

Jean Monnet Centre of Excellence

Newsletter 2017/1 - Sept.

In this Newsletter you can find:

- * an overview of recently published books
- * short descriptions of research projects
- * upcoming events and
- * prizes and nominations.

**ERC Grant**

Betty de Hart received an ERC Consolidator Grant for her research:
Regulation of 'mixture': interracial sex, relationships and marriage.
The project will start in 2017 and be performed in Amsterdam.

**VENI Grant**

Iris Sportel received a VENI Grant for her research:
Religion, culture, and ethnicity in court procedures on children from minority families.
The project will start in 2017 and be performed in Nijmegen.

**Cum Laude Doctorate**

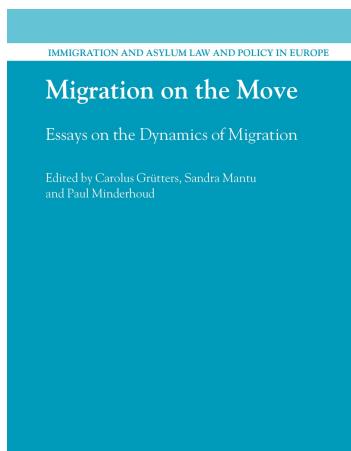
19 September 2016

Madeline Garlick defended her dissertation 'Solidarity under Strain' in public on 19 September 2016.
Her thesis demonstrated excellent academic quality and she was awarded a doctorate from Radboud University with the distinction 'cum laude'.

**Hanneke Steenbergen Prize**

Amélie Poméon won with her master thesis the Hanneke Steenbergen Prize, which is yearly awarded to the best master thesis in the area of migration law. Her thesis is about FRONTEX and has been published by Wolf Legal Publishers.

Recently Published books



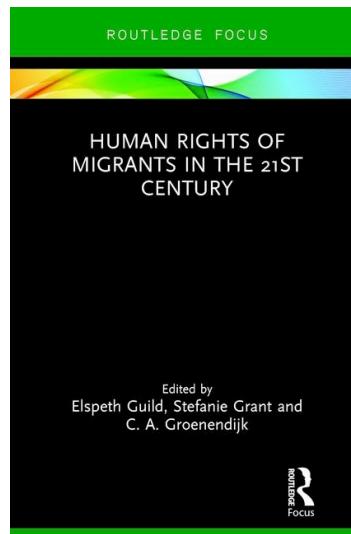
Carolus Grütters, Sandra Mantu & Paul Minderhoud (eds.)

Migration on the Move

Essays on the Dynamics of Migration

Brill | Nijhoff 2017

Migration on the Move examines the dynamics of migration and asylum law over the past two decades and highlights profound changes that have taken place in these fields as a result of growing EU competences to deal with migration and asylum questions. The book maps the transformation of the migration field by focusing on three interrelated issues: the effects of Europeanization and the shifting power relations that it implies; placing Europe's laws and policies in a global migration context, and critically examining to whom 'project' Europe belongs. The contributors offer a multidisciplinary analysis of key aspects of the migration and refugee crisis and their implications for policies, principles of law, and the treatment of people in Europe today.

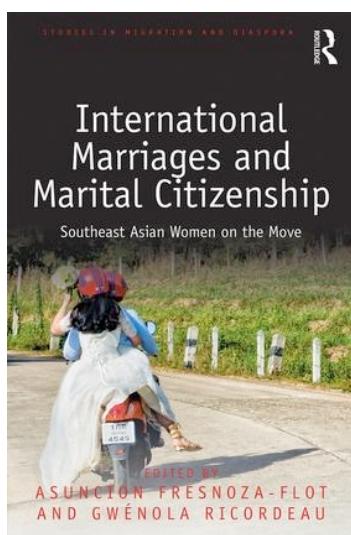


Elspeth Guild, Stephanie Grant & Kees Groenendijk (eds.)

Human Rights of Migrants in the 21st Century

Routledge 2017

This book offers an accessible examination of the human rights of migrants in the context of the UN's negotiations in 2018. This volume has two main contributions. Firstly, it is designed to inform the negotiations on the UN's Global Compact for Safe, Orderly and Regular Migration announced by the New York Declaration of the UN General Assembly on 19 September 2016. Second, it intends to assist officials, lawyers and academics to ensure that the human rights of migrants are fully respected by state authorities and international organisations and safeguarded by national and supranational courts across the globe. The overall objective of this book is to clarify problem areas which migrants encounter as non-citizens of the state where they are and how international human rights obligations of those states provide solutions. It defines the existing international human rights of migrants and provides the source of States' obligations. In order to provide a clear and useful guide to the existing human rights of migrants, the volume examines these rights from the perspective of the migrant: what situations do people encounter as their status changes from citizen (in their own country) to migrant (in a foreign state), and how do human rights provide legal entitlements regarding their treatment by a foreign state?



