covered for some minor injuries and treatments but in case of something more serious, like heart operation or so, I would have to pay for it myself. That’s what was written in small font at the bottom of the page. (Lena, Ukrainian woman, married to a Czech citizen, 36 years)

Having the LRP makes a foreigner eligible for the State Social Support (welfare benefits) only after a year of residence on the territory while the PRP allows them to become eligible for most of these benefits straight away. In case of family reunification this one year can be particularly difficult. Imagine a woman who joins her husband with a small child. For the first year, she will probably not be able to even look for employment let alone find one as she will

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26 This system of health insurance is used by Czech citizens.
27 I was alerted to this aspect of health insurance of the LRP migrants by Marie Jelínková.
28 The average monthly salary in the Czech Republic is approximately EUR 780.
29 Approx EUR 1333
30 with the exception of an unemployment benefit for which a foreigner has to be employed in the Czech Republic for a minimum of one year
probably be required to take care of the child and will most likely not have enough language abilities to get officially employed. Therefore, she will find herself entirely dependent on her husband during this period of time. Such dependency can create or heighten gender power inequalities in the family to a disadvantage of dependants whose legal status rests with them being family members of the sponsor. As women represent the majority of migrant “dependants” in the Czech Republic, this measure has a strong gender bias. As Morris (2002) reminds us, also a gender-blind approach can produce “discrimination through a failure to take account of the circumstances most common to women's lives” (p. 123).

Although such cases have not appeared in our interviews, it has been raised as one of the areas that should be tackled by policy makers in the recommendations of the already mentioned project commissioned by the Ministry of Labour and Social Affairs (MPSV, 2007). The authors conclude that migrants’ social and residential rights should be strengthened. They highlight the situation of foreigners who have been reunited with their family members already holding the PRP in the Czech Republic and who are only eligible to gain the LRP. They acknowledge that it is most commonly women and children who suffer from having this less secure status. The most pressing need of the Czech legislation in this field is, according to this report, “inclusion of these foreigners with the long-term residence permit to the system of Public Health Insurance.” The report ends with a suggestion:

We recommend simplification of the procedure of gaining the Permanent Residence Permit for the family of a migrant who has – as the only member of this family – already acquired this ‘life stability.’ (MPSV, 2007, p. 81)

So far, I have discussed the important stratifying dimensions of the two most common residential permits a foreigner can get in the Czech Republic. The list is far from complete, but I have intentionally selected those that were most frequent and seemed to be most relevant in migrants’ narratives. When accessing a legal status by renewing a permit or applying for a new status, migrants have to overcome a number of barriers. They range from more formal ones such as coming from a particular country where it may be difficult to obtain certain documents required by the Alien Police to less official barriers such as being treated in a demeaning way because of your country of origin. We sometimes hear various migrants’ advocates arguing that these people simply do not have a choice but get around the rules because that is how the system has been set up for them. However, this attitude deprives migrants from their agency. By using the notion of accustomed to illicitness, I was trying to show that we should rather start from the system itself to understand the choices that migrants make. This very system creates spaces to be exploited by illicit brokers and intermediaries and it becomes very closely intertwined with their parallel structures. In such a context, choosing to use the service of a broker may become a perfectly normal thing to do from the perspective of otherwise law-abiding people. Often, this choice is based on the lack of accessible information about other possible ways of arranging one’s status.

The main problem identified with regard to civic stratification is that barriers, which need to be overcome by migrants on their way to a more stable and secure status, are not at all transparent. Civic stratification is structured by the kinds of resources people have to jump these barriers – using their education, financial resources, or social networks. These resources are not equally available to all and thus the system reinforces hierarchies instead of giving equal chances to all those following the rules. Therefore I argue that the selection system set up for foreigners coming to work and settle in the country does not operate in an equitable way.

Moreover, what stems out from this discussion is the fact that having a particular kind of a status matters a lot in the most basic areas of people’s lives such as work, health, and welfare. However, the power of the more stable PRP should not be overestimated. The actual position of migrants in a society has to be studied with regard to other structures that determine the process of settlement by scrutinizing the “machinery of the delivery” of rights.
which is deeply embedded in gender, ethnic and class ideologies which are expressed in stereotyping and devaluation of certain groups of migrants. The following sections focus more closely on the process of family reunification, analyse the case of bi-national marriages and finally look at changes in gender and generational structures of family relationships in the process of migration and settlement.

3.3. Becoming reunited with a family

All the informants in our sample have reunited with their family members before the Council Directive on the right to family reunification (2003/86/EC) came into force in the Czech Republic. When recounting their experiences of family reunification, no specific obstacles were mentioned. Migrants raised more general complaints about the workings of the section of Alien Police responsible for approving resident statuses and controlling the purpose of migrants’ stay. These have already been discussed in the previous sections. Just to reiterate, the common critique mentioned was that in the majority of cases, the police officials did not speak any of the world languages and did not provide reliable sources of information about the procedures in various languages accessible for migrants struggling with understanding the Czech language. I have also pointed out that overcoming language barrier in the first stages of life in the Czech Republic and especially when arranging a legal status is highly dependent on migrants’ access to social and economic capital. If one has a network of people speaking Czech, they can help in communication with the officials; if friends are not available, it might be necessary to pay for an interpreter or to use intermediaries. Anyway, even with an access to social networks, many migrants would still rely on information obtained through the grapevine. Thus, free, reliable and accessible information in the migrants’ language could relieve them of the dangers of dependency that can easily be misused.

A few observations stand out from migrant narratives when accounting for the process of family reunification. Firstly, the majority of people who were reunited in the early 1990s seem to have gone through the process rather smoothly despite the fact that family reunification did not figure in the Alien Act as a migrants’ entitlement at that time (a change brought about by the transposition of the above mentioned Council Directive in 2006). The main explanation at hand is that Czech migration policies were much more liberal and easier to follow at that time. Baršová and Barša (2005, p. 221) label the years between 1990 and 1996 as the period of laissez faire and argue that the main aim of policy makers at that time seemed to be not to curb migration, but rather to be able to monitor it and to use police force against illegal migration (Baršová & Barša, 2005, p. 222). It is important to take into account that it was a time when Czech and Slovak migration policy-making was launched almost from a scratch together with a newly emerged possibility of freer movement of people across national borders after 1989. Secondly, the informants who were reunited in the second half of the 1990s or in the early 2000s were more likely to refer to the process of reunification as time consuming and commented on tedious procedure of putting together all the documents – a process that can often unnecessarily prolong separation from family members.

