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POSTULATES OF ANTI-IMMIGRATION MOVEMENTS AND THE COMPLIANCE OF THE LOCAL LAW ACTS PROHIBITING THE ACCOMMODATION OF FOREIGNERS ON THE PROPERTIES CONSTITUTING MUNICIPAL ASSETS WITH POLISH STATUTORY LAW

| Abstract

- ▶ *Goal* – The objective of this article is to examine the compatibility of draft local law resolutions introducing prohibitions on the accommodation of foreigners (migrants) on properties owned by municipalities with the binding provisions of the Polish law.
- ▶ *Research methodology* – The research methods employed in this article include an analysis of normative sources and the case law of Polish administrative courts. The analysis is further based on doctrinal studies addressing the principles of local law-making, particularly from the perspective of the rights and obligations of residents.
- ▶ *Score/results* – The article leads to the conclusion that it is impermissible to arbitrarily exclude, without statutory authorisation, foreigners (migrants) residing in a given municipality from the local community, and thus from the group of persons entitled to benefit from the municipality's housing policies on an equal basis with other residents.
- ▶ *Originality/value* – The article has been prepared independently, relying primarily on binding statutory acts, judicial decisions, and the views of the Polish legal doctrine. The publication aims to contribute to the ongoing debate on the admissibility of adopting local legal measures that restrict the rights of foreigners as compared to other inhabitants of a given local government unit.

| **Keywords:** foreigners, local law, accommodation, municipal housing resources

1. Introduction

It is a commonly known fact, analysed primarily at the level of public commentary, that certain factors currently exist in Poland which are potentially conducive to the development of anti-immigration movements. There is an influx of immigrants and refugees on a previously unprecedented scale. According to the 2024 report of the Warsaw Enterprise Institute, the number of immigrants in Poland is estimated at approximately 3.5–4 million persons, of whom approximately 60–75% are nationals of Ukraine. Data published in the press by the Central Statistical Office, derived from the National Population and Housing Census 2021, clearly indicate that 1 433 800 immigrants were temporarily residing in Poland, of whom approximately 73% were Ukrainian nationals [www 1].

Data from aid organisations indicate that in 2024 a significant increase in the number of applications for international protection was also recorded. A total of 11 460 applications were submitted, covering 14 524 individuals, which constitutes an 81% increase compared to 2023, when 6 316 applications were lodged [www 2]. In addition, there are visible public concerns related [www 3] to the entry into force of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM/2020/609 final; and Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013, OJ L, 2024/1351, 22.5.2024, hereinafter referred to as the Regulation on Asylum and Migration Management, or the so-called Migration Pact. In view of the foregoing, a problem arises with regard to the organisation of assistance to third-country nationals – both in terms of access to employment and the provision of accommodation – in a manner that would be socially acceptable. This gives rise to attempts to initiate legislative action at the municipal level, aiming to introduce bans on the accommodation of third-country nationals (migrants) on properties owned by individual municipalities [www 4]. It is therefore worth considering the compliance of draft local law resolutions introducing such bans with the binding Polish statutory law.

It should thus be noted that from the perspective of Polish statutory law, the matter in question is regulated primarily by the following acts: the Act of 12 December 2013 on Foreigners [Journal of Laws 2024, item 769 – hereinafter referred to as the “Foreigners Act”], the Act of 13 June 2003 on Granting Protection to

Foreigners within the Territory of the Republic of Poland [Journal of Laws 2025, item 223 – hereinafter referred to as the “Protection Act”]. the Act of 12 March 2022 on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of That State [Journal of Laws 2025, item 337 – hereinafter referred to as the “Ukraine Assistance Act”], and, above all – taking into account that a potential draft resolution concerns a municipality, its residents (members of the municipal self-government community), and its legislative authority – the Act of 8 March 1990 on Municipal Self-Government (Journal of Laws 2024, item 1465 – hereinafter referred to as the “Municipal Self-Government Act”). At the same time, given that a potential resolution would concern the “accommodation” of foreigners on properties constituting part of the municipal housing stock, reference must also be made to the Act of 21 June 2001 on the Protection of Tenants’ Rights, the Municipal Housing Stock and on the Amendment of the Civil Code [Journal of Laws 2023, item 725 – hereinafter referred to as the “Tenants’ Rights Protection Act”].

