

The aim of the thesis is to answer the following question: What is the aim and the purpose of the migration-related detention? The question is further specified in four sub-questions provided in the introduction.

Given that the essence of the detention is the deprivation of personal liberty as one of the fundamental human rights, the practice of detaining migrants in the Czech Republic seems to be in conflict with the personal liberty guarantees stipulated by the constitutional laws of the country, the Charter of Fundamental Rights of the European Union and several international human rights treaties. Resolutions of this conflict requires that such conditions are identified, under which the restriction of personal liberty is permissible. The list of conditions is provided in the thesis, including a legitimate purpose of the restriction of the fundamental right. Any restrictive practice must be capable of achieving this purpose and must not be misused for a purpose other than this.

Subsequently, the thesis identifies aims of the different types of migrated-related detention, provided by the Czech laws – the Police Act, Aliens Act and the Asylum Act. The immediate aim pursued by detaining an alien is often to prevent him from obstructing a particular legal proceeding or action. The thesis also deals with the purposes which legitimise the migration-related detention, such as the maintenance of public order or the cooperation between EU Member States in the field of immigration and asylum.

In the following part of the thesis, the alternatives to detention were presented. Alternatives to detention are measures intended to pursue the same aim as detention, which, at the same time, allow for a minimal impact or even no impact on the personal liberty of the alien in question. Attention was paid to both alternatives enshrined in the law of the Czech Republic, as well as some other, applied in other countries or recommended by the UNHCR, NGOs etc.

The conclusion outlines answers to the questions stated in the introduction of the thesis. It is stated there, that the detention, given its impact on the personal liberty of an alien, should be considered as a measure of last resort. Therefore, this measure should only be applied where the application of ‘softer’ measures (i.e. alternatives to detention) failed to reach the stipulated aim or where their application at the first place would inevitably lead to a failure. In such situations, the migration-related detention remains to be a legitimate measure, capable of achieving the desired aim.