

## Contents

|   |                 |
|---|-----------------|
| <i>Acknowledgements</i>   | <i>page</i> vii |
| <i>Editor Information</i>   | ix              |
| <i>List of Contributors</i>   | xi              |
| <i>List of Abbreviations</i>  | xiii            |
| <b>Introduction: Migrants' Rights, Populism and Legal Resilience in Europe</b>                          | <b>1</b>        |
| <i>Stijn Smet and Vladislava Stoyanova</i>  |                 |
| <b>PART I THEORETICAL AND CRITICAL PERSPECTIVES ON RESILIENCE</b>                                       | <b>47</b>       |
| <b>1 Populism, Immigration and Liberal Democracies: Inherent Instability or Tipping of the Balance?</b> | <b>49</b>       |
| <i>Vladislava Stoyanova</i>   |                 |
| <b>2 On Population Design: Using Migration Law to Dismantle Constitutional Democratic Institutions</b>  | <b>70</b>       |
| <i>Patricia Mindus</i>  |                 |
| <b>3 Viciously Circular: Will Ageing Lock the European Union into Immigrant Exclusion?</b>              | <b>94</b>       |
| <i>Gregor Noll</i>  |                 |
| <b>PART II RESILIENCE AT THE EUROPEAN LEVEL</b>   | <b>115</b>      |
| <b>4 Coloniality and Recent European Migration Case Law</b>   | <b>117</b>      |
| <i>Thomas Spijkerboer</i>   |                 |

|    |  |     |
|----|--|-----|
| vi | <i>Contents</i>  |     |
| 5  | <b>Migration as a Constitutional Crisis for the European Union</b><br><i>Alezini Loxa and Vladislava Stoyanova</i>   | 139 |
| 6  | <b>Possibilities and Limits of European Union Action against Democratic Backsliding and Decline of Migrants' Rights in Member States</b><br><i>Jan Wouters and Maaïke De Ridder</i>                              | 165 |
| 7  | <b>The Loss of Face for Everyone Concerned: EU Rule of Law in the Context of the 'Migration Crisis'</b><br><i>Barbara Grabowska-Moroz and Dimitry Vladimirovich Kochenov</i>                                     | 187 |
|    | <b>PART III RESILIENCE AT THE NATIONAL LEVEL: CASE STUDIES</b>   | 209 |
| 8  | <b>In the Hands of a Populist Authoritarian: The Agony of the Hungarian Asylum System and the Possible Ways of Recovery</b><br><i>Kriszta Kovács and Boldizsár Nagy</i>  | 211 |
| 9  | <b>'Good Change' and Migration Policy in Poland: In a Trap of Democracy</b><br><i>Barbara Mikołajczyk and Mariusz Jagielski</i>  | 236 |
| 10 | <b>Criminalising Migrants and Securitising Borders: The Italian "No Way" Model in the Age of Populism</b><br><i>Stefano Zirulia and Giuseppe Martinico</i>   | 259 |
| 11 | <b>The Restriction of Refugee Rights during the ÖVP-FPÖ Coalition 2017–2019 in Austria: Consequences, Legacy and Potential for Future Resilience against Populism</b><br><i>Margit Ammer and Lando Kirchmair</i> | 280 |
| 12 | <b>Right-Wing Populism, Crumbling Migrants' Rights and Strategies of Resistance in Belgium</b><br><i>Ellen Desmet and Stijn Smet</i>   | 301 |
| 13 | <b>A Stable Yet Fragile System? Legal Resilience against Rights Erosion in Current Swedish Migration Policy</b><br><i>Rebecca Thorburn Stern and Anna-Sara Lind</i>  | 330 |
| 14 | <b>'Populism? It's Administrative Law, Stupid!' How Administrative Law Subverts Legal Resilience</b><br><i>Bas Schotel</i>   | 355 |
|    | <i>Index</i>   | 377 |