Detention - Czechia

Overview

Content updated and validated on: 16/09/2025

Relevant EU legislation

Czechia is bound by the recast Reception Conditions Directive, the recast Asylum Procedures Directive and the Dublin III Regulation and has transposed their necessary provisions through the Act on Asylum and Act No 326 on the Residence of Foreign Nationals in the Territory of the Czech Republic.

National legislation

Czechia transposed the recast Reception Conditions Directive and the recast Asylum Procedures directive by Act No 325/1999 Coll. on Asylum | Zákon č. 325/1999 Sb., o azylu. This law provides for the detention of applicants for international protection.

Competent authority and stakeholders

Classification: Public

Area	National authority/ stakeholder	Assistance to competent authority
Detention decision	Ministry of the Interior	n/a
Administration and management of detention facilities	Refugee Facilities Administration of the Ministry of the Interior (RFA)	n/a

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Area	National authority/ stakeholder	Assistance to competent authority
Information provision in detention	Police service, RFA	n/a
Interpretation services in detention	Each authority arranges its own interpreting services, usually through a contract with an agency that hires interpreters.	n/a
Access to the procedure and provision of asylum information in detention	Foreigner Police Service, RFA	n/a
Detention for the Dublin procedure	Foreigner Police Service	n/a
Processing of asylum applications of applicants who are in detention	Department for Asylum and Migration Policy (Ministry of the Interior of the Czech Republic)	n/a
Legal assistance and representation in detention	Contracted law firm selected through public tender and a non-governmental organisation funded by AMIF	n/a
Review of detention	Regional court	n/a

Grounds for detention during the asylum procedure

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Grounds for detention in national law

Detention in the context of identification or verification of identity

According to Section 46a of the Asylum Act, the ministry may detain an applicant for international protection in a reception centre or a detention facility for foreign nationals, unless special measures can be effectively implemented, if:

"a) the purpose of detention is to establish reliably his/her identity".

Detention to determine elements on which the application for international protection is based, in particular where there is a risk of absconding

The risk of absconding is an individual assessment based on elements mentioned in Section 46a f of the Asylum Act. Accordingly, the ministry may detain an applicant for international protection in a reception centre or a detention facility for foreign nationals, unless special measures can be effectively implemented, if:

"[…]

f) by his/her behaviour he/she is impeding the proceedings in matters of international protection, particularly by failing to provide the Ministry necessary cooperation, thereby making it impossible to establish beyond reasonable doubt the state of affairs in his/her international protection proceedings, a risk of his/her absconding exists or he/she has already left the Territory without authorisation, unless such a step is at variance with the international obligations of the Czech Republic".

Detention in the context of a procedure to decide on the applicant's right to enter the territory

Information not currently available.

Detention in the context of a return procedure

The detention of a foreign national for the purpose of an administrative expulsion is defined in Section 46a of the Asylum Act.

"If necessary, the Ministry may decide on the obligation of detaining an applicant for international protection in a reception centre or in a detention facility for foreign nationals, unless special measures can be effectively implemented, if

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

e) his/her application for international protection was made at a facility for detention of foreign nationals and there is reason to believe that his/her application for international protection was made solely with the intention of avoiding or delaying impending deportation, extradition or transfer under a European arrest warrant for criminal prosecution or for serving a prison sentence abroad, despite the fact that he/she could have applied for international protection sooner".

Detention in the context of national security and public order

According to Section 46a of the Asylum Act, the ministry may detain an applicant for international protection in a reception centre or a detention facility for foreign nationals, unless special measures can be effectively implemented, if:

"[…]

c) there is reason to believe that he/she could pose a threat to national security or public order".

Detention for the purpose of a Dublin transfer

According to Section 46a of the Asylum Act, the ministry may detain an applicant for international protection in a reception centre or a detention facility for foreign nationals, unless special measures can be effectively implemented, if:

"[…]

d) he/she is to be transferred to a state bound by a directly applicable regulation of the European Union and if a serious risk of his/her absconding exists, especially if, in the past, he/she has avoided transfer or attempted to abscond or expressed an intention not to respect the legally effective decision to transfer him/her to a state bound by a directly applicable regulation of the European Union or if such intention is clear from his/her behaviour".

