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*The permit to settle
under Article 52 paragraph 5 of the Constitution of the Republic of Poland*

Summary

Poland is a participant in the ongoing process of globalisation, of which one of the characteristic features is a greater movement of people. Also, Poland's accession to the European Union has brought about a trend called Europeanisation, currently being observed in the administrative law as well. This, in turn, has resulted in a growing number of related legislative acts that govern the administrative and legal status of foreigners. And yet, despite this extensive legislation on the subject, not all procedural questions have now been answered.

The core of the analysis presented in this paper is the decision on the permit to settle, delivered in the context of constitutional rights provided for in Article 52 Paragraph 5 of the Constitution of the Republic of Poland. Pursuant to its provisions, a person whose Polish origin has been confirmed in accordance with applicable law may settle permanently in Poland. However, an analysis of substantive administrative law suggests that in the current legal system there is no specific regulation upon which a public body could base its decision in the above matter. Thus, unless the Constitution provides otherwise, its provisions will be directly applicable. Consequently, a decision permitting settlement will be an example of a unique, direct application of constitutional provisions. In practice, this means that both, individuals and administrative bodies, find themselves in a difficult legal position. The main purpose of this paper is to present the specific features of a settlement permit and to identify the procedure leading to granting such permit.

It has been concluded that a decision to settle is a bound decision, grounded in the provisions of the Act on Foreigners, the Charter of the Pole and the Repatriation Act. Because of the specifics of the proceedings and the resulting decisions, the administrative body must rely for support on the above acts, taking into account the specificity of the matter. Currently, administrative bodies must base their decisions directly on the provisions of the Constitution of the Republic Poland, and will have to do so until appropriate legal solutions have been adopted.

Keywords: the permit to settle, foreigner, Polish origin