

# **Administrative Expulsion Proceeding**

## **Abstract**

The diploma thesis entitled “Administrative Expulsion Proceeding” deals with a detailed analysis of the applicable legislation on the institute of the administrative expulsion including its related aspects. The content of the entire thesis is divided into six chapters. The first chapter defines the institute of the administrative expulsion as such with the emphasis on its non-punitive character. The second chapter emphasizes the analysis of the individual situations which the act on the residence of aliens defines as reasons leading to the delivery of administrative expulsion decision. These reasons are analysed considering the fact whether the alien is a national of an EU member state or the alien is a third-country national as well as whether the alien stays on the territory of the Czech Republic on the basis of the temporary, long-term, or permanent residence. As the lawmaker defines the significant part of reasons by an indeterminate legal concept, i.e., the public order, the third chapter gives an interpretation of this indeterminate legal concept introduced by the Nejvyšší správní soud ČR (the Supreme Administrative Court of the Czech Republic) and, at the same time, aims at delivering the answer to the question whether as conduct, seriously disrupting the public order, can only be considered the conduct exclusively constituting the evidence of infringement of the legal regulations of the Czech Republic. The core of the entire work is embedded in the fourth chapter, dedicated to the descriptive essay on the individual stages of the administrative expulsion proceeding with the stress on its procedural aspect, which, however, mingles with the substantive provisions of the individual related aspects influencing its course and indissolubly connected with the administrative expulsion proceeding. The characteristics of the alien as the main participant in the administrative expulsion proceeding and the Police of the Czech Republic as the administrative authority competent to rule on such type of administrative proceeding have not been omitted. Among others, this chapter discusses the right of the alien for presence of the interpreter in the proceeding, the binding opinion given by the Department for Asylum and Migration Policy of the Ministry of Interior to the matter of departure of the alien from the territory of the Czech Republic, identification of the alien as a persona non-gratae in the SIS system or removal order. As the decision on administrative expulsion is undoubtedly a serious interference with the life of the alien, which can oftentimes be more fundamental than (for instance) the sentence of imprisonment, the fifth chapter pays attention to the review of this decision, both from the point of a proper remedial instrument and subsequent judicial review.

Several selected case studies constitute the final chapter of the thesis; their aim is to provide the reader with an idea about the specific situations representing the public order disturbance and resulting in the decision on the administrative expulsion order, in particular introduction to the several possible interpretations of the term public order by the Police of the Czech Republic as the administrative authority competent to rule on the proceeding and, thus, contributing to the answer to the question which conduct can be considered as disturbing the public order.

**Key words:**

Administrative expulsion

Administrative proceedings

Public order