2. The issue of the legality of local law resolutions

First and foremost, it should be noted that, pursuant to Article 91(1), the first sentence, of the Act on Municipal Self-Government, any resolution or order adopted by a municipal authority that is contrary to the law shall be null and void.

In accordance with the case-law of the Supreme Administrative Court, “such a contradiction shall be understood as an inconsistency with universally binding legal acts, including the Constitution of the Republic of Poland, statutes, implementing acts, and universally binding local legal acts.” [Judgment of the Supreme Administrative Court, case no. I OSK 1287/06, published in LEX no. 320891]. According to the view of the court, “when assessing the legality of a local law act, it must be borne in mind that, within the current legal system, local law serves solely an executive function in relation to statutes. Indeed, the Constitution of the Republic of Poland does not contain any legislative delegation for self-government authorities. Local self-government does not enjoy an autonomous status, but constitutes merely a form of decentralised administration. Although the decentralisation of the process of adopting executive regulations to statutes in the form of local law permits a certain degree of variation in their content, such variation may extend only up to the limits set

by the law.” [Judgment of the Supreme Administrative Court, case no. I OSK 297/17, published in CBOSA].

The voivodeship administrative courts express a similar view. As noted by the Voivodeship Administrative Court in Wrocław, “public authorities shall act on the basis of and within the limits of the law; it is prohibited to presume the existence of a public authority’s powers. The relevant provision requires that any action taken by a public authority must be based on a clearly defined competence norm. Each competence norm must be implemented in a manner that does not infringe other provisions of the statute. The scope of the authorisation must always be determined in light of the principles of a democratic state governed by the rule of law, and actions must be taken within and on the basis of the law. In exercising its powers, the authority must take into account the content of the statutory norm. Any departure from this principle generally constitutes a significant breach of the law.” [Judgment of the Voivodeship Administrative Court in Wrocław, case no. IV SA/Wr 24/25, published in CBOSA]. The Administrative Court in Gdańsk expressed a similar view, confirming that “unlike private law entities (natural and legal persons), public authorities – as explicitly stated in Article 7 of the Constitution of the Republic of Poland – shall act on the basis of and within the limits of the law. Whereas private entities may undertake any actions not prohibited by law, public authorities may only engage in actions that are expressly permitted by law.” [Judgment of the Supreme Administrative Court – the Gdańsk Branch of 30 September 1992, case no. SA/Gd 1008/92, published in ONSA 1993, no. 2, item 51]. That court emphasises the illegality of resolutions and other acts adopted by local government units which exceed the tasks assigned to them under the statute, regardless of the title of the act adopted or its normative or non-normative nature [Judgment of the Voivodeship Administrative Court in Gdańsk, case no. III SA/Gd 636/24, published in CBOSA].

It follows from the above that the content of Article 91(1) and (4) of the Act on Municipal Self-Government determines that a prerequisite for declaring a resolution of a municipal legislative authority null and void is its material inconsistency with the law. It should also be noted that an analysis of judicial case-law enables the identification of a number of types of legal infringements which are considered material and therefore result in the nullity of a resolution adopted by a local government body. Such infringements include: acting in breach of provisions defining the competence to adopt resolutions; lack of legal basis for adopting resolutions; violation of provisions of constitutional or organisational

law; infringement of substantive law (e.g. through incorrect interpretation); and breach of provisions governing the procedure for adopting resolutions.

Similar arguments can be found in the academic literature. P. Chmielnicki argues that the principle of legality and the rule of law bind all public authorities, including the organs of local government units. In their actions, the principle that “what is not prohibited, is permitted” does not apply. Instead, the applicable rule is that “only that which is expressly provided for by law is permitted.” In the author’s view, any regulation that exceeds the scope of the granted authorisation constitutes a breach of the empowering norm and, at the same time, a violation of the constitutional conditions for the legality of a legal act. [Chmielnicki, 2022, article 91 Lex-el].