For example, Oksana, a Ukrainian woman reunited with her husband who was already granted the PRP in the Czech Republic in 2002, described how she struggled through the procedure. Their application was twice rejected by the Alien Police. Her account of the situation suggests that the main reason for those rejections was inaccurate information she had about the documents which should be submitted for the reunification process. When she eventually lost her temper and decided to come to the Czech Republic as a tourist, she personally inquired about the requirements at the Department of Alien Police in Prague and things suddenly started moving fast. She was granted her residence permit soon after. Her experience highlights the level of unpredictability that surrounds this highly complex procedure during which migrants often rely on incomplete information and may easily become victims of a bureaucratic error.
After all this time, you know, it took us about two years altogether, you don’t really expect anything, so I was genuinely surprised when I eventually got the residence permit. (Oksana, Ukrainian woman, family reunification, 30 years, focus group participant)

Thirdly, it was clear that some migrants we interviewed differed significantly in their access to the process of family reunification. The key category of differentiation was their sponsor’s legal status. The situation of family members of recognized refugees differed in a sense that their sponsors – recognized refugees – were not required to present the evidence of self-reliance asked from other migrants (having enough money on their account, place to live and health insurance). On the contrary, they have become eligible for a substantial level of state support by reuniting with their family member. Also their proof of a family relation did not have to go through the same kind of scrutiny. It is acknowledged that due to the conditions of danger and persecution in the country of origin, it may not be possible to secure all the required documents. Thus “the only” challenge on their part is to actually get to the Czech Republic which is the only place where they can apply for family reunification. This has become increasingly difficult as the Czech Republic, which is now ready to join the Schengen area as of the beginning of 2008, requires visa from most of the countries that might potentially be a source of refugees. This principle therefore disqualifies many family members from actually accessing their right and often prolongs family separation for many years or makes it impossible altogether. NGOs have been pointing to this unfortunate situation for some time, so far without a remedy on the part of relevant state bodies (OPU, 2004; PPI, 2003). In 2005, 38 per cent of all asylums granted were based on family reunification (OAMP, 2006, p. 12).

The story of Habib’s family gives an indication of how difficult it can be to access refugees’ right to family reunification. Habib is a young man from Afghanistan who has been living in the Czech Republic for four years now. When Talibs attacked their house in Kabul and wanted to recruit him and his brothers to their troops, his father encouraged him and his two brothers to leave the house and escape. That is when the family separated in 1999. After staying at different places in Afghanistan and Pakistan, the brothers decided that it will be safer for them to move to live with their cousin in Russia. Habib was only thirteen years old when he started making his living there, without access to education, without documents. He and his brothers did not know if their parents were still alive and where they lived until, by pure coincidence, they learned about them from a man who met them in a Czech refugee camp. The boys met him before his set off on his journey to Europe and showed him pictures of their parents. After establishing a contact, the brothers, together with a few humanitarian organizations both in the Czech Republic and in Russia, started working on family reunification process. Eventually, they were allowed to join their parents in 2003, their travel was paid by the Red Cross. It is clear that otherwise they would never be able to get to the Czech Republic and apply there.

Of course we would not be able to pay for the trip. Where would we get the money from? We were living without documents in Russia, whenever police stopped us to check our documents we had to pay a fine so that they let us go. That’s how we spent our money. It was barely enough to survive. And our parents? They were living here in the camp, without any income. That’s why the Red Cross paid for us. (Habib, Afghan man, family reunification/asylum, 18 years)

As already mentioned above, contrary to many European countries, the Czech Republic has not, so far, widely applied an official system for preferential treatment of migrants based on their skills. Skills and education obviously matter in the process of collecting information and arranging documentation, but not at the level of official selection criteria for admission.
They were very lucky to mobilize these organizations around their plight and the NGO in the Czech Republic managed to negotiate special conditions for them with the Ministry of Foreign Affairs and the Ministry of Interior which granted them entry to the country. It took almost a year before they too were granted asylum and thus also a permanent residency in the Czech Republic. Habib and his two brothers were not able to provide any documents about their relation to their parents and they had to undergo various interrogations in which their accounts were crosschecked with those of their parents.

They would ask us, who were our neighbours, who were father’s colleagues, how did our house look like. They verified everything in order to confirm that we are really their sons. But we were simply so happy that they are OK; we just couldn’t wait to see them after such a long time. (Habib, Afghan man, family reunification/asylum, 18 years)

This eventually served as a confirmation of their family relationship. Habib’s is a story with a happy ending, however, it is easy to imagine many “less extreme” cases when people cannot mobilize such support and thus families remain apart despite their right to be reunified with their family members in the Czech Republic.

Another example of refugee family reunification is Katya, a young Belarusian woman who came with a two-year old son to join her husband. Her account of the reunification experience differs from that of Habib. She did not experience any major problems when leaving her country and travelling to the Czech Republic, which was just a one-day bus journey from her hometown.

When I arrived, I didn’t know what asylum means, I had no idea. My husband invited me to come, so I came, as simple as that. I was welcome by the officials. They already knew that I will get asylum without problems, so I felt welcome. (Katya, Belarusian woman, family reunification/asylum, 28 years)

Thus, in the case of refugee family reunification when the existence of a family relationship should matter the most, we see that the access to this right is greatly shaped by the country of origin.

3.4. Marriage as a strategy of stabilizing status: Complexities of legal categories

Marriages between Czech citizens and foreigners constituted on average nine percent of all marriages concluded in the Czech Republic in the period from 1996 to 2006. Drawing from the statistics from this decade, 4.6 thousand foreigners on average marry a Czech citizen every year (CSO, 2007a). The most recent data of the Czech Statistical Office (CSO, 2007f, 2007g) show that in 2006, it was more common for a Czech woman to marry a foreigner (N=2,549) than it was for a Czech man to marry a foreign woman (N=1,907). In the same year, the most typical countries of origin of foreign husbands were Slovak Republic (N=612), Germany (N=239) and the United Kingdom (N=154), while foreign wives were coming mostly from the Slovak Republic (N=722), Ukraine (N=444) and Vietnam (N=144). Looking at the nationalities of foreign spouses, there seems to be a pattern emerging from the data. After excluding Slovakia, which is a special case due to the recent history, we see there is a tendency of men marrying women from poorer countries and women marrying men from richer countries (although Ukraine has been competing for the third place as a country of origin of foreign husbands with the United Kingdom). The number of bi-national marriages has been decreasing slightly since 2004 (CSO, 2007a).³²

