

Security of Residence and Expulsion

Protection of Aliens in Europe

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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 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 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

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

EU Justice and Home Affairs Law Steve Peers, 2012-08-30 Steve Peers examines the institutions of justice and home affairs policy formulation and implementation within the EU The author discusses the ways in which these institutions have intervened in cases of crime corruption and immigration

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

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

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

EC Employment Law Catherine Barnard, 2006 EC Employment Law provides a thorough and authoritative guide to EC law on employment within a social and economic context Extensive coverage is given of complex equality caselaw and legislation and many issues not covered elsewhere are examined

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

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