It should be emphasised that, pursuant to Article 163 of the Constitution of the Republic of Poland, local self-government shall perform public tasks not reserved by the Constitution or statutes for other public authorities. This provision must be read in conjunction with Article 6(1) of the Act on Municipal Self-Government, from which it follows that all public matters of local significance, not reserved by statutes for other entities, fall within the scope of a municipality’s activities. Importantly, however, these matters – as noted by T. Moll – stem from legal provisions which impose specific executive powers or obligations on public authorities, the implementation of which takes place within the territory of the basic unit of local self-government. [Moll, 2021, art. 6, Lex.el].

It follows from the above that local communities enjoy – within the scope defined by applicable legal provisions – full discretion to act in any matter not excluded from their competence or not falling within the remit of other public authorities. This means that self-government bodies could regulate the issue of housing for foreigners if provisions of substantive law explicitly conferred such powers upon them.

It should be noted at this point that exceeding the scope of statutory authorisation to issue a local law act, as well as violations of provisions defining the competence to adopt resolutions, constitute material breaches of the law. These justify declaring the relevant parts of the contested resolution null and void, pursuant to Article 147 § 1 of the Act of 30 August 2002 – Law on Proceedings before Administrative Courts, in conjunction with Article 91(1) and (4) and Article 94(1) of the Act on Municipal Self-Government.

3. The issue of the accommodation of foreigners under the Act on Foreigners, the Act on Granting Protection to Foreigners within the Territory of the Republic of Poland, and the Act on Assistance to Citizens of Ukraine in Connection with the Armed Conflict in the Territory of That State

In light of the thesis that any regulation exceeding the statutory delegation constitutes a breach of the empowering norm and, at the same time, a violation of the constitutional conditions of legality of a legal act, the question arises whether there exists, in the Polish law, a specific statutory delegation authorising the adoption of local laws concerning the accommodation of foreigners. In order to answer this question, an assessment must be made primarily on the basis of legislative acts directly concerning foreigners and their legal status, namely the Act on Foreigners (hereinafter: the Foreigners Act), the Act on Granting Protection to Foreigners within the Territory of the Republic of Poland (hereinafter: the Protection Act), and the Act on Assistance to Citizens of Ukraine in Connection with the Armed Conflict in the Territory of That State (hereinafter: the Ukraine Act).

The Foreigners Act regulates the issue of accommodation in several specific contexts. First and foremost, the Act governs the matter of invitations to stay in the territory of the Republic of Poland. The only authority statutorily empowered to issue secondary legislation in this regard, including matters concerning the costs of accommodation for such individuals, is the Minister competent for internal affairs. The Minister, by way of regulation, determines, *inter alia*, the amount of financial means that the inviting person must possess (in an amount sufficient to cover the necessary costs of the foreigner's stay in the territory of the Republic of Poland), including the costs of accommodation. Secondly, the Foreigners Act sets out the conditions for granting a temporary residence permit to foreign volunteers, including the bearing of costs of their accommodation. Thirdly, the Act regulates the rules of voluntary return of foreigners and the coverage of accommodation costs prior to their departure. Furthermore, when executing a return decision, the Act requires the Minister competent for internal affairs to include in a relevant regulation the costs of food and accommodation of the foreigner in a detention facility or a guarded centre or detention centre for foreigners. Fourthly, the Act assigns specific competences to the Chief Commander of the Border Guard, who, at the request of a competent authority of another Member State of the European Union, may assist in air transit through the territory of a Polish airport, in particular by providing accommodation for

the foreigner during the transit operation. Lastly, the Act provides for a competence of the Chief Commander of the Border Guard, who may (under certain conditions) provide a foreigner with social assistance, medical and psychological care, including accommodation in a location specified in the decision granting such assistance. In summary, the Foreigners Act does not provide any statutory delegation empowering municipal authorities to adopt local legislation concerning the accommodation of foreigners.