³² As opposed to some Western European countries, the theme of forced and arranged marriages has not become an issue in the Czech context.
Considering the consequences a bi-national marriage for the residential status of a foreigner, it is important to highlight that up until the end of 2007, the Czech Republic was one of the few countries in Europe that has not introduced any probationary period for foreign spouses. Thus, so far, foreigners could apply for the PRP straight after the marriage was concluded (previous residence in the country is not required) and in the majority of cases, this residence permit is granted to them. The PRP may not be granted or can later be withdrawn if the Alien Police proves that "the foreigner entered into marriage with the aim of obtaining a permanent residence permit" (Section 77a of the Alien Act). However, "this provision does not apply if a child is born out of the marriage or had been irrevocably adopted by the married couple" (Section 77a of the Alien Act). It is clear that the definition of what is usually called a "sham marriage" is rather vague. As we shall see later on, if strictly applied, a large proportion of bi-national marriages, which are concluded (among many other reasons!) with the aim of stabilising foreigner’s status in the Czech Republic, could be labelled as not “genuine” enough. On the other hand, the conception of “authentic” marriage stems out as closely tied to the reproductive aspect of a family; i.e. assuming that a marriage has to be genuine if only a child is born or adopted by the couple. Thus, a form of marriage and a family are prescribed by the state as ideological constructs and in the context of a foreigner’s (always revocable) position in the country, they are becoming “sites for the exercise of state-based power” (Robinson, 2007, p. 490).

Migrants who were granted the PRP based on their family relation to a Czech citizen were strongly represented in the sample interviewed for this research. Eight women and three men were married to a Czech citizen during the interviews. Moreover, four interviews were conducted with Czech partners of foreigners; in two cases a whole bi-national couple was interviewed. Looking at the migratory journeys of these interview partners, we see that there are many varieties of experiences even in this relatively small group. They disrupt the populist discourse of the Ministry of Interior pushing forward a frightening image of an immigrant who marries a Czech citizen in order to get the PRP and claim social benefits as soon as possible. As we will see further on, this argument does not apply even to those cases where gaining the PRP was an important if not the key motivation for marriage.

First, I shall distinguish between two groups of foreign spouses who: 1) came as immigrants and got to know their future partners during the stay in the Czech Republic; 2) came already as foreign spouses or with the vision of getting married soon after arrival. These two categories were distributed evenly in the sample. In both categories, migrants’ narratives revealed a complexity of motivations to migrate which could hardly fit into clear cut categories dominating the public discourse such as “economic migration” or family migration of “dependants”. What we see clearly is that the drive to better one’s economic situation rarely stands alone, on the contrary, it is often intertwined with familial and other factors which may operate as both “push” and “pull” forces. I agree with Kofman (2000) who writes

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33 In October 2007, a new amendment to the Alien Act has been approved by the Chamber of Deputies of the Czech Parliament and it will now move to the Senate and on the table of the President, both are likely to give the same result. It proposes to introduce a probationary period of two years after which foreigners who marry Czech citizens will be allowed to apply for the PRP. This measure puts off their chances for being granted Czech citizenship from five to seven years and it has some significant consequences for their daily lives with regard to public health insurance, eligibility for welfare benefits or the possibility to buy property to mention just a few examples. This change has been repeatedly justified by the claim that the institution of marriage is being increasingly abused by foreigners and by referring to other EU countries that have already instituted some kind of a probationary period. It has been strongly opposed by a coalition of twenty-seven nongovernmental organizations who launched a petition and a media campaign against this and other restrictive changes in the law (see more about the campaign at: http://www.migrationonline.cz/e-library/?x=2010459).

34 This image was presented vigorously by the Ministry of Interior during the debate in the Chamber of Deputies of the Czech Parliament about the proposed change of two-year probationary period imposed on bi-national couples.
critically about the dominance of methodological individualism in international migration research. She argues that it implies a focus on the “international migrant as a single person, usually assumed to be male, disembodied and disembedded from contexts such as familial or household relationships or the wider society in which he lives” (p. 53). Moreover, she stresses that these relationships are imbued with gender hierarchies. Indeed, gender dimension turned out to be highly relevant for understanding the motivations of our interview partners.

Lena’s story provides an apt illustration. Initially, this Ukrainian woman in her thirties was reluctant to describe her true motivation to come to the Czech Republic.

No, I didn’t come to work here. There were other reasons, let’s say family reasons, it’s complicated and I won’t go further into it. But there was also an opportunity to work and to get to know another country. Plus, I could partly resolve some family problems and then return back home. (Lena, Ukrainian woman, married to a Czech citizen, 36 years)

Only later during the interview, she got back to this topic and explained more about her motivations:

There were various issues, for example, I cancelled my wedding, I simply didn’t want ... so I had big problems with my parents because they were very proud of me, that I am skilled and pretty, you now, among neighbours. I was already 24 or 25 years old and still single. I ended one relationship and my parents simply couldn’t stand it, it was a great terror back home. (Lena, Ukrainian woman, married to a Czech citizen, 36 years)

At the first sight, her migratory journey appears as that of a typical labour migrant. Despite being highly educated, she arrived with a group of women from her hometown and started working for a minimum wage in a textile factory before she managed to establish her own designer business after two years. However, it is clear that in her case, family acted as an important force that made her leave in an attempt to free herself from the pressure of her parents. It seems that the main “problem” for them was that she did not want to conform to the prescribed notion of femininity closely tied up with a middle class status of her family. Lena’s initial plan to return back home has not materialized as she was soon getting used to living on her own and appreciated some features of what she called the “Czech mentality.” The plan was eventually abandoned when she met her future husband Marek. Lena was granted the PRP soon after their wedding. With regard to her resident status, the marriage did not make any dramatic difference because she would get the PRP anyway after living in the Czech Republic for ten years, prolonging her LRP every year. However, it seems that it has made a great difference in terms of her social status (finding a partner up to her standards), providing personal and emotional stability and a vision of a permanent stay.

Of course, what changed was the sense of support; it’s a basic thing for a foreigner. Especially if you don’t have your family around ... you know, if something happens, I didn’t want to bother my parents or a grandmother, they were far away and couldn’t really do anything anyway.

...If you have a problem, if you need an advice, you feel like having someone to talk to, you need to have someone who will ask you: Is everything OK? Do you need anything? Or simply takes your hand and hugs you. Of course, you build up a circle of friends, but obviously, you won’t cuddle up to your girlfriend ... so marriage is good,
you get hugged a lot [laughter]. (Lena, Ukrainian woman, married to a Czech citizen, 36 years)

Lena’s story shows that marriage plays an important stabilizing role in the migration experience (as it often does for non-migrants) whether it provides a stable residence status or not.

