

Sous la direction d'Olivier LECUCQ

LA RÉTENTION ADMINISTRATIVE DES ÉTRANGERS

Entre efficacité et protection

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Retention Administrative Des Etrangers Entre Efficacite Et Protection

Tristan Mage



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Fiches de Libertés publiques et droits fondamentaux - 3e édition Crouzatier-Durand Florence, 2017-01-09 le contenu 36 fiches pour r viser tout le cours de Libert s publiques et droits fondamentaux les d finitions conna tre les erreurs viter les points essentiels retenir des exercices corrig s pour v rifier ses connaissances 21 commentaires de textes ou d arr ts 15 dissertations des rep res bibliographiques pour aller plus loin 1 index le sommaire 1 Libert s publiques et libert s fondamentales 2 Droits de l homme et droits fondamentaux 3 Les classifications des droits et libert s 4 Les sources internes des droits et libert s 5 Les sources internationales des droits et libert s 6 La libert individuelle 7 Le droit la vie priv e La protection de la vie priv e 8 Le droit la vie priv e L expression de la vie priv e 9 La libert d expression 10 La libert de manifestation et la libert de r union 11 La libert d association 12 La libert du domicile et le secret des correspondances 13 La libert de l enseignement et le droit l ducation 14 La libert d aller et de venir 15 La vid oprotection et les libert s 16 Les droits des trangers 17 Le droit d asile 18 Les droits des r fugi s climatiques 19 Les droits de l enfant 20 Le respect du corps humain 21 Le droit l avortement 22 Deux droits des malades Le droit la protection de la sant et le droit l information 23 La libert de mourir 24 Le principe de non discrimination 25 Deux droits des travailleurs La libert syndicale et le droit de gr ve 26 Le droit de propri t 27 Le principe de la cit 28 La libert des cultes La question des sectes 29 La protection non juridictionnelle le D fenseur des droits 30 La protection juridictionnelle par le juge administratif le r f r libert fondamentale 31 La protection juridictionnelle par le juge constitutionnel la QPC 32 La protection juridictionnelle par les juges internationaux 33 La collision de droits fondamentaux 34 L aggravation de la r glementation par les r gimes exceptionnels d origine l gislative 35 L aggravation de la r glementation par la th orie jurisprudentielle des circonstances exceptionnelles 36 L aggravation de la r glementation par l article 16 de la Constitution

Fiches de Libertés publiques et droits fondamentaux Florence Crouzatier-Durand, 2024-07-30 34 fiches pour r viser tout le cours de Libert s publiques et droits fondamentaux les d finitions conna tre les erreurs viter les points essentiels retenir des exercices corrig s pour v rifier ses connaissances des rep res bibliographiques pour aller plus loin 1 index

L'accès au juge Virginie Donier, Béatrice Laperou-Scheneider, 2013-09-04 L acc s au juge est traditionnellement pr sent comme un droit fondamental en raison des liens troits qu il entretient avec l acc s au x droit s Il rev t une fonction particuli re en ce sens qu il permet la r alisation et la garantie d autres droits Situ au carrefour des questions relatives l effectivit des droits dans la mesure o il fait office de droit passerelle ou encore de vecteur il constitue souvent un pr alable indispensable l exercice d autres droits D s lors la singularit de la place qu occupe le droit d acc s au juge dans tout ordre juridique justifie pleinement qu un ouvrage lui soit consacr Celui ci vise mettre en exergue et s interroger sur les l ments de droit ou de fait permettant d en assurer l effectivit et ainsi d terminer l tendue de l offre de justice Le prisme retenu pour analyser cette probl matique est volontairement transversal associant des analyses de droit priv de droit public de droit compar de sociologie et d conomie Dans un contexte de globalisation du droit une telle approche

permet de croiser les regards et d'analyser les évolutions communes ou au contraire les divergences existant entre les différentes branches du droit selon les enjeux en présence travers cette problématique transgénérale l'ouvrage permet de s'interroger sur la coexistence d'une première tendance visant à réguler les flux de contentieux et d'une seconde préoccupation liée à la volonté de toujours mieux garantir l'accès au juge dans le souci de faire progresser l'état de droit. Il apporte ainsi des pistes de réflexion et des réponses permettant de dépasser l'apparente contradiction entre ces deux objectifs.

