

citizenship and freedom of movement with particular attention to the needs of internally displaced persons(IDPs)

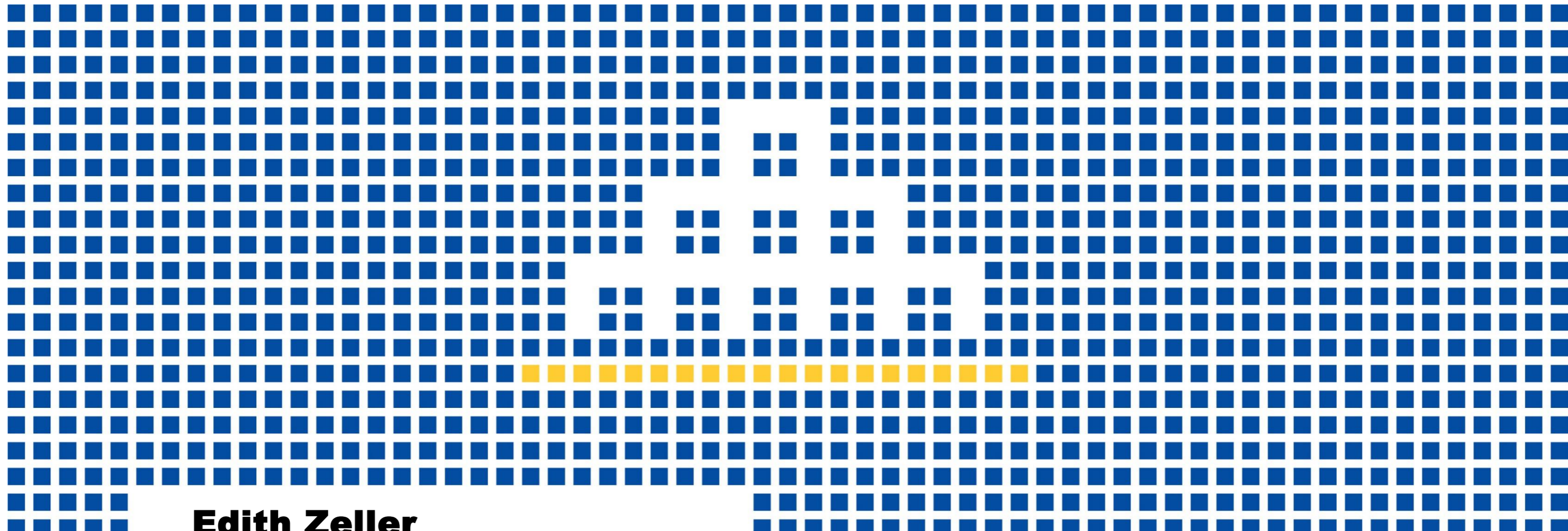


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Citizenship and Freedom of movement with particular attention to the needs of internally displaced persons(IDPs)



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CITIZENSHIP

- **national competence:**
e.g. **Austrian legislative prerequisites:**
 - **Sufficient income**
 - **Certain period of lawful residence in Austria**
 - **Lack of public security obstacles:**
=> **prognostic risk assessment (integration, fundamental values, no relevant offences)**
- => **no discretion**
- **EU-citizenship, EU-law**
- **Citizenship and ECHR**

LEGAL MIGRATION into EU

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**Shared competence between EU and EU-Member States
Art. 77-80 TFEU**

<-> EU-Visa-Policy

<-> Illegal migration

- **Specific EU directives for some areas of legal migration**
- **Directive 2001/55/EC – Ukraine citizens**
- **National competence mainly in area of low and medium skilled workers (except seasonal workers)**
- **Cross-cutting policy and legislation**

LEGAL MIGRATION within EU

Right of residence of EU-citizens

Art. 45 -55 TFEU: freedom of movement of workers: see Artt. 45-48 TFEU and freedom of establishment, Artt. 49-55 TFEU

Directive 2004/38/EC: residence of EU citizens in another EU-MS for more than 3 months

“Zambrano”-cases: CJEU: ‘genuine enjoyment of EU-citizenship’

Art. 2 AP 4 ECHR - Freedom of Movement

- **links to Art. 8 ECHR**
- **Travel bans (e.g. *Sissanis v. Romania*, appl no. 23468/02),**
- **restrictions of movement (e.g. *Cyprus v Turkey*, GC, appl. no. 25781/94 // *Ukraine v Russia* GC on admiss., app. no. 20958/14 and 38334/18)**
- **transfer of villagers (e.g. *Noack and others vs Germany*, appl no 46346/99)**
- **Links to Art. 5, 9, Art. 1 AP 1 ECHR**

Freedom of movement - IDPs

Vulnerable group of Internally Displaced Persons (IDPs)

- **Background**
- **UN Guiding Principles on Internal Displacement E/CN.4/1998/53/Add.2 of 11 February 1998**
- **Council of Europe:**
 - ❖ **Committee of Ministers, Recommendation Rec(200)6 on IDPs**
 - ❖ **PACE Resolution 1708(2010) on property issues of refugees and IDPs**
 - ❖ **Handbook on the Protection of IDPs (CoE, 2017)**
 - ❖ **ECtHR: e.g. cases GC Cyprus v Turkey // Chiragov and Others v Armenia (Art. 8 ECHR and Art. 1 AP 1 ECHR)**



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Thank you! Slava Ukrainij!

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