Anna’s experience provides an even clearer example of how a drive to stabilise one’s residency as well as material conditions of life are intertwined with emotions and how they can hardly be captured by the rigid letter of law. Anna is a Ukrainian woman already in her sixties. In 1993, she quit her job as a village schoolteacher and came to the Czech Republic as a seasonal worker in agriculture. After moving back and forth between the two countries and after some periods of undocumented stay and illicit work, she married a Czech man, Tomas, whom she later divorced. The interview was conducted with both ex-partners (separately) and revealed varying views on their marriage. Anna stated that:

It was not only for the residence permit. I had some relation with him. Even today, my daughter says that when I speak about him, my eyes light up.

... 

It was not for the documents, I could have gotten them in other ways too. It was enough to know people, have time to go after it, or you could give money to somebody and he would do it for you. But I had neither money nor time, I had a relationship, something attracted us to each other. (Anna, Ukrainian woman, married to a Czech citizen, 65 years)

On the other hand, Anna also acknowledged that this marriage brought her some major advantages. After insecure years of living and working undocumented, she appreciated being granted the PRP, together with her youngest daughter, who was then sixteen and thus eligible to receive the same status as her mother. On the other hand, she recounted that her life with Tomas was not easy, she especially complained about his pedantic character:

It would probably make him sad to hear me saying this, but as he himself says: no Czech woman would stand living with him. (Anna, Ukrainian woman, married to a Czech citizen, 65 years)

When asked how come that she managed it, Anna replied:

I'll put it this way, I’m a foreigner here, and with him, I felt some kind of support, when we go to arrange something with authorities he always speaks for me, he’s good in dealing with these things. (Anna, Ukrainian woman, married to a Czech citizen, 65 years)

Thus, even though one of the reasons to conclude this marriage was to have a stable status for herself and her daughter, it was definitely not the only reason. Moreover, Anna was not only on the receiving end of this relationship. She took care of Tomas and his household for some time, cooked for him and even supported him financially when his pension was too low to live on.

How did Tomas see Anna’s motives to marry him? He explained:
I knew she was calculating and married me in order to get a residence permit for herself and her underage daughter, but nevertheless, I fell in love. Even she identified herself with the role so much that she eventually also fell in love with me.

... These émigrés are armed with female attractiveness; they get married, gain their papers and then find a more suitable partner. (Tomas, married to a foreigner, 68 years)

Although, he was a bit bitter about the fact that Anna divorced him after less than two years of their marriage, Tomas also expressed understanding for her actions. He admitted that she cared more about providing for her family than about their relationship. Anna’s reasons for divorce were mixed, on the one hand, she found out that she could not live with him anymore, on the other hand, a new opportunity emerged for her: an Ukrainian acquaintance let her know about an old man in his eighties (a Czech citizen of Ukrainian origin) who was all alone, without any family and needed to be taken care of. The promise of this “deal” offered to her was that she would gain the right to remain in his apartment once he died. Anna agreed and remarried just half a year after her divorce with Tomas was over. Another reason she indicated for this new marriage was also that she was not sure whether her PRP would be renewed after five years if she was no longer married to a Czech man. Anna was quite frank about the nature of this relationship:

That was no longer a relationship, I lived with this man for six years and was helping him, then he died. (Anna, Ukrainian woman, married to a Czech citizen, 65 years)

The practice of gaining property in exchange for care in the last periods of life is not unusual also among the Czech population. However, because Anna was a foreigner, she got into trouble when it came to exercising her right to stay in the apartment after her husband died. The owner of the house, who was looking forward to getting rid of the old tenant, reported her to the Ministry of Interior with the accusation that she concluded a sham marriage with this man. She went to court and eventually won her case. However, this accusation of a sham marriage had a negative impact on her application for Czech citizenship later on. Despite the fact that she fulfilled all the main requirements, she was rejected three times and it was only at the time of our interview that her application was finally approved, after fourteen years of her stay in the country. Indeed, both of her marriages could hardly be described as based on “pure love.” But which marriage can? More apt description would be “a marriage of mutual convenience.” They were both driven by a purpose, so from the point of view of the Alien Act, the PRP gained by her marriage with Tomas could have been questioned. But were her actions condemnable? In both relations, she did not only gain but gave something back. When I asked her about the current nature of her relationship with Tomas and whether she would, for example, take care of him if he got ill, she answered without a second thought:

Of course I would, it can’t be otherwise, though he’s an awfully selfish person. But he’s got nobody. (Anna, Ukrainian woman, married to a Czech citizen, 65 years)

The experiences of migrants who came already as wives or husbands of Czech citizens or married soon after they resettled in the Czech Republic are similarly varied. What stands out as a common feature was some level of dependency that these foreigners experienced.

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35 Czech citizenship is not defined as an entitlement upon fulfilling all the prescribed conditions, the foreigners’ applications can be refused without further explanation.
Natalya is a highly educated woman from Belarus whose marriage to her Czech husband enabled her to escape an unsatisfactory relationship in Belarus. Though it seems not to be backed by a very strong emotional bond, they live together; her husband found her a job as a cleaner at a school where he also works. Natalya suffers from this experience of deskilling but even after two years in the Czech Republic, she does not feel confident with her knowledge of the language to apply for a job which would enable her to use her education and previous work experience. Therefore, she remains in a job secured by her husband. Her justification of the position she finds herself in is her determination to be able to take care for her teenage son and provide him with opportunities he could not get in Belarus.

Ali’s story already outlined above in the section 3.2.5 Migrants’ experiences of deskilling, points to the insecure position in which foreign wives and husbands can find themselves if the marriage is not working out well. His wife, who apparently wants to get rid of him and deny him access to their newborn child, used his foreign status as a weapon against him. At the court, she argued that he married her only for the purpose of getting into Europe. He managed to win a rather limited access to the child (two hours once a fortnight) but the actual materialization of this right remains uncertain; he is being suspected of wanting to kidnap the baby and take it back to Egypt.

