

Professor Elspeth Guild, BA (Thes/niki), PhD (Radboud University, Netherlands)

PUBLICATIONS: FULL LIST

Books

Constructing and Imagining Labour Migration E Guild & S Mantu (eds) Ashgate, Aldershot, 2011

Europe's 21st Century Challenge Didier Bigo, Sergio Carrera, Elspeth Guild and R B J Walker (editors), Ashgate, Farnham, 2010.

Security and Migration in the 21st Century Polity, Cambridge, 2009.

Illiberal Liberal States: Immigration, Citizenship and Integration in the EU (editor with K Groenendijk, and S Carrera) Ashgate, Aldershot, 2009

Still not Resolved? Constitutional Issues of the European Arrest Warrant Elspeth Guild and Luisa Marin (editors), Wolf, Nijmegen 2009

War or Crime? National Legal Challenges in Europe to the War in Iraq Elspeth Guild (editor) Wolf, Nijmegen 2009

Security and European human rights: protecting individual rights in times of exception and military action Wolf, Nijmegen, 2007. Translation into Hungarian by Majtényi Balázs and Pap András László 2009 *Mikor Bűncselekmény a Háború?* L'Harmattan, Kiadó 2009.

DROITS DE L'HOMME AU NIVEAU EUROPÉEN La protection des droits des individus en période dite d'exception et d'action militaire L'Harmattan, Paris, 2009

Security versus Justice? Police and Judicial Cooperation in the European Union (editor with F Geyer) Aldershot, Ashgate, 2008

Whose Freedom, Security and Justice? EU Immigration and Asylum Law and Policy (editor with A Baldaccini and H Toner) Hart, Oxford, 2007

Terrorism and the Foreigner: a Decade of Tension around the Rule of Law in Europe Elspeth Guild and Anneliese Baldaccini (eds) Martinus Nijhoff, The Hague, 2007.

Constitutional Challenges to the European Arrest Warrant Elspeth Guild (ed), Wolf, Nijmegen, 2006.

Immigration and Criminal Law in the European Union: The Legal Measures and Social Consequences of Criminal Law in Member States on Trafficking and Smuggling in Human Beings Elspeth Guild and Paul Minderhoud (eds) Martinus Nijhoff, The Hague, 2006.

The Future of Free Movement of Persons in the EU Jean Yves Carlier and Elspeth Guild (eds) Bruylant, Brussels 2006

Human Trafficking and Force Labour Exploitation: Guidance for Legislation and Law Enforcement, with Beate Andrees and Mariska van der Linden, International Labour Office, Geneva 2005

International Migration and Security: Immigrants as an Asset or Threat? (editor with Joanne van Selm) Routledge, London, 2005.

Controlling Frontiers: Free Movement into and within Europe, (editor with Didier Bigo) Ashgate, Aldershot, 2005.

The Legal Elements of European Identity: EU Citizenship and Migration Law Elspeth Guild, Kluwer Law International, The Hague, 2004.

Immigration, Asylum and Terrorism: A Changing Dynamic in European Law Evelien Brouwer, Petra Catz & Elspeth Guild, (editors), Recht & Samenleving, Nijmegen, 2003.

In Search of Europe's Borders Kees Groenendijk, Elspeth Guild and Paul Minderhoud, (editors), Kluwer Law International: The Hague 2003.

Implementation of the European Agreements in France, Germany, the Netherlands and the UK: Movement of Persons Anita Bocker and Elspeth Guild, Platinum, London, 2002.

Immigration Law in the European Community Elspeth Guild, Kluwer Law International, The Hague, 2001.

Implementing Amsterdam: Immigration and Asylum Rights in EC Law, Elspeth Guild and Carol Harlow (editors), Hart Publishing, Oxford, 2001.

Security of Residence and Expulsion: Protection of Aliens in Europe Elspeth Guild and Paul Minderhoud (editors), Kluwer Law International, The Hague, 2001.

The Legal Status of third-country nationals who are long-term residents in a Member State of the European Union Kees Groenendijk, Elspeth Guild and Robin Barzilay, European Commission, Luxembourg, 2001.

