

Migration and legal family formats in the Czech Republic

by Ondrej Plesmid ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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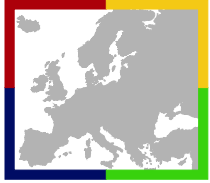
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FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about the Czech Republic

The answers concerning the Czech Republic can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in the Czech Republic by Lucian Luca Otáhal (Section 1)

Income, troubles and legal family formats in the Czech Republic by Ondrej Plesmid (Section 2)

Parenting and legal family formats in the Czech Republic by Lucian Luca Otáhal (Section 3)

Migration and legal family formats in the Czech Republic by Ondrej Plesmid (Section 4)

Splitting up and legal family formats in the Czech Republic by Lucian Luca Otáhal (Section 5)

Death and legal family formats in the Czech Republic by Ondrej Plesmid (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 4.1 Partner of national citizen
- 4.2 Partner of national citizen (foreign status)
- 4.3 Partner of (non-EU) foreigner
- 4.4 Partner of EU citizen (foreign status)
- 4.5 Foreign status as impediment to marry
- 4.6 Foreign status and inheritance
- 4.7 Citizenship
- 4.8 Recognition of joint adoption
- 4.9 Recognition of second-parent adoption
- 4.10 General background regarding migration

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **Czech Republic**

Source: **O. Plesmid**, "Migration and legal family formats in Czech Republic". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-CZ-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2006	2015 No 0000	2015 No 0000
?			N/A 0000		
References to legal sources: Art. 15a, 17, 42a and 87h of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).		References to legal sources: Art. 15a, 17, 42a, 87h and 180f of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).		References to legal sources: Art. 15a, 17, 42a and 87h of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A foreigner may reside temporarily without a visa, with a short-term visa, with a long-term residence permit or a temporary residence permit, or with an exit order. The existence of marriage only positively affects a long-term residence permit for the purpose of family reunification.</p> <p>Permission for permanent residence can be received by a dependent(family member) of an EU citizen after 2 years of continuous stay in the Czech Republic, if at least for 1 year this person is a dependent (family member) of a Czech citizen or a dependent (family member) of a citizen of another EU member state who has been issued a permission for permanent residence. For the purposes of this Act dependent (family member) of an EU citizen means:</p> <ul style="list-style-type: none"> • wife/husband, • parent if the EU citizen is younger than 21 years and they live in a common household, • a child younger than 21 years or such a child of the wife/husband of the EU citizen, • dependent direct relative in the ascending or descending line or such relative of the wife/husband of the EU citizen. As a dependent (family member) is also considered a foreigner who proves in a trustworthy manner that she/he is a dependent (family member) of an EU citizen and that they have lived in a common household (in the state where she/he is a citizen or where she/he has been issued a permission for permanent residence), or she/he is dependent on an EU citizen or she/he is not able to take care of her/himself because of her/his poor health situation. 		<p>Explanations and nuances: See explanations regarding marriage.</p> <p>For the purposes of this Act wife/husband means also partner from registered partnership. That means a person who entered into an officially confirmed permanent partnership of two persons of the same sex.</p>		<p>Explanations and nuances: See explanations regarding marriage.</p>	

Jurisdiction: **Czech Republic**

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Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2000	2015 No 2001	2015 No 1998	2015 Yes, but 2006	X	X
? 0000	N/A 0000	N/A 0000	No 1989	X	X
			N/A 0000	X	X
<p>References to legal sources: Art. 15a, 17, 42a and 87h of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000). Art. 4 and 14 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p>		<p>References to legal sources: Art. 15a, 17, 42a, 87h and 180f of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000). Art. 4 and 14 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A foreigner may reside temporarily without a visa, with a short-term visa, with a long-term residence permit or a temporary residence permit, or with an exit order. The existence of marriage only positively affects a long-term residence permit for the purpose of family reunification.</p> <p>Permission for permanent residence can be received by a dependent(family member) of an EU citizen after 2 years of continuous stay in the Czech Republic, if at least for 1 year this person is a dependent (family member) of a Czech citizen or a dependent (family member) of a citizen of another EU member state who has been issued a permission for permanent residence. For the purposes of this Act dependent (family member) of an EU citizen means:</p> <ul style="list-style-type: none"> • wife/husband, • parent if the EU citizen is younger than 21 years and they live in a common household, • a child younger than 21 years or such a child of the wife/husband of the EU citizen, • dependent direct relative in the ascending or descending line or such relative of the wife/husband of the EU citizen. As a dependent (family member) is also considered a foreigner who proves in a trustworthy manner that she/he is a dependent (family member) of an EU citizen and that they have lived in a common household (in the state where she/he is a citizen or where she/he has been issued a permission for permanent residence), or she/he is dependent on an EU citizen or she/he is not able to take care of her/himself because of her/his poor health situation. <p>But for this purpose, there must be recognition of a marriage according to private international law. If a national citizen will enter into marriage/registered partnership with a foreigner in the country of the foreigner, she/he has to apply for registration of this marriage/registered partnership in the special register of citizens. She/he has to submit a document certifying marriage and an official translation. The whole process will proceed according to the Act on Private International Law which allows to not recognize the marriage/registered partnership if it would be manifestly contrary to the public policy of the Czech Republic.</p> <p>In the case of the Czech Republic, recognition as an officially confirmed permanent partnership of two persons of the same sex is only possible for a foreign registered partnership (not for same-sex marriage, even if the same-sex marriage was contracted in the country of the foreigner).</p>		<p>Explanations and nuances: See explanations regarding marriage.</p> <p>For the purposes of this Act, wife/husband also means partner in a registered partnership. That means a person who entered into an officially confirmed permanent partnership of two persons of the same sex.</p>			