Thus, immigrant wives and husbands face different levels of insecurity and different kinds of dependency on their Czech partners despite the fact that they are, at the moment, being granted an independent and a relatively stable status with the PRP. The introduction of a probationary period and consequent reduction of migrants’ rights as foreign spouses, which was approved by the Lower House of the Czech Parliament in October 2007, is likely to heighten these insecurities and dependencies in bi-national families. It will increase the power of the Czech nationals solely based on their citizenship. Furthermore, the great variety of motivations and forces that drive people to migrate and conclude bi-national marriages leads to the conclusion that it is more helpful merely to describe these motivations on a continuum rather than attempting to define clear cut categories of sham marriage versus genuine marriage. I have demonstrated that the possibility of getting the PRP after concluding a marriage with a Czech citizen played an important role for the people involved. However, it seems that in the majority of cases, this motivation is mixed with others and does not automatically imply that migrants are only at the receiving end of such relations. The level of stability of this status can mitigate but does not completely prevent them from dependency and an insecure position in a new society.

Lastly, the high level of suspicion towards bi-national marriages from the officials especially those involving foreigners of certain nationalities) is also influenced and heightened by the process of implicit differentiation among Czech citizens based on their ethnicity. Officials’ views and feelings on the sham practices of migrants was recently vocalised in the media with great vigour in response to the opposition of many NGOs to the introduction of a two-year probationary period for foreign spouses. What is clear from the officials’ accounts is that Czech Roma people are under increased suspicion of concluding sham marriages with foreigners and receiving payments for it. This “ethnicized suspicion” is even stronger with regard to the claims of fatherhood to a Czech child, which also leads to obtaining the PRP. The topic appeared at a public debate about illegal migration which took place in Prague and was organized by NGOs. The representatives of the Alien Police also participated in the meeting; they referred to Roma women who allowed foreign nationals to be written in the birth certificate of their children as fathers in exchange for a relatively low sum of money (around EUR 60-100). This practice is indeed undesirable as it often has negative consequences for the women and children involved. It can hinder their eligibility to social benefits and decision-making about the child when the father is not present. However short-sighted their practice might be, these women were described with a clear hint of moral contempt, as if they were “selling” their children to foreign men. Their ethnic difference was emphasised in the officials’ statements and presented as a moral deficiency.
This ethnically-informed suspicion appeared also in the interviews. For example, a man, who did not want to be identified by his nationality, concluded a sham marriage by paying a Czech woman to marry him when his residence permit expired, after being advised by somebody that marriage is the easiest solution. When asked about the attitude of the Alien Police and whether the “couple” had to undergo an interview or were visited by the Alien Police officers to verify their marriage, he stated:

No, it was easier for me as I married a white Czech woman, if she was a Roma, I am sure they would call us for an interview and inspect at home. That is what they do in such cases.

This kind of suspicion was indirectly experienced also by Olga, a young Ukrainian woman whose mother got married to a Czech citizen after she divorced Olga’s father, whom they joined in the process of family reunification. Olga’s mother’s case was similar to many of the bi-national marriages – there clearly was a relationship between her and her partner and they lived together for some time, but they would probably not get married if her residence status was not at stake. Her application for the PRP was declined several times and she was only granted it after more than a year of living with insecure status. Olga complained about the rude behaviour of the officials towards her mother. She was convinced that the main reason for the suspicion and rude behaviour was the fact that her mother’s partner was a Roma man. Eventually, her PRP was approved but the process of getting it was unnecessarily exhausting. The women experienced both biased and demeaning treatment from the officials.

Thus, not only is a form of marriage and a family prescribed to migrants by the state, it should also be stressed that the exercise of such rigid views is rooted in stereotypical notions attached to particular groups of people based on their ethnicity. While the general attitude towards immigrants and their Czech family members is one of suspicion, some are seen as even more suspect than others. Inequalities and discriminations already present in the country of settlement can reinforce the above described biased attitudes towards migrants and can marginalise groups within society, creating mistrust, especially regarding their familial intentions. Moreover, it seems clear that many migrants would not choose to gain their status via marriage or a claim of fatherhood should other ways of obtaining legal status be open to them. This is not to argue that the practice of a sham marriage in exchange for money is legitimate, or should not be prosecuted. However, it is important to understand that the choice of using this practice should neither appear as morally pathological or some dangerous criminal activity. It is an environment where the official structures of migration policies and their implementation by the Alien Police inadvertently create spaces for intermediaries and brokers and where the trust in the power of the law is at low ebb.

3.5. Reconfiguring family relations: Gender and generations

This research was informed by the notion of familial relations as based on hierarchies organized along gender and generational lines, which determine different power potentials of individual members. Research on migrant families shows that these structures of power are not immutable; on the contrary, the experience of migration acts as a radical challenge to family hierarchies (e.g. Al-Ali, 2002; Creese, Dyck, & McLaren, 1999; Glick Schiller & Fouron, 2001; Hondagneu-Sotelo, 1994; Lawson, 1998; P. R. Pessar, 1999). Looking at individual migrants’ strategies already described in this text, we see that family (however miscellaneous and changing its conception may be) plays a crucial if ambiguous role in different stages of the migration process. As demonstrated above in the migrants’ stories, migration can be a way to get away from oppressive family relations as well as being a strategy of keeping the family together or forming of a new family. I have stressed that family reasons to migrate

36 These are the practices with which the Alien Police are equipped to detect sham marriages.
should be seen as situated in a wider context of socio-economic forces that shape migratory journeys. In this section of the text, I ask how migrants’ familial relations were influenced by the experience of migration.

First, I focus more on the generational aspect of family relations and describe changes in the generational structure of opportunities and responsibilities which emerged as significant, especially from the narratives of young migrant women who were reunited with their families. When families and households came to be viewed as important units of migration decision-making processes, they were predominantly presented as rather homogeneous units making joint decisions based on consensus (e.g. Stark, 1995). However, this image of a family and household has been challenged, especially by feminist migration researchers who have depicted families and households as collectivities shaped by relations of power. As one of the proponents of this approach, Pierrette Hondagneu-Sotelo, aptly puts it, the migrant household is:

a highly charged political arena where husbands and wives and parents and children may simultaneously express and pursue divergent interests and competing agendas. How these agendas become enacted draws attention to the place of patriarchal authority in shaping migration. (Hondagneu-Sotelo, 1994, p. 95)

The migratory journey of Huan who left China with her parents when she was fifteen years old shows how expectations and outcomes of a decision to migrate can differ within one family. When asked about why her family decided to come to the Czech Republic, she explained:

My parents decided to leave for various reasons. They wanted to continue their business with mobile phones and batteries, it was simply an opportunity. We were quite a rich family in our neighbourhood. They wanted some further development. I simply wanted to go somewhere where I could start a new life... I wasn’t happy in China. I was not very successful at school but I was good at singing. I won some competitions and got interested in choreography. So I wanted to find something new for myself. (Huan, Chinese woman, whole family migration, 26 years)

The migration project did not turn to be particularly beneficial for her parents because they did not succeed in developing their business in the new setting. Nevertheless, Huan saw it as a success despite all the difficulties she had to endure:

My parents lost all their money, it is difficult for them to find a job, they still can’t speak the language and they are older now and have some health problems.

