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Newsletter

Recently Published

Newsletter



### CMR 20 years

[Conference 4 March 2016 in Nijmegen](#)

The Centre for Migration Law will celebrate its 20th anniversary with a conference in Nijmegen on March 4th 2016.

Keynote speaker will be **François Crépeau** who is the United Nations Special Rapporteur on the Human Rights of Migrants and a professor in Public International Law at the Faculty of Law of McGill University, Canada.



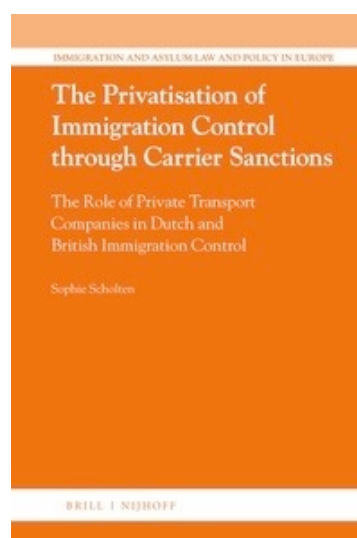
### Jean Monnet Centre of Excellence

As of 1 September 2015 the Centre for Migration Law has been selected as:

#### a Jean Monnet Centre of Excellence.

A Jean Monnet Centre of Excellence is a focal point of competence and knowledge on European Union subjects. Centres of Excellence have a project duration of three years. A Jean Monnet Centre of Excellence gathers the expertise and competences of high-level experts (including Jean Monnet Chairs and/or Jean Monnet Module coordinators) and aims at developing synergies between the various disciplines and resources in European studies, as well as at creating joint transnational activities and structural links with academic institutions in other countries. It also ensures openness to civil society.

One of the activities undertaken in this context will be providing an update of the implementation of Directive 2004/38 on Free Movement of Persons in the 28 Member States.



### Sophie Scholten

#### *The Privatisation of Immigration Control through Carrier Sanctions*

The role of Private Transport Companies in Dutch and British Immigration Control  
Leiden/Boston: Brill / Nijhoff

The central theoretical question of *The Privatisation of Immigration Control through Carrier Sanctions* concerns the social working of legal rules. Sophie Scholten examines how states, private companies (carriers) and people (passengers) have become interconnected through carrier sanctions legislation.

Scholten describes the legal framework in the Netherlands and the UK and international and European legislative rules developed on the subject. The author ties in with debates on privatisation of control in general and of immigration control in particular. As such the author provides a much needed new look at a field which as not attracted detailed academic attention. Scholten opens up fascinating questions about the relationship of the public and private sectors in the complex and politically sensitive area of immigration.



**Karin Zwaan & Hemme Battjes (red.)**  
***Rechtspraak Vreemdelingenrecht 2014***

Ars Aequi Libri

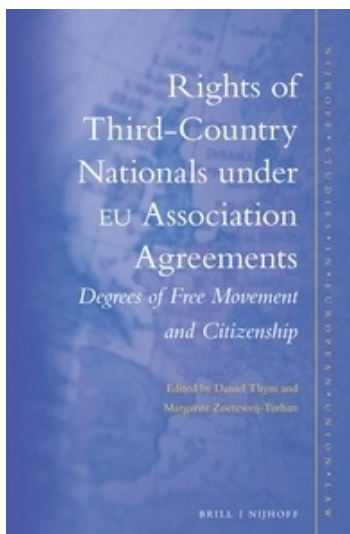
De 100 meest belangwekkende uitspraken uit 2014 op het terrein van het vreemdelingenrecht zijn gebundeld in de nieuwste uitgave.



**Karin Zwaan, Lieneke Slingenberg & Stefan Kok (red.)**  
***Studenten editie Rechtspraak Vreemdelingenrecht 1950/2015***

Ars Aequi Libri

De belangrijkste uitspraken (Engels- en Nederlandstalig) op het gebied van vreemdelingenrecht van 1950 t/m 2015 speciaal geselecteerd en geannoteerd voor gebruik in het onderwijs.



**Daniel Thym & Margarite Helena Zoetewij-Turhan (eds)**  
***Rights of Third-Country Nationals under EU Association Agreements***

Degrees of Free Movement and Citizenship  
 Brill | Nijhoff

This book highlights the significance of the rules on the free movement of persons in the association agreements between the European Union and neighbouring states, in particular Turkey. It identifies overarching themes and demonstrates the pertinence of the law and the roles of judges in enforcing and developing further the rights of individuals in association agreements across borders.

The various chapters in this volume extrapolate horizontal questions of legal interpretation, constitutional formation and substantive approximation, which underlie the diverse rules in different association agreements with neighbouring countries; they support the overall conclusion that there are degrees of free movement and citizens' rights defining the status of associated countries between membership and partnership.

It contains a contribution by Kees Groenendijk on the Court of Justice of the EU and the development of EEC-Turkey Association Law, and by Paul Minderhoud on the significance and developments of Decision No 3/80 of the EEC-Turkey Association Council.