Asuncion Fresnoza-Flot & Gwenola Ricordeau

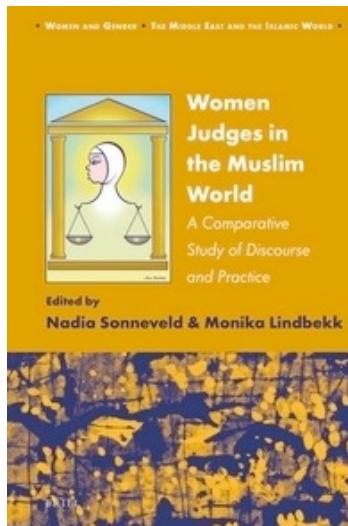
International Marriages and Marital Citizenship

Southeast Asian Women on the Move

Routledge 2017

While marriage has lost its popularity in many developed countries and is no longer an obligatory path to family formation, it has gained momentum among binational couples as states reinforce their control over human migration. Focusing on the case of Southeast Asian women who have been epitomized on the global marriage market as 'ideal' brides and wives, this volume examines these women's experiences of international marriage, migration, and states' governmentality.

Drawing from ethnographic research and policy analyses, this book sheds light on the way many countries in Southeast Asia and beyond have redefined marriage and national belonging through their regime of 'marital citizenship' (that is, a legal status granted by a state to a migrant by virtue of his/her marriage to one of its citizens). These regimes influence the familial and social incorporation of Southeast Asian migrant women, notably their access to socio-political and civic rights in their receiving countries. The case studies analysed in this volume highlight these women's subjectivity and agency as they embrace, resist, and navigate the intricate legal and socio-cultural frameworks of citizenship.



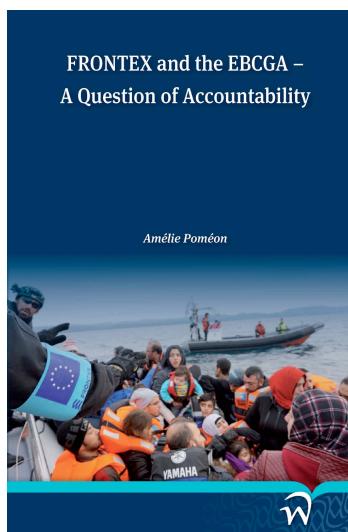
Nadia Sonneveld (ed.)

Women Judges in the Muslim World

A Comparative Study of Discourse and Practice

Brill | Nijhoff 2017

Women Judges in the Muslim World: A Comparative Study of Discourse and Practice fills a gap in academic scholarship by examining public debates and judicial practices surrounding the performance of women as judges in eight Muslim-majority countries (Indonesia, Malaysia, Pakistan, Syria, Egypt, Libya, Tunisia and Morocco). Gender, class, and ethnic biases are inscribed in laws, particularly in the domain of shari'a-derived family law. Editors Nadia Sonneveld and Monika Lindbekk have carefully woven together the extensive fieldwork and expertise of each author. The result is a rich tapestry that brings out the various effects of women judges in the management of justice. In contrast to early scholarship, they convincingly prove that 'the woman judge' does not exist.



Amélie Poméon

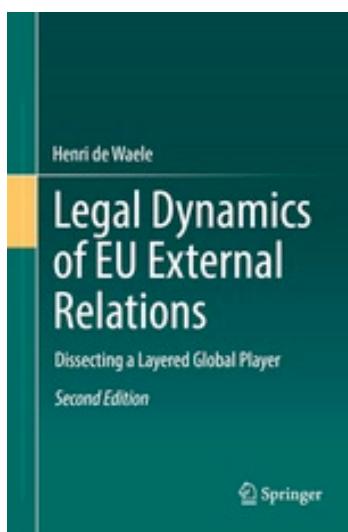
FRONTEX and the EBCGA

A Question of Accountability

Wolf Legal Publishers 2017

With this book, Amélie Poméon won the Hanneke Steenbergen Scriptie Prijs 2016 (prize for the best master thesis in the field of migration law in the Netherlands for the year 2015/2016). Hanneke Steenbergen taught migration law at the University of Leiden and was highly dedicated to the promotion of migration law education. After her death, a commemorative foundation was established, the primary purpose of which is to award a yearly prize stimulating research and interest in migration law issues. This book discusses the question to what extent Frontex (and, to a more limited degree, its successor, the European Border and Coast Guard Agency) can be held accountable for breaches of EU law acting both inside and outside EU territory.