La transposition de la "directive retour" Caterina Severino, 2015-05-04 La directive communautaire n° 2008/115/CE dite directive retour met en place des normes communes aux pays membres de l'UE afin de mener une politique plus protectrice des ressortissants de pays tiers en situation irrégulière devant être éloignés du territoire. La directive privilégie le rapatriement volontaire par rapport au rapatriement forcé et vise à garantir en tout état de cause le respect des droits fondamentaux de la personne se trouvant en situation irrégulière sur le territoire de l'un des pays membres de l'UE et en attente d'être éloignée. Sept ans après l'adoption de la directive cinq ans après l'expiration du délai de transposition et au vu de l'actualité toujours aussi pressante en matière d'immigration, il est pertinent de dresser un premier bilan sur la transposition de cet instrument européen dans trois pays qui se trouvent en première ligne face aux phénomènes migratoires dans le bassin méditerranéen : la France, l'Espagne et l'Italie. L'ouvrage qui réunit les contributions d'experts spécialistes des trois pays concernés analyse les différentes législations espagnole, française et italienne dans une optique comparative et selon une approche critique afin de comprendre si ces législations ne sont pas plutôt restées en de des possibilités offertes par la directive retour en privilégiant le strict minimum en matière de droits et libertés. Il s'agit de comprendre également et surtout si la transposition de la directive européenne ne s'est pas transformée en trahison, notamment quant à la question des délais de rétention administrative des étrangers en attente d'être éloignés en matière de mesures alternatives de rétention et en matière de garanties procédurales devant entourer l'éloignement de l'étranger en situation irrégulière.

La rétention administrative des étrangers Olivier Lecucq, 2011-04-01 La rétention administrative représente un point de passage obligé de la lutte contre l'immigration irrégulière : nos gouvernants considèrent que ce procédé offre les meilleures garanties pour éloigner les étrangers non désirés. Les pouvoirs publics cherchent donc à optimiser et pondant ainsi leur préoccupation d'efficacité. Il ne peut toutefois être fait abstraction des droits dont dispose l'étranger retenu. Voici une réflexion sur ces deux finalités antagonistes.

La rétention administrative des étrangers, 2011

Les grandes décisions du Conseil constitutionnel. 20e éd. Patrick Gaïa, Laurent Domingo, André Roux, Marc Guerrini, Ferdinand Mélin-Soucramanien, Éric Oliva, Louis Favoreu, Loïc Philip, 2022-12-08 Mieux connaître l'ensemble des droits et libertés que la Constitution garantit et dont on peut désormais se prévaloir grâce à la QPC. Depuis l'entrée en vigueur de la procédure de la question prioritaire de constitutionnalité, la jurisprudence constitutionnelle a pris une très grande importance puisque désormais le justiciable a la possibilité de faire valoir devant toute juridiction une méconnaissance de ses droits et libertés que la Constitution garantit. Et cela concerne non seulement les particuliers mais aussi les associations, les

syndicats ou les collectivités territoriales Cette nouvelle édition qui intervient alors que la QPC vient de fêter ses dix ans d'existence et que de nouveaux membres du Conseil constitutionnel viennent d'être nommés est le fruit de nombreuses évolutions jurisprudentielles intervenues au cours des trois dernières années s'agissant notamment des droits et libertés Elle intègre par ailleurs de nouvelles grandes décisions comme celles relatives à l'état d'urgence sanitaire ou encore celle qui pour la première fois consacre la valeur constitutionnelle du principe de fraternité Cet ouvrage permettra aux justiciables de mieux connaître l'ensemble des droits et libertés que la Constitution garantit et dont ils peuvent désormais se prévaloir

