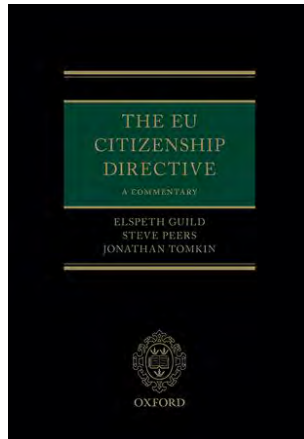




CMR Newsletter 2014/1

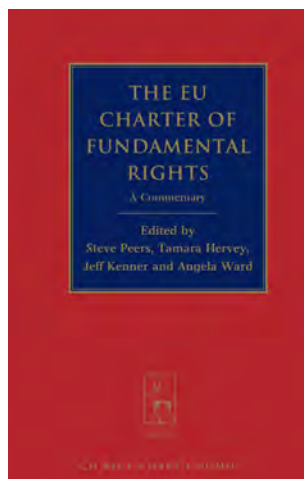
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Recently Published Books



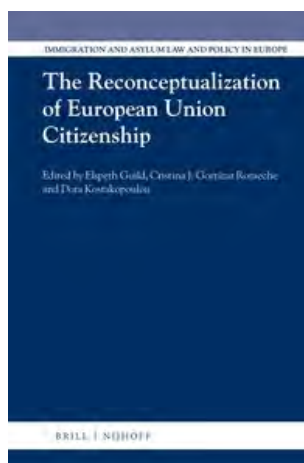
Elspeth Guild, Steve Peers, Jonathan Tomkin
The EU Citizenship Directive – A Commentary
 Oxford University Press, 2014

This book provides a comprehensive commentary of the EU's Citizens' Directive tracing the evolution of the Directive's provisions, placing each article in its historical and legislative context. Special emphasis is placed on highlighting the connections and interactions between the Directive's constituent provisions so as to permit a global appreciation of the system of free movement rights to which the Directive gives effect. Each provision is annotated containing a detailed analysis of the case-law of the Court of Justice as well as of related measures impacting upon the Directive's interpretation including European Commission reports and guidelines on the Directive's implementation.



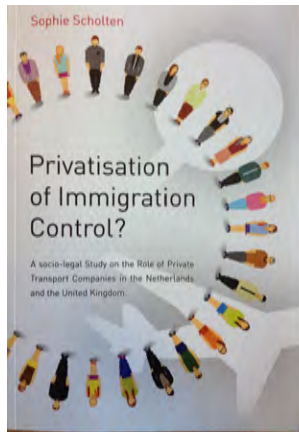
Steve Peers, Tamara Hervey, Jeff Kenner & Angela Ward (eds)
 With contributions of Elspeth Guild and Kees Groenendijk
The EU Charter of Fundamental Rights – A Commentary
 Hart Publishing Oxford, 2014

This Commentary on the Charter, the first in English, written by experts from several EU Member States, provides an authoritative but succinct statement of how the Charter impacts upon EU, domestic and international law. Following the conventional article-by-article approach, each commentator offers an expert view of how each article is either already being interpreted in the courts, or is likely to be interpreted. Each commentary is referenced to the case law and is augmented with extensive references to further reading. Six cross-cutting introductory chapters explain the Charter's institutional anchorage, its relationship to the Fundamental Rights Agency, its interaction with other parts of international human rights law, the enforcement mechanisms, extraterritorial scope, and the all-important 'Explanations'.



Elspeth Guild, Christina J. Gortázar Rotaecbe & Dora Kostakopoulou (eds)
The Reconceptualization of European Union Citizenship
 Brill Nijhoff, 2014

This book focuses on three main issues of relevance for how EU citizenship has developed and its capacity to challenge state sovereignty and authority as the main loci of creating and delivering rights and protection. First, it looks at the relationship between citizenship of the Union and European identity and assesses how immigration and access to nationality in the Member States impact on the development of a common European identity. Secondly, it discusses how the idea of solidarity interacts with the boundaries of EU citizenship as constructed by the entitlement and capacity of mobile citizens to enjoy equality and social rights as EU citizens. Thirdly, the book engages with issues of EU citizenship and equality as the building blocks of the EU project. By engaging with these themes, this volume provides a topical and comprehensive account of the present and future development of Union citizenship and studies the collisions between the realisation of its constructive potential and Member State autonomy.