The Impact of the Amsterdam Treaty on Justice and Home Affairs Issues, Tony Bunyan, Heiner Busch, Elspeth Guild and Steve Peers, European Parliament Civil Liberties Series, Brussels, 3-2000.

The Legal Framework and Social Consequences of Free Movement of Persons in the European Union, Elspeth Guild (editor), Kluwer Law International, The Hague, 1999.

Security of Residence of Long Term Migrants: A comparative study of law and practice in European countries, Prof K Groenendijk, E Guild and H Dogan, published by Council of Europe (English and French) Strasbourg, 1998.

The European Court of Justice on the European Convention on Human Rights: Who said what when, Elspeth Guild & Guillaume Lesieur (editors), Kluwer Law International, The Hague, 1997.

Migration and Social Security Handbook, joint author with Simon Cox, Helen Mountfield, and Simon Roberts, CPAG, London, 1997.

Free Movement of Persons in the European Union, Denis Martin & Elspeth Guild, Butterworths, London, 1996.

The Developing Immigration and Asylum Policies of the European Union, Adopted Conventions, Resolutions, Recommendations, Decisions and Conclusions, compilation and commentary by Elspeth Guild, introduction by Jan Niessen, Kluwer Law International, The Hague, 1996.

A Guide to the Right of Establishment under the Europe Agreements, Elspeth Guild, BS&G and ILPA, London, 1996.

Application by the European Court of Justice of the Human Rights Obligations contained in Instrument of which EC Member States are Parties, E Guild and A Schwartz, The Law Society, London, 1992.

Articles and Book Chapters

'When is Migration not Migration? Examining Services in the EU and GATS' in M Evans & P Koutrakos *Beyond the Established Legal Orders* Hart, 2011 pp 81 – 104.

'When even Machiavelli's Prince needs a Visa – Migration, Euro-Mediterranean Relations and Intercultural Dialogue' *European Foreign Affairs Review* 15 : 367 – 384, 2010.

'Asymmetrical sovereignty and the refugee: diplomatic assurances and the failure of due process: *Agiza v Sweden* and *Alzery v Sweden*' in J Simeon, *Critical Issues in International Refugee Law: Strategies Towards Interpretative Harmony* CUP, Cambridge, 2010 pp 119 – 142.

'Securization, Liberty and Law : the EU's 21st Century' Elspeth Guild, Evelien Brouwer, Paul Minderhoud and Ricky van Owers in *Europe's 21st Century Challenge* Didier Bigo, Sergio Carrera, Elspeth Guild and R B J Walker (editors), Ashgate, Farnham, 2010 pp 217 – 236.

'Migration within the European Union' in *Migration and its impact on the work of ombudsmen*, 7th Seminar of the National Ombudsmen of the EU Member States and candidate countries, European Union, Luxembourg, 2010 pp 21 – 31.

'The Transformation of European Border Controls' with Didier Bigo, in B Ryan and V Mitsilegas *Extraterritorial Immigration Control: Legal Challenges* Martinus Nijhoff, Leiden, 2010 pp 257 – 280.

'Understanding the Contest of Community: Illiberal Practices in the EU?' with K Groenendijk and S Carrera in *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU* (editor with K Groenendijk, and S Carrera) Ashgate, Aldershot, 2009 pp 1 – 28.

'La migration, un défi pour la souveraineté nationale: le cas de l'Europe' in F Crépeau, D Nakache, I Atak *Les migrations internationales contemporaines* Les Presses de l'Université de Montréal, Montréal, 2009 pp 100 – 123.

'The Uses and Abuses of Counter-terrorism Policies in Europe: the case of the lists' *JCMS* 2008 Vol 46 No 1 pp 173 – 193.

'Les étrangers en Europe, victimes collatérales de la guerre contre le terrorisme' in D Bigo, L Bonelli and T Deltombe, *Au Nom de 11 Septembre les démocraties au épreuves de l'antiterrorisme* Le Decouverte, Paris, 2008 pp

'The Foreigner in the Security Continuum: Judicial Resistance in the United Kingdom' in P K Rajaram and Grundy-Warr C, *Borderscapes: Hidden Geographies and Politics at Territory's Edge* University of Minnesota Press, London, 2007 pp 65 - 90.

