

Withdrawal of the permanent resident permit of a third-country national

Abstract

This master thesis deals with a topic of withdrawal of the permanent residence permit of a third-country national as a display of state power exercise in the field of immigration. The main focus is both substantive and procedural prerequisites for revocation of residence permit. Withdrawal grounds of the permanent residence permit together with the principle of proportionality as well as a withdrawal procedure as such will be dealt with.

The aim is provide general overview of applicable law regarding withdrawal of the permanent residence permit that is deemed to be as the highest and the most privileged residence permit obtainable on the territory of the Czech republic. Yet this work shall not be limited merely to reproduction of its legal doctrine and case law, but aims to point out problematic moments in the course of withdrawal of the residence permit in question as well as to offer conceivable solution.

This work is divided into three topics, precisely into five chapters excluding its introduction and conclusion. First chapter deals with key terminology of immigration law or law of aliens. Firstly, a fundamental concept of a foreigner will be introduced. This includes a notion of third-country national as well. Furthermore, systematics of residence permit and feature of permanent residence permit will also be dealt with. Second chapter introduces theoretical background and influences of Union law as well as of human rights obligation on exercise of the state power regarding controlling entrance and stay of foreigner on the territory of the Czech republic. Namely, the traditional understanding of absolute, unfettered power to lay down rules for admitting and residence of foreigners will be disputed.

Third chapter focuses on each grounds for withdrawal of the residence permit, namely the analysis of applicable law in terms of their interpretation and application. Forth chapter deals with the principle of proportionality and its role in withdrawing residence permits. The chapter itself is further subdivided into two questions: when the proportionality of the withdrawal decision is assessed and how it shall be done.

Fifth chapter deals with procedural aspects of withdrawal of permanent residence permit. The main focus is subjects of the withdrawal proceeding, factual examination or finding of facts including gathering evidences necessary for issuing such decision, substantive requirements of any decision of withdrawal of the permanent residence permit.

Key words

foreigner; third-country national; permanent residence permit; principle of proportionality; withdrawal grounds