NIJMEGEN MIGRATION LAW WORKING PAPERS  
 SERIES



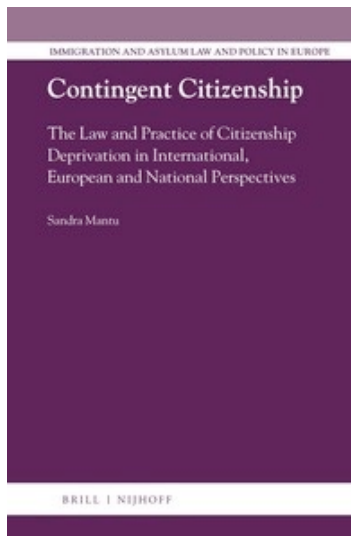
## Sandra Mantu & Paul Minderhoud

### ***Solidarity (still) in the making or a bridge too far?***

Nijmegen Migration Law Working Paper 2015

Nijmegen CMR

This Working Paper seeks to understand the relationship between law and politics in the field of Free Movement and EU citizenship and, to what extent the case law on social rights reflects the politics of the past years. It concludes that despite the lack of clear evidence that politics influences CJEU case law, a shift is noticeable in the Court's jurisprudence on issues of EU citizenship and social rights that raises questions about the scope of EU citizenship.



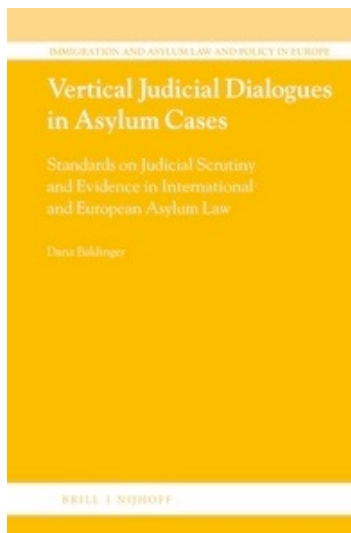
## Sandra Mantu

### ***Contingent Citizenship***

The law and practice of citizenship deprivation in international, European and national perspectives

Brill | Nijhoff

This book examines the changing rules of citizenship deprivation in the UK, France and Germany from the perspective of international and European legal standards. In practice, two grounds upon which loss of citizenship takes place stand out: fraud in the context of fraudulent acquisition of nationality and terrorism in the context of national security. Newly naturalised citizens and citizens of immigrant origin are mainly targeted by these measures. The resurrection of the importance attached to loyalty as the citizen's main duty towards his/her state shows that the rules on loss of citizenship are capable of expressing ideals of membership and identity, while the citizenship status of certain citizens remains contingent upon meeting these ideals.



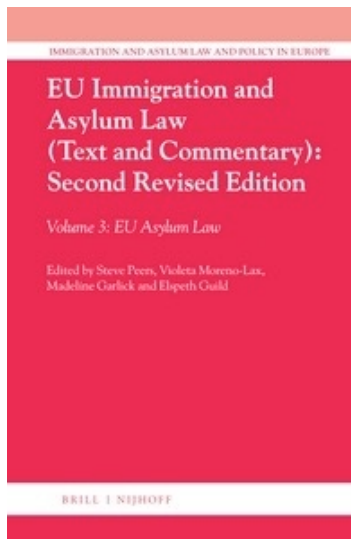
## Dana Baldinger

### ***Vertical Judicial Dialogues in Asylum Cases***

Standards on Judicial Scrutiny and Evidence in International and European Asylum Law

Brill | Nijhoff

What do international and EU law require from the national asylum judge with regard to the intensity of judicial scrutiny to be applied and evidentiary issues? To answer that question, an analysis is made of the provisions on national judicial proceedings contained in the Refugee Convention (RC), the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Torture (CAT), the European Convention on Human Rights (ECHR), and the EU Charter of Fundamental Rights. In addition, the assessment as performed by the UN Human Rights Committee, the UN Committee against Torture and the European Court of Human Rights in cases concerning the expulsion of asylum seekers is analysed.



## Steve Peers, Violeta Morena-Lax, Madeline Garlick & Elspeth Guild

### ***EU Immigration and Asylum Law, (Text and Commentary): Second Revised Edition***

Vol 3 (Asylum)

Brill | Nijhoff

Since 1999, the EU has adopted legislation harmonizing many areas of immigration law, in particular rules on borders, visas, legal migration, and irregular migration. The much-enlarged and fully updated second edition of this book contains the text of and detailed commentary upon every significant measure in this field proposed or adopted up until 1 September 2011. It includes commentary on the EU visa code, the Schengen Borders Code, the Frontex Regulation, the Returns Directive, the Directives on family reunion, long-term residents and single permits for migrant workers, and many more besides.

This is the essential guide for any lawyers, academics, civil servants, NGOs and students interested in this area of law.



