Applicants with special needs - Czechia

Overview

Content updated and validated on: 16/09/2025

Relevant EU legislation

Czechia is bound by the recast Asylum Procedures Directive has transposed its provisions through the Act No 325/1999 Coll. on Asylum, Zákon č. 325/1999 Sb., o azylu, Act No 325/1999 Coll.

Czechia is also bound by the Asylum Procedures Regulation which entered into force on 11 June 2024 and shall apply as of 12 June 2026.

Czechia is bound by the recast Reception Conditions Directive has transposed its provisions through the Act No 325/1999 Coll. on Asylum, Zákon č. 325/1999 Sb., o azylu, Act No 325/1999 Coll.

National legislation

09/12/1999: Act No 359/1999 Coll. on Social and Legal Child Protection, Zákon č. 359/1999 Sb., o sociálně-právní ochraně dětí, Act No 359/1999 Coll.

12/09/2015: Decree No 376/2005 Coll. on the amount of payment for food and accommodation provided in an asylum facility, the amount of pocket money and the dates of its payment, Vyhláška č. 376/2005 Sb., kterou se stanoví výše úhrady za stravu a ubytování poskytnuté v azylovém zařízení, výše kapesného a termíny jeho výplaty, Decree No 376/2005 Coll.

The Asylum Act defines the profile of applicants as considered to be vulnerable:

- an unaccompanied minor,
- a parent or family with a minor child or a parent or family with a minor child with a medical disability,

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- a person over 65 years of age,
- a person with a medical disability or a serious illness,
- a pregnant woman, a victim of human trafficking
- a person that has suffered torture or rape or been subjected to serious forms of mental, physical or sexual violence.

Competent authority and other stakeholders

Social and Legal Child Protection Authority (OSPOD)

Training initiatives

Officials dealing with children in the context of social and legal protection are specifically trained for this purpose. Opportunities for additional trainings occur on a regular basis. Officials in direct everyday contact with clients are also trained to detect vulnerability in EUAA training modules.

Special needs in reception

Identification of special needs

Identification: Officials from the Refugee Facilities Administration assess vulnerability based on existing identification indicators. The applicants' personal data and medical history are examined. RFA and OAMP officials determine the vulnerability and subsequently adopt the reception conditions and the asylum procedure accordingly. RFA identifies the specific needs of each client, especially those from the vulnerable group and work with each of them individually.

Medical assessments: All applicants undergo a medical screening by medical professionals in the first days after their arrival to the reception centre. Psychologists are also available in case it is deemed necessary.

Unaccompanied minors: When an unaccompanied minor applies for international protection, the Social and Legal Child Protection Authority (OSPOD) is informed of the presence of the unaccompanied minor in the territory. Care for the UAM starts immediately after an OSPOD employee takes in the UAM, assuming full responsibility to act in the child's best interests and provide them the help they need.

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Unaccompanied minors are not accommodated in a standard asylum facility for the duration of proceedings, but in an educational facility or a facility for children requiring immediate assistance where their interests are protected by the employees of the Social and Legal Child Protection Authority. UAMs are registered in social and legal records as vulnerable children, i.e. children under the statutory protection of the state. The Social and Legal Child Protection Authority is required to regularly evaluate the situation and, on the basis of such evaluation, to create an individual protection plan for each unaccompanied minor.

Referral of applicants with special needs

Vulnerability is taken into account when accommodating the client - a protected zone or a barrier-free room can be provided. Services are provided according to specific needs – psychological and legal services, medical care, contact with non-governmental organizations dealing with a given issue, personal assistance, interpretation, etc. They can use, for example, services targeting survivors of trafficking in human beings.

All applicants undergo a medical screening by medical professionals in the first days after their arrival to the reception centre. Psychologists are also available in case it is deemed necessary.

The social service develops a strategy of the client’s care provision and determines the procedures of other workers who are in a direct contact with the client. The rules of information flow are determined. The client’s situation is regularly assessed and procedures are adjusted accordingly.

If identified as vulnerable, applicants have immediate access to the territory of Czechia from the reception centre at an international airport, if this application was lodged at international airport.

