

29 September 15:00 –18.00 Working Session

Fundamental freedoms II, including:

- Freedom of assembly and association;
- Freedom of movement;
- National Human Right Institutions

Remarks:

There are some restrictions imposed on some Turkish citizens who want to enter Germany or the European Union. Due to applicable European Law and the latest European Court of Justice jurisdiction (Soysal vs. Federal Republic of Germany, C-228/06), some professional groups of Turkish citizens are exempted from the Schengen-Visa requirements. The European Court of Justice's decision refers to the association agreement between Turkey and the European Economic Community. Even though the legal situation is unambiguous, the former Visa-requirements are yet perpetuated by diverse governments, especially the German government. This practice is unlawful which furthermore means that the Federal Republic of Germany infringes at the same time valid national law.

Visa handling concerning other Turkish citizens by the Schengen-Countries is partially arbitrary. The rejection of visa applications without comprehensible reasons is on the agenda.

But also the freedom of movement of immigrants within the EU, who might have employment or residence permits for over years or who are even members of the second generation resp. were born and educated in EU-Countries, is difficult.

In 2008, there was an important revision of German alien law. Now Turkish citizens, who want to come to Germany by family reunion, have to pass a German language test in Turkey. If someone wants to bring a Turkish spouse to Germany, there is a language test obstacle, too. This language test is only applied to some countries. So in fact it is a discriminating measure and additionally this is affecting the freedom of movement.