

BOOK REVIEW

Kluth, W., & Heusch, A. (2025). *Ausländerrecht* (3rd ed.). Beck: A Reliable Commentary of German Migration Law¹

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With just under 3,000 pages, Kluth and Heusch's commentary (ISBN 978-3-406-82879-9; 219,00 €) provides guidance on German migration law. The legal materials covered include the Residence Act, the Employment Regulation, the Asylum Act, the Asylum Seekers Benefits Act, the Freedom of Movement Act/EU, the Association Council Decision 1/80, the Nationality Act, and excerpts from the Treaty on the Functioning of the European Union, the European Convention on Human Rights, and the Basic Law (Constitution). The status is as of October 2024.

The composition of the 34-member group of authors, consisting mainly of judges, lawyers, and administrative staff, embodies the focus of the commentary: Its strength lies in its practical orientation and the inclusion of current case law. The reviewer has tested its relevance and accuracy in several legal cases. Lawyers will be grateful for the comprehensible, reliable up-to-date commentary on the amended skilled labour immigration law. In the area of humanitarian migration law, the new edition now offers a complete commentary on the Asylum Seekers Benefits Act in almost 100 pages.

The individual provisions are introduced with an overview, which is usually followed by a table of contents and structured commentary. In some cases, passages are highlighted in the text, especially those relating to details and examples, and occasionally also to checklists or tables, which helps readers to find their way around more quickly.

The commentary has been published by Beck since 2013 as an online commentary in the Foreigners and Migration Law PLUS and PREMIUM modules and has established itself. Since 2016, and now in its third edition, the publisher has made the work available in a print version for users who do not want to pay for an even comprehensive online subscription including several other publications or prefer to work with books rather than on a screen. Of course, this means that the advantages of the digital version, such as mobility, links, frequency of updates, and clarity, are not available. The latter could be partially remedied by a table of contents to the somewhat cluttered twelve-page table of contents.

In the preface, the editors claim that the third edition represented the final stage of development and covered all legal regulations relevant to practical work in migration law. They have essentially succeeded in this. This makes the absence of commentary on the Dublin III Regulation, the fundamental right to asylum in the section on the Basic Law, and

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the explanations on the right to life (Art. 2 ECHR) and the prohibition of torture (Art. 3 ECHR) in the section on the ECHR all the more striking. The material requirements for asylum, refugee status, and subsidiary protection are only introduced very briefly in commentaries on the Residence Act, Asylum Act, or TFEU, which do not do justice to the relevance of these matters.

This is partly due to the nature of the commentary technique, which focuses on individual legal matters rather than to shed light on the complexity migration law being divided horizontally into several pillars (residence law, freedom of movement law, asylum law, nationality law, status law) and vertically into several levels (international law, European law, national law, state law) while yet being still closely intertwined. Keeping the structure of a legal commentary on individual provisions, this would require a more detailed consideration of matters of international and European law. The separate sections on the ECHR and the TFEU are welcome approaches that should be further expanded.

The opportunity and necessity for this will arise as early as 2026, when the EU Pact on Migration and Asylum comes into force. It will prompt the necessity for extensive revision of the commentary in terms of content and structure. This is precisely where the advantage of the online version over the book version of the commentary comes into play, as it will naturally be able to reflect the relevant amended legal status much more quickly while still allowing access to older editions covering the past cases.

The any of the two versions, the work is a reliable aid and reference for practitioners and legal scholars who are already familiar with the complexity of migration law described above. An overview introduction could extend its usefulness to other target groups who first need to familiarize themselves with the subject.