Reception and care of applicants with special needs and vulnerabilities

The Section 2 of the Asylum Act defines the profile of applicants as considered to be vulnerable:

- an unaccompanied minor,

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- a parent or family with a minor child or a parent or family with a child with a medical disability,
- a person over 65 years of age,
- a person with a medical disability or a serious illness,
- a pregnant woman, a victim of human trafficking
- a person that has suffered torture or rape or been subjected to serious forms of mental, physical or sexual violence.

All the vulnerable categories after assessing the special needs undergo the same measures that are listen in the Asylum Act. The individual's special needs are addressed during the asylum procedures.

Reception facilities and other housing arrangements

All asylum accommodation centres are suitable for families with children or other vulnerable persons, so their needs and interests are taken into account. In Czechia, great attention is paid to vulnerable groups, including minors, single women and/or mothers, seniors and persons with disabilities. With regard to single women and mothers, attention is focused on their protection because of their vulnerability and exposure to abuse. In order to enable them to stay in an asylum facility in a dignified manner, women are accommodated in protected zones. The RFA provides them with enhanced social advice, health care, psychological assistance, prevention and individual material assistance (especially during pregnancy and motherhood). The area of asylum facility has been divided into standard and protected zones. Each zone is run in a different way. The goal of this concept of protected and standard zones is to provide safety, different care and protection of personal freedom to each applicant. Immediately after coming to an asylum facility, asylum applicants are placed in one of the zones, following preliminary screening carried out by social and reception workers. A protected zone demands enhanced attention and guarding in order to provide maximum security.

Detention of vulnerable persons and applicants with special reception needs

Asylum Act, Section 46a

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(3) If an applicant for international protection is a vulnerable person, with the exception of a person with a disability that prevents him/her from being in a reception centre or in a facility for the detention of foreigners, the Ministry may detain him/her by a special measure. It can happen only if he/she is over 18 years of age and has repeatedly seriously breached an obligation imposed on him/her.

Reception of unaccompanied minors

325/1999 Coll. ACT on Asylum:

Section 88b

While attempting to locate family members of a child who has made an application for international protection, is a recognised refugee or a person enjoying subsidiary protection and who is present in the territory of the Czech Republic unaccompanied by a person over 18 years of age who is responsible for the child pursuant to the laws applicable in the territory of the country whose citizen the child is, or, if the child is a stateless person, in the country of his/her last residence, it is essential to proceed in such a way as not to endanger the life and freedom of the child and his/her family particularly in the country whose citizenship they have or, if they are stateless persons, in the country of their last residence.

Section 89a

The Ministry shall provide minor applicants for international protection and whose registered address is an accommodation centre with school aids to extent of compulsory school attendance.

And the Section 2 (2) of the Act on Social and Legal Protection of Children, names the categories of children that shall be granted social-legal protection, incl. the applicants for international protections, persons enjoying asylum status or subsidiary protection, etc.

For more info on the Act on Social and Legal Protection of Children: 359/1999 Sb. Zákon o sociálně-právní ochraně dětí

Reception facilities and other housing arrangements

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Although there are no special reception centres for unaccompanied minors set by the Act on Asylum, most of the unaccompanied minors are placed in special facilities for children (The facility for children of foreign nationals | Zařízení pro děti – cizince). Accordingly, these facilities are outside the scope of Ministry of Interior and are operated by Ministry of Education, Youth and Sports and the above-mentioned Act No. 109/2002 Coll., on the provision of institutional education or protective education at school facilities and on preventative educational care at school facilities and on amendments to certain acts, and Decree No. 438/2006 Coll. of 30 August 2006

Age assessments

Act on Asylum, Section 89(3): If an applicant for international protection is an unaccompanied minor and justified doubts exist with respect to his/her claimed age, a medical examination shall be carried out in order to determine his/her actual age. If such unaccompanied minor refuses the medical examination, the Ministry shall regard him/her as an adult applicant for international protection. If the medical examination for determination of age is inconclusive, the Ministry shall regard such applicant for international protection as an unaccompanied minor.

The age is always assessed in the context of a particular procedure, typically a procedure under the Dublin Regulation or under the Return Directive. Therefore, if the person concerned objects to the age determination, these objections can be raised in the context of an appeal against a decision taken in a given procedure (e.g. an action against a transfer decision).

Access to education

Applicants for international protection have access to education under the terms and conditions stipulated by the Education Act. According to the Act, applicants for international protection shall have access to pre-school education, basic artistic education and school services under the same conditions as citizens of Czechia.

