

Contents

<i>Acknowledgements</i>	vii
<i>Table of Cases</i>	xi
<i>Table of Legislation</i>	xv

Introduction	1
I. EU Law's Impact on the Definition of Illegality	4
II. The Language of Illegality: Terminological Choices	6
III. Overview of the Book	8
1. 'What Part of Illegality Don't You Understand?': Illegality in EU Migration Law	11
I. Introduction	11
II. Conceptual Analysis	12
III. Legal Sources	26
IV. EU Institutional Framework	37
V. Conclusion	47
2. The Case of Unlawfully-staying EU Citizens	48
I. Introduction	48
II. Illegally-staying Third-country Nationals and Unlawfully-staying EU Citizens	49
III. Conclusion	79
3. Non-removable Migrants in the EU	81
I. Introduction	81
II. The Definition and the Causes of the Non-removability of Irregular Migrants in EU Law	82
III. The Atypical Status of Non-removable Irregular Migrants	93
IV. The Remedies for Non-removability: National and European Perspectives	103
V. Conclusion	116
4. The Potential Effects of Information Technology Vis-à-Vis Illegality	117
I. Introduction	117
II. EU Immigration Databases Under Construction	118
III. The Erosion of the Purpose Limitation Principle	124
IV. Enhanced Accessibility versus Proportionality and Necessity Concerns	129
V. From Immigration to General Intelligence Databases?	138

VI.	What's Next for Immigration Information Systems? A Brand New World of Transnational Surveillance of Illegality or the Same Old Story?	145
VII.	The Era of Potential Digital Criminalisation of Illegally-staying Third-country Nationals.....	151
VIII.	Conclusion.....	151
5.	Access to Legality in the EU: An Instrumental or Corrective Mechanism?.....	153
I.	Introduction	153
II.	Access to Legality in EU Migration Law: The Definition, Instrumental Use and Corrective Potential.....	154
III.	Part I: The Instrumentalisation of the Access to Legality.....	158
IV.	Part II: The Potential Corrective Role of Access to Legality at the Supranational Level.....	167
V.	The Corrective Function of Regulating Legality from an EU Law Perspective	171
VI.	Conclusion.....	180
	Conclusions	182
	<i>Bibliography</i>	<i>186</i>
	<i>Index</i>	<i>201</i>