Jurisdiction: **Czech Republic**

Source: **O. Plesmid**, "Migration and legal family formats in Czech Republic". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-CZ-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2000	2015 N/A 0000	2015 N/A 0000	2015 No 2006	2015 No 0000	2015 No 0000
?			N/A 0000		
References to legal sources: Art. 17, 42a, 65 and 68 of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).		References to legal sources: Art. 17, 42a, 65 and 68 of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000). Art. 4 of Law No. 115/2006 Coll., on Registered Partnership.		References to legal sources: Art. 17, 42a, 65 and 68 of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A foreigner may reside temporarily without a visa, with a short-term visa, with a long-term residence permit or a temporary residence permit, or with an exit order. The existence of marriage only positively affects a long-term residence permit for the purpose of family reunification. A foreigner is entitled to reside in the territory under the permanent residence on the basis of a permanent residence permit, or a decision of the competent authority of the conferral of foreigners in foster care. A permanent residence permit is issued at the request of the foreigners after five years of continuous residence.</p>		<p>Explanations and nuances: See explanations regarding marriage. Into registered partnership in the Czech republic can only enter a couple including at least one Czech citizen, not two foreigners.</p>		<p>Explanations and nuances: See explanations regarding marriage.</p>	

Jurisdiction: **Czech Republic**

Source: **O. Plesmid**, "Migration and legal family formats in Czech Republic". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-CZ-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2000	2015 No 2001	2015 No 1998	2015 Yes 2006	2015 No, but 2006	2015 No, but 2006
? 0000	N/A 0000	N/A 0000	? 1989	? 0000	? 0000
			N/A 0000		
<p>References to legal sources: Art. 15a, 17, 42a and 87h of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).</p> <p>Art. 4 and 14 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p>		<p>References to legal sources: Art. 15a, 17, 42a, 87h and 180f of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).</p> <p>Art. 4 and 14 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p>		<p>References to legal sources: Art. 15a, 17, 42a, 87h and 180f of Law No. 326/1999 Coll., on the residence of foreigners in the Czech Republic (in force from 1.1.2000).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A foreigner may reside temporarily without a visa, with a short-term visa, with a long-term residence permit or a temporary residence permit, or with an exit order. The existence of marriage only positively affects a long-term residence permit for the purpose of family reunification.</p> <p>Permission for permanent residence can be received by a dependent (family member) of an EU citizen after 2 years of continuous stay in the Czech Republic, if at least for 1 year this person is a dependent (family member) of a Czech citizen or a dependent (family member) of a citizen of another EU member state who has been issued a permission for permanent residence. For the purposes of this Act dependent (family member) of an EU citizen means:</p> <ul style="list-style-type: none"> • wife/husband, • parent if the EU citizen is younger than 21 years and they live in a common household, • a child younger than 21 years or such a child of the wife/husband of the EU citizen, • dependent direct relative in the ascending or descending line or such relative of the wife/husband of the EU citizen. As a dependent (family member) is also considered a foreigner who proves in a trustworthy manner that she/he is a dependent (family member) of an EU citizen and that they have lived in a common household (in the state where she/he is a citizen or where she/he has been issued a permission for permanent residence), or she/he is dependent on an EU citizen or she/he is not able to take care of her/himself because of her/his poor health situation. <p>But for this purpose, there must be recognition of a marriage according to private international law. If a national citizen will enter into marriage/registered partnership with foreigner in the country of the foreigner, she/he has to apply for registration of this marriage/registered partnership in the special register of citizens. She/he has to submit a document certifying marriage and an official translation. The whole process will proceed according to the Act on Private International Law which allows whether or not to recognise the marriage/registered partnership if it would be manifestly contrary to public policy of the Czech Republic.</p> <p>In the case of Czech Republic, recognition as an officially confirmed permanent partnership of two persons of the same sex is only possible for a foreign registered partnership (not for same-sex marriage, even if the same-sex marriage was contracted in the country of the foreigner).</p>		<p>Explanations and nuances: See explanations regarding marriage.</p> <p>For the purposes of this Act, wife/husband also means partner in a registered partnership. That means a person who entered into an officially confirmed permanent partnership of two persons of the same sex.</p>		<p>Explanations and nuances: See explanations regarding marriage.</p>	

