

Immigration and Asylum Law and Policy in Europe

Edited by Jan Niessen and Elspeth Guild



The series is a venue for books on European immigration and asylum law and policies where academics, policy makers, law practitioners and others look to find detailed analysis of this dynamic field. Works in the series will start from a European perspective. The increased co-operation within the European Union and the Council of Europe on matters related to immigration and asylum requires the publication of theoretical and empirical research. The series will contribute to well-informed policy debates by analyzing and interpreting the evolving European legislation and its effects on national law and policies. The series brings together the various stakeholders in these policy debates: the legal profession, researchers, employers, trade unions, human rights and other civil society organizations.

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Legal Migration to the European Union

Anja Wiesbrock

- August 2010
- ISBN 978 90 04 18407 7
- *Hardback* (650 pp.)
- List price EUR 175,- / US\$ 249,-
- Immigration and Asylum Law and Policy in Europe, 22

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.

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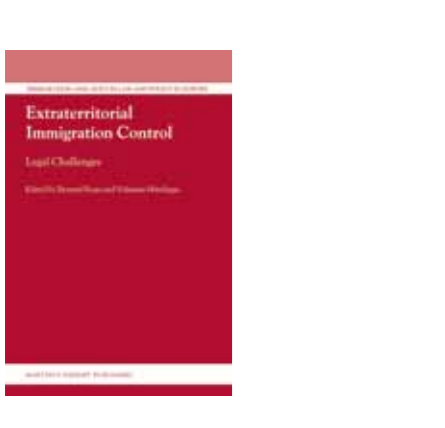


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Extraterritorial Immigration Control Legal Challenges

Edited by Bernard Ryan and Valsamis Mitsilegas



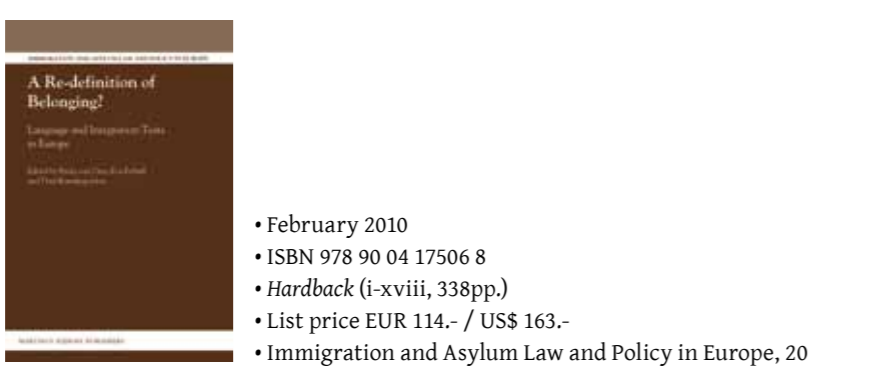
- April 2010
- ISBN 978 90 04 17233 3
- Hardback* (x, 446 pp.)
- List price EUR 125.- / US\$ 178.-
- Immigration and Asylum Law and Policy in Europe, 21

A central element of contemporary border regimes is their application to migrants before they reach a state’s territory. The main forms of this extraterritorial immigration control are visa requirements, pre-embarkation immigration controls and the interception of irregular migrants at sea. This work analyses the complex relationship of the law to these practices, as legal guarantees are potentially avoided, while the legality of control is often uncertain. It examines the international law framework, including the law of the sea and the extraterritorial application of principles of *non-refoulement* contained in the Refugee Convention and in international human rights law. The work also includes detailed case-studies of the legal challenges posed by extraterritorial immigration controls in Europe, Australia and the United States.

A Re-definition of Belonging?