Sophie Scholten

***Privatisation of immigration control?
A socio-legal study on the role of private transport companies in the Netherlands and the United Kingdom***
2014

Dissertation, public defense: 21 March 2014, Radboud University Nijmegen

Sophie performed her study on carrier sanctions and the role of private transport companies in immigration control. Since 2012 Sophie Scholten works as lecturer and researcher at the Dutch Police Academy

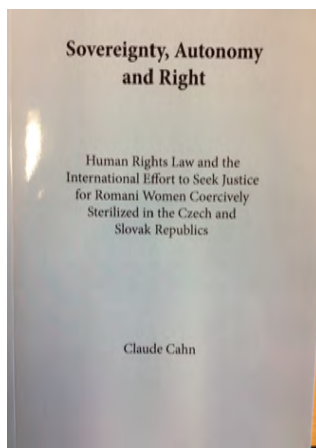


Iris Sportel

'Maybe I'm still his wife' Transnational divorce in Dutch-Moroccan and Dutch Egyptian families
2014

Dissertation, public defense: 18 Feb. 2014, Radboud University Nijmegen

This study is part of a larger program entitled 'Transnational Families between Dutch and Islamic Family Law' led by prof Betty de Hart.



Claude Cahn

***Sovereignty, Autonomy and Right:
Human Rights Law and the International Effort to Seek Justice for Romani Women Coercively Sterilized in the Czech and Slovak Republics***
2014

Dissertation, public defense: 14 Jan. 2014, Radboud University Nijmegen



Kees Groenendijk, Elspeth Guild, Sandra Mantu, Paul Minderhoud, Ashley Terlouw en Karin Zwaan (eds)

Issues that matter

Mensenrechten, minderheden en migranten. Liber amicorum voor Prof. mr. R. Fernhout

Martinus Nijhoff, 2013

With contributions in English and Dutch



Carolus Grütters, Elspeth Guild & Sebastiaan de Groot (eds)

Assessment of Credibility by judges in Asylum Cases in the EU

Wolf Legal Publishers, 2013

This book reports on the findings of a seminar on 'Judicial Scrutiny and Credibility Assessment in Asylum Procedures' organised by the Centre for Migration Law (CMR) of Radboud University Nijmegen and the International Association of Refugee Law Judges (IARLJ) and co-sponsored by the EU Jean Monnet Programme, hosted by Radboud University Nijmegen in the Netherlands on 16 April 2013.

Along with the reflections of experts on credibility assessment, this book also contains the full text of the Credo Document: Assessment of Credibility in Refugee and Subsidiary Protection claims under the EU Qualification Directive - Judicial criteria and standards. This document was prepared for the IARLJ in its role as a partner in the 'Credo Project'. I



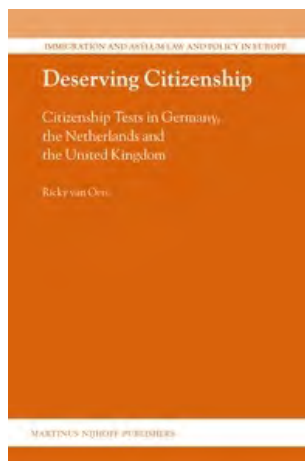
Tineke Strik, Betty de Hart & Ellen Nissen

Family Reunification: a barrier or facilitator of integration?

A comparative study.

Wolf Legal Publishers, 2013

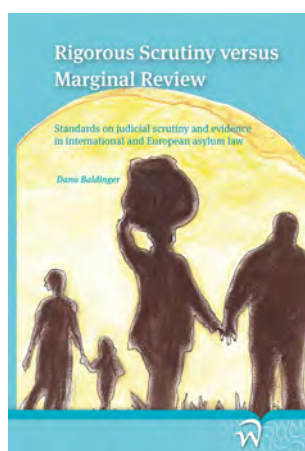
This publication presents the outcome of a comparative study on family reunification policies in six EU Member States: Austria, Germany, Ireland, the Netherlands, Portugal and the United Kingdom. The study examined the way in which family reunification policies have developed over the past decade and the positions governments have adopted regarding four main requirements: income, pre-entry test, age and housing. Furthermore, the study analyses the application of these requirements in practice and how their application is perceived by the family members. Based on statistics and interviews, the authors draw conclusions on the impact of the applicable requirements on migrants and their family members in the Member States included in this study. Considering the recognition at EU level that family reunification is regarded as beneficial to the integration of migrants, this study seeks to clarify whether or not national policies serve to promote or hinder family reunification and contribute to the integration of migrants and their family members.