Jurisdiction: **Czech Republic**

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Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 No 2001	2015 No 1998	2015 Yes 2006	X	X
	N/A 0000	N/A 0000	? 1989	X	X
			N/A 0000	X	X
<p>References to legal sources: Art. 674 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p> <p>Art. 4 and 14 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p>		<p>References to legal sources: Art. 674 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p> <p>Art. 4 of Law No. 115/2006 Coll., on registered partnership (in force from 1.7.2006).</p> <p>Art. 4 and 14 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Into marriage or registered partnership can not enter a person who has been previously married or a person who has previously entered into a registered partnership or other similar partnership entered into abroad, and this marriage, registered partnership or other similar partnership still exists abroad.</p> <p>But for this purpose, there must be recognition of a marriage according to private international law. If national citizen will enter into marriage/registered partnership with a foreigner in the country of the foreigner, she/he has to apply for registration of this marriage/registered partnership in the special register of citizens. She/he has to submit a document certifying marriage and an official translation. The whole process will proceed according to the Act on Private International Law which allows whether or not to recognize the marriage/registered partnership and if it would be manifestly contrary to public policy of the Czech Republic.</p> <p>In the case of the Czech Republic, recognition as an officially confirmed permanent partnership of two persons of the same sex is only possible for a foreign registered partnership (not for same-sex marriage, even if the same-sex marriage was contracted in the country of the foreigner).</p>		<p>Explanations and nuances: See explanations regarding marriage.</p>			

Jurisdiction: **Czech Republic**

Source: **O. Plesmid**, "Migration and legal family formats in Czech Republic". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-CZ-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 No 2001	2015 No 1998	2015 Yes 2006	X	X
Yes 0000	N/A 0000	N/A 0000	? 1989	X	X
			N/A 0000	X	X
References to legal sources: Art. 1635, 1636 and 3020 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).		References to legal sources: Art. 1635, 1636 and 3020 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: For the purposes of inheritance, (different-sex) marriage or (same-sex) registered partnership entered into abroad is equal as marriage or registered partnership entered into the Czech Republic, even though this partnership is not registered in a special register.</p> <p>See also question 4.05.</p>		<p>Explanations and nuances: For the purposes of inheritance, (different-sex) marriage or (same-sex) registered partnership entered into abroad is equal as marriage or registered partnership entered into the Czech Republic, even though this partnership is not registered in a special register.</p>			

Jurisdiction: **Czech Republic**

Source: **O. Plesmid**, "Migration and legal family formats in Czech Republic". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-CZ-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2006	2015 No 0000	2015 No 0000
			N/A 0000		
References to legal sources: Art. 13, 14 and 15 of Law No. 186/2013 Coll., on Citizenship of the Czech Republic (in force from 1.1.2014).		References to legal sources: Art. 13, 14 and 15 of Law No. 186/2013 Coll., on Citizenship of the Czech Republic (in force from 1.1.2014).		References to legal sources: Art. 13, 14 and 15 of Law No. 186/2013 Coll., on Citizenship of the Czech Republic (in force from 1.1.2014).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: To obtain a Czech citizenship an applicant has to fulfill several conditions:</p> <ul style="list-style-type: none"> • permission for permanent residence (non-EU citizens 5 years; EU citizens 3 years), • a real stay in the Czech republic, • criminal integrity, • knowledge of the Czech language, • knowledge of the Czech realities, • non-infringement of other legal duties (e.g. taxes or custom duties), • proof of the amount and sources of income, • without burdening the state social support or assistance in material need. <p>At the same time an applicant has to be also integrated into Czech society – for this purpose it can be also considered marriage or registered partnership with the Czech citizen. Some of these conditions can be waived on the basis of special consideration, but the existence of marriage or registered partnership can cause only a waiver of the condition of permission for permanent residence. Obtaining citizenship is not a legal right, but the existence of marriage or registered partnership can make it easier to get.</p>		<p>Explanations and nuances: See explanations regarding marriage.</p>		<p>Explanations and nuances: See explanations regarding marriage.</p> <p>Obtaining citizenship is not a legal right and the existence of cohabitation cannot make it easier, because for the purpose of citizenship cohabitation does not mean family and it does not create any rights.</p>	