Likewise, no statutory delegation enabling local government units to enact local laws concerning the accommodation of foreigners can be found in the Protection Act. The issue of foreigners' accommodation is regulated in that Act solely within the framework of the social assistance granted to them, as laid down in Article 71. The Act also addresses international protection for persons requiring special treatment (e.g. minors, persons with disabilities, the elderly, pregnant women, etc.), and mandates that, when granting social assistance to a foreigner requiring such special treatment, the individual's needs in respect of accommodation and food must be duly taken into account. Importantly, the responsibilities related to accommodation, as well as the power to issue implementing regulations to the Act, have been conferred exclusively upon the Minister competent for internal affairs and the Head of the Office for Foreigners.

In turn, the Ukraine Act vests the responsibility for the accommodation of Ukrainian nationals in the Voivode. According to Article 12(1)(1) of the Ukraine Act, the Voivode may provide assistance to Ukrainian citizens referred to in Article 1(1), including – among others – the provision of collective accommodation, defined as accommodation in a facility hosting at least 10 persons, or in facilities owned or permanently managed by public finance sector entities, as well as round-the-clock collective catering.

With regard to the subject matter of this opinion, the Ukraine Act further regulates the following: 1) the establishment of the Assistance Fund intended to finance or co-finance the performance of tasks aimed at supporting Ukraine, in particular Ukrainian citizens affected by the armed conflict in the territory of Ukraine, including tasks carried out both within and outside the territory of the Republic of Poland, as well as tasks related to food security in Poland in connection with the conflict (Article 14); 2) the accommodation of Ukrainian citizens in buildings which do not meet technical, fire safety, or sanitary standards applicable to such buildings, provided that, under the circumstances of their use, those buildings meet the basic requirements with regard to structural safety, fire safety, usability, and hygiene, health and environmental protection (Article 12a);

3) assistance granted to foreigners (from Ukraine) by the Head of the Office for Foreigners in the form of accommodation and food (Article 100b); 4) support for local government units in carrying out additional tasks under the Act in connection with the armed conflict in Ukraine, under which the Minister of Justice may make available to a local government unit, for temporary accommodation purposes, a property managed by a juvenile detention centre or shelter for minors (Article 101), and may specify – by regulation – the juvenile detention centres and shelters that shall be made available to local government units to provide temporary accommodation for Ukrainian citizens. Thus, the provisions of the Ukraine Act also do not include any statutory authorisation for the adoption of local legislation concerning the accommodation of foreigners.

4. The issue of the accommodation of foreigners under the Act on Municipal Self-Government

It is also essential to determine whether – given that public authorities, including municipal bodies, may undertake only those actions which are expressly permitted by law – the matters relating to the accommodation of foreigners specifically are grounded in the provisions of the Act on Municipal Self-Government?

To answer this question, it is at first necessary to ask: *who is the addressee of local legislation?* Undoubtedly, the addressees of the local law in Poland are natural persons, legal persons, and other organisational units residing or operating in the territory in which the given local law is applicable. In other words, the addressees are all entities present within the territorial limits of the local government unit (e.g. municipality, county, or region) that has adopted the law. This follows from Article 87(2) of the Constitution of the Republic of Poland, pursuant to which the sources of universally binding law in the Republic of Poland are: the Constitution, statutes, ratified international agreements, and regulations. Within the area of competence of the authorities that issued them, acts of local law are also sources of universally binding law.

This conclusion is further supported by Article 40(1) of the Act on Municipal Self-Government, which provides that, on the basis of statutory authorisation, the municipal council may adopt acts of the local law applicable within the territory of the municipality. Confirmation of this interpretation is also found in the case law of the Constitutional Tribunal. In its judgment of 24 March 2003, ref. no. K 28/02, the Tribunal held that: “Acts of [the] local law are a source of universally

binding law in the sense that they apply to all natural and legal persons residing or operating in the given area.”

A similar position is taken in the legal literature. For example, J. Zimmermann has stated that acts of local law apply to all addressees (both nationals and foreigners – emphasis in the original) residing or operating within the area of activity of the concerned authority. [Zimmermann, 2018: 79]

Likewise, M. Kotulski has noted that: “Acts of local law have a universally binding character within the area of operation of the authority that issued them.” [Kotulski, 2001: 49] This means that their addressees include all natural and legal persons and other organisational units present in the area, regardless of their nationality, place of residence, or registered seat. The above leads to the conclusion that anyone – irrespective of citizenship – who is present in the territory of a municipality is an addressee of the law adopted by that municipality’s legislative authorities.