Ricky van Oers
Deserving Citizenship
Citizenship tests in Germany, the Netherlands and the United Kingdom
 Martinus Nijhoff, 2013

In *Deserving Citizenship* Ricky van Oers analyses the reasons for introduction and effects of citizenship tests in Germany, the Netherlands and the United Kingdom.

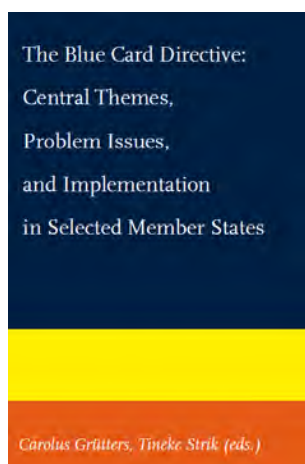
Dissertation, public defense: 1 Mar. 2013, Radboud University Nijmegen



Dana Baldinger
Rigorous Scrutiny versus Marginal Review
Standards on judicial scrutiny and evidence in international and European asylum law
 Wolf Legal Publishers, 2013

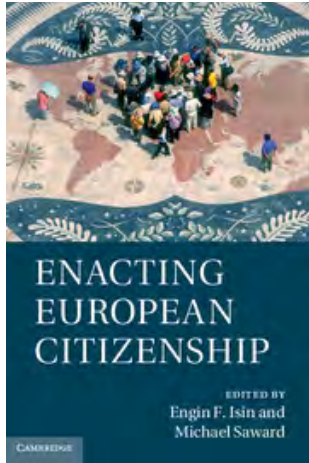
This book explores what international and EU law require from the national asylum judge with regard to the required intensity of the judicial scrutiny to be applied, and with regard to evidentiary issues, such as the standard and burden of proof, the assessment of credibility, the required level of individualisation, the admission and evaluation of evidence, opportunities for presenting evidence and time limits for submitting evidence. To that end, an analysis is made of the provisions on national (judicial) proceedings contained in the Refugee Convention, the International Covenant on Civil and Political Rights, the UN Convention against Torture, the European Convention on Human Rights, the Charter of Fundamental Rights of the EU and a number of secondary EU law instruments, such as the EU Qualification Directive and the EU Asylum Procedures Directive, with a particular focus on issues of evidence and judicial scrutiny. 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, again with a particular focus on issues of evidence and judicial scrutiny.

Dissertation, public defense: 16 April 2013, Radboud University Nijmegen



Tineke Strik, & Carolus Grütters
The Blue Card Directive. Central Themes, Problem Issues, and implementation in Selected Member States
 Wolf Legal Publishers, 2013

On 19 June 2011, the deadline for the implementation of Directive 2009/50/EU on the Conditions of Entry and Residence of Third-country Nationals for the Purposes of Highly Qualified Employment expired. In its first part, this book highlights the decision making of the Blue Card Directive and the principles of its legal system and puts the directive into an international perspective. In its second part, the book shows the impact of the directive on the national level by an analysis of the transposition in five Member States.

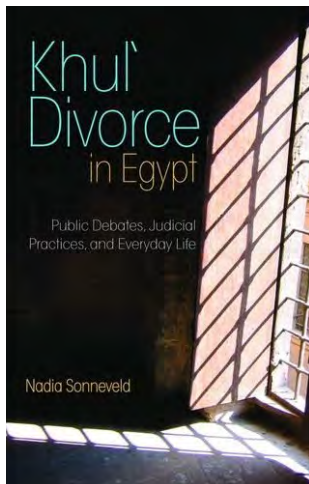
**Engin Isin and Michael Saward (eds)**

with contributions of Elspeth Guild and Sandra Mantu

Enacting European Citizenship

Cambridge University Press, 2013

What does it mean to be a European citizen? The rapidly changing politics of citizenship in the face of migration, diversity, heightened concerns about security and financial and economic crises, has left European citizenship as one of the major political and social challenges to European integration. *Enacting European Citizenship* develops a distinctive perspective on European citizenship and its impact on European integration by focusing on 'acts' of European citizenship. The authors examine a broad range of cases - including those of the Roma, Sinti, Kurds, sex workers, youth and other 'minorities' or marginalised peoples - to illuminate the ways in which the institutions and practices of European citizenship can hinder as well as enable claims for justice, rights and equality. This book draws the key themes together to explore what the limitations and possibilities of European citizenship might be.