Jurisdiction: **Czech Republic**

Source: **O. Plesmid**, "Migration and legal family formats in Czech Republic". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-CZ-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2006	2015 No 0000	2015 No 0000
			N/A 0000		
<p>References to legal sources: Art. 4, 60, 61, 62 and 63 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p> <p>Art. 800 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p> <p>Art. 13 of Law No. 115/2006 Coll., on registered partnership (in force from 1.7.2006).</p>		<p>References to legal sources: Art. 4, 60, 61, 62 and 63 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p> <p>Art. 800 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p> <p>Art. 13 of Law No. 115/2006 Coll., on registered partnership (in force from 1.7.2006).</p>		<p>References to legal sources: Art. 4, 60, 61, 62 and 63 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p> <p>Art. 800 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p> <p>Art. 13 of Law No. 115/2006 Coll., on registered partnership (in force from 1.7.2006).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: If the parents jointly adopt a child abroad, the judgment about this adoption from abroad must be recognized under Czech law and after that they have to apply for registration of this adoption in the special register. The judgment about this adoption which recognizes the judgment from abroad can be issued only by a Czech court and only if it is not contrary to the public order of the Czech Republic and if the adoption would be permitted also according to Czech law. This process can be done only in the case of marriage, because registered partners cannot jointly adopt a child. In that case the judgment from abroad will not be recognized by Czech court. Only a wife and husband can jointly adopt a child.</p> <p>If a child is adopted by two persons who entered into registered partnership or same-sex marriage abroad and this partnership is not recognized under Czech law yet, this kind of adoption can be recognized only in connection with a Czech citizen, not in connection with the foreign partner – judgment of the Czech Supreme Court, No. 28 Ncu 251/2014, May 22, 2015.</p>		<p>Explanations and nuances: If the parents jointly adopt a child abroad, the judgment about this adoption from abroad must be recognized under Czech law and after that they have to apply for registration of this adoption in the special register. The judgment about this adoption which recognizes the judgment from abroad can be issued only by Czech court and only if it is not contrary to the public order of the Czech Republic and if the adoption would be permitted also according to Czech law. This process can be done only in the case of marriage, because registered partners cannot jointly adopt a child. In that case the judgment from abroad will not be recognized by Czech court. Only a wife and husband can jointly adopt a child.</p> <p>If a child is adopted by two persons who entered into registered partnership or same-sex marriage abroad and this partnership is not recognized under Czech law yet, this kind of adoption can be recognized only in connection with a Czech citizen, not in connection with the foreign partner – judgment of the Czech Supreme Court, No. 28 Ncu 251/2014, May 22, 2015.</p>		<p>Explanations and nuances: If the parents jointly adopt a child abroad, the judgment about this adoption from abroad must be recognized under Czech law and after that they have to apply for registration of this adoption in the special register. The judgment about this adoption which recognizes the judgment from abroad can be issued only by Czech court and only if it is not contrary to the public order of the Czech Republic and if the adoption would be permitted also according to Czech law. This process can be done only in the case of marriage, because cohabiting partners cannot jointly adopt a child. In that case the judgment from abroad will not be recognized by Czech court. Only a wife and husband can jointly adopt a child.</p>	

Jurisdiction: **Czech Republic**

Source: **O. Plesmid**, "Migration and legal family formats in Czech Republic". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-CZ-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 N/A 0000	2015 N/A 0000	2015 No 2006	2015 ? 0000	2015 ? 0000
			N/A 0000		
<p>References to legal sources: Art. 4, 60, 61, 62 and 63 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p> <p>Art. 13 of Law No. 115/2006 Coll., on registered partnership (in force from 1.7.2006).</p> <p>Art. 800 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p>		<p>References to legal sources: Art. 4, 60, 61, 62 and 63 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p> <p>Art. 13 of Law No. 115/2006 Coll., on registered partnership (in force from 1.7.2006).</p> <p>Art. 800 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p>		<p>References to legal sources: Art. 4, 60, 61, 62 and 63 of Law No. 91/2012 Coll., on Private International Law (in force from 1.1.2014).</p> <p>Art. 13 of Law No. 115/2006 Coll., on registered partnership (in force from 1.7.2006).</p> <p>Art. 800 of Law No. 89/2012 Coll., Civil Code (in force from 1.1.2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: If the partner adopts a child abroad, the judgment about this adoption from abroad must be recognized under Czech law and after that they have to apply for registration of this adoption in the special register. The judgment about this adoption which recognizes the judgment from abroad can be issued only by a Czech court and only if it is not contrary to the public order of the Czech Republic and if the adoption would be permitted also according to Czech law. This process can be done only in the case of marriage, because a registered partner cannot adopt a child. According to Czech law the existence of registered partnership is an obstacle for adoption. In that case the judgment from abroad will not be recognized by a Czech court.</p>		<p>Explanations and nuances: See under Marriage.</p>		<p>Explanations and nuances: See under Marriage.</p>	