The issues covered include a detailed discussion of Frontex' tasks and competences, the legal position and status of EU agencies, agency accountability and the distinction between the notions of accountability and responsibility as well as the extraterritorial applicability of EU law. It also addresses the question whether an individual complaint mechanism can and should be introduced within the Agency's setup.



Henri de Waele

Legal Dynamics of EU External Relations

Dissecting a Layered Global Player

Springer 2017

This book offers a concise yet comprehensive review of the principles of EU external relations law. By carefully examining the role of the Union on the global scene, it provides a systematic overview of the relevant rules and competences, reflecting on the legal developments in their political and societal context. In addition to up-to-date analyses of, inter alia, the Common Foreign and Security Policy, the Common Security and Defence Policy and the Common Commercial Policy, it highlights the EU's external powers with regard to the environment, fundamental rights and development cooperation. Moreover, it includes dedicated chapters exploring the relations with neighbouring countries, and explaining the complex interplay between rules of domestic, European and international provenance. This second edition has been geared even more specifically towards students, for example through the inclusion of chapter overviews, clarifying boxes, and supplementary examples, while a meticulous review of the narrative has further enhanced its accessibility. As before, the book's compact dimensions, transparent structure and engaging style of writing enable readers to master the main features of this gripping field of law with ease. It thus remains an invaluable resource for students and lecturers alike.

IMMIGRATION AND ASYLUM LAW AND POLICY IN EUROPE

What Happened to Equality?

The Construction of the Right to Equal Treatment of Third-Country Nationals in European Union Law on Labour Migration

Bjarney Friðriksdóttir

BRILL | NIJHOFF

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What Happened to Equality?

The Construction of the Right to Equal Treatment of Third-Country Nationals in European Union Law on Labour Migration

Brill | Nijhoff 2017

In *What Happened to Equality? The Construction of the Right to Equal Treatment of Third-Country Nationals in European Union Law on Labour Migration*, Friðriksdóttir examines five European Union Directives on labour migration that were adopted based on a sectoral approach to labour migration management. An account of the negotiations between the Commission, the Council and the Parliament on the five Directives reveals how access to territory and the labour market, the right to equal treatment and the right to family reunification were constructed for the different groups of labour migrants and how differentiation between groups of migrants, and discrimination against migrants compared with nationals which contravenes international and European human rights frameworks and international labour law, is institutionalized.

IMMIGRATION AND ASYLUM LAW AND POLICY IN EUROPE

Service Provision and Migration

EU and WTO Service Trade Liberalization and Their Impact on Dutch and UK Immigration Rules

Simon Tans

BRILL | NIJHOFF

Simon Tans

Service Provision and Migration

EU and WTO Service Trade Liberalization and Their Impact on Dutch and UK Immigration Rules

Brill | Nijhoff 2017

This book investigates how liberalization of service provision related to movement of natural persons takes shape within EU and WTO law. It provides an overview and analysis of the implementation of the identified obligations derived from EU law and the GATS in the Dutch legal order and that of the United Kingdom. A thorough investigation of the chosen strategies in each legal order is provided, including a comparison of the differences and similarities between these strategies. The resulting overview leads to insight into the tension that exists between the international obligations related to service mobility of the two investigated states on the one hand, and their migration law and access to the labour market legislation on the other.