Language and Integration Tests in Europe

Edited by Ricky van Oers, Eva Ersbøll and Dora Kostakopoulou

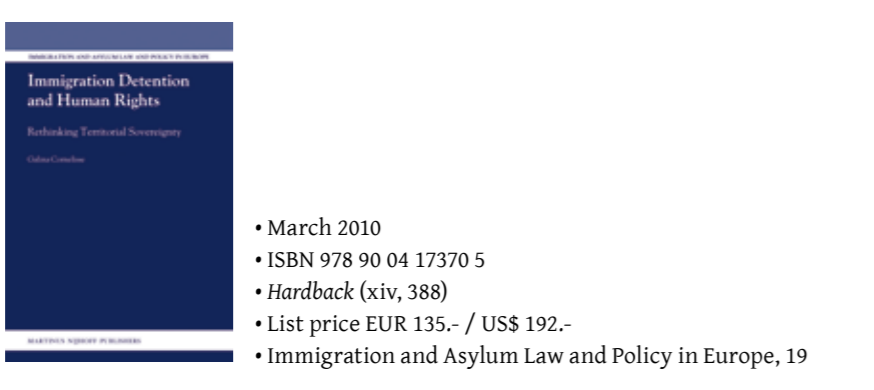


- February 2010
 - ISBN 978 90 04 17506 8
 - Hardback* (i-xviii, 338pp.)
 - List price EUR 114.- / US\$ 163.-
 - Immigration and Asylum Law and Policy in Europe, 20
- Language and integration tests as a condition for naturalisation and various types of legal residence permits are topical issues in several European Member States. The introduction of the tests reflects a change in ideas on the relationship between legal status and integration. Since the introduction of the tests is a rather recent development, little is known of the effects of the formalised testing schemes. Whether the tests have in fact contributed to the integration of immigrants in the host society or whether they function as a mechanism for selection and exclusion is unknown. In this book, experts from Austria, Belgium, Denmark, France, Germany, Hungary, Latvia, the Netherlands and the United Kingdom analyse the policies concerning the integration of newcomers and/or future citizens in their countries.

Immigration Detention and Human Rights

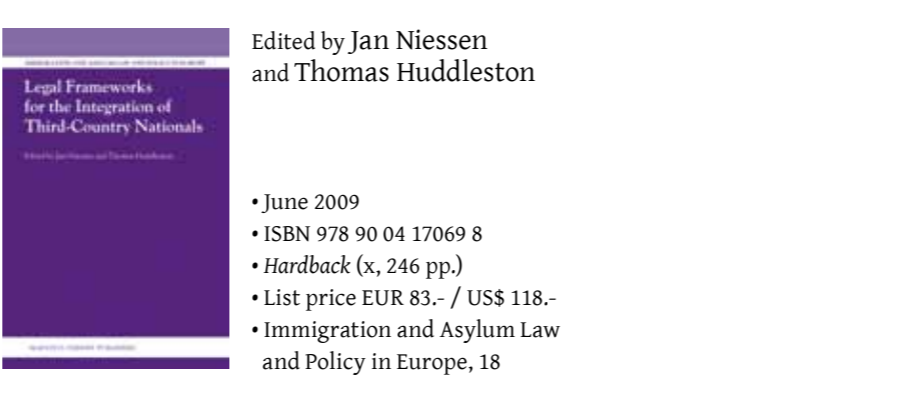
Rethinking Territorial Sovereignty

Galina Cornelisse



- March 2010
 - ISBN 978 90 04 17370 5
 - Hardback* (xiv, 388)
 - List price EUR 135.- / US\$ 192.-
 - Immigration and Asylum Law and Policy in Europe, 19
- Practices of immigration detention are largely resistant to conventional forms of legal correction because contemporary liberal democracies justify these practices with an appeal to their territorial sovereignty, a concept that thwarts the very communicability of individual interests in modern constitutionalism. However, this book argues that human rights in the specific context of immigration detention can function as “destabilisation rights”, subjecting to full legal scrutiny those claims that the national state presents as predominantly based on its territorial sovereignty. The resulting destabilisation of territorial sovereignty in both domestic and international constitutionalism will have ramifications for a number of instruments of migration control, the perceived necessity and legitimacy of which is almost exclusively based on the self-referential notion of territorial sovereignty.

Legal Frameworks for the Integration of Third-Country Nationals



- June 2009
 - ISBN 978 90 04 17069 8
 - Hardback* (x, 246 pp.)
 - List price EUR 83.- / US\$ 118.-
 - Immigration and Asylum Law and Policy in Europe, 18
- The Migrant Integration Policy Index (MIPEX) is a unique comparative study on indicators of the legal integration of third-country nationals. Though comparing countries on the basis of various indicator types is common in the private sector and increasingly used in policy areas like development, good governance and equality, the exercise remains relatively new in justice and home affairs. The book lays out the instruments used to construct the MIPEX and then situates the study within current debates on integration indicators and policy evaluation. Each chapter considers what the study’s key findings add to our understanding of the state of integration policy development across Europe and of recent legal and policy trends on anti-discrimination, naturalisation, labour market access, and political participation.

In Search of the Perfect Citizen?

The Intersection between Integration,

Immigration and Nationality in the EU



- May 2009
 - ISBN 978 90 04 17509 9
 - Hardback* (xvi, 532 pp.)
 - List price EUR 130.- / US\$ 185.-
 - Immigration and Asylum Law and Policy in Europe, 17
- 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.

European Readmission Policy

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