

Security of Residence and Expulsion

Protection of Aliens in Europe

Elsbeth Guild and Paul Minderhoud (Eds.)

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Moritz Jesse



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Security of Residence and Expulsion Elspeth Guild, Paul Minderhoud, 2021-12-28 Although all European states grant some form of secure residence status to foreign nationals substantial differences persist among them in the rights pertaining to that status the grounds for losing it and the degree of protection against expulsion This volume explores the law protecting aliens in Europe under four headings The legal framework provided at the European level by the European Convention on Human Rights especially Articles 3 and 8 its case law and various subsidiary instruments of the Council of Europe evolving European Union law based on the principle of freedom of movement agreements between the EU and non member states and the 1997 draft convention on migration policies and the implementation of this supra national law at the national level The effect in the Nordic region and the Common Travel Area of the abolition of border controls with special attention to the question of compensatory measures The issue of double jeopardy arising from the use of expulsion in conjunction with a criminal sentence as illustrated in French and German case law The legal balancing act required in many cases to protect the public interest without violating a person's legitimate right to a secure residence taking into consideration the potentially conflicting interests of the receiving state and the foreign national Security of Residence and Expulsion Protection of Aliens in Europe offers clear guidelines for policymakers on harmonising the principles underlying legislation in this area of critical and growing importance in European life It will be of great value to practitioners and academics concerned with the extension of existing rules governing security of residence and protection against expulsion for long term immigrants and their families

The Evolving Protection of Prisoners' Rights in Europe Gaëtan Cliquennois, 2022-12-30 The Evolving Protection of Prisoners Rights in Europe explores the development of the framing of penal and prison policies by the European Court of Human Rights ECHR clarifying the European expectations of national authorities and describing the various models existing in Europe with a view to analysing their mechanisms and highlighting those that seem the most suitable A new frame of penal and prison policies in Europe has been progressively established by the ECHR and the Council of Europe CoE to protect the rights of detainees in Europe European countries have reacted very diversely to these policies This book has several key benefits for readers A global and detailed overview of the ECHR jurisprudence on penal and prison policies through an analysis of its development over time An analysis of the interactions between the Strasbourg Court and the CoE bodies Committee of Ministers Committee for the Prevention of Torture and their reinforced framing of domestic penal and prison policies A detailed examination of the impacts of the European case law on penal and prison policies within ten nation states in Europe including Romania which is currently very underresearched A robust engagement with the diverse national reactions to this European case law as a policy strategy This book will be of great interest to scholars and students of Law Criminal Justice Criminology and Sociology It will also appeal to civil servants judges lawyers etc professionals and policymakers working for the CoE the European Union and the United Nations Ministries of Justice prison

departments and human rights institutions as well as activists working for INGOs and NGOs

The Long-Term Residence Status as a Subsidiary Form of EU Citizenship Diego Acosta Arcarazo, 2011-05-23 This book analyses the potential of the Long term Residence Directive to become a subsidiary form of EU citizenship which escapes direct control by Member States by looking at its implementation and at its possible interpretation by the Court of Justice

The Right of an Alien to be Protected against Arbitrary Expulsion in International Law Julia Wojnowska-Radzińska, 2015-03-20 In *The Right of an Alien to be Protected against Arbitrary Expulsion in International Law* Julia Wojnowska Radzińska offers a comprehensive legal study of international legal obligations of States for the protection of aliens lawfully residing against arbitrary expulsion It also provides practical information on administrative proceedings legal remedies and procedural rights aliens exercise The book aims at answering a fundamental question how to strike a balance between the inherent right of a State to expel an alien and the rights the latter is entitled to The reader will therefore be given a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting

EU Justice and Home Affairs Law Steve Peers, 2012-08-30 The third edition of *EU Justice and Home Affairs Law* is comprehensively updated and expanded to take account of the major changes introduced by the Treaty of Lisbon and the development of legislation and case law since the last edition It includes analysis of the widened jurisdiction of the EU's Court of Justice the revised rules on the participation of the UK Ireland and Denmark and relations with non EU countries in this field and of the impact of the new framework for human rights law in the EU including the binding status of the EU's Charter of Fundamental Rights and the EU accession to the ECHR In the area of immigration and asylum law this new edition scrutinizes a wide range of issues that include the development of the EU's border control agency the adoption of an EU visas code EU databases such as the Visa Information System and the second generation Schengen Information System the further development of the Common European Asylum System the EU's Returns Directive and the Blue Card Directive for the admission of highly skilled workers In the area of civil law this new edition contains an updated overview of recent legislation including EU rules on conflicts of law maintenance payment orders small claims and mediation As regards criminal law and policing the new edition includes detailed analysis of EU legislation and case law on issues such as suspects and victims rights the European Arrest Warrant the transfer of prisoners other post trial and pre trial decisions double jeopardy rules EU anti terrorist sanctions data protection and the development of Europol and Eurojust