... But I’m happy here. I found myself here, my life, new goals and abilities. I gained many new experiences. I am satisfied. Although there were many problems, so many things happened, but I’ve learned something, not only the language, but also friendship and something I can believe in. The main thing is that I can do what I thought wasn’t possible for me – I can dance and sing. (Huan, Chinese woman, whole family migration, 26 years)

However, her way towards greater self-realization was not an easy one. As she was the first in the family to learn the Czech language and at a time when her father decided to leave the family and return to China for some years, she was the main person responsible for maintaining the family, both in an economic sense – she was working in a number of jobs – but also in a sense of securing legal status for her mother and sister at the time when they all
had the LRP which had to be renewed every year. All these responsibilities fell on her in her early twenties when she was trying to finish her high school studies. This is how she described her feelings of increased responsibility:

It was really difficult. It was the time when my father was back in China and we, three women were left alone here. I earned living and arranged all the necessary things – that was really tough. Sometimes, I saw myself like this: I am standing on the street, I am alone, there is no one else but strong and cold wind ... that's how I felt.

You mean there was no one to rely on?

Yes, and I simply couldn’t fall, I had to stand up because there was my sister and mother and I had to be strong. (Huan, Chinese woman, whole family migration, 26 years)

Hoa, a young Vietnamese woman, had a similar experience of meeting many responsibilities related to the residence status of her family. She took it over when she was eighteen years old after her father decided to go back to Vietnam. She explained that he was too frustrated by his inability to use his high education in the Czech Republic. Similarly Olga, a Ukrainian woman in her mid-twenties, dealt with all the paperwork for herself and her mother. She said that her mother is very unsure of herself when she deals with the authorities and remains convinced that even after ten years of their stay in the country, her Czech is really bad. Olga, on the other hand, speaks Czech fluently and without an accent. She recounts her dealings with the Alien Police officials as one of the worst and most difficult experiences of her life in the Czech Republic. Unfortunately, there were not enough young men in a similar situation in our sample to make any conclusion about the gendered character of these increased responsibilities placed on young people in the process of migration.

Second, a common trait which recurred, especially in interviews with young migrants from China and Vietnam, was the gendered nature of the decision to return to the country of origin. Their parents came to the Czech Republic as primary migrants and despite their usually high levels of education ended up in small trade. As their children are now finishing their university degree, many started planning for their return to Vietnam. The parents of Tung are already investing their savings in building a house there. However, what emerged was a gendered pattern of return; fathers seemed to be freer in making a return journey while mothers appeared to be more tied to their children and were reluctant to move before they finish their education and establish themselves in life. This finding concurs with the findings of migration scholars in the U.S. who argue that immigrant women are more likely to develop personal and household strategies which are consistent with long-term or permanent settlement, while “men pursue a more transnational strategy – in many cases with an eye to an eventual return” (Patricia R. Pessar & Mahler, 2001, p. 10). However, it also points to the fact that it may not always be women's free choice to stay. Their decisions are constrained because they see themselves as having primary responsibility over the development of their children.

Similarly, I have also found out that some women in the sample seemed to be more eager to get their citizenship status in the Czech Republic than men. For example, Katya from Belarus who is a mother of two, decided to apply for the citizenship despite the fact that her husband is still reluctant to do so. Katya is clearly convinced that she will remain living in the Czech Republic and she sees citizenship as an important precondition of the stability of her children’s future lives. According to a recent interpretation of the Czech Education law, foreigners from non-EU countries were required to pay extra for non-curricular activities for their children such as nursery, kindergarten or a youth club. As a young family of recognized refugees, the economic situation of Katya and her husband is still just a little above subsistence level and they could not afford to pay increased fees for their children. Katya
saw this as a clear expression of discrimination against foreigners and explained that she is determined to ensure that her children have the same rights as Czech children. Thus, the experience of discrimination based on her status as a foreigner which directly impacted on her children made her particularly eager to have her citizenship claim approved.

This example brings the notion of civic stratification back into the picture. Katya and her family have been granted a substantial level of state support as recognized refugees and lots of effort from NGOs has supported their integration into Czech society. However, in a system of continuous stratification among both less and more desirable and deserving migrants, the message: “we support your integration and you should do your best not to disappoint us” can easily get turned into: “you are not from the EU? You don’t deserve our support and don’t try to exploit our public services.”

These are some of the examples of how family relations change in the process of migration and how they can be interpreted through the lenses of gender and generations. Much more than fits into the scope of this paper could be said about this topic.

4. Summary of the main findings

1. Despite the fact that rules regulating foreigners’ admission to the country are not officially based on their educational achievements or skills, the analysis shows that migrants’ access to legal status is importantly shaped by their resources, most notably economic and social capital. Their country of origin also matters; some nationalities such as Ukrainians are being perceived in a stereotypical way and are more at risk of degrading treatment from the authorities.

2. It can be concluded that the selection mechanism currently in place is largely determined by peoples’ abilities to overcome barriers of different kinds but most notably that of 1) the lack of accessible and reliable information about the process of renewal and obtaining of the residence permit, 2) inability to gain this information due to the language barrier, 3) inefficient and often degrading institutional set up for foreigners’ dealings with the Department of Alien Police in Prague, 3) conditions which are set up for foreigners to continue their legal stay: proof of self-maintaining, continuous employment, commercial health insurance, certificate of housing conditions.

3. Such an institutional set up and its requirements are hard to comply with and create spaces that can be exploited by intermediaries and brokers. While some may help migrants to become orientated in the labyrinthine character of the Alien Act and its complex requirements for renewal of their residence permit or application, many abuse the insecure and uninformed position of migrants, cheating them out of huge sums of money while not always meeting any of their needs.

4. Migrants who are using these services are neither criminals nor people deprived of choice. The actual implementation of procedures in which foreigners can legalize their status in the Czech Republic makes them accustomed to illicit practices from the very beginning.

5. On the one hand, rights differentially allocated to migrants through various residence permits are important stratifying factors with regard to migrants’ access to work, health insurance and social welfare. On the other hand, the level of security of the residence permit seems to be less relevant for the experience of deskilling, which can take a number of forms and affects also people with more secure status.