In light of the above, it is therefore worth considering – from the perspective of national legislation – whether municipal authorities, when adopting acts of local law, may limit the rights of a person present within the territory of the municipality to benefit from entitlements arising from the performance of the municipality’s own tasks, solely on the ground that such a person is a foreigner?

Pursuant to Article 1(1) of the Act on Municipal Self-Government, the residents of a municipality constitute, by operation of law, a municipal community. At the same time, the legal doctrine observes that membership in the municipal community is not conditional upon any act of consent on the part of the member (i.e. the resident); moreover, it is not possible to withdraw from the community as long as one remains a resident of the territory which defines it. [Niżnik-Dobosz 2022, art. 1, Lex-el.]. For the purpose of recognising an individual as a resident of a given municipality, neither the fact of official registration of residence nor the duration thereof is of any relevance. A resident of a municipality is any natural person whose place of residence is located within the territory of that specific municipality. As M. Stahl rightly observes: “For the purpose of recognising an individual as a resident of a given municipality, neither the fact of official registration of residence nor the duration thereof is of any relevance.” [Stahl, 2021: 259].

Accordingly, the status of a municipality resident is based on the actual place of residence within its territory, rather than on formal registration of residence. This distinction is of particular importance in the context of exercising rights and fulfilling obligations associated with membership in the municipal community, such as participation in local elections or access to public services provided by the municipality.

At the same time, legal scholarship emphasises that a foreigner, by the very fact of residing within the territory of a basic administrative unit of the State, becomes – in accordance with the Constitution of the Republic of Poland – a member of the municipal community. M. Kumela-Romańska rightly points out that the Act on Municipal Self-Government, as a fundamental legislative act in relation to the concept of territorial self-government, does not distinguish between permanent and temporary residents of a municipality. As a consequence, the foreigner's membership in the municipal community entails the entitlement to legal protection of their interests against infringements by local government authorities – including the possibility of seeking judicial review of resolutions, actions or omissions of a local government body [Kumela-Romańska, 2007: 42–50].

Similarly, administrative courts have expressed analogous views. For example, the Regional Administrative Court in Kraków held that: “The introduction of a limitation not provided for by statute, restricting entitlements only to those members of the municipal community who have fulfilled the registration obligation by registering for permanent or temporary residence, violates the statutory duty of the municipality to create conditions for satisfying the housing needs of all the members of the municipal community. An arbitrary exclusion without legal basis of persons lacking permanent or temporary registration from the community constitutes an overstepping of statutory authorisation.” [Judgment of the Voivodeship Administrative Court in Kraków, case no. III SA/Kr 1181/12, CBOSA]. Regarding subjective limitations in the implementation of the municipality's own tasks, including the unfounded (in the court's view) differentiation of the legal situation of the members of the municipal community in relation to the rights to conclude a lease agreement for a municipal premises depending on the length of residence in the municipality, the Supreme Administrative Court (NSA) stated in its judgment of 24 January 2012 that a municipality, in carrying out its own task of “creating conditions to satisfy the housing needs of members of the municipal community,” cannot arbitrarily exclude from the community persons who have resided in the municipality for less than five years without statutory authorisation. For the recognition of an individual as a resident of a given municipality, the lapse of a five-year residence period within that municipality is irrelevant. A resident of a municipality is – it should be emphasised – any natural person who has a place of residence within the specific municipality (Article 1 of the Act on Municipal Self-Government). The legislator does not set any temporal limits for acquiring the status of resident” [Judgment of the Supreme Administrative Court, case no. I OSK 2021/11 – published in CBOSA].

5. The issue of the accommodation of foreigners under the Act on the Protection of Tenants' Rights, Municipal Housing Stock and Amendments to the Civil Code

Additionally – taking into account the specificity of the draft resolution, as well as the fact demonstrated above that pursuant to Article 91(1), the first sentence of the Act on Municipal Self-Government, a resolution of a municipal authority that is contrary to the law is null and void, whereby such contrariness must be understood as inconsistency with universally binding legal acts – it is worth drawing attention to the binding normative regulation concerning the municipal housing stock, i.e., the provisions of the Act on the Protection of Tenants' Rights.

