

## **English summary**

### ***The status of migrants in the social sphere***

The aim of the work is to identify and describe the position of two groups of European citizens, a worker and a student, migrating over Europe and exercising their rights. On one hand, there is still some discrimination against the EU citizens, and on the other hand, there is some criticism of the ECJ for its excessive benevolence in decision making. The social area stated in the name of the work is intended not only as the area of social security and labour law, but also as the area of access to education and meeting of the cultural needs of people.

The thesis is divided into two parts, general and special. Two introductory chapters comprising the general part of the work are devoted to defining of the terms free movement of persons and the European social rights, and their historical development across the primary legislation. The author notices also the historical circumstances and reasons why the developments lead this way. The relevant present legal regulations in the secondary law are analysed in detail and a possible vision for the future of the EU is introduced.

A special section consisting of the third and fourth chapter aims at demonstrating of the true position of the migrants via the selected judicial decisions the ECJ. There is an individual chapter for each of the migrants. The judicial decisions are for better observation of the development listed chronologically. The comments of the decisions based on special literature pay attention to the statements of the Member States, for these contribute significantly to the illustration of the situation. There is a short summary of the status of the specified group of migrants in the end of each chapter of the special section.

In the conclusion of the thesis the material presented in the special part is summarized and confronted with the primary regulation. Attention is paid to raising importance of institute of the European citizenship, which makes in general the status of the specified migrants favourable, and the gradation of the material scope in assessing migrants which may lead to change for individualism to the detriment of solidarity. The author also notes the criticism by the professional public of the ECJ regarding its excessive activity and the concern of Member States about interference in areas within their exclusive competence.