6. Migrants’ insecure position in the labour market spreads into other spheres of their lives and strongly influences their self-perception in terms of rights and entitlements available to them in the country.
7. The analysis of the process of family reunification shows that legal status of the sponsor together with the country of origin of secondary migrants are the most important factors at play.

8. The analysis of family formation with Czech citizens and its implications for Czech and foreign spouses reveals that the existing legal framework cannot capture the complexities of family relations emerging from the context of migration. That is why the actions of Alien Police in their combat of sham marriages are not bringing the desired effects and why there has been an increased pressure on changes in the legislation towards stricter policies for bi-national marriages. As this report was being written, such a change has been passed by the Lower House of the Czech Parliament and the two-year probationary period has been approved for foreign spouses.

9. Gender and generation are important categories on which changes in migrant families can be analysed. The research showed that young migrants face an increased level of responsibilities in the migration context. Moreover, gender plays an important role in decisions regarding migrants’ return to a country of origin.
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6. Appendix
Table 1 Residence permits for different groups of foreigners according to the Alien Act No. 326/1999

<table>
<thead>
<tr>
<th>Group of foreigners</th>
<th>Long-Term Residence</th>
<th>Permanent Residence</th>
<th>Comments and examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Immigrants taking the standard immigration route a) – c)</td>
<td>a) 1st year: Visa for a Stay Longer than 90 days</td>
<td>c) After 5 years of temporary stay: Permanent Residence Permit can be granted</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 2nd to 5th year: Long-term Residence Permit</td>
<td></td>
<td>E.g.: Vietnamese child (under 18) reunited with his or her parents living in the Czech Republic on a Long-Term Residence Permit will be granted the same kind of permit</td>
</tr>
<tr>
<td>2. Foreigners whose rights have been recently amended by transposing the EU legislation into the Czech migration law:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- migrants applying for family reunification with a third country national</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- long-term residents of other EU Member States</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- students</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- victims of trafficking in human beings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) 1st to 5th year: Long-Term Residence Permit is available without a necessity to apply for the Visa for a Stay Longer than 90 days first</td>
<td>b) After 5 years of temporary stay: Permanent Residence Permit can be granted</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) After 5 years of temporary stay: Permanent Residence Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Family members of the EU citizens (other than of Czech citizens)</td>
<td>a) 1st to 5th year: Temporary Residence Permit</td>
<td>b) After 5 years of temporary stay: Permanent Residence Permit</td>
<td>E.g.: Ukrainian wife of a Slovak citizen living in Czech Republic</td>
</tr>
<tr>
<td>4. Family members of Czech citizens</td>
<td>Permanent Residence Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>They can apply for the permanent residence permit straights away.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>E.g.: American husband of a Czech woman, Ukrainian minor child adopted by a Czech couple, Vietnamese man who claims to be the father of a Czech baby</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Specific cases (humanitarian or reasons that are worthy of consideration)</td>
<td>Permanent Residence Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>E.g.: former Czechoslovak citizens, ethnic Czechs from Eastern Europe and Central Asia, famous sportsmen, children of aliens on permanent residency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Toleration</td>
<td>Visa for a Stay Longer than 90 days for the Purpose of Toleration</td>
<td></td>
<td>This status is often being granted to rejected asylum seekers.</td>
</tr>
<tr>
<td></td>
<td>(subsequently after 1 year Long-Term Residence Permit for the Purpose of Toleration)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Adapted from (Čižinský, 2007)
<table>
<thead>
<tr>
<th>Type of family migration</th>
<th>Age</th>
<th>Gender</th>
<th>No. of years in the CR</th>
<th>Country of origin</th>
<th>Current immigration status</th>
<th>Current occupation</th>
<th>Previous occupation in home country</th>
<th>Occupation of a sponsor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Petra – whole family migration, came with her husband Martin and children</td>
<td>47</td>
<td>F</td>
<td>14</td>
<td>Slovakia</td>
<td>Czech and Slovak citizenship</td>
<td>On-the-job training manager</td>
<td>Office work</td>
<td>Husband - on-the-job training management and certification</td>
</tr>
<tr>
<td>2. Martin – whole family migration with his wife Petra and children</td>
<td>53</td>
<td>M</td>
<td>15</td>
<td>Slovakia</td>
<td>Czech and Slovak citizenship</td>
<td>On-the-job training management and certification</td>
<td>Advertising company</td>
<td>N/A</td>
</tr>
<tr>
<td>3. Huan – whole family migration, came with her parents and sister</td>
<td>26</td>
<td>F</td>
<td>11</td>
<td>China</td>
<td>LRP – just applied for the PRP</td>
<td>Translator + student + theatre actress</td>
<td>Student</td>
<td>Parents started a small firm but later went out of business</td>
</tr>
<tr>
<td>4. Katya – reunited with her husband granted asylum in the CR</td>
<td>28</td>
<td>F</td>
<td>4-5</td>
<td>Belarus</td>
<td>PRP, recently applied for citizenship</td>
<td>Social work + occasional cleaning jobs</td>
<td>Student</td>
<td>Husband - unemployed or seasonally employed</td>
</tr>
<tr>
<td>5. Habib – reunited with his parents granted asylum in the CR</td>
<td>18</td>
<td>M</td>
<td>4</td>
<td>Afghanistan</td>
<td>PRP</td>
<td>Student</td>
<td>N/A</td>
<td>Parents – unemployed</td>
</tr>
<tr>
<td>6. Trang – reunited with her father already working in the CR</td>
<td>24</td>
<td>F</td>
<td>13</td>
<td>Vietnam</td>
<td>PRP</td>
<td>Student</td>
<td>N/A</td>
<td>Father – consultancy to Vietnamese migrants</td>
</tr>
<tr>
<td>7. Hoa - reunited with her father already working in the CR</td>
<td>22</td>
<td>F</td>
<td>14</td>
<td>Vietnam</td>
<td>PRP</td>
<td>University student + working part-time</td>
<td>N/A</td>
<td>Father – obtained PhD in Slovakia, worked as a pitcher, now returned back to Vietnam</td>
</tr>
<tr>
<td>8. Tung – reunited with his father already working in the CR</td>
<td>24</td>
<td>M</td>
<td>12</td>
<td>Vietnam</td>
<td>PRP</td>
<td>University student + working part-time</td>
<td>N/A</td>
<td>Father – small business</td>
</tr>
<tr>
<td>9. Ngoc – came as a primary migrant and was joined by her husband and a son after 2 years</td>
<td>44</td>
<td>F</td>
<td>6 years in the 80ies + 5 years now</td>
<td>Vietnam</td>
<td>PRP</td>
<td>Has her own business with lingerie</td>
<td>Worker in textile industry</td>
<td>N/A</td>
</tr>
<tr>
<td>10. Olga – reunited with her father, already working in the CR</td>
<td>25</td>
<td>F</td>
<td>10</td>
<td>Ukraine</td>
<td>PRP - citizenship application already approved</td>
<td>University student + working part-time</td>
<td>N/A</td>
<td>Father – small business + consultancy to Russian-speaking migrants</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Marital Status</td>
<td>Age</td>
<td>Gender</td>
<td>Years in the CR</td>
<td>Country of Origin</td>
<td>Current Immigration Status</td>
<td>Current Occupation</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
<td>----------------</td>
<td>-----</td>
<td>--------</td>
<td>-----------------</td>
<td>------------------</td>
<td>--------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>11.</td>
<td>Anna</td>
<td>married twice to a Czech citizen, widowed, keeping contact with her first husband Tomas</td>
<td>65</td>
<td>F</td>
<td>14</td>
<td>Ukraine</td>
<td>PRP, citizenship application already approved</td>
<td>Pensioner + occasional jobs</td>
</tr>
<tr>
<td>12.</td>
<td>Tomas</td>
<td>married a Ukrainian citizen Anna, divorced</td>
<td>68</td>
<td>M</td>
<td>N/A</td>
<td>Czech Rep.</td>
<td>N/A</td>
<td>Pensioner + occasional jobs</td>
</tr>
<tr>
<td>13.</td>
<td>Lena</td>
<td>married to a Czech citizen Marek</td>
<td>36</td>
<td>F</td>
<td>13</td>
<td>Ukraine</td>
<td>PRP</td>
<td>Fashion designer and dressmaker</td>
</tr>
<tr>
<td>14.</td>
<td>Marek</td>
<td>married to a Ukrainian citizen Lena</td>
<td>38</td>
<td>M</td>
<td>N/A</td>
<td>Czech Rep.</td>
<td>N/A</td>
<td>Auditor</td>
</tr>
<tr>
<td>15.</td>
<td>Raluca</td>
<td>married a Czech citizen</td>
<td>29</td>
<td>F</td>
<td>5</td>
<td>Romania</td>
<td>PRP</td>
<td>Maternity leave + finishes a PhD dissertation</td>
</tr>
<tr>
<td>16.</td>
<td>Rachel</td>
<td>married to a Czech citizen</td>
<td>65</td>
<td>F</td>
<td>3</td>
<td>USA</td>
<td>Tourist stay – travels back and forth after every 3 months</td>
<td>Medical research, now retired</td>
</tr>
<tr>
<td>17.</td>
<td>Ali</td>
<td>married to a Czech citizen</td>
<td>30</td>
<td>M</td>
<td>2</td>
<td>Egypt</td>
<td>PRP</td>
<td>Waiter in a hotel restaurant</td>
</tr>
<tr>
<td>18.</td>
<td>Natalya</td>
<td>married to a Czech citizen</td>
<td>37</td>
<td>F</td>
<td>2</td>
<td>Belarus</td>
<td>PRP</td>
<td>Cleaner in a school</td>
</tr>
<tr>
<td>19.</td>
<td>Marta</td>
<td>married a Czech citizen</td>
<td>48</td>
<td>F</td>
<td>7</td>
<td>Ukraine</td>
<td>PRP</td>
<td>Cleaner + occasional cook in a restaurant</td>
</tr>
<tr>
<td>20.</td>
<td>Mikhail</td>
<td>married to a Czech citizen</td>
<td>33</td>
<td>M</td>
<td>4</td>
<td>Armenia</td>
<td>PRP</td>
<td>Construction worker</td>
</tr>
<tr>
<td>21.</td>
<td>Ilan</td>
<td>his parents had a Czech citizenship, he is now married to a Czech citizen</td>
<td>45</td>
<td>M</td>
<td>13</td>
<td>Israel</td>
<td>Czech and Israeli citizenship</td>
<td>Translator and interpreter + studies</td>
</tr>
</tbody>
</table>