Constructing the Person in EU Law Loïc Azoulay, Ségolène Barbou des Places, Etienne Pataut, 2016-07-28 The European Union places the individual or person at the heart of its activities It is a central concept in all of EU economics politics society and ethics The 15 chapters in this innovative edited collection argue that EU law has had a transformative effect on this concept The collection looks at the mechanisms used when constructing the person in EU law It goes beyond traditional literature on Europe and the Individual exploring the question of personhood through critical and contextual perspectives *Constructing the Person in EU Law* Rights Roles

Identities brings together contributions and debates from experts around Europe to this key question **EU Justice and Home Affairs Law: EU Justice and Home Affairs Law** Steve Peers, 2016-05-12 EU Criminal Law Policing and Civil Law examines in detail the EU legislation and case law on the issues of criminal law and procedure policing and security and civil cooperation in these areas discussing the impact and ongoing development of EU law in these complex and controversial fields The new edition particularly covers new EU legislation case law and operational developments since 2010 on fair trials legislation the Schengen Information System the European Arrest Warrant the European Investigation Order the rights of victims of crime and data protection The book includes comprehensive coverage of the institutional framework and related human rights aspects in addition to the connections with other areas of EU law It concludes with a summary of EU civil law rules and is updated to cover new legislation on civil jurisdiction insolvency small claims and cross border family issues Steve Peers seminal text on the justice and home affairs law of the European Union appears in its fourth edition and is now available in two separate volumes covering asylum and immigration law and criminal law policing and civil law and as a two volume set It provides a detailed examination of EU legislation and case law on the issues of immigration asylum visas border controls and police and criminal law cooperation discussing the impact and ongoing development of EU law This edition is the definitive guide to these intricate contentious and fast developing areas of EU law and will be invaluable to scholars practitioners and students in the field *The Margins of Discretion in Transnational Administrative Acts* Kathrin Hamenstädt, 2022-05-05 This book analyses the expulsion of delinquent foreigners and their exclusion from the territory through a comparative lens The book begins with a vertical perspective focusing on the effects of European standards on the law of expulsion and entry bans in Germany and the Netherlands and the law regulating deportation from the United Kingdom It explores how these countries use their margin of discretion granted by European law to solve the societal political and legal challenges that are posed by delinquent foreigners Moreover it highlights the similarities convergences and differences between these countries approaches to the topic Subsequently the book adopts a horizontal perspective by focusing on the effects of national decisions on other states thereby addressing transnational administrative acts National expulsion decisions and entry bans can be given effect throughout European countries with the consequence that other states are in principle obliged to enforce them by refusing foreigners access to their territory This obligation arises despite the fact that expulsion decisions and entry bans are adopted on the basis of diverging national provisions Even though the margin of discretion of national decision makers has already been limited the remaining differences call for further recommendations which are put forward in this book *Security of Residence of Long-term Migrants* C. A. Groenendijk, Elspeth Guild, Halil Dogan, Council of Europe, 1998-01-01 Includes separate chapters on the law affecting immigrants in 18 European countries *Citizenship, Crime and Community in the European Union* Stephen Coutts, 2019-09-19 Over the past 20 years the European Union has been increasingly active in the area of criminal law

Meanwhile the status of European Union citizenship has been progressively developed and strengthened Adopting an expressive and communitarian perspective of the criminal law this book considers EU criminal law in light of EU citizenship with a view to revealing the structure of the EU's political community as expressed in its criminal law It argues that while national communities remain dominant through transnational processes certain features of a supranational community can be said to emerge The book will be of interest to scholars of EU citizenship EU criminal law and EU law and integration more generally

European Societies, Migration, and the Law Moritz Jesse, 2021 Looks at immigration and asylum legislation and policies in Europe to investigate how immigrants are othered by them