Coordination in the matter of implementation of the Policy for the Integration of Foreign Nationals falls within the competence of the Ministry of the Interior. In the area of education, the integration of children into schools is coordinated by the

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Ministry of Education, Youth and Sports. Specific measures are defined in the annually updated Procedure for the Implementation of the Updated Policy for the Integration of Foreign Nationals.

With respect to gaining knowledge of the Czech language, for foreigners in nursery and basic education, the legislation established specific measures to support their inclusion, incl. teaching of the Czech language.

School attendance is compulsory for applicants until the end of the school year during which they reach the age of 17 years.

More information is available on the Eurydice page for Czechia here.

Access to healthcare

Children in Facility for children of foreign nationals have access to full health care. Children applying for International Protection have full public health insurance as children who are citizens of Czechia, and the same health insurance coverage is available to unaccompanied minors who are eligible for permanent residence.

Transition to adulthood

Unaccompanied minors can obtain a permanent residence permit once they reach the age of majority. No special conditions or requirements are specified (as stated in Act on the Residence of Foreign Nationals (§ 66 part. 1 and § 87 part. 7).

The number of unaccompanied minors in Czechia remains low. Regarding unaccompanied minors reaching the age of majority, there were 5 minors in 2019 and 14 in 2020 transitioning to adulthood.

Unaccompanied minors are placed in a Facility for Children for foreign nationals. They are entitled to stay until the age of 15 without travel documents in the facility and upon their request, the Ministry of the Interior can issue a permanent residence permit. Therefore, once the unaccompanied minor reaches adulthood, they already have in most cases a permanent residence permit at this time.

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Specific support services are still provided after the unaccompanied minor reaches the age of majority.

(Source: EMN Ad hoc query on 2021.076 Transition to adulthood, 22 December 2021)

Detention of unaccompanied minors

Pursuant to Section 46a (3), in the case of an applicant for international protection who is a vulnerable person, 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. This must be in accordance with the best interests of the child.

Special procedural guarantees

First instance determination for applicants with special needs

Czech law provides for a non-exhaustive list of persons, which could need a special treatment in the asylum procedure (in terms of special procedural safeguards and/or reception conditions). This list includes i.e. unaccompanied minors, parents or families with a minor child or parents or families with a minor child with a disability, persons over 65 years of age, persons with disabilities, persons with serious illness, pregnant women, victims of human trafficking, torture, rape or of any forms of mental, physical or sexual violence. If identified as vulnerable, applicants have immediate access to the territory of Czechia from the reception centre at an international airport, if this application was lodged at international airport.

In case an applicant for international protection is deemed a vulnerable person, the Ministry of the Interior also determines whether such applicant for international protection needs assistance in exercising their rights and in performing their obligations with respect to the international protection proceedings. The Ministry provides assistance to an applicant for international protection deemed to be a vulnerable person should the need arise during the

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course of international protection proceedings. Pursuant to the Act on Asylum, the Ministry shall ensure that suitably trained persons work with vulnerable applicants for international protection.

Access to information

The information is provided by the MoI staff mainly in relation to procedural issues of the international protection procedure itself, and by the RFA staff mainly with regard to the applicant's own stay in the facility. The basic information is provided to applicants in written form as part of the instructions they receive together with the invitation to provide data for the application for the international protection. The information is given with regard to the individual situation of the applicant, but there is no information specifically targeting persons with special needs. In such cases, the information may be given to these people orally on an ad hoc basis to ensure their understanding.

Personal interview

If during the interview, the social worker/case offer detects facts indicating that the applicants has been a victim of trafficking in human beings or other forms of exploitation, relevant authorities are informed (e.g. law enforcement authorities) and NGOs with relevant expertise may be called in. In the frames of the Program for Support and Protection of Victims of Trafficking in Human Beings, social assistance, psychological and social counselling, psychotherapeutic services, translation and interpretation services, legal counselling, healthcare, requalification courses, and safe accommodation are provided to victims. Participation in the program is voluntary. Clients sign an entry declaration for inclusion in the program at the Police or a partner non-governmental non-profit organisation. It is foreseen that clients should cooperate with authorities in the investigation of THB.

Victims of human trafficking, persons who have been subject to torture, rape and/or other forms of psychological, physical or sexual violence are assisted during the interview by a psychologist or a close person.