Table 3 Focus group discussion with migrants and their Czech family members
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Age</th>
<th>Gender</th>
<th>Nationality</th>
<th>Status</th>
<th>Occupation/Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Huan – whole family migration, came with her parents and sister</td>
<td>26</td>
<td>F</td>
<td>China</td>
<td>LRP</td>
<td>Translator + student + theatre actress</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>– just applied for the PRP</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Oksana – reunited with her husband (Ukrainian citizen) granted the PRP in the CR based on his Czech ethnicity</td>
<td>30</td>
<td>F</td>
<td>Ukraine</td>
<td>PRP</td>
<td>Accountant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>– just applied for the PRP</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Irina – married to a Czech citizen</td>
<td>28</td>
<td>F</td>
<td>Ukraine</td>
<td>PRP</td>
<td>Cleaner</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>– just applied for the PRP</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Tatjana – married to a Czech citizen</td>
<td>62</td>
<td>F</td>
<td>USSR/Russia</td>
<td>Czech citizenship</td>
<td>Pensioner + teaching Russian language</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>– just applied for the PRP</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Vera – married to a Bulgarian citizen</td>
<td>61</td>
<td>F</td>
<td>Czech Rep.</td>
<td>N/A</td>
<td>Pensioner + running a hostel for foreigners and taking care of a farm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>– just applied for the PRP</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>– just applied for the PRP</td>
<td></td>
</tr>
</tbody>
</table>
This picture accompanied an article “Nová víza? Chtěji je tisíce cizinců!” [New visas? Thousands of foreigners want them!] by Vlastimil Stana published in the Czech daily tabloid Blesk on May 24th 2005. The picture was taken in front of the Alien Police Department in Prague, also republished on the cover of (Szczepanikova, Čaněk, & Grill, 2006). Courtesy of Blesk’s editor-in-chief Mr. Jiří Fabian
Figure 2: Foreigners waiting in front of the Alien Police Department, Prague, December 2006

“A photo report on the catastrophic December queues at the Foreigners Police office in Prague,” available from Migration Online: www.migrationonline.cz/e-library/?x=1963794

The picture is accompanied by the following commentary:

At around 6am the situation is most dramatic; the only door opens, people start crowding in, breaking through the barriers. Luckily nobody is hurt. By 7am the people who came on the previous evening or at night are already inside and the queue starts decreasing. (Jelinková, Doriy, & Čaněk, 2007)