

## **Administrative expulsion of factual Nationals**

### **Abstract**

The aim of the processed topic is to point out the specific situation of people who were born in the Czech Republic or who lived here for a substantial part of their childhood so that they are fully integrated. The issue stems mainly from the regulation of citizenship as a formalized legal institute creating the relationship between the individual and the state. Although citizenship and social integration correspond in most cases, in the case of persons who are referred to as de facto nationals in this thesis, there is a split between the actual social life of the individual and his / her citizenship. The aim of this thesis is to focus mainly on the situation of those de facto residents who are subject to administrative expulsion as an absolutely essential legal institute aiming to end their stay in the Czech Republic, even with the means of state coercion.

This topic is currently being updated and to my knowledge it has not been elaborated in the doctrine so far. Until 1989, the Czech Republic was a strongly homogeneous state that had no experience of larger migratory increments like other, mostly Western European, states. It is only in recent years that second-generation immigrants are of legal age and do not have their residence permit duly regulated in our territory. Although international and domestic law provides guarantees to foreigners in an effort to prevent violations of the right to family and private life, it is quite common in Czech application practice that the specificity of the status of so-called factual nationals is ignored.

The thesis analyzes the current legal regulation in the Czech Republic with regard to its international obligations and presents the individual institutes of the Act on the Residence of Foreigners and possibly the Act on Asylum in the context of factual nationals. Part of the work is also comparison with the arrangement and practice in Germany. The thesis then applies theoretical knowledge to a case from practice. The thesis points out the individual causes of the phenomenon of the factual nationals and the reason of the illegality of the stay in the Czech Republic and aims to outline possible solutions to the undesirable phenomena of the phenomenon.

**Klíčová slova: Foreigner, Administrative expulsion, Factual national**