Dependent adults may or may not undergo a personal interview, depending on their capacity to contribute to establishing the facts of the case.

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In the case of vulnerable persons, such persons shall be interviewed by case officers trained to conduct interviews with vulnerable persons. Refugee Facilities Administration staff receive similar training.

Applicants whose legal capacity is limited and cannot act on their own due to health problems will also be assigned a guardian from the OAMP for the purpose of the proceedings. Such provision applies for the following vulnerable categories: disabled people, elderly people, and persons with serious illnesses.

Persons with mental health conditions and intellectual disabilities are provided with guardianship by default.

Legal assistance

The providers follow methodology aimed at people with special needs and vulnerability. It also depends on the nature of the special needs. For example, for person with mental disorder, who is unable to represent himself/herself in proceedings, a guardian is appointed to enable the exercise of his/her rights. In another case, such persons may be referred to specific non-profit organisations dealing with the particular issue.

Guarantees for unaccompanied minors

According to the Act on Asylum, Section 2 (h) *“an unaccompanied minor means a child under 18 years of age who enters the Territory unaccompanied by an adult responsible for the minor for the period for which he/she is actually not in the care of such a person; an unaccompanied minor also means a child under 18 years of age who has been left unaccompanied after entering the Territory”.*

By law, all persons under 18 years of age must be represented in international protection proceedings by a legal guardian (father, mother) or, if impossible by a different representative (e.g. other family member or appointed guardian), from the moment of lodging their application.

If this proves impossible, the Department for Asylum and Migration policy shall appoint a guardian for the unaccompanied minor for the purposes of the proceedings. Guardianship is exercised by the body responsible for social and legal protection of children (OSPOD) up until the court appoints a guardian for the child or until s/he assumes office

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Making, registering and lodging an asylum application

Unaccompanied minors (UAMs), who do not have any legal representative (e.g. family member appointed as a guardian), are appointed a guardian by the Social and Legal Child Protection Authority (OSPOD).

Either the guardian or legal representative then lodges the application on the UAM's behalf (UAMs have no legal capacity).

In practice, UAMs typically apply for international protection at a reception centre or at a school facility for institutional education or custodial education or in a facility for children in need of immediate aid. Only rarely they apply for international protection at a border, e.g. Prague's Václav Havel Airport.

After an application is lodged, activities aimed at finding the unaccompanied minor's relatives are carried out. In case the UAM claims that s/he has relatives in an EU country, the procedure and investigation under the Dublin regulation is carried out. However, most cases of UAMs in Czechia are not “lost minors”. In most cases, the UAMs know the place of residence of their parents and relatives and maintain contact.

Information provision

The information is provided by the MoI staff mainly in relation to procedural issues of the international protection procedure itself, and by the RFA staff mainly with regard to the applicant's own stay in the facility. The basic information is part of the instruction given to the applicant before the provision of personal data and includes also the information about health care. The applicant is assigned a guardian who can help him/her to navigate the system, answer questions and help him/her to exercise his/her rights.

Best interests of the child in the Dublin procedure

There is no specific procedure for assessing the best interest of the child within the Dublin procedure, but the circumstances of the child are in any case always assessed in an individual manner. The representative appointed to the UAM for the Dublin procedure is the same as the representative within the international protection procedure in general. The representative takes part in the Dublin personal interview and is involved in the assessment of the best interest of the

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child.

Personal interview

There is no legal or indicative minimum age for interviewing unaccompanied minors. The interview is conducted by a person who is trained to interview children. The interview with an unaccompanied minor is usually conducted.

Legal representation during the asylum procedure

Guardianship is exercised by the body responsible for social and legal protection of children (OSPOD) up until the court appoints a guardian for the child or until s/he assumes office. OSPOD is appointed on the basis of a so-called interim measure within hours, then the court will appoint OSPOD until the age of 18. Responsibilities are the same as for legal guardians - to care about welfare of the UAM.

Legal assistance and counselling

When an unaccompanied minor applies for international protection, the Social and Legal Child Protection Authority (OSPOD) is informed of the presence of the unaccompanied minor in the territory. Care for the UAM starts immediately after an OSPOD employee takes in the UAM, assuming full responsibility to act in the child’s best interests and provide them the help they need.

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