Elspeth Guild

BREXIT AND ITS CONSEQUENCES FOR UK AND EU CITIZENSHIP OR MONSTROUS CITIZENSHIP

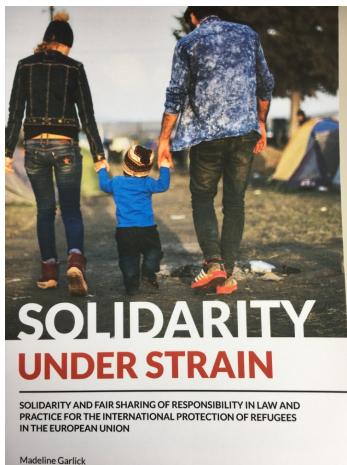
Elspeth Guild

BREXIT and its Consequences for UK and EU Citizenship or Monstrous Citizenship

Brill | Nijhoff 2017

This book examines the result of the 23 June 2016 UK referendum on leaving the EU where 51.9% of the eligible voters who voted chose to leave. Politicians and media have stressed not only that leave means leave, but also that much of the British voting public was motivated to vote leave by issues of immigration and border control. Guild investigates how the issue of EU citizenship became transformed into a discussion about immigration through four themes: the negotiations between the UK and the EU before the referendum; the nature of and difference between British and EU citizenship; the issue of third country national family members and the fears incited by the referendum in light of the rejection of expertise.

BRILL | NIJHOFF

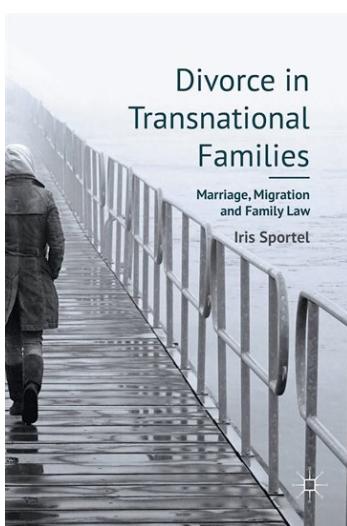


Madeleine Garlick

Solidarity Under Strain

Solidarity and Fair Sharing of the Responsibility for the International Protection of Refugees in the European Union (diss. cum laude Nijmegen University)
by the author 2016

This book examines the meaning, scope and implications of the legal principle of solidarity and fair sharing of responsibility among Member States for refugees in the EU under international and European law. It focuses in particular on the legal character, consequences and interpretation of Article 80 of the Treaty on the Functioning of the European Union, expressing the obligation to respect solidarity and fair sharing of responsibility for asylum at the highest level of EU law. It traces the evolution of the EU's asylum legislation since the decision to create the CEAS in 1999. This includes the Dublin Regulation, seen as one of the most problematic of the EU asylum laws, which operates in several respects contrary to the principle of solidarity. Legislation is analyzed closely alongside the practice of States, and their increasing engagement in practical cooperation, including through the European Asylum Support Office. In addition to the acts and initiatives of the European Council and Parliament, the text considers key jurisprudential developments in European and national courts and their impact on State practice and implementation of EU asylum law. It also considers the EU's engagement with other countries in relation to asylum and protection, including key partner states at various points in recent history, including Turkey and Libya.

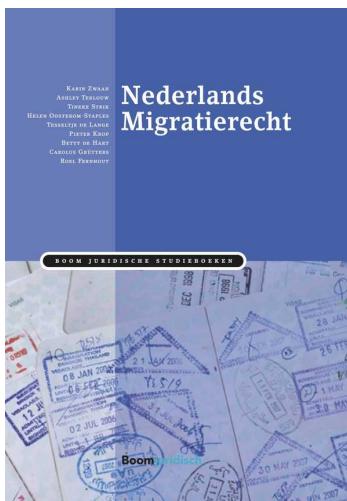


Iris Sportel

Divorce in Transnational Families

Marriage, Migration and Family Law
2016

This book uniquely focuses on the role of family law in transnational marriages. The author demonstrates how family law is of critical importance in understanding transnational family life. Based on extensive field research in Morocco, Egypt and the Netherlands, the book examines how, during marriage and divorce, transnational families deal with the interactions of two different legal systems. Sportel studies the interactions of European and Islamic family law, addressing its interconnections with migration and everyday life, within the context of highly politicised debates on gender, Islam, migration and the family.



Karin Zwaan, Ashley Terlouw, Tineke Strik & Helen Oosterom- (red.) Staples, Pieter Krop, Tesseltje de Lange, Betty de Hart, Carolus

Nederlands Migratierecht

2016

This textbook - in Dutch - presents the Dutch rules for aliens concerning access to, admittance to and stay in and departure from The Netherlands.

The recast Reception
Conditions Directive:
Central Themes,
Problem Issues,
and Implementation
in Selected Member States

Paul Minderhoud & Karin Zwaan (eds.)

Paul Minderhoud & Karin Zwaan (eds.)

