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Summary of the doctoral dissertation

"Expulsion of a foreigner as an administrative sanction"

The subject of the considerations undertaken in the hearing are the mechanisms of expulsion of foreigners from the territory of the Republic of Poland, specified in the Act of 12 December 2013 on foreigners and in the Act of 14 July 2006 on the entry into the territory of the Republic of Poland, residence and departure from this territory of citizens of the European Union Member States and their family members.

The main purpose of the work is to show that the expulsion of a foreigner, as a consequence of violating legal norms, constitutes an administrative sanction within the meaning of which it is defined by the doctrine, and additionally an attempt to assess the legal status in this respect.

Considerations on the expulsion of foreigners have been included in six chapters, preceded by an introduction, in which there are comparative remarks concerning the expulsions in Ukraine, the Federal Republic of Germany and the Czech Republic.

In the first chapter, the necessary terminological arrangements have been made, including the analysis of individual types of administrative sanctions. Here is an explanation of what an administrative tort is and shows the basic functions of administrative sanctions.

In the second part of the dissertation, the development of the normative structure of the order to leave a given community has been presented, it refers to various forms of exclusion, which were most often used as a punishment for a committed crime. Subsequently, changes to the national regulations regulating the expansion have been recapitulated, starting from the interwar period, through the period of the Polish People's Republic, until the system transformation. Attention has been focused on the determinants of the development of expulsion regulations related to Poland's preparation for accession to the European Community, and then for joining the Schengen Area. The chapter ends with considerations on the constitutional determinants of expulsion of foreigners.

The third and fourth chapter is devoted to the substantive and procedural aspects related to the imposition of an administrative order on a third-country national to leave Poland. The focus was on individual positive premises determining the issuance of an expulsion decision, and the exegesis of negative premises, the occurrence of which prevents the initiation of administrative proceedings and issuing such a decision. The further part of the considerations

is devoted to the circumstances influencing the execution of the injunction decision and the coercive measures that may accompany the initiation of expulsion proceedings.

Chapter five deals with the expulsion of the category of foreigners who are entitled to the Community right to free movement. In this regard, the positive and negative premises of the decision of expulsion have been discussed, procedural aspects related to the initiation of this procedure and measures securing the correct issuance and execution of the expulsion decision.

Chapter sixth discusses the problems related to the consequences of the use of expulsion and the reversal of some of its effects. In this regard, attention has been focused on canceling residence permits and clearances. In addition, the analysis covers: entry of data into the list of foreigners whose stay in the territory of the Republic of Poland is undesirable, and entry into the Schengen Information System. The issue of withdrawing the ban on re-entry has been discussed separately. This chapter is devoted to protection against expulsion and the effects of the existence of premises justifying granting protection to foreigners. In this regard, the focus is on the importance of the non refoulement principle, which guarantees not only protection against expulsion, but also constitutes the basis for the legalization of stay, highlighting the issues related to the right to respect for family and private life and the protection of children's rights, which are the basis for granting protection against the obligation to leave the territory. This part of the work includes threads concerning the instance and judicial control of expulsions.

The dissertation ends with comments summarizing the presented arguments. The conclusions here are that the expulsion of a foreigner constitutes an administrative sanction of a special nature due to the addressees of sanctions, the multiplicity of violations and the consequences accompanying these violations. This part also presents *de lege ferenda* postulates with regard to the provisions of the Act on Foreigners, which are not too broad in nature, as the general conclusions contained in the hearing lead to the conclusion that the existing provisions correctly solve the problem of expulsion.

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