Less coercive measures (alternatives to detention)

The Act on Asylum defines special measures in Section 47. These special measures are alternatives to detention in the sense of EU *acquis*.

A special measure means the obligation of the applicant for international protection imposed by a decision of the Ministry:

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

a) to remain in the accommodation centre specified by the ministry; or

b) to report to the ministry on the date and time stipulated.

The ministry may decide to impose a special measure on an applicant for international protection if there are grounds for detention (Article 46a Asylum Law) or detention at an international airport (Section 73 subs. 3) and there is reason to believe that a special measure is sufficient to ensure the participation of the applicant at the proceedings in matters of international protection.

If his/her special needs or personal situation does not preclude this, a special measure may also be imposed on an applicant for international protection who is a vulnerable person, with the exception of an unaccompanied minor.

A special measure may be imposed at the longest until the ministry's decision is delivered or until a legally effective decision of the regional court on an appeal against a decision of the ministry.

In its decision imposing a special measure, the ministry must stipulate the method of implementation of the special measure and its duration, which may be extended, even repeatedly. Remonstration against the decision on imposition of a special measure and on extension of a special measure has no suspensory effect.

The ministry examines whether the reasons for the imposition of a special measure continue. It also monitors compliance with the special measure.

The most common alternatives to detention are: reporting obligations (e.g. reporting to the police or immigration authorities at regular intervals) or the requirement to reside at a designated place (usually a reception centre). Imposing these alternatives is considered to be the easiest way for both parties (authorities and third-country nationals) and it creates a lesser administration burden.

Application for international protection and processing while in detention/impact on the asylum procedure

Application in detention (Section 3a(4) and 3b of the Act on Asylum)

A foreign national is entitled to make an application for international protection:

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

- in a detention facility for foreign nationals, if the foreign national is detained therein, with the exception of a foreign national detained in order to be extradited or transited under an international agreement entered into with other EU Member States before 13 January 2009 or under a directly applicable EU regulation; or
- A foreign national's right to make an application for international protection in a detention facility for foreign nationals expires after 7 days elapse from the date on which he/she was informed by the police of his/her option to apply for international protection in the territory and of the consequences associated with the expiration of this deadline. (Section 3b Asylum Law).

The Pplice informs the foreign national of his/her right to apply for international protection with the deadline as per subsection 1 in a language in which he/she is able to communicate. The police makes a record of such act, which is signed by the foreign national and by the person making the record. If the foreign national refuses to sign the record or is unable to write, a note of this fact shall be made in the record.

An expression of a foreign national's will which clearly demonstrates that he/she is seeking protection against persecution or the threat of serious harm made at a detention centre for foreign nationals after expiry of the deadline constitutes an application for international protection only in cases where, on the basis of the content thereof, there is reason to believe that a significant change in circumstances has occurred concerning potential persecution or threat of serious harm to such foreign national. The ministry shall inform the foreign national whether his/her expression of will constitutes the making of an application for international protection.

Procedural safeguards

Access to information and interpretation

The Ministry of the Interior is responsible for issuing detention orders.

A brochure with general information on detention is available for migrants in detention centres.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

The applicant receives a decision on detention, which includes the reason for detention and information on the modalities and possibility to lodge an appeal. An interpreter is present.

Legal assistance and representation

A foreign national has the right to receive visits from a lawyer or a representative of a legal entity, who must prove that they are lawfully authorised to provide legal assistance to foreign nationals. An authorised employee or a member of a legal entity who has completed their study of law at university, which is required for the execution of a lawyer’s duties, may act on behalf of the legal entity.

Applicants in detention are provided with free legal assistance and representation, under Section 21 of the Act on Asylum. Legal aid is also provided for appeals and review of detention, according to 50/2002 Coll. of the Code of Administrative Justice

Length of detention

The duration of detention may not exceed 180 days. It starts from the moment of the restriction of personal liberty. Nonetheless, a person shall be detained only for as long as necessary (according to national caselaw), e.g. for the time necessary to establish identity or undertake a transfer (within the Dublin procedure). If necessary, another decision to extend the detention can be issued.