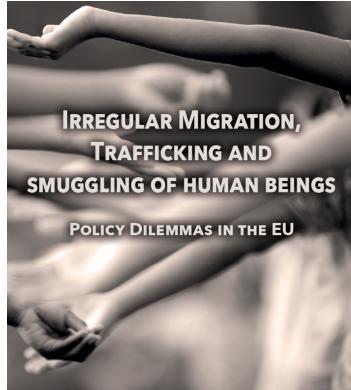
The Recast Reception Conditions Directive

Central Themes, Problem Issues, and Implementation in Selected Member States
Wolf Legal Publishers 2016

On 20 July 2015 the deadline expired for the transposition of the recast Reception Conditions Directive (Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJEU 2013 L180/96).

The presentations on which this book is based, were originally given during a seminar on the Recast Reception Conditions Directive.

In light of the very substantial level of interest, we publish a book on the results of this seminar in order to enable those who were not able to attend to benefit from the wealth of knowledge and information which was shared. The book is divided in two sections. The first section deals with the central themes and the problem issues of the recast Reception Conditions Directive. The second part of the book focuses on the implementation of the recast Reception Conditions Directive in a selected number of Member States.



Elspeth Guild & Sergio Carrera (eds.)

Irregular Migration, Trafficking and Smuggling of Human Beings

Policy Dilemmas in the EU

CEPS 2016

The expert contributors to this edited volume, representing a multidisciplinary selection of academics, examine the treatment of irregular migration, human trafficking and smuggling in EU law and policy. The various chapters explore the policy dilemmas encountered in efforts to criminalise irregular migration and humanitarian assistance to irregular immigrants. The book aims to provide academic input to informed policy-making in the next phase of the European Agenda on Migration.

In his foreword, Matthias Rüte, Director General of DG Home Affairs of the European Commission, writes: "This initiative aims to stimulate evidence-based policy-making and to bring fresh thinking to develop more effective policies. The European Commission welcomes the valuable contribution of this initiative to help close the wide gap in our knowledge about the smuggling of migrants, and especially the functioning of smuggling networks."



Tineke Strik & Ashley Terlouw

CMR Spruiten

Veertien portretten van voormalige CMR-promovendi

CMR 2016

On the occasion of the 20th anniversary of the Centre for Migration Law, this book (in Dutch) was published containing 14 portraits of (former) promovendi who completed and defended their dissertation and were awarded a doctorate in Nijmegen.

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Other Publications



Carolus Grütters & Tineke Strik (eds.)

NEMIS: Newsletter on European Migration Issues

<cmr.jur.ru.nl/nemis>

NEMIS is a newsletter designed for judges who need to keep up to date with EU developments in migration and borders law.

This newsletter contains all European legislation and jurisprudence on access and residence rights of third country nationals, as well as relevant national judgments on the interpretation of this legislation.

NEMIS does not include jurisprudence on free movement of EU citizens and their third country national family members.



Carolus Grütters & Tineke Strik (eds.)

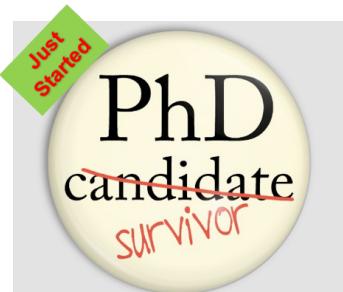
NEAIS: Newsletter on European Asylum Issues

<cmr.jur.ru.nl/neais>

NEAIS is a Newsletter on European Asylum Issues. This newsletter is designed for judges who need to keep up to date with European developments in the area of asylum. This newsletter contains European legislation and jurisprudence on four central themes regarding asylum: (1) qualification for protection (2) procedural safeguards (3) responsibility sharing and (4) reception conditions of asylum seekers.

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Current PhD Research



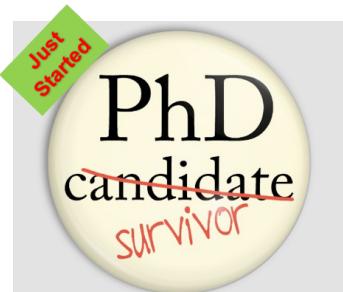
Amélie Poméon

Externalisation of Migration Control

Supervision: Ashley Terlouw, Henri de Waele, Anna van der Vleuten & Tineke Strik

2016 - 2020

This research, which is part of the larger Borders and Sovereignty Project, focuses on the European Union's and its Member States' cooperation with third countries, especially Morocco and Turkey, on the prevention of irregular migration and the return of irregular migrants. In this context, the legal position of those migrants in the EU and the countries they are returned to will be examined. Furthermore, it will be analysed where the responsibility for safeguarding the migrants' rights, especially their fundamental and human rights, lies.