## Ashley Terlouw & Marija Davidovic (red.)

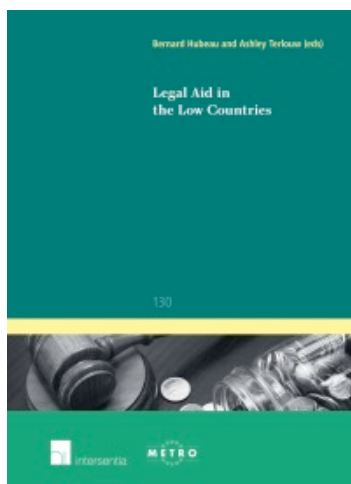
### ***Diversiteit en Discriminatie***

Onderzoek naar processen van in- en uitsluiting  
 Amsterdam University Press

Ze zijn voortdurend in het nieuws, de termen discriminatie en diversiteit, maar niet iedereen bedoelt er hetzelfde mee. Zijn het twee zijden van dezelfde munt? Is diversiteit altijd wenselijk, is discriminatie altijd verwerpelijk? Wetenschappers uit verschillende vakgebieden bespreken de diversiteit die zij tegenkomen en hoe mensen daar wel of niet anders door behandeld worden.

In de genetica heeft discriminatie vooral een neutrale klank en betekent het niets anders dan onderscheid maken in de grote variatie (diversiteit) van levensvormen. Maar wat heeft het voor gevolgen dat we steeds meer weten over variaties in het menselijk DNA?

In het recht wordt discriminatie direct geassocieerd met uitsluiting van mensen op grond van hun identiteit. Een ander vraagstuk is of diversiteit in organisaties iets is dat juridisch kan en moet worden afgedwongen. In de taalwetenschap spelen heel andere vragen met betrekking tot diversiteit en discriminatie. Spreektaal is heel divers: is dat bezwaarlijk? En leidt het tot discriminatie als we eisen dat alle mensen 'netjes' ABN leren spreken?



## Ashley Terlouw & Bernard Hubaux (eds)

### ***Legal Aid in the Low Countries***

Intersentia

Access to justice is a fundamental democratic right for all citizens. In order to exercise this right people need lawyers or other legal professionals to translate their everyday problems and conflicts to the distant legal world and to translate legal language into the ordinary language of the average (potential) litigant. In both countries the legal aid system is under pressure partly due to the economic crisis, partly because of the increasing demand for and use of legal aid. We live in times of austerity and the legal aid system is considered to be too expensive. In both Belgium and the Netherlands we see cutbacks and proposals to reform the legal aid system.

Legal Aid in the Low Countries deals with the system of legal aid in Belgium and the Netherlands. Central questions in the book are whether the conditions for a sound legal aid system are met, especially in the fields of law that mainly concern the 'have nots'; the main ethical considerations that legal aid providers have to take into account; and the alternatives for legal aid and complementary solutions to enhance access to justice.

The approaches to legal aid are very varied: the socio-legal approach, the policy approach, the critical approach, the legal approach, etc. Legal Aid in the Low Countries is unique in how it brings these disciplines together. It broadens the debate on legal aid and sheds light on these questions from the perspectives of all these disciplines.



**Carolus Grütters (red.)**  
**Boom Basics Migratierecht**

3e geheel herziene druk  
 Boom

Het deel Migratierecht geeft op hoofdlijnen summier een overzicht van alle geldende regelgeving op het gebied van het migratierecht met hoofdstukken over: Toegang en toelating; verblijfsvergunning regulier; verblijfsvergunning asiel; vreemdelingentoezicht en terugkeer; rechtsmiddelen; de koppelingwet; wet arbeid vreemdelingen, en inburgering. Het onderwerp naturalisatie wordt niet behandeld.



**Arno Overmars**

**Codes en convenanten: (zelf)regulering van studentemigratie naar Europa**

Dissertatie Radboud Universiteit Nijmegen  
 Kluwer

Dit boek gaat over twee instrumenten van zelfregulering bij de werking van de Studentenrichtlijn in vijf Europese lidstaten. Allereerst het convenant ter versnelling van de procedure voor de verlening van verblijfsvergunningen voor internationale studenten. Daarnaast de gedragscode betreffende de kwaliteitseisen voor de toelating van internationale studenten, de ontvangende onderwijsinstelling en het aangeboden hoger onderwijs. De resultaten zijn vergeleken met twee lidstaten die alleen overheidsregulering kennen. De Europese Studentenrichtlijn reguleert en stimuleert de migratie van internationale studenten naar en binnen Europa. Ook het beleid van de nationale overheden is gericht op het positioneren van het eigen land als zeer aantrekkelijke studiebestemming. Daarbij leiden de wens om de meest prestigieuze instelling in de verschillende ranglijsten te zijn en de forse bedragen die aan collegegelden moeten worden betaald, tot concurrentie.