'The Changing Landscape of European Liberty and Security' with D Bigo and R J B Walker, *Revue Internationale des sciences sociales*, June 2007

'The Worst Case Scenario and the Man on the Clapham Omnibus' with D Bigo, in B Goold, & L Lazarus *Security and Human Rights* Hart, Oxford 2007 pp 99 – 124.

An EU Framework on Sanctions against Employers of Illegally Staying Third Country Nationals: Some Reflections on the Scope, Features and Added Value with Sergio Carrera, CEPS, Brussels, 2007

'Citizens without a Constitution, Borders without a State: EU Free Movement of Persons' in Anneliese Baldaccini, Elspeth Guild and Helen Toner *Whose Freedom, Security and Justice? EU Immigration and Asylum Law and Policy* Hart, Oxford, 2007 pp 25 – 56.

'Inside Out or Outside in? Examining Human Rights in Situations of Armed Conflict' *Int Community Law Review* vol 9 No 1 2007 pp 33 – 58.

Merging Security from the Two-Level Game: Inserting the Treaty of Prüm into EU Law? CEPS, Brussels 2007.

Inquiry into the EU-US Passenger Name Record Agreement CEPS 2007.

Making the Citizen's Agenda Work? CEPS, Brussels, 2007.

'The Europeanisation of Europe's Asylum Policy' *Int J Refugee Law* 2006 18: 630-651

'Danger – borders under construction: assessing the first five years of border policy in an area of freedom, security and justice' in J de Zwaan and F Goudappel, *Freedom, Security and Justice in the European Union: Implementation of the Hague Programme* Asser Press, The Hague, 2006, pp 45 – 72.

The Political Life of Data: The ECJ Decision on the PNR agreement between the EU and the US (with E Brouwer) CEPS, Brussels, 2006.

'Citizenship and Fundamental Rights' in *The Future of Free Movement of Persons in the EU* Jean Yves Carlier and Elspeth Guild (eds) Bruylant, Brussels 2006, pp 45 – 65.

Security and the Two-Level Game: The Treaty of Prüm, the EU and the Management of Threats Thierry Balszaq, Didier Bigo, Sergio Carrera and Elspeth Guild, CEPS, Brussels, 2006.

'The judicialisation of armed conflict: transforming the twenty-first century' in *The Politics of Protection* eds Jef Huysmans, Andrew Dobson & Raia Prokhovnik, Routledge, Abingdon, 2006 pp 122 - 135

[No Constitutional Treaty? Implications for the Area of Freedom, Security and Justice](#) CEPS, October 2005, (with Sergio Carrera)

'The Variable Subject of the EU Constitution, Civil Liberties and Human Rights' *European Journal of Migration and Law* 6: 381-395, 2004.

'Cultural and Identity Security' in *International Migration and Security: Opportunities and challenges* (editor with Joanne van Selm) Routledge, Abingdon, 2005 pp 101 - 112.

'The Legal Framework: Who is Entitled to Move?' in *Controlling Frontiers: Free Movement into and within Europe*, (editor with Didier Bigo) Ashgate, Aldershot, 2005 pp 14 – 48

'Who is Entitled to Work and Who is in Charge? Understanding the Legal Framework of European Labour Migration' in *Controlling Frontiers: Free Movement into and within Europe*, (editor with Didier Bigo) Ashgate, Aldershot, 2005 pp 100 – 139.

'Polizia a distanza. Le frontiere mobile e I confine di carta dell'Unione europea' with Didier Bigo, *Conflitti Globali* 2, 2005 pp 58 – 76.

IMIS–Beiträge Dezember 2004: "The Legal Framework of EU Migration" in Special Issue: Organisational Recruitment and Patterns of Migration. Interdependencies in an Integrating Europe, eds. Michael Bommers, Kirsten Hoesch, Uwe Hunger and Holger Kolb; pp

"The Borders of the European Union: Visas and carrier sanctions" *Politik*, Nummer 3 Argang 7 September 2004 pp 34 -43.