**Nadia Sonneveld*****Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life***

The American University in Cairo Press, 2012

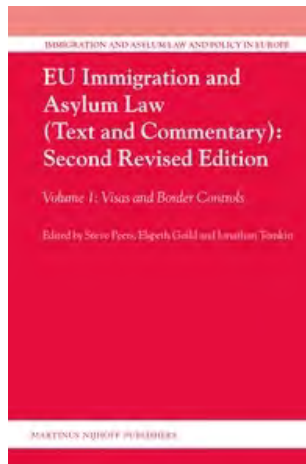
At the beginning of the twenty-first century, Egyptian women gained the unique right to divorce their husbands unilaterally through a procedure called *khul'*. This has been a controversial application; notwithstanding attempts to present the law as being grounded in Islamic law, opponents claim that *khul'* is a privileged women's law, and a western conspiracy aimed at destroying Egyptian family life and, by extension, Egyptian society.

In *Khul' Divorce in Egypt*, Nadia Sonneveld explores the nature of the public debates-including the portrayal of *khul'* in films and cartoons-while an examination of the application of *khul'* in the courts and everyday life relates and compares this debate to the actual implementation of the procedure. She makes it clear that the points of controversy bear little resemblance to the lives of the lower-middle-class women who apply for *khul'*; they merely reflect profound changes in the institutions of marriage and family.

**Yves Pascouau, Tineke Strik (eds.)*****Which Integration Policies for Migrants?******Interaction between the EU and its Member States***

Wolf Legal Publishers, 2012

Integration policies are at the forefront of EU and national debates. At EU level, integration issues have gained extensive importance in the framework of the development of an EU migration policy. At national level, discourses about failed integration policies have put integration policies under high pressure in political and legislative debates. Thereby, an interaction between the EU level and the national level can be observed. A general trend emerges where immigration and integration policies become increasingly interconnected. More precisely, migrants' access to a (stronger) legal status is becoming dependent on their level of integration. This book contains the updated outcomes of a conference where these interactions have been scrutinised.

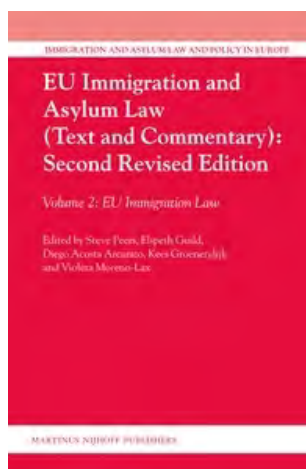


Steve Peers, Elspeth Guild and Jonathan Tomkin
EU Immigration and Asylum Law: (Text and Commentary).
Vol. 1 Visas and Border Controls (Immigration and Asylum Law and Policy in Europe, 27).
 Martinus Nijhoff, 2012

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.

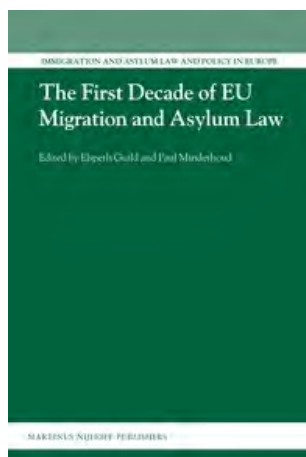


Steve Peers, Elspeth Guild, Diego Acosta Arcauz, Kees Groenendijk, & Violeta Moreno-Lax
EU Immigration and Asylum Law: (Text and Commentary).
Vol. 2 EU Immigration Law (Immigration and Asylum Law and Policy in Europe, 28)
 Martinus Nijhoff, 2012

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.