Pursuant to Article 20(1) of the Act on the Protection of Tenants' Rights, in order to carry out the tasks referred to in Article 4 (namely, creating conditions for satisfying the housing needs of the municipal community), a municipality may establish and hold a housing stock.

Furthermore, from Article 21(1) of the Act, it follows that the municipal council adopts: (1) long-term programmes for managing the municipal housing stock; (2) rules for renting premises constituting part of the municipal housing stock, including rules and criteria for renting premises related to employment, if premises are designated for this purpose within the municipal housing stock.

At the same time, pursuant to paragraph 3 point 3 of this provision, the rules for renting premises within the municipal housing stock should specify, in particular, the criteria for selecting persons entitled to priority in concluding indefinite-term lease agreements and social lease agreements.

Referring to this provision, the administrative court in Kraków held that “the municipal council should regulate all the elements indicated in this provision. It may include other matters related to leasing in the resolution; however, this does not imply unlimited discretion of the authority” [Judgment of the Voivodeship Administrative Court in Kraków, case no. III SA/Kr 1181/12, CBOSA].

In turn, the administrative court in Opole stated that: “The content of Article 20(1) of the Act of 21 June 2001 on the Protection of Tenants' Rights, Municipal Housing Stock, and Amendments to the Civil Code (Journal of Laws No. 71, item 733) unequivocally shows that the municipal housing stock is created to fulfil the tasks resulting from Article 4 of the cited Act, namely, inter alia, to satisfy the housing needs of the municipal community. An analysis of the content of Article 1 of the Act of 8 March 1990 on Municipal Self-Government [Journal of Laws of 1996 no. 13, item 74, as amended], which mandates the inclusion of municipality

residents in the municipal community, and Article 16 of the Constitution of the Republic of Poland, which states that the entire population of the basic units of territorial division constitutes, by the operation of law, a municipal community, allows for a sufficient conclusion that all residents of the municipality, regardless of whether they are registered for permanent or temporary residence or live without registration, are members of the municipal community entitled by the Constitution of the Republic of Poland to equal treatment by the authorities” [Judgment of the Voivodeship Administrative Court in Opole, case no. II SA/Op 144/04, published in CBOSA].

Colloquially speaking, in the aforementioned judgments, the courts correctly assumed that where a person is a member of the municipal community, they should be treated without discrimination when applying for access to the municipality’s housing resources. Accordingly, in our opinion, if a foreigner was to become a member of the municipal community of the City of Suwałki, it would be impossible to exclude them from the group entitled to satisfy housing needs on an equal footing with other persons. Therefore, the draft resolution could be deemed to contravene the provisions of the Act on the Protection of Tenants’ Rights.

The above observation is also confirmed in the doctrine. It is pointed out that “the combination of statutory regulations on the protection of tenants’ rights, the municipal housing stock, and amendments to the Civil Code, social assistance, and the Act on Repatriation allows for the conclusion that the primary group of foreigners entitled to demand the enforcement of this right has been limited by the legislator to a specific category, namely repatriates and refugees,” and that “there is no basis for introducing provisions into a resolution setting out the rules for renting premises which would unjustifiably differentiate the situation of persons in similar material and housing conditions” [Kumela-Romańska, 2007: 42–50].

6. Summary

Taking into account that a defect of a normative act consists in its adoption in violation of statutory authorisation (as resolutions and other acts of local government units that exceed the tasks entrusted to them by statute are unlawful), an analysis of the provisions of the Acts on Foreigners; on Granting Protection to Foreigners within the Territory of the Republic of Poland; and on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that

State leads to the conclusion that these normative acts do not contain statutory authorisation for municipal authorities to enact legal provisions concerning the accommodation of foreigners.