"Seeking asylum: storm clouds between international commitments and EU legislative measures" (2004) 29 *EL Rev* pp 198 – 218.

"Crime and the EU's Constitutional Future in an Area of Freedom, Security, and Justice" *European Law Journal* March 2004, Vol 10 No 2 pp 218 – 234

"Citizens, Immigrants, Terrorists and Others" in A Ward and S Peers (eds) *The EU Charter of Fundamental Rights: Politics, Law and Policy* Hart, Oxford, 2004 pp 321 – 246.

"Mechanisms of Exclusion: Labour Migration in the European Union" in J Apap (ed) *Justice and Home Affairs in the EU* Edward Elgar, Cheltenham, 2004 pp 211 - 223.

"Jurisprudence of the European Court of Human Rights: Lessons for the EU Asylum Policy" in C Dias Urbano de Sousa and P de Bruycker (eds) *The Emergence of a European Asylum Policy*, Bruylant, Brussels, 2004 pp 329 342.

"Exceptionalism and Transnationalism: UK Judicial Control of the Detention of Foreign 'International terrorists'" *Alternatives/Special English Language Issue of Cultures & Conflicts* Vol 28 No 4 August Oct 2003 pp 491 515.

"The Face of Securitas: Redefining the Relationship of Security and Foreigners in Europe" in P Craig and R Rawlings, *Law and Administration in Europe: Essays in Honour of Carol Harlow* OUP, Oxford, 2003 pp 139 – 153.

"*La mise a l'ecart des etrangers: la logique du visa Schengen*" with Didier Bigo, *Cultures et Conflits*, l'Harmattan, Paris, Spring 2003

"Immigration, Asylum, Borders and Terrorism: The Unexpected Victims" in B Gokay & R.B.J. Walker, 11 September 2001, *War, Terror and Judgement*, Frank Cass, London, pp 176 – 194.

"International Terrorism and EU Immigration, Asylum and Borders Policy: The Unexpected Victims of 11 September 2001" *European Foreign Affairs Review*, Kluwer Law International, The Hague, Vol 8 No 3 Autumn 2003, pp 331 – 346.

"Economic and Social Challenges of Member and Accession States: Social Security in the Europe Agreements", *European Journal of Social Security*, Vol 4 No 1 March 2003 pp 55 - 66

"The Concept of Refugee in the EU Asylum Policy with Special Reference to UK Practice" in *Revue des Affaires Européennes* 2001 – 2002/5 pp 559 – 569.

"The Border Abroad – Visas and Border Controls" in K Groenendijk, E Guild & P Minderhoud, *In Search of Europe's Borders*, Kluwer Law International: The Hague 2003 pp 87 – 105.

"Comparative Legal Study on Subsidiary Protection – United Kingdom" in Bouteillet-Paquet, D *Subsidiary Protection of Refugees in the European Union: Complementing the Geneva Convention?* Bruylant, Brussels 2002 pp 787 – 839.

"Workers" in Ott, A & Inglis, K *Handbook on European Enlargement: A Commentary on the Enlargement Process* TMC Asser Press: The Hague, 2002 pp 427 – 447.

"The Legal Mechanisms – Collectively Specifying the Individual: The Schengen Border System and Enlargement" with Didier Bigo, in Anderson, M & Apap, J *Police and Justice Co-*

operation and the New European Borders, Kluwer Law International, The Hague, 2002 pp 121 – 138.

“The Borders of Legal Orders: Challenging the Exclusion of Foreigners”, in *Roma Rights Quarterly Journal* Number 2 2002 pp 28 –33.

Case note of the European Court of Human Rights Judgment: Al Nashif 20 June 2002 nr 50963/99 in *Jurisprudentie Vreedelingenrecht* p 720 – 240.

“The Single Market, Movement of Persons and Borders” in J Scott & C Barnard, *The Law of the Single European Market*, Hart: Oxford, 2002, pp 295 – 310.

“Between Persecution and Protection – Refugees and the New European Asylum Policy” in *The Cambridge Yearbook of European Legal Studies Vol 3 2000*, A Dashwood, J Spencer, A Ward C Hillion, Hart: Oxford: 2001 pp169 – 199.