Judicial review of detention

In the decision on detention and in the decision on extension of the detention period, the ministry informs the applicant about appeal proceedings against the ministry’s decision on detention and on extension of the detention period pursuant to the Code of Administrative Justice.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

An appeal against a decision on detention and on extension of the detention period may be made within 15 days of delivery of the decision by the ministry or the regional court with territorial jurisdiction, which is the regional court for the region the applicant for international protection has his/her registered address on the date of lodging the appeal. (Section 46a par 7 Asylum Law).

Hence, the authority responsible for examining the appeal is the regional court with territorial jurisdiction.

If the applicant for international protection is in detention pursuant to this act or if he/she was refused entry into the territory, is in custody pursuant to the Act on Residence of Foreign Nationals in the Czech Republic, the regional court shall examine the made appeal against a decision of the Ministry regarding international protection and decide on the case as a priority and at the utmost speed, no later than 60 days from the date on which the made appeal was deemed free of any errors and as containing all the required particulars. If a cassation complaint has been made, the Supreme Administrative Court shall examine and decide on the case as a priority and at the utmost speed no later than 60 days from the date on which the made cassation complaint was deemed free of any errors and as containing all the required particulars. (Section 32 par. 6 Asylum Law).

The detention of an applicant can continue, pending the asylum appeal procedure after the rejection of an application for international protection.

Specific conditions relating to detention

Conditions of detention

Section 144 of the Act on Residence of Foreign Nationals:

1) A detained foreign national has the right to receive visits four times a week for a duration of one hour, with a maximum of four people present at once. In justified cases, the head of the facility or his/her deputy, in agreement with the police, may allow more frequent visits or longer visits. The number of persons may also be increased, if allowed by the capacity of the rooms designated for visits.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

2) Visits take place in rooms designated for this purpose. The operator is entitled to interrupt or terminate a visit if the detained foreigner or visitor seriously disturbs the peace or order in the facility or if they endanger the life or health of persons in the facility.

3) A detained foreigner has the right to receive visits in the facility from a lawyer or representative of a legal entity who proves that the subject of its activity is the provision of legal assistance to foreigners. A legal entity shall be represented by an authorized employee or member who has a university degree in law, which is required by special legal regulations for the practice of law.

4) Visits to a detained foreigner placed in strict regime shall take place in the presence of the police; this shall not apply to visits under paragraph 3.

Specialised detention facilities: There are specialised areas in detention facilities for women and unaccompanied minors between 15-18 years whose age is in doubt and only until the end of age assessment.

Access to open-air space: Yes

Visitors/access to external communications – including the role of UNHCR, access to facilities of UNHCR and legal counsellors: Yes. A foreign national placed in a detention facility has the right to receive up to four visitors at one time once in a week. The duration of the visit shall not exceed one hour. In justified cases, the head of the detention facility or his/her deputy may permit, after the consent of the Police, visits at a shorter interval than one week or, as the case may be, may permit the duration of a visit longer than one hour or may permit an increase in the number of visitors if the capacity of the area determined for accepting visitors allows for that.

The visits take place in the rooms reserved for this purpose.

A foreign national has the right to receive visits from a lawyer or a representative of a legal entity, however they must prove that they are lawfully authorised to provide legal assistance to foreign nationals. An authorised employee or a member of a legal entity who has completed their study of law at university, which is required for the execution of a lawyer’s duties, may act on behalf of the legal entity.

Access to legal assistance: Yes

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Foreigner has the right to receive visits in the facility from a lawyer or representative of a legal entity who proves that the subject of its activity is the provision of legal assistance to foreigners. A legal entity shall be represented by an authorized employee or member who has a university degree in law, which is required by special legal regulations for the practice of law.

It is provided by contracted law firm and NGO project funded by AMIF. Legal aid also provided for appeals and review of detention pursuant to 150/2002 Coll., the Code of Administrative Justice.

Privacy and confidentiality: Privacy and confidentiality are ensured. Families are accommodated separately, as well as women and men. If possible, people with similar backgrounds are accommodated together. Everyone has a locker for personal belongings, etc.

Access to education (school for minors, language courses, etc.): Yes. The facility operator is obliged to enable a foreign national, subject to compulsory school attendance, placed in a detention facility to attend school under the special Act. A foreign national may leave the detention facility in order to attend school, unless school attendance is provided by the detention facility, and to participate in other activities supporting the development of his/her personality. In justified cases the facility operator shall provided for transport to school. The facility operator provides to a foreign national placed in a detention facility, subject to compulsory school attendance, textbooks and other school aids unless those are covered by the state or if a foreign national is not able to pay for them him/herself.