A People's History of the European Court of Human Rights Michael Goldhaber, 2008-12-31 The exceptionality of America's Supreme Court has long been conventional wisdom But the United States Supreme Court is no longer the only one changing the landscape of public rights and values Over the past thirty years the European Court of Human Rights has developed an ambitious American style body of law Unheralded by the mass press this obscure tribunal in Strasbourg France has become in many ways the Supreme Court of Europe Michael Goldhaber introduces American audiences to the judicial arm of the Council of Europe a group distinct from the European Union and much larger whose mission is centered on interpreting the European Convention on Human Rights The Council routinely confronts nations over their most culturally sensitive hot button issues It has stared down France on the issue of Muslim immigration Ireland on abortion Greece on Greek Orthodoxy Turkey on Kurdish separatism Austria on Nazism and Britain on gay rights and corporal punishment And what is most extraordinary is that nations commonly comply In the battle for the world's conscience Goldhaber shows how the court in Strasbourg may be pulling ahead

Legal Migration to the European Union Anja Wiesbrock, 2010-08-16 This book provides a comprehensive analysis of EU legislation in the area of legal migration Five Directives on family reunification long term residence students researchers and highly qualified migrants are critically assessed Moreover the implementation of the Directives in three Member States Germany the Netherlands and Sweden and national legislation in two Member States with an opt out from EU migration law the UK and Netherlands are assessed This includes national rules on the integration of third country nationals and access to citizenship The book calls into question the compliance of several European and national provisions with EU principles of law and international human rights

Partnership Rights, Free Movement, and EU Law Helen Toner, 2004-12-31 This book considers the case for modernising partnership rights in EC family reunification law Existing Community law traditionally guarantees immigration rights only to spouses and yet there is a growing diversity of national laws on same sex marriage registered partnerships and recognition of cohabitation The Community institutions which have recently framed new legislation seem to view this as a question that can be settled by political agreement with little or no outside constraint The book challenges this assumption The book outlines recent developments in national legal systems and traces the development of the recent Community legislation Then drawing on basic ECHR principles the place of the ECHR in

Community law and on basic Community law principles of free movement and discrimination the book argues that the right of a migrant EU Citizen to family reunification for a cohabiting partner is presumptively protected and therefore justification for refusing to admit such partners must be provided It also considers the possible justifications for marriage partners only immigration policies and concludes that although possible such justifications are far from certain to succeed The discussion also tackles the question of whether judicial activism is appropriate or whether there should be judicial deference to the legislative process recently completed The book concludes with a wider discussion of the proper response of Community law to the increasing diversity of Member States family laws and policies beyond the field of immigration rights The book will be of value not only to immigration lawyers but also to those interested in partnership rights generally as well as to a wider audience of EU lawyers primarily academics but also graduate students and practitioners

Annual of German and European Law Russell A. Miller,Peer Zumbansen,2007-02 German law has been of long standing interest and increasing relevance around the world but access for researchers and practitioners very frequently was limited by the necessity of German language proficiency Offering English language access to these fields the Annual of German 2 jurisdictional reports comments on the latest caselaw from Germany s most significant courts and the case law of the European courts having importance for Germany 3 book reviews surveying the most compelling recent literature whether in the German or English language in the fields of German and European law and 4 translations exclusive English language versions of significant primary sources of German law including statutes and court opinions The first volumes of the Annual of German Juliet Lodge Volume I Alexander Somek Volume I Susanne Baer Volume I Renate Jaeger Volume II G nter Frankenberg Volume II Bootjan Zupan i Volume II Nigel Foster Volume II The third volume maintains this tradition of high quality peer reviewed scholarship with contributions expected from Gertrude L bbe Wolff Justice German Federal Constitutional Court and Christian Joerges European University Institute

When Deportation Fails Diego Ginés Martín,2025-09-09 Statistics show that deportation rates in the European Union remain strikingly low and are decreasing However successfully resisting deportation does not guarantee a residence permit often leaving migrants in legal limbo unable to return home yet unable to gain legal residence The existence of non removable migrants challenges long established migration categories and highlights the ambiguities of a framework that fails to meet its deportation aims while clinging to migration control impulses When Deportation Fails examines this legal category on the margins of the law exploring its normative and empirical foundations It analyzes the processes and legal frameworks that create non removability in the EU explaining why despite the normalization legalization and legitimization of deportation EU Member States struggle to deport as much as they aim to Furthermore the book reveals the legal implications of non removability and proposes solutions It argues that EU law stratifies the rights of non removable migrants into distinct sub categories and explores regularization as a desirable policy to end protracted irregularity and non removability Covering diverse issues in migration studies asylum and citizenship law and migration policy theory this