“Free Movement and Same Sex Relationships: Existing EC Law and Article 13 EC” in *Legal Recognition of Same-Sex Partnerships* Robert Wintemute and Mads Andenas (editor) Hart, Oxford, 2001, pp 677 – 289.

“The Case Law of the Dublin Convention in the UK” in the *Dublin Convention on Asylum: Between Reality and Aspirations* Cláudia Faria (editor), European Institute of Public Administration, Maastricht, 2001, pp 149 – 172.

“Free Movement of workers” in *European Employment Law and the UK* Paul Goulding (editor) Sweet & Maxwell, London 2001 (looseleaf).

“Expulsion and Detention of Aliens in the UK” (jointly with Ryszard Cholewinski) in *Expulsion and Detention of Aliens in the European Union Countries* Bruno Nascimbene (editor), Guiffre Editore, Milan, 2001.

“The European Union and Article 13 of the Treaty establishing the European Community” *Race Discrimination: Developing and Using a New Legal Framework* G. Moon (editor), Hart Publishing, Oxford, 2000, pp 65 – 79.

“The regularisation of illegal immigrants in the United Kingdom” in *Les régularisations des étrangers illégaux dans l’Union européenne*, Philippe de Bruycker (editor), Bruylant, Brussels, 2000, pp 211-230.

“The United Kingdom: Kosovar Albanian Refugees” in *Kosovo’s Refugees in the European Union*, Joanne van Selm (editor), Pinter, London, 2000, pp 67-90.

“De Europese gemeenschap uit het perspectief van migranten”, *Migrantenrecht*, 6/2000 pp 151-159.

“Entry into the UK: the changing nature of national borders”, *Immigration and Nationality Law and Practice*, Vol 14 No 4, 2000 pp 227 – 238.

“Immigration and race – breaking the link,” *Connections*, Quarterly from the Commission for Racial Equality Summer 2000 pp 16-17.

“Adjudicating Schengen: National Judicial Control in France”, *European Journal of Migration and Law*, Vol 1 No 4 1999 pp 419-439.

“The impetus to harmonise: asylum policy in the European Union”, *Refugee Rights and Realities, Evolving International Concepts and Regimes*, Frances Nicholson and Patrick Twomey, (editors), Cambridge University Press, Cambridge, 1999, pp 313-335.

“The European Community and the Movement of Key Personnel”, *Texas Transnational Law Quarterly*, June 1999, pp 3-11.

“Free movement of persons in Europe: the Amsterdam Treaty and its implications for the UK” *I&NL&P* Vol 13 No 4 pp 127-131.

“Free Movement of Business People”, *Perspectives on European Business Law*, October 1999 pp 3-5.

“Globalisation and GATS: Movement of natural persons: a UK Perspective and European Dilemmas”, (joint authorship with Philip Barth) *European Foreign Affairs Review*, Autumn 1999, pp 395-415.

“Discretion, Competence and Migration in the European Union”, *European Journal of Migration and Law*, July 1999 pp 61-87.

“How Can Social Protection Survive EMU? A United Kingdom Perspective”, *European Law Review*, February 1999, pp 22-37.

“Consequences of the Schengen Agreements on the Baltic and East European Countries”, *Migration and Refugee Policy on the Eastern Border of the European Union*, Prof K Hakola (editor), University of Jyväskylä, Jyväskylä, 1998, pp 75-83.

“The Europe Agreements: natural persons and social security”, *European Social Security Law and Third Country Nationals*, Prof Y Jorens and Prof B Schulte (editors), Die Keure, Brussels 1998, pp 333-359.

“Waltzing Towards Accession: the case of the Central and Eastern European Countries”, *European Business Law Review* vol 9 no 3 & 4, March/April 1998, pp 92-99.

“The Constitutional Consequences of Lawmaking in the Third Pillar of the European Union”, *Lawmaking in the European Union*, Prof P Craig and Prof C Harlow (editors), Kluwer Law International, The Hague 1998 pp 65-88.