Opportunity to leave the detention facility: Information is not currently available

Freedom of movement within the detention centre: If in the open part of the detention facility, detainees may move within the area freely and also inside the facility, if they are not under restricted regime.

Language support (translation and interpretation services): The staff in RFA facilities is able to communicate in most common languages. For other languages, communication is ensured by the use of translation devices.

Recreational activities, leisure time: Spaces for recreational activities are available in all detention facilities, e.g. art workshops, room with TV, cinema, library, gym, etc.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Medical care, psychological assistance: The facility operator arranges medical checks of a detained foreign national, other necessary diagnostic and laboratory examinations, and/or vaccinations and adopts preventive measures specified by the authority responsible for the protection of public health. The facility operator may ensure for a detained foreign national psychological and social services and other services and articles necessary for foreign national's stay in the detention facility.

Other relevant aspects:

Material conditions

The room designed as an accommodation area in the open part is furnished with beds, cabinets for placement of personal belongings and a table and with chairs-the number of which shall be equal to the number of foreign nationals provided with accommodation.

The room designed as an accommodation area in the specially guarded part is furnished with beds and a table and with chairs-the number of which shall be equal to the number of foreign nationals provided with accommodation-a sanitary room separated from the remaining area with an opaque shield and signaling (calling-on) device. The accommodation area is lockable solely from the external side.

The facility operator:

a) provides a detained foreign national with a bed, chair, cabinet for placement of personal belongings, food, and basic sanitary requisites;

b) permits a detained foreign national to receive and send written information without any restriction;

c) permits a detained foreign national to have visitors;

d) provides, if possible, books, daily press and journals including foreign ones if those are distributed in the Czech Republic;

e) allows a detained foreign national to file an application, complaint or any other information with governmental authorities or international organisations, in order to allow a foreign national to exercise his/her rights. The facility operator shall be obliged to send such applications and/or complaints without any delay;

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

f) ensures, at the request of a detained foreign national, an interview with the head of the detention facility, his/her deputy or the Police operating in the detention facility;

g) ensures that a detained foreign national can sleep continuously for eight hours during nights;

h) enables a detained foreign national to move around freely in the open part and to socialise with other foreign nationals placed in this part.

Information: The internal rules of a detention facility shall be made available in Czech, English, French, , Russian, Spanish, Chinese, Arabic, Vietnamese, Hindu or any other language which appears to be necessary for providing information to foreign nationals. (Section 138 Act No 326)

Food: A detained foreign national is provided with food three times a day, according to principles of health nutrition and the health condition of a detained foreign national.

A detained foreign national under 18 years of age shall be provided with food five times a day. (Section 143 Act No 326)

Detention of applicants with special needs

Legislative overview

The Reception Conditions Directive 2024/1346, Article 13 provides the requirements for the detention of applicants with special reception needs. The new provision adds the following safeguards:

- No detention of applicants with special reception needs whose physical and mental health would be put at serious risk.
- No detention of minors, unless there are exceptional circumstances and after an assessment of alternative of detention and the best interests of the child.
- Right to access education for minors while in detention.
- Detained families must be kept together and in a separate accommodation to ensure adequate privacy.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

For a vulnerable applicant, with the exception of a person with a medical disability that does not inhibit him/her from placement in a reception centre or in a detention facility for foreign nationals, the ministry may decide when essential on his/her detention only if he/she is over 18 years of age and has repeatedly seriously breached an obligation imposed on him/her under a special measure.

A family placed in a detention facility may be divided, as the case may be, if one member of the family has been placed in the specially guarded part (Section 139 Act No 326).

When foreign nationals are placed in an accommodation area, the facility operator takes into account religious specificities, relations based on kinship or marriage and age or state of health.

Minor foreign nationals are kept separately from major foreign nationals. Men must be segregated from women.

A foreign national under 18 years of age or a foreign national without legal capacity shall be placed together with a close person or a person into whose custody such foreign national was entrusted. (Section 141 Act No 326).

Social workers are present daily.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.