comprehensive study will appeal to academic scholars and those working on migration issues in EU organizations and the non governmental sector *Immigration and Asylum* Matthew J. Gibney, Randall Hansen, 2005-06-21 A comprehensive and timely examination of the history and current status of immigrants and refugees their stories the events that led to their movement and the place of these movements in contemporary history and politics *Immigration and Asylum From 1900 to the Present* is an accessible and up to date introduction to the key concepts terms personalities and real world issues associated with the surge of immigration from the beginning of the 20th century to the present It focuses on the United States but is also the first encyclopedic work on the subject that reflects a truly global perspective With contributions from the world s foremost authorities on the subject *Immigration and Asylum* offers nearly 200 entries organized around four themes immigration and asylum the major migrating groups around the world expulsions and other forced population movements and the politics of migration In addition to basic entries the work includes in depth essays on important trends events and current conditions There is no better resource for exploring just how profoundly the voluntary and forced movement of asylum seekers and refugees has transformed the world and what that transformation means to us today **The Law of the European Union and the European Communities** Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, 2018-09-28 The Law of the European Union is a complete reference work on all aspects of the law of the European Union including the institutional framework the Internal Market Economic and Monetary Union and external policy and action Completely revised and updated with many newly written chapters this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union EU Written by a new team of experts in their respective areas of European law its coverage incorporates and embraces many current controversial and emerging issues and provides detailed attention to historical development and legislative history of EU law Topics that are constantly debated in European legal analysis and practice are touched on in ways that are both fundamental and enlightening including the following powers and functions of the EU law institutions and relationship among them the principles of equality loyalty subsidiarity and proportionality free movement of persons goods services and capital mechanisms of constitutional change treaty revisions accession treaties withdrawal agreements budgetary principles and procedures State aid rules effect of Union law in national legal systems coexistence of EU European Convention of Human Rights ECHR and national fundamental rights law migration and asylum law liability of Member States for damage suffered by individuals competition law cartels abuse of dominant position merger control social policy equal pay and equal treatment environmental policy consumer protection public health cultural policy education and tourism nature of EU citizenship its acquisition and loss and law and policy of the EU s external relations The fifth edition embraces many new ongoing and emerging European legal issues As in the previous editions the presentation is notable for its attention to how the law relates to economic and political realities and how the various policy areas interact with each other and with the institutional

framework The many practitioners and scholars who have relied on the predecessors of this definitive work for years will welcome this extensively revised and updated edition Those coming to the field for the first time will instantly recognize that they are in the presence of a masterwork that can always be turned to with profit and that helps in understanding the rationale underlying any EU law provision or principle

In Search of the Perfect Citizen? Sergio Carrera, 2009-05-11 This book studies the normative intersection between integration immigration and nationality in the European Union EU It examines the relationship between integration and the legal frameworks of admission stay and access to nationality by third country nationals at national and European levels Integration is being subject to multifaceted processes transforming its traditional policy and legal settings as well as its classical theoretical premises and approaches The Europeanisation of immigration policy has provoked the emergence of distinctive European approaches on integration The legal elements of integration are being developed through two parallel settings the EU Framework on Integration and European immigration law These venues constitute two of the main pillars upon which the common EU immigration policy is being constructed and their nexus raises several elements in need of reflection and study This book examines the processes through which integration becomes a norm in nationality and immigration law and policy at the national and EU levels and the implications of these processes for the legal status of third country nationals and the overall coherency of the common EU immigration policy

Contested Citizenship Ruud Koopmans, 2005 From international press coverage of the French government's attempt to prevent Muslims from wearing headscarves to terrorist attacks in Madrid and the United States questions of cultural identity and pluralism are at the center of the world's most urgent events and debates Presenting an unprecedented wealth of empirical research garnered during ten years of a cross cultural project Contested Citizenship addresses these fundamental issues by comparing collective actions by migrants xenophobes and antiracists in Germany Britain France the Netherlands and Switzerland Revealing striking cross national differences in how immigration and diversity are contended by different national governments these authors find that how citizenship is constructed is the key variable defining the experience of Europe's immigrant populations Contested Citizenship provides nuanced policy recommendations and challenges the truism that multiculturalism is always good for immigrants Even in an age of European integration and globalization the state remains a critical actor in determining what points of view are sensible and realistic and legitimate in society Ruud Koopmans is professor of sociology at Free University Amsterdam Paul Statham is reader in political communications at the University of Leeds Marco Giugni is a researcher and teacher of political science at the University of Geneva Florence Passy is assistant professor of political science at the University of Lausanne Switzerland

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