

Security of Residence and Expulsion

Protection of Aliens in Europe

Elsbeth Guild and Paul Minderhoud (Eds.)

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SJ Ball



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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

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

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

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 Substantive Law of the EU Catherine Barnard, 2019 This textbook focuses on the law of the four freedoms of the EU and is ideal for undergraduate courses covering the substantive law of the EU Catherine Barnard outlines the core issues in an engaging and accessible manner and includes case studies to illustrate and develop points

Family Life and the Law Rebecca Probert, 2016-04-15 This book brings a modern critical approach to bear on the broad range of subjects that used to constitute family law A key consideration in this collection is the way in which law itself is premised upon constructing a particular image of the family By bringing different areas of law together Probert et al suggest it is possible to explore how differing ideas about the family inform different areas of law This approach allows *Family Life and the Law* to analyze the extent to which the law is consistent and or inconsistent in its concept and treatment of the family across and within disciplines The book is particularly timely in view of the passage of the Civil Partnership Act 2004 the implications of which reverberate throughout family law and allied disciplines and the current reconsideration of the position of cohabiting couples

EU Immigration and Asylum Law Steve Peers, Nicola Rogers, 2006-08-30 Since entry into force of the Treaty of Amsterdam on 1 May 1999 the EU has considered and in many cases adopted many proposals for legislation or measures implementing legislation in the area of immigration and asylum law These measures run the gamut from highly technical operational matters to broad measures covering basic aspects of immigration and asylum law Between them the proposed or

adopted measures cover virtually every possible issue in relation to immigration or asylum. This book contains the text of and commentary upon a large number of these measures proposed or adopted up until 1 January 2006 including all of the most important ones. It also includes the text of the key measures concerning asylum, legal migration and irregular migration. A full list of the measures with references to their legislative history is provided. The authors of each commentary are experts in the field of EU immigration and asylum law and the areas covered include visa and border controls, asylum, legal migration and integration and irregular migration.

Migration, Diasporas and Legal Systems in Europe Prakash Shah, Werner Menski, 2020-09-10. At a time when issues concerning migration and the formation of diasporic communities have come to be critical for all European legal systems, this volume reflects, discusses and analyzes the questions raised by diasporas who have established themselves in Europe over more than fifty years of immigration and the challenges faced by legal systems in the light of continued migration. Contributors from a broad range of backgrounds address prominent issues ranging from legal pluralism among minorities, pressures on EU accession states, irregular migration, state control of family reunification and formation in light of human rights laws, challenges for citizenship and nationality laws and the implementation of visa rules and juxtaposed control zones. Besides the EU as a supranational legal order, the book contains discussion of conditions in the United Kingdom, Ireland, France, Spain, Gibraltar, Morocco, Greece, Turkey and Lithuania. This volume accompanies *The Challenge of Asylum to Legal Systems* and is the second book to emerge from the W. G. Hart Legal Workshop held in 2004 at London's Institute for Advanced Legal Studies.

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.

The Legal Elements of European Identity Elspeth Guild, 2004-01-01. The individual has become visible throughout Europe and within its institutions as a potential or actual rights holder. He or she is no longer defined as visible or invisible in law by the nation state alone. In today's Europe, he or she establishes identity that is the rights to entry, residence, work, family life and protection from expulsion through a multilayered legal structure involving the nation state, the EU and the Council of Europe and all their political, administrative and judicial arenas. In this remarkable study, Elspeth Guild examines the ways in which law in Europe defines the status of the individual and his or her entitlements as regards identity. Among her enlightening approaches to this complex subject, the following may be listed: the right to move across borders, the limitations of citizenship of the Union, as currently construed, social benefits of citizenship, residence, immigration, family

reunification human rights of foreigners asylum expulsion and readmission racial discrimination and long resident third country nationals The analysis includes extensive reference to relevant cases especially European Court of Justice and European Court of Human Rights decisions This is a work of great value and insight As more and more legislation is adopted in the area of European citizenship courts will increasingly be called upon to articulate the relationship of individuals to the territory and society in which they find themselves And as this inevitable development is defined all jurists and legal academics who care for civil society in Europe will discover this deeply considered book afresh

In Search of Europe's Borders Kees Groenendijk, Elspeth Guild, Paul Minderhoud, 2021-12-28 Borders define territories within which identities and order are described and delineated The triptych of identities borders and orders is central to understanding the nature of sovereignty and the relations between countries Nowhere is this more apparent than in the European Union The changing definition and placement of the border is one of the most striking features of the recent transformations of the Union The definition of what a border is and where it is for persons has moved out of the territory of national sovereignty and has become the preserve in law of the European Community The enlargement of the European Union towards the countries of Central and Eastern Europe has created new challenges for the concept of borders in the EU This volume examines the extent of the Community power and the legal meaning of the EU's borders as well as the ways to control or not the movement of persons across borders It considers the legal texts EC law on visas the Regulations on visas the meaning of borders for persons in Community Law the Schengen acquis and its incorporation into the EC Treaty and where appropriate the TEU national practice and its transformation with the insertion of the private sector's responsibility for the control of borders and judicial control The point of departure is the perspective of the individual who is seeking to cross these borders

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

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

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

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

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