Paul Minderhoud & Elspeth Guild
The First Decade of EU Migration and Asylum Law (Immigration and Asylum Law and Policy in Europe, 24)
 Martinus Nijhoff, 2012

More than a decade has passed since the appearance of the first issue of the *European Journal of Migration and Law*, which was established to examine the intertwining of issues of law and migration in the EU. This volume has been compiled to celebrate that anniversary. The journal itself is the basis for the book: authors who have written the most significant contributions to the journal on the relevant issues to the Area of Freedom Security and Justice (AFSJ) have revised and updated their articles in light of current developments. These are supplemented with new chapters on issues, which have turned out to be particularly important to the development of the field. The success of the journal has demonstrated the need for informed, independent academic research on the changing nature of immigration and asylum in Europe, and this volume too seeks to meet that need. It offers a unique and lively collection of essays covering the field of EU immigration and asylum law from a variety of perspectives

**In Dutch:****Friso Kulk****Laverend langs grenzen. Transnationale gezinnen en Nederlands en Islamitisch familie- en nationaliteitsrecht**

Martinus Nijhoff, 2013

Dit boek gaat over de ervaringen van ouders in Egyptisch-Nederlandse en Marokkaans-Nederlandse gezinnen met familie-, nationaliteits- en internationaal privaatrecht. Ouders in transnationale gezinnen dragen met hun handelen bij aan de vorming van de juridische positie van hun kinderen in twee landen. Op basis van interviews met ouders in Nederland, Egypte en Marokko wordt antwoord gegeven op de vraag hoe het handelen van ouders bijdraagt aan die juridische positie en welke verklaringen er zijn te geven voor dat handelen. Hoe gaan ouders om met de verschillen tussen het Nederlandse familierecht en het op islamitische normen gebaseerde familierecht van Egypte en Marokko? Ervaren zij conflicten of zoeken ze naar pragmatische oplossingen? Welke rol spelen sociale, religieuze en politieke factoren daarin? Daarnaast vormt dit boek een praktijkgerichte beschrijving van de juridische kwesties waar transnationale gezinnen mee te maken krijgen

**Betty de Hart****Een tweede paspoort, dubbele nationaliteit in de VS, D en NL**

Amsterdam University Press, 2012

Dubbele nationaliteit is in Nederland de laatste jaren onderwerp van hevig debat. De Hart laat in deze historische en internationaal vergelijkende studie zien dat dergelijke debatten niet uniek zijn voor deze tijd, noch voor Nederland. Een analyse van politieke debatten in de Verenigde Staten, Duitsland en Nederland sinds 1945 leert dat er tegen een dubbele nationaliteit heel verschillend wordt aangekeken, afhankelijk van de context en de groep waarover gesproken wordt.

De analyse wordt afgewisseld met interviews met immigranten, emigranten en leden van gemengde gezinnen over de soms zeer persoonlijke betekenis van dubbele nationaliteit. Aan bod komen onder meer discussies over dubbele nationaliteit van Japans-Amerikanen tijdens de Tweede Wereldoorlog, van Nederlandse emigranten in Zuid-Afrika in de jaren tachtig, en van moslims in de *war on terror* na 11 september 2001.

**Ashley Terlouw (red.)****De gelaagdheid van de vreemdelingenregelgeving in historisch en vergelijkend perspectief**

Kluwer, 2013

De Nederlandse vreemdelingenregelgeving heeft een gelaagde structuur. De indeling in vier lagen: wet, AMvB, ministeriële regeling, beleidsregels, is in het Nederlandse bestuursrecht gebruikelijk. Ook de vreemdelingenregelgeving van andere EU-lidstaten kent een gelaagde structuur. Maar de Nederlandse Vreemdelingenwet bevat relatief veel delegatiebepalingen en facultatieve bepalingen, waarin rechten, aanspraken en verplichtingen van vreemdelingen zijn neergelegd of uitgewerkt.

In dit boek wordt deze gelaagdheid vanuit een historisch en rechtsvergelijkend perspectief belicht. Is de structuur in de loop der tijd veranderd, wijkt de vreemdelingenregelgeving op dit punt af van andere terreinen van het bestuursrecht en kennen andere EU-lidstaten vergelijkbare gelaagde stelsels?