

Kristina Wejstål

AT THE BORDER

EU Law, Asylum and the
Spatialities of Fundamental Rights

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Examining the externalization of EU migration and border control, this book addresses the asymmetry between where EU border control takes place and where the obligation to protect fundamental rights applies under international law and EU law. By contextualizing the asymmetry at two scenes of EU border control – the Belgian embassy in Beirut and the border crossing point at Beni-Enzar in Melilla – the author addresses the spatialities of EU border control and fundamental rights, and analyses how the interaction between law and space shapes the asymmetry.

With perspectives from spatial theory and inspiration from legal geography, this book sets out to critically examine how the interaction between law and space under the EU border regime affects the conditions under which individual rights can be enforced at the Union's external borders. The author analyses how law interacts with geography, with the natural landscape, with social relations (as of nationality, gender, and race), and with physical fortifications of the EU's external border. The analysis demonstrates that EU migration and border control law, through its interaction with space, invisibilizes fundamental rights and generates a web of control – a borderscape – that serves to obstruct protection seekers from entering the Union. In borderscape, the border takes a variety of shapes, advancing and retreating in relation to where you are and who you are. It controls space and mobility, but without necessarily triggering the obligation to protect fundamental rights when protection seekers are 'at the border'.



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