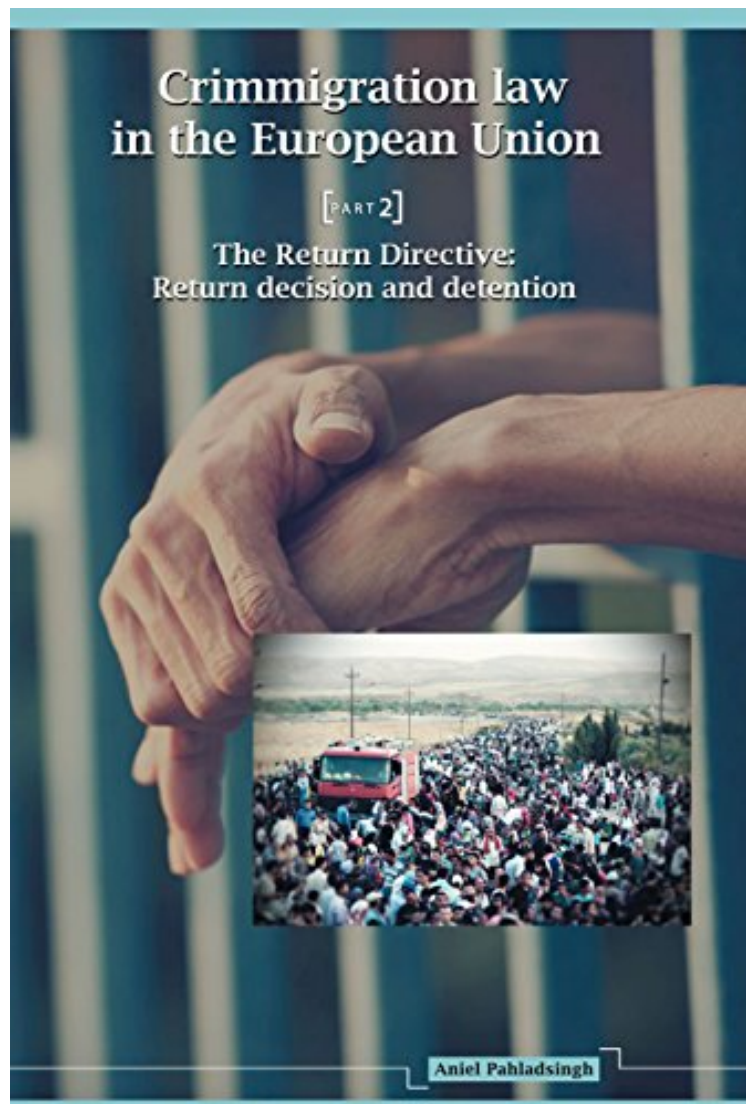


(Free pdf) Crimmigration Law in the European Union (Part 2): The Return Directive: Return Decision and Detention

Crimmigration Law in the European Union (Part 2): The Return Directive: Return Decision and Detention

Aniel Pahladsingh

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Aniel Pahladsingh : Crimmigration Law in the European Union (Part 2): The Return Directive: Return Decision and Detention before purchasing it in order to gauge whether or not it would be worth my time, and all praised Crimmigration Law in the European Union (Part 2): The Return Directive: Return Decision and Detention:

In the European Union the Return Directive aims at establishing common standards and procedures to be applied in Member States for returning illegally staying third-country nationals (Article 1). In Part 2 of the series on crimmigration in the EU, the research is focused on two other instruments of the Return Directive: the return decision and the detention. As defined in Article 3 (4), a return decision "means an administrative or judicial decision or act, stating or declaring the stay of a third country national to be illegal and imposing or stating an obligation to return." According to Article 6 of the Return Directive, Member States are obliged to issue a return decision to any third-country national staying illegally in their territory, unless an express derogation is foreseen by Union Law. As studies have showed in some countries of nationality there is, for the illegal third-country national who is expelled by EU Member States, a risk of criminalization in the form of criminal sanctions such as fines and detention. This is the situation when these countries of nationality criminalize emigration. Forced to return immediately to their countries of departure or nationality, these "inadmissibles" never fully become immigrants. These failed migrants become suspect citizens and they risk a form of double crimmigration in their countries of departure or nationality as they risk being penalized twice: firstly by their involuntary return and secondly by the instigation of criminal proceedings against them in the country of nationality. Double crimmigration will be a hot topic in EU return policy and security policy in which the EU needs to formulate solutions. [Subject: Crimmigration, Immigration Law, EU Law]