Undoubtedly, the addressees of local law acts are all natural and legal persons, as well as other organisational units, located within the territory of the relevant local government unit, regardless of their nationality, place of residence, or seat. Foreigners should also be included among such addressees. This leads to the conclusion that the possibility of arbitrarily and without statutory authorisation excluding foreigners from the municipal community, and consequently from the entities entitled to satisfy housing needs on an equal basis with others, is excluded.

| References

Legal acts

- Ustawa z dn. 8 marca 1990 r. o samorządzie gminnym (Dz.U. 2024, poz. 1465).
 Ustawa z dn. 21 sierpnia 1997 r. o gospodarce nieruchomościami (Dz.U. 2024, poz. 1145).
 Ustawa z dn. 21 czerwca 2001 r. o ochronie praw lokatorów, mieszkaniowym zasobie gminy i o zmianie kodeksu cywilnego (Dz.U. 2023, poz. 725).
 Ustawa z dn. 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej (Dz.U. 2025, poz. 223).
 Ustawa z dn. 12 grudnia 2013 r. o cudzoziemcach (Dz.U. 2024, poz. 769).
 Ustawa z dn. 12 marca 2022 r. o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa (Dz.U. 2025, poz. 337).
 Komunikat Komisji do Parlamentu Europejskiego, Rady, Europejskiego Komitetu Ekonomiczno-Społecznego i Komitetu Regionów dotyczący nowego paktu o migracji i azylu, COM/2020/609 final; Rozporządzenie Parlamentu Europejskiego i Rady (UE) 2024/1351 z dnia 14 maja 2024 r. w sprawie zarządzania azylem i migracją, zmiany rozporządzeń (UE) 2021/1147 i (UE) 2021/1060 oraz uchylecia rozporządzenia (UE) nr 604/2013, Dz.U. L, 2024/1351, 22.5.2024, zwane dalej Rozporządzeniem w sprawie zarządzania azylem i migracją.

Literature

- Bończak-Kucharczyk E., 2025, *Ustawa o gospodarce nieruchomościami. Komentarz aktualizowany*, Lex el.
 Chmielnicki P., 2022, [in:] *Ustawa o samorządzie gminnym*, K. Bandarzewski, J. Czerw, D. Dąbek, P. Dobosz, P. Kryczko, M. Mączyński, I. Niżnik-Dobosz, S. Płazek, P. Chmielnicki (eds), Lex el.

- Kotulski M., 2001, *Akty prawa miejscowego w świetle uregulowań ustrojowych*, "Kwartalnik Prawa Publicznego", Vol. 1, pp. 49–79.
- Kumela-Romańska M., 2007, *Administracyjno-prawny status cudzoziemca-członka wspólnoty samorządowej*, "Samorząd Terytorialny", Vol. 6, pp. 42–50.
- Moll T., 2021, Art. 6., [in:] *Ustawa o samorządzie gminnym. Komentarz*, wyd. III, B. Dolnicki (ed.), Lex el.
- Niżnik-Dobosz I., 2022, Art. 1, [in:] *Ustawa o samorządzie gminnym*, P. Chmielnicki (ed.), Lex el.
- Stahl M., 2021, *Prawo administracyjne*, wyd. 14, Warszawa.
- Zimmermann J., 2018, *Prawo administracyjne*, Warszawa.
- www 1, <https://businessinsider.com.pl/wiadomosci/z-polski-ucieka-wiecej-ludzi-sa-nowe-dane-gus-o-emigracji/47y10mx> [date of access: 20.06.2025].
- www 2, <https://www.pomocprawna.org/aktualne-trendy-migracyjne-w-polsce-%E2%80%93-analiza-danych-za-2024-rok> [date of access: 20.06.2025].
- www 3, https://wydarzenia.interia.pl/kraj/news-zapytano-polakow-o-pakt-migracyjny-jedna-odpowiedz-dominuje%2CnId%2C7591015?utm_source=chatgpt.com [date of access: 20.06.2025].
- www 4, <https://kresy.pl/wydarzenia/polityczna-burza-w-libiazu-gmina-moze-stracic-miliony-przez-uchwale-antyimigracyjna> [date of access: 20.06.2025].
- www 5, <https://oswiecim.naszemiasto.pl/w-ketach-wielka-wojna-o-uchwale-antyimigracyjna-nadzwyczajna-sesja-przerwana-co-obecni-w-sali-mieszkancy-skwitowali-okrzykami-hanba/ar/c1p2-27602615> [date of access: 20.06.2025].