“Competence, discretion and third country nationals: the European Union’s legal struggle with migration”, *Journal of Ethnic and Migration Studies*, vol 24 no 4 October 1998 pp 613-625.

“EC Law and the means to combat Racism and Xenophobia”, *The Principles of Equal Treatment in EC Law*, Prof A Dashwood and Dr S O’Leary, (editors), Sweet & Maxwell, London, 1997.

“The Schengen Agreement: A Study in the Legitimacy of Identity and Separation”, *Het Akkoord van Schengen en vreemdelingen, Een ongecontroleerde grens tussen recht en beleid?* R Giuseppin and W Jansen (editors) NCB, Utrecht, 1997.

“Employer Sanctions: a UK own goal in Europe?”, *New Law Journal* Vol 147 No 6793, May 23 1997.

“Pitfalls in Service Provision Across the European Union”, In Touch November 1996.

“The Right to travel: three new directives from the European Commission”, I&NL&P Vol 10 No 2, 1996.

“The Application of the Turkey/EC Association Agreement to Turkish Workers in the UK”, *Gastarbeiter-Einwanderer-Bürger?*, Prof H Lichtenberg/Linne/Gumrukcu (editors) Nomos Verlagsgesellschaft, 1996.

“The Legal Framework of Citizenship of the Union” in *Citizenship, Nationality and Migration in Europe*, Dr D Cesarani & Prof M Fulbrook (editors), Routledge, 1996.

“Das Recht der Aufenthaltsbeendigung in einzelnen Staaten: Großbritannien/USA”, *Ausweisung im demokratischen Rechtsstaaten*, Drs Barwig/Brinkmann/Huber/Lörcher/Schumacher (editors) Nomos Verlagsgesellschaft, Baden-Baden, 1996.

“Rechtliche Schranken auf dem Weg zu Gleichheit und Menschenrechten Olympe” - Feministische Arbeitshilfe zur Politik, Heft 4, December 1995.

“Passport Control”, Law Society Gazette, 17 March 1995.

“Familienzusammenführung und Integration von Einwanderern in Europa”, *Vom Ausländer zum Bürger Problemanzeigen im Ausländer-, Asyl- und Staatsangehörigkeitsrecht, Festschrift für Fritz Franz und Gert Müller*, Nomos Verlagsgesellschaft, Baden-Baden, 1994.

“Marriages of convenience: the UK v Europe” New Law Journal, 30 September 1994.

“The International Courts in Strasbourg and Luxembourg”, *The use of international conventions to protect the rights of migrants and ethnic minorities*, Dr J Niessen (editor) Strasbourg 1994.

"A Future UK Immigration Policy" in *Strangers and Citizens: A Positive Approach to Migrants and Refugees*, Dr S Spencer (editor), IPPR, London, 1994.

"Falling through the net: family reunion rights in EC law", *Lawyers Europe*, Autumn 1993.

"Developments in EC Immigration and Asylum Policy", *Lawyers Europe*, Spring 1993.

"Protecting Migrants' Rights and Community Law: The Co-operation Agreements with Algeria, Morocco and Tunisia", *I&NL&P Vol 7 No 1*, 1993.

"Race Discrimination and Community Law", *Migrantenrecht*, Vol 1 1993.

"Protecting Migrants' Rights: Application of EC Agreements with Third Countries", *CCME Briefing Paper No 10*, December 1992.

"Provision of Services and Free Movement of Workers - has the European Court opened the door to Third Country Nationals" *Lawyers Europe*, Summer 1991.

"British Nationality and East African Independence", *I&NL&P*, July 1990.

"British Nationality law: the Malaysian context", *I&NL&P*, April 1990.

"Information Briefing: British citizenship and South African nationals - how to determine who is British", *I&NL&P*, January 1990.

"The Secretary of State's Discretion Outside the Immigration Rules: Jurisdiction on Appeal", *I&NL&P*, July 1988.

"A Practitioners' Guide to Defective Endorsements", *I&NL&P*, July 1986.

"Sex Discrimination in UK Immigration Law", *I&NL&P*, January 1988.

“Rights of Appeal on Refusal of an Application for Asylum”, I&NL&P, April 1986.