Law and Judicial Dialogue on the Return of Irregular Migrants from the European Union Madalina Moraru, Galina Cornelisse, Philippe De Bruycker, 2020-08-06 This volume examines the implementation of the Return Directive from the perspective of judicial dialogue While the role of judges has been widely addressed in European asylum law and EU law more generally their role in EU return policy has hitherto remained under explored This volume addresses the interaction and dialogue between domestic judiciaries and European courts in the implementation of European return policy The book brings together leading authors from various backgrounds including legal scholars judges and practitioners This allows the collection to offer theoretical and practical perspectives on important questions regarding the regulation of irregular migration in Europe such as what constitutes inadequate implementation of the Directive and under which conditions can judicial dialogue solve it How can judges ensure that the right balance is struck between effective return procedures and fundamental rights Why do we see different patterns of judicial dialogue in the Member States when it comes to particular questions of return policy for example regarding the use of detention These questions are more timely than ever given the shifting public discourse on immigration and the growing political backlash against immigration courts This book will be essential reading for all scholars and practitioners in the fields of immigration law and policy EU law and public law

Droit des étrangers et de l'accès à la nationalité Maxime Tandonnet, 2019-10-22 Ce manuel consacré au droit des étrangers et de l'accès à la nationalité française reprend un cours magistral donné à l'université de Paris Est présente l'état du droit positif en intégrant les dernières réformes et la jurisprudence la plus récente Fondé sur une approche chronologique de l'entrée sur le territoire l'acquisition de la nationalité il souligne l'importance des textes fondamentaux dans l'affirmation du droit des étrangers en particulier la Convention européenne des droits de l'homme la Convention de Genève sur le droit d'asile le Prambule de 1946 Cette évolution de l'état de droit en faveur des libertés individuelles et du respect des droits de la personne notamment la protection des victimes de persécutions préserve toutefois les marges de manoeuvre du législateur et la responsabilité des gouvernements Tout en restituant le droit français dans son contexte international et européen le présent ouvrage traite notamment travers une présentation des jurisprudences de l'exercice au quotidien de ce droit Il est destiné aux praticiens du droit des étrangers et de l'acquisition de la nationalité notamment aux avocats et aux étudiants qui se destinent cette carrière

La protection constitutionnelle de la liberté individuelle en France et en Espagne Pierre Cambot, 1998

L'actualité juridique, 2004

Les étrangers en

France en 1997 Tristan Mage,1997 **Revue critique de droit international privé** Alcide Darras,Albert Geouffre de Lapradelle,Jean Paulin Niboyet,Henri Batiffol,2002 Sarkozysme et droits fondamentaux de la personne humaine Gilles Lebreton,2011 Cet ouvrage s'interroge la lumière du bilan des deux premières années de la présidence de Nicolas Sarkozy sur la signification du sarkozysme et sur ses conséquences pour les droits fondamentaux Sont réunies des réflexions synthétiques sur les grandes évolutions des droits fondamentaux survenues de 2007-2009 dans les différentes branches du droit constitutionnel pénal civil administratif européen et des analyses fouillées des principaux textes virements et affaires qui ont marqué cette période Les chrétiens de gauche Emmanuel Ratier,1998 **Journal du droit international** Edouard Clunet,1999 Vols 6-29 and 32-53 include section Bibliographie systématique de droit international varies slightly for 1878-1902 and 1905-26 *Dalloz, jurisprudence générale* ,1882 Jurisprudence générale du royaume recueil périodique et critique de jurisprudence de législation et de doctrine Jurisprudence générale ,1882 *La Revue administrative* ,1982 *La Gazette du Palais* ,1996

The Enigmatic Realm of **Retention Administrative Des Etrangers Entre Efficacite Et Protection**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing lacking extraordinary. Within the captivating pages of **Retention Administrative Des Etrangers Entre Efficacite Et Protection** a literary masterpiece penned with a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting effect on the hearts and minds of those that partake in its reading experience.

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