

Agnieszka Narożniak

*Respect and Protection of the family life of foreigners married to Polish citizens
in the immigration law. The current state and prospects for the future*

Summary

The growing number of marriages between Polish citizens and foreigners requires a debate on complex issues arising during the creation and application of the law in this area. Proper legislation is especially important to achieve balance between the public interest and the protection of family life. An opportunity to examine this topics appears in connection with the advanced works on the draft law on the aliens.

The objective of the article is to answer the following questions: To what extent does the draft law modify the existing regulations? Do these modifications serve to strengthen the protection of family life? Is the balance between the public interest and the private interest achieved?

The first part of the article concerns the right to respect and protection of the family life of foreigners. The author evokes the relevant provisions of the Constitution of the Republic of Poland as well as the European Convention on Human Rights and Fundamental Freedoms and some key theses from courts' judgements. In the second part, the author analyses the status of a foreigner married to a Polish citizen in the existing and the draft law. In particular, issues related to the entry into the residence on and the leaving the Polish territory are examined. The last part is devoted to the problem of the marriages of convenience in the Polish legislation.

The author concludes that both the existing law and the draft law are generally consistent in the discussed field. The differences concern details. Some of the modifications introduced in the draft law are favourable to the protection of the family life of foreigners and some may not be considered as such. In the last case it is mainly due to the lawmakers' idea of combating marriages of convenience. Finally, it is indicated, that although the legislators tend to achieve balance between the public interest and the interest of an individual and a family, in some cases it may be controversial.

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