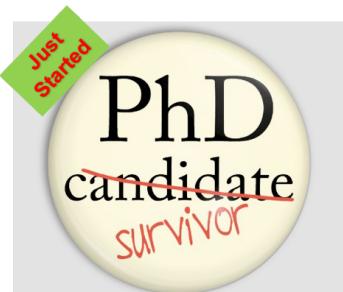
Mary Dickson

Extraterritorial processing of asylum claims

Supervision: Ashley Terlouw, Henri de Waele & Karin Zwaan

2016 - 2020

This research looks at the legal implications surrounding extraterritorial processing of asylum seekers in third countries. It will primarily attempt to discover whether the current proposals to start processing asylum seekers outside of the EU is legally permissible and then also to consider what obligations the EU will have to observe when implementing the policy.



Dario Dzananovic

State Law and Religious Obligation

Supervision: Elspeth Guild, Paul Minderhoud & Carolus Grütters

2016 - 2020

The core of this research lies on the intersection of migration, law, and religion. At an abstract "big picture" level, the research aims to determine "who wins" when different sets of norms conflict on one stage. More specifically, this research project seeks to determine whether and to what extent people can avail themselves of religious freedom laws to obtain exemptions to restrictive migration laws that effectively criminalize the free exercise of religion and religious obligations.



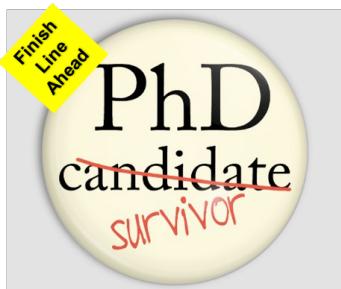
Shabnam Haji Ali Mohammadi

Jurisprudence of CJEU in Dutch asylum judgments

Supervision: Ashley Terlouw & Carolus Grütters

2017 - 2021

This research aims to examine to what degree, how and for what purposes Dutch District Court judges apply jurisprudence of the Court of Justice of the European Union in the context of asylum law.



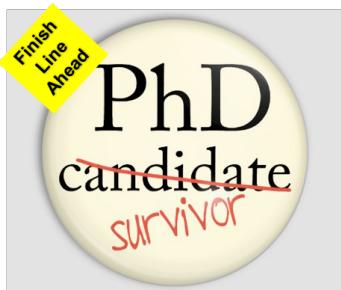
Ellen Nissen

Immigration Judges and Children's Rights

Supervision: Ashley Terlouw & Tineke Strik

2014 - 2018

Children's rights have in recent year increasingly permeated the European legal order. Especially in the context of family migration this development has had a significant impact. As a consequence, national courts are faced with the task of reconciling the rights and interests of the child with the right of the State to control its borders. The present research investigates how courts conduct this task by examining the role and meaning of children's rights in judicial immigration decisions by Dutch and German courts.



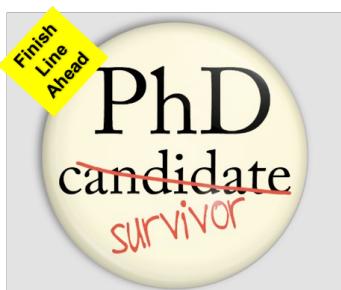
Marija Davidovic

Registration of personal data in semi-public sectors

Supervision: Ashley Terlouw, Betty de Hart & Roel Fernhout

2012 - 2017

This is a research project about differences and similarities with regard to the registration of personal data in certain semi-public sectors.



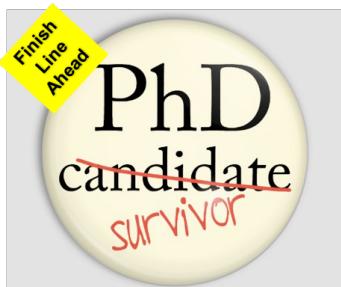
Ralph Severijns

Expert advice in the Dutch asylum procedure

Supervision: Ashley Terlouw & Raymond Schlössels

2011 - 2017

Asylum procedures can be characterized by a lack of reliable information, limitations to of the possibilities to gather information and difficulties to assess the available information. Nevertheless, the applicant has to demonstrate his asylum application to be credible, and the government is obligated to assess the information provided by the asylum seeker and to decide on his asylum application diligently. The exact scope of the study has yet to be determined, but will touch upon on the role expert advice plays in reducing the level of uncertainty in the asylum procedure.



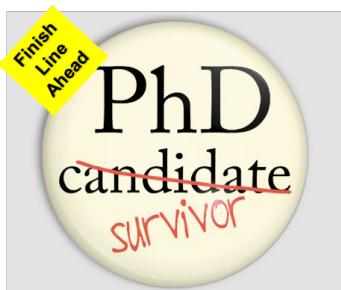
Tamara Butter

Legal Aid in Asylum Procedures

Supervision: Ashley Terlouw, Mies Westerveld & Tineke Strik

2011 - 2017

This research studies the provision of legal aid in practice in asylum procedures in three EU Member States, i.e. the Netherlands, the United Kingdom and France. It examines whether and to what extent the differences and similarities concerning the operations of legal aid providers in these countries can be explained by the legal and financial contexts and whether this result is problematic in view of the common EU norms on legal aid in asylum procedures.



Anoeshka Gehring

Pensioners on the move

Supervision: Elspeth Guild & Anita Böcker

2011 - 2017

This research compares Turkish, Spanish and Dutch pensioners who move or return to Spain or Turkey after their retirement. Retirement migrants are migrating at a time in their life when social security becomes increasingly important. Consequently, seeking access to both public and private social security provisions and resources, in the country where they spent their working life and/or the country of retirement, can be highly important for them. The focus of this research is therefore on the ways in which retirement migrants arrange their social security and on the ways in which the relevant national and EU legal framework – concerning social security law, migration law and citizenship law – facilitate or impede access to social security provisions.

Research in the Spotlight

Anita Böcker & Maria Bruquetas

ESTRANCA

Emergence and Significance of Transnational Long-Term Care Arrangements

Funded by NWO and DFG. **2016 - 2019**

With the number of Europeans aged 80 and over rapidly increasing, new solutions are needed for the provision of long-term care (LTC) for the elderly in almost all EU countries. This project investigates the emergence of transnational care arrangements and their potential as solutions to problems experienced by policymakers and older people and their families in two countries with different LTC regimes: Germany and the Netherlands.

A central hypothesis is that different LTC regimes provide different incentives and opportunities for transnational arrangements. The research focusses on how 'care packages' are actively constructed by individuals and families and how these micro-level packages are related to (changes in) national policies and macro-level 'care mixes'.

Upcoming Events

International Conference Transnational families and divorce

Organized by: Betty de Hart & Asuncion Fresnoza-Flot

at: Radboud University Nijmegen

27 - 29 September 2017

The ruptures affecting interpersonal relationships in 'transnational families' have received strong scholarly interest in the past decades. Although marital break-up has a cross-border dimension, the issue of divorce remains largely unexplored in transnational family scholarship in particular and in migration studies in general. It is therefore timely to examine transnational divorce, as its causes, processes, and after-effects increasingly take place across national and socio-cultural borders. The present conference examines transnational divorce by taking into account the different socio-legal and cultural contexts within which it occurs, notably how state policies influence the process of marital dissolution.

Mary Dickson

Wine and discussion Meeting

10 October 2017

On her PhD research on: Extraterritorial processing of asylum claims.

This research looks at the legal implications surrounding extraterritorial processing of asylum seekers in third countries. It will primarily attempt to discover whether the current proposals to start processing asylum seekers outside of the EU is legally permissible and then also to consider what obligations the EU will have to observe when implementing the policy.





Amélie Poméon

Wine and discussion Meeting

14 November 2017

On her PhD research on: Externalisation of Migration Control.

This research, which is part of the larger Borders and Sovereignty Project, focuses on the European Union's and its Member States' cooperation with third countries, especially Morocco and Turkey, on the prevention of irregular migration and the return of irregular migrants. In this context, the legal position of those migrants in the EU and the countries they are returned to will be examined. Furthermore, it will be analysed where the responsibility for safeguarding the migrants' rights, especially their fundamental and human rights, lies.



Jasper Krommendijk

Wine and discussion Meeting

12 December 2017

On his research on: The preliminary reference dance between the Court of Justice of the European Union and national courts.