
CONTENTS

<i>Foreword</i>	<i>v</i>
<i>Acknowledgements</i>	<i>vii</i>
<i>Abbreviations</i>	<i>xiii</i>
<i>Table of Cases</i>	<i>xv</i>

1. Examining EU Citizenship and its Relationship with EU Fundamental Rights.....	1
I. Introduction	1
II. Linking EU Citizenship and Fundamental Rights	5
A. Understanding EU Fundamental Rights.....	8
B. Legitimacy and Solidarity in the EU.....	14
C. The Role of the Court.....	17
III. The Legal Culture of the Court	20
IV. Judicial Instruments in EU Citizenship Law.....	23
A. The Principle of Non-discrimination (Article 18 TFEU).....	24
B. The Principle of Proportionality.....	25
C. Protecting National Welfare Systems and the ‘Genuine Link’ Test.....	26
D. The ‘Purely Internal Situations’ Rule.....	27
E. The ‘Deprivation of Genuine Enjoyment’ Test	28
V. The Three Ages of EU Citizenship.....	30
A. The Age of Uncertainty: The UK’s Withdrawal from the EU.....	34
VI. Methodology and Outline of the Analysis	35
2. The Progressive Empowerment of EU Citizens through Judicial Instruments and Fundamental Rights.....	40
I. Introduction	40
II. Empowering the EU Citizen	44
A. Workers and Family Life.....	45
B. Non-discrimination as a Fundamental Right	48
C. Fundamental Rights Protection through Proportionality.....	53
D. Proving a Genuine Link.....	57
III. Cross-border Residency.....	62
A. The Purely Internal Situations Rule.....	64
B. Respect for Family Life and Identity	67

C.	An Increasingly Tenuous Cross-border Link.....	71
D.	The Problem of Reverse Discrimination	79
IV.	Conclusion.....	80
3.	The Growing Potential of EU Citizenship's Relationship with Fundamental Rights.....	82
I.	Introduction	82
II.	Fundamental Rights in EU Citizenship Pre-Lisbon.....	83
A.	AG Jacobs' Opinion in <i>Konstantinidis</i> (1992).....	84
B.	The Rise of Fundamental Rights Protection in EU Citizenship	87
C.	AG Colomer's Opinion in <i>Petersen</i> (2008).....	93
III.	Fundamental Rights in EU Citizenship Post-Lisbon	96
A.	Post-Lisbon, but Pre- <i>Zambrano</i>	97
B.	AG Sharpston's Opinion in <i>Zambrano</i> (2010)	102
i.	Residency Rights and Third Country Nationals	104
ii.	Fundamental Rights.....	105
C.	An Independent Legal Basis for Citizenship Rights	107
IV.	Conclusion.....	111
4.	The Constitutional Crisis of EU Citizenship and Fundamental Rights.....	112
I.	Introduction	112
II.	The Aftermath of <i>Zambrano</i>	114
A.	Restricting Scope in the <i>McCarthy</i> and <i>Dereci</i> Cases	115
B.	'Genuine Enjoyment' and Fundamental Rights.....	120
III.	EU Citizenship Cases after <i>Zambrano</i>	123
A.	'Genuine Enjoyment' after <i>McCarthy</i> and <i>Dereci</i>	126
B.	Patterns in Recent Case Law	129
IV.	Conclusion.....	141
5.	Fundamental Rights and EU Citizenship in a Eurosceptic EU.....	143
I.	Introduction	143
II.	The Effect of Europe's Crisis on its Citizens	145
A.	Struggles of the Status of EU Citizenship.....	148
B.	The Effect of the Charter of Fundamental Rights	153
III.	Linking EU Fundamental Rights with EU Citizenship	157
A.	Implications of Human Rights Protection under the ECHR.....	159
B.	Limits on Linking EU Fundamental Rights with EU Citizenship Status	163
C.	The ECHR and EU Citizenship Going Forward	165
IV.	Conclusion.....	170

6. The Unfolding Story of EU Citizenship and Fundamental Rights
in Brexit Britain.....172

 I. Introduction172

 II. The Crisis of British Withdrawal from the EU176

 A. An Increasingly Eurosceptic UK and Deferential CJEU177

 B. Negotiating Citizens’ Rights.....182

 III. A ‘Just’ Brexit?186

 A. Human Rights as Realised by International Standards188

 B. Weaknesses of the ECHR196

 IV. Conclusion.....205

7. Concluding Thoughts.....207

Bibliography.....212

Index.....221