

ABSTRACT

The thesis deals with the development of the Schengen cooperation and characteristic of the Schengen *acquis* transforming in the course of time, with the stress on the field of visa and residence/migration policy. Main emphasis is on the valid legislation concerning the status and stay of the third country nationals. The thesis looks into problematic parts of the legislation, both theoretical and practical, and provides opinion of the author on those matters.

The thesis is divided into four main spheres. The first one concerns development of a visa and migration policy in the framework of development of the Schengen cooperation and its gradual integration into the main EU policies, its definitions and different participation of the Member States. Following key part of the thesis deals with the current valid provisions of the stay of the third country nationals (citizens of the countries outside of the EU). This part defines subjects of law coming from the third countries, as differentiated by the Union and Czech law and defines various types of authorization to stay which entitle them to short or long-stay at the Schengen or Czech territory. The third segment deals with the family members of the EU nationals who are covered by specific legal framework. Last part of the thesis encompasses future trends of the common European visa and migration policy, proposal of future legal instruments or amendments, with taking into account tendencies in the Czech residence law.

As mentioned above the thesis analysis the topic ostensibly non-schengen which are long-term stays in the territory of Schengen/Czech republic, which are primarily in the competence of the Member States but are gradually harmonized by the EU, mainly via adoption and implementation of the EU directives. This area also comprises of common rules on the free movement of the holders of long-term (national) residence permits in the Schengen territory, uniform format of visa and residence permit and compulsory check of the visa or residence permit applicants in the Schengen information system.

Generally the thesis deals with conditions on legal entry and stay based on valid Schengen *acquis*, which intermingle with national legislation. On the contrary the thesis doesn't deal with the topic of asylum, return policy or extradition, as these do not represent areas of the Schengen cooperation. Furthermore current refugee crisis is also not analyzed by this thesis

as it overlaps the topic and its capacity. The crisis shows weak points of many European rules but mainly